

**MARX'S CRITIQUE OF HEGEL'S PHILOSOPHY OF RIGHT**

**MARX vs. HEGEL**

Yoshiichi Kanaya

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## PhD : ABSTRACT

### Title: Marx's Critique of Hegel's Philosophy of Right

#### Marx vs. Hegel

This PhD closely examines Marx's Critique of Hegel's Philosophy of Right (1843) in the light of the recently published Students' Notebooks: Vorlesungen über Naturrecht und Staatswissenschaft (O. Pöggeler: 1983), Die Philosophie des Rechts (K.-H. Ilting: 1983), Philosophie des Rechts (D. Henrich: 1983), together with the published version of Hegel's Rechtsphilosophie. The thesis demonstrates that Marx mistakenly took Hegel's project to be the defence of the reactionary Prussian monarchy while in truth it was the philosophical reconstruction of the meaning of the French Revolution as a means of calling for revolution in Germany. Further, the thesis argues that the most important contribution of Hegel's Political Philosophy is his discovery of multi-dimensionality of "imaginality" of the modern world and of modern mankind.

- The first chapter examines Marx's ambivalence and ambiguity toward Hegel.
- The second chapter examines Marx's motive and method applied in Critique.
- The third chapter examines Marx's criticism of the inversion of the subject-predicate in Hegel's Philosophy of Right.
- The fourth chapter examines Hegel's theory of the Diversion of Political Power and of the constitutional monarchy and Marx's theory of Democracy.
- The fifth chapter examines Marx's criticism of Hegel's theory of Bureaucracy.
- The sixth chapter examines Hegel's theory of Parliament and Marx's criticism.
- The seventh chapter includes concluding remarks and practical implications of Hegelianism.

Yoshiichi Kanaya  
March 1998

## PREFACE

Marx has been one of the most important and influential thinkers in the nineteenth and twentieth centuries. He postulated on the mechanism and predicted the inevitable decline of existing capitalist society and the advent of communism as the only true history of mankind. Marx developed his own ideas by means of a contest with Hegel's philosophy and in particular with Hegel's *Rechtsphilosophie*. The starting point of this thesis is the idea that Hegel's *Rechtsphilosophie* was largely misunderstood by Marx, and that Marx's criticisms of *Rechtsphilosophie* are mostly erroneous. This thesis examines how Marx encountered Hegelian philosophy; under what circumstances Marx started his critical review and rewriting of the *Rechtsphilosophie*; and the extraordinary way in which he treated it and then abandoned it, at least for a certain time. The thesis then closely examines Marx's severe criticism and defends Hegel against Marx. The thesis contends that it is because of Marx's misunderstanding of the Hegelian project that Marx concentrated his later efforts on the criticism of civil society by means of the critical studies of classical political economy.

In the light of the recently published students' notebooks of Hegel's lectures on his *Rechtsphilosophie*, the argument in this thesis is discussion and projection of the modern rational state is a philosophical amendment to the French Revolution. In other words, it is an attempt to realise the principles of the French Revolution within the framework of a German historical and cultural context. The thesis finally considers the practical implications of Hegelianism in the modern world.

## ACKNOWLEDGEMENTS

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## Contents

### INTRODUCTION

#### CHAPTER 1: MARX'S AMBIVALENCE AND AMBIGUITY TOWARD HEGEL

##### Introduction

##### I. Philosopher

##### II. A German with Jewish Origins and A Christian World with Jewish Origins

##### III. A Kantian, Fichtean Romantic

##### IV. The First Encounter: Grotesque and Craggy Melody?

##### V. Marx's Critical Hegelianism

#### CHAPTER 2: MOTIVE FOR AND METHODS IN MARX'S CRITIQUE OF HEGEL'S PHILOSOPHY OF RIGHT

##### Introduction

##### I. Motivation

##### II. Letters to Ruge

##### III. Marx's Critical Methods and Their Origins

##### IV. Marx's Assumptions

##### V. The Contents of The *Critique*

#### CHAPTER 3: SUBJECT- PREDICATE

##### Introduction

##### I. Translation

##### II. Two Modes of Speaking

##### III. Logo-centrism

##### IV. What Is Rational Must Happen

#### CHAPTER 4: CONSTITUTIONAL MONARCHY VERSUS DEMOCRACY

##### Introduction

##### I. The Concept of Constitution and the Constitution of Concept

##### II. The Division of Power

##### III. Marx's Annotation

##### IV. Democracy

##### V. The Crown or The Sovereignty of The State

##### VI. Constitution and Volksgeist

## CHAPTER 5: MARX VERSUS HEGEL ON BUREAUCRACY

### Introduction

- I. The Position of Bureaucracy in The System of Ethical Life
- II. The Hegelian Project and Marxian Critique
- III. The Main Features of Marx's Critique of Bureaucracy
- IV. The Abandonment of Translation
- V. Modernity and The Anachronism of The Hegelian Bureaucracy

## CHAPTER 6: HEGEL VERSUS MARX ON PARLIAMENT

### Introduction

- I. The Role of The Estates Assembly
- II. Public Opinion and Freedom of The Press
- III. Hegel's Theory of The Estate: Medieval or Modern?
- IV. Contradiction and Meditation
- V. Voting

## CHAPTER 7: CONCLUDING REMARKS AND PRACTICAL IMPLICATIONS

## BIBLIOGRAPHY

## INTRODUCTION

But why Marx now? Is not Marxism dead? Like Francis Fukuyama one may ask: Is this period not the end of history? One may agree with Fukuyama, borrowing Alexander Kojève's life story and his interpretation of Hegel's *Phänomenologie des Geistes*.<sup>1</sup> Fukuyama's claim apparently implies that Marxism or socialism has lost the final battle against capitalism. However, Kojève's commentary on *Phänomenologie* has the consequence of showing how Hegel can not only be modernised and existentialised, but also anthropologised and Marxianised.<sup>2</sup> Fukuyama's understanding fails to grasp this vital aspect of Kojève's work and correspondingly Fukuyama's interpretation of Hegel as well as of Max Weber are simplified and one-sided. Of course, it is correct that Weber's works (as well as Marx's) can be or should be treated as an example of their respective responses to Hegel within the German intellectual tradition. Therefore there is good reason to discuss Weber in relation to Hegel and Marx. Although Lukács does not mention Kojève at all, and refers only critically to Jean Hyppolite and the "Hegel Renaissance" in France in the preface to his book: *The Young Hegel*; in a sense, Kojève and Lukács seem to be brothers or cousins. Both of them take Marx's positive but at the same time critical remarks on Hegel's *Phänomenologie* in one of the most important parts of *Economic and Philosophical Manuscripts* in 1844, as their starting point and they both try to understand Hegel as the author of *Phänomenologie*.<sup>3</sup> Of course, there is a fundamental difference of stance between these two commentators: Kojève takes the affirmative and Lukács's is critical. In my view, Lukács has Habermas as his successor, in that he becomes more than merely Lukács's successor, being at the same time influenced by Weber, Persons and Wittgenstein, but primarily influenced by Adorno's and Horkheimer's thought. However, he was above all influenced by Lukács's thought, which means in his case that he was also a student of Hegel and Marx's thought as well. Analogously, Kojève seems to have influenced Hannah Arendt as well as many other political thinkers. Both Arendt and Kojève, at a crucial point in the construction of their respective systems of thought, were free from the

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<sup>1</sup> F. Fukuyama, "The End of History?" *The National Interest* (Summer 1989), pp. 3-18.

<sup>2</sup> A. Kojève, *Hegel : Eine Vergegenwärtigung seines Dankness*, ed. & intro. I. Fetscher , trans. Fetscher & G. Lehmbruch ( Frankfurt am Main: Suhrkamp, 1975).

<sup>3</sup> Kojève concentrated his efforts on a commentary on *Phänomenologie* while Lukács explored the origins of the Hegelian dialectic and devoted a significant amount of attention to the young Hegel, before he wrote that famous work.

influence of the German intellectual tradition (this is why they have an unique appeal to scholars outside German culture), although both Kojève and Arendt were Jaspers' pupils. In a sense Habermas has tried to rewrite Hegel's *Rechtsphilosophie*, whereas Arendt has tried to rewrite his *Phänomenologie*.<sup>4</sup>

Thus, speaking of Hegel and Marx leads us to the central problem confronted by modern European thinkers: the problem of describing the nature of modern western society. Many of the important thinkers both on the western intellectual right and left seems to have had a premonition that some day Hegel will reappear before them and that the debate that will ensue will be a matter of serious contention. On the one hand, they have wondered whether or not they had thoroughly disposed of Hegel through the efforts of the modern thinkers such as Dewey, Russell, Wittgenstein and Popper. On the other, they have been conscious of the limitations of interpreting Hegel in the light of Marx's critical comments, many of which may be made in the context of his polemics against the Prussian monarchy and his contemporary opponents.

To return to Marx: Marxism after Marx certainly went astray, partly because of the misunderstandings introduced by Engels and Lenin, but largely because of the distortions of Stalin and others. Nonetheless, I would argue that there is also something quite wrong with Marx himself. One can also say that Marx's harsh criticism of capitalism forced developments in the fields of economics, philosophy and sociology as well as the study of law, history, art, and education. One can make the even stronger claim that without Marx and without the experience of socialist countries, the development and transformation of capitalist societies themselves would not have been as comprehensive as it has been. Economic systems and therefore the science of economics have both undergone tremendous transformations since John Stuart Mill's day. Political and social awareness, and political and social institutions have undergone a remarkable transformation; the achievement universal suffrage in many parts of the world may be cited as an example.

In other words, today we can afford to take the view that Marx's philosophy and socialism in general has been a worthy opponent of capitalism. Capitalist countries, especially the so-called developed or highly developed countries, have been competing with one another and with socialist countries; with regard to the latter capitalist societies have been obliged to prove their merits in every aspect and in every sphere, from economic

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<sup>4</sup> What I have most in mind are *Strukturwandel der Öffentlichkeit* and *The Human Condition*.

performance to their record on human rights: military prowess to the achievement at the Olympic Games. Therefore, it would not be out of order to say that socialist society have presented an important alternative model.

Having appreciated the role Marx and Marxism have played in the transformation of capitalism, there is a fundamental flaw in Marx. It may be clear to every one today that Marxism has exhausted its potential. But, on the other hand, it is not very clear why and in what point Marx is wrong; this is the main aim of this study. I would argue that the fatal fault originated in Marx's encounter and struggle with Hegel: Marx failed to understand the Hegelian project.

It is obvious that the most serious problems we face today include the relationship between the political state and the economy which increasingly is borderless and therefore beyond national control; the increase of energy use and environment; and the population problem which may be viewed as the link between those problems previously listed. As Hegel puts it, not only is his "modern world", but also ours modern world not yet rich enough in spite of the abundance of wealth. Most importantly, there seems to be no way of acquiring abundance without facing the dilemmas, the result of consumerism in advanced western societies.

The year 1989, the Bi-Centenary of the beginning of the French Revolution may be regarded as the beginning of a new era in modern history in its own right. For in addition to those changes and problems alluded to above we have began to experience interesting and noteworthy changes from this year onward.

There has been a fundamental change in people's consciousness in Japan in recent years. Several things have happened since the death of the late Emperor: amongst others the Tiananmen episode in China has stood out in sharp contrast to the Solidarity Movement in Poland and Glasnost and Perestroika in the Soviet Union; the murder of the Japanese translator of *The Satanic Verses*, associate professor Igarashi; the so-called democratisation of the East, including the former Soviet Union; and finally the Gulf War itself seemed to be sharply distinct from the Japanese understanding of the nature of the post-war world. For the Japanese it was almost unthinkable that someone could be murdered for translating a novel and this made the Japanese recognise that the job of being a scholar engaged in importing new trends of foreign culture is no longer a safe enterprise. To put it another way, the traditional double standards of "Tatemaie and Honne" and "inside and

outside” cannot be maintained in this small world.<sup>5</sup> The Japanese understanding of democracy is best illustrated by way of a remark made by a former prime minister: that the purpose of democracy is not to cut heads, but to count heads instead.<sup>6</sup> What appears to me to be peculiar to the Japanese is the belief that money can buy almost anything in this world, including heads to count. This belief has been strengthened by the post-war economic success of Japan.

During the period of the Gulf War Japan came under strong pressure from the US which accused Japan of having being a free rider of the US-Japan Mutual Security Treaty. The Japanese Government has recently passed a bill to legitimise the Japanese military forces which strictly speaking Japan should not have had by virtue of its constitution. In this sense even Japan is as unstable as the former Soviet Union: its economic success does not allow it to escape the military-political uncertainties of world after the cold war. In spite of the optimistic conclusion F. Fukuyama has drawn from the end of the Cold war and the achievements of Japanese culture, we are in fact facing quite difficult problems.

As pointed out above, Marx’s harsh criticisms of Hegel’s philosophy in general and of his *Philosophy of Right* in particular have made us believe that Hegel’s philosophy has already been overcome by Marx and his followers. This is one of the most important reasons why we have so far failed to learn enough from Hegel’s political philosophy.

In this study, I will confine myself mainly to the aim of researching what and how Marx has failed to learn from Hegel’s political philosophy. I will examine how Marx encountered Hegel’s philosophy and in particular through his *Philosophy of Right*.

Then, I will examine Marx’s “Critique of Hegel’s *Philosophy of Right*”(1843) against Hegel’s published text and newly published students’ notebooks of Hegel’s lectures on the philosophy of right. I will defend Hegel’s project of a German revolution against Marx and also defend Hegel’s theory of the modern rational state. I will defend Hegel’s theory of the Crown, Bureaucracy and parliament against Marx’s detailed critical arguments on

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<sup>5</sup> Translation: *Tatemae* refers to a traditional formal code of ethics and *Hone* refers to a practical, unspoken set of ethics. In the new world order we have today, it seems that these are insufficient tools not only for helping us understand our place in it, and the duties we have but also for making ourselves understood in abroad.

<sup>6</sup> Mr. Kakuei Tanaka, Prime Minister of Japan 1972-1974.

these subject. Certainly some of Marx's criticism are quite valid, to the point and illuminating, but often Marx's criticism are wide from the mark. I would argue that in the new situation, in which we find ourselves after 1989, we can, and indeed should re-examine Hegel's views on family, civil society and the state and draw fresh, more accurate conclusions with regard to his political thought. In other words, by reinterpreting Hegel's *Philosophy of Right*, we can gain some important insights which could help understand our present state of affairs. In my conclusion, I will point out eight issues to which Hegel's insights can help us to address.

## CHAPTER 1

### MARX'S AMBIVALENCE AND AMBIGUITY TOWARD HEGEL

. . . Wer einmal an der Hegelei . . . erkrankt,  
wird nie wieder ganz kuriet.  
Nietzsche, *Unzeitgemäße Betrachtungen*

#### INTRODUCTION

The main aim of this chapter is to re-establish the point that Marx's relationship with Hegel was both ambiguous and ambivalent. As Professor David McLellan wrote, the relation between disciple and mentor is always ambiguous, but in this case it has been made particularly so, since here, Hegel's thought itself is both highly ambiguous as well as extremely tortuous. Hegel used various modes of discourse and even tried to fuse them. The use of the Schellingian mode in the manuscript, commonly called "The System of Sittlichkeit" is probably the best example in this context.<sup>1</sup> It shows clearly the difficulty of the project, which Hegel pursued from that time onward, and at the same time it predicts the specific difficulty which his disciples, critics, and commentators in the future have all had to face in decoding Hegel's philosophical discourse. Besides, the fusion of various modes of discourse seems eventually to have become a part of Hegel's strategy.<sup>2</sup>

As for Marx, he possessed a highly critical mind. Although Marx is the self-proclaimed disciple of Hegel, he seems never to have been completely at ease with Hegel. On the one hand, Marx had always been critical of Hegel since his first encounter with Hegel's philosophy, and one could regard Marx's intellectual struggle, from his student days at the University of Berlin onwards to *Capital*, as a series of efforts to establish himself against Hegel. On the other hand, Marx was also deeply influenced by Hegel from his first conversion to Hegelianism to the last decade of his life. This seems to be the

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<sup>1</sup> Cf. G. Lasson, "Vorbemerkung des Verlages", in *Hegel, System der Sittlichkeit* (Hamburg: Felix Meiner, 1967), pp. 7f.

<sup>2</sup> H. Kato, *Formation and Principles of Hegel's Philosophy* (Tokyo: Miraisha, 1981), p. 1.

case even when he was not aware of it. Furthermore, even though there was almost fifty years' age difference between these two thinkers, there are many striking similarities and parallels between them which seem impossible to explain simply by the influence of Hegel upon Marx, and which makes this relationship even more complicated and problematic as well as interesting.<sup>3</sup> To put it another way, Hegel and Marx share a basic intention and similar experiences, and therefore share some basic premises. That is to say, that they were modern German philosophers, or more correctly philosophers in a modernising, but relatively backward European country, Germany. (To illuminate this aspect, the Japanese viewpoint is to be introduced as thought necessary throughout this chapter.) This ambiguity and ambivalence seems to be further deepened by Marx's exile to Paris, Brussels and London.

To begin with I will review the prefaces and afterwords to various versions of *Capital Vol. I* in order to show that, even during the last stage of his intellectual development, Marx as a philosopher failed to define his relationship with Hegel as the greatest philosopher, but at the same time Marx was obsessed with and adhered to Hegel. I will also review the preface to *A Critique of Political Economy* in order to show the axial necessity and importance of returning to and re-examining Marx's incomplete, abandoned but still uniquely important critique of Hegel's political philosophy: his "Critique of Hegel's *Philosophy of Right*". Secondly, I will discuss the strikingly similar attitude of Hegel and Marx toward their *Vaterland* through their respective notions of Jewishness. Thirdly, Marx's famous long letter to his father will be used in recalling the fact that Marx was originally not a Hegelian at all, but rather a Kantian, Fichtean Romantic. In parallel with this aspect of Marx, I will also show that Hegel was himself not a "Hegelian" from the beginning, but also began his intellectual development as a Kantian, Fichtean Romantic. There was a period in his early life which we could refer to as "Hegel before Hegelianism". Fourthly, special attention is paid to Marx's reference to the "grotesque, craggy melody" of Hegel's writings as a foreshadowing mismatch and as evidence of Marx's dispositional aversion toward Hegel. Finally, I will examine the process of Marx's conversion to Hegelianism. The point is that Marx was critical of Hegel not only from the very beginning but even in his so-called "conversion to Hegelianism" and

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<sup>3</sup> Cf. H. Kato, *ibid.*, p.69, K. Löwith, *Die Hegelische Linke* (Stuttgart-Bad Cannstatt: Friedrich Frommann Verlag, 1962), p. 15, *Von Hegel Zu Nietzsche* (Stuttgart: W. Kohlhammer Verlag, 1964), p.181. Kato criticises Löwith: "This great scholar of history of philosophy, who dismisses the historicity in the meaning of life and observes the succession of Hegel's historical thought to Marx coolly, tends to find an interesting fact there rather than a problem".

remained so to his last days. At the same time however Hegel was always in Marx's mind.

## I. PHILOSOPHER

“Karl Marx was a German philosopher.”<sup>4</sup> Though a seemingly prosaic statement, this statement is nevertheless an enlightening not only in the context of West European culture, (to say nothing of the so-called communist countries or former communist countries, including Poland) but also to Japanese mind. For being a German Philosopher comes with its great import and especially to the Japanese mind. Marx has traditionally been treated as an economist in Japanese universities: until recently each university would offer both Marxian economics and modern economics. Above all, Marx was conceived as the author of *Capital*. Indeed, a Japanese economist, who held the Chair of Economics at one of the most prestigious universities in Japan, even established his own system of economics which, he claimed, was a coherent scientific system of economics developed from but based upon Marxian economics which, he also claimed, had been left incomplete by Marx. At the same time, Marx's thought was studied as one of the most important topics in the history of economic theory. It was also treated in a course on the history of sociological thought. Marx was, however, not studied in the faculty of philosophy or even as a topic in the history of modern European philosophy.

It is certainly true that the mature Marx took political economy extremely seriously and tried to find the fundamental elements necessary for the comprehension of the total movement of modern society, that is the problems of capitalism through critical analysis of the socio-economic structure. But at the same time both the young Marx and the mature Marx took Hegel equally seriously, and when charged with being influenced by Hegelianism, Marx did not deny his intellectual indebtedness and attachment to Hegel. Moreover, Marx was constantly defining his work in relation to the great tradition of Western philosophy and thought: great philosophers and political theorists from Heraclitus via Plato and Aristotle to Hobbes, Spinoza, Leibniz, Locke, and Hume, to say nothing of Adam Smith, Rousseau, and

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<sup>4</sup> L. Kolakowski, *Main Current of Marxism: 1 The Founders* (Oxford: Oxford University Press, 1989), p.1.

Kant. As far as the Japanese academic world is concerned, therefore, Kolasowski's statement is especially enlightening.<sup>5</sup>

Marx was a German Hegelian philosopher. There have been commentators both on the right and left who have tried to limit Marx's Hegelianism to his young, immature period.<sup>6</sup> This attempt intends to detach the mature scientific Marx from his background and context so that his thought can be as if it were something ahistorical and therefore refutable as false science. This approach is partly based upon Marx's own later writings and Engels' critical accounts of Hegel, especially their emphasis on the scientific study of political economy as well as their criticism of previous philosophers, the Young Hegelians, other opponents and "the remnants of German philosophy".<sup>7</sup> At the same time, however, Marx and even Engels regarded Hegel as the most important thinker; this is shown most clearly: in Marx's case in his essay "A Contribution towards a Critique of Hegel's *Philosophy of Right* : Introduction" and in *Capital* ; and in Engels' case in his essay *Ludwig Feuerbach and the End of Classical German Philosophy*. As is well known, Marx claims in *Capital* : " I . . . openly avowed myself the pupil of that mighty thinker".<sup>8</sup> Marx, however, never approved unreservedly of Hegel's philosophy. Both Marx's critique and his appreciation of Hegel continually display some ambiguity and ambivalence toward Hegel. It seems that this is concerned with Hegel as a visionary idealist philosopher but also with Hegel's position in German academic philosophy; Hegel held the chair of Philosophy at the University of Berlin. It may also be concerned with the fact that Marx was obliged to live for much of his life abroad.

In the afterword to the second German edition of *Capital Vol. I* Marx gives a fairly long account of the differences between the Hegelian dialectic

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<sup>5</sup> In the non-academic world of Japan in which intellectuals used to play an important role for criticising of government's policy of modernisation, a role perhaps unique to Japan and Russia, there were heated discussions on the validity and potentiality of Marxian philosophy. The academic world ignored it and the authorities merely regarded them as a part of dissidents' activities.

<sup>6</sup> R. Aron, *Main Currents in Sociological Thought I*, trans. R. Howard & H. Weaver (London : Penguin Books , 1968), pp. 111-114. L. Althusser, *For Marx* (London: NLB , 1970), p. 67. Korsch , Lukács and Habermas are examples of these writers who tried to rediscover this aspect of Marx's thought.

<sup>7</sup> Karl Marx, *Selected Writings*, ed. D. McLellan (Oxford: Oxford University Press, 1988), p. 574. Hereafter cited as *S. W.* See, also Marx and Engels, *The German Ideology*, ed. & intro. C. J. Arthur (London: Lawrence & Wishart, 1985), pp. 39-41.

<sup>8</sup> Karl Marx, *Capital: A Critique of Political Economy Volume I*, trans. S. Moore and E. Aveling (London: Lawrence & Wishart, 1983), p. 29. Hereafter this edition shall be referred to as *Capital Vol. I*.

and his own. This shows the full character of Marx's conscious as well as unconscious relationship with Hegel. In this sense it can be read as Marx's final account of the matter. Toward the end of it Marx insists:

My dialectic method is not only different from the Hegelian, but is its direct opposite. To Hegel, the life-process of the human brain, i.e., the process of thinking, which, under the name of "the Idea", he even transforms into an independent subject, is the demiurgos of the real world, and the real world is only the external form of "the Idea". With me, on the contrary, the ideal is nothing else than the material world reflected by the human mind, and translated into forms of thought.

The mystifying side of Hegelian dialectic I criticised nearly thirty years ago, at a time when it was still the fashion. But just as I was working at (sic) the first volume of the "Das Kapital", it was the good pleasure of the peevish, arrogant, mediocre Epigoni who now talk large in cultured Germany, to treat Hegel in same way as the brave Moses Mendelssohn in Lessing's time treated Spinoza, i.e., as a "dead dog". I therefore openly avowed myself the pupil of that mighty thinker, and even here and there, in the chapter on the theory of value, coquetted with the modes of expression peculiar to him. The mystification which dialectic suffers in Hegel's hands, by no means prevents him from being the first to present its general form of working in a comprehensive and conscious manner. With him it is standing on its head. It must be turned right side up again, if you would discover the rational kernel within the mystical shell.

In its mystified form, dialectic became the fashion in Germany, because it seemed to transfigure and to glorify the existing state of things. In its rational form it is a scandal and abomination to bourgeoisdom and its doctrinaire professors, because it includes in its comprehension and affirmative recognition of the existing state of things, at the same time also, the negation of that state, of its inevitable breaking up; because it regards every historically developed social form as in fluid movement, and therefore takes into account its transient nature not less than its momentary existence; because it lets nothing impose upon it, and is in its essence critical and revolutionary.

( *Capital Vol. I* , p. 29)<sup>9</sup>

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<sup>9</sup> Frederick Engels, *Ludwig Feuerbach and the End of Classical German Philosophy* can be best read as an attempt to elaborate upon this account by Marx.

At first glance, this explanation seems a fairly straight-forward account of his relationship with Hegel and it is therefore tempting but misleading to read this part as an independent and self-supporting statement. It is simply wrong to draw up a formula of Hegel's idealistic dialectic versus Marx's materialistic dialectic or Hegel's dialectical idealism versus Marx's dialectical materialism from this part of the afterword, because as a whole his afterword contains many questionable points.<sup>10</sup> For example: did Marx not end up with that uniquely Hegelian notion of logical categories, appearance and essence: the real and the actual in appreciating the revolutionary character of Hegel's dialectic?

This afterword, dated January 24 1873, should be read primarily as Marx's counter-argument or answer to the reviews and criticism of the first edition of *Capital Vol. I*, the product of Marx's theoretical efforts which had been long overdue. Those critical comments which Marx took up on this occasion concerned Marx's Hegelianism: his "Hegelian sophistic"; his metaphysical treatment of economics; the German-dialectical method of presentation; "the most ideal of ideal philosophers".<sup>11</sup> All these watchwords are entirely applicable to Hegel, because Hegel had learned a great deal from James Stuart, Adam Smith, Ricardo and even J. B. Say, and because Marx had once even called Hegel "a sophist".<sup>12</sup> Marx had anticipated the specific difficulty that "the first chapter" of *Capital Vol. I* might cause readers, but it seems that he had not anticipated that these accusations of Hegelianism might arise from German readers.<sup>13</sup> Marx tried to defend himself: to wit, Marx had openly confessed himself "the pupil of Hegel", but the problem is that it is not clear precisely what he meant by this.

If he meant some specific parts or places in *Capital Vol. I* by the term, "openly avowed", four possibilities present themselves. The first is Aesop's famous dictum which Marx borrowed from the notoriously polemic and

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<sup>10</sup> E. Mandel draws up this formula. E. Mandel, Introduction in *Capital I*, trans. B. Fowkes with Introduction by E. Mandel (London: Penguin Books, 1990), p.18. Hereafter this edition shall be referred as *Capital I*. It seems that it was Engels who encouraged the drawing up of this simple formula. See also Engels, *Karl Marx and Frederick Engels Selected Works in One Volume* (London: Lawrence & Wishart, 1991), p. 570.

<sup>11</sup> *Capital Vol. I*. pp. 26f.

<sup>12</sup> Karl Marx, "Critique of Hegel's *Philosophy of Right*", ed. & trans. J. O'Malley (London: Cambridge University Press, 1972), p. 20. Hereafter this edition shall be referred to as *Critique*.

<sup>13</sup> *Capital vol. I*, pp. 18-21, also see translator's note by Fowkes in *Capital I*, p.89. Marx gave the same account of Hegel in a letter to Kugelmann, 27 June in *The Letters of Karl Marx*, ed. & trans. S. K. Padover (Englewood, New Jersey: Prentice-Hall, 1979), p. 274.

problematic preface to Hegel's *Philosophy of Right*: "*Hic Rhodus, hic saltus*".<sup>14</sup> Hegel's point is to transform this dictum into his own maxim: "Here is the rose, dance here".<sup>15</sup> Although Marx did not mention Hegel's name, this dictum is familiar to almost all who read Hegel's famous preface. The second possibility is a footnote to the argument on the nature of money in chapter two. In this case Marx mentioned Hegel's name and the text of *Rechtsphilosophie*.<sup>16</sup> The third possibility to consider is to located in the "the first chapter" which in the present English translations refers to the first three chapters: Chapter 1 Commodities, Chapter 2 Exchange, Chapter 3 Money, or the Circulation of Commodities.<sup>17</sup> In the unlikely event that Marx meant not *Capital* but instead his previous publications, we can think of, for example, "A Contribution to the Critique of Hegel's *Philosophy of Right*: Introduction". As I shall argue later, however, the merit Marx attributes to Hegel in this publication is different from the merit which is attributed to Hegel in *Capital*. The problem is that in neither case is there enough acknowledgement to amount to such an open avowal except in this very afterword in which he confesses his respect for Hegel in an unmistakable way. Interestingly, even though the dispute among Mendelssohn, Lessing and Jacobi concerning the alleged pantheism of Spinoza, was well-known among German intellectuals, the expression, naming Spinoza as a "dead dog" is also to be found in Hegel's *Enzyklopädie*.<sup>18</sup> In the preface to the second edition of *Enzyklopädie* (Berlin, May, 1827) Hegel embraces Spinozism in order to defend the speculative philosophy against Friedrich Tholuck, and concludes by saying:

Lessing said of his times: "People are dealing with Spinoza like a dead dog," but one can not say that even in our new age Spinozism and speculative philosophy in general are being treated better than at that

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<sup>14</sup> Hegel, *Werke* 7 in G. W. E. Hegel Werke in zwanzig Bänden (Frankfurt am Main,: Suhrkamp Verlag, 1970), p. 26. Hereafter these works shall be referred to as Werke plus vol. number. English translations, *Elements of the Philosophy of Right*, ed. Allen W. Wood, trans. H. B. Nisbet ( Cambridge: Cambridge University Press, 1991), p. 21, *Hegel's Philosophy of Right*, trans. T. M. Knox (Oxford: Oxford University Press, 1967), p. 11. Hereafter these shall be referred to as *Nisbet* and *Knox*, respectively.

<sup>15</sup> *Werke* 7 p. 26, *Nisbet*, p. 22, *Knox*, p. 11. German original: "*Hier ist die Rose, hier tanze*".

<sup>16</sup> *Capital Vol. I*, p. 94, *Capital I*, p. 185.

<sup>17</sup> Although in effect there is not much difference, one can imagine that Marx is referring to these three cases at once or at least two of the three.

<sup>18</sup> Hegel, *Werke* 8, p. 22.

time, seeing those people's attitude who speak about and comment on without any effort by themselves to read the text correctly, to quote and explain rightly. This must be a minimal and all speculative philosophy might demand it.<sup>19</sup>

Marx seems to have understood that the criticism of *Das Kapital* in these reviews is not only the result of misunderstanding his own methods and those of Hegel's, but is also the result of the confusion of his method with Hegel's.<sup>20</sup> In this sense, the situation Marx faced here is similar to that faced by Feuerbach when Feuerbach wrote the foreword to the second edition of *Essence of Christianity*.<sup>21</sup> Marx tried to differentiate himself from Hegel, claiming that, although his method is also dialectical, it is the direct opposite of the dialectic proposed by the man Marx referred to as his mentor. The Marxian viewpoint understands Hegelian notions of "the Idea" as nothing but a substantialisation of the thinking processes of human beings, which, according to Marx, Hegel transforms into an independent subject and regards as the maker or agency of the world. Accordingly, the idea of the "real" world loses its true significance as reality and becomes only the external, phenomenal appearance through which or in spite of which one should recognise the rational.<sup>22</sup> Thus the Hegelian dialectic ends up with the glorification of the status quo by its mystifying effect as a result of the double procedure: the degrading of reality and the upgrading of the Idea. As I will examine closely later in this study, this particular argument against Hegel was developed from as early a time as the advent of "Critique of Hegel's *Philosophy of Right*".<sup>23</sup>

At the same time, however, Marx is willing to find "the rational kernel" in Hegel. Yet again it is not clear what Marx means by "the rational kernel". According to Marx, Hegel is "that mighty thinker" who is the first to present dialectical method "general form of working in a comprehensive and

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<sup>19</sup> Hegel, *Werke* 8, p. 22. German Original: "Lessing sagte zu seiner Zeit: die Leute gehen mit Spinoza wie mit einem toten Hunde um; man kann nicht sagen, dass in neuer Zeit mit dem Spinoza und dann überhaupt mit spekulativer Philosophie besser umgegangen werde, wenn man sieht, dass diejenigen, welche davon referieren und urteilen, sich nicht einmal bemühen, die Fakta richtig zu fassen und sie richtig anzugeben und zu erzählen. Es wäre dies das Minimum von Gerechtigkeit, und ein solches doch könnte sie auf allen Fall dordern."

<sup>20</sup> Marx's letter to L. Kugelmann, 27 June 1870 in *The Letters of Karl Marx*, p. 274.

<sup>21</sup> Feuerbach, *Werke* 5, (Frankfurt: Suhrkamp Verlag, 1971), p.451.

<sup>22</sup> *Ibid.*, p. 29.

<sup>23</sup> *Critique*, pp. 8-12.

conscious manner”.<sup>24</sup> Therefore, in essence, i.e. in its de-mystified form dialectic is “critical and revolutionary”.<sup>25</sup> Thus, Marx tried to clarify the difference and the identity at the same time, and thought that this explanation would be sufficient. However, again it is not precisely clear what Marx was referring to by describing Hegel’s presentation of dialectic in those terms.

First of all one can think of Hegel’s scientific system of *Logik*. Marx may have been referring to Hegel’s *Logik*, but his answer to his contemporaries seems to be that *Logik* is acceptable, in so far as it is regarded not as “the exposition of God as he is in his eternal essence before the creation of nature and a finite mind”, but as the translation of categories and laws of the whole real world into pure forms of thought.<sup>26</sup> To put this point another way, Marx seem to be claiming that it is no problem even if the explication and presentation of *Capital Vol. I* appears as if we had before us a mere *a priori* construction, in so far as we can ignore the specific ontological premises of Hegel’s *Logik*. If this is the case, then why does Marx admit his coquetry with peculiar Hegelian modes of expression? Marx could have simply explained that it is methodologically necessary as he had done in the preface to the first German edition. For in that preface Marx had already recognised the difficulty which the beginning of *Capital* might cause and again in the preface to the French edition, dated 18 March 1872, Marx revealed his worries about the difficulties which the first chapters would present to French readers.<sup>27</sup> Interestingly, in the afterword to the French edition, dated 28 April 1875, Marx included a cross-reference to the afterword to the second German version. Judging from this, he seems never to have realised the ambiguity involved in that afterword itself, although Engels seems to have been aware of it.<sup>28</sup>

It is true that Marx had a habit of playing with words. He was not only a master of literary German, but also a master of analogies, metaphor, simile,

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<sup>24</sup> Marx, *Capital*, Vol. I, p.29.

<sup>25</sup> This understanding of Hegel’s potential character as critic and revolutionary is the same as Engels’ in his *Ludwig Feuerbach and the End of Classical German Philosophy* in Karl Marx and Frederick Engels, *Selected Works* (London: Lawrence and Wishart, 1973), pp. 587-594.

<sup>26</sup> *Werke* 5, p. 44; Miller, p. 50.

<sup>27</sup> *Capital Vol. I*, p.30.

<sup>28</sup> In my view, his *Ludwig Feuerbach and the End of Classical German Philosophy* should be read as a supplementary answer to the criticism of *Capital* on behalf of the late Marx in his own way, but I do not think that Engels could have properly accomplished the task he took up for himself.

inversion, and juxtaposition.<sup>29</sup> There is something special about Marx's discourse which might be based upon not only *De omnibus debitandum*, but also *Omia convertenda*.<sup>30</sup> At the same time his is a mind of an extremely rich culture, and was conversant with Western classics, the history of Western philosophy, culture and literature. Philosophy and the great Western philosophers seem to have dominated Marx's intellectual foundation and constituted his frame of reference. That is to say, that although Marx proposed a programme of radical criticism of all previous philosophers and philosophy and his thought marked a radical break from that intellectual tradition, he always saw himself in relation to this history of Western philosophy. His self-imposed exile in Paris, his subsequent exile in Brussels and then in London, his programme of socio-economic study and even the political activities he undertook during these years did not change this basic attitude. On the contrary, it seems the case that the longer he was away from Germany and the farther he travelled away from his Vaterland, the more he came to concentrate upon critical studies of political economy and history. At the same time he increasingly tried to define his identity in relation to the history of Western philosophy. It is worth remembering that Marx learned the history of Western philosophy from Hegel himself, favouring that thinker because, as he put it, Hegel was "the first to comprehend the whole history of philosophy".<sup>31</sup> Thus Marx is doubly influenced by Hegel. In a sense, Marx looked at everything through the spectroscopy of his high learning, just as a person brought up as a TV drama- and movie addict in his/her formative years might suffer from an idiosyncratic obsession that he or she should act exactly as the heroines or the heroes in movies or TV dramas, each time a crisis is faced.<sup>32</sup> For example, Marx wrote to Engels, 18 June 1862:

It is remarkable how Darwin recognises among beasts and plants his English society with its division of labour . . . and "the Malthusian struggle for existence". It is Hobbes's *bellum omnium contra omnes*, and one is reminded of Hegel's *Phenomenology*, where civil society is described as a "spiritual animal kingdom", while in Darwin the animal

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<sup>29</sup> B. Fowkes, 'Translator's Preface' to *Capital I*, p. 88.

<sup>30</sup> D. McLellan, *Karl Marx: His Life and Thought* (London & Basingstoke: Papermac, 1987), p. 457. Hereafter referred to as *Karl Marx*.

<sup>31</sup> *The Letters of Karl Marx*, p. 424.

<sup>32</sup> See *S. W.* p. 300. Also see Marx's letter to Lassalle, 8 November 1855 and 31 May 1858.

kingdom figures as civil society . . . <sup>33</sup>

Among others, Hegel's works seem to dominate his obsessions. Again Marx wrote in his letter to Engels, 6 April 1863:

Re-reading your book has made me regretfully aware of our age. How freshly and passionately, with what bold anticipations and no learned and scientific doubts, the thing is still dealt with here! And the very illusion that the result will leap into the daylight of history tomorrow or the day after gives the whole thing a warmth and vivacious humour - compared with which the later "grey in grey" makes a damned unpleasant contrast . . .<sup>34</sup>

Here Marx combined not only the learned scientific approach but even his lament of their old age with his disgust for the mature Hegel's most controversial philosophical, i.e. scientific credo in the preface of *Rechtsphilosophie*: "When philosophy paints its grey in grey, a shape of life has grown old, and it cannot be rejuvenated, but only recognised, by the grey in grey of philosophy; the owl of Minerva begins its flight only with the onset of dusk".<sup>35</sup> Marx might have been looking for his Gretchen, the heroine of Goethe's *Faust*.<sup>36</sup> Furthermore, it seems that this way of expressing the learned scientific approach is the hidden key to this puzzling sentence: "To prevent possible misunderstanding, a word. I paint the capitalist and the landlord in no sense *couleur de rose*."<sup>37</sup> Marx even made use of Hegel as an excuse for his delay in replying to Lassalle's correspondence.<sup>38</sup> Most interestingly his Hegelianism almost always appears in two ways: either as a criticism of other writers and thinkers as Hegelians or as a claim that he is the only true disciple of Hegel.<sup>39</sup> That is the reason why, in facing accusations of

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<sup>33</sup> *S. W.* p. 526.

