

HEGEL'S THEORY OF
THE MODERN
STATE

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Chapter One

BEGINNINGS

Valedictory addresses are rarely original, and if one tries to find in them the mature man hiding inside the adolescent student, one is apt to be disappointed. Yet in reflecting the conventional wisdom of an age as viewed through the somewhat idealistic prism of youth, they give an indication of the intellectual climate nurtured by a culture.

Hegel's valedictory address on graduating in 1788, at the age of eighteen, from the Stuttgart Gymnasium, is no exception. The subject is slightly outlandish and somewhat stilted: a comparison between the Germans and the Turks. As one may expect, the theme is edifying: the barbarity of the Turks should not be ascribed to any lack of talent in that martial nation; rather it should be recognized as a consequence of the fact that the Turkish state neglected the education of its subjects: 'So great is the influence education thus has on the whole welfare of a state!'¹ Education, *Bildung*, is hailed as the foundation of the body politic: manners, arts, sciences constitute the elements of society, and it is the prime duty of the state to further education and learning.

All the basic beliefs of the German Enlightenment are clearly visible in this speech: like many other of Hegel's expressed views at that period, they attest to the humanistic background of his education prior to his entering the Tübingen Stift, where he studied for five years (1788-93). As Rosenkranz, Hegel's first biographer, has put it, Hegel's education combined the principles of the *Aufklärung* with the study of classical antiquity;² similarly, Hoffmeister shows that not only Kant and Fichte constituted the educational background of Hegel, but the whole tradition of the Enlightenment.³

¹ *Dokumente zu Hegels Entwicklung*, ed. J. Hoffmeister (Stuttgart, 1936), p. 52; see also Karl Rosenkranz, *Georg Wilhelm Friedrich Hegels Leben* (Berlin, 1844; new ed., Darmstadt, 1963), pp. 19-21.

² *Hegels Leben*, p. 10.

³ See his introduction to *Documente*, p. viii.

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The political aspect of this combination of classicism and humanism comes out very strongly in several of Hegel's juvenalia: one of its features is a very pronounced interest in political matters. At the age of fifteen Hegel writes a short play about the Second Triumvirate, in which Mark Antony, Lepidus and Octavian try to outwit each other in what appears an extremely naïve Machiavellian fashion.⁴ The following year Hegel is fascinated by Sophocles' *Antigone*, which he translates into German.⁵ His school diary is full of sometimes surprisingly mature speculations about problems of history and cognition. His reading of historical and theoretical works is very intensive during this period, with a heavy accent on such Enlightenment writers as Feder, Sulzer, Garve, Mendelssohn and Nicolai.⁶

In 1787, at the age of seventeen, Hegel drew up a draft of an essay on 'The Religion of the Greeks and the Romans'. As can be expected, it reflects a mature schoolboy's insights into the subject; yet one cannot but record that the subject prefigures some of Hegel's later interests, as does his statement about the historicity of religious phenomena, still couched in Herderian language: 'Only when a nation reaches a certain stage of education (*Bildung*), can men of clear reason appear amongst it, and reach and communicate to others better concepts of divinity.'⁷

This strong attachment to the prevalent notions of the *Zeitgeist*, as well as to the Kantian heritage, expresses itself also in one of his school aphorisms, when he says that 'Enlightenment relates to culture as theory does to praxis, as cognition to ethics (*Sittlichkeit*)'.⁸ The education to culture, which appears in his valedictory address, is thus not a mere convenient phrase used by Hegel for the purpose of striking the right note at the moment of a public display of gratitude and platitude. It seems to reflect a deeper involvement, which comes up again a few years later, when he hails Schiller's *Letters on the Aesthetic Education of Man* as a 'masterpiece'.⁹

⁴ 'Unterredung zwischen Dreien', *Dokumente*, pp. 3-6.

⁵ Rosenkranz, *Hegels Leben*, p. 11. *Antigone* always remained central to Hegel's discussion of tragedy and ethical life; cf. *The Phenomenology of Mind*, trans. J. B. Baillie, new ed. (New York, 1967), pp. 484-99. See also Walter Kaufmann, *Hegel* (Garden City, 1965), pp. 142-6.

⁶ See *Dokumente*, pp. 54-166.