<sup>34</sup> *S. W.* p. 585.

<sup>35</sup> *Werke* 7, p. 28. *Nisbet*, p. 23.

<sup>36</sup> D. McLellan, *Karl Marx*, p. 457.

<sup>37</sup> *Capital* vol. I, p. 20.

<sup>38</sup> *The Letters of Karl Marx*, p. 414.

<sup>39</sup> Cf. Marx's critical comment on L. Büchner, E. Dühring, and G. T. Fechner in his letter to Kugelmann, 27 June 1870 which is referred to at footnote 7 of this chapter. Also see Marx's criticism of Bruno Bauer in *The Holy Family*, and *The German Ideology*, Max Stirner in *The German Ideology*, Proudhon in *The Poverty of Philosophy*, and Ferdinand Lassalle in Marx's letter to Engels, 7 May 1867.

alleged Hegelianism, he drew an analogy in his defence, between the attitude of “the peevish, arrogant, mediocre Epigonoï” and Mendelssohn’s attitude toward Spinoza in the pamphlet: “Moses Mendelssohn to the Friends of Lessing”.<sup>40</sup>

This analogy did not come to Marx on this occasion for the first time, because it had already been mentioned in Marx’s letter to Kugelmann, of 27th June 1870. Dr L Kugelmann, mentioned at the beginning of the afterword to the second German edition of *Capital*, was the friend who persuaded Marx to give a dual exposition in the first edition, which subsequently caused Marx to rewrite the first chapter. This fact suggests that Marx was unsure about his method of exposition, and that both open avowal and coquetry may be regarded as expressions of this indecisiveness. To put it bluntly, Marx consciously used Hegel’s method in *Capital* but somehow had difficulty in justifying its use. In this letter Marx clearly made the point that his method was the critical application of Hegel’s method. Instead of explaining the difference between Hegel’s method and his own, however, his efforts were focused on counter-criticism of Lange’s method. He begins with a frank description of the disappointing postponement of the publishing of the second edition of *Capital Vol. I* and the subsequent delay of the arrival of the income from the first edition, and then moved to the recent responses to *Capital Vol. I* in Germany. Marx bitterly criticises Lange’s method as a most simplistic reduction to a single law, which illuminates the common feature of the dialectical method between Hegel and himself. He writes:

Herr Lange . . . sings my praises loudly, but with the object of making himself important. Herr Lange, you see, has made a great discovery. The whole of history can be subsumed under a single great natural law. The natural law is the *phrase* ( in this application Darwin’s expression becomes merely a phrase) “the struggle for life”, and the content of this phrase is the Malthusian law of population, or, rather, overpopulation.

Thus, instead of analysing the struggle for life as represented historically in varying and definite forms of society, all that has to be done is to translate every concrete struggle into the phrase “struggle for life”, and this phrase itself into the Malthusian “population fantasy”.

One must admit that this is a very impressive method - for bombastic, sham-scientific, pompous ignorance and intellectual laziness.

What this same Lange has to say about the Hegelian method and my

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<sup>40</sup> *Capital I*, pp. 102f, note. See Marx’s letter to Kugelmann, 27 June 1870 which is referred to in footnotes 13 and 20 of this chapter.

application of it is truly childish. First he understands *rien* of Hegel's method, and thus secondly, even much less of the critical way I applied it. In one respect he reminds me of Moses Mendelssohn. That archetype of a windbag once wrote to Lessing, asking him how he could take *au sérieux* "the dead dog Spinoza"! Similarly, Herr Lange wonders why Engels, I, etc., take the dead dog Hegel seriously . . .

Lange has not the least idea that "free movement in material" is nothing but a paraphrase for the *method* of treating the material -namely, the *dialectical method*.<sup>41</sup>

This "free movement in material" seems to be virtually the same as the new scientific method Hegel claimed in the preface to the first edition of *Enzyklopädie*. According to Hegel, his method is different from both the method of other sciences and the mannerism of the philosophy of his day which imposed a sort of assumed set of external formulae upon materials so as to produce an appearance of scientific necessity. On the other hand, his philosophical method is identical with content.<sup>42</sup> Therefore, it moves freely in the materials, exploring the movement inherent in the object or content.

There is also a tendency in Marx which one is almost tempted to call his "metaanajuctainversimilesioposilogiphoric pedantry" which expressed itself in a willingness to criticise miserable German academics and likewise miserable, popular German writers in the opposition who had time, money, and easy access to university libraries.<sup>43</sup>

As we have seen above, Marx claimed in 1873 that he had completed the critique of the mystifying side of Hegelian dialectic about thirty years earlier. It is certainly true that, in 1843 Marx had tried thoroughly to criticise Hegel's *Philosophy of Right* and Hegel's philosophy in general in a manner that can be understood as the critique of the mystifying side of Hegel's dialectic. This is not yet the place to examine the content of Marx's critique of Hegel's *Philosophy of Right*. Instead, next I will review the preface to *A Critique of Political Economy* (1859), because although this preface provides the reader with a concise curriculum vitae of his intellectual achievements, Marx gave a different account of *Critique* from the one given in *Capital* which we have seen above.

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<sup>41</sup> *The Letters of Karl Marx*, pp. 273f.

<sup>42</sup> Hegel, *Werke* 8, pp. 11, W. Wallace, 'Bibliographical Notice', in *Hegel's Logic*, pp. xxxv-xxxvi.

<sup>43</sup> For example, Marx's letter to Engels, 1 February 1858 in *The letters of Karl Marx*, p. 420.

This preface says that “the first work which” Marx undertook “for a solution of the doubts which assailed him” was a critical review of Hegel’s *Philosophy of Right*, “a work whose introduction appeared in 1844 in the *Deutsch-französische Jahrbücher*”.<sup>44</sup> His research led him to the conclusion that “legal relations as well as forms of state are to be grasped neither from themselves nor from the so-called general development of the human mind, but rather have their roots in the material conditions of life, the sum total of which Hegel, following the example of the Englishmen and Frenchmen of the eighteenth century, combines under the name of “civil society”, that, however, the anatomy of civil society is to be sought in political economy”.<sup>45</sup> According to this “short intellectual autobiography”, the motive for criticising Hegel’s political philosophy is not necessarily incompatible with, but nevertheless is clearly different from Marx’s recapitulation of what he had done in *Critique* in the afterword to *Capital*. It suggests that this “short intellectual autobiography” should be read as a summary from a specific vantage point: that is to say as an intellectual struggle from the view point of his own politico-economic studies. This is in effect his curriculum vitae which was submitted to *political economy*. This must be stressed because Marx repeats this point once again towards the end of this same short preface.<sup>46</sup> To put this point another way, the other aspects of his intellectual autobiography are out of focus, and consequently, his account of his motive for writing *Critique* is oversimplified. Marx’s initial motive was altogether different and the result he came up with as a product of his studies is also oversimplified. Nonetheless, it is true that, as this preface suggests, *Critique* is a singularly important turning point in Marx’s thought. Furthermore, Marx’s understanding of Hegel’s notion of civil society is similarly questionable, and this also has its origin in *Critique*. In short, more attention must be paid to Marx’s earlier struggles with Hegel, primarily expressed in *Critique* and less significantly in his other early writings.

## II. A GERMAN WITH JEWISH ORIGINS AND A CHRISTIAN WORLD WITH JEWISH ORIGINS

Marx was a German philosopher, born the eldest son in a Jewish family with a long rabbinic tradition on both sides of his family. His father was a

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<sup>44</sup> *S. W.* p. 389.

<sup>45</sup> *Ibid.*, p. 389.

<sup>46</sup> *Ibid.*, p. 388, p. 391.

Jewish lawyer who converted to Christianity for political reasons. He was possessed of a strong enlightened and liberal tendency. His mother was the last in his family to be converted to Christianity.<sup>47</sup> Marx himself was baptised in 1824 with his other brothers and sisters. David McLellan points out that though “it would be quite mistaken to dismiss the influence of this immense tradition, this tradition is more or less part of the Western intellectual heritage, but it would be too simplistic to understand Marx’s thought as a form of secularised Judaism”.<sup>48</sup> Although it is possible and perhaps to some extent necessary to look at Marx’s thought from the viewpoint of his ethnic origin, we do not have enough material to decide whether this aspect comes from his own family background or from a general background in the Judeo-Christian tradition.<sup>49</sup> In this section, therefore, I have to confine myself to a limited treatment of the question of Marx’s ethnicity only in so far as it can illuminate Hegel’s and Marx’s astonishingly similar ways of looking at the Germano-Christian world.

With regard to their attitude towards Jewishness, it is well known that Hegel criticises the mentality of Judaism harshly in comparison with the beautiful ethos of ancient Greece in “The Spirit of Christianity and its Fate” and that Marx condemns the secularised ethos of Jews in “On the Jewish Question”. Here Hegel criticises the spirit of Jews, saying:

It is no wonder that this nation, which in its emancipation bore the most slavish demeanour, regretted leaving Egypt, wished to return there again whenever difficulty or danger came upon it in sequel, and thus showed how in its liberation it had been without the soul and the spontaneous need of freedom.

The liberator of his nation was also its lawgiver; this means only that the man who had freed it from one yoke had laid on it another. A passive people giving laws to itself would be a contradiction.<sup>50</sup>

Marx unconsciously echoes his mentor, saying:

What was the implicit and explicit basis of the Jewish religion?

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<sup>47</sup> D. McLellan, *Karl Marx*, p. 4f. See also David McLellan, *Marx Before Marxism* (London and Basingstoke: Macmillan, 1980) (2nd edition, 1st in 1970), pp. 28-32.

<sup>48</sup> D. McLellan, *ibid.*, p. 5f. D. McLellan, *ibid.*, p.27.

<sup>49</sup> D. McLellan, *ibid.*, pp. 27-28.

<sup>50</sup> *Werke I*, pp. 282-283, Hegel, *Early Theological Writings*, trans. T. M.. Knox (Philadelphia: University of Pennsylvania Press, 1981), p. 190.

Practical need and egoism. The monotheism of the Jew is therefore in reality the polytheism of many needs, a polytheism that makes even the lavatory an object of divine law . . . The money is the jealous god of Israel before whom no other god may stand . . . What lies abstract in Jewish religion, a contempt for theory, art, history, man as an end in himself, is the actual, conscious standpoint, the virtue of the species-relationship itself, the relationship of man to woman, etc., becomes an object of commerce! Woman is bartered.<sup>51</sup>

It is quite possible to read both passages as confessions of similar anti-Semitic sentiments if these phrases are taken out of context. The important point here is that both Hegel and Marx saw their modern Christian world, i.e. capitalist society as a sort of spiritual return to the original Judaism.<sup>52</sup> In Hegel, this way of looking at the Germano-Christian world appears for the first time in his unpublished manuscript “Positivity of Christian Religion” which criticises the Western Christian state and its established church, saying:

Christians have thus reverted to the position of the Jews. The special character of the Jewish religion - that bondage to law from which, Christians so heartily congratulate themselves on being free - turns up once more in the Christian church.<sup>53</sup>

In the manuscript, “The Spirit of Christianity and Its Fate” Hegel even advanced to an attempt to analyse the socio-historical foundation of Judaism with a method of comparative culture, which reminds us of not only Feuerbach but also Marx and Max Weber.<sup>54</sup> For example, Hegel compares the Jewish world to ancient Greece and other civilisations, saying:

In other peoples the state of independence is a state of good fortune, of humanity at a more beautiful level. With the Jews, the state of independence was to be a state of total passivity, of total ugliness.

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51 S. W, p. 60.

52 Y. Kanaya, “Political Economy in the Young Hegel’s Thought: ‘Kingdom of God’ and ‘the Fate of Property’ ”, *Seikei*, Vol. 24 (Tokyo, December 1985), pp. 42-67.

53 *Werke I*, p. 184, Hegel, op. cit., p. 139.

54 G. Lukács, *Der junge Hegel* (Frankfurt am Main: Suhrkamp Verlag, 1973), pp. 139-159, *The Young Hegel*, trans. R. Livingstone (London: Merlin Press), pp. 77-88. There is some difficulty in following Lukács’ argument in this book, unless we take up his political position, that a sort of dual or triple intellectual struggle is taking place in a peculiar political situation.

Because their independence secured to them only food and drink, an indigent existence . . . this animal existence was not compatible with the more beautiful form of human life.<sup>55</sup>

The fate of the Jewish people is the fate of Macbeth who stepped out of nature itself, clung to alien Beings, and so in their service had to trample and slay everything holy in human nature, had at last to be forsaken by his gods (since these were objects and he their slave) and be dashed to pieces on his faith itself.<sup>56</sup>

All the subsequent circumstances of the Jewish people up to the mean, abject, wretched circumstances in which they still are today, have all of them been simply consequences and developments of their original fate. By this fate - an infinite power which they set over against themselves and could never conquer - they have been maltreated and will be continually and will be mistreated until they appease it by the spirit of beauty and so annul it by reconciliation.<sup>57</sup>

Marx again echoes Hegel without knowing about those manuscripts at all, saying:

Christianity had its origin in Judaism. It had dissolved itself back into Judaism.<sup>58</sup>

The following two points must be noted here. The first point is that Marx as well as Hegel took up Judaism as a metaphor for the spiritual principle which dominated their contemporary world with an amazingly similar inspiration, possibly from the same origin, namely the Bible and Shakespeare's plays and with their own keen insights into the socio-historical condition of Judaism. In other words, there is nothing anti-Semitic as such in either of their writings, although it is arguable as to the extent of how far the Bible, *The Merchant of Venice* and other Shakespearean plays had contributed to anti-Semitism in the Western world. The second point is that both philosophers looked at their modern Christian - German world as a return to or as a universalisation of Jewish principles and took this singularity to be one of the most negative

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<sup>55</sup> *Werke I*, p. 298, Hegel, op. cit., p.202.

<sup>56</sup> *Werke I*, p. 297, Hegel, op. cit., p. 205.

<sup>57</sup> *Werke I*, p. 292, Hegel, op. cit., pp. 199f.

<sup>58</sup> *S.W.* p. 61.

characteristics of their age. In both thinkers one can see a sense of bitter grief at the German historical and socio-political situation. This grief has something not only to do with the Jewishness of their time but also to do with the backwardness of Germany. In Hegel's case, this is most evident in his unpublished manuscript, "The German Constitution" which is supposed to have been written and rewritten during the years from 1799 to 1802.<sup>59</sup> Hegel wrote: "Germany is no longer a state".<sup>60</sup> He tried to explain his intention of "The German Constitution" as "a voice of a soul" which is going to abandon the hope to see the revival of Germany as a state for good, but nevertheless going to try to get some image of a possible revival as one last attempt.<sup>61</sup> According to Hegel, no other country has a more strange and miserable constitution than Germany, a sort of despotism, so much the case that it was impossible even for the government-employed professors of state science to classify the German constitution by the famous Aristotelian definition of a constitution: that is why Germany ceased to be a state. If Germany is to be called a kind of state, then there is no other name for this other than as a state of anarchy, as Voltaire clearly saw it.<sup>62</sup> Hegel even gave Germany an inscription: "Fiat iustitia, pereat Germania!"<sup>63</sup> Hegel seems to have looked at the German situation almost in the same way as Hölderlin did in *Hyperion*.<sup>64</sup> As S. Avineri has pointed out, unlike Hölderlin, and still less Hegel's other contemporaries, Hegel had a rare insight into a common characteristic underlying not only Prussian absolutism but also French radical republicanism.<sup>65</sup>

As for Marx, his sorrow at the miserable condition of Germany is most evident in his letter to Ruge, May 1843. Marx wrote from Cologne:

The philistine world is the *political animal world*, and once we recognise its existence, we have no choice but simply to describe the

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<sup>59</sup> *Werke I*, p.451, p. 457, p. 582, p. 603.

<sup>60</sup> *Ibid.*, p.603.

<sup>61</sup> *Ibid.*, p. 452.

<sup>62</sup> *Ibid.*, p. 452.

<sup>63</sup> *Ibid.*, p. 470.

<sup>64</sup> *MEGA 1-1-1* p. 558. In his letter to Marx from Berlin, March 1843, Ruge quoted a part of *Hyperion* and explained to Marx that it was the motto which expresses his feelings toward Germany, cf. F. Hölderlin, *Hyperion*, (Stuttgart: Philipp Reclam jun., 1990), pp. 171-172.

<sup>65</sup> *Werke I*, p. 484. See S. Avineri, *Hegel's Theory of the Modern State* (London: Cambridge University Press, 1972), p.49, pp. 47f.

status quo accurately. Centuries of barbarism have produced it and formed it, and here it stands now as a consistent system whose principle is a *dehumanised world*. The most fully realised philistine world, our Germany, must naturally remain far behind the French Revolution, which restored man again; and a German Aristotle who would derive his political ideas from our situation would have to write at the head of his chapter: "Man is a social, yet a thoroughly unpolitical animal".<sup>66</sup>

This was written as a reply to Ruge's letter of March 1843, a very pessimistic letter concerning the political situation of their fatherland, beginning with an impressive quotation from *Hyperion*. It might well have been written just before Marx began to make his lengthy annotation on Hegel's *Philosophy of Right*. Marx's reply is not quite optimistic; in fact it is quite unpleasant, calling his own countrymen thoroughly unpolitical animals.<sup>67</sup> Ruge takes the same position as Hölderlin; and Marx assumes Hegel's position. Neither Marx nor Ruge knew of the close relationship between Hölderlin and the young Hegel, because Hegel did not openly mention his close relationship with this tragic genius after his friend became insane. Clearly the epithet of a "political animal world" is again inspired by a "spiritual animal world" in Hegel's *Phänomenologie*, quoted from Marx's letter above. Unconsciously as well, Marx looked at the situation of Germany through the young Hegel's eyes. Even the allusion to Aristotle is surprisingly the same.

Several months later in "A Contribution to the Critique of Hegel's *Philosophy of Right*" Marx's attitude towards the misery of Germany became much more evident. He says:

If we were to begin with the German status quo itself, even in the appropriate way, which is negatively, the result would still be an anachronism. For even the negation of our political present is already a dusty fact in the historical junkroom of modern nations. If I negate powdered wigs, I still have unpowdered wigs. If I negate the German

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<sup>66</sup> Marx, *The Letters of Karl Marx*, p.26.

<sup>67</sup> It is possible to think that these are variations of traditional definitions such as "zoon politikon" and "animal rationale". But clearly both the Hegelian and Marxian ways of expression imply the totally critical meanings, let alone "economic animal" which is quite different from Homo Economicus.

condition of 1843, I am according to French chronology barely in the year 1789, and still less at the centre of the present day.<sup>68</sup>

France and England were modern nation states for both Hegel and Marx. However bitter their sentiment towards their fatherland might be, somehow, (although it is open to criticism), both Hegel and Marx succeeded in locating Germany in the main currents of European history.<sup>69</sup> Their nationality made such a thing possible, and even natural for them, but such is not the case with scholars from other nations. For example, there was no possibility for Japanese intellectuals to do anything similar. Interestingly (and perhaps ironically) German culture has had an especially positive meaning in modern Japanese history, an era consisting of little more than one hundred years of modernisation after having been compelled to abandon its policy of isolation by the USA in the middle of the nineteenth century.<sup>70</sup> To catch up with modern technology and retain her independence, both in terms of military power and the wealth of modern European countries, Japan had to undergo a bloody civil war and a political and social revolution.<sup>71</sup> The Japanese have learned a great deal from Western civilisation, and the period of the Meiji Restoration (from 1868) was a time of transition, when some scholars who had been previously trained to read Chinese and Dutch books began to read British, American and French books, and finally the works of German authors. In 1871 a scholar first coined the Japanese word which translates

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<sup>68</sup> Marx, "A Contribution to the 'Critique' : Introduction", in *Critique of Hegel's 'Philosophy of Right'*, ed. & trans. J O'Malley (London: Cambridge University Press, 1972), p. 132

<sup>69</sup> In the Japanese academic world of philosophy there is a tradition of looking at German Idealism as well as the Young Hegelians, as having the peculiar advantage of being backward. To my knowledge, it was established by the late professor S. Yamazaki in his study of Kant, and was developed by professor H. Kato in his study of Hegel and the late professor C. Rachi's study of the Young Hegelians.

<sup>70</sup> Cf. S. Yamamoto, *What is Japanese? Vol. 2* (Tokyo: P H P Institute, 1989), p.p. 36-96. He argues with his Christian background that Japan's isolation is primarily a result of the efforts of Christian missionaries and the colonialism of western countries, especially Spain and Portugal and is secondly a result of competition between western countries. Nevertheless, Japanese isolation was not complete, because she maintained trade relations with Holland and China. These were, however, very limited links with the rest of the world both in terms of scale and the geographical location of Japan.

<sup>71</sup> In Asia, only Thailand and Japan managed to retain their independence. Traditionally the notion of revolution was imported from China, like many other things. Officially, the Japanese use the term "restoration" to refer to this enormous social and political transformation.

“philosophy”.<sup>72</sup> In 1879 the first lecture on Hegel was given by a German teacher at the University of Tokyo.<sup>73</sup> Gradually, England and Germany became the most important sources of new culture. Although there was no such thing as a classic education in the sense of that which is taught in modern European secondary schools, high schools were built for the elite, modelled on the German Gymnasium and English public schools. Given the traditional Japanese monarchy that claimed status as the one hundred and twenty-second direct descendant of the founder of the Japanese state, it is not difficult to understand such circumstances. Japan underwent modernisation at a late date, and turned to Germany as a source of many applicable examples and models, due to the fact that Germany was also a late starter in the modernisation process among modern European countries. The new constitution of the Japanese Empire (1889), in effect the first constitution in the history of that nation, which of course was a kind of “Charte constitutionnelle”, was modelled on the German examples.<sup>74</sup> In 1890 a Japanese scholar, who was reputed to be an expert in German philosophy, became Rector at the University of Tokyo, a position similar to those held by Fichte and Hegel at the University of Berlin in the early nineteenth century. There were not as many German teachers, engineers, and doctors in Japan at this time as there were during the pre-revolution era of Russia, but situation was similar. Unlike the situation in Russia, there were no strong currents of Hegelianism in Japan, but Kant, Fichte and Hegel (in short German Idealism) became the most important sources of ideology in relation to the establishment of the Meiji Government and Japan’s subsequent reform as a nation state, and to some extent this German Idealism dominated the academic philosophical world. At the same time philosophy was highly valued as a prerequisite to, and an indispensable part of general education. Though there was no possibility of locating Japan in the history of Western civilisation, the nation needed something through which the modern world could be understood. In addition to such an understanding of modern culture, the Japanese also needed an ideology to accommodate the new world and to form their new state. The ideas of a “wealthy and strong Japan” and “Japanese soul and Western technology” clearly show the identity crisis of Japan as a nation and a culture. Westernisation and modernisation were inevitable but the Japanese tried to avoid adopting the most advanced

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<sup>72</sup> Y. Kanaya, *Hegel Dictionary*, ed. H. Kato (Tokyo: Kobundo, 1992), p. 485.

<sup>73</sup> T. Ito, “Modern Japanese Philosophers” in *Riso*, No. 646 (Spring/Summer, 1990), p.115.

<sup>74</sup> *Constitutions of the World*, ed. T. Miyazawa (Tokyo: Iwanamishoten, 1989), p. 424.

Western way of looking at things. That is why from the Japanese viewpoint, Germany seemed to have many parallels with traditional Japanese culture. Therefore, even the problematic differentiation of profound German culture from other shallow Western civilisations was taken almost at face value. German Bildungsromans, prominently represented by Goethe, were also popular. Accordingly, the German language was the most important foreign language along with English until the end of the Second World War.<sup>75</sup> Placing Hegel's reception in Japan against this background, it is rather easy to understand that Hegel's philosophy was accepted as a nearly perfect ideological system for supporting the Prussian monarchy and could be similarly applied in the support of the Japanese monarchy. Hegel's political philosophy even seemed to claim the superiority of Germany over England, France and the USA.

As the last resort for the solution of the undeniable backwardness of Germany, Marx managed to think of taking the German spiritual and intellectual tradition at face value, a concept conceived and completed by Hegel. In his attitude toward Hegel, however, he seems to display complex, ambivalent feelings toward Hegel's academism and German backwardness which even Hegel could not avoid.<sup>76</sup> This becomes most evident when Marx contrasts Hegel with Ricardo as a symbol of backward German culture compared with advanced English civilisation:

Here we are, right in Germany! We shall now have to talk metaphysics while talking political economy. And in this again we shall but follow M. Proudhon's "contradiction". Just now he forced us to speak English, to become pretty well English ourselves. Now the scene is changing. M. Proudhon is transporting us to our dear fatherland and is forcing us, whether we like it or not, to become German again. If the Englishman transforms men into hats, the German transforms hats into ideas. The Englishman is Ricardo, rich banker and distinguished economist; the German is Hegel, simple professor.<sup>77</sup>

Hegel is the sole hope and possibility of pushing backward Germany up to the level of the historical present of France and England, but even Hegel is completely out of date.

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<sup>75</sup> During the Second World War, not only were English lessons in middle school abandoned, but even the use of English words was completely avoided in ordinary life.

<sup>76</sup> Cf. Marx's comment on the Hegelian comparison with D. Ricardo.

<sup>77</sup> *S.W.* p. 198.

### III. A KANTIAN, FICHTEAN, ROMANTIC

After staying for one academic year in Bonn, Marx moved, and read law, history, and philosophy at the University of Berlin, which was located on the main street of the capital of Prussia, Unter-den- Linden.<sup>78</sup> At this time Marx was primarily a pupil of Kant and Fichte rather than Hegel. The circumstances under which his conversion to Hegelianism occurred can be found in a long letter to his father.

In a long letter from Marx, in Berlin, to his father, written on 10 November, 1837, one can find many interesting lines about Marx during this period. Although it is sometimes too poetic, one can see what he read, what he thought, and what he wrote. Marx did not write letters to his father as many times as his father did to him. In this letter, however, Marx seems to have written about whatever might impress his father concerning his intellectual and academic life, from the time of his transfer to Berlin. It was written with a clear knowledge that he was at a crucial turning point in his life. Writing about how hard he had been studying law, he simultaneously made efforts to make his father realise how vital it was to study philosophy. Marx even discussed the apparent merit of learning Hegel's philosophy in terms of his future career in jurisprudence and the academic world.<sup>79</sup> He writes:

In my state of mind then, lyrical poetry was necessarily the first, at least the most pleasant, project I embarked upon, but, in accord with my position and previous development, it was purely idealistic. . .  
Poetry, however, was to be merely a companion; I had to study law and I felt above all an urge to grapple with philosophy.<sup>80</sup>

It was his father's strong wish that Marx concentrate on legal studies, but in Marx's opinion, law and philosophy were inseparable. This was so much the case that he tried to work out a philosophy of law [*eine Rechtsphilosophie*].

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<sup>78</sup> The large painting by Franz Krüger, entitled "Parade auf den Operplatz" (1822) shows the atmosphere of the area of the University of Berlin. In 1818 Hegel was nominated to the position of Professor of Philosophy at the University of Berlin and came up from Heidelberg. He continued to hold the Chair until his death in 1831.

<sup>79</sup> MEGA, 1-1-2, p. 213 - 221. *The Letters of Karl Marx*, pp. 4-12.

<sup>80</sup> Ibid., p. 5.

This attempted philosophy of law had at this stage nothing to do with Hegel's *Rechtsphilosophie*, since it is in this process of attempting to establish his philosophy of law, that he became, in the meantime, disturbed by the contradiction between “the Is” and “the Ought” which is characteristic of Kantian and Fichtian Idealism.<sup>81</sup> Marx described this point as the place where the philosophy of law becomes divorced from the practice of law. He drew a parallel between himself and Fichte.

This vantage point of reflection on his past intellectual struggle in law and philosophy, however, is already close to a Hegelian one, because in his *Logik* Hegel repeats that “the philosophy of Kant and Fichte sets up the ought as the highest point of the resolution of the contradictions of Reason; but the truth is that the ought is only the standpoint which clings to finitude and thus to contradiction”.<sup>82</sup>

#### IV. THE FIRST ENCOUNTER: GROTESQUE CRAGGY MELODY

The letter also shows that until about this time, or more specifically before he met members of the Berlin Doctors Club, especially Bruno Bauer, Marx had a stronger affinity with Kant and Fichte than he did with Hegel. To put this point another way, Marx constitutionally or dispositionally did not like Hegel's philosophy as such. Although Marx had already read a part of Hegel's works, he did not like “its grotesque craggy melody”.<sup>83</sup> Therefore although he showed a strong determination to read Hegel once again, it was with a certain limited purpose. It seems almost impossible to understand exactly what Marx means by this phrase. To read Hegel is always difficult, this is especially the case with *Phänomenologie* and *Logik*, since the former is so complicated and confusing in its structure and so abstract in its form of presentation, whereas the latter takes only the purely logical categories and their movement as its topics. In this sense, these two works significantly differ to his other works, for example, *Rechtsphilosophie*, to say nothing of *Philosophy of History*. There is a natural temptation, therefore, to attribute his emotional comment to these two works. Besides, in later years both works were to become the main targets of Marx's critique of Hegel as well as the key sources from which Marx learned a great deal.

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<sup>81</sup> Ibid., p.5.

<sup>82</sup> *Werke 5*, p.148, p. 181; *Miller*, p.137, p. 163

<sup>83</sup> *MEGA*, 1-1-2, p. 218; *The Letters of Karl Marx*, p.9.

Looking at this letter in this light, it appears that it was written in the spirit of *Phänomenologie* rather than *Logik*. Firstly, Marx shows a sense of transition in his intellectual history, which is similar to Hegel's in *Phänomenologie*. Secondly, he shares the vantage point of criticising Kant, Fichte, and above all the Romantics with Hegel. Thirdly, as far as this letter is concerned, he displays the same critical attitude toward mathematical truth which Hegel holds in the preface to *Phänomenologie*. Finally, he shares the sense of world history. On the other hand, one can see some points which are apparently similar to the problematic fundamental premises in *Logik*, although one can find the term "melody" in *Phänomenologie*. This does not seem relevant to this particular point. In both works, however, one can find the term "rhythm". Interestingly the usage of this last term seems to have something to do with this point.

Towards the end of the preface to *Phänomenologie*, Hegel writes:

It is in this nature of what is to be in its being its own Notion, that logical necessity in general consists. This alone is the rational element and the rhythm of the organic whole; it is as much knowledge of the content is the Notion and essence . . . in other words, it alone is speculative philosophy . . . this nature of scientific method, which consists partly in not being separate from the content, and partly in spontaneously determining the rhythm of its movement, has . . . its proper exposition in speculative philosophy.<sup>84</sup>

About five years later, in May, 1812, in the preface to *Logik* Hegel concurs with the above quoted paragraph, saying:

It is clear that no expositions can be accepted as scientifically valid which does not pursue the course of this method and do not conform to its simple rhythm, for this is the course of the subject matter itself.<sup>85</sup>

It is always difficult to quote Hegel's texts, especially in the cases of *Phänomenologie* and *Logik*. Above all, the preface of *Phänomenologie* performs two discrete and perhaps contradictory tasks. On the one hand, Hegel claims that strictly speaking only *Logik* is speculative, and is therefore a science. On the other hand, however, he maintains, at least in the preface,

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<sup>84</sup> Werke 3, pp. 54f; Miller, pp. 34f.

<sup>85</sup> Werke 5, p. 50; Miller, p. 54

that the way to science itself i.e. *Phänomenologie*, is also a part of science and he even gives it a subtitle at this point: *System of Science Part One*.

First of all we have to remember that although it might sound strange to us, the term, “speculative”, is used in an absolutely positive fashion in Hegel's philosophical thought.<sup>86</sup> According to Hegel, any true philosophy is always Idealism. Among others, Hegel's philosophy is *the Absolute Idealism* which shows that philosophical truth is the organically articulated whole, i.e. the system in which that substance is shown at the same time as subject through the movement of exposition. In addition, from Hegel's viewpoint, form is not something imposed on material from outside, but is identical to content. Therefore, any true system of science can and must be described through the movement of form i.e. logical category, which is identical to content. Thus, Hegel seems to be saying that the logical necessity of this movement has a simple rhythm.

To Marx, as a Kantian, Fichtean Romantic, this rhythm might have sounded “grotesque and craggy”. But to Marx, as a person suffering from the dilemma of the Ought and the Is, Hegel's methodology must have sounded most encouraging. Later, in *the Poverty of Philosophy*, however, Marx begins to criticise Hegel's formalism as well as Proudhon's Hegelianism as follows:

It is of this absolute method that Hegel speaks in these themes:

Method is the absolute, unique, supreme, infinite force, which no object can resist ; it is the tendency of reason to find itself again, to recognise itself in every object (Logic, Vol. III).

. . . all things being reduced to a logical category, and every movement, every act of production, to method, it follows naturally that every aggregate of products and production . . . can be reduced to a form of applied metaphysics. What Hegel has done for religion, law, etc., M. Proudhon seeks to do for political economy.

So what is this absolute method? . . . wherein does the movement of pure reason consist? In posing itself, composing itself, in formulating itself as *thesis, antithesis, synthesis, or yet again, in affirming itself, negating*

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<sup>86</sup> The negative meaning of speculation arises in Luther's polemic against the Aristotelian-Thomist tradition. See the very informative historical account of the implications of the term “speculation” and “speculative system”, from Augustine and Boëthius to Kant and Hegel, J. Hoffmeister, *Wörterbuch der Philosophischen Begriffe* (Hamburg: Felix Meiner Verlag, 1955), pp. 570.

*itself, and negating its negation.*<sup>87</sup>

In this paragraph, Marx's critical stance toward Hegel's logo-centrism and formalism is evident. Looking at the development of Marx's thought from the first encounter with Hegel in retrospect, it appears as if at last Marx has come to articulate his earlier emotional antipathy to Hegel's melody in his criticism of Hegel's logo-centrism and formalism, creating the famous formula "thesis, antithesis, synthesis" as a catch phrase.<sup>88</sup> What made Marx compare Proudhon to Hegel? Is it fair to say that Proudhon's *Philosophy of Poverty* is analogous to Hegel's *Philosophy of Religion* and *Philosophy of Right*? What has happened during these years? This, however, is not the place to examine Marx's criticism as such. We are only looking at Marx's ambiguous and ambivalent attitudes toward Hegel. It might, however be noteworthy that one can not find this formulation in Hegel's works at all.<sup>89</sup> It is not a vital question whether Marx has coined this formulation alone or whether Marx borrowed it from H. M. Chalybäus, as A. W. Wood suggests.<sup>90</sup> However, it is a vital point whether or not Marx understood Hegel rightly in recapitulating Hegel's philosophy like this, although Marx acknowledges that he is Hegel's disciple in *Capital Vol. I*, as we have seen above. Given this overgeneralisation of Hegel's method on Marx's part, this path seems worth examining. One has also to examine *Critique*, because that is the point where Marx for the first time launches his harsh critique of Hegel's political philosophy as well as Hegel's philosophy in general. Besides, as Engels suggests in the introduction to *Ludwig Feuerbach and the End of Classical German Philosophy*, no full-scale criticism of Hegel by Marx was published except *Critique*, which was first published in 1927 and first translated into English by J. O'Malley in 1970, receiving relatively little attention in comparison to his other unpublished manuscripts such as "Economic and Philosophical Manuscripts", *The German Ideology* and even his *Grundrisse*.

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<sup>87</sup> *S. W.* p. 201, italics added. Also see p. 200. In "Economic and Philosophical Manuscripts" Marx criticises Hegel's logo-centrism, this time using money as a metaphor: "Logic is the money of the mind, the speculative thought-value of man and nature". *S. W.* p. 99.

<sup>88</sup> Cf. A. W. Wood, 'Editor's Introduction' to *Elements of the Philosophy of Right* (Cambridge: Cambridge University Press, 1991), p. xxvii, p. xxxii, note 17.

<sup>89</sup> If I recall correctly I was first taught this fact by Professor O. Sakai, in 1970. I also learned that Marx first used this formulation in *The Poverty of Philosophy* by Professor H. Kato, 1973.

<sup>90</sup> A. W. Wood, 'Editor's Introduction' to *Elements of the Philosophy of Right*, p. xxxii. Marx refers to "triads" elsewhere. For example, in his letter to Engels, 11 May 1870.

## V. MARX'S CRITICAL HEGELIANISM

If Marx's student life at the University of Bonn can be best illustrated by his attendance at August Wilhelm von Schlegel's lectures on philosophy and literature, then his life as a law student at the University of Berlin can be best illuminated by his attendance at Eduard Gans's lectures.<sup>91</sup> When Marx came to Berlin in October, 1836, Hegel had been dead for nearly five years. Gans had taken over Hegel's lecture on the philosophy of right for some years. He can be regarded as a representative of the Hegelian School which linked Hegel and Marx in terms of both generation and theory.<sup>92</sup> Marx was forty-eight years younger than Hegel, who was born in 1770, the same year that Karl von Altenstein, Hörderlin and Beethoven were born.<sup>93</sup> They all belong to the generation which saw the French Revolution in their youth and they were then more or less disillusioned by the aftermath of that great historical event. Nevertheless, they were still largely influenced by that spirit and expressed the inspiration of the French Revolution in their own country in their respective fields.<sup>94</sup> As Jacques D'Hondt points out, even while Hegel was alive, neither his status nor his school, (the Hegelian School), were secure. Hegel enjoyed the support of enlightened, reform-minded, highly intellectual

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<sup>91</sup> D. McLellan, *Marx before Marxism*, p. 42, pp. 50-52. A. Schlegel who was known as a German translator of Shakespeare's plays and a Latin translator of Indian literature was the elder of the famous Schlegels, and a leader of the critics of the early German Romantic movement. Both of the Schlegels had been under the strong influence of Fichte, Jacobi, and Schleiermacher. These thinkers, as well as the Schlegels (especially the younger), are sympathetically criticised in Hegel's *Phänomenologie*. For, as is well known, Hegel criticises the German Romantic attitudes radically and bitterly, but at the same time this Weltanschauung constitutes the final form of "Spirit" in *Phänomenologie*. In other words, Hegel was also a Romantic during a certain period of his life. He was under the strong influence of his closest friend Hörderlin as well as his friend Shelling. Like Marx, Hegel also wrote poetry. In this sense, *Phänomenologie* can be read as a self-criticism of his earlier Romanticism and his Kantian-Fichtean approach. Therefore, it can be a solid starting point for the younger generation in Germany, a generation trying to overcome the limitations of any form of Romanticism and Kantian-Fichtean philosophy. Also see *Werke* 20, pp. 420-454.

<sup>92</sup> Eduard Gans (b. March 22, 1797, d. May 5, 1839).

<sup>93</sup> Both Hegel and Hörderlin were born in Württemberg.