⁷ *Ibid.* p. 46. In the same vein he tries to distinguish between the religion of the 'populace' (*Pöbel*), based on passion and crude representation, and a more 'pure' and rational religion (p. 47). ⁸ *Ibid.* p. 141.

⁹ Hegel to Schelling, 16 April 1795, in *Briefe von und an Hegel*, ed. J. Hoffmeister (Hamburg, 1952), I, 24.

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Yet it is not until Hegel's move to Berne, where he was to spend three years (1793-6) as a private tutor at the household of one of the republic's patrician families, that one finds in him an active interest in political affairs. This interest can be directly traced to the impact of the events of the French Revolution on Hegel, and it was evidently heightened by the tension between these revolutionary events and the oligarchic conditions of Berne.

There is some evidence that even during his relatively secluded period in the Tübingen seminary, Hegel was involved in some student activities mildly connected with revolutionary events in France. Together with his close friend at the seminary, Schelling, Hegel is said to have planted a 'freedom tree';¹⁰ he is also said to have been involved in a political club which came under official investigation. But it is only in Berne that we have any immediate evidence as to his reaction to the revolution in France: when it comes, it combines a social critique of conditions in Berne with a method of philosophical enquiry related to Kant, with whose writings Hegel became acquainted at that time.¹¹

A long letter to Schelling attests to his awareness of the changes his surrounding world was undergoing. Hegel starts by describing the immediate political conditions in Berne:

Every ten years, about 90 members of the *conseil souverain* are replaced. All the intrigues in princely courts through cousins and relatives are nothing compared with the combinations that go on here. The father nominates his son or the groom who will bring in the heaviest dowry, and so on. In order to understand an aristocratic constitution, one has to spend such a winter here.¹²

Referring to a philosophical brochure Schelling has sent him, Hegel remarks that he sees it as a continuation of the revolution in the realm of ideas then going on in Germany, adding: 'From the Kantian system and its ultimate consummation I expect a revolution in Germany which will start with principles that are already there and merely require to be worked out and be applied to all hitherto existing knowledge.' He then goes on to relate this philosophical revolution to the changes in the social and political sphere:

¹⁰ Cf. report in *Zeitung für die elegante Welt* (1839), nos. 35-7, quoted in Rosenkranz, *Hegels Leben*, p. 29.

¹¹ On the general problem of Hegel's relationship to the French Revolution see the excellent study of Joachim Ritter, *Hegel und die französische Revolution* (Köln/Opladen, 1957).

¹² Hegel to Schelling, 16 April 1795 (*Briefe von und an Hegel*, I, 23). This letter is partly quoted, in an English translation, in Kaufmann, *Hegel*, p. 303.

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I believe that there is no better sign of the times than the fact that mankind as such is being represented with so much reverence, it is a proof that the halo which has surrounded the heads of the oppressors and gods of the earth has disappeared. The philosophers demonstrate this dignity [of man]; the people will learn to feel it and will not merely demand their rights, which have been trampled in the dust, but will themselves take and appropriate them. Religion and politics have played the same game. The former has taught what despotism wanted to teach: contempt for humanity and its incapacity to reach goodness and achieve something through man's own efforts. With the spreading of ideas about how things should be, there will disappear the indolence of those who always sit tight and take everything as it is. The vitalizing power of ideas – even if they still have some limitation, like those of one's country, its constitution etc. – will raise the spirits.¹³

There hardly could be a more poignant expression of the spirit and program of German idealist philosophy. Philosophy appears here as the great emancipator from the fetters of traditional religion and existing political life. But the accent put by Hegel on the political aspects of this emancipation is much stronger than the one usually to be found in the classical writings of German idealism or, for that matter, in the letters of Hegel's two main correspondents of that period – Schelling and Hölderlin.

Yet there is a further dimension to Hegel's critique of contemporary cultural and political life. The passage from the letter to Schelling just quoted ends with a statement which introduces a completely new note into Hegel's critique. Hegel contrasts with present conditions his vision of man recognizing the power of ideas and being ready to make sacrifices for them, and he then concludes: 'At present, the spirit of the constitution has allied itself with self-interest (*Eigennutz*), has founded its kingdom on it.'

By itself, this may not appear as more than an isolated remark, couched in what may be seen as merely moralistic language. Yet Hegel's literary activity during his Berne period shows that it was more than that.