<sup>94</sup> Hegel (b. March 20, 1770, d. November 14, 1831), Altenstein (b. October 1, 1770, d. May 14, 1840), Hörderlin (b. March 20, 1770, d. June 7, 1843), Beethoven (b. December 16, 1770, d. March 26, 1827).

civil servants in high places in the Prussian government such as Prince von Hardenberg, Karl von Altenstein, and Johannes Schulze. But even these progressive ministers were under attack from various power blocs.<sup>95</sup> The Hegelian School had to fight a multifaceted intellectual battle against the abstract and voluntaristic nationalists: the followers of Kant such as Jacob Fries who had been an arch rival from Hegel's Jena days, the populist Germanic nationalists of the Allgemeine Burschenschaft which were deeply influenced by Fichte and Friedrich Jahn, their supporters among academics and intellectuals such as Schleiermacher and Humboldt, Romantic nationalists under the Metternich régime such as Adam Müller, Johann von Görres, and the old A. W. Schlegel: simple reactionaries such as Karl von Haller, and above all the Historical School of law represented by Karl von Saviny.<sup>96</sup> Hegel even had to engage in a debate with Schopenhauer during an open forum in 1820 with Augst Böckh acting as chair.<sup>97</sup> Edward Gans was the most prominent opponent of Karl von Saviny from the Hegelian School. He must be regarded not only as Hegel's successor in the field of the philosophy of law and the philosophy of history but he also developed programmes of historical research into Roman law and modern international law.

Marx attended Gans's classes, which is very natural but significant in at least two aspects. Firstly, Gans was a Jew converted to Christianity, just as Marx's father was. The circumstances under which Gans was baptised seem to be almost the same as those of Marx's father.<sup>98</sup> He also was forced to choose between his religion and his career as a civil servant. In Gans' case, however, Hegel's understanding of religion as a representative way of perception and expression of the absolute truth or the Absolute helped to relativise his understanding of both Judaism and Christianity from the ultimate viewpoint of reason. In other words, one of the most significant aspects of Hegel's philosophy which the Young Hegelians later restated in unmistakable terms was the key point of Gans's Hegelianism. Secondly, he was an authentic and popular exponent of Hegel's *Rechtsphilosophie* as well as an expert in Roman law at the University of Berlin. It was Gans who travelled around German Universities on Hegel's behalf to lay the foundations for the Society of Scientific Critique, and later became the first

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<sup>95</sup> J. D'Hondt, *Hegel in His Time*, trans. J. Burbidge (Peterborough, Ont.: Broadview Press, 1988), pp. 41-61.

<sup>96</sup> J. E. Toews, *Hegelianism*, pp. 121-123.

<sup>97</sup> *Hegel Dictionary*, pp. 241.

<sup>98</sup> D. McLellan, *Marx Before Marxism*, p. 111, pp. 129f.

chairman of the Society to realise finally Hegel's long-cherished desire, that of founding a journal of scientific criticism.<sup>99</sup> He was also the editor of *Rechtsphilosophie* (1833, May 29) published shortly after Hegel's death as Volume VIII of Hegel's works, on behalf of an association of seven friends of the deceased: "Verein der Freunde des Verewigten" (2nd edition, 1840, 3rd edition, 1854).<sup>100</sup> From 1827/ 28 onwards he gave lectures on the philosophy of right at Hegel's behest, even though he was not a professor of philosophy, but instead a professor of law at the University of Berlin.<sup>101</sup> He was also the editor of the first edition of *Philosophie der Geschichte* (1837) which after his death was replaced by the second edition edited by Karl Hegel.<sup>102</sup> He was also supposed to be the biographer of *Hegels Leben*, which was eventually written and published by Karl Rosenkranz in 1844. Besides, Gans was the most liberal of Hegel's disciples not only in the area of religion but also in the political aspect of Hegelian philosophy. Perhaps, Heinrich Heine and Gans were the two persons who were most able to gain direct access to Hegel and continued to believe in the critical, radically liberal and even revolutionary nature of Hegel's philosophy, although Heine also had a tendency to recognise the revolutionary potential in Spinoza, Leibnitz, Kant, Fichte, and even in Schelling.

Hoffmeister mentions two versions of an episode that seems to shed light on the conflict between Hegel and Gans. The first is that Hegel had a warning from some corner that Gans had been drawing quite revolutionary conclusions from Hegel's philosophy of right concerning the state of affairs in Poland and Belgium. This shows a very interesting aspect of Hegel's philosophy that should be examined. At first glance, his philosophy seems close-ended, peculiarly German, or even Prussian. However, from this new viewpoint it looks open-ended, dynamic, and therefore of universal applicability. At least there are two privileged positions from which one can examine Hegel's philosophy. The first is the viewpoint from other countries or other traditions. Among Hegel's students there were many foreign students,

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<sup>99</sup> H. Kato, *Formation and Principles of Hegel's Philosophy* (Tokyo: Miraisha, 1981), p. 2. J. E. Toews, *ibid.*, p. 131.

<sup>100</sup> *Werke* 7, pp. 527-529.

<sup>101</sup> According to J. E. Toews and N. Kamiyama, it is not from 1825/26, but instead from the semester 1827/ 1828 when Gans took over Hegel's lectures. Von Henning took the lectures for the semester 1825/26. Cf. *Hegelianism*, p. 98, p. 131, p. 383, note 10. *Hegel Dictionary*, p. 82. However, Moldenhauer and Michel follow the report by Hoffmeister. See *Werke* 7, pp. 525 f, J. Hoffmeister, 'Editor's Note' in *Briefe Von und An Hegel, Vol. 3*, ed. J. Hoffmeister (Hamburg: Felix Meiner Verlag, 1969), p. 472.

<sup>102</sup> Cf. *Werke* 12, pp. 562-566.

and students with different religious backgrounds such as Heine and Gans themselves as well as students from all over Germany. It was natural for them to see that Hegel's philosophy could neither be close-ended nor merely the glorification of the Prussian monarchy, and Gans's students seemed to have taken this approach. The latter perspective is that of the eye from the future which Feuerbach assumed in "Towards a Critique of Hegel's Philosophy" in order to relativise Hegel's system.<sup>103</sup>

The second version of this episode is based upon Arnold Ruge's report. According to his account, Hegel was one day invited to dinner by the Crown Prince. He spoke to Hegel, saying, "It is a scandal that Professor Gans makes all the students republicans. Herr Professor, hundreds of students always attend his lecture on your philosophy of right. It is well-known that he is giving an absolutely liberal, even republican colouring to your work. Why do you not give the lecture yourself?"<sup>104</sup> Hegel apologised, saying that he did not know about such tendencies in Gans's lectures. This is the second version of the beginning of the conflict between the two. Hegel gave notice that he was holding his own lectures on the philosophy of right and the history of philosophy for the semester 1831/32. The lecture on the philosophy of right turned out to be a sort of competitive lecture by the mentor against one of his most popular disciples, which annoyed Gans so much that as a retort he produced a notice recommending students to attend Hegel's lecture. This notice and his recommendation made Hegel angry.<sup>105</sup> Gans, however, made a clean breast of it to Hegel on his deathbed and the two scholars finally reconciled their differences. It is possible that neither version of the origin of this well-known feud between Hegel, the mentor and Gans his beloved disciple, is accurate. However, it must be noted in any case that this conflict does not necessarily mean that Hegel denounced Gans's interpretation of his political philosophy. Rather it seems that this conflict was partly a matter of Hegel's honour and partly a matter of Hegel's political prudence.<sup>106</sup>

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103 Feuerbach, "Towards a Critique of Hegel's Philosophy", in *The Young Hegelians*, ed. L. S. Stepelevich (Cambridge: Cambridge University Press, 1987), p. 99.

104 *Briefe von und an Hegel*, vol. 3, (Hamburg: Felix Meiner: 1969), p. 472. Hegel, *Werke* 7, p. 526. This has been believed to have been the beginning of the conflict between Hegel and Gans. The point is, however, that the existence of this conflict does not necessarily mean that Hegel denounced Gans's interpretation.

105 *Briefe von und an Hegel*, vol. 3, pp. 355f, p. 472.

106 In this respect, I do not agree with Hoffmeister. We owe a great deal to his biographical and bibliographical works, but as D'Hondt duly claims, Hoffmeister is a bit too naive politically to be entrusted to handle the documents alone. His notes also reflect

According to J. E. Toews, Gans interpreted the famous Hegelian thesis on the identity of reality and rationality in an open-ended, dynamic and critical manner. That is to say that to understand Hegel's view properly, one has to recognise that reality is opposed to appearance, that appearance is arbitrary and that the reality in the appearance is that which has intelligibility, and is that to which the Idea was connected. Thus to say that the real is rational and the rational is real is nothing other than to say "the rational has the power to realise itself".<sup>107</sup> It is not certain whether or not Gans thought himself a critical Hegelian, because he seems to have believed that his understanding was the proper interpretation of Hegel's work. But by the standard of a common interpretation among most German intellectuals of that time, Gans was a rare exception, and therefore he should be classified as a critical Hegelian.

As is pointed out above, Marx was strongly inspired by the Hegelian idea of the unity of form and content, of the Hegelian method for overcoming the contradiction between the Is and the Ought and his approach to seeking the ideal in the midst of reality and observing the object in its development. However, this certainly does not mean that Marx's conversion to Hegelianism was unconditional.

On the contrary, his conversion was conditional, because his first effort to write in the Hegelian mode was made through the study of natural science, the works of Schelling and his own historical studies. His study in all three fields seems to have significance for the following reasons. As for natural science, it has been and is regarded as the weakest aspect of Hegel's philosophical thought. As for his studies of Schelling, although it is not clear which work (or works) of Schelling he had read on this occasion, it is suggestive: as Habermas once tried to show by tracing the transition from dialectical idealism to materialism by examining Schelling's thought, there is a strong potential in Schelling's thought which can relativise Hegel's system and in effect transform it into dialectical materialism.<sup>108</sup> As for his study of history, he might have been either under the influence of Gans as a critical Hegelian or von Savigny as a radical opponent.

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the lack of precision and vagueness of his own political thought. Cf. J. D'Hondt, *op. cit.*, pp. 120-4.

<sup>107</sup> E. Gans, *Naturrecht: Vorlesungsnachschrift* (1828-9), in Eduard Gans, *Philosophische Schriften*, ed. H. Schröder (Glashütten in Taunus, 1971), p. 44, cited by J. E. Toews in *Hegelianism*, p. 132.

<sup>108</sup> J. Habermas, *Theorie und Praxis* (Frankfurt am main: Suhrkamp Verlag, 1988, 1st ed. 1963, Hermann Luchterhand Verlag), pp. 172-227.

The second effort, Marx's intensive reading of Hegel's works, had a limited, specific intention. At first he seems to be concerned with the relations between philosophy and law. Then he seems to have shifted his focus to the aesthetical aspect of Hegel's philosophy. In any case Marx was not at all ready to accept Hegel's philosophy as such. Furthermore, he had been a member of the Berlin Doctors Club which was eventually to develop into the core of the Young Hegelians movement. Besides, Marx was first and foremost a student of Gans.

It is quite interesting that the long letter to his father does not mention Gans at all, although he mentions the Hegelian School of Law, Hegel's philosophy, most of Hegel's disciples, all the famous experts on aesthetics of the Hegelian School, Dr Rutenberg, Bruno Bauer, and the name and work of von Savigny.<sup>109</sup> We do know that in the semester of 1836/37, which his report in the long letter to his father should have covered, Marx attended not only von Savigny's lecture but also Gans's lecture on Criminal Law, and the comments on his attendance were given "regular" [fleißig] and "very regular" [ausgezeichnet fleißig] respectively.<sup>110</sup>

In conjunction with this educational experience we must take up three points about Marx's upbringing and background. Firstly, his father was a lawyer, and besides having Savigny's *The Law of Property* [*Das Recht des Besitzes*] in his personal library he also had many other books on law, such as *Works by Thibault* 6 vols. [*Werke von Thibaud in 6 Bänden*]. Secondly, Gans had already published his major works, including *Beiträge zur Revision der preussischen Gesetzgebung* (Berlin, 1830-32), *Das Ehbrecht in weltgeschichtlichen Gesetzgebung* 4 vols. (Berlin, 1824-35) and *Rückblicke auf Personen und Zustände* (Berlin, 1836). The last work is famous for the chapter describing the situation of Paris in 1830 towards the end of which Gans introduced the thought of the Saint-Simonians sympathetically.<sup>111</sup> Although his father might never have read any of Gans's works, he might have known of Gans's radically liberal tendencies both as an activist of the Association for the Science and Culture of Judaism and as the author of

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<sup>109</sup> According to the long letter to his father, Marx read *The Law of Property* by von Savigny (Giessen, 1803). Marx mentions von Savigny twice there. He lists the book by von Savigny at the top of his report on his study of law, but interestingly he never mentions Gans. Cf. *The Letters of Karl Marx*, pp. 4-12.

<sup>110</sup> MEGA 1-1-2, p. 247. Cf. Kliem, "Abgangszeugnis" in *Karl Marx: Dokumente seines Lebens* (Leipzig, 1970), p. 95f. cited in, W. Hiromatsu & G. Inoue, *The Sphere of Marx's Thought*, p. 106, notes 51. & 52. Marx attended von Savigny's lecture on Pandects.

<sup>111</sup> D. McLellan, *Marx before Marxism*, pp. 50-51. W. Hiromatsu & G. Inoue, *The Sphere of Marx's Thought*, pp. 277-285.

*Rückblicke auf Personen und Zustände* and, that as far as the law faculty of the University of Berlin was concerned, despite Gans's energetic criticism, von Savigny and his Historical School prevailed, especially after Hegel's death. Additionally, in 1835-36 Strauss's *Life of Jesus*, "the most famous or notorious work as well as his best book" was published which made the theoretical conflicts within the Hegelian School explicit and eventually broke that group into two or three factions.<sup>112</sup> Although Strauss classified himself alone as being a Hegelian Leftist, this seems to stem from his personal isolation.<sup>113</sup> Gans did not participate in that famous dispute over *the Life of Jesus*. But his understanding of both the religious and political aspects of Hegel's philosophy was nearest to the one which the young Hegelians tried to articulate in their later years. Therefore, with W. Sens we can classify Gans to the Left.<sup>114</sup> In short, Gans was a taboo name in discussions between Marx and his father. That is why although Marx describes his future plans in terms of pursuing a career as a university teacher of law via the provincial appeal court at Münster, with an eye toward an eventual position as an assistant judge, and even though he extols the merits of being a member of the Hegelian School of law, he does not mention Gans at all. In comparison to Marx's student life from 1836 to November 1837, we know relatively little about his intellectual life until the beginning of the preparations for his dissertation. All we know is that in the semester of 1837/38 Marx took Gans's class in Prussian Landrecht as well as Gabler's class in logic.<sup>115</sup> Some think it strange that although Gans gave some other lectures at that time, Marx did not attend Gans's other lectures, such as the lectures on the philosophy of right, philosophy of history and European national law which was replaced by a class in positive international law from the summer semester 1834 and then replaced by history after the Westphalia Treaty from the viewpoint of national and international law. Some scholars argue that Marx could not have been so interested in Gans because he neglected to attend the other lectures that his mentor delivered. However, those who subscribe to this argument forget the

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<sup>112</sup> Toews, *Hegelianism*, p. 255.

<sup>113</sup> Cf. Toews, *ibid.*, pp. 272-274. C. Göschel, G. Gabler, B. Bauer are listed as being on the right. K. Rosenkranz is classified as being on the centre.

<sup>114</sup> Cf. D. Strauss *Streitschriften zur Vertheidigung meiner Schrift über das Leben Jesus und zur Charakteristik der gegenwärtigen Theologie*, 3 vols. in 1 (Tübingen, 1837), pp. 95-120, p. 126, and W. Sens, *Karl Marx: Seine irreligiöse Entwicklung und antichristliche Einstellung* (Halle, 1935), p. 21-22. cited in Hiromatsu & Inoue, *The Sphere of Marx's Thought*, p. 118-124.

<sup>115</sup> Georg A. Gabler was a professor who had succeeded to the Chair of Philosophy from Hegel.

experiences of their own student days. From personal experience as a student both in Japan and England it is not difficult to imagine that the university student who planned to be a professor of law in the future must have had some sort of prerequisite and compulsory subjects in other fields that might have precluded his attendance at these other lectures. Besides, "Abganszeugnis" does not necessary mean that Marx never attended Gans's class or lecture on other occasions: (the same can be said for von Savigny.) In short, given Marx's description of Hegel's works and almost all of his disciples in the long letter, and given Marx's approach and the limitation of his interest in Hegel, it is clear that Marx did not adopt all the Hegelian premises and solutions as if the system were already complete. It also seems reasonable to conclude that he did not think that the only task remaining to be completed was to remember and apply Hegelian principles in their respective fields.

## CHAPTER 2 MOTIVE FOR AND METHODS IN MARX'S CRITIQUE OF HEGEL'S PHILOSOPHY OF RIGHT

You have shocked and wounded friends and foes alike... You demand above all, and with good reason insight into the thing itself, but insight into bad thing... does not made it good. Your all-important and most central proposition is that what exists is good and rational . . . The thesis, however, is philosophically true but politically false.

From a letter of von Thaden  
to Hegel (8. August 1821)

### INTRODUCTION

This chapter has two aims: the first is to explore Marx's motivation in criticising Hegel's political philosophy and in confining his annotations almost exclusively to the final part of Hegel's *Grundlinien der Philosophie des Rechts* [*Elements of the Philosophy of Right*].<sup>1</sup> *Rechtsphilosophie* has always been a highly controversial work and as soon as it was published, it was received very unfavourably by political and/or philosophical opponents, and even by his friends and disciples.<sup>2</sup> The commentaries and the critiques of and essays on *Rechtsphilosophie* are immense. In 1973-4 Manfred Riedel edited and published *Materialien zu Hegels Rechtsphilosophie* in two volumes which cover everything from the reactions of contemporaries to essays by E. Bloch and by J. Hyppolite, including "Zur Kritik der Hegelischen Rechtsphilosophie" ["Towards a Critique of Hegel's *Philosophy of Right*: Introduction"] by Marx which was published in Deutsche-

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<sup>1</sup> Hereafter referred to as *Rechtsphilosophie*.

<sup>2</sup> For a concise history of the reviews of this work, 'Einleitung' in *Materialien zu Hegels Rechts-philosophie*, vol. 1, [Frankfurt am Main: Suhrkamp, 1975], pp. 11-49. Also see, K-H. Ilting, *Rechts-philosophie: Edition Ilting*, vol. 1, [Frommann-Holzboog: Stuttgart-Bad Cannstatt, 1973], pp. 83-104. Hereafter referred to as *Edition Ilting vol. 1*.

Französische Jahrbücher (1844). In 1982 D. Henrich and R-P Horstman published *Hegels Philosophie des Rechts* which is the result of Hegeltagen des Internationalen Hegel-Vereinigung in Fontenay-aux-Roses in 1979. Compared to those papers, the form of *Critique* which is virtually a paragraph by paragraph commentary, is extraordinary. Given Marx's unprecedented annotation, asking questions about the reasons why he undertook the task of a critique of Hegel's *Rechtsphilosophie* in that particular style and on that particular occasion is indispensable in discovering why *Kritik des Hegelschen Staatsrechts* ["Critique of Hegel's *Philosophy of Right*"]<sup>3</sup> was left unfinished and in effect abandoned, and why Marx then changed his focus to a programme of critical study of political economy, one of the results being *Capital*. At the same time, it will help understand why although he changed his focus to political economy, Marx still kept his project in the form of publishing "a forthcoming critique of legal and political science"<sup>4</sup> and why he tried to write the final Chapter: 'The Critique of Hegelian Dialectic and Philosophy in general' in *Economic and Philosophical Manuscripts*.<sup>5</sup>

My explanation of Marx's motives is that he initially intended *Critique* to be a weapon for undermining the legitimacy of the Prussian monarchy, and that he believed it possible. In other words Marx mistook Hegel's project to be the defence of the reactionary Prussian monarchy while in truth it was the philosophical reconstruction of the meaning of the French Revolution, as a means of calling for revolution in Germany. He decided it was sufficient to concentrate on that part of *Rechtsphilosophie* which dealt with the state for that purpose. However, while writing his *Critique* Marx understood the necessity of writing a criticism of Hegel's theory of civil society as such but found the task impossible without a corresponding study of political economy, which marked the point of departure for Marx's intellectual struggle to assess the achievements of political economy and assimilate them. This phrase in *the Paris Manuscript* is evidence: "Hegel adopts the point of view of modern economies".<sup>6</sup> Such a verdict can be reached by the use of evidence provided from fuller episodes.

The structure of *Rechtsphilosophie* is well known, but it is still important to keep in mind. Hegel starts with the abstract right and goes on to discuss morality. What is dominant in his argument is his critique of Kantian moral

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<sup>3</sup> Hereafter referred as *Critique*.

<sup>4</sup> Karl Marx, *Selected Writings*,(ed.) D. McLellan (Oxford: Oxford University Press, 1988), p. 74. Hereafter referred to as *S. W.*

<sup>5</sup> *S.W.* p. 76.

<sup>6</sup> *S.W.* p.101.

and legal philosophy. Then Hegel goes on to Part III: Ethical Life which consists of family, civil society and the state. It is, however, the last section of this part that Marx picked out and put in his commentary. Marx limited his critique to Hegel's philosophy of the state. In other words, Marx ignored the remaining parts altogether. This, however, does not mean at all that Marx was satisfied with the other parts of *Rechtsphilosophie*, such as the famous and highly polemical preface, the introduction, and the sections concerning abstract right, morality, the family, civil society, and even the sub-sections of Hegel's work such as the system of needs, the administration of justice, the police and the corporation. There are also parts and topics of the section concerning the state that Marx never dealt with, such as external sovereignty, containing Hegel's notorious theory of war, international law, and world history.<sup>7</sup> Did Marx agree with Hegel on all those remaining topics or was it that they were not considered sufficiently relevant to tackle? This is an interesting question because almost all those topics discussed in his *Rechtsphilosophie* are still important issues in political philosophy today. It is, however, impossible to answer this question properly, but my guess is that neither suggestion is the case. As for the latter case, it is almost impossible. For, before *Critique* (in May 1842) Marx made a counterattack against his rival newspaper, basing his article on Hegel as the latest development in philosophy of the state in the article. This was "The Leading Article of the *Kölnische Zeitung*".<sup>8</sup> Its last passage was thoroughly devoted to "the profounder concept of modern philosophy which deduces the state from the idea of the all" and which regards the state "as the great organism in which

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<sup>7</sup> Although it is still not enough to understand the full implications, A. W. Wood proposes an excellent aid to interpret Hegel's view on war. According to him, what Hegel believes about war is "closely analogous to what we all believe about human mortality generally". See 'Editor's Introduction' in *Elements of the Philosophy of Right*, pp. xxvi-vii. In 1972, S. Avineri began his chapter on Hegel's theory of War in his *Hegel's Theory of The Modern State*, writing: "Hegel's theory of war led various commentators to find a connection between Hegelian political theory and the fascist, totalitarian ideas about war and state". Avineri had in his mind such writers as Popper (*The Open Society And Its Enemy*), Hermann Heller (*Hegel und der nationale Machtstaatsgedenke in Deutshland*), W. M. McGovern (*From Luther to Hitler*) and D. A. Routh (The Philosophy of International Relations' in *Politica* September, 1938). To be fair with most of them we should take the political situation into account at that time and the limitation of availability of Hegel's texts and manuscripts. See H. Brod *Hegel's Philosophy of Politics* (Boulde, San Francisco & Oxford: Westview Press, 1992), pp. 176f, for a new interpretation of Hegel's theory of war or rather an alternative proposal to interpret the implication of family as an equivalent of the function which war performs in Hegel's theory of the state.

<sup>8</sup> *S.W.* p.19.

juridical, moral, and political liberties must be realised”.<sup>9</sup> Although Marx failed to name Hegel in the last paragraph, it is obvious that Marx meant Hegel in this context. After *Critique*, very early in 1844, Marx regarded Hegel’s political philosophy as “the only theory that stands *al pari* with the official modern present”<sup>10</sup> (all the others made in Germany were out of date) and Hegel was recognised as the philosopher who created “the most consistent, richest, and final version of the modern German philosophy of the state and law”.<sup>11</sup>

As for the former argument, it is clear that Marx was quite dissatisfied with Hegel’s theory of civil society, as well as his system of needs.<sup>12</sup> We can find some critical comments on Hegel’s theory of family and civil society in *Critique* in itself, although briefly. Marx’s disapproval of the system of needs, however, might partly stem from the fact that, although Marx could not read them, Hegel’s expositions on modern capitalist society in the published version of *Rechtsphilosophie* (Berlin/1821) eventually became much less critical and sharp in tone as compared to the manuscripts of *Jenaer Realphilosophies*, the Heidelberg Lecture Notebook (1817/18), or the Berlin Lecture Notebook (1819/20) on *Philosophy of Right*.<sup>13</sup> In *Jenaer Realphilosophie* Hegel describes the negative aspect of mechanisation in modern industry (machine) much more critically as “dead work” and the capitalist society as “a system of blind mutual dependence in which the poor class becomes even poorer and the rich class becomes even richer and consequently in which class hatred and class antagonism will result”.<sup>14</sup>

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<sup>9</sup> *S.W.* pp. 20-21.

<sup>10</sup> *S.W.* p. 67.

<sup>11</sup> *S.W.* p.68.

<sup>12</sup> Karl Marx, *MEGA 1-1-1*, pp. 496f. *Critique of Hegel's 'Philosophy of Right'*, ed. & intro. J. O'Malley trans. O'Malley & A. Jolin (London: Cambridge University Press, 1972), pp. 80f. Hereafter referred to as *MEGA* and *Critique*, respectively.

<sup>13</sup> Hegel, *Jenaer Systementwürfe I* (Hamburg: Felix Meiner Verlag, 1975), pp. 319-326. *Jenaer Systementwürfe III* (Hamburg: Felix Meiner Verlag, 1976), pp. 243-245, pp. 268-270. *Jenaer Realphilosophies* were first published by J. Hoffmeister in 1931, 1932 under the title of *Jenaer Realphilosophie II and I* which seem to have been one of the most important sources to both for Lukács and Kojève’s commentaries on Hegel. See Hegel, *Jenaer Realphilosophie* (Hamburg: Felix Meiner, 1969), pp. v-vii. It appears that *The Berlin Notebook* by Homeyer (1819/1819) is weaker than the published version as far as the description of civil society is concerned. But either way this notebook version is too sketchy to decide Hegel’s position. cf. Hegel, *Die Philosophie des Rechts: Berlin 1818/19*, ed. K.-H. Ilting (Stuttgart: Klett-Cotta, 1985), pp. 260-262, pp. 266-267.

<sup>14</sup> *Jenaer Systementwürfe I*, pp. 324, *Jenaer Systementwürfe III*, pp. 243-244

In the Berlin Notebook (1819/20) Hegel describes the accumulation of wealth on the one side (factory owners) and the accumulation of poverty [*Amut*], want [*Not*] and misery [*Elend*] on the other (the workers), having the British industry and the foreign trade of Britain in mind<sup>15</sup> Having been at the mercy of the man-made arbitrariness and contingencies in civil society, Hegel sees it as natural that the poor and the “have nots” not only become envious but also angry at the “haves”.<sup>16</sup> For in such an extreme situation, people no longer have rights nor freedom. Because there is no room for freedom of the individual, the mutual recognition of universal freedom has also been lost altogether.<sup>17</sup> Therefore, even Hegel himself might not have been quite satisfied with what was eventually published in 1821 under the title of *Naturrecht und Staatswissenschaft im Grundrisse: Grundlinien der Philosophie des Rechts. Gebrauch für seine Vorlesungen von D. George Wilhelm Friedrich Hegel, Ordentl. Professor der Philosophie an der Königl. Universität zu Berlin.*<sup>18</sup>

The most interesting and important aspect of this question is that Marx openly vowed to subject Hegel's theory of civil society to a thoroughly critical treatment in the remainder of *Critique*, but somehow he failed to do so.<sup>19</sup> My contention is that Marx was very dissatisfied with Hegel's theory of civil society, and felt it necessary to present his own alternative critical description of modern capitalist society or at least to criticise Hegel's theory of civil society systematically, but he could not do so. That was partly because his main aim was to undermine the legitimacy of the Prussian monarchy by way of criticising Hegel's theory of constitutional monarchy

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<sup>15</sup> Hegel, *Philosophie des Rechts: Die Vorlesung von 1819/20 in einer Nachschrift*, ed. D. Henrich (Frankfurt am Main: Suhrkamp, 1983) pp. 193-194. Hereafter referred to as *Edition Henrich*.

<sup>16</sup> Hegel, *ibid.*, p. 195.

<sup>17</sup> Hegel, *ibid.*, p.195. It is noteworthy that the concept of mutual recognition whose importance in Hegel's thought (especially for understanding *Phänomenologie*) is pointed out by Kojève, H. Kato, and Seep, appears here. We, however, cannot find this concept in Heidelberg version of Hegel's lecture on philosophy of right. Of course, we cannot find this concept in the published version, either.

<sup>18</sup> cf. K.-H. Ilting, 'Einleitung: Die " Rechtsphilosophie" von 1820 und Hegels Vorlesungen über Rechtsphilosophie', Hegel Rechtsphilosophie in *Edition Ilting 1* (Stuttgart-Bad Cannstatt: Frommann -Holzboog, 1973), pp. 25- 35. *Phänomenologie* (1807) was published under the title: "System der Wissenschaft von Ge. Wilh. Fr. Hegel, D. u. Professor der Philosophie zu Jena, der Herzogl. Mineralog Sozietät daselbst Assessor und andrer gelehrten Gesellschaften Mitglied" which suggests how Hegel was desperate to join the academic world at this time of his life.

<sup>19</sup> D. McLellan, *Marx Before Marxism*, p. 122.

(hoping for a political revolution in Germany); partly because he was not sufficiently in a position to complete his criticism of Hegel's theory of civil society.<sup>20</sup> That is why in *Critique* he ended up merely showing his willingness to attempt a critique of Hegel's theory of civil society at a later stage in his annotation.

To put my contention in an even wider context: at the beginning of the period as editor of the *Zeitung*, Marx stood with Hegel's political philosophy and understood it, as E. Gans had done. But during the oppression of the Young Hegelian movements, Marx was forced to change his interpretation and came to take a critical approach to Hegel's *Rechtsphilosophie*, and although Marx came to be critical not only of Hegel's theory of the state but also of the family and civil society, Marx could not develop his criticism of Hegel's theory of civil society at that stage in the development of his thought, let alone present his own alternative theory of civil society. Nevertheless, this first systematic attempt to criticise Hegel's political theory gave him an opportunity to realise the importance of studying political economy; this is why Marx had to abandon his initial scheme and turn to a study of political economy for the time being.

During this process of development of Marx's thought we can find an interesting and ironic parallel between Hegel and Marx.<sup>21</sup> While writing the manuscripts of "The Spirit of Christianity and its Fate", Hegel came to view the existence of private property as not only a decisively new reality but also as an irreversible and unchallengeable historical achievement of the modern western world. In these manuscripts he addresses problematic aspects of modern society stemming from the institution of property, referring to it as "the fate of property", the implications of which are impossible to be dismissed as Jesus had done but at the same time equally impossible for Hegel to solve. On the one hand, it was this difficulty Hegel faced at that time in establishing his own philosophical-religious system depending upon the principle of "love" in order to overcome the Kantian, Fichtian subjective approach to moral and political philosophy. On the other hand, until about that time Hegel had still been attached to the legacy of the beautiful and harmonious world of ancient Greece and wanted to explore the possibility of a restoration of Hellas in modern times, a vision he shared with his close

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<sup>20</sup> Cf. *MEGA 1-1-1*, p. 499. *Critique*, p. 82. In this study I use the term "modern" in the Weberian sense. Max Weber thinks capitalism is an historical phenomenon which we can find even in ancient civilisations.

<sup>21</sup> *Critique*, p.81.

friends Hölderlin and Schelling.<sup>22</sup> When Hölderlin had fallen tragically in love with Susette Gontard and moved to Homburg, suffering from depression which eventually made him insane, leaving both Susette and Hegel in Frankfurt, Hegel had also reached a crisis of a theoretical nature and was compelled to turn his attention to the study of political economy.<sup>23</sup> Hegel's study of political economy began with James Steuart's work and he eventually went on to study works by Adam Smith, Say and Ricardo.<sup>24</sup> This made it possible for Hegel to re-evaluate the significance of Luther's achievements regarding the discovery of self and the meaning of the Reformation movement and its propagation in the West and to recognise Christianity in general as the undeniable foundation of modern Western civilisation.<sup>25</sup> Hegel also came to recognise the validity and necessity of the establishment of political economy as a new science and, at the same time, the specific importance of the economy in the modern world.<sup>26</sup>

In November 1797 when Hegel first drew attention to this aspect of reality, he addressed it as the dilemma of loving individuals between "the true love" [*eigentliche Liebe*] and "the possessory right" [*das Recht des*

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<sup>22</sup> German original: "Das Schicksal der Eigentums", *Werke in zwanzig Bänden, 1* (Frankfurt am Main: Suhrkamp, 1971), p. 333. Hereafter referred to as *Werke*.

Interestingly, today we are witnessing the struggle to establish ecology which comes also from Oikos.

<sup>23</sup> D. Constantine, *Hölderlin* (Oxford: Oxford University Press: 1990), 111. G. Lukács, *The Young Hegel*, pp. 101-105. H. S. Harris criticises Rosenzweig and Lukács, claiming that the letter was referring not to Hegel but to Hölderlin. Cf. H. S. Harris, *Hegel's Development : Toward the Sunlight 1770-1801* (Oxford: Oxford University Press, 1972), pp. 258-270.

<sup>24</sup> Avineri regards Hegel's reading of *An Inquiry into the Principles of Political Economy* by James Steuart and his lengthy commentary on it as belonging to Hegel's Bern period but as R. Takayanagi, Japanese translator of *Hegel's Theory of the modern State*, has suggested in his translator's note, it must be a mistake on Avineri's part. Avineri, *ibid.*, p. 4f. See, Ryoji Takayanagi, *Hegeruno Kindaikokkaron*, (Tokyo: Miraisha, 1984) p. 374. Also see *Hegel und Die heroischen Jahre der Philosophie; Eine Biographie*, Horst Althaus (München Wien: Carl Hanser Verlag, 1992), p. 54, p. 136, p. 149. See also Lukács, *The Young Hegel*, pp. 168-171. 'Das Schicksal des Christentums und sein Schicksal' in *Werke 1*, pp. 274-418 ; 'The Spirit of Christianity and its Fate', in *Early Theological Writings*, trans. T. M. Knox (Chicago: the University of Chicago Press, 1981), pp. 182-301.

<sup>25</sup> Hegel also had some experience in editing newspapers as an editor of *Bamberger Zeitung*. See W. R. Beyer, *Zwischen Phänomenologie und Logik, Hegel als Redakteur der Bamberger Zeitung* (Pahl-Rugenstein: Köln, 1974), pp. 52-85.

<sup>26</sup> *Werke 7*, pp. 346-348, *Elements of the Philosophy of Right*, ed. A. W. Wood, trans. H. B. Nisbet, pp. 227-229, *Hegel's Philosophy of Right*, trans. T. M. Knox, pp. 126-128, 268. Hereafter referred to as *Nisbet* and *Knox*, respectively

*Besitzes*].<sup>27</sup> As mentioned above, in the manuscripts written in the period between the autumn of 1798 and the end of 1799 (or the beginning of the year 1800), he recaptured that problematic aspect of reality, referring to it as “the fate of property”.<sup>28</sup> During this period Hegel abandoned his attempt to write up his “Spirit of Christianity and its Fate” for about four months,<sup>29</sup> and, from 19th February 1799 until 16th May 1799, he changed his focus as Marx later did, and concentrated his efforts on writing a commentary on Sir James Steuart's *An Inquiry into the Principles of Political Economy*.<sup>30</sup> Later Hegel resumed writing ‘the Spirit of Christianity and its Fate’, but, like Marx, Hegel did not complete these manuscripts and they remained unknown until Nohl published them as a part of *Hegels theologische Jugendschriften* in 1927.

Although there are many interesting parallels between Hegel's and Marx's lives and thought this is one of the most illuminating aspects in my opinion.<sup>31</sup> As mentioned previously, a very similar thing happened to Marx about forty-three years later while he was attempting to write his *Critique*. This does not mean to say that Marx's encounter with Engels, his experience as Editor of the *Rheinische Zeitung*, and his first-hand experience at seeing the proletariat in Paris have nothing to do with his study of political economy. I am merely trying to show that both Marx and Hegel faltered at much the same point when confronting the genesis of the inner development of their thoughts. With this interpretative frame of I will go on to explore the circumstances under which Marx took up the task of writing his *Critique* and then turn my attention to the *Critique* itself in an effort to substantiate my contention.

Firstly, Marx's remaining manuscript will be reviewed to give a general idea of the implications suggested in the way in which this manuscript is left incomplete and confirms Marx's willingness to criticise Hegel's theory of

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<sup>27</sup> *Werke I*, pp. 244-250. Also see, G. Lukács, *The Young Hegel*, trans. R. Livingstone (London: Merlin Press, 1975), pp. 112-122.

<sup>28</sup> *Werke I*, p. 333, *Early Theological Writings*, p. 221. See also *Hegel Dictionary*, pp. 582f.

<sup>29</sup> H. S. Harris, *Hegel's Development: Towards the Sunlight 1770-1801*, pp. 434-436. Lukács has thought this order the other way round. Cf. Lukács, *ibid.*, pp. 171f.

<sup>30</sup> Arnold Ruge, 'Hegel's Philosophy of Right and the Politics of our Times' in *The Young Hegelians* ed. L. S. Stepelevich (Cambridge: Cambridge University Press, 1987), pp. 211-236.

<sup>31</sup> In addition to the parallels and resemblances between Hegel and Marx I mentioned in the Introduction and Chapter I of this thesis, according to Avineri, George Lichtheim points out in his *Marxism* (London, 1961), the striking resemblance between Hegel's letter to Schelling, dated 16 April 1795, and Marx's earlier writings. Cf. Avineri, *ibid.*, p. 4.

civil society thematically. Secondly, B. Bauer's letters to Marx, Ruge's letters to Marx, and Marx's letters to Ruge in the period 1839-1843 will be examined so that his motive and the circumstances under which he formulated his motive can be illuminated.

My second aim is to re-evaluate the methods that Marx employs in *Critique*. Basically, I agree with the "three critical techniques" that J. O'Malley identifies in his editor's introduction to the English translation of *Aus der Kritik der Hegelischen Rechtsphilosophie: Kritik des Hegelischen Staatsrechts*.<sup>32</sup> As far as Marx's *Critique* is concerned, both David McLellan and Joseph O'Malley emphasise the Feuerbachian influence upon Marx and his study of history, although generally speaking McLellan is the proponent who emphasises the importance of Hegel's influence on the development of Marx's thought.<sup>33</sup> However, I will argue that the origins of those methods applied in the criticism of Hegel's *Rechtsphilosophie* are to be found in Marx's wider intellectual relationships with, for instance, Bruno Bauer and Arnold Ruge and also in Marx's complicated and ambiguous but nonetheless important relationship with Hegel.

## I. MOTIVATION

As has been pointed out, Marx's critical treatment of *Rechtsphilosophie* is confined for the most part to SS 257-SS 313. The manuscript was drafted in thirty-nine Bogen (a German form of publishing academic manuscripts) but the first Bogen is lost to us. As a consequence, the notebook has no front cover, on which the title and date might have been written, and the first four pages are also missing, which are pages that would have dealt with SS 257-SS 260; the very beginning part of section 3, the State. Consequently, we do not have the introduction to his work which, as we might have expected, would have included passages making reference to his aims, method of approach and the peculiar style of his critique of Hegel's *Philosophy of Right*.

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<sup>32</sup> J. O'Malley, 'Editor's Introduction', to *Critique* in *Critique*, p. xxvii.

<sup>33</sup> Both of them also refer to Hasso Jaeger's 'Savigny et Marx' in *Archives de Philosophie du Droit*, vol. XII (1967), but they did not discuss this essay. David McLellan paid due attention to the influence from Hegel as well as Gans, B. Bauer and other Young Hegelians. Whereas McLellan has given due account to Hegel's influence to Marx, J. O'Malley seems not to have paid enough attention to this aspect. See D. McLellan, *Karl Marx*, pp. 29f, pp. 34-40 and *Marx before Marxism*, pp. 102- 126, pp. 213-215. See J. O'Malley, 'Editor's Introduction', in *Critique*, pp. xx-xxviii.

Marx would probably have done this because Arnold Ruge had already written and published an important critical essay on Hegel's political philosophy entitled "Hegel's *Philosophy of Right* and the Politics of our Times", in a completely different style.<sup>34</sup>

Ruge's essay had appeared in his *Deutsch Jahrbücher* in issues 189 and 190 (August of 1842), and Marx intended to send his own manuscript to Ruge for publication in that journal.<sup>35</sup> Judging from the style of the remaining part of Marx's manuscript, Marx's comment on the main text of SS 257 must have formed at least the beginning of his critique, although this portion is also lost to us now. Ruge thought SS 257 was so important that he cited this section, which begins with the famous Hegelian definition of the state: "The state is the actuality of the ethical Idea . . .", in its entirety in concluding the introductory part of the essay to his critical treatment of *Rechtsphilosophie*.<sup>36</sup> According to Ruge, "no one felt more deeply than" Hegel himself "that we Germans had not yet achieved the state in the form of the state".<sup>37</sup> Ruge continues, saying:

Hegel read the Greeks with too much intelligence and lived through his times, the age of the Revolution, with too clear a consciousness not to attain, beyond the familial state (of dynastic possession) and the state of bourgeois society (the police state and bureaucracy), the demand for the state in the form of a public, self-determining structure. And he actually did this implicitly, theoretically, or, as is said, *in abstracto* when he expressly distinguished the "needy state of bourgeois society" from the free state or its actuality and asserted the most profound concept of the state that humanity had thus far attained.<sup>38</sup>

Ruge maintains that this is quite clearly shown in SS 257 of *Rechtsphilosophie*. This interpretation of Hegel's background and the character of his enterprise of *Rechtsphilosophie* forms the point of departure

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<sup>34</sup> Arnold Ruge, *ibid.*, pp. 211-236. This essay is collected in *Materialien zu Hegels Rechtsphilosophie* vol. 2, ed. M. Riedel (Frankfurt am Main: Suhrkamp Verlag, 1975) along with Marx's *Critique*.

<sup>35</sup> *MEGA*, 1-1-2, Ruge's Letter to Marx in Trier [Dresden, July 1842], p. 275.

<sup>36</sup> Ruge, *ibid.*, p. 216. See *Werke* 7, p. 398, *Nisbet*, p. 275, *Knox*, p. 398, SS 257: "The state is the actuality of the ethical Idea - the ethical spirit as substantial will, manifest and clear to itself . . ."

<sup>37</sup> Ruge, *ibid.* p. 216.

<sup>38</sup> Ruge, *ibid.* p. 216.

of Ruge's essay. Marx must have had Ruge's essay to hand and clearly in his mind when he at last embarked on his own long-pending project.<sup>39</sup>

Moreover, especially in SS 258 and its Remarks and Addition, Hegel supplies lengthy explanations on the uniqueness of his philosophical discourse on the state. First of all, Hegel's discourse is unusual in that he specifically differentiates his own idea of the state from the British or ordinary notion of the state which, Hegel regards, was originated by Hobbes and came down even as far as Fichte via Hume and Rousseau.<sup>40</sup> According to Hegel, they usually confused the state with civil society.<sup>41</sup> In other words, their notion of the state, claims Hegel, was one whose "specific end is laid down as the security and protection of property and personal freedom".<sup>42</sup> Secondly, he differentiates the uniqueness of his "philosophical treatment" of the state from the historical treatment of the state (here referring to Rousseau and Fichte as examples of philosophical treatment), while also arguing the significance and limitations of the French Revolution as the inevitable consequence of Rousseau's one-sidedness in terms of world history.<sup>43</sup> Thirdly, Hegel offers a lengthy criticism of von Haller's anachronistic treatment. In SS 260 and its Addition Hegel shows his understanding of "the principle of modern states" in contrast to the principle of "the states of classical antiquity".<sup>44</sup>

One might expect Marx to have expressed his basic view on Hegel's unique idea of the state, the British theory of social contract and the Rousseauian, Kantian and Fichtian ideas of the state or non-state. Likewise, one might expect Marx's comments on Hegel's dichotomy between philosophical and historical approach. For, according to J. O'Malley, one of the three critical techniques employed by Marx in the course of *Critique* is

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<sup>39</sup> Ruge, *ibid.* pp. 215f, *Werke 7*, p. 398, *Nisbet*, p. 275, *Knox*, p. 155.

<sup>40</sup> *Werke 7*, p. 399, *Nisbet*, p. 276, *Knox*, p. 156. *Werke 20*, p. 225, 294, 307, 311.

<sup>41</sup> In SS 75, its Remarks and Addition Hegel criticises the popular modern contract theories of the state as the result of transferring the determinations of private property to a sphere of a totally different nature and of superficial thinking. *Werke 7*, pp. 157-159, *Nisbet*, pp. 105f. *Knox*, pp. 58f, p. 242. Also see Editorial notes by A. Wood in *Nisbet*, pp. 413f.

<sup>42</sup> *Werke 7*, p. 399, *Nisbet*, p. 276, *Knox*, p. 156.

<sup>43</sup> *Werke 7*, pp. 398-407, *Nisbet*, pp. 275-281, *Knox*, pp. 155-160, 279. Roughly speaking, this Remark to SS 259 also shows that his understanding of the French Revolution remains basically the same as that in *Phänomenologie* (1807). See, *Werke 3*, pp. 431-441, *Hegel's Phenomenology of Spirit*, trans. A. W. Miller, (Oxford: Oxford University Press, 1979), pp. 355-363. Hereafter referred to as *Miller. Edition Ilting I*, pp. 34-36.

<sup>44</sup> *Knox*, pp. 160-162, 280.

nothing but “the historico-genetic method”.<sup>45</sup> Marx’s commentary on all these topics would have helped our understanding of Marx’s critical arguments on Hegel’s text which are left to us as in the form of annotations to SS 261-SS 313 of *Rechtsphilosophie*, and also Marx’s political thought in general at this time. A knowledge of Marx’s view of other leading thinkers in Western political philosophy would have proved helpful as well. Therefore, the lack of the first Bogen manuscripts makes our understanding of Marx’s reason for criticising Hegel’s *Rechtsphilosophie* more difficult. Similarly it makes our task of understanding his current stance toward the preceding theories of the modern state more difficult, because we could examine the difference and identity between his current position and that taken previously toward modern thinkers, especially Hegel, as well as to former ones mentioned in an article of the *Rheinische Zeitung* entitled “The Leading Article in No. 179 of the *Kölnische Zeitung*” in 10 July 1842. There Marx seemed almost to have totally identified himself with Hegel. Criticising Herr Hermes’s idea of the Christian state, in his final verdict Marx declares:

Immediately before and after the great discovery of the true solar system by Copernicus, the law of gravitation of the state was discovered. The centre of the state was found in the state itself Machiavelli and Campanella earlier and Hobbes, Spinoza, and Hugo Grotius later, down to Rousseau, Fichte, and Hegel began considering the state from the *human viewpoint* and developed its natural laws from *reason* and *experience*. They did not proceed from *theology* . . . While the earlier philosophers of state law derived the state from drives of ambition and gregariousness, or from reason - though not reason in society but rather in the individual - the more ideal and profound view of modern philosophy derives it from the idea of the whole. It considers the state as the *great organism* in which legal, ethical, and political freedom has to be actualised and in which the individual citizen simply obeys the natural law of his own reason, human reason, in the law of the state. *Sapienti sat* .<sup>46</sup>

This is an article which was written when Marx was fighting against the censorship of the Prussian government and against attacks from rival

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<sup>45</sup> O’Malley in *Critique*, p. xxvii.

<sup>46</sup> Marx, *Writings of the young Marx on Philosophy and Society*, ed. & trans. L. D. Easton and K. H. Guddat (Garden City, New York: Doubleday & Company, 1967), pp. 129-131 (my italics). See Similar comment on Machiavelli by Hegel , *Werke* 20, p. 48.

newspapers. Marx badly needed intellectual support from the history of political thought as much as possible to defend his position and his newspaper. Therefore, it might be dangerous to take this passage at face value. Besides, “the more ideal and profound view” does not necessarily allude to Hegel’s *Rechtsphilosophie*. It can be “a laundry list”. Nonetheless, it is clear that Marx put Hegel at the end of the great names in philosophy as representing the latest development of modern thought and he took Hegel’s political philosophy as the theory which deduced the state from the universal idea and considered it as an organism. However, more importantly Fichte and Hegel were regarded as pioneers who began considering the state from the “human viewpoint” and developed his philosophy of right from “reason and experience”.

Marx’s notebook ends just as abruptly with quotations of SS 312 and SS 313 from Hegel’s main text, with the words: “Both paragraphs . . . are taken care of by our earlier comments, and are worth no special discussion. So we simply put them down as is:”<sup>47</sup> All Marx did beyond this, is to put “O Jerum!” between the two paragraphs as if he could no longer bear to make annotations to Hegel’s text.

At the top of the first page of the following Bogen, which is otherwise blank, Marx writes:

Inhaltsverzeichnis.  
Über Hegels Übergang und Explikation.<sup>48</sup>

What does this unusual ending mean? It seems to suggest that Marx was willing to continue his critique of *Rechtsphilosophie* further under the title of Concerning Hegel’s Transition and Explication.<sup>49</sup> We may call this the title for the unwritten Part Two of Marx’s Critique of Hegel’s *Philosophy of Right* in contrast to the remaining manuscript. The problem of transition, especially that of gradual transition is one of the central issues Marx takes up as a topic for criticism in the earlier part of *Critique*. If Explication refers to a substitution of “explicantia” for “explicanda”, we may surmise that Marx also intended to make a criticism of the method of explanation and presentation

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<sup>47</sup> *Critique*, p. 127.

<sup>48</sup> *MEGA*, 1-1-1, p. 553, footnote 1.

<sup>49</sup> *Critique*, p. 127, footnote.

employed in *Rechtsphilosophie*.<sup>50</sup> One point is very relevant to Marx's criticism of the Hegelian way of explanation: "an explanation which does not give the *differentia specifica* is no explanation".<sup>51</sup> This apparently scholastic criticism implies at least two problems in Hegel's mode of discourse. One is the problematic aspect of the conversion of subject and predicate and its mystifying effects in the Hegelian mode of explanation, which is one of the most important points Marx repeatedly criticises, especially near the beginning of the extant manuscripts. The other implication is that of Hegel's logo-centrism. Likewise, tautology might be one of the topics which would have been covered under this title, because it is also one of the points Marx criticises again and again in the remaining part of *Critique*. As far as the title of the unwritten Part Two is concerned, Marx did not intend to introduce some completely new argument here. It seems that he wanted to summarise his methodological critique of Hegelian method of presentation of the philosophy of the state. Instead of annotations in each section, which lead to a disjointed Part One, he wanted to develop it into a coherent work. Moreover, this unwritten Part Two of *Critique* might also have included a conclusion to Marx's programme of commentary and criticism. In other words, the unwritten Part Two might be something similar to the last chapter of *Economic and philosophical Manuscripts*; The Critical Analysis of Hegelian Dialectic and Philosophy in General. To put it another way, we might think that Marx tried to do on Hegel's philosophy and *Rechtsphilosophie* what actually he did on Hegel's philosophy and *Phänomenologie* later in *Economic and philosophical Manuscripts*. From this view point, it seems that there is a clear connection between *Critique* and *the Paris Manuscripts*. However, what this abrupt ending of *Critique* shows us is simply that although Marx was willing to continue his critique of *Rechtsphilosophie* under this title, he had to give up for some reason. Marx abandoned the project after treating only part of Section 3: The State, A. Constitutional Law, and A. I. The Internal Constitution (on its internal side only), A. II. External Sovereignty, B. International Law and C. World History are not commented on.<sup>52</sup> In order to properly understand Marx's intentions, we therefore must turn to other materials. Thus, Marx's letters are treated next.

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<sup>50</sup> There is also a possibility that Marx would discuss this problem in relation to Hegel's *Logik*, because Hegel's logocentrism is also one of the main points Marx takes up repeatedly in Part One.

<sup>51</sup> *Critique*, p. 12.

<sup>52</sup> These should be most interesting in relation to the Kantian view of the modern world, international relations and world history.

## II. LETTERS TO RUGE

The letters between Marx, Bruno Bauer and Arnold Ruge collected in *MEGA 1-1-2* show clearly the nature of Marx's friendship to those elder friends. Bauer (1808-82) was ten years older than Marx and studied directly under Hegel in his last years as well as under Hegel's principle disciples such as Philipp Marheineke, one of the oldest Hegelian theologians and Heinrich Gustav Hotho, expert in Hegelian aesthetics.<sup>53</sup> Ruge (1802-80) was sixteen years older than Marx.

Bauer's letters make him seem as if he were Marx's elder brother, giving every kind of advice and even expedience. For example in a letter, 12 April 1841, Bauer gave Marx advice on how to proceed with his doctorate dissertation, proposed Edgar (one of his real younger brothers) to help with proof-reading, printing and bookbinding so that Marx could leave Berlin and see Bauer himself and Marx's fiancée, Jenny. Bauer always called Marx "du", while Ruge kept his distance as a friend and never used "du" but "Sie". Marx also addressed Ruge with "Sie". Marx might have called Bauer by "du", but, unfortunately, Marx's Letters to B. Bauer are not available.<sup>54</sup> In a letter to Ruge, dated 24th December 1841, which has the original agreement regarding the co-authorship of the second part of *Posaune* by Bauer and Marx, B. Bauer mentioned a misunderstanding in Hegel's philosophy of the state, which suggests a certain common interest in and understanding of Hegel's political philosophy among these three thinkers.<sup>55</sup>

In Marx's short letter to Ruge, dated 5th March 1842, he mentioned plans for "another essay" intended to be "a critique of Hegel's *Natural Right* (i.e., *Philosophy of Right*) as far as its internal constitution is concerned".<sup>56</sup> This is a reply to Ruge's letter, dated 25th February 1842, which asked Marx to join in the plans to issue a new journal named *Anekdotia philosophica*, and in which Ruge had written that Feuerbach, Bruno Bauer and others had

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<sup>53</sup> J. E. Toews, *Hegelianism*, pp. 288-291. D. McLellan, *The Young Hegelians and Karl Marx* (London and Basingstoke; Papermac, 1980), pp. 48f. Both McLellan and Toews deny that B. Bauer was also a disciple of Ernst Hengstenburg.

<sup>54</sup> *MEGA 1-1-2*, pp. 233-323.

<sup>55</sup> *MEGA 1-1-2*, p. 265.

<sup>56</sup> German original; "eine Kritik des Hegelischen Naturrechts, soweit es innere Verfassung betrifft. *MEGA 1-1-2*, p. 269.

already agreed to his idea.<sup>57</sup> Marx replied uncharacteristically quickly and to the point, saying in his letter from Trier, dated March 5th:

Dear Friend,

I absolutely agree to the plan for the *Anekdoten philosophica* and I think it would be better to include my name among the others. A demonstration of this kind, by its very nature, precludes all the prevailing anonymity.<sup>58</sup>

In the same letter Marx talked about his essay intended for the *Duetcher Jahrbücher*. According to Marx's explanation his central point was to fight against the constitutional monarchy.<sup>59</sup> Judging from this, his focus on §§ 257-258 of *Rechtsphilosophie* was based upon the original and intentional motive, because he intended some criticism not of the family and civil society but of the state, the Prussian monarchy through a critique of Hegel's *Philosophy of Right*. At least this was his original motive and aim before he finally began to put his commentary down on paper. D. McLellan explains that such a practice as Marx's *Critique* was a common practice among the Young Hegelians who tried to come to terms with Hegel's political view.<sup>60</sup> It is true that all disciples had to come to terms with Hegel's political view and Hegel's philosophy. It was a necessary step for them, but it was also a very difficult task. This was the case with Marx. It is difficult because Hegelian language is notoriously ambiguous and even in *Rechtsphilosophie* which is the outline of the lecture for undergraduates and one of his few works to have been published in his own hand, this is true. The subject matter is also very difficult. Marx confessed to Ruge in the same letter that: "*res publica* is quite untranslatable into German".<sup>61</sup> Nonetheless placing Marx's explanation of the struggle against the constitutional monarchy as "a hybrid which from beginning to end contradicts and abolishes itself"<sup>62</sup> is put in the context of the Young Hegelians' struggles against the increasingly reactionary Prussian regime, then Marx's critique of *Rechtsphilosophie* can be seen another way of

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<sup>57</sup> MEGA 1-1-2, pp. 267f.

<sup>58</sup> MEGA 1-1-2, p. 268.

<sup>59</sup> German original; "Der Kern ist die Bekämpfung der konstitutionellen Monarchie. . . ". MEGA, 1-1-2, pp. 268f.

<sup>60</sup> D. McLellan, *Marx before Marxism*, p.105.

<sup>61</sup> Karl Marx and Frederick Engels, *Collected Works Vol. 1* (London: Lawrence & Wishart, 1975), p. 383, hereafter referred to as Marx, C. Vol. 1.

<sup>62</sup> Marx, C. W. vol. 1, pp. 382-383.

the fight against Prussian authoritarianism.<sup>63</sup> Either way, it is important that this letter suggests that initially Marx was neither willing nor ready to treat civil society as such. However, while he was reading *Rechtsphilosophie* again, and copying it paragraph by paragraph and writing his commentary, he was prompted to go beyond his initial plan. As mentioned above, we can see this shift of focus reflected in the text of *Critique* itself.

From the very beginning of the remaining manuscript Marx focuses one of his critical arguments against Hegel's political philosophy on the relation between the two poles; on the one side, the family and civil society, on the other the state. Marx criticises the apparent primacy of the state over family and civil society in Hegel's political philosophy.<sup>64</sup> In the annotation to the Remark to SS 287 Marx picks out three noteworthy points pertaining to Hegel's understanding of civil society and the state. The reasons why Marx finds these points exceptionally important are, as he says in this Remark:

- (1) because of the definition of civil society as the *bellum omnium contra omnes*;
- (2) because private egoism is revealed to be the secret of the patriotism of the citizens and the depth and the strength which the state possesses in sentiment;
- (3) because the 'burgher', the man of particular interest as opposed to the universal, the member of civil society, is considered to be a fixed individual whereas the state likewise in fixed individuals opposes the 'burghers'.<sup>65</sup>

In the following annotation, however, Marx does not develop his critical assessment of the former two points, instead he only elaborates the third point

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<sup>63</sup> D. McLellan, *Karl Marx: his Life and Thought*, pp. 62f. See also L. S. Stepelevich, ed., *The Young Hegelians*, p. 209f. In the preface, on p. xi, he mentions one of the most important works by McLellan; *The Young Hegelians and Karl Marx*. Although new translations of The Young Hegelians' writings are more than welcome, I have to say that the author failed to understand McLellan's intentions. It is true that McLellan considers that understanding the significance of Hegel's influence is the most important point in understanding Marx's thought, and that the idea of alienation is a kind of common inheritance among the Young Hegelians from Hegel. Nonetheless it does not mean that McLellan believes that the Young Hegelians are not worth studying individually. See McLellan, *ibid.* p. xi.

<sup>64</sup> *Critique*, pp. 5-11,

<sup>65</sup> *Critique*, p. 42.

which, in my view, contains the two problems: the opposition between civil society and the state; the fixation of this opposition to different individuals.

With regard to the third point later in the annotation to SS 304, SS 305, SS 306, Addition to SS 306 and SS 307 Marx expresses the essence in the following remark: "Hegel's keener insight lies in his sensing the separation of civil and political society to be a contradiction".<sup>66</sup> But, according to Marx, Hegel presupposes the separation of civil society and political society as if it were an unchangeable eternal form of human society, although in Marx's view this separation is a historical product and therefore historically changeable under certain conditions. Because of his presupposition Hegel is led into making a fatal error in that "he contents himself with the appearance of its dissolution, and passes it off as the real thing".<sup>67</sup> As is always the case with him, Marx's eye is so much focused on the conflict between civil society and the state that the family is left behind. There is also an interesting point in Marx's argument. Although Marx rightly picks out the fundamental feature of Hegel's civil society as the *bellum omnium contra omnes*; Marx pays little attention to the mechanism of conflicts or contradictions within civil society itself. However, in the long critical comments to SS 303 and its Remarks, after a discussion of the historical transformation of political classes into social classes that took place under the absolute monarchy and was completed by the French Revolution, Marx observes that in parallel with this transformation the classes in civil society themselves were also transformed:

civil society underwent a change by reason of its separation from political society. Class in the medieval sense remained only within the bureaucracy itself, where civil and political positions are immediately identical. Over against this stands civil society as unofficial class. Here class distinction is no longer one of need and of labour as an independent body. The sole general, superficial and formal distinction which remains is that of town and country. But within civil society itself the distinctions take shape in changeable, unfixed spheres whose principle is arbitrariness. Money and education are the prevalent criteria. Yet it's not here, but *in the critique of Hegel's treatment of civil society that this should be developed*.<sup>68</sup>

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<sup>66</sup> *Critique*, p. 76.

<sup>67</sup> *Critique*, p. 76.

<sup>68</sup> *Critique*, pp. 80f. Italics are mine.

This can be regarded as an example of Marx's mixed applications of the "historico-genetic method", and the "straightforward textual analysis" commonly recognised as being a unique method employed by Marx at this stage. I shall discuss both of these methods later.

Although it is not entirely clear whether Marx is to go on to criticise Hegel's theory of civil society either in its narrow sense or in the broad sense of the word, it is at least obvious that he was so critical of Hegel's theory of civil society and of its principles (money and education) that he found it necessary to have a place to discuss it fully while he was writing this critique. It is also possible that Marx is promising to develop a thematic critical discussion of Hegel's theory of civil society at another, more appropriate time, perhaps in an upcoming edition of Ruge's journal. However, no further editions of *Deutsch-Französische Jahrbücher* appeared because of clashing views among the collaborators of the journal and the seizure of copies at the Prussian border. Besides, what appeared in the first and second joint issue of *Deutsch-Französischen Jahrbücher* was neither part one of the *Critique* nor the second part. What was printed was "Towards a Critique of Hegel's Philosophy of Right: Introduction". Elsewhere in his *Critique*, when he discusses the significance of the estates, Marx even mentions the section on "Civil Society". Marx claims:

Not only is the estate based on the separation of society as the governing principle, but it separates man from his universal nature; it makes him an animal whose being coincides immediately with its determinate character. The Middle Ages constitutes the animal history of mankind, its zoology. Modern times, civilisation, commits the opposite mistake. It separates man's objective essence from him, taking it to be merely external and material. Man's content is not taken to be his true actuality. *Anything further regarding this is to be developed in the section on "Civil Society".*<sup>69</sup>

Unfortunately there is no section on Civil Society in the remaining manuscripts of *Critique*.

Another letter to Ruge, dated 20th March 1842 seems to show the situation in which Marx found himself at that time. Marx informed Ruge that he would not be able to send "the critique of Hegel's *Philosophy of Right*" for the next *Anekdotia*.<sup>70</sup> In the letter to D. Oppenheim, dated 25 August 1842

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<sup>69</sup> *Critique*, p. 82 Italics are mine.

<sup>70</sup> *MEGA*, 1-1-2, pp. 270-273.

Marx referred to his “article against Hegel’s theory of constitutional monarchy”<sup>71</sup> as if it were already written. It is one of the life-long habits of Marx not to keep a deadline and to have to look for a good excuse not to do so, but in so far as *Critique* is concerned, it seems the case that Marx genuinely believed that he could finish it in a very short time indeed. However, when he finally found time to take up this project in the period between March and August 1843, although Marx assumed the existence of an inner relation between Hegel’s *Rechtsphilosophie* and the Prussian monarchy and realised the importance of a radical critique of this connection, he nevertheless could not complete it and had to leave the manuscripts unfinished.

However, those letters had mainly been written more than a year before the period when Marx finally found time to concentrate on Hegel’s *Rechtsphilosophie*. Therefore it is probable that during that time Marx’s motives changed. In May 1843, perhaps just after starting *Critique*, Marx wrote a famous letter to Ruge in reply to Ruge’s pessimistic letter of March 1843, which is dominated by his harsh criticism of the philistine German world. Marx criticised the Prussian monarchy and accused Montesquieu of supporting it. He says:

The principle on which monarchy in general is based is that of man as despised and despicable, of dehumanised man; and when Montesquieu declares that its principle is honour he is quite in error. He attempts to make this plausible by distinguishing between monarchy, despotism and tyranny. But these names refer to a single concept.<sup>72</sup>

As we will see in the following chapter, Marx’s position regarding Montesquieu is completely different from Hegel’s. Given Marx’s original motive, it is natural that Marx’s critique of monarchy is so strong that he asserts that human beings do not even exist under monarchy. This comes from exactly the same vantage point which Marx has in *Critique*: i.e. democracy, and it leads Marx to revolution-democratisation<sup>73</sup>. Marx’s original motive of fighting against the Prussian constitutional monarchy remains the same as ever. But a new and interesting development in this letter is that it also refers to the rapture to which “the system of industry and

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<sup>71</sup> Marx, *C. W.* vol. 1 p. 393.

<sup>72</sup> Karl Marx, *Early Writings* tran. R. Livingstone & G Benton (London & New York: Penguin Books, 1992), p. 202.,,

<sup>73</sup> *Early Writings*, p. 204.

commerce, of property and the exploitation of man”<sup>74</sup> will be eventually led. In other words, Marx knows something is fundamentally wrong with the existing socio-economical arrangement which is nothing but the animal kingdom of the philistines, and which is the material of monarchy, and Marx expects the new world (the human world of democracy) from the rapture of the existing socio-economical arrangement. It is, however, easy to see that despite some insight into the problem of exploitation of man and of the system of industry and commerce, Marx is still using political language. It is exactly the same problem Marx faced in *Critique*. His mention of his intention to undertake a critical treatment of civil society and the section on Civil Society only shows his awareness of the existence of the problem and his lack of proper method.

In order to maintain my assertion that Marx probably had neither an appropriate method (though he thought he did), nor the time to accomplish his full critical treatment of civil society, the methodology which Marx employed as well as the content of *Critique* must be examined closely.

### III. MARX'S CRITICAL METHODS AND THEIR ORIGINS

Generally speaking, the young Marx's position with regard to Hegel's philosophy has been shown to have been strongly influenced by the Young Hegelians, including B. Bauer, Feuerbach, Arnold Ruge and Moses Hess.<sup>75</sup> Here, however, is not the place to examine closely the influence had on each other.<sup>76</sup> As far as methodology is concerned, Feuerbach seems to have been the most important influence on Marx.

The main methodology of Marx's critique of Hegel's philosophy in this period can be regarded as an application of Feuerbach's critique of Christianity and of Hegel's philosophy in general. In this respect Feuerbach's four works are important: "Towards a Critique of Hegel's Philosophy", *The Essence of Christianity*, "Provisional Theses for the Reform of Philosophy",

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<sup>74</sup> *Early Writings*, p. 205.

<sup>75</sup> Yoshiichi Kanaya, 'Marx's Theory of Alienation' (unpublished MA dissertation, University of Kent at Canterbury, 1990).

<sup>76</sup> For a close examination see D. McLellan, *The Young Hegelians and Karl Marx*, W. Eßbach, *Die Junghegelianer; Soziologie einer Intellektuellengruppe* (Munich: Wilhelm Fink Verlag, 1988), J. E. Toews, *Hegelianism*, W. Hiromatsu & G. Inoue, *The Sphere of Marx's Thought* (Tokyo: Asahishuppansha, 1980)

and *Principles of the Philosophy of Future*.<sup>77</sup> Clear evidence of Feuerbachian influences can be seen in Marx's *Critique* (our basic text for this study), and in other writings such as: "On the Jewish Question", "Towards a Critique of Hegel's *Philosophy of Right: Introduction*", and *Economic and Philosophical Manuscripts*.

According to J. O'Malley, Marx applies three distinctive methods for criticising Hegel's *Rechtsphilosophie*. Borrowing O'Malley's words, the first is the "transformative" method of criticising Hegelian speculative philosophy. This amounts to a critique of the process of conversion of Subject-Predicate in Hegel's philosophy. The second and third methods are, as might be anticipated, a process of "straightforward textual analysis" and a "historico-genetic method", respectively.<sup>78</sup> As far as these critical "techniques" themselves are concerned, I agree essentially with O'Malley. As D. McLellan says, not only is O'Malley's lengthy introduction informative, but his editorship and notes are of great value as well.<sup>79</sup> Overall, O'Malley's translations are widely recognised as the most enlightening texts available. O'Malley's understanding of Marx's text also seems to have been the most influential, constituting a sort of platform for scholars in the English speaking world.<sup>80</sup> Therefore, it seems preferable to introduce these three methods to our study as ideal types so that there is a common ground for discussion with those scholars and writers who were brought up in this rich tradition while a new analysis is made.

However, as far as the origins of these three techniques are concerned, we must also mention some other aspects, though it might be difficult to try to identify specific sources of Marx's methodology, for he was not only a powerful writer but also a voracious reader.

With regard to the first method, we should firstly consider the significance of Kantian and Fichtean foundations and influences as well as Feuerbachian influences, though even M. W. Jackson writes "Marx's reliance on Ludwig Feuerbach for transformative criticism is too well known to detail".<sup>81</sup> There are at least three points that need to be mentioned at this stage. First of all, as we saw above, Marx was originally a Kantian and a Fichtean

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<sup>77</sup> J. O'Malley, "Editor's Introduction" to *Critique of Hegel's 'Philosophy of Right'*, p. xxviii-xxx.

<sup>78</sup> O'Malley, *ibid.*, p. xxvii.

<sup>79</sup> D. McLellan, *Marx before Marxism*, p. 110f, note 3.

<sup>80</sup> See one of the latest examples: M. W. Jackson, 'Marx's 'Critique of Hegel's Philosophy of Right' in *History of European Ideas*, 12/6 (1990), p. 800.

<sup>81</sup> M. W. Jackson, *ibid.* p. 801.

with many of “the subjective romantic” tendencies common to these two philosophers as opposed to Hegelian tendencies.<sup>82</sup> That is not to say that Marx read Kant’s and Fichte’s major works intensively before his conversion to Hegelianism. Kantian and Fichtean influence on Marx’s thought that can be found in his long letter, the implications of which were explored in Chapter One of this study, could be the result of influences from his headmaster and other teachers at his Gymnasium. These influences could also have come from his attempt to work out his system of law in his first year at the University of Berlin, or from the works of the Hegelian School such as Rosencranz, Mischlet, B. Bauer, Feuerbach. They may even have derived from the works of Hegel himself as a result of Marx’s preparatory studies for the oral examination for his doctoral thesis which was supposed to be held at Jena because his thesis was submitted not to the University of Berlin but instead to the University of Jena.<sup>83</sup> Secondly, it can be said that the process of development in the Young Hegelians’ thought, if we dare to treat it collectively, often tended to refer to tradition of Kantian enlightenment and often used the Fichtean emphasis on individual human activity as a means of establishing a foundation for their intellectual endeavours. This point again has at least two relevant aspects. First of all, this means that the Young Hegelians tended toward methodological individualism. This line of arguments from Bauer’s emphasis of the conflict between the substance and the self-consciousness through Feuerbach’s works and in Max Stirner’s *The Ego and His Own*. A second peculiarity of the Young Hegelians’ works is their unique sense of historicity. Indeed, most of the Young Hegelians tried to link Germany with the mainstream history of Western European civilisation.

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Secondly, we should consider the influence from the works of Aristotle, especially his *Rhetoric*, *De Anima* and *Metaphysics* which Marx tried to translate in his first year at the University of Berlin or studied during his preparatory studies for the doctoral thesis.<sup>85</sup> It is well known that in the latter two works Aristotle developed his theory of the concrete subject. Among

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82 D. McLellan, *Marx before Marxism*, p. 46.

83 MEGA 1-1-2, pp. 248-251. Cf. D. McLellan, *Karl Marx: His Life and Thought*, pp. 39f.

84 Except for the later work of B. Bauer who instead attempted to establish a theory predicting the fall of Western European civilisation, the rise of Russia and the possibility of the survival of the Christian-German world, a world situated between England and France on the one side and Russia on the other historically as well as geographically. See B. Bauer, 'Aus: Rußland und das Germanenthum', in *Die Hegelsche Linke*, ed. K. Löwith (Stuttgart-Bad Cannstatt: Friedrich Frommann Verlag, 1962), pp. 78-80, 91-103.

85 *The Letters of Karl Marx*, p. 10. MEGA 1-1-1, p. 141. D. McLellan, *Ibid.*, p. 39.

Young Hegelians Marx seems to be famous for his scholarship of logic. Moses Hess thought that Marx was going to be a lecturer in logic at the University of Berlin after his graduation.<sup>86</sup>

Thirdly, Marx's interest in Epicurus has to be considered, because the theme of his dissertation was "The Difference between Democritus' and Epicurus' Philosophy of Nature".<sup>87</sup>

Finally, there is also the possibility of influence from Leibniz who Marx read from 1839 to 1841 along with Hegel, Aristotle, Hume and Feuerbach's *Geschichte der neuern Philosophie*.<sup>88</sup>

O'Malley offers no explanation for the origin and the genesis of the second methodology. He merely states that this second method exposes "the internal contradictions which, on the premise that Hegel's account of existing society is accurate, can be said to reflect the internal contradictions of existing political society".<sup>89</sup> However, this second methodology, as is the case with the other two techniques, one assumes Marx learned from Hegel himself. Indeed, the first and third methodologies seem to point to a genesis in Hegel as well. Marx goes on to apply the dialectical method he learned from his mentor to Hegel himself. In addition, again we should include the influence of Aristotle's works, especially his theory of logic in *Metaphysics*.

Regarding the third methodology O'Malley suggests that it was inspired by von Savigny; but there is another view on this matter.<sup>90</sup> O'Malley's conclusion is indeed possible, because Marx had become acquainted with Karl von Savigny both at the University of Berlin in 1837 and at the University of Bonn where he had attended the lectures by Prof. Puggé, Prof. Walter, and Prof. Welcker, scholars who had been more or less influenced by the Savignian spirit.<sup>91</sup> However, he does not explain the reasoning behind his decision to single out von Savigny as an influence here, except in making reference to Hasso Jaegar's article, "Savigny et Marx".<sup>92</sup> As has been seen in

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<sup>86</sup> *Karl Marx: Interviews and Recollections*, ed. D. McLellan (London & Basingstoke: Macmillan, 1981), pp. 2f.

<sup>87</sup> *MEGA 1-1-1*, pp. 5-81.

<sup>88</sup> Feuerbach, 'Nachwort Zur Neuausgabe' in *Geschichte der neuern Philosophie: von Bacon bis Spinoza* (Leipzig: Reclam, 1990), pp. 375-391. D. McLellan, *ibid.*, p.34.

<sup>89</sup> O'Malley, *ibid.* p. xxviii

<sup>90</sup> O'Malley, *ibid.* p. xx.

<sup>91</sup> Marx, *MEGA, 1-1-2*, pp. 213-221. *MEGA, 1-1-1*, pp. 251-259. D. McLellan, *Karl Marx: His Life and Thought*, P. 43.

<sup>92</sup> O'Malley, *ibid.*, P. xxi, n. 2. Jaegar, 'Savigny et Marx', in *Archives de Philosophie du Droit*, vol. XII(1967), pp. 65-89.

Chapter One and Two of this study, Marx also attended Gans's lectures and was involved in the Berlin Doctors Club at that time, and came under the influence of B. Bauer, among others. Why should O'Malley conclude that von Savigny the most important influence on Marx at this time? It should be remembered Hegelian School as a whole was under intense criticism from the Historical School of Law, under the leadership of von Savigny himself. Indeed, Marx wrote an article in the *Rheinischen Zeitung* entitled "The Philosophical Manifesto of the Historical School of Law", dated 9th August 1842 in which he criticised that intellectual tradition, saying that it slavishly idolised the past, perhaps suggesting an affinity with romantic conservatism. It is true that Marx did not name von Savigny. Marx's failure to condemn von Savigny personally in this article may have been an attempt to avoid action by von Savigny, who was Minister of Justice at that time. Instead Marx chose to condemn Gustav Hugo, the original founder of that movement and thus indirectly discredit von Savigny by attacking the foundations of the Historical School of Law itself.<sup>93</sup> Indeed, in 1843, after resigning the editorship of the *Reinische Zeitung* this school was condemned as justifying "the abjectness of today by the abjectness of yesterday" and as "a servile Shylock".<sup>94</sup>

In any case, we can see that the origin of the historico-genetic method must be considered in terms of a more comprehensive set of relations. Firstly, the genesis of this methodology must again be considered in terms of Marx's relation to Feuerbach. His willingness to come under the influence of von Savigny's approach to history can be considered the result of a strong personal influence of Feuerbach, because, as Alfred Schmidt commented in his introduction to the English version of his work, there is an aspect that shows that "Feuerbach's anthropocentric-genetic method . . . [anticipates] . . . historical materialism's doctrine of historical practice".<sup>95</sup> Secondly, Marx took up preparatory studies to assist in his criticism of *Rechtsphilosophie*. It must be noted that he studied the history of the French Revolution, the history of England, Germany, Italy, other European countries, and even the history of the USA. At the same time, he read Rousseau's *The Social Contract* and Montesquieu's *The Spirit of Law*, which shows that Marx had already read *Rechtsphilosophie* closely and had understood the main points of Hegel's

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<sup>93</sup> Marx, *C. W. Vol. 1*, pp. 201-210. See also D. McLellan, *Karl Marx: His Life and Thought*, p. 48.

<sup>94</sup> *S.W.* p. 65.