During his stay in Berne, Hegel's reading included Montesquieu and Hume, Thucydides and Gibbon, as well as Benjamin Constant.¹⁴ But the deepest influence left on him at this period was Sir James Steuart's *An Inquiry Into the Principles of Political Economy*, which he read in German translation. Such was the impact created

¹³ *Briefe von und an Hegel*, I, 24. George Lichtheim has pointed out in his *Marxism* (London, 1961), p. 36, the striking resemblance between this letter to Schelling and Marx's earlier writings.

¹⁴ Rosenkranz, *Hegels Leben*, p. 62; Rudolf Haym, *Hegel und seine Zeit* (Berlin, 1857; new ed., Hildesheim, 1962), p. 64.

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by the reading of this study, that Hegel wrote a lengthy commentary on Steuart's book, which is now lost, though Rosenkranz still reports to have seen the manuscript in the 1840s. It is from this description of the activity and analysis of the market mechanism by Adam Smith's mentor and contemporary that Hegel derived from that time onwards his awareness of the place of labour, industry and production in human affairs. Alone among the German philosophers of his age, Hegel realized the prime importance of the economic sphere in political, religious and cultural life and tried to unravel the connections between what he would later call 'civil society' and political life.¹⁵ Fichte's *The Closed Commercial State* (1800) conspicuously lacks a comparable grasp of political economy, and thus reads like a latter-day mercantilistic pamphlet, basically out of touch with the realities of modern economic life.

It must have been under the impact of Steuart that Hegel embarked upon a detailed study of the Bernese financial and fiscal system and its social implications. But, like his commentary on Steuart, this study has unfortunately not survived.¹⁶ What has survived is a German translation, prepared by Hegel but published anonymously, of a French tract on social and political conditions in the Pays de Vaud, which had been under the rule of the City of Berne since the sixteenth century. This is a pamphlet by an exiled lawyer from Vaud, Jean-Jacques Cart, originally published in Paris in 1793. In it Cart shows how the Bernese oligarchy used their suzerainty over Vaud to encroach by degrees upon the historical rights of the local population.¹⁷ Hegel prepared a German edition of this pamphlet and published it in 1798 in Frankfurt under the title *Aus den vertraulichen Briefen über das vormalige staatsrechtliche Verhältnis des Waadtlandes (Pays de Vaud) zur Stadt Bern*. The German translation includes numerous additions and comments, as well as a preface, by the unnamed translator, and it was only in 1909 that it

¹⁵ See Rosenkranz, *Hegels Leben*, p. 86; Ritter, *Hegel und die französische Revolution*, p. 35; Georg Lukács, *Der junge Hegel* (Zürich/Wien, 1948), pp. 228-9. A most fascinating attempt to trace Steuart's terminology in Hegel's later writings has been undertaken by Paul Chamley in his two studies: *Economie politique et philosophie chez Steuart et Hegel* (Paris, 1963), and 'Les origines de la pensée économique de Hegel', *Hegel-Studien*, III (1965), 225-61. Rosenkranz (p. 85) also remarks that at that time Hegel undertook a study of the effect of the English Poor Laws.

¹⁶ Rosenkranz, *Hegels Leben*, p. 61; *Dokumente*, p. 462.

¹⁷ For a fuller résumé of Cart's pamphlet, see Z. A. Pelczynski's introductory essay to Knox's translation of *Hegel's Political Writings* (Oxford, 1964), pp. 9-12.

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was discovered and established that the translation and the comments were prepared by Hegel.¹⁸ The preparation of this volume is thus Hegel's first published work.

Though most of Hegel's comments tend only to amplify Cart's argument, there are a number of instances where they represent Hegel's independent judgement. Between the publication of Cart's original pamphlet and the appearance of Hegel's translation, French revolutionary troops liberated Vaud from its dependence on Berne: so the topicality of Cart's booklet was somewhat diminished, though Hegel adds in his preface that there is a general political importance in the study of such conditions as described by Cart.¹⁹

Most of Hegel's own comments center round the oligarchical, nepotistic system of government in Berne itself, and these must reflect his own studies on this subject. He criticizes Berne for not having a written penal code and for its supreme authority exercising both legislative and juridical functions. Though Hegel never followed any strict interpretation of the separation of powers theory, he strongly argues here against 'criminal justice being completely in the hands of the government'.²⁰ Hegel cites a number of hair-raising cases where evident injustice was done to innocent people because prosecution and adjudication were in the same hands, adding: 'In no country that I know of is there, proportionately to its size, so much hanging, racking, beheading and burning as in the Canton of Berne.'²¹