<sup>95</sup> A. Schmidt, *The Concept of Nature in Marx*, trans. B. Fowkes, (London: NLB, 1971), p.10.

discussion, giving mention to the works of these great political theorists in the preface, introduction, and the first part of the section on the State.<sup>96</sup>

Thirdly, as early as the time when Marx joined the Berlin Doctors Club, he had begun an intensive study of Hegel's works and became quite familiar with Hegelian philosophy in general and in particular with the problematic aspects of his philosophy. Of course, he followed the development of the Young Hegelians' critical treatment of Hegel's *Philosophy of Religion*, making use of the guidance offered by his close friend, B. Bauer, a philosopher who showed a unique sense of historical relativism. Although B. Bauer was supposed to belong to the Hegelian Right at the beginning of the dispute over Strauss's *Life of Jesus*, he as well as the Young Hegelians in Berlin who were under Bauer's strong influence intensified Marx's opposition to established Christianity and the Prussian government. Surprisingly, Marx was not only an enthusiastic member of the Young Hegelians, but also was of assistance in editing the new version of Hegel's *Philosophy of Religion* (1840), edited by B. Bauer. This was a remarkable achievement for a young student of twenty-two. Again we must pay attention to Hegel, this time to his historical approach toward religions in *Phenomenology* and *Philosophy of Religion*. Hegel's *Philosophy of History*, (first published by E. Gans 1837 and edited by Karl Hegel in 1840) must have been an important source of inspiration for Marx, who applied Hegel's approach, using it to relativise the historical reality of the modern European world in general and in particular the situation in Germany. Although no evidence has so far been uncovered of how much Marx contributed to the 1840 edition of Hegel's *Philosophy of Religion*, one can say that there must have been at least some common ground between Marx and B. Bauer concerning Hegel's philosophy in general and his philosophy of religion specifically. In any case it is obvious that Bauer thought a great deal of Marx's scholarship.<sup>97</sup> Lastly and in a sense, most importantly, Marx read Ruge's critique of Hegel's *Rechtsphilosophie* which appeared in his *Deutsche Jahrbucher* (August 1842). This tells us that Marx possessed a basic understanding of *Rechtsphilosophie* from the time of its first publication in 1821.<sup>98</sup>

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<sup>96</sup> J. O'Malley, 'Editor's Introduction', in *Critique*, p. xiv. Also see, *MEGA 1-1-2*, for *The Social Contract*, pp. 120-121, pp. 122f, and for *The Spirit of Law*, pp. 121-123.

<sup>97</sup> *Werke 17*, p. 537.

<sup>98</sup> For other important materials in the form of contemporary or later reviews and commentary on the history of the influences on Hegel, see *Materialien zu Hegels Rechtsphilosophie vol. 1*, ed. M. Riedel (Frankfurt am Main, Suhrkamp Verlag, 1975).

In effect Ruge's essay presents an understanding of *Rechtsphilosophie* and even of Hegel's philosophy in general which seems to have provided not only a foundation for Marx's future criticism, but also an important source for German intellectuals and even intellectuals and scholars of Hegel in the West and Asia. In this respect, Ruge's influence seems to have been as great as that of Feuerbach and Engels.<sup>99</sup> Moreover, Ruge's essay points to differences in the historical situation between Hegel and Ruge which reflects the sense of defeat felt by the Young Hegelian movement; and Marx's writings seem to show that he too felt this same sense of defeat around this period.<sup>100</sup> Most importantly, however, Ruge showed the lack of historical process in Hegel's philosophy of right and proposed to introduce "historical determinations" in political thought instead of "logical determinations".<sup>101</sup> In this sense, Marx's intensive and extensive preparatory studies both in political theory and European history can be seen as an answer to Ruge's appeal to introduce historical determinations.

#### IV. MARX'S ASSUMPTIONS

In looking into Marx's preparatory studies closer, it seems necessary to question Marx's intentions again. At the beginning of this chapter we saw how Marx's first intention was to create a theoretical struggle against the Prussian monarchy. However, his preparations would appear to have been too extensive if he was merely intending a criticism of Hegel's apologia pro monarcha in the hope of the democratisation and modernisation of Germany. Marx might have known at least to some extent that his project could not simply end with "a fight" against the Prussian monarchy. In clear contrast to Ruge's critique, Marx's treatment of *Rechtsphilosophie* seems highly theoretical. We should instead assume that Marx was preparing to make a frontal attack on Hegel's political philosophy, because Montesquieu and Rousseau, as well as Kant and Fichte, are the most important theorists

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<sup>99</sup> Ruge, *ibid.* p.211-223. By Asia here I mean only Japan and China, because my reading has been largely limited to these two cultures, so far. See Kanaya, 'On Hegel', *Introduction to Hegel: Hegel Dokuhon*, ed. Hisatake Kato (Tokyo: Hosei University Press 1987), pp 368-375. Also see, Kanaya, 'Meijiiki Hegel Genkyu Shoshi' *Hegel Dictionary*, ed. H. Kato, Y. Kobo, M. Takayama, K. Kozu, K. Kakiguchi, S. Yamaguchi (Tokyo: Kobundo, 1992), pp. 682-687.

<sup>100</sup> Ruge, *ibid.* pp. 211-236.

<sup>101</sup> Ruge, *ibid.* pp. 226f.

critically discussed by Hegel in *Rechtsphilosophie*.<sup>102</sup> This is especially true in his famous preface, introduction, and the sections devoted to the state.

In effect Marx's attempt at a critique of *Rechtsphilosophie* hinges upon five assumptions:

- (1) That a Feuerbachian critique of Christianity and Hegelian philosophy is entirely relevant.
- (2) As far as *Rechtsphilosophie* is concerned, it accurately reflects the institutions of the German socio-political world
- (3) Hegel's philosophy in general and especially *Rechtsphilosophie* prove to be nothing more than a mystifying, false explanation, full of self-contradictions and essentially an apology for the Prussian monarchy, the guardian of the status quo.<sup>103</sup>
- (4) To prove assumption (3) Marx's strategy of revealing Hegel's justification must lay bare the illegitimacy of the Prussian monarchy, separating it from the facade of legitimacy constructed by Hegel.
  
- (5) Although Ruge's critique is too polite, his understanding of the character of Hegel's *Rechtsphilosophie* as well as that of the difference of Hegel's and their times are basically right.

To succeed in his task Marx had to create a new mode of discourse, one based upon theoretical resources and historical materials. Marx was to make use of all the achievements of the Young Hegelian movement and his various efforts to assimilate Western philosophical and political thought and the essential knowledge of Western history.

In order to re-examine Marx's project, we must look at the Feuerbachian critique of Hegel's philosophy, the transition of the Young Hegelians' view of Hegel, the different understandings of the tradition of philosophical and political thought, for example that of Rousseau and Montesquieu by Marx and Hegel, and, of course, Marx's annotations to *Rechtsphilosophie*. However, there are two crucial points that must be noted about Marx's project. The first is that in spite of the three critical methods noted by O'Malley, indeed because of those methods or because of the lack of confidence and flexibility in applying his methods, Marx could not accomplish his aim of a thorough criticism of *Rechtsphilosophie* and had to abandon his project, at least for a time. The second point is that Marx might have been wrong about some or all of his assumptions, the assumptions upon

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102 *Werke* 7, Nisbet, Knox .

103 O'Malley, *ibid.* p. xxiii, and notes 2 and 3.

which he tried to build up his new mode of discourse. In the following chapters there will be an examination of Marx's new discourse and these assumptions by analysing Marx's *Critique*. It is upon these assumption and the validity of Marx's critical techniques that the substantiality of Marx's achievement rests.

## V. THE CONTENTS OF CRITIQUE

In the remainder of this chapter I will examine the content of Marx's commentary on *Rechtsphilosophie* itself. With regard to the content, the remaining text of Marx's *Critique* is mainly concerned with these topics:

1. The subject - predicate relation in Hegel's philosophy (the critique of his absolute Idealism and logocentrism).
2. Constitutional monarchy versus democracy.
3. Bureaucracy and corporation.
4. Legislature.
5. Family, civil society and state, and their relations.

In the following chapters all these topics will be examined. In the case of (1.) the subject - predicate relation, we might say that in a sense method and content coincide, moreover, that topic is a combination of both political and philosophical criticism at the same time. To put this point another way, Marx's ultimate goal is not only one of producing a set of thoroughly critical annotations to Hegel's theory of the state, but also one of producing a radical critique of the fundamental character of Hegel's philosophy itself. And it is here that the mystifying elements of Hegel's philosophy are first to be criticised. In Marx's opinion, these elements are closely related to the status of *Logik* in Hegel's philosophical system as a whole and its relation to the other branches of the system, particularly to *Rechtsphilosophie*. Yet, it is notable that the contexts in which these problems are raised are mainly located at the very beginning of the manuscript: the annotations to SS 261-SS 271 and SS 272-SS 286 of *Rechtsphilosophie*.

With regard to (2.) the constitutional monarchy versus democracy, considering Marx's initial motive, the theoretical attack on constitutional monarchy should be regarded as the most important.<sup>104</sup> Marx devotes the second largest space in the annotations to this topic. Marx challenges Hegel's

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<sup>104</sup> *MEGA 1-1-2*, p. 269.

theory of constitutional monarchy not with ideals of communism but with his notion of democracy. It is also of importance to look at what Marx meant by democracy; and it should be examined closely in relation to Hegel's theory of the constitutional monarchy. Moreover, it is mainly through this part of the argument that Hegel used to be identified and criticised as a reactionary monarchist.

In the case of (3.) the bureaucracy, Marx's criticism of Hegel's idea of defining this social stratum as a universal class which is recruited from all the population regardless of their birth and is duly educated for the purposes of handling the public affairs of the modern state, is indeed important for various reasons. By way of exploring a few examples, we shall first look at Shlomo Avineri's observation that Hegel's notion of the role of the bureaucracy in his theory of the state is crucial for understanding Marx's development of thought towards his eventual socialism. Avineri even claimed that the development of Marx's notion of the proletariat as the class which can and should "aufheben" [*abolish*] all class antagonism stems from his critical assimilation of Hegel's theory of bureaucracy as the universal class rather than other sources.<sup>105</sup>

A second illustration is that Habermas concluded that in highly advanced capitalist societies in the later twentieth century the proletariat, the class designated as the executor of a future socialist revolution, has been dissolved. Whether or not this is the case, if we consider the possibility of a revolution (or transformation) of modern capitalism, we are forced to look for the agent who will promote revolution (or evolution) and with whom we should identify ourselves. It can be *bureaucracy rethought* however odd that may sound.<sup>106</sup>

The final example can be found in the point that David McLellan raised from a totally different standpoint that "Marxism . . . addresses itself to the living, to the victors, to those who have won through: Christianity addresses

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<sup>105</sup> S. Avineri, 'The Hegelian Origins of Marx's Political Thought' in *Marx's Socialism* ed. S. Avineri (New York: Lieber-Atherton, 1973), p. 5. Also see, Avineri, *The Social and Political Thought of Karl Marx* (London: Cambridge University Press, 1968), p. 52, pp. 60f.

<sup>106</sup> As I will argue in the concluding chapter of this thesis, I myself do not think that the proletariat used to be the designated executor of the future socialist revolution but that it was dissolved as a class because of the new development of capitalism. It seems to me that there was no guarantee from the beginning that "the proletariat alone is a really revolutionary class" and "the victory of the proletariat" is "inevitable". *S. W.* p. 229, p. 239.

itself, by preference, to the defeated, the maimed and even to the dead".<sup>107</sup> Considering this point alongside the previous two problems, we are to face the question: either it is the *proletariat rethought* or the *bureaucracy rethought*, have we been still addressing ourselves to the living, to the capable, to the victors, to those who would win eventually?

With regard to (4.) legislature, Marx devotes the largest portion of *Critique* to this topic while also covering its many sub-topics, for example, the issues of constitution, revolution, class distinction, tax, and voting. With regard to (5.) family, civil society and state, and their relations, Marx does not argue these problems directly. Rather he repeatedly expresses his view that the most problematic point of Hegel's political philosophy is the relation between civil society and state. In effect, his arguments on family, civil society and their relation to the state remain fragmentary, dispersed and are left undeveloped. This is especially the case with Hegel's conceptions of the family and civil society *per se*. To those of us who know of the later development of Marx's thought the lack of systematic treatment of these two topics is especially striking. Yet, as has been suggested in the previous chapter, our study of Hegel's notion of civil society provides us with a crucial vantage point for this re-examination of Marx's *Critique*. In the context of our modern situation even after the end of the Cold War, almost all of those topics still hold their status as primary issues of political thought.<sup>108</sup> It is therefore difficult to tell which question is the most important among these topics: even among the many sub-topics of Hegel's *Rechtsphilosophie* there are many important concepts that can be considered to be of major importance. Furthermore, given Marx's painstaking method of quoting from Hegel's text and subsequently offering his criticism, the importance of Marx's inspirational and acute commentaries along with the importance of Hegel's political philosophy itself, it is therefore necessary to devote the main part of my study to an examination of the content of each of Marx's commentaries.<sup>109</sup>

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<sup>107</sup> D. McLellan, *Marxism and Religion* (Houndmill, Basingstoke & London: Macmillan Press, 1987), p. 171.

<sup>108</sup> For example David Kolb, Steven Smith and Harry Brod explore the potentiality of Hegel's Political philosophy in close relation to the newest issues of our time. Cf. D. Kolb, *The Critique of Pure Modernity: Hegel, Heidegger and After* (Chicago & London: University of Chicago Press, 1986). S. B. Smith, *Hegel's Critique of Liberalism: Rights in Context* (Chicago & London: The University of Chicago Press, 1991). H. Brod, *Hegel's Philosophy of Politics: Idealism, Identity, and Modernity* (Boulder, San Francisco & Oxford: Westview Press, 1992).

<sup>109</sup> S. Avineri, *Ibid.*, p. 56.

It is very difficult to understand Marx's annotations thoroughly, primarily because there is a certain degree of indecisiveness on his part which is usually interpreted as symptomatic of the transitional character of Marx's thought at this time.<sup>110</sup> Difficulties also arise because Marx sometimes develops his annotations on the basis of unspoken premises, premises which seem difficult to reduce to the influence of Bruno Bauer, Feuerbach, Arnold Ruge or even Moses Hess. Furthermore, his quotations from Hegel's *Rechtsphilosophie* are at times inaccurate. In addition to these many problems, it is indeed risky to try to decode *Rechtsphilosophie*, because as is more or less the case with Hegel's other mature works, the text itself is immensely tricky to work with - as has been indicated at the beginning of the first chapter of this study.<sup>111</sup>

*Rechtsphilosophie* also had political implications at the time which it was written, implications which are difficult for intellectuals living in the western world at the end of the twentieth century to understand. Now, however, we have various new sources and materials available to us to aid our understanding, in particular the publications of students' notebooks from Hegel's lectures on *Rechtsphilosophie*.<sup>112</sup> With these new materials, although they demand an equally careful treatment, it must be worthwhile to attempt a decoding of Marx's annotations in full and as closely as possible, and to attempt a comparison of the various versions of Hegel's *Rechtsphilosophie* in an effort to understand what Hegel was really trying to say and whether or not Marx succeeded in his critique of Hegel's political philosophy.

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<sup>110</sup> See for example *S. W.* p. 26. and D. McLellan, *Marx before Marxism*, p. 125 and note 2 on p. 125.

<sup>111</sup> As A. W. Wood puts it: ". . . His penetrating analysis of the human predicament in modern society is perhaps unsurpassed among social observers of the past two centuries. At the same time, his thought is subtle and complex; his writings are difficult, even infuriating - laden with impenetrable and pretentious jargon from which his meaning can be separated only with skilled and careful surgery, even then usually not without risk of mortal injury". Editor's Introduction, *Nisbet*, p. xxvii.

<sup>112</sup> *Vorlesung über Rechtsphilosophie 1818 - 1831 Edition und Kommentar in sechs Bänden*, ed. K.-H. Ilting Vol. 1, (Stuttgart: Frommann Verlag, 1973), Vol. 2, 3, 4, (1974). Because of Ilting's death only the first four volumes are available. *Materialien zu Hegel's Rechtsphilosophie Vol. 1 & 2*, ed. M. Riedel (Frankfurt am Main: Suhrkamp Verlag, 1975). *Die Philosophie des Rechts*, ed. K. -H. Ilting (Stuttgart: Klett-Cotta Verlag, 1983). *Philosophie des Rechts*, ed. D. Henrich (Frankfurt: Suhrkamp Verlag, 1983). *Vorlesungen über Naturrecht und Staatswissenschaft*, ed. O. Pöggeler, C. Beker, W. Bonsiepen, A. Gethmann-Siefert, F. Hogemann, W. Jaeschke, Ch. Jamme, H.-Ch. Lucas, K. R. Meist, H. Schneider (Hamburg: Felix Meiner Verlag, 1983).

## CHAPTER 3 SUBJECT- PREDICATE

In my scientific development, which started from [the] more subordinate needs of man, I was inevitably driven toward science, and the ideal of [my] youth had to take the form of reflection and thus at once a system. I now ask myself, while I am still occupied with it, what return to intervention in the life of men can be found.

Hegel's letter to Schelling (November, 1800)

### INTRODUCTION

As discussed in the first chapter of this study, the famous paragraph in the *Capital vol. 1* shows Marx's basic view of Hegel, although the implications of this are ambiguous and yet again show Marx's ambivalence towards Hegel and Germany. Marx writes:

My dialectic method is not only different from the Hegelian, but is its direct opposite. To Hegel, the life-process of the human brain, i.e., the process of thinking, which, under the name of "the Idea", he even transforms into an independent subject, is the demiurgos of the real world . . . The mystifying side of Hegelian dialectic I criticised nearly thirty years ago . . .<sup>1</sup>

As Marx correctly remembers, this critique of the mystifying side of Hegelian philosophy can be already found explicitly in *Critique*. There are, however, remarkable differences between *Capital* and *Critique*. We have to pay attention to the following three points. Firstly, in *Capital* Marx gives a clear-cut explanation of the genesis of "the Idea"; the substantialisation of the life-process of the human brain, while in *Critique* Marx's emphasis is on Hegel's inversion of subject-predicate and two modes of story telling. Secondly, in *Critique* Marx does not acknowledge that his own method is also dialectic,

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<sup>1</sup> Karl Marx, *Capital vol. 1*, (London: Lawrence & Wishart, 1983), p.29. Hereafter referred to as *Capital vol. 1*.

although Marx used the term, “a philosophic-dialectic discussion” in a positive fashion as early as in 1837.<sup>2</sup> Consequently Marx does not admit that he is the (or even a) pupil of Hegel, either.<sup>3</sup> On the contrary, he even accuses Hegel of being a sophist.<sup>4</sup> Thirdly, we can find neither Marx’s readiness to discover Hegel’s “the rational kernel” to learn from Hegel nor can we see any acknowledgement of and admiration for Hegel as “that mighty thinker” and the first philosopher in the long tradition of Western thought thus to present the general form of dialectic “in a comprehensive and conscious manner”. Taken altogether, in *Critique* Marx seems to have assumed an almost totally negative attitude to both Hegel’s philosophy in general and his *Rechtsphilosophie* in particular.<sup>5</sup>

There are a few merits that Marx ascribes to Hegel: his way of looking at the political state as an organism, the empirical accuracy of his descriptions of the nature of the modern state and “his sensing the separation of civil and political society to be a contradiction”<sup>6</sup>. Nonetheless, we cannot see Marx’s readiness to find a rational kernel here. For to Marx, Hegel’s organic theory of the state is just an expression of his logocentrism and his empirical accuracy is nothing but another name for the uncritical, positive character of Hegel’s philosophy.<sup>7</sup> And even Hegel’s keener insight into the separation of

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<sup>2</sup> In the long letter to his father (Berlin, November 10), Marx wrote: “Now, an energetic wanderer, I set out on the main task; a philosophic-dialectic discussion of the godhead manifested as a concept per se, as religion, as nature, and as history.” *MEGA 1-1-2*, p. 219; Easton and Guddat, p. 47.

<sup>3</sup> As is discussed above, in clear contrast to Marx, Ruge’s critique of Hegel’s *Philosophy of Right* is both sympathetic and critical toward Hegel’s philosophy in general and *Rechtsphilosophie* in particular- he is at the very least much more polite than Marx. See A. Ruge, “Hegel’s Philosophy of Right and the Politics of our Times” in *The Young Hegelians*, pp. 215f.

<sup>4</sup> Cf. Ruge, *ibid.*, p. 220. Ruge calls Hegel as well as Kant a diplomat. “Well then, even Hegel was a diplomat! We Germans are not as awkward as we seem; even Kant, this anima candida was a diplomat. Neither of these men came out in opposition; they were satisfied to be in opposition.”

<sup>5</sup> See *Critique*, p. 89 for Marx’s intention of criticising Hegel’s *Logik*. “When Hegel treats universality and singularity the abstract moments of the syllogism, as actual opposites, this is precisely the fundamental dualism of his logic. Anything further regarding this belongs in the critique of Hegelian logic.

<sup>6</sup> *Critique*, p. 76.

<sup>7</sup> Cf. *Critique*, p. 64: “Hegel is not to be blamed for depicting the nature of the modern state as it is, but rather for presenting what is as the essence of the state”.

civil society and the state, in Marx's eyes, merely leads him to the self-deception that "he contents himself with the appearance of its dissolution".<sup>8</sup>

There is already an evident gap between his *Critique* (Spring -Summer of 1843) and "Towards a Critique of Hegel's *Philosophy of Right: Introduction*" (Autumn of 1843). That is not to re-state the fact that in latter work we can find the first appeal to the revolution and the role of the proletariat in it, but it is to suggest that in this Marx shows a clearly positive, albeit somewhat involved attitude, in terms of appreciating Hegel's merit in the backward tradition of Germany<sup>9</sup> and is almost to confess about that he is the disciple of Hegel.<sup>10</sup> My analysis suggests that this change of attitude towards Hegel on Marx's part has its origin in *Critique* itself. To be more specific, whereas Marx took an unduly critical approach towards Hegel, an approach so critical that it almost comprised a total negation of Hegel's political theory, he found his theoretical weaponry unsound and so he turned to the study of political economy. But this turn towards economics implied that he was forced to undertake a re-evaluation of Hegel.

In this chapter attention will be drawn to one of the main characteristics of Marx's strategy: translation. Then the subject-predicate problem will be examined as one of the most important examples of and the basic grammar for translation. This chapter will also focus on the fact which Marx ignored various important aspects unconsciously (or consciously?) in his translation of Hegel's text despite his painstaking procedure. There is also something not quite clear about Marx's claim that Hegel always makes the Idea into a subject. Secondly, the implications of the two modes of story telling will be discussed. The main point will be Marx's ambiguity about his dual (esoteric/exoteric) approach to Hegel's system.

## I. TRANSLATION

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<sup>8</sup> *Critique*, p. 76.

<sup>9</sup> Cf. *Marx, S. W.* P. 68: "The criticism of the German philosophy of the state and of law which was given its most consistent, richest, and final version by Hegel, is both the critical analysis of the modern state and the reality . . . and also the decisive denial of the whole previous method. . ."

<sup>10</sup> Cf. *S. W.* p. 68: "They believe that they can complete that negation by turning their back on philosophy and murmuring at here with averted head some vexations and the banal phrases."

The most characteristic feature of *Critique* is that Marx's commentary takes the form of a translation from one language to another, almost paragraph by paragraph. After copying the text of SS 270 of *Rechtsphilosophie*, Marx writes: "Now let's *translate* this entire paragraph into common language . . ." <sup>11</sup> This passage shows Marx's strategy very clearly. His commentary is an attempt to rewrite this part of *Rechtsphilosophie* in Feuerbachian and Marxian language. The basic grammar of his language has three rules: the rule of concrete subject; of non-contradiction; and of non-tautology. These roughly correspond to O'Malley's three methods; critical techniques, the transformative, the straightforward analytical, and the historico-genetic method. <sup>12</sup>

It is true that the term translation appears only in the early part of *Critique*, and his idiosyncratic way of contrasting the language of the common man with Hegel's text disappears in the meantime. But the theme of *translation* remains not only throughout *Critique*, but also it would remain as his belief in the radical humanism, true democracy and eventually in communism and the dialectic materialism in the development of Marx's thought. For instance, in 'Towards a Critique of Hegel's *Philosophy of Rights: Introduction*' it appears in this manner:

Theory is capable of seizing the masses as soon as its proof are *ad hominem* and its proofs are *ad hominem* as soon as it is radical. To be radical is to grasp the matter at root. But for the man the root is the man himself. <sup>13</sup>

In our context, this amounts to paraphrasing Hegel's discourse on the body politic mainly through the technique of inversion of subject and predicate, and it also involves the straightforward textual analysis and historical explanation which avoids tautology. Marx's use of the word "translate" shows us that Marx is not merely mocking the extreme obscurity of Hegelian language, but also that he is serious: it is the main strategy of his *Critique*. From the Feuerbachian viewpoint, Hegel's absolute Idealism or speculative

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<sup>11</sup> *Critique*, p. 16, my Italics.

<sup>12</sup> As acknowledged above, O'Malley defined these three methods very neatly. But Avineri seems to have been the first person to coin the term "the transformative method". Cf. S. Avineri, *The Social and Political Thought of Karl Marx* (London: Cambridge University Press, 1968), p. 12, p. 14. See also Avineri, 'The Hegelian Origins of Marx's Political Thought' in *Marx's Socialism*, ed. S. Avineri (New York: Lieber-Atherton, 1973), p. 3, pp. 10-12.

<sup>13</sup> *S. W.* p. 69.

philosophy is only another form of religious alienation and is nothing more than the last resort of Christian theology.<sup>14</sup> From Marx's viewpoint, a viewpoint strongly influenced by Feuerbach, the problem of Hegelian language is not so much that it is too difficult, too complicated or too abstract, but that it is an alienated language. In other words, Hegel's political philosophy does not belong to the real world as such: rather it is mystical justification of the status quo from the other world. Thus, Marx treats Hegel's political philosophy as if it were written in verse or in a foreign or alien language (e.g. Latin or Greek). *Rechtsphilosophie* is, in Marx's final analysis, written in an alien language not only because it is based on Hegelian *Logik* which is "the holy register of the Santa Casa"<sup>15</sup> but rather because Hegel wrote it just as a demonstration of his speculative *Logik*. By the same token, Marx casts ridicule upon Hegel's language by saying that it is utterly alienated from the language of "the common man".<sup>16</sup> He believes that Feuerbachian and Marxian language, which aims to reveal the naked truth, is at the same time identical to the common or ordinary language, and that therefore the strategy of translating Hegel's mystical, other-worldly language into the common language will reveal the real implications of Hegel's false explanations to common people and that at the same time it will comprise an acute, open critique of the irrationality and illegitimacy of the Prussian monarchy. In effect, as long as we limit our reading only to *Critique*, in other words, to see the whole picture of *Rechtsphilosophie* in a part cut by Marx and put in a Feuerbachian - Marxian frame, Hegel's political philosophy does seem to be self-contradictory and internally inconsistent: an arbitrary mixture of modern principles, feudal hierarchy, and sophistic justification of the status quo, while Marx's new discourse sounds logical, radical and utterly persuasive.<sup>17</sup>

Marx's strategy is, however, cruelly ironic because throughout his life Hegel was one of the first and most enthusiastic national educator-philosophers of Germany. He attempted to translate as many Latin and Greek

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<sup>14</sup> *S. W.* p. 97. Feuerbach, 'Provisional Theses for the Reformation of Philosophy' in *The Young Hegelians*, pp. 156-159, pp. 162f, p. 167.

<sup>15</sup> *Critique*, p. 15.

<sup>16</sup> *Critique*, p. 25.

<sup>17</sup> Cf. MEGA, *1-1-2*, p. 269. At Japanese Universities, first year students used to be invited to reading circles held by senior students under the influence of both the Japanese Communist Party and the New Left. Texts were much the same: 'On the Jewish Question', 'Towards a Critique of Hegel's Philosophy of Right: Introduction', 'Theses on Feuerbach', *The Communist Manifesto*, 'Wage-Labour and Capital' and *Socialism: Utopian and Scientific* etc. and finally *Capital*.

concepts into his mother tongue as possible, an endeavour which is specifically evident in *Phänomenologie*.<sup>18</sup> As he wrote in a letter to J. H. Voß, Hegel did attempt to “make philosophy speak German”.<sup>19</sup> It was again Hegel who struggled to solve the question of how a system of philosophy can be applied to ordinary life, asking, ‘Who Thinks in the Abstract?’.<sup>20</sup> In addition, one of the most important reasons for Hegel’s appreciation of Luther, from the so-called Jena period, was that Luther translated the Bible into German so that every one could easily read it by and for him/herself without depending upon priests, despite the low literacy-rates of that period.<sup>21</sup> It was Hegel’s firm conviction that the Greek classics, the Bible, philosophy, codes of law and the constitution should all be available to the general public.

Marx declares:

In this passage *the logical, pantheistic mysticism* appears very clearly. The Idea is given the status of a *subject*, and the actual relationship of family and civil society to the state is conceived to be its inner imaginary activity - they are the really active things; but in speculative philosophy it is reversed (*Critique*, pp. 7-8, emphasis added).

The exact context in which Marx first takes up the problem of the inversion of subject-predicate in Hegel’s philosophy is located in the annotation to SS 262 of *Rechtsphilosophie*. Marx quotes the whole text of SS 262 which runs as follows:

The actual Idea is the spirit which divides itself up into the two ideal spheres of its concept - the family and civil society- as its finite mode, and thereby emerges from its ideality to become infinite and actual spirit

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<sup>18</sup> Hegel explains that one of his motives for writing *Phänomenologie* was that it was to be an attempt to teach philosophy to speak German. Seen a draft of a letter to J. H. Voß, *Brief von und an Hegel*, vol. 1, ed. J. Hoffmeister (Hamburg: Felix Meiner Verlag, 1969), p.100.

<sup>19</sup> Cf. *Brief von und an Hegel*, vol. 1, pp. 99f.

<sup>20</sup> *Werke* 2, pp. 575-581, 'Wer denkt abstract?'

<sup>21</sup> *Brief von und an Hegel*, vol. 1. pp. 99-101, *Hegel: The Letters*, trans. C. Butler & C. Seiler (Bloomington: Indiana University Press, 1984), p. 107. Hegel regards Luther's translation of the Bible and Voß's translation of Homer as two former examples for *Phänomenologie* and explains the importance of the task he had set himself, saying: "for a people remains barbarian and does not view what is excellent within the range of its acquaintance as its own true property so long as it does not come to know it in its own language."

for itself. In so doing, it allocates the material of its finite actuality, i.e. individuals as a *mass*, to these two spheres, and in such a way that, in each individual case [*am Einzelnen*], this allocation appears to be *mediated* by circumstances, by the individual's arbitrary will and personal [*eigene*] choice of vocation [*Bestimmung*]( SS 262. *Nisbet*, pp. 285f; *Knox*, p.162; *Werke* 7, p.410).

To this text, Marx adds a critical comment that reveals his intention, saying:

Let us *translate* this into *prose* as follows:

The manner and means of the state's mediation with the family and civil society are circumstance, caprice, and personal choice of station in life. Accordingly, the rationality of the state [*Staatsvernunft*] has nothing to do with the division of the material of the state into family and civil society. The state results from them in an unconscious and arbitrary way. Family and civil society appear as the dark natural ground from which the light of the state emerges. By material of the state is meant the business of the state, i.e., family and civil society, in so far as they constitute components of the state and, as such, participate in the state (*Critique*, p. 7. *MEGA 1-1-1*, pp. 405-6).

Certainly, Marx avoids Hegel's subject, "the actual Idea", and also avoids "the state if possible, using the terms "family and "civil society instead. However, is it right to interpret Hegel as saying that "the rationality of the state has nothing to do with the division of the material of the state into family and civil society" because the state is a result of circumstance, arbitrary will, and the personal choice of vocation? Furthermore is it correct to analyse and rewrite Hegel's text to make it appear that Hegel was saying that "family and civil society appears as the dark natural ground"?

As for family, Marx seems to be referring to the Remark to SS 163, the Remark to SS 166 of *Rechtsphilosophie* and *Phänomenologie*.<sup>22</sup> It is true that Hegel usually mentions "the *Penates*" and the law of "the chthonic realm [*des Unterirdischen*]" as a symbol of the principle of the family, and Hegel has a peculiar propensity to express the principle of the family in terms of the conflict beautifully represented in Greek tragedies, calling it "the unwritten

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<sup>22</sup> *Werke* 7, p. 314, p. 319. *Nisbet*, p. 203, pp. 206f.

and infallible law of the gods”, almost always making reference to Antigone.<sup>23</sup> For example, Hegel says in *Phänomenologie*:

Consequently, the feminine, in the form of the sister, has the highest *intuitive* awareness of what is ethical. She does not attain to consciousness of it . . . because the law of the Family is an implicit, inner essence which is not exposed to the daylight of consciousness, but remains an inner feeling and the divine element that is exempt from an existence in the real world.<sup>24</sup>

In the earlier part of *Rechtsphilosophie* Hegel repeats his belief, saying:

In one of the most sublime presentations of piety - the *Antigone* of Sophocles - this quality is . . . declared to be primarily the law of woman, and it is presented . . . as the law of the ancient gods and of the chthonic realm [*des Unterirdischen*] as an eternal law of which no one knows whence it came, and in opposition to the public law, the law of the state - an opposition of the highest order in ethics and therefore in tragedy, and one which is individualised in femininity and masculinity in the same play. (*Nisbet*, p. 206, *Werke* 7, p 319)

If we depend totally upon Hegel’s metaphors such as “the daylight of consciousness”, we can say that the principle of family is dark and from the underground. As for civil society, it is also true that Hegel does not describe civil society as brightly as Adam Smith did. Hegel grasps both the positive and negative sides of modern civil society. According to Hegel, this is the positive side of modern civil society:

In this dependence and reciprocity of work and the satisfaction of needs, *subjective selfishness* turns into a *contribution towards the satisfaction of needs of everyone else*. By a dialectical movement, the particular is mediated by the universal so that each individual, in earning, producing and enjoying on his own account [*für sich*], thereby earns and produces for the enjoyment of others. This necessity which is inherent in the interlinked dependence of each on all now appears to each individual in

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<sup>23</sup> *Werke* 3 , p. 322, p. 336, p.348, p. 352. *Phenomenology of Spirit*, Intro. & Analysis J. N. Findlay, trans. A. V. Miller (Oxford: Clarendon Press, 1979), p. 261, p. 274, p. 284, p. 287. Hereafter referred to as *Miller*.

<sup>24</sup> *Werke* 3, p. 336,. *Miller*, p. 274.

the form of *universal and permanent resources* . . . (*Werke* 7, SS 199, p. 353, *Nisbet*, p. 233)

But there is also the negative side:

*The possibility of sharing* in the universal resources - i.e. of holding *particular* resources - is, however, *conditional* upon one's own immediate basic assets (i.e. capital) [*Kapital*] on the one hand, and upon one's skill on the other; the latter in turn is itself conditioned by the former, but also by contingent circumstances whose variety gives rise to differences in the development of natural physical and mental [*geistigen*] aptitudes which are already unequal in themselves [*für sich*]. In this sphere of particularity, these differences manifest themselves in every direction and at every level, and, in conjunction with other contingent and arbitrary circumstances, necessarily result in *inequalities in the resources and skills* of individuals. (*Werke* 7, SS 200, p. 353, *Nisbet*, p. 233 )<sup>25</sup>

This tendency toward inequality amounts not only to the unstoppable rise in the inequality between the rich and poor in economic terms, but also the inequality and the huge chasm in terms of education, training, morals and taste which in turn reinforce inequality in economic terms.<sup>26</sup> Thus the poor become more and more deprived of all the advantages and benefits of living in civil society, including access to the administration of justice, health care and even the consolation religion may give to them.<sup>27</sup> It is, in Hegel's view, not merely the physical starvation but those devastating and demoralising aspects of civil society that make the poor into a pauperised rabble.<sup>28</sup> In SS 244 Hegel states again the rise of the intrinsic, therefore, unavoidable augmentation in the inequality in wealth and the appearance of a rabble in the midst of the growing plenty of wealth of modern civil society. Hegel writes:

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<sup>25</sup> German original for one's own immediate basic assets is "eine unmittelbare eigene Grundlage (Kapital)". Cf. *Edition Ilting* 2, p. 646.

<sup>26</sup> *Werke* 7, p. 354, *Nisbet*, pp. 233f.

<sup>27</sup> *Werke* 7, p. 388, *Nisbet*, p.265. Hegel is well aware that religion can play a role in giving consolation to the oppressed and compensation for loss as well as the famous definition; religion as the representative mode of comprehension and expression of the absolute. However, again in this understanding his evaluation is ambiguous, because he criticises this function as particularly serving well under tyranny and also is critical of . Cf. *Werke* 7, SS. 270, Remark.

<sup>28</sup> *Werke* 7, pp. 387, *Nisbet*, pp. 264.

When a large mass of people sinks below the level of a certain standard of living - which automatically regulates itself at the level necessary for a member of the society in question - that feeling of right, integrity [*Rechtlichkeit*], and honour which comes from supporting oneself by one's own activity and work is lost. This leads to the creation of a *rabble*, which in turn makes it much easier for its proportionate wealth to be concentrated in a few hands. (*Werke 7*, p. 389, *Nisbet*, p. 266)<sup>29</sup>

Hegel characterises modern civil society as “a sphere of particularity” and insists: “it retains both natural and arbitrary particularity, and hence the remnants of the state of nature”.<sup>30</sup> As Ilting suggests, Hegel seems here to define modern civil society in relation to the Hobbesian notion of the state of nature.<sup>31</sup> In Hegel's view, civil society has neither managed to abolish the natural inequality nor human strife, but also in a sense has even increased them.

Therefore, Marx seems to criticise Hegel with good reason. Marx's criticism is, however, only half true at best. For, quite contrary to Marx's accusation, it seems that here in SS 262 Hegel is merely emphasising the unique and the rather (if not totally) optimistic side of the modern nuclear family, the freedom to pursue one's own interests, and the freedom to choose one's own job in civil society; this being a feature of family and social life

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<sup>29</sup> As H. Kato points out, Hegel's interest in the problem of a rabble seems to be from his youth. According to Kato, the oldest text we have is 'the Natural Law': " - Endlich aber, wenn die obersten Gewalthaber freiwillig diesen zweiten repräsentanten des allgemeinen Willens es gestatten wollten, die Gemeinde zusammenzurufen, daß diese zwischen ihnen und den Aufsehern urteile, - was wäre mit solchen *Pöbel* anzufangen, der auch in allem beaufsichtigt, was Privatsache ist, noch weniger ein öffentliches Leben führt und der hiermit zum bewußtsein des gemeinsamen Willens und zum Handeln im Geist eines Ganzen schlechthin nicht, sondern allein zum Gegenteil gebildet ist" (*Werke 2*, p. 475, italics added). But I do not think we can conclude from this oldest text that "Hegel's interest is not the deteriorating of living standard but the destruction of the attitude to the public". Cf. H. Kato, *The Task of Philosophy* (Tokyo: Miraisha, 1992), pp. 76ff.

<sup>30</sup> *Werke 7*, p. 354, *Nisbet*, p. 234.

<sup>31</sup> In his edition, Ilting gave this Remark (Remark to SS 200) a title: ““Der Existenzkampf als Rest des (Hobbesischen) Naturzustandes und (moralische) Forderung nach sozialer Gleichheit”. Cf. *Edition Ilting 2*, p. 647. To my knowledge, Hegel has two usages of this concept. One is Hobbesian, the other is Rousseauian. Hegel regards both Hobbesian and Rousseauian ideas of the state of nature as a fiction, although Hegel highly appreciates Hobbes and Rousseau in other respects.

familiar to modern European countries today and which had not yet been fully attained in Europe, let alone in Germany.<sup>32</sup> Above all, Hegel assigns himself in *Rechtsphilosophie* the task of demonstrating the possibility and necessity of establishing the rational state in the modern world based upon the family and civil society. There is good reason to think that this was indeed the task which Hegel has set himself, because he adds the following comment to SS 262 in his classroom lecture which was doubtless available to Marx in the edition by E. Gans at that time. It says:

In Plato's republic, subjective freedom is not yet recognised, because individuals still have their tasks assigned to them by the authorities. In many oriental states, this assignment is governed by birth. But subjective freedom, which must be respected, requires freedom of choice on the part of individuals. (*Nisbet*, p. 286; *Knox*, p.280; *Werke 7*, p.410)

European history has produced civil society which is acknowledged by British liberals as being humane, and has become the object of studies by political economists like Adam Smith and David Ricardo. Hegel defends this new realm of civil liberty and the freedom to pursue individual interests against antiquity, the ancien régime and the terror of the French Revolution.