Moving to another sphere, Hegel attacks a notion which had been used by some of the apologists of Berne, namely that a low level of taxation corresponds to a high degree of political freedom. If this were the criterion, Hegel argues, the English would be the most unfree nation in the world, since 'nowhere does one pay so many taxes' as in England. To Hegel a view that judges the quality of citizenship in terms of financial self-interest represents a basic

¹⁸ See Hugo Falkenheim, 'Eine unbekannte politische Druckschrift Hegels', *Preussische Jahrbücher*, cxxxviii (1909), 193-220; see also Jürgen Habermas' *Nachwort* to his edition of Hegel's *Politische Schriften* (Frankfurt, 1966), pp. 344-5.

¹⁹ Hegel always referred back to the City of Berne as an example of corrupt oligarchy. In his marginal notes on Haller's *Restauration der Staatswissenschaften* (1816), Hegel comments: 'Nothing except the views of the Bernese ever enters his consciousness.' See G. W. F. Hegel, *Berliner Schriften*, ed. J. Hoffmeister (Hamburg, 1956), p. 678.

²⁰ *Dokumente*, pp. 250-3.

²¹ *Ibid.*, p. 252.

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fallacy; such a view prefers to forgo citizenship for 'a couple of thalers a year'. It is not the quantity of taxation that makes men free citizens, but whether the tax is imposed on them by an external power or whether they tax themselves. Englishmen are free not because they pay low taxes, but because they vote for their own taxation. Hegel then adds:

The duties which the English Parliament imposed on tea imported into America were extremely light; but what caused the American Revolution was the feeling of the Americans that with this totally insignificant sum, which the duties would have cost them, they would have lost their most important right.²²

Hegel's praise for the English system of taxation through representation is, however, coupled with an oblique criticism of the British system of representation itself. Commenting on Pitt's ability to rule through a parliamentary majority even when this appeared to be contrary to what seemed to be general public opinion, Hegel adds that this became possible because 'the nation can be represented in such an incomplete manner that it may be unable to get its voice heard in parliament'.²³ The reference is cryptic, but its implication about the narrow base of the franchise in Britain at that time is obvious. In view of Hegel's later remarks about British parliamentary representation, this early awareness of the complex link between society and parliament in England is of some significance: it is also rare in a German thinker of that period.

Though it would be impossible to attempt to reconstruct Hegel's political outlook from these fragmentary comments, it is nevertheless possible to come to a number of conclusions. Hegel's general view seems to follow that climate of opinion in Germany which reacted favourably to the principles of the French Revolution, though it did not necessarily subscribe to all its political manifestations. It should be pointed out, however, that there is no reference in Hegel's comments of that period to natural rights. Cart's own pamphlet itself limits its argument to the vindication of the historical rights of the people of Vaud which were taken away from them by the City of Berne; the obvious parallel with the historical claim of the American colonies, mentioned by Hegel himself, is significant. On the other hand, though Hegel accepts the sort of political vision the Revolution stands for, he very sharply criticizes Robespierre. In a letter to Schelling he expresses, in 1794, the same criticism of Jacobin terror which he would reiterate during the Jena period and which foreshadows his description of Jacobinism in

²² *Ibid.*, p. 149.

²³ *Ibid.*

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the *Phenomenology* as 'absolute fear', abstract freedom undeterred by any institutional limit.²⁴

Beyond this there appears a specific interest shown by Hegel in the relationship between the economic sphere and political organization. As we shall see in the course of this study, it took Hegel many years to evolve his own theory about this relationship. But even at this early stage it is clear that on this subject he is groping in a direction transcending the facile beliefs of the Enlightenment and the ideas of the French Revolution. Further, in his comments on Cart, Hegel brings out very strongly the economic aspect of the Bernese rule in Vaud: his acquaintance with Steuart's writings must have added a further dimension to the otherwise purely political and legalistic nature of Cart's enquiry.

A similar set of problems is raised in a series of fragments written by Hegel in Frankfurt, where he lived for three years (1797-1800) after leaving Berne. These were published by Hoffmeister as 'Frankfurt Historical Studies', and constitute Hegel's first attempt at a systematic study of history.²⁵

Many of the ideas Hegel was to incorporate later into his philosophy of history can be found here, especially those concerning some of the basic characteristics of what he would call 'the Oriental World'. The oriental nations are characterized, according to these fragments, by their complete subordination to external necessity, coupled with a total disregard for immediate reality in their cultural life.²⁶ Further, oriental society is static, stagnant and unchanging. The subservience to external necessity makes despotism and tyranny into the main ingredients of the oriental political system: 'Lordship and slavery: both conditions are equally justified here, since both are ruled by the same law of force. He is considered a happy man in the Orient who has the courage to subjugate him who is weaker.'²⁷

In his discussion in these fragments of Renaissance Italy, Hegel is first seen attempting an adequate definition of the state which would be able to fit into a changing historical context. In central and northern Italy, Hegel argues, the link between the individual and the political entity was incomplete and very loose: 'The history

²⁴ Hegel to Schelling, December 1794 (*Briefe von und an Hegel*, I, 17); *Dokumente*, pp. 359-60.

²⁵ The extremely complex problem of dating Hegel's early manuscripts has recently received careful attention at the Hegel-Archiv in connection with the preparation of the complete edition of Hegel's works. For a report see Giesela Schüller, 'Zur Chronologie von Hegels Jugendschriften', *Hegel-Studien*, II (1963), 111-59. ²⁶ *Dokumente*, pp. 257-9. ²⁷ *Ibid.*, p. 258.

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of Italy at that period is not so much the history of a people or a plurality of peoples as a history of a *mass of individuals* . . . Living together in cities was more a cohabitation side by side than a submission under the same laws. The power of the authorities was weak, no idea had yet any power . . . [In the city-states] the exercise of justice was merely the victory of one faction over another.²⁸

Such a system of particularism, lacking a common bond, explains, according to Hegel, the rise to prominence of Roman Law in the Italian universities:

In Italy, legal studies appeared in Bologna earlier than poetry, and the most noble spirits of the people flocked there . . . For only on the judge's dais were they still servants of an idea, servants of law: otherwise they would be only servants of a man.²⁹

Yet it is in his description of the modern state that the problems which preoccupied him earlier express themselves most clearly. The modern state, Hegel argues, is characterized by its being an instrument for the protection of property:

In the states of the modern period, all legislation hinges upon security of property; it is to this that most rights of the citizens relate. Few free republics of antiquity have regulated through the constitution strict property rights – the preoccupation of all our authorities, the pride of our states. In the Lacedaemonian constitution, security of property and of industry was a point which did not figure almost at all, which was, one can say, almost completely forgotten. In Athens, it was customary to rob rich citizens of a part of their wealth, though one used an honourable excuse when one set about robbing a person: one saddled him with an office which required enormous expenditure.³⁰

The relationship between property and the political order is further amplified in its historical dimension when Hegel mentions that even under the most free of constitutions, the disproportionate wealth of a few citizens would lead to the destruction of liberty. His examples are Periclean Athens, Rome in the period of the Gracchi and the power of the Medicis in Florence.³¹ Though we have earlier mentioned Hegel's abhorrence of Jacobin terror, he expresses some understanding for the social motivation and background of the *sansculottes*, saying: 'One does perhaps an injustice to the system of Sansculottism in France when one ascribes to rapacity alone its attempt to reach a more equal distribution of property.'³²

The modern state, based on the security of property, is to Hegel

²⁸ *Ibid.*, pp. 269–70

³⁰ *Ibid.*, pp. 268–9.

²⁹ *Ibid.*, p. 269.

³¹ *Ibid.*, p. 269.

³² *Ibid.*

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the state of his contemporary world: there does not seem to be much difference in this respect between the *ancien régime* and the revolutionary republic. Hegel says explicitly that the security of property is 'the preoccupation of all our authorities, the pride of our states': such language does not refer to the revolutionary government of France alone, but to all governments and states of his contemporary world. According to Hegel, the ancient world did not pay attention, on the political level, to property; Renaissance Italy disregarded anything beyond the particular power and will of the individual. It is only with the advent of the modern age that a universal system of property became the mainstay of the state and the right to decide upon one's taxation became the cardinal issue of political allegiance and participation. Yet the unequal distribution of property means recourse to political power for the furtherance of economic interests; both Hegel's analysis of conditions in Vaud, as well as his comments on the social movements of antiquity and radical Jacobinism, make it clear how much he was aware of the fact that political power appeared as an instrument of economic self-interest, sanctioned, as he put it in his letter to Schelling, by the 'halo' of political theory and religion.