Also in SS 206 and its Remark, although Hegel does not deny that this freedom to follow one's own occupation is influenced by various conditions such as the geography, the economy and political factors in the country together with one's personal circumstances including birth, health and abilities, he, at the same time, emphasises the importance of having the right to choose, and deciding one's profession in the modern Western world. He says:

the ultimate and essential determinant is *subjective opinion* and the particular arbitrary will. . . *what* happens in this sphere through *inner necessity* is at the same time *mediated by the arbitrary will*, and for the subjective consciousness, it has the shape of being the product of its own will. (*Nisbet*, p. 237, *Knox*, p. 132, *Werke 7*, p.358)

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<sup>32</sup> Cf. SS 206-207 of *Rechtsphilosophie* (1821), *Berlin Student Notebook* (1819-20) by unknown student ed. D. Henrich (Frankfurt am Main: Suhrkamp Verlag, 1983), pp. 163-167. Hereafter referred to as *Henrich*. Cf. SS 106-107 of *Heidelberg Student Notebook* (1817/18) by P. Wannemann, ed. O. Pöggeler (Hamburg: Felixmeiner Verlag, 1983) and *Die Mitschriften Wannemann (Heidelberg 1817/18) und Homeyer (Berlin 1818/19)* ed. K-H Ilting (Stuttgart: Klett-Cotta, 1983). Hereafter these editions referred to as *Pöggeler* and *Ilting*, respectively.

In this respect, too, in relation to the principle of particularity and subjective arbitrariness, a difference emerges between the political life of east and west, and of the ancient and modern worlds. In the former, the division of the whole into estates came about *objectively and of its own accord* but the principle of subjective particularity was denied its rights. . . (*Nisbet*, pp. 237f, *Knox*, pp. 133, *Werke* 7, p. 358)<sup>33</sup>

What Hegel has shown in the Remark by way of contrast are examples such as Plato's *Republic*, the Indian caste system, Sparta and other Greek city states and the ancient Roman Republic. In addition to them, although he has not shown explicitly, Hegel seems to have ancien régime in mind. In comparison with these examples, in Hegel's view, individual choice of profession in the modern Western world is not only "the sole animating principle of civil society" and of the development of intellectual activity, merit, and honour, but also a key to the rational state especially in terms of suffrage, public offices and military service.<sup>34</sup> At the same time we must keep the following two points in mind. Firstly, it is quite doubtful whether Hegel had enough data on the political and social structure of oriental countries.<sup>35</sup> Secondly, and more importantly, it must be noted that according to Hegel neither freedom of choice nor self-determination is the concrete freedom. The real freedom in Hegel's sense is "to will something determinate, yet to be with oneself [*bei sich*] in this determinacy and return once more to the universal".<sup>36</sup> Nevertheless, it is quite clear that Hegel is ready to recognise the importance of the freedom of individual persons as the historical, necessary and therefore irreversible achievement of modern European civilisation, and consequently to accept the realm of civil society even with the remnants of nature. Civil society shows itself as a system of needs and interdependency through political economy, a new science which "extracts from the endless multitude of details" or contingent occurrences in society, "the simple

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<sup>33</sup> Also see notes 1 & 2 to SS 206, *Nisbet*, p.445.

<sup>34</sup> *Werke* 7, p. 359, *Nisbet*, p. 238, *Knox*, p. 133.

<sup>35</sup> The late associate professor of Chinese Literature at Kyoto University, K. Takahashi, who was also a prominent novelist, once criticised Hegel's definition of the Oriental World in Hegel's *Philosophy of History* saying: "Hegel is a great philosopher who constructed a new Logic called the dialectic. But there is no era in Chinese history where only the emperor was free and the rest of the population were nothing in terms of freedom and morality. It is a ruse". Cf. Y. Kanaya, 'Comments on Hegel' in *Introduction to Hegel*, ed. H. Kato (Tokyo: Hosei University Press, 1987), pp. 373.

<sup>36</sup> *Werke* 7, p. 56, *Nisbet*, p. 42.

principles of the thing [*Sache*]” or economic laws as a manifestation of rationality.<sup>37</sup> At the same time this market system always remains irrational and contingent to particular individuals. Furthermore, it produces class antagonism within civil society. And that is why Hegel introduces not only a system of justice but also police as institutions responsible for welfare, infrastructure, consumer protection, environment and so on.<sup>38</sup> Marx pays no attention to this aspect of the modern European world which Hegel values so highly. At least Marx seems to have taken this achievement for granted.

## II. TWO MODES OF SPEAKING

Marx had a different vantage point from which he viewed his uniquely German experience. His complaint becomes clearer when he sums up his main argument and gives his interpretation of Hegel’s peculiar mode of discourse. According to Marx:

The Idea is given the status of a subject, and the actual relationship of family and civil society to the state is to be conceived to be its inner imaginary activity. Family and civil society are the presuppositions of the state; they are the really active things; but in speculative philosophy it is reversed. (*Critique*, p.8)

In Marx’s view family and civil society are real and the state is imaginary. Family and civil society are prerequisites for the state and not vice versa. The circumstances, personal interests and freedom of choice in selecting a vocation regardless of one's birth and upbringing is something that Marx regards as real or actual and necessary elements of civil society. However, he believes that they are not acknowledged as such in *Rechtsphilosophie*, but instead are regarded as something imaginary, i.e. something arising accidentally. Likewise family and civil society which are the real bases, therefore *conditio sine qua non* of the state, are regarded not as determining but as determined by the Idea. Marx’s interpretation concludes that the Idea in Hegel's language has the status of subject, but civil society, family, circumstances, self-interest, etc. do not; and Marx insists that they should be

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<sup>37</sup> *Werke* 7, p. 346f, *Nisbet*, p. 227.

<sup>38</sup> *Edition Ilting* 4, p. 594f.

thought of as real subjects and for this reason must appear as subjects of sentences in political discourse. He thinks that they instead become predicates in Hegel's language and therefore are not real in and for themselves or in their own right. Marx believes that, with the help of Feuerbach, he has found the reason for the inversion of subject-predicate in the specific character of Hegel's philosophy - the fact that it is speculative philosophy.

The most interesting point about the translation problem is, however, that on the one hand Marx thinks that "There is a two-fold history, one esoteric and one exoteric", and that "The difference lies not in the content, but in the way of considering it, or in the manner of speaking".<sup>39</sup>

If we try to translate what Marx is saying here just as Marx did in criticising Hegel's *Rechtsphilosophie*, we end up with something like this:

There are two ways of looking at things in Hegel's philosophical system itself and therefore two modes of discourse or of telling stories (or histories) that are apparent in Hegel's system. The first is a way of looking at the world on the assumption that everything is a development of the Idea. The second is the way of looking at the world based on the assumption that only individual, concrete, sensuous beings exist and that all other things are products of some form of imaginary activity of the speculative philosopher. The first is a mystical, esoteric mode of discourse. The second is an enlightening, exoteric one. There is no difference between either of them, as far as the content is concerned - the difference lies only in form.

There is nothing especially new about the dual or exoteric/esoteric approach toward Hegel's philosophy itself. In a sense, like the notion of alienation, this seems to be a sort of common property of the Young Hegelians, inherited from Hegel himself. We can find the most telling example in Bruno Bauer. Interestingly and importantly, Marx's use of the terms, "exoteric" and "esoteric", however, is the opposite of that of B. Bauer.<sup>40</sup> This reversed application, (even though to reverse what is given is Marx's favourite method), of the "exoteric" and "esoteric" dual approach, suggests that something decisive has happened in Marx's way of looking at Hegel.

On the other hand, Marx insists that "The content lies in the exoteric part. The interest of the esoteric is always to recover the history of the logical Concept in the state. But the real development proceeds on the exoteric

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<sup>39</sup> *Critique*, p. 8.

<sup>40</sup> D. McLellan, *The Young Hegelians and Karl Marx*, p. 53.

side”.<sup>41</sup> Then Marx proposes the following form of presentation as the alternative to Hegel’s original paragraph. It runs:

Reasonably, Hegel’s sentences mean only the following: The family and civil society are elements of the state [Staatsteile]. The material of the state is divided amongst them through circumstances, caprice, and personal choice of vocation. The citizens of the state are members of families and of civil society. (*Critique*, p. 8, *MEGA I-I-I*, p. 407)

Hegel, we might expect, would be content with one reservation with Marx’s alternative discourse: he would doubtless be dissatisfied with the philosophical implications of the notion of “condition” which Marx’s “translation” imports. In short, Marx’s alternative discourse “smuggles in” concepts and implications that are entirely alien to the original intent of Hegel’s *Rechtsphilosophie*.

The Berlin Lecture Notebook, which has become available owing to its fortuitous discovery by D. Henrich, gives an interesting exposition of Hegel’s notion of condition. There Hegel explains:

The individual as a person and personal interest find its complete condition in the spheres of family and civil society. We have also seen how those spheres merge into the universal. (*Henrich*, p. 227)

The Idea is not given the status of a subject here. Rather, the state is regarded as the integration of family and civil society into the another level which is called universality. This shows that Hegel himself has two ways of speaking. Hegel thinks that the abstract right and the person, his morality and his subjectivity, which are usually regarded as the foundations of society are abstraction and that in effect those presuppose family and civil society. Analogously, although family and civil society appear before the state as if it were the result of these two moments in thought [*Betrachtung*], in reality [*Existenz*] family and civil society presuppose the state.<sup>42</sup> It is especially the case with civil society, because “the state as such is always something earlier than civil society.”<sup>43</sup> According to Hegel “This (Civil society) sets up itself only in the state, and it can emerge only within the real [*ganzen*] unity which

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<sup>41</sup> *Critique*, p. 8.

<sup>42</sup> *Werke* 7, p. 208.

<sup>43</sup> Hegel, *ibid.*, p. 208.

is the state.”<sup>44</sup> As a result of the theoretical examination of family and civil society the state is postulated, or rather I would say, required as a realm of the universality. Marx seems to share the Hegelian critique of the abstractness of private rights and personality. He does not, however, seem to share the priorities and the demands of the state. Marx insists on this point that from his point of view the fact is that the political state emerges from the “mass of men” in family and civil society, and therefore that family and civil society are “its *conditio sine qua non*”.<sup>45</sup> Thus Marx makes this criticism:

. . . the political state cannot exist without the natural basis of family and artificial basis of civil society; they are its *conditio sine qua non*; but the conditions are established as the conditioned, the determining as the determined, the producing as the product of its product. The actual Idea reduces itself into the finiteness of family and civil society only in order to enjoy and bring forth its infinity through their transcendence [*Aufhebung*]. (*Critique*, p. 9)

In his application of the Feuerbachian theory of alienation to the genesis of the state, Marx seems prepared to start from concrete and empirical facts. But Hegel, Marx observes, regards sensuous and empirical facts as “mysterious results” of the actual Idea.<sup>46</sup> In other words, while for Hegel actual facts are phenomena or appearances and the Idea is essence, for Marx, Hegel's Idea is only the abstract, logical subject. Therefore, Marx thinks that this is why Hegel must always introduce contents of idea through “the back door”.<sup>47</sup>

Furthermore, according to Marx, the Idea has merely “the logical aim, namely to become explicit as infinite actual mind”.<sup>48</sup> Marx also declares that “the entire mystery of Hegel’s *Philosophy of Right* and of Hegelian philosophy in general is contained in these paragraphs”.<sup>49</sup> Marx repeats this criticism throughout *Critique*.: “The important thing is that Hegel at all times makes the Idea the subject and makes the proper and actual subject the

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44 Hegel, *ibid.*, p. 208.

45 *Critique*, p. 9.

46 *Critique*, p. 9.

47 *Critique*, p. 9.

48 *Critique*, p. 9.

49 *Critique*, p. 9.

predicate. But the development proceeds at all times on the side of the predicate.”<sup>50</sup>

This line of argument is continued not only in Marx’s critique of *Rechtsphilosophie* and in *Economic and Philosophical Manuscripts*, but also in the *Grundrisse and Preface to A Critique of Political Economy to Capital*, as far as Marx’s remarks on his relation to Hegel’s philosophy are concerned. However, is Marx right on this point? In order to answer this question, one has to examine not only Hegel’s *Philosophy of Right* but also the newly discovered Lecture Notebooks from Hegel’s lectures on *Philosophy of Right* given in Heidelberg and Berlin. The fact of the matter is that we can find quite different materials in both of them.<sup>51</sup>

However, before examining Hegel’s theory, we have to go into a further examination of Marx’s critique, because Marx expands his claims, and criticises Hegel’s logo-centrism.

### III. LOGO-CENTRISM

After transcribing SS 269 Marx adds the following annotation. He writes:

The constitution of the state is the organism of the state, or the organism of the state is the constitution of the state. To say that the different parts of an organism stand in a necessary relation which arises out of the nature of the organism is pure tautology. . . It is a great advance to consider the political state as an organism, and hence no longer to consider the diversity of powers as organic\* but rather as living and rational differences.<sup>52</sup>

With regard to the problem of tautology, as indicated above, it seems to be closely related with the title of the unwritten part two of *Critique: Concerning Hegel’s Transition and Explication*. This annotation includes one of the rare cases in which Marx recognises Hegel’s merit in *Critique*: Marx

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<sup>50</sup> *Critique*, p. 11. For further examples see *Critique*, p. 73, p. 75.

<sup>51</sup> See above footnote 32.

<sup>52</sup> *Critique*, pp. 11f. Asterisks is by editor. Cf. *MEGA*, 1-1-1, P. 411, editor's note 2. It says: " Offenbar Schreibfehler, sollte vermutlich mechanische oder anorganische heißen. " With O'Malley I agree with Rjazanov's reading that it is an obvious writing error and that it should be read 'inorganic'.

seems basically to agree with Hegel's attempt to grasp the state and its articulation into various institutions not as an inorganic or mechanic system but as an organic one. This position is fundamentally the same as was taken in "The Leading Article in No. 179 of *The Kölnische Zeitung* : Religion, Free Press and Philosophy" which is quoted above.

Here, however, Marx forwards a new point that was not present in the article. Although it is also raised as the inversion of subject-predicate, it contains a more harsh critique of logo-centrism. The problem in this case is a logical category: organism, (which from Marx's position must be predicate and therefore organic rather than organism, but is made the subject by Hegel. The second: Hegel gives the impression that not the political constitution, (which is organic,) but rather "the abstract Idea whose development in the state is the political constitution" is under discussion and is the point of departure. "What Hegel really wants to achieve is the determination of the organism as the constitution of the state." But Marx criticises in this way: "there is no bridge by which one can pass from the universal Idea of the organism to the particular idea of the organism of the state or the constitution of the state, nor will there ever be".<sup>53</sup> Marx continues:

In truth, Hegel has done nothing but resolve the constitution of the state into the universal, abstract idea of the organism: but in appearance and his own opinion he has developed the determinate reality out of the universal Idea. He has made the subject of the idea into a product and predicate of the Idea. He does not develop his thought out of what is objective [*aus dem Gegenstand*], but what is objective in accordance with a ready-made thought which has its origin in the abstract sphere of logic. (*Critique*, p.14)

To understand what it is is the task Hegel presented in the Preface, but according to Marx, Hegel did not accomplish that task because of his logocentrism. In short, Hegel's concern is not of the political idea, "but rather of the abstract Idea in the political element".<sup>54</sup> Consequently, in effect, Hegel explains "absolutely nothing about the specific idea of the political constitution".<sup>55</sup> For the same is equally said about the animal. In other words, Hegel's explanation does not give the *differentia specifica* and therefore there

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<sup>53</sup> *Critique*, p. 14.

<sup>54</sup> *Critique*, p. 12.

<sup>55</sup> *Critique*, p. 12. Cf. Hegel's Logic, trans. W. Wallance (London: Oxford University Press, 1975), pp. 170f, p. 287.

is no explanation in the real sense of the term, and he does not help our understanding of the political state at all. Thus just as Hegel fails to grasp the necessity of various powers of the state in its specific character, still less does he demonstrate it as “critical”.<sup>56</sup> In the final analysis:

The sole interest here is that of recovering the Idea simply, the logical Idea in each element, be it that of the state or of nature; and the real subject . . . become their mere names. Consequently, there is only the appearance of a real understanding, while these determinate things are and remain uncomprehended . . . (*Critique*, p.12)

Here Marx depends on Aristotelian or Leibnizian logic, both of which he studied as a part of the preparation for his doctoral dissertation and which greatly interested him.<sup>57</sup> Marx asks Hegel to make concrete objects as subjects in the philosophical discourse of the state and describes the specific character critically. But what will happen if from the beginning Hegel did not try to comprehend *the state as it is*, which is the way Marx understands? If it is the case, it can be argued that Marx took Hegel’s project of the rational state as just depicting the empirical feature of the existing state: the Prussian Monarchy. That is to say, that in the first place Marx misunderstood Hegel’s project: to propose a theory of the state in which not only is the constitution of the state fully articulated into the various powers and political institutions, but also as a result, family and civil society are guaranteed their own places and functions so that the subjective freedom, the freedom of the individual person, which is regarded by Hegel as the most valuable achievement of the modern Western civilisation, can be secured. Of course, what is peculiar about Hegel’s project is that Hegel has described his theory of state in the name of Idea and sought the guarantee of its rationality in logical categories. But the implication of this problem will be examined in the next chapter. Here let us follow Marx’s discussion.

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<sup>56</sup> *Critique*, p. 15.

<sup>57</sup> Cf. D. McLellan, *Karl Marx*, p. 34, p. 39. Among his friends Marx was famous not only his competence in dialectical argumentation but also his knowledge of Logic. In a letter to Berthold Auerbach written in September 1841 Moses Hess seems to have thought that Marx was going to be a lecturer in logic after his graduation. “If I could be in Berlin when he lectures on logic, I would be his most assiduous listener.” Cf. *Karl Marx: Interviews and Recollections*, ed. D. McLellan (London & Basingstoke: Macmillan, 1981), pp. 2f.

Marx pursues this argument with the conclusion that “Hegel’s true interest is not *The Philosophy of Right* but logic [*Logik*]”.<sup>58</sup> Accordingly, it seems to Marx that:

the entire philosophy of Right is only a parenthesis to logic [*Logik*]. It goes without saying that parenthesis is only an *hors d'oeuvre*.<sup>59</sup>

This is more than an overstatement. If this is the case, if it is only an *hors d'oeuvre* why Marx has tried to make and is making this painstaking and lengthy commentary with extensive preliminary studies for it? But Marx thinks that Hegel’s logical, pantheistic mysticism leads him to logocentrism. In contrast to the *Economic and Philosophical Manuscript*, here in *Critique* Marx seems to regard not *Phänomenologie* but *Logik* as the secret of Hegel’s philosophy.<sup>60</sup> That is why Marx says that main dish is *Logik*. Consequently, Marx asks readers to refer to Hegel’s *Logik*.<sup>61</sup>

This is more than a singular point of criticism. As mentioned in the previous chapter, this is Marx’s major assumption about Hegel’s philosophy. Therefore, he takes up this point repeatedly in *Critique*, for example:

Logic [*Logik*] is not used to prove the nature of the state, but the state is used to prove the logic [*Logik*]. (*Critique*, p.18)

Thus, in Marx’s eyes, “with the exclusion of these concrete determinations we have before us a chapter of the *Logic*”.<sup>62</sup> However, could this point which Marx insists on be maintained? Further, Marx traces an analogy between Hegel’s philosophy and Christianity saying:

. . . the determination of the character of various powers is . . . predetermined by the nature of the concept, sealed in the holy register of the Santa Casa ( the Logic). The soul of objects, in this case, that of the state, is complete and predestined before its body, which is, properly

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<sup>58</sup> *Critique*, p. 18. The brackets are included because there is a discrepancy between the original German text and O'Malley's English edition. Cf. *MEGA*, 1-1-1, p. 418.

<sup>59</sup> *Critique*, p.18. Cf. *MEGA* 1-1-1, p. 419.

<sup>60</sup> *S.W.* p. 98.

<sup>61</sup> *Critique*, pp. 18f.

<sup>62</sup> *Critique*, p. 18.

speaking, mere appearance. The concept is the Son, within the 'Idea', within God the Father, the *agnes*, the determining, differentiating principle.<sup>63</sup>

It shows keen insight for Marx to have identified the close relationship between *Rechtsphilosophie* and *Logik*.<sup>64</sup> As is the case with *Grundrisse* and *Capital*, Hegel's *Logik* is useful to a certain extent as an aid to understanding *Critique*, although reading *Logik* itself is another difficult task. Additionally, as Marx himself pointed out, reading *Logik* helps to give an understanding of *Rechtsphilosophie* to an extent, but measured against our expectations that understanding is incredibly small. There is certainly the doubt that although Hegel declares that "it will readily be noted that the work [*Rechtsphilosophie*] as a whole, like the construction [*Ausbildung*] of its parts, is based on the logical spirit", and although Hegel insists that he has "omitted to demonstrate and bring out the logical progression in each and every detail" consciously and with good reason, he is "excusing himself in a rather clumsy way for a negligence which is more serious than he lets on".<sup>65</sup> Nonetheless, Marx's critical stance towards Hegel's logo-centrism, or logical Idealism has created a common understanding of Hegel's philosophy not only among thinkers within the German tradition but also with modern German writers and modern writers in both the English and French speaking worlds. This is not to say that these writers have all read Marx and have been influenced to the same extent, but rather that in retrospect they appear as if they all agree with Marx's critical analysis of this aspect of Hegel's philosophy.<sup>66</sup> However, it is

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<sup>63</sup> *Critique*, p. 15.

<sup>64</sup> This is also pointed out by Hegel himself in the preface to the published version of *Rechtsphilosophie*. Feuerbach also pointed out Hegel's Logocentrism in 'Towards a Critique of Hegel's Philosophy'. In Japan there is a tradition of reading *Capital* with the help of Hegel's *Logik*. For example, N. Sagai, *The Dialectics in Capital* (Tokyo: Jishokan, 1931), A. Kakehashi, *Hegel's philosophy and Capital* (Tokyo: Miraisha, 1959) and H. Uchida, *Marx's Grundrisse and Hegel's Logic* (London & New York: Routledge, 1988.).

<sup>65</sup> A. Th. Peperzak, *Philosophy and Politics* (Dordrecht: Martinus Nijhoff Publishers, 1987), p.49.

<sup>66</sup> By the German tradition, I am first referring to such thinkers as Kierkegaard, Schopenhauer, and Nietzsche, philosophers who tried to revolt against Hegel. Secondly, I refer to the Young Hegelians, who radically changed their initial understanding of Hegel and tried to find their new viewpoint. Thirdly, I refer to H. Rickert, W. Dilthey and Max Weber, thinkers who tried to differentiate the natural sciences from the humanities, including sociology. By modern German thinkers I am referring to Husserl, Heidegger, Habermas, and Gadamer. In the modern French tradition, I am thinking of Bataille, Derrida and Foucault. When I refer to modern English thinkers I am thinking of Charles

not the aim within this study to examine these philosophers' common view of Hegel. Instead, we must confine our inspection to some of the Young Hegelians as well as some contemporary writers such as Charles Taylor, Richard Rorty R. N. Berki, Joseph O'Malley and David McLellan.

In my view, Marx's basic intuition is wrong in spite of the endorsement of all these first-rate Western thinkers and writers. Of course, one can define Hegel's philosophy in general as logocentrism or panlogism or absolute Idealism or whatever one likes it. But the crucial point is, I think, that one gets so little from defining Hegel in that way. To put it another way, people in the West will end up by abandoning a valuable cultural tradition. Rorty might answer such an objection by saying that he merely wants to dissuade Western intellectuals from their adherence to the tradition of Western metaphysics.<sup>67</sup> However, we would be a bit hasty in abandoning Hegel if we were depending solely upon Rorty's understanding. There are some elements in Hegel that not only people in the West but also those from a different cultural tradition can make use of even today. Besides, Marx and many of the other thinkers mentioned above seem to have formed their basic opinion of Hegel largely from the famous polemical preface of and the introduction to *Rechtsphilosophie*.

Marx treats neither the preface nor the Introduction thematically in *Critique*, mainly because of his concentration upon the sections on the State in *Rechtsphilosophie*. The only time he mentions the famous dictum of the identity of the rational and the real in a critical manner is in an annotation to SS 301 and its Remark, where he writes:

Hegel is not to be blamed for depicting the nature of the modern state as it is, but rather for presenting what is as the essence of the state. *The claim that the rational is actual is contradicted precisely by an irrational actuality, which everywhere is the contrary of what it asserts and asserts the contrary of what it is.* (*Critique*, p. 64. Italics added.)

It is clear that Marx's intuition is based upon this preface and introduction, and this is quite natural because Hegel himself repeats such explanations and dictums throughout the preface to *Rechtsphilosophie*: these explanations

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Taylor, David McLellan, Richard Rorty and especially Joseph O'Malley, the translator, editor and commentator of *Critique*.

<sup>67</sup> R. Rorty, *Essays on Heidegger and Others* (Cambridge; Cambridge University Press, 1991), pp. 134-136.

apparently support the Feuerbachian and Marxian critique. On the relation between *Logik* and *Rechtsphilosophie*, the Introduction says:

The science of right is a *part of philosophy*. It has therefore to develop the *Idea*, which is the reason within an object [*Gegenstand*], out of the concept . . . (Nisbet, p. 26; Knox, p. 14; *Werke* 7, p. 30)

What is the Idea? According to *Logik*, the Idea is the notion that is identical to the whole of objectivity. The pertinent passage in *Logik* runs:

The absolute Idea alone is *being*, imperishable *life*, *self-knowing truth*, and is *all truth* . . . It is the sole subject matter and content of philosophy. (Miller, p. 824, *Werke* 6, p. 549)

Hegel expresses the same point the other way round in this manner:

The Idea is the *adequate Notion*, that which is objectively *true*, or *the truth as such* . . . the reality that does not correspond to the Notion is mere *Appearance* (*Erscheinung*), the subjective, contingent, capricious element that is not the truth. (Miller, pp. 755f; *Werke* 6, pp. 462-464)

What is philosophy in Hegel's view? On the enterprise of philosophy, *Rechtsphilosophie* says, for example:

To comprehend *what is*, is the task of philosophy, for *what is* is reason. As far as the individual is concerned, each individual is in any case a *child of his time*; thus philosophy, too, is *its own time comprehended in thoughts*. It is just as foolish to imagine that any philosophy can transcend its contemporary world as that an individual can overleap his own time or leap over Rhodes. If his theory does indeed transcend his own time, if it builds itself a world *as it ought to be*, then it certainly has an existence, but only within his opinions - a pliant medium in which the imagination can construct anything it pleases. With little alteration, the saying just quoted would read: *Here* is the rose, dance *here*. (Nisbet, pp. 21f; Knox, p.11; *Werke* 7, p.26)

The last quotation can be and usually has been interpreted as a clear expression of Hegel's acquiescence and quietism, along with the famous Hegelian thesis: "What is rational is actual; and what is actual is rational". (Of course, there has been an opposite interpretation. For example, there is

Gans's interpretation as cited above.) Every student of Political Theory must know what "the saying just quoted" is.<sup>68</sup> The Scholastic study of Hegel's writings even reached the level of attempting to interpret what Hegel meant by the rose, and what caused Hegel to make this slight alteration from Rhodus to the rose more than two decades earlier.<sup>69</sup> Some think that the rose comes from part of the rose and the cross, and is therefore Jesus on the cross. Accordingly, the basic aim of *Rechtsphilosophie* itself has been interpreted as consisting of an apology for the Prussian monarchy, the status quo in the spirit of the Hegelian version of Christianity. It has also been interpreted as a recommendation for students to adapt to reality and to enjoy what they have now, instead of indulging in idiotic nationalistic or (democratic) revolutionary fantasies. Moreover, this particular characteristic of Hegel's political philosophy has been interpreted as a natural consequence of Hegel's speculative Idealism, a system of science which intends to demonstrate the possibility of a human understanding of the Ultimate Truth.<sup>70</sup>

#### IV. WHAT IS RATIONAL MUST HAPPEN

As Ilting claims, this famous polemical preface to the published edition of *Rechtsphilosophie* must be regarded basically as a product of Hegel's self-censorship.<sup>71</sup> According to Ilting, the Preface to the published edition is attached in order to cope with Prussian censorship laws enacted after the promulgation of the Carlsbad Decrees. Hegel even cautiously rewrote the main text itself in an effort to avoid government repression.<sup>72</sup> Therefore, it is vital to read the newly discovered notebooks by Hegel's students as well as the published version if one is to gain a true understanding of Hegel's message.

Moreover, even the passages of the preface to the published version do not necessarily mean that *Rechtsphilosophie* is merely the realisation of

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<sup>68</sup> Cf. *Nisbet*, pp. 390.

<sup>69</sup> H. Nakano, *Hegel* (Kyoto: Mineruba Shobo, 1970), pp. 113f.

<sup>70</sup> R. Rorty. *ibid.* p. 125.

<sup>71</sup> Ilting, 'Preface to *Rechtsphilosophie*' in *Hegel: Vorlesung über Rechtsphilosophie vol. 1* (Stuttgart-Bad: Friedrich Frommann Verlag, 1973), pp. 102. Hereafter referred to as *Edition Ilting 1*. Also see D. Henrich, 'Einleitung des Herausgebers', in *Hegel Philosophie des Rechts* (Frankfurt am Main: Suhrkamp Verlag, 1983), pp. 24-30, and also 'Bericht Zur Edition', pp. 309-311. Hereafter referred to as *Henrich*.

<sup>72</sup> *Henrich*, pp. 35-67. *Edition Ilting 1.*, pp. 35-51.

logical categories in general, amongst which can be found the highest category of Hegel's philosophy: the absolute idea or notion in the field of human life. In addressing this point, it must be noted that although Hegel's philosophy takes very abstract forms and however abstractly it might be presented, his intention was always realistic. He was always interested in real history, the fate and the meaning of the modern world, of Christianity, Enlightenment, Revolution, capitalism, and above all the possibility of Germany arising as a nation-state in modern Western civilisation.

Even his absolute Idealism springs from his strong interest in and deep concern for the political and cultural situation of Germany and modern Western Europe in general.<sup>73</sup> As the preface to *Phänomenologie* clearly shows, his understanding of history is the essential presupposition and the very reason why his philosophy must take the form of a system, a system which attempted to be coterminous with the entire sphere of human activity, and why it is possible.<sup>74</sup> For when Hegel was writing *Phänomenologie*, it was a period of transition: the beginning of the new era.

The above point can also be supported by the following simple fact. As mentioned previously, although Marx and Feuerbach might not have realised it, Hegel had been a political pamphleteer from the very beginning of his career as the editor of the "Bamberger Zeitung" until the end of his life.<sup>75</sup> In addition, as J. Ritter has noted, one can say Hegel's philosophy is above all, from beginning to end the philosophy of revolution, in this case the French Revolution.<sup>76</sup> Hegel tried to trace the latest developments in the whole process of the French Revolution by reading French newspapers and journals.<sup>77</sup> Hegel was primarily concerned with not the French Revolution but a German revolution as was Marx. From that time onwards, he never abandoned the task of attempting to understand the meaning of the French Revolution and its aftermath, which resulted in the modern world he lived in. He continued to look closely at new developments in Germany, France, Britain, Ireland and even the USA, and he never gave up until his death. Although Hegel is

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<sup>73</sup> *Werke 1*, p. 461. *Hegel's Political Writings*, tr. T. M. Knox (Oxford: Clarendon Press, 1964), p. 143. Cf. Y Kanaya, "The Kingdom of God and the Fate of Property" in *Seikeironso* vol. 24, 1985, pp.42-67.

<sup>74</sup> *Werke 3*, p. 18; *Miller*, p. 6.

<sup>75</sup> Cf. W. R. Beyer, *Hegel als Redakteur der Bamberger Zeitung* (Köln; Pahl-Rugenstein Verlag, 1974).

<sup>76</sup> J. Ritter, *Hegel and the French Revolution*, trans. R. D. Winfield (Cambridge: The MIT Press, unknown), p. 56.

<sup>77</sup> H. S. Harris, *Hegel's Development: Toward the Sunlight* (Oxford: Oxford University Press, 1972), p. 63.

cautious enough to avoid mentioning the French and Kantian revolutions, Hegel's *Logik* is also the product of recent Western history and the recent development of modern sciences. Hegel begins the preface to the first edition of *Logik*, writing:

The complete transformation which philosophical thought in Germany has undergone in the last twenty-five years and the higher standpoint reached by spirit in its awareness of itself, have had but little influence as yet on the structure of logic. (*Werke* 5, p. 13, *Miller*, p.25)

At the end of the preface to the second edition of *Logik* written just a week before his death, Hegel laments that he would like to have had the time to revise *Logik* seventy-seven times in comparison with Plato's case.<sup>78</sup>

Plainly put, Hegel was indeed obsessed with the French Revolution. Therefore, Marx's belief and presupposition that "Hegel's true interest is logic", must be the product of a misunderstanding.<sup>79</sup> However apologetic the published version of *Rechtsphilosophie* might sound, and however pan-logical it may look, this is nevertheless a trap intentionally set by Hegel. Not just Marx, but, indeed, everyone who is interested in Hegel has to some extent taken the bait. Therefore, in *Critique* Marx nearly manages to decode Hegel's secret language when he writes:

The only thing that follows from Hegel's reasoning is that a state in which the character and development of self-consciousness and the constitution contradict one another is no real state. That the constitution which was the product of a bygone self-consciousness can become an oppressive fetter for an advanced self-consciousness . . . are certainly trivialities. However, what would follow is only the demand for a constitution having within itself the characteristic and principle of advancing in step with consciousness, with actual man, which is possible only when man has become the principle of the constitution. (*Critique*, p.20)

This is precisely what Hegel is trying to say, although in a highly ambiguous and abstract fashion. A Constitution will develop and eventually become

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<sup>78</sup> *Werke* 5, p.33, *Hegel's Science of Logic*, trans. Miller (London: George Allen & Unwin, 1969), p. 42. I learned this point from the late Prof. M. Kozuma, 'The Idea and Structure of Hegel's *Logik*' in *Riso*, Winter 1989, vol. 641 (Tokyo: Risosha), pp. 2-13.

<sup>79</sup> *Critique*, p. 18.

rational with the development of self-consciousness, with the efforts of actual men. Of course, there remains a serious argument between Hegel and Marx about what “actual men” means.

Due to a discovery by D. Henrich, we again have some textual evidence in the Berlin Lectures. This evidence has much to do with the preface and especially the famous dictums:

What is rational is actual and what is actual is rational. (*Nisbet*, p. 20, *Knox*, p.10, *Werke* 7, p.24)<sup>80</sup>

Hic Rhodus, hic saltus. (*Nisbet*, p. 21, *Knox*, p.11, *Werke* 7, p.26)

*Here is the rose, dance here.*<sup>81</sup> (*Nisbet*, p. 22, *Knox*, p.11, *Werke* 7, p.26)

Strikingly, in the *Einleitung* of the Berlin Lectures it actually runs:

What is rational *becomes* [*wird*] actual, and the actual *becomes* [*wird*] rational. (*Henrich*, p. 51)<sup>82</sup>

The difference is only a matter of choice of a word in a single case; either “is” or “becomes”. However, in a very important sense, the interpretation of Hegel’s political philosophy hinges upon this difference.<sup>83</sup> Furthermore, in the first notebook from the Heidelberg Lectures (winter 1817/18) there is an even earlier usage of a version of this phrase, which seems to tell us something about how and under what circumstances the original idea came to Hegel, for it is located in quite a different context.

Marx again shows a keen sense of context, for this earliest version of the dictum is found at the end of a lengthy discussion about the establishment of a constitution. Here Hegel insists that in the last twenty-five years, some twenty constitutions were drawn up but that all of them were more or less defective, and that the constitution, the very basis of the state must not be regarded as a paper document to be adopted and amended by the arbitrary

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<sup>80</sup> Was vernünftig ist, das ist wirklich; und was wirklich ist, das ist vernünftig.

<sup>81</sup> German original: "Hier ist die Rose, hier tanze".

<sup>82</sup> German original: "Was vernünftig ist, wird wirklich, und das Wirkliche wird vernünftig".

<sup>83</sup> R. Haym, *Hegel und seine Zeit*, (Berlin, 1857), p.367-8, quoted by Allen Wood, Editor's Introduction p. xxx, N.5, Hegel, *Elements of the Philosophy of Right* (Cambridge, Cambridge University Press, 1991).

personal will of either king or people, but instead as the normative basis of the body politic made and conveyed through history over the years. Rousseau's theory is also rejected in this context.

The constitution is the *Volksgeist*, not a mere fiat. <sup>84</sup>

If the prince manages to become a master over his vassals, then a rational [*vernünftig*] constitution may develop, at least as a formal whole; and this is what happened in England and France, where the king overcame the vassals; the opposite occurred in Germany and in Italy. The *Volksgeist* is substantial; what is rational, must happen [*was vernünftig ist, muß geschehen*], since the constitution is after all its development.<sup>85</sup> (*Ilting*, p.156-7)

Thus, Hegel told the students:

The rational must always help itself.<sup>86</sup> (*Ilting*, p.157)

Thus, Marx is about to decipher successfully Hegel's true meaning. On the one hand, it was the philosophical reconstruction of the meaning of the French Revolution as a means of calling for revolution in Germany. On the other hand it was a philosophical amendments to the French Revolution. However, in the next moment Marx refuses to accept this message, making the accusation:

Here Hegel is a sophist. (*Critique*, p.20)

Certainly Hegel is not a Socrates, one who chooses death over exile from his polis, choosing death in his native Athens rather than a life of exile in a foreign city-state. However, Hegel is no sophist, either. In reality Hegel was "a little cowardly" or a modern intellectual just like most of us, who can no longer believe in either Plato's reminiscences or in an afterlife.<sup>87</sup> On the one

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<sup>84</sup> S. Avineri, 'The Discovery of Hegel's Early Lectures on the Philosophy of Right' in *The Owl of Minerva*, 16 2, (Spring 1985) p. 203. German original: "Das Ganze der Verfassung muß die absolute Grundlage der Unveränderlichkeit haben. Aber die Verfassung selbst, der Volksgeist ist ein Göttliches, macht sich in der Geschichte durch sich selbst", *Ilting*, p. 156, *Poggeler*, p. 191.

<sup>85</sup> S. Avineri, *ibid.*, p. 203.

<sup>86</sup> German original: "Das Vernünftige muß sich aber immer helfen".

<sup>87</sup> C. Taylor, *Hegel* (Cambridge: Cambridge University Press, 1975), p. 497.

hand, Hegel knew from his experience of staying in Bern, Frankfurt, Jena, Bamberg, Heidelberg and other Duchies in Germany, as well as in Berlin and Paris, that he could live anywhere, as long as it was a modern European country which had to some degree adopted the principles of the French Revolution in some way or other, a country which has gone through the Reformation even if it was a Catholic state; and above all as long as his beloved wife could be with him, just as Marx's was during his exile.<sup>88</sup> On the other hand, Hegel knew very well the fate of Fichte who was banished from the University of Jena after accusations rising from a famous dispute over his atheism. Hegel also knew what happened to Fries in 1817. Hegel faced similar problems and risked denunciation as an atheist. He was continually under suspicion, and could neither completely avoid scrutiny nor dispel such thoughts, even from his colleagues at the University of Berlin.<sup>89</sup> In fact Hegel was preparing to seek refuge in France, and had reason to do so, but he first rewrote his lecture notes of *Rechtsphilosophie* and additionally wrote this famous polemical and apologetic preface, dated 25th June 1820.<sup>90</sup>

If one reads the preface of the published *Rechtsphilosophie* again in this light, one can, for the first time, realise how much of a vindication the preface is intended to be. One might be surprised to gain the new impression that it actually sounds unnaturally apologetic. In the beginning of the preface it sounds as if Hegel does not want to publish this "Grundrisse" at all, and would not have done so had it not been a rule of university teachers in Germany at that time. Moreover, Hegel emphasises that this "Grundrisse" is a part of his *Encyclopaedia of the Philosophical Sciences* (Heidelberg, 1817), and that it had been publicly accepted for years.<sup>91</sup> Also, it is in this same place where Hegel claims that form is identical to content in philosophical science and asserts that *Logik* plays a decisive role in *Rechtsphilosophie*. This is not to say that these passages and others in the preface are contradictory to Hegel's philosophical position, but that the ways those are presented in the preface shows a hidden agenda and that the preface should be read as one of Hegel's cautious measures, intended to lessen the political impact of this publication.

Marx, Ruge, and Haym (who was also influenced by Ruge's interpretation and wrote the famous biography of Hegel) read

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<sup>88</sup> J. D'Hondt, *Hegel in his Time*, trans. J. Burbridge (Peterborough: Broadview Press, 1988), p. 10.

<sup>89</sup> J. D'Hondt, *ibid.* p. 175.

<sup>90</sup> *Knox*, p. 13. Cf. A. W. Wood, 'Editorial Notes' in *Nisbet*, pp. 382-385.

<sup>91</sup> *Knox*, p. 1.

*Rechtsphilosophie* exactly in the way Hegel wanted it to be read by Fries and his followers, and by the conservatives and petty bureaucrats who dominated the censorship bureau of the Prussian monarchy.<sup>92</sup> Although Marx had heard of Hegel's esoterica, during the repression of the Young Hegelians' theoretical, and journalistic struggle against the Prussian authorities Marx and Ruge were both forced to condemn Hegel as Fries did in 1820.<sup>93</sup> However, unlike Fries's radical criticism of Hegel some twenty years earlier, Marx and Ruge instead conclude that new developments of the Prussian political climate had made Hegel obsolete.<sup>94</sup> Conversely, their critical stance toward Hegel should be read as an attempt at a legitimisation of their new approach toward Hegel's political philosophy as a result of sudden changes in the Prussian political climate. I think that this attempt constitutes another ironic misjudgement of their own historical situation as well as Hegel's, for in so doing, Marx and Ruge preclude any possibility of learning from Hegel. I think that this shortcoming is shown quite clearly in Marx's abandonment of *Critique* and in Ruge's essay on 'Hegel's *Philosophy of Right* and *Politics of our Times*' (1842) and 'Unsere letzten zehn Jahre' (1845).<sup>95</sup>

Either way, it is noteworthy that Ruge's two critical essays on Hegel, the earlier one of which must have provided Marx with a platform from which to begin his own *Critique*, are both strongly prejudiced by their reliance on the famous and controversial preface to the published version of Hegel's *Rechtsphilosophie*.<sup>96</sup> The three dictums which have been previously discussed are placed near the end of this preface, as if they were refrains in Hölderlin's poetry.<sup>97</sup> What are these refrains? They are charms intended to ward off Prussian censorship.

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<sup>92</sup> K.-H. Ilting, *ibid.*, pp. 100-102.

<sup>93</sup> A. W. Wood, Editor's Introduction to *Elements of the Philosophy of Right*, p. viii.

<sup>94</sup> A. Ruge, 'Hegel's Philosophy of Right and the Politics of Our Times' in *The Young Hegelians*, ed. L. S. Stepelevich (Cambridge: Cambridge University Press, 1983) p. 215.

<sup>95</sup> Ruge, *ibid.*, pp. 209-236. 'Aus: Unsere letzten zehn Jahre' in *Die Hegelische Linke*, ed. & Intro. Karl Löwith, (Stuttgart-Bade, 1962), p. 41-62. Given Ruge's experience as a leader of the student struggle in his time, I am rather sympathetic to his emphasis on critique, praxis, and finally pathos, which were, incidentally, the principles of the Japanese student struggle several decades ago. However, now I think that this was just another expression of the fact that we, as well as Ruge and his friends, simply did not have any clear future vision or strategy. The difference lies merely in this fact: whereas Ruge went back to Müntzer, we tried to go back to Freud. "The road to hell is paved with good intentions". (Mephistopheles: *Faust*).

<sup>96</sup> A. Ruge, *ibid.*, pp. 223-9.

<sup>97</sup> J. C. H. Hölderlin, *Hyperion* (Stuttgart: Philipp Reclam, 1958).

Furthermore, I think, there is something unclear about Marx's accusation of Hegel as an idealist and the logocentrism of his writings. It seems to me that Marx confuses and lumps together at least three problems here: (1.) that of discerning Hegel's true interest; (2.) evaluating *Logik* as a tool for scientific research; and (3.) evaluating Hegel's method of presentation. At one point Marx thinks that the problem is a matter of presentation, and at another Marx seems to recognise the validity of *Logik* as a tool for research while nevertheless maintaining that Hegel's interest is *Logik* and metaphysics. Marx's apparently powerful new discourse not only contains a misinterpretation of Hegel's true intention, a misreading of Hegel's secret language and a faulty decoding of Hegel's true message, but there is additionally an apparent oversimplification on Marx's side. Although Marx claims in his criticism that Hegel always makes the Idea the subject, this is an oversimplification. In *Rechtsphilosophie* one can actually see that most sentences begin not with the idea, but with other subjects such as family, civil society, class, division of labour, civil servants, corporations and estates. Of course the state, which Hegel described as "the actuality of the ethical idea" is also regarded as a subject. However, what is wrong with making the state the subject of the sentence? Hegel is writing the philosophy of the state. How can Hegel construct such a philosophy without making the state the subject at all? The idea also appears as a subject, but this ambiguity can be regarded as stemming from a problem of presentation and/or a problem of transition. Besides, Marx presupposes that every subject such as idea, state, corporation, family, and civil society are secondary, abstract, conceptual entities which are produced in the brain by alienation from real individuals, i.e., actual persons. Therefore, Marx tries to discover a new mode of discourse where he takes as his starting point the concepts of actual man and the actual feelings of man. Marx's alternative discourse on the topic of inversion of subject - predicate presents a persuasive argument, because it appeals to our common sense. Marx did not propose his alternative theory of state until later, when he proposed his theory of democracy against Hegel's constitutional monarchy.

## CHAPTER 4 Constitutional Monarchy versus Democracy

The true forms of governments are those in which the one, or a few, or the many, govern with a view to the common interest; but governments which rule with a view to the private interest. . . are perversions. Of the above-mentioned forms, the perversions are as follows-of kingship, tyranny; of aristocracy, oligarchy; of constitutional government, democracy . . . democracy, in the interest of the needy: none of them the common good of all.

Aristotle, *The Politics*

### INTRODUCTION

In this chapter Marx's annotations to SS 272 - SS 286 of Hegel's *Rechtsphilosophie* will be examined. The main aim of this chapter is to examine Marx's critical argument in terms of Hegel's notion of the division of political power and Hegel's idea of monarchy. Hegel's text from SS 257-SS 259 can be seen as a general introduction to Section 3: The State as a whole, which covers Constitutional Law, International Law, and World History. According to Hegel's table of contents, the paragraphs from SS 272 - SS 274 should be read as a specific introduction to the subsection, "the constitution", which is again divided in two: the internal constitution and the external constitution. In these three sections, which comprise a specific introduction to the three powers of the state, Hegel discusses the rational criteria of constitution, the separation or division of political power and the nature of the constitution in relation to the people's political awareness. The text itself is very short, but each paragraph has a long and very important Remark and /or Addition which shows us Hegel's particular insight into Western history. The strong influence of Montesquieu can also be seen and, more importantly, the strong influence and criticism of Rousseau and Kant.

As H. Kato points out, the basic idea of the Hegelian state can be and should be seen as the integration of the civil society of Adam Smith into the

société civile of Rousseau.<sup>1</sup> As has already been seen, Hegel thinks that although the state has usually been confused with civil society, the state must instead be clearly distinguished from civil society. Marx appears to be more or less correct in attributing this notion of conceptual difference between civil society and the state to the English and Scottish moral and political philosophers and French thinkers including Smith and Rousseau. For, although in SS 258 Hegel criticises the abstract nature of Rousseau's contract theory as well as that of Fichte, in *Logik* he expresses his appreciation of Rousseau in the following way: "Rousseau strikingly expressed the distinction between the abstract generality and *the true universality* in *Contract Social*, when he says that the law of the state must spring from the universal will (*volonté générale*), but need not on that account be the will of all (*volonté de tous*)."<sup>2</sup> However, one should not forget that Hegel was neither in total agreement with Adam Smith nor Rousseau. For Hegel the ultimate problem with Rousseau was that he did not always keep this crucial distinction in mind. Rousseau showed rare insight into the conceptual difference between civil society and the state (in the Hegelian sense) and Rousseau made it his task to solve the riddle of how to constitute the state itself as a true community whilst guaranteeing individual freedom. Rousseau did not in fact succeed in solving this theoretical riddle. Hegel believed that he himself had solved this riddle in a double way by differentiating civil society from the state in a proper way and by reconnecting them properly. This aspect of Hegel's theory of the state is quite important, because it is precisely this point at which, as will be seen later in this chapter, Marx attacks not only Hegel's theory of constitutional monarchy with regard to the sovereignty of the people in the name of democracy, but also this duality of civil society and the state itself.<sup>3</sup> From this extreme standpoint, even the republicanism of the United States of America appears to share its basic features with the Prussian constitutional monarchy.

There is also another part in Hegel's task: that is to organise the political institutions within the state on a rational basis. The state not only has a different logical order as the true universality in relation to the relative universality (particularity) of civil society, but it must organise itself to the

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<sup>1</sup> This point is made by H. Kato, *The Task of Philosophy* (Tokyo: Miraisha, 1992), pp. 73-75.

<sup>2</sup> Hegel, *Hegel's Logic*, trans. W. Wallace (Oxford: Oxford University Press, 1975), p. 228, Italics added.

<sup>3</sup> Marx also takes up this point to form the conclusion of 'On the Jewish Question: part 1' with a long quotation from *Contract Social*. See *C. W.*, vol. 3, p. 167.

fully articulated totality, both inwardly and externally. To put it another way, the state is rational and the true universality, only when it is fully articulated in an organic way. This is Hegel's organic theory of the state and one of the most important and controversial characteristics of the Hegelian state. These are the problems Hegel addresses here in SS 272-274. In this context, it can be seen how Hegel tried to transform the Rousseauian idea of the state (*société civile*) through the organic theory of the division of political powers and the Hegelian theory of the *Volkgeist* so in order to give a specific and stable content to the idea of the rational state. However, the underlying problem Hegel is trying to address is how the French Revolution should be understood and amended theoretically.

Hegel also exhibits a repugnance towards his contemporaries, the contemporaries whose philosophical or rather whose political persuasion was influential in Germany at that time; Fichte (1762- 1814), Schlermacher (1768-1834) and Jakob Friedrich Fries (1773 - 1848). It is easy here to notice Hegel's political prudence, or even something one can go so far as to call his cowardice in the face of the reactionary tendency of the Prussian government, the strength of Hegel's personal rivalry with Fries, and even some political manoeuvring in the German academic world in dealing with his life-long rival, Fries. Marx is quick to identify this sophistry and cowardice in Hegel. Beyond this, however, these polemics seemed to Marx to be merely historical, and therefore out-of-date, or just to be personal episodes in Hegel's life: and therefore nothing to do with him. In fact, Marx ignored almost all of them. But there are at least two points to be noted with regard to Hegel's polemics. One is the quality of the knowledge: the conflicts with his contemporaries are related to the fact that, in understanding the difficult task of grasping the nature of the modern state, they appealed not to reason itself but either to nationalistic emotion and /or religious feelings instead.<sup>4</sup> They complement reason in the sense of enlightenment (in Hegelian vocabulary not *Vernunft* but *Verstand*) with something alien to reason itself. The other is the problematic concerning the relation between "to be" and "ought to be": the attitude towards the historically and culturally given reality.

Marx's annotations to these sections are either very short or are in one case almost totally absent. In addition to the fact that Hegel's text is itself short and abstract, there are three other possible reasons for this. Firstly, Marx

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<sup>4</sup> For example, in his lecture on the history of philosophy Hegel appreciates Fichte's philosophical achievement but is very negative about his political philosophy. Cf. *Werke* 20, p. 412f.

regarded the content of these paragraphs to be closely related to the points which in Marx's view had already been taken up and criticised thoroughly in the earlier part of *Critique*, that is to say the inversion of subject - predicate, Hegel's philosophy as a philosophical alienation, the political state as political alienation of family and civil society, logo-centrism and Hegel's notion of organism. Therefore, Marx thought it sufficient to repeat the same point very briefly. On the other hand, here Marx adopts a strategy of accepting Hegel's idea of organism as an adequate paradigm of the modern rational state, and then attempting to show Hegel's actual description of the political institutions to be in fact inorganic and thus irrational. This seems to mean that Marx intentionally did not develop the argument in the annotation to this part of *Rechtsphilosophie* which I have characterised as a specific introduction to the internal constitution. Marx reserved his own critical arguments for the annotations to the main sections on the three powers of the state.

Secondly, Marx was, from the beginning, not at all interested in Hegel's polemics in connection with thinkers such as Kant, Fichte, Fries and others. Almost certainly it comes from Marx's initial motivation to tackle Hegel's *Rechtsphilosophie*: to fight against the theory of the constitutional monarchy in such a way that Marx can show the Prussian monarchy to be illegitimate and irrational and that it should be therefore to be abolished. Thus, from the beginning his attention was focused solely on Hegel. But there appears to be the third reason. Marx assumed that Hegel summarised and / or synthesised all the achievements of Western political thought in a way which was later to be expressed in "Towards a Critique of *Hegel's Philosophy of Right*: Introduction". If, however, Hegel's short and abstract arguments are read with the help of reference to the Remarks, Additions and the Student Notebooks of Hegel's lectures, again Marx's annotations and the lack of annotations to these sections appears to be hopelessly inadequate. Of course, Marx had quite a different point of view. In order to illuminate Marx's specific way of looking at Hegel, Ruge's essay shall be re-examined as an example of an alternative reading of *Rechtsphilosophie*.

In SS 275 - 286 Hegel declares the legitimacy as well as the necessity of the constitutional hereditary monarchy in modern times. As has been seen, Marx's initial and main motivation in selecting *Rechtsphilosophie* as an object of criticism was to fight against his theory of constitutional monarchy: "a hybrid which from beginning to end contradicts and abolishes itself".<sup>5</sup> Marx conceived of this task as an attempt to push the Young Hegelian movement

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<sup>5</sup> *MECW*, vol. 1, pp. 382.

toward more practical direction, because the task of showing Hegel's theory of the constitutional monarchy to be full of self-contradictions and therefore theoretically unsustainable, means not only "to come to term with Hegel's political view" just as "All disciples had sooner or later to do"<sup>6</sup> but also reveal the irrationality and illegitimacy of the existing Prussian monarchy itself, which in Marx's view, Hegel had supported and was supporting theoretically through the mystifying power of Hegelian language. Furthermore, it is here in this part of *Critique* that Marx confronts Hegel with his idea of democracy or "true democracy"<sup>7</sup>. In this sense Marx's annotations to these twelve sections must have a central significance for Marx.

Today, it appears almost impossible to construct a theoretical defence of monarchy, even a constitutional form, to say nothing of a non-constitutional monarchy. However, even during the period following the Restoration of 1815, (the restoration of monarchism in Europe which succeeded to two great revolutions in modern western history: the American Revolution and the French Revolution), it must have been difficult for Hegel to provide a theoretical or philosophical justification. For as was noted in Chapter III, Hegel was in his youth fascinated by the ideals of the French Revolution, and even in his later years he was obsessed with the problematic nature of the Revolution. It is true that his political philosophy can be seen, at least to some extent, as a comparable to that of Edmund Burke's attempt to deal with the impact of the French Revolution. But there is a fundamental difference between these two thinkers. Hegel demanded the modernisation of Germany in the name of concept or reason, learning from the experience of the French Revolution, whereas Burke could afford to defend the traditional English constitution, claiming the inapplicability of the French experience to England and thus keeping the influence of the French Revolution away from England. Burke had something to defend in the history of England, but Hegel did not have any traditional German constitution worth defending against the French Revolution.<sup>8</sup> Their context in Western history were quite different contexts. In short, whereas Burke's reflections were those of a conservative critique of the French Revolution from the standpoint of English constitutional tradition, Hegel's project was to make a philosophical amendment of the French Revolution in order to modernise a backward Germany.

Nevertheless, Hegel's theory of constitutional monarchy seems to be one of the weakest parts of his *Rechtsphilosophie*, explicitly illustrating the pre-

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<sup>6</sup> D. McLellan, *Marx before Marxism*, p. 105.

<sup>7</sup> *Critique*, p. 31.

<sup>8</sup> *Hegel Political Writing*, trans. T. M. Knox (Oxford: Clarendon Press, 1964), p.143.

modern, anti-democratic and essentially conservative - if not reactionary - character of Hegel's political philosophy. Therefore, it would appear fruitless to attempt to examine the dispute between Hegel's theory of constitutional monarchy and Marx's alternative of democracy. The result would appear forgone from the outset, but this is because we are living in a world where we take democracy for granted. However, we must give up the preconception that democracy is *a priori* a good form of government and that monarchy is a fundamentally inferior form of government. It is well known that neither Plato nor Aristotle had a high regard for democracy. There are still constitutional monarchies in today's world and even non-constitutional ones.<sup>9</sup> Furthermore, although in the UK and Japan the position of the royal family is under constant scrutiny, both countries are undoubtedly constitutional monarchies. A simple verdict cannot be passed on these countries that they are unquestionably inferior to countries with other forms of the state in today's world. Indeed, the opposite might be the case. More importantly, while we are burdened with this preconception, we are left without the foundation required for examining Hegel's political thought and Marx's subsequent radical critique. Firm acceptance of this presupposition favouring democracy was only established after the Second World War, which was after all a war usually thought of as being between democracy and fascism.<sup>10</sup> After the subsequent cold war, a war commonly regarded as a conflict between democracy and communism or between liberalism and socialism, it became even more natural that this preconception be uncritically accepted. However, the concept of democracy itself has a wide diversity of meaning.<sup>11</sup>

More importantly, there is a serious question of whether or not modern democracy or liberal individualism linked to capitalism will in the final analysis turn out to be sustainable on a global scale, in terms of energy, population and environment. As Hisatake Kato put it a few years ago, it might be the case that "Hoping to travel a long distance, Gorbachev has taken an omnibus named democracy which has almost reached its destination".<sup>12</sup> It is even questionable whether or not world-wide democracy will work in the absence of some sort of opponent.

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<sup>9</sup> See the argument on "symbolic representation" by Harry Brod, *Hegel's Philosophy of Politics*, p. 154. and footnote 16.

<sup>10</sup> This includes the Nazism of Hitler's Germany and the Tennoism of the Japanese Empire.

<sup>11</sup> Robert A. Dahl, *Democracy and its Critics* (New Haven & London: Yale University Press, 1989), p.2, p. 213. Jack Lively, *Democracy* (Oxford: Basil Blackwell, 1975), p. 49.

<sup>12</sup> Quoted in , Hisatake Kato & Ryuichi Nagao, ' The Sustainable Earth ' in *Revue de La Pensée d'Aujourd' Hui* ( Tokyo: Seidosha, vol. 18-11, 1990), p. 42.

When Michael Oakeshott assessed the damage to liberal democracy caused by new political ideologies such as Nazism, Fascism and Soviet socialism, he clearly recognised that these were the products of weakness and deficiencies in liberal democracy itself.<sup>13</sup> Alongside the strong tradition of modern democracy in the Western world there were always thinkers such as Schopenhauer, Kierkegaard, Tocqueville, Nietzsche, Max Weber, Heidegger and Ortega y Gasset who were sceptical about what the modern Western world (democracy within modern capitalism) had achieved and/or what it had to offer in the future.

Besides, both Hegel's theory of constitutional monarchy and Marx's alternative to it, true democracy, are very ambiguous. It demands a careful reading to understand what was really the issue between these two great thinkers. Marx has usually been categorised as the arch-rival of bourgeois or liberal democracy; but although there is something ambiguous in his terminology, in *Critique* he appears to be a strong protagonist of democracy. This position, though, was almost immediately overtaken by the idea of human emancipation and by the concept of the proletarian revolution. This is one of the main reasons why Marx at this stage has been regarded as being in a period of transition in terms of his own thought: communism or Marxism. It seems to have been a good excuse (if not the only one) for many commentators who have not dealt with *Critique* thematically.<sup>14</sup> There is no argument over the fact that *Critique* belongs to a period in Marx's transition, and it is also true that Marx had not yet formed his own vocabulary. The "true democracy" which he uses to contradict Hegel is a provisional naming which had not yet been thought through. This idea of democracy should be closely examined in relation to Hegel's idea of the rational state, precisely because it is a product or half-product of one of Marx's most crucial transitional periods, and more importantly because it is the result of Marx's struggle with Hegel's *Rechtsphilosophie*. It will be seen that Marx showed signs not only of the transition from Hegelian evolution to political revolution but also of political revolution to social revolution and thus from critique of Hegelian political philosophy to critique of political economy, in the very course of his repeated quarrelling with Hegel, while drafting *Critique*. I would argue that the

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<sup>13</sup> It is notable that Oakeshott is a good reader of Hegel, especially "Rationalism in Politics" is obviously inspired by *Rechtsphilosophie* and *Philosophy of History*.

<sup>14</sup> Of course there is the lengthy 'Editor's Introduction' by J. O'Malley. Gary Teeple's *Marx's Critique of Politics 1842-1847* (Toronto: University of Toronto Press, 1984) also contains a fairly substantial treatment of *Critique*, though the points made by him are almost the opposite of those I am making in this thesis.

direction of this transition was prescribed largely by his misunderstanding of Hegel's theory of constitutional monarchy.

Marx came to realise that it was not enough just to make the "true democracy" a counterpose to Hegel's constitutional monarchy but that it was necessary to make a critique of Hegel's theory of civil society itself. Marx, however, could not accomplish it in *Critique* and was forced to commence critical studies of political economy. This economic turn opened up a new and crucial direction in exploring the nature and solving the problem of capitalism through a socio-economic dimension. But Marx's change of direction depended upon his misunderstanding of Hegel's political theory and his total indifference to the other political thinkers. In other words, it might even be argued that Hegel was already as democratic as it was possible in the current German context, and in his attempt at criticising Hegel radically in the name of "true democracy" Marx was forced to go beyond Hegel and thus did injustice both to Hegel and himself.

## I. THE CONCEPT OF CONSTITUTION AND THE CONSTITUTION OF CONCEPT

In SS 272-273 Hegel illustrates albeit briefly one of the indispensable elements of the rational state, the inner differentiation of the state itself, which is in fact his own version of the division of political powers. In SS 272 Hegel sets the criteria by which any modern constitution must be judged to decide whether it is rational or irrational.<sup>15</sup> At first reading, Hegel's criteria sound abstract and even metaphysical, because he introduces the division of power as follows:

The constitution is rational in so far as the state *differentiates* and determines its activities within itself *in accordance with the nature of the concept*. It does so in such a way that *each* of the *powers* in question is in itself the *totality*, since each contains the other moments and has them active within it, and since all of them, as expressions of the differentiation [*Unterschied*] of the concept, remain wholly within its ideality and constitute nothing but a single individual whole.  
( *Werke* 7, p. 432, *Nisbet*, p. 305)

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<sup>15</sup> Allen W. Wood, *Hegel's Ethical Thought* (Cambridge: Cambridge University Press, 1990), p.205.

To this text Marx adds a typical annotation, the translation of Hegelian language into a Marxian form, making use of his favourite form of mockery: juxtaposition. Here again, the target of Marx's critique is clearly Hegel's logo-centrism. It says:

Thus the constitution is rational in so far as its moments can be reduced to abstract logical moments. The state has to differentiate and determine its activity not in accordance with its specific nature, but in accordance with the nature of the Concept, which is the mystified mobile of abstract thought. The reason of the constitution is thus abstract logic and not the concept of the state. In place of the concept of the constitution we get the constitution of the Concept. The thought is not conformed to the nature of the state, but the state to the ready made system of thought. (*Critique*, p. 19)

Marx's annotation is an interpretation and a rewriting of the first sentence of Hegel's text, ignoring the remainder of the text and demonstrating Hegel's logocentrism.<sup>16</sup> Although Marx is aware of the limitations of hypallage, he repeats this rhetoric. This is almost habitual for him. Amongst other things, Marx's critique is focused exclusively on Hegel's term, "concept" [*Begriff*]. Marx regards it as obvious that here again Hegel is merely attempting to find the feature of ready-made logical categories in the existing state rather than describing the specific feature of the rational state, and that by so doing Hegel is justifying the existing state through the power of logical, pantheistic mystification. As was discussed above, Hegel's *Logik* and his system of philosophy in general and in this particular case *Logik* and *Rechtsphilosophie* are closely related. At least Marx insists this is so, and indeed Hegel himself makes it clear in many places throughout *Rechtsphilosophie*. For instance, in Remark to SS 272 Hegel engages the reader's attention:

How the *concept* and subsequently, in concrete fashion, the Idea, become determined in themselves. . . can be learned from logic (though not, of course, from the logic commonly in use). (*Nisbet*, p. 306)

Does this passage mean that Hegel is reducing the feature of the existing state to ready-made logical categories; universality, particularity and individuality? To Marx this does seem to be the case, but in my view this passage does not

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<sup>16</sup> The German original of Hegel's text is one long sentence. Cf. *Werke* 7, p. 432.

support Marx's rewriting. On the contrary, Hegel is proposing or even calling for a rational state, a political system in which freedom can be realised, though neither in the name of the principles of the French Revolution (liberty, equality and fraternity), nor in the name of inalienable human rights nor democracy, but in the name of *concept*. What Hegel is actually saying is that the state without the adequate division of political power is irrational.

It is certainly true that in Hegel's modern rational state, emphasis seems to be placed neither on equality nor fraternity, but definitely on liberty (and not on social freedom but on political freedom as far as freedom is concerned). This, however, does not mean that Hegel does not recognise the importance of the principles of the revolution and of universal human rights. Quite to the contrary, Hegel regards these as the singularly most important achievement of the modern Western world. As for the impact of the French Revolution on Hegel, this has been discussed in previous chapters. While the mature Hegel was quite critical of the narrow abstractness of the ideals tried out in the French Revolution, he was, nonetheless, ready to recognise the Revolution's world historical significance. In SS 258 Hegel's critical comments have been noted on the French Revolution made in relation to Rousseauian political thought. Here in SS 272 it is seen that Hegel makes critical comments on the French experience from the view point of the separation of political powers. As for fraternity, however no relevant comments by Hegel, have been seen and nothing will be seen except the totally negative example made in the context of his criticism of Fries.

As for equality, Hegel relates it closely to the notion of inalienable human rights. It must be noted that although they are not referred to as the principles of the state, they are incorporated in the earlier part of *Rechtsphilosophie*. It is included both under the heading of "The Property"<sup>17</sup> and "The Administration of Justice".<sup>18</sup> In SS 64 Hegel claims: "Those goods, or rather substantial determinations, which constitute my own distinct personality and the universal essence of my self-consciousness are . . . *inalienable*, and my right to them is *imprescriptible*."<sup>19</sup> What Hegel means by this is not only life and property but also personality in general, universal freedom of will, ethical life [*Sittlichkeit*] and religion.<sup>20</sup> In the Remark to SS

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<sup>17</sup> Nisbet, pp. 95-97.

<sup>18</sup> Nisbet, p. 240.

<sup>19</sup> Nisbet, p. 95.

<sup>20</sup> At the same time Hegel thinks the possibility of the alienation of personality or freedom of will lies in the nature of man itself as a self-conscious individual. As examples of such alienation Hegel counts slavery, serfdom, disqualification from owing property,

209 Hegel clearly state: “A human being counts as such because he is a human being, not because he is a Jew, Catholic, Protestant, German, Italian, etc.”<sup>21</sup> What Hegel advocates as the inalienable and imprescriptible rights are substantially similar to those in the Declaration of Independence, the French Declaration of Rights and the American Bill of Rights. To Hegel it is of paramount importance that the rights of the citizen are determined by law: this is the highest achievement of the French Revolution. We can see this clearly in his long and harsh criticism of von Haller. Hegel concludes by saying:

Herr von Haller's religiosity ought rather to have bemoaned it as the harshest judgement of punishment imposed by God (for it is the harshest judgement human beings can experience) that he had strayed so far from thought and rationality, from *respect of the laws*, and from the knowledge [*Erkenntnis*] of *how infinitely important and divine it is for the duties of the state and the rights of the citizens to be determined by law*. (Nisbet, p. 281, italics added.)

In this context, it might be worth recalling why the two translators, Knox and Nisbet translate the title of *Rechtsphilosophie* as “Philosophy of Right” rather than “Philosophy of Law”, although both are well aware that even “Right” in English is much narrower than “Recht”<sup>22</sup> in German in its scope. (In Japan all the three previous versions of the translation have the title: “Hegel’s Philosophy of Law”. The newest version has the title: “Hegel’s Philosophy of Law-Right”.) Indeed by “Recht” Hegel means “not merely civil right, which is usually understood by this term but also morality, ethics, and world history”.<sup>23</sup> It must be added, however, that Hegel’s approach to this issue is quite peculiar: his approach is through and through historical idealism and social, cultural contextualism, and (borrowing from Dieter Henrich) even

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restrictions on freedom of ownership. Therefore for Hegel it is natural that "The slave has an absolute right to free himself". Cf. *Edition Ilting 3*, p. 251. As an example of the alienation of ethical life and religion Hegel shows the superstition in which "power and authority are granted to others to determine and prescribe what actions I should perform . . . or how should I interpret the dictates of conscience, religious truth". Nisbet, p. 96. Hegel is also against religion [Religiosität] which is at the disposal of the other person i.e. a priest to whom one is supposed to make one’s confession. cf. *Edition Ilting 3*, pp. 251f.

<sup>21</sup> Nisbet, p. 240.

<sup>22</sup> Knox, p. vi, Nisbet, p. xxxviii.

<sup>23</sup> Nisbet, p. 63.

“strong institutionalism”.<sup>24</sup> The notion of equality as human beings is “of infinite importance, and it is inadequate only if it adopts a fixed position - for example, as *cosmopolitanism* - in opposition to the concrete life of the state”.<sup>25</sup> In Hegel’s view, all men are equal in so far as they are born and brought up in a definite modern Western state, and where human rights are declared and realised by the code of laws and a written constitution, where family, civil society and the political state are rationally articulated.

Thus, it seems rather to be the case that, although Hegel does reject individualism as the starting point and therefore the social contract as the touchstone of his political theory, and even though Hegel does not state it very explicitly, in effect the principle of basic human rights is correctly integrated within his political thought, when he claims the reality of his rational state in the name of concept [*Begriff*] and the idea [*Idee*] which is the highest category of *Logik*. It is certainly true that this approach increased the ambiguity of his political thought and left room for Marx’s criticism and provided grounds for Marx’s alternative narrative in the language of the common man. In this sense (and maybe in this sense only) Hegel is guilty of logical mystification and we could call this his cautiousness or even cowardice. But that is not the whole story. Hegel had his own point to make and this is quite crucial.

The explicit principles of the French Revolution, which certainly had the power to abolish the *ancien régime*, are sheer abstractions and are based upon fictional hypothesis, the contract theory in so far as it is claimed ahistorically as well as trans-culturally. The contract theory is the mainstream modern political theory of the West, in the sense that it allows individuals to have human rights and allows them to make new political arrangements. It is capable of cutting off the past and destroying the existing political system: however, it is not capable of constructing new and stable political institutions. Hegel pointed out in the Lecture that although more than a dozen constitutions had been drawn up, in his view all had so far been unsuccessful. The heroes of the French Revolution tried hard to construct new political institutions from scratch based upon the French Enlightenment version of the division of political powers, but because of the mechanical understanding of this division their efforts resulted in the conflicts between parties and eventually in terror. Consequently, the Revolution could not offer a fully articulated and stable body politic.

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<sup>24</sup> *Edition Henrich*, pp. 30-33.

<sup>25</sup> *Nisbet*, p. 240.

By contrast, concept [*Begriff*] which is called for by Hegel as the criterion for the modern rational state, is conceived of as something which develops historically in a particular cultural context and which organises itself as a stable body politic. Thus, from a purely political view point, the best way to understand Hegel's apparent logical mysticism is to assume that he is not only claiming the historical possibility of the rational state in modern Germany, but at the same time Hegel is demanding a stable and fully articulated political organisation which will guarantee civil and political freedom, exploiting the potential of the necessity of his unique idea of logic.

### Ruge on *Hegel's Philosophy of Right*

Arnold Ruge's interpretation of Hegel's *Philosophy of Right* in his "Hegel's *Philosophy of Right* and the Politics of our Times", published in his own German Yearbooks seems to be nearer to Hegel's true message than that of Marx at the stage of *Critique*, at least in certain respects. As is shown in Chapter II of the thesis, in this essay, which appeared in August 1842, Ruge presented almost all the points from which Marx was able to begin a detailed critique of *Rechtsphilosophie*.<sup>26</sup> But there are significant differences between Ruge's essay and Marx's unfinished *Critique* in terms of their style, their appreciation of Hegel and in their deviation from him. The following passage indicates quite clearly Ruge's basic attitude towards Hegel's political philosophy. It is impressively written, reflecting very clearly one of the typical understandings of Hegel's political philosophy, held by the Young Hegelians and the Young Germany as an important tenet of their movement. It is also one of the interpretations from the Hegel scholarship that is worthy of full quotation.<sup>27</sup>

Concerning the present discussion, the following three points should be noted. Firstly, Ruge is as German as Hegel and Marx in that he shared the same as to the possibility of the modernisation and/or revolution of miserable, backward Germany (in relation to more advanced countries: England and

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<sup>26</sup> H. Mah, *The End of Philosophy, the Origin of "Ideology"* (Berkeley: University of California Press, 1987), p. 118

<sup>27</sup> Besides, among the scholars of the Young Hegelians, Ruge seems to have been unduly underestimated: for example, David McLellan's first book does not include a chapter on him, although McLellan's research on Moses Hess is very important. Kolalowski's general research has a section on Ruge but there is no special comments on Ruge. Another example is seen in the *Hegel Dictionary* (published in Japan in 1992), which includes entries on Bruno Bauer, and even Edgar Bauer, but not on Arnold Ruge.

France). Secondly, Ruge understands Hegel's *Rechtsphilosophie* against the background of Haller's and Fichte's theory of the state as well as in relation to the legacy of ancient Greece and the French Revolution, which Marx ignores almost totally, at least in *Critique*. Thirdly, and most importantly, Ruge understands that Hegel demanded the state to be a political form of self-determination, not that of monarchy but of the people and with a level of profundity albeit abstract, which Marx does not admit in *Critique*. He expresses it in this way:

Hegel's time was not very favourable for politics; it totally lacked public discussion and public life (that is, in Germany); it retreated into the wisdom of theory, and humans caught for years in indolence forget that their theory is dead when they bury themselves in it instead of reshaping the world from it. Hegel intentionally depreciated this arrogance, which every theory must possess. And yet no one felt more deeply than he that we Germans had not yet achieved the state in the form of the state. Hegel read the Greeks with too much intelligence and lived through his times, the age of Revolution, with too clear a consciousness not to attain, beyond the familial state (of dynastic possession) and the state of bourgeois society (police state and bureaucracy), the *demand for the state in the form of a public, self-determining structure*. And he actually did this implicitly, theoretically, or as is said, *in abstracto*, when he expressly distinguished the 'needy state of bourgeois society' from the free state or its actuality and asserted the most profound concept of the state that humanity had thus far attained.<sup>28</sup>

Ruge thought that the ancient Greeks, who were neither prosaic nor unphilosophical and that they were more free than the English people and just as free as the North Americans. But the North Americans were, in Ruge's opinion, only practical and prosaic men. Most importantly, Ruge did read Hegel's *Rechtsphilosophie* as demand for the free, democratic state. But Ruge was not totally content with Hegel, because the main points of his essay are on the difference between Hegel's day and that of the Young Hegelians as well as on the contrast between Hegel's one-sided theoretical standpoint and the Young Hegelians' ever practical attitude. Here the difficulty of the

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<sup>28</sup> Arnord Ruge, 'Hegel's "Philosophy of Right" and the Politics of our Times' in *The Young Hegelians; Anthology* ed. L. S. Stepelevich (Cambridge: Cambridge University Press, 1983), p. 216.

circumstances faced by the Young Hegelians, the Bauers, Ruge and Marx who were struggling against the Prussian authorities is evident. However, Ruge's sense of difference between Hegel and himself might not be totally correct, because though he was well-informed, Ruge too was deeply influenced by the apologetic and quietistic tone of the Preface to the published version of Hegel's *Rechtsphilosophie*. As has been seen and discussed in Chapter III, initially there was not a controversial preface to Hegel's *Rechtsphilosophie* such as the one with which we are familiar. Besides, Ruge was critical of Hegel's attitude to Fries and Eduard Gans and also of Hegel's last essay, "On the English Reform Bill", the first half of which appeared in *Allgemeine Preussische Staatszeitung*. Although the publication of the second half was suppressed by the intervention of the Prussian king, Friedrich Wilhelm III, it was still circulated amongst Hegel's friends and disciples in the form of a private edition. Here Ruge seems erroneous perhaps through the influence of his own experiences, his commitment to the German student movement and his long imprisonment with the suppression of the Carlsbad Decrees. However, later he converted to Hegelianism after reading Hegel's works.<sup>29</sup> Ruge continues:

The article contains much truth and is very instructive on England; indeed, it treats only of England - how could it speak of domestic affairs in those times? - but it is regretted that Hegel in Berlin in 1831 was no longer in the mood to come to terms with the other side of the subject, with 'the political nothingness' of the states (German states, which wanted only the sense of privacy and did not want the state in the form of the state. And when Hegel . . . [mentioned] now Germany. . . , it did not become clear that he basically preferred only the products of the French revolution to the English feudal abuses. For he did not state this. Hegel is an enemy of 'dissatisfaction that knows better about everything'; otherwise he could have easily concluded his article with the solution to the dilemma, i.e., that, because of its more profound content, the historic continent, *as soon as it attained for this content the free forms of the actual state*, would have far surpassed England. But clearly that would have meant to gain a different soul,

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<sup>29</sup> H. Mah, *The End of Philosophy, the Origin of "Ideology"*, p. 95.

and to cite such a soul in the state periodical in 1831 - that would not help.<sup>30</sup>

Marx's *Critique* is different from Ruge's. Firstly, setting aside his hidden practical aim, Marx's *Critique* is basically a purely theoretical critique of *Rechtsphilosophie* as such, whereas Ruge's is one anchored in the formation of Hegel's political philosophy in the historical context of Germany and the Young Hegelians movement against the background of the new German and even European situation written with much journalistic expertise. Marx does not pay any attention to the war of liberation, the movement of Burschenschaften, Kant, Fichte, Haller, Fries, or even Gans whose class Marx had taken as a student of the University of Berlin. Marx does not mention the tightening of censorship against the liberal press and the suppression of the young Hegelians by the Prussian authorities. Secondly, Ruge appreciates Hegel's theoretical achievement, whereas Marx takes an almost totally negative stance towards Hegel. This being understood, there is still a significant difference between them which seems to have come from the Feuerbachian influence on Marx.

That is not to say that Ruge was not influenced by Feuerbach's work; quite to the contrary, in Ruge's essay we can find signs of an unmistakable Feuerbachian influence. We can summarise the difference with the following two points. Firstly, although Ruge was critical of Hegel's theoretical one-sidedness and Hegel's flight from real history, there is no tendency in Ruge similar to Marx's argument that Hegel is satisfied with finding the ready-made logical categories in the existing state; or Hegel's true interest is not in the state but in the *Logik*. What Ruge demanded of Hegel is to put the whole system of Hegel's philosophy, therefore his *Logik* as well as his *Rechtsphilosophie* into the reality of history once again. Or more correctly, it is the task that Ruge assigned to himself and urged the remaining members of the Young Hegelians and his contemporaries to undertake. As for *Logik* we have seen in Chapter III that Hegel had precisely the view that the science of logic must develop hand in hand with the development of other sciences, as well as the development of history. It is not Hegel but we (including Marx), who have failed to develop it. As for *Rechtsphilosophie* Ruge wanted to transform Hegel's implicit demand for the rational state into an explicit one which could act as the cannon for the German revolution. In this context, Marx's *Critique* can be seen as an effort to fulfil the task assigned by Ruge.

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<sup>30</sup> Ruge, *ibid.*, pp. 218-219. See also pp. 212-214, p. 226, Ruge mentions a proletariat and Hegel's logo-centrism as well as a common man.

However, the way in which Marx accomplished the task of putting *Rechtsphilosophie* into actual history again took a rather different form. Instead of transforming Hegel's idea of the modern rational state as an explicit theory of a German revolution, Marx advanced a totally radical critique of the irrationality of Hegel's idealism and his idealistic notion of the rational state.

Secondly, as a consequence, alongside his struggle against the existing Prussian state in Marx we can see clear signs of the critique of the modern state in general, which is based upon conflict between civil society and the political state. This comes from Marx's view that the dualism of civil society and the state in Hegel's political theory is merely an accurate reflection of the modern situation. In other words, there seems already at this time to be an inspiration, or intuition about the possibility and necessity of the abolition of the political state in Marx's thought. This was based upon the Feuerbachian critique of the inversion of subject - predicate and the notion of alienation and was formed by Marx's own historical research into the modern state. That is to say that in Marx's view the state is something secondary in relation to family and civil society in the sense that the state is the political alienation of civil society, and therefore the state itself can be and even must be abolished under certain historical circumstances. In the previous chapter the problem was discussed thematically of the inversion of subject-predicate in Hegel's philosophy in general and in his political philosophy in particular and this is the single main topic at the beginning of *Critique*. We have already seen that Marx criticised the Hegelian idea of the state in terms of Hegel's treatment of the relationship between family, civil society and the state. It is shown that the problem of the inversion of subject-predicate is also one of the most basic assumptions upon which Marx developed his unique strategy of criticism, a translation of alien and alienated Hegelian language into an everyday and unalienated language of the common man in the form of annotations to Hegel's text.

One point to be emphasised here again is that Marx insisted on the primacy of family and civil society over the state as a "*conditio sine qua non*" in a way which foreshadows the notion of the base and the superstructure in *The German Ideology* written three years later (1846), and which depends on the dichotomy between the "real" (or actual) and the "imaginary" (or illusionary). (This is nothing to do with the Hegelian notion of real and rational.) If this point was taken a step further towards the alienation theory of the state in a similar way as to what is applied to religion, theology, and speculative philosophy, it would logically follow either that the state or political institutions are merely "an objectification of the political

sentiments”<sup>31</sup>, or even that the state is an alienation of the essence of human beings which is denied real life (family and civil society), and that the state should and could be abolished by way of the construction of an ideal society. As will be seen later, Marx did move towards this line of argument later in *Critique* itself. To put this point another way, Marx was already on the way to reducing the state to civil society, in opposition to Hegel’s project; whereas Ruge seems to be happy with one of fundamental aspects of Hegel’s political thought: the separation of civil society and the state. Thus, it seems quite natural that in *Critique* Marx lacked the readiness to appreciate the hidden message in the Hegelian project of the rational state or the theoretical model from which he could develop a programme for a German revolution. At this stage, Marx might have thought that he was merely accomplishing the task that Ruge had proposed in a thorough manner; but there already existed the divergence of thought which would make their co-operation in Paris impossible in later years.

In my view, Ruge was correct when he read Hegel’s “demand for the state in the form of public, self-determined structure” in *Rechtsphilosophie*. However, he was incorrect when he insisted that Hegel had applied that famous Hegelian principle, the equation of rationality and reality in favour of the rationality of an unreality such as a state that is still no state and does not become one”.<sup>32</sup> On the contrary: as is shown Chapter III, in my view, Hegel was in favour of the realisation of the rational, and thus the rational state, which has not yet been realised but must be realised.

Despite its appearance, in Hegel’s thought rationality has progressive, or even revolutionary, potential. It has power to become real against a reality which has become outdated as a result of an inner revolution in the people’s minds. It is true that this message from Hegel is not quite clearly seen in the well-known juxtaposition “What is rational is real (actual) , and what is real (actual ) is rational” in the Preface. This is why there has been a heated discussion over Hegel’s political position until quite recently. However, as has been discussed above, Hegel’s true message contained in this famous phrase is much more clearly seen in its original form in his earlier lectures on *Rechtsphilosophie*.

In the introduction [*Einleitung*] to the lecture which was given just before the published version and written by an unknown student in the Winter-Semester 1819/1820, Hegel said:

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<sup>31</sup> *Critique*, p. 11.

<sup>32</sup> Ruge, *ibid.* p. 220.

It (Philosophy) respects the real as the kingdom of right; it knows that in the real world only what is already in the consciousness [*Begriff*] of a people is in force . . . What is in the inner spirit, happens with certainty and necessity. Constitution is the matter of arrangement of this inner spirit . . . What is rational becomes real, and the real becomes rational.<sup>33</sup>

In the Foreword [*Vorwort*] to the first lecture of *Rechtsphilosophie* in Berlin (Homeyer, Winter Semester 1818/19), Hegel said:

Thus when the spirit of a people has reached the higher stage, the constitution which belongs to the earlier stage has no longer any hold. It has to collapse, and no power can prevent it. Therefore philosophy understands that only the rational can happen, although the superficial appearances which are separated from essence might still appear to resist the rational strongly.<sup>34</sup>

From these passages it is very clear that the Hegelian idea of the rational is conceived as the progressive power in history and that it is based upon the political consciousness or awareness of the people. One year before this, he gave a lecture on *Rechtsphilosophie* in Heidelberg, which was the first of its kind (Winter Semester 1817/1818, by P. Wannemann). It was not in the Foreword or in the Introduction that the origin of the famous juxtaposition is found but in the middle of the main body of the work. It shows us the difficulty that Hegel faced and which he tried to solve through his unique idea of the rational. In SS 134 of this lecture Hegel discusses who should create the constitution in a nation. Hegel puts the constitution and the legislative power in the same category (the moment of universality), and therefore it seems natural that the legislature should make the constitution. But although Hegel concedes that the legislature has the power to amend the constitution, he insists that the constitution as a whole is something prior to the legislature. This question is connected to Hegel's rejection of contract theory. It is, in Hegel's view, the Volkgeist with its particular history that forms the constitution. It is in this context that Hegel appeals to the power of the

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<sup>33</sup>Henrich, pp. 50f (My translation).

<sup>34</sup>Illting, , p. 206 ( My translation).

rational inherent in the Volkgeist. He declares: "What is rational must happen" and: "The rational must help itself - for this is what is true".<sup>35</sup>

Furthermore, although Hegel did not advocate the right of resistance and revolution as such, he did admit the possibility or even necessity of revolution under certain circumstances. Revolution is not necessarily the monopoly of contractionists. If the restructuring of the constitution and the political institutions does not correspond to the higher development of the Volkgeist, "the former not only becomes contradictory to the latter, but also it becomes the source of the revolution".<sup>36</sup> The Hegelian idea of revolution does not necessarily precludes the evolution or "reform from above". Indeed, it was quite a strong recommendation to the students of German universities, who were to join the ruling class and the progressive bureaucrats, who had already joined in the call for the reform of Prussia (and other German states). It was also at the same time a threat in the sense that negligence on the part of the government and sabotage of the reform by the conservatives or reactionaries in the ruling class would result in as bloody a revolution as the French Revolution. Either way, the essence of the Hegelian Revolution is that it depends solely upon the contradiction between the established political system and the historically and culturally developing political consciousness of the people.

If these quotations are a reflection of an unmistakable aspect of Hegel's rationality, then it is natural that Hegel's theory of the rational state includes the demand for its realisation, though neither in the form of the realisation of the principle of the French Revolution nor of the basic rights of men and citizens which claim universal validity ahistorically. But we have to see in this chapter how Hegel proposes the body politic as a fully articulated organisation in the name of "the concept" conceived as a historically progressive rationality which at the same time guarantees the body politic as a fully articulated organisation.<sup>37</sup>

## II. DIVISION OF POWER

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<sup>35</sup> *Ilting*, p. 157, *Pöggeler*, p. 192 (My translation). German original: "was vernünftig ist, muß geschehen"; "Das Vernünftige muß sich immer helfen., dies ist das Wahre".

<sup>36</sup> *Ilting*, p. 173, *Pöggeler*, p. 219. This passage suggests another way of reading Hegel's description of the French Revolution in *Philosophy of History*.

<sup>37</sup> In this sense I agree with D. MacGregor but I do not think that Hegel's idea of the rational state is basically identical either with the young Hegel's concept of the kingdom of God nor Marx's idea of communism. D. MacGregor, *The Communist Ideal in Hegel and Marx* (Toronto: University of Toronto Press, 1984), pp. 27-32, pp. 251-259.

The rest of the text in SS 272, the Remark, the Addition and SS 273 informs us that what Hegel is concerned with here in the name of *concept* is the problem of the division of power. It is a highly important determination or an indispensable qualification for the rational state envisaged by Hegel, because this, "if understood in its true sense, could rightly be regarded as the guarantee of public freedom".<sup>38</sup> In this sense, the division of political power is the most important topic in Section 3: the State. Especially the main discussion of the Internal Constitution should be seen as the proposal of Hegel's own version of the division of political power. Thus, we can say that here Hegel is not only demanding the rational state in the name of *concept*, but also demonstrating the necessity of the true form of the division of political power. It is a matter of deep regret that Marx almost totally ignored this problem. For Marx's indifference to this problem underlines the ideas which were to dominate both in the later development of his own thought and the quality of Marxist political thought. In 1871 Marx came to realise that "The centralised state power, with its ubiquitous organs - organs wrought after the plan of a systematic and hierarchic division of labour"<sup>39</sup> has acted as the weapon of modernisation, but even at this stage there is no recognition in Marx's thought that the division of political power is a guarantee of political freedom.

However, the way in which the division of political power is presented by Hegel as a criterion for the rational state is quite unusual. This has to do with the problem: what does it mean that each of the political powers in question contains "other moments and has them active within it"? Reading SS 272 as a whole including the Remark and Addition and the next paragraph SS 273, it becomes clear that this obscure requirement as the true form of the division of powers is conceived in opposition to both Fries and Kant<sup>40</sup>. Here in a sense Hegel is engaging in a twin battle against them, depending partly on Montesquieu's notion of the separation of power, but ultimately based on his own unique idea of the organic whole. On the one hand, it is a repeated criticism of his life-long rival, Fries (and to some extent Fries's enthusiastic followers in the German university student movement; Allgemeine Deutsche

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<sup>38</sup> Nisbet, p. 306.

<sup>39</sup> S.W. p. 539

<sup>40</sup> As Knox says, Hegel might have intended the criticism of Haller and the romantic reactionaries as well as that of Fries. Cf. Knox, p. 367 Note 26. Nisbet and Wood who are very keen on spotting Hegel's critique of Fries and understanding its nature do not say anything in this place. Perhaps they think that this original place in lecture 1819 20 is more appropriate. See, Henrich, p. 209.

Burschenschaft), who in Hegel's view, denied the capability of human reason and thus neglected "the effort of concept"<sup>41</sup>, consequently appealing to religious emotion and fraternity as sentiments and/or patriotic enthusiasm. On the other hand, it is a critique of Kant's and even of Montesquieu's notion of the separation of power. From a theoretical view point, *Rechtsphilosophie* can be seen as a critique of Kant's moral and political thought. The particular point of criticism here concerns with the Enlightenment notion of the division of political power and also the republicanism of Kant. Although there is an unmistakable element of personal and political rivalry in Hegel's critique of Fries, even this can be seen as a form of critique of the Kantian legacy. In addition, there is a historical dimension too. Hegel developed his ideas on the problem of constitution and the separation of political power in the German context. Of course he also learned a great deal from the experiences of Britain and France, notably from the prelude to and aftermath of the French Revolution and the English Civil War in the 1640s.<sup>42</sup>

What interests us in relation to Marx is that these three points of criticism might also be applicable to Marx. To express this another way, Hegel suggests reshaping Montesquieu's notion of the division of political power, the theory which provided one of the focal points in the process of the French Revolution, so that it could act as a safeguard against a reign of terror. In other words, as mentioned above, we can say that Hegel grafted the Rousseauian ideal of the state on the civil society created by Adam Smith.<sup>43</sup> But when doing so, Hegel at the same time complemented in his own particular way the Rousseauian ideal with Montesquieu's notion of the separation of the power. What Hegel had in mind was a German revolution without terror, and this had a strong tendency towards evolution rather than to revolution. But Marx does not realise Hegel's agenda at all, or rather, we should say, he cannot accept it any longer.

### Against Fries

In the published version of *Rechtsphilosophie* Hegel mentions and alludes to Fries in several places, and always most critically. The most infamous reference to Fries is, of course, in the Preface. Hegel's attack on Fries was in

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41 *Werke* 3, p. 56.

42 *Knox*, p. 367, Wood, in *Nisbet*, p. 461.

43 This point is made by H. Kato. Cf. *Tetsugaku no Simei* [*A Mission of Philosophy*] (Tokyo: Miraisha, 1992).

fact vehement. It is, however, misleading to say, as Ilting did, that Hegel cancelled the original preface and replaced it with the infamous one, making full use of Fries's already fallen reputation in order to protect himself from the Prussian authorities.<sup>44</sup> It is not only because "Hegel has had all grounds" to criticise Fries, but also because Hegel had already demonstrated his criticism of Fries in his earlier lectures.<sup>45</sup> It is true that in the earlier lectures Hegel seldom mentioned Fries. In the lecture at Heidelberg (Wannenmann, Winter-Semester 1817/18) we cannot find any reference to Fries. In the "Vorwort" to a lecture (Homeyer, Berlin Winter-Semester 1818/19) Hegel criticises Fries without naming him, talking about the "poor situation of philosophy" in relation to the historical method of philosophy of law.<sup>46</sup> In the "Einleitung" of a lecture at Berlin (unknown student, 1819/20) he mentions Fries twice.<sup>47</sup> In this lecture Hegel also alludes to Fries at the very beginning of the chapter on the State.<sup>48</sup> This does not exclude the possibility that Hegel has largely intensified his criticism of Fries in the published version intentionally. On the contrary, it shows that Hegel did expand his attack on Fries greatly. However, it does not mean that Hegel attacked Fries unduly who had been expelled from German universities unjustly. For although we cannot deny that there was serious personal conflict between them, the underlying argument of Hegel's allusions to Fries is concerned more with the method and quality of science than with their political stance to the existing regime. What Hegel insists on is that the rational in the state, which by implication has the potential to realise itself in historical development, is accessible only by idealism which requires a great deal of intellectual efforts.

As far as *Rechtsphilosophie* is concerned, Hegel's reference which most closely related to that in SS 272 is in the Preface. Here Hegel openly names Fries and criticises him as "a leader of this superficial brigade of so-called philosophers", even referring back to the Preface to *Logik* (1812), and accusing him of direct involvement in the Wartburg Festival on the 17th and 18th October 1817, quoting his speech to some five hundred patriotic students

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<sup>44</sup> *Edition Ilting 1*, p. 70 and p. 70, Note 57. It is arguable that against Ilting's assumption, there was not "the (lost) Manuscript". Cf. Hans-Christian Lucas & Udo Rameil, 'Frucht vor der Zensur' in *Hegel-Studien, Band 15*, 1980, pp. 63-93.

<sup>45</sup> *Edition Ilting 1*, p. 70.

<sup>46</sup> *Ilting*, p. 206.

<sup>47</sup> *Henrich*, 1983, p. 46, p. 51.

<sup>48</sup> *Henrich*, 1983, p. 209.

of Burshenschaft who had gathered from all over Germany at the Festival.<sup>49</sup> As discussed in the previous chapter, the highly charged tone against Fries as well as its quietism regarding to the task of philosophy in the Preface should be read, at least to some extent, as Hegel's cautionary measure against the expected censorship through the promulgation of the Carlsbad Decrees enacted by Metternich, which introduced an unprecedented system for the surveillance of publishing, lecturing and other academic activities in all the universities of Germany. Nonetheless, the real issue underlying the rift between Hegel and Fries is a theoretical one.

According to Ilting and Allen Wood, Hegel's quotation from Fries's speech is from *Weimarer Oppositions-Blatt* (30. 10. 1817) addressed to German Youth<sup>50</sup> (which is somewhat similar to the speeches by dissident Japanese university teachers in late 1960s who accepted the demand for dissolution of university by the students). In the speech Fries declared:

If the spirit of a people [*eines Volks Geist*] were to attain to a genuinely common spirit [*ächten Gemeingeist*], then justice, charity and self-sacrificing patriotism [*Vaterlandsliebe*] would rule in this people; then life in this people would come from beneath, from the people [*von unten aus dem Volke* ], in every business of public concern. Not only the form of law and authority, not only the private compulsion of official duty, but also the spirit of subordination would drive the individual; desire for knowledge and the striving of the student would drive the teacher to enthusiasm, the spirit of people the judge to justice. And in this people living [*lebendige*] societies would dedicate themselves to every individual work of popular education [*Volksbildung*] and service of the people, unbreakably united through the holy chain of friendship [*durch die heilige Kette der Freundschaft*].<sup>51</sup>

As is often the case with Hegel, in the Preface Hegel cites this paragraph, shortening it arbitrarily and italicising several words so that he can make his points clearly. The two points Hegel emphasises in this quotation from Fries's speech are the following. One is that the vitality comes from below (from students

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<sup>49</sup> Cf. *Edition Ilting 1*, pp. 73-75, p. 70, note 63. See also *Edition Ilting 2*, p. 63f, and A. Wood, in *Nisbet*, p. 15, pp. 387f. See also William Carr, *A History of Germany* (London: Edward Arnold, 1991), p.15.

<sup>50</sup> *Edition Ilting 2*, p.64, Wood, in *Nisbet*, p. xii, p. 38. According to Wood, the title is 'Feierede an die deutschen Burschen' ('Festival Address to the German Fraternities') and the source is *Oppositionblatt oder Weimarishe Zeitung*.

<sup>51</sup> Cited by Ilting, *ibid.*, p. 64, note 6, see also by Wood, *ibid.*, pp. 386f.

and the people): Fries's apparent populism and democratic tendency. The other is that living societies are united through the sacred chain of friendship or fraternity: Fries's emphasis on patriotic enthusiasm, which is very similar to the tendency of ideologues of Zengakuren and Zenkyoto in the history of student movement in Japan from immediately after the Second World War to the 1970s. Concerning Fries's philosophical assumption, Hegel accuses him of explicitly claiming that truth is unattainable by human reason, and that truth consists in "*what wells up from each individual's heart, emotion and enthusiasm in relation to ethical subjects, particularly in relation to the state, government, and constitution*".<sup>52</sup> In Hegel's eyes this is a highly watered-down version of Kant and Fichte. Hegel even condemns Fries for flattering the students and the students for being flattered by him.

This harsh criticism in the Preface as well as the criticism in SS 272 disturbed many readers of Hegel's *Rechtsphilosophie*. For example, in the above quoted essay, even the well-informed Ruge accused Hegel, saying:

Hegel rebuked the idealists of his times, especially the demagogues, their ideals, and their demands. But he did them an injustice when he accused them of ignorance concerning the state because they demanded nothing more zealously than the possibility of making an end to the ignorance and because, whether or not he intended to, he himself asserted an ideal and a demand that could not be more fundamentally thought out. Either he did this unconsciously or he sought to conceal it from himself and the world, and as he came out against the dogmatic idealists who returned from the War of Liberation [*die Befreiungskriege* of 1813-1815], he also did not neglect to cover over as much as possible the liberal consequences that, for example, Gans drew while he was still alive.<sup>53</sup>

The most important aspect from our viewpoint is that Ruge seems to believe that there was or should have been a fundamental affinity between Hegel's political philosophy and the student movement (and even the demagogues). It even suggests Ruge's belief that the difference between Hegel's and Fries's political philosophy was not as great as both Hegel and Fries claimed.<sup>54</sup> It also suggests that Ruge knew that Hegel's philosophy had

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<sup>52</sup> *Werke* 7, p. 18, *Nisbet*, p. 15, Knox, p. 5.

<sup>53</sup> Ruge, *ibid.*, p. 219.

<sup>54</sup> Cf. Wood, in *Nisbet*, pp. 384 - 387. See also A. Wood, *Hegel's Ethical Life* (Cambridge: Cambridge University Press, 1990), p. 178, pp. 185-187.

had some influence among the Burschenschaften at least among a part of them.<sup>55</sup> But, ironically, that is one of the reasons why Hegel had been invited to Berlin from Heidelberg.

Hegel's attack on Fries is quite strong, and he even repeated the quotation from Goethe's *Faust* with the same error which appears in the beginning of the section: Pleasure and Necessity in *Phänomenologie*. It runs:

Do but despise reason and science, The highest of all human gifts. Then you have surrender to the devil and must surely perish. (*Nisbet*, 16)<sup>56</sup>

Indeed, as A. Wood suggests, in the long quotation from Fries's speech there seems to be no relevant points in Hegel's accusation except Fries's emphasis on emotion or enthusiasm based upon a philosophical assumption (the limitation of human reason).<sup>57</sup> Hegel's main criticism of Fries concerns the quality and method of the philosophy, and the philosophical science of the state. Hegel believes that the rational state which realises actual freedom must take the form of a fully articulated organic system consisting of family, civil society and the state with the division of political power in its true sense which is based on the history of Germany the political consciousness of German people. The possibility of the attainment of the rational state is the result of painstaking effort of the people throughout history, and it can be recognised and realised only by means of the highly rational and thus painstaking effort of human reason. All the other accusations probably seem to have derived from Hegel's intention to emphasise the difference between Fries and his friends, and to urge students to support the Hegelian approach to the rational state.

### Against Kant

With regard to Hegel's critique of Kant, which by implication includes not only Fichte but also the thinkers in the contractionist tradition and the Enlightenment movement, this more directly concerns Hegel's unique way of articulating the division of political power.

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<sup>55</sup> *Edition Ilting 1*, pp. 50f.

<sup>56</sup> *Werke 3*, p. 271, *Miller*, p.218.

<sup>57</sup> *Ilting*, p. 63, note 3.

There are two remarkable features about Hegel's theory of the separation of political power in this respect. First: the content of the divided powers. In sharp contrast to Montesquieu's and Kant's approach (executive, legislative and judiciary), Hegel divides political power in a way which excludes the power of justice from the sphere of the body politic, placing it in the sphere of civil society, so that a place could be secured for the monarchy within the framework of the division of political power. Hegel insists that "the judiciary is not the third constituent (individuality), because its (i.e. the judiciary's) individuality lies outside the above spheres"<sup>58</sup>. But this is pure tautology which is one of the main elements in Marx's critique of Hegel in *Critique*, and in this case Marx is absolutely right, for it says nothing about why the judiciary does not lie inside the body politic and why on the contrary the monarchy does. We have to look for the reason somewhere else. There seem to be three reasons for this: firstly, Hegel learned a lesson from the French Revolution in which jurists played the most radical part and eventually were responsible for the Terror. Secondly, Hegel wanted to demonstrate that laws (and the constitution) should not be made up by arbitrary political power rather they should be produced through the interactions among individuals and corporations in the civil society. This point will be closely discussed in the following Chapters. Thirdly, I would argue that it is precisely because Hegel wanted not only to secure the place of the monarch in the sphere of the constitution, but at the same time he wanted to confine the monarch firmly within the constitutional framework.

The second feature of Hegel's theory of the division of political power is the unique relationship among three powers. According to "the false determinacy" of Kantian reasoning [*Verstand*], the relation of each power is conceived as a mechanism of checks and balances between and /or among absolutely independent or even antagonistic powers. This notion of the division of power is not only (more or less) common to thinkers within the Western liberal tradition, but it has also become one of the basic principles of modern constitutions today. In this sense we can state that Hegel seems totally at odds with history and to be hopelessly anachronistic. On the one hand, Hegel regards this version of the division of power as the product of the understanding (*Verstand*), and also as the product of negative understanding of the nature of the state, and he even suspects the characteristics of the rabble in it. For in Hegel's final analysis the aim of this version of the division of political powers is nothing more than the defence of private interests against political power. As a consequence, it is based on suspicion

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<sup>58</sup> Nisbet, p. 308.

and the fear of political power. In other words, it is based on the notion of universal human rights and the contractionist theory of the methodological individualism. In this sense Hegel's alternative theory of the division of power is a radical critique of modern liberal democracy. According to the Hegelian "rational determinacy" each power contains three elements: individuality, particularity and universality. Although each power takes the form of an independent political institution, each power is at the same time an integral part of the whole, and a mutually supporting aspect of the same totality, or more correctly each is not apart but a member of the whole.<sup>59</sup> Thus Hegel believes that the true form of the division of power is best expressed not by the metaphor of mechanism but by that of organism.<sup>60</sup> However, it is important to note that, although the organic metaphor is a favourite of conservative and reactionary romantics and although the young Hegel had been a romantic of sorts, the mature Hegel was not a romantic. He was ready to find a type of subjectivity in romantics but shared no fear of and no resentment towards modern capitalism. For the mature Hegel capitalism was an integral part of the modern state.

### III. MARX'S ANNOTATION

Apart from the criticism of Hegel's logo-centrism there are two interesting points about Marx's annotation which should be noted. The first is that he does not pay any attention to Hegel's polemic with either Fries or Kant (or the Enlightenment tradition), to say nothing of Montesquieu. This, however, is not just an accident but seems to be Marx's intentional approach throughout *Critique*. In *Critique* he never mentions any political thinkers in the Western tradition (Plato, Aristotle, Hobbes or Rousseau, to mention but a few)<sup>61</sup>. Hegel sometimes mentions these names in Remarks or Additions (or lectures in the classroom), but in the main body of *Rechtsphilosophie* Hegel does not usually mention the names of thinkers and writers. Even if he always

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<sup>59</sup> This point is made by Steven B. Smith. Cf. *Hegel's Critique of Liberalism* (Chicago and London: The University of Chicago Press, 1991), pp. 153f.

<sup>60</sup> S. B. Smith calls this "an expressive totality" which he borrowed from Louis Althusser. But I do not quite understand why he could do so. Cf. A. B. Smith, *ibid.*, p. 153, note 59. See also L. Althusser & E Balibar, *Reading Capital* (London-New York: Verso, 1990), pp. 94-97.

<sup>61</sup> Compare for example with, *The German Ideology*, ed. C. J. Arthur (London: Lawrence & Wishart, 1985), and to, 'Leading Article in 179 of *Könische Zeitung*' in *C. W. I*, pp. 184-202.

seems to have someone in mind and makes frequent allusion, Hegel writes as if he does not deviate from looking at the development of the idea of right.<sup>62</sup> In my view, however, *Rechtsphilosophie* is written as a structured critique (as well as assimilation) of political thinkers and writers from the beginning to the end, Kant, Fichte, Rousseau, Fries and Adam Smith being some of those mentioned. But as far as *Critique* is concerned, Marx seldom refers to people as such, and he seems to avoid doing this even when he copies Hegel's Additions and Remarks. Marx confines himself solely to critical arguments against Hegel as if he believes that every important tradition of Western political thought is rightly summed up or sublated in Hegel's political thought, and that all he needs to do therefore is to criticise Hegel properly. As mentioned earlier, this might result, at least partly, from his initial intention to criticise Hegel's *Rechtsphilosophie*: revealing inconsistencies and self-contradictions in Hegel's theory of constitutional monarchy. Given this, even if the first Bogen of Marx's manuscripts were intact, we might have not found what I expected in Chapter II, especially Marx's comment on Hegel's polemic with Rousseau. The real problem in this approach is not so much that Marx has not viewed those thinkers seriously, but in that, in ignoring Hegel's polemics with those thinkers, Marx might unintentionally have failed to take Hegel seriously enough.

The second point is that Marx does not seem to recognise at all the important implications of the notion of the division of political power. This is not to say that Marx was not familiar with this popular theory. On the contrary, he knew it in its usual form very well, because Marx writes as a comment to SS 287 that "The only thing which can be mentioned as original with Hegel is that he co-ordinates executive, police and judiciary, where as a rule the administrative and judiciary powers are treated as opposed"<sup>63</sup>. Indeed, Marx undertook some intensive historical and theoretical studies of his own. Marx, however, did not criticise Hegel from the viewpoint of the commonly accepted theory of the division of political power. Rather Marx shares with Hegel the idea that the state is an organic whole rather than as a mechanism. It is not very clear whether Marx actually agrees with Hegel in this problematic or this is just a part of his strategy. Marx's basic criticism is : "Hegel speaks only of the idea of the particular powers".<sup>64</sup> Marx attempted to demonstrate that Hegel had not succeeded in explaining the peculiar powers as he claimed he had done, by pointing out the inconsistencies and flaws in

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<sup>62</sup> Preface and Introduction are the exceptions.

<sup>63</sup> *Critique*, p. 41.

<sup>64</sup> *Critique*, p. 21

and to cite such a soul in the state periodical in 1831 - that would not help.<sup>30</sup>

Marx's *Critique* is different from Ruge's. Firstly, setting aside his hidden practical aim, Marx's *Critique* is basically a purely theoretical critique of *Rechtsphilosophie* as such, whereas Ruge's is one anchored in the formation of Hegel's political philosophy in the historical context of Germany and the Young Hegelians movement against the background of the new German and even European situation written with much journalistic expertise. Marx does not pay any attention to the war of liberation, the movement of Burschenschaften, Kant, Fichte, Haller, Fries, or even Gans whose class Marx had taken as a student of the University of Berlin. Marx does not mention the tightening of censorship against the liberal press and the suppression of the young Hegelians by the Prussian authorities. Secondly, Ruge appreciates Hegel's theoretical achievement, whereas Marx takes an almost totally negative stance towards Hegel. This being understood, there is still a significant difference between them which seems to have come from the Feuerbachian influence on Marx.

That is not to say that Ruge was not influenced by Feuerbach's work; quite to the contrary, in Ruge's essay we can find signs of an unmistakable Feuerbachian influence. We can summarise the difference with the following two points. Firstly, although Ruge was critical of Hegel's theoretical one-sidedness and Hegel's flight from real history, there is no tendency in Ruge similar to Marx's argument that Hegel is satisfied with finding the ready-made logical categories in the existing state; or Hegel's true interest is not in the state but in the *Logik*. What Ruge demanded of Hegel is to put the whole system of Hegel's philosophy, therefore his *Logik* as well as his *Rechtsphilosophie* into the reality of history once again. Or more correctly, it is the task that Ruge assigned to himself and urged the remaining members of the Young Hegelians and his contemporaries to undertake. As for *Logik* we have seen in Chapter III that Hegel had precisely the view that the science of logic must develop hand in hand with the development of other sciences, as well as the development of history. It is not Hegel but we (including Marx), who have failed to develop it. As for *Rechtsphilosophie* Ruge wanted to transform Hegel's implicit demand for the rational state into an explicit one which could act as the cannon for the German revolution. In this context, Marx's *Critique* can be seen as an effort to fulfil the task assigned by Ruge.

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<sup>30</sup> Ruge, *ibid.*, pp. 218-219. See also pp. 212-214, p. 226, Ruge mentions a proletariat and Hegel's logo-centrism as well as a common man.

modern state itself in a radical manner, and is ignoring the notion of the division of power.<sup>68</sup>

Marx is almost with Hegel when he writes that “in the ancient states the political state shaped the content of the state, with the other spheres being excluded; the modern state is an accommodation between the political and the non-political state”.<sup>69</sup> The difference between Hegel and Marx lies in considering how best one can adapt and go completely beyond the modern situation. Whichever way is adopted, the content of Marx's true democracy vis-à-vis Hegel's constitutional monarchy must now be examined.

#### IV. DEMOCRACY

In the middle of the annotation to the long Remark of SS 279 Marx confronts Hegel's constitutional monarchy with his idea of democracy. He asserts:

Democracy is the truth of monarchy, monarchy is not the truth of democracy. Monarchy is necessarily democracy in contradiction with itself, whereas the monarchical moment is no contradiction within democracy. Monarchy cannot, while democracy can be understood in terms of itself. (*Critique*, p.29)

The first sentence is the conversion of the Hegelian statement regarding the constitutional monarchy. As has already been seen, Hegel regards the constitutional monarchy with an appropriate division of powers as being the highest achievement in terms of polity in the sense that “universal world history” (i.e. the history of the West from the ancient Greeks to the modern times) has developed towards its formation in such a way that individual men can enjoy their freedom within it.<sup>70</sup> In other words, the modern West has produced civil society, in which individuals can pursue their personal interests and realise their freedom, and in Hegel's belief, constitutional monarchy is the one and only political form that can integrate civil society as such.

It is in this sense that Hegel argues that it was possible for Plato and Aristotle to discuss which was the best political form: democracy, aristocracy

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<sup>68</sup> *Critique*, p. 32.

<sup>69</sup> *Critique*, p. 31.

<sup>70</sup> *Nisbet*, p. 308.

or monarchy, but that the premises for their discussions have already been lost in the modern West.<sup>71</sup> From this viewpoint, Britain, France and Germany are “on a par” in the sense that each is struggling equally to adapt to the modern situation: the separation of civil society and the state.

Both Britain and France tried to establish democracy, but in Hegel’s view both of them had failed. Britain had abolished the monarchy once but had to restore it soon afterwards: France had also abolished the monarchy but had not since been able to establish a stable polity. With the benefit of hindsight there was no chance of establishing democracy in Germany at that time. Regardless of the possibilities, we can see from our perspective that the most interesting and important fact about Hegel’s perception is that there is no point in seeking the establishment of democracy in a large modern European country. In Hegel’s view only constitutional monarchy has the capacity to establish civil society as fundamentally separate and different from the state as such, and be strong enough to integrate it properly within the state, despite and because of the difficulty civil society contains in itself.

In Prussia the monarchy, which was not yet constitutional, had just on the track of reform (constitutionalisation and modernisation), but there was still strong resistance and it was not clear how long this process would take to achieve. Hegel knew that he could find a successful democracy in his time (“the permanent example of a republican constitution”<sup>72</sup>) in the United States of America, but thought that it was possible only through the rare combination of geographical, cultural, religious and historical factors found in America. For Hegel “America is . . . the land of the future where, in the ages that lie before us, the burden of world history shall reveal itself . . .”<sup>73</sup> America had not yet formed a civil society in the proper sense owing to its vast frontiers and thus did not require the state in the strict sense of the term. “For a real state and a real government arises only after a distinction of classes has arisen, when wealth and poverty become extreme . . .”<sup>74</sup> Furthermore the North American Federation has no neighbouring states similar to the European nations. Thus Hegel even believed that the USA would become a constitutional monarchy after completing the cultivation of the West and losing its frontiers.

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<sup>71</sup> Nisbet, p. 309.

<sup>72</sup> Hegel, *The Philosophy of History*, trans. J. Sibree (Buffalo, New York: Prometheus Books, 1991), p. 85.

<sup>73</sup> Hegel, *ibid.*, P. 86.

<sup>74</sup> Hegel, *ibid.*, p. 85.

Either way, according to Hegel, those trials and struggles in Europe at least showed that all the three political forms (monarchy, aristocracy and democracy in the classical sense) are irrelevant in the modern West. It is exactly in this sense that Hegel claims that constitutional monarchy with the appropriate division of powers is the true form of (non-constitutional) monarchy, aristocracy and democracy.

For Marx, democracy is not only “the truth” of monarchy but also “the truth” of all the other political forms, including Hegel’s constitutional monarchy. Marx has at least four types of argument in favour of democracy. Firstly, at the philosophical level, which Marx had learned from Feuerbach and Rousseau, and developed for his own purpose; the separation and conflict of civil society and the state is a result of alienation. Thus its separation and conflict are analogous to those of the world and religion. Just as it is not religion that creates man but man who creates religion, so it is not the state that creates the people in civil society but the people in civil society who create the state. “The political constitution”, in Marx’s words, “was until now the religious sphere, the religion of popular life, the heaven of its universality in opposition to the earthly existence of its actuality.”<sup>75</sup> The state is the product and expression of the alienation of the people, a projection of the people’s communal interest as something universal against individual private interest over and against themselves. Therefore, it is the expression of the unsolved conflict of universality and individuality, but at the same time it is an imaginary or illusionary solution to this conflict, or a compensation in the field of the collective consciousness. In other words, the state is the result of political alienation and, at the same time, is political alienation itself. From this insight, Marx was to develop a view on the state that can be called the alienation theory of the state. This is the prototype of the ideological theory and class theory of the state which Marx was to formulate in the *German Ideology* and the *Communist Manifesto* after his first struggle with political economy in the *Economic and Philosophical Manuscripts* of 1844.

Secondly, he argues for democracy from the historical view point, which Marx had learned directly from Hegel that is *Rechtsphilosophie* and from works such as *Phänomenologie* and the *Philosophie der Geschichte*: the separation of civil society and the state is a historical fact or a historical result. Marx accepts the main line of Hegel’s view of the contrast between the states of classical antiquity and the modern states. He restates Hegel’s point in almost same fashion. According to Marx:

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<sup>75</sup> *Critique*, p. 31.

In immediate monarchy, democracy, aristocracy there is yet no political constitution in distinction from the actual material state or from the remaining content of popular life. The political state does not yet appear as the form of the material state. (*Critique*, p. 32)

It is clear that by “the actual material state or the remaining content of popular life” and by “the political state”, Marx is referring respectively to civil society and the state in Hegel’s original terms. By “immediate monarchy, democracy, aristocracy” Marx means the pre-modern political form in general, because “The abstraction of the state as such belongs only to modern times . . .”<sup>76</sup> Marx takes almost the same view as Hegel not only on the *res publica* in ancient Greece and Rome, but also on Asiatic despotism. Marx, however, gives a twist to the Hegelian view of world history (as mentioned above, in reality it is Western history rather than world history in origin) in such a way that the difference between the medieval state and the modern state lies not in the lack of civil society in the former and its existence in the latter, but rather in the difference between the “real dualism” of the Middle Ages and the “abstract dualism” of modern times. For unlike Hegel, Marx thinks that there were civil society not only in modern times but also in Antiquity and in the Middle Ages.<sup>77</sup>

Thirdly, there is another level which can be called the political dimension (in contrast to the philosophical and historical dimension) in Marx’s argument