It is only if one views Hegel's preoccupation in this light that one can grasp the import of some aspects of his studies of the ancient world and early Christianity, undertaken in the Berne and Frankfurt period. Though these studies, which will be discussed in the next chapter, deal with problems of a religious and theological nature, they are oriented towards the *public* realm of religion and culture as well as towards solving the individual believer's quest for personal salvation. In the polis and in the Church, Hegel was looking for a paradigm for a kind of universality which was lacking in the political system of the modern state. Being aware of the achievement of modernity – he quotes Hume as the historian who looked for the integration of the individual in a political universality – Hegel is conscious of its burden as well.

It is with this in mind that one can approach one of the most enigmatic fragments of Hegel's early period, published for the first time by Franz Rosenzweig in 1917 as 'The First Program of a System of German Idealism'.³³ Though the manuscript, dating from 1796, is in Hegel's own hand, there is no doubt today that it is a

³³ 'Das älteste Systemprogramm des deutschen Idealismus', *Sitzungsbericht der Heidelberger Akademie der Wissenschaften*, Phil.-hist. Klasse (1917), 5. Abhandlung.

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copy of a common manifesto, not a piece of writing composed by Hegel alone; Schelling's influence, for example, is strongly felt. Yet there is no doubt that it represents a set of ideas which, even if not originating with Hegel, at least received his approval.

This manifesto of the philosophy of subjective freedom culminates in a discussion of the state, and under paragraph 6 the following is stated:

From nature I move to human artefact . . . I shall demonstrate that just as there is no idea of a machine, so there is no idea of the state; for the state is something mechanical. Only that which is an object of freedom may be called an idea. We must therefore transcend the state! (*Wir müssen also über den Staat hinaus!*) For every state is bound to treat men as cogs in a machine. And this is precisely what ought not to be; hence the state must cease to be (*aufhören*).³⁴

Beyond that state Hegel sees the 'absolute freedom of all spirits, who carry the intellectual world in them and should not seek God or immortality outside themselves'. To anyone who knows Hegel's later writings this is a most surprising if not startling document; the echoes it evokes of later Marxian thought are too loud to be overlooked or wished away.

But this document can also be very easily misunderstood or misrepresented by attributing its radicalism either to Schelling alone or to a passing early phase of Hegel's intellectual development. A close scrutiny of the document within the context of what we know of Hegel's political thinking in the Berne-Frankfurt period points to a different interpretation: there seems to be a clear link between this fragment and his other writings on political problems of that period. The state that has to be 'transcended' in the *Systemprogramm* is a 'machine' in which individual men are mere 'cogs'. Surely this cannot be the kind of state Hegel would later develop in his political philosophy. The state that has to be 'transcended' and should 'cease to be' is rather the state with which Hegel had dealt in his writings up to 1796: it is the state based on security of property, 'the preoccupation of all our authorities, the pride of our states'; it is the state based on nothing else than self-interest; it is the state as emerging from the theories of natural law. It is the kind of organization which Hegel would later call 'civil society', which he himself characterized as 'the external state, the state based on need, the state as the Understanding envisages it (*Not- und*

³⁴ *Dokumente*, pp. 219-20.

Verstandesstaat).³⁵ It is this 'state' which has to be transcended, since freedom – which is the subject under discussion in the *Systemprogramm* – cannot be formed in it, and of such a state there can be no 'idea'. Such a state is a 'machine' because, after all, what Hegel would later call 'civil society' is nothing else than the market mechanism. The idea of the state has to be found in something else, representing not an aggregate or a mass but an integrated unity, a universal. And in looking for this idea, Hegel turns his attention to the ancient polis, to the early Church and to the contemporary reality of the Holy Roman Empire of the German Nation – the themes of his early theoretical writings on politics and society.

³⁵ *Hegel's Philosophy of Right*, trans. T. M. Knox (Oxford, 1942), § 183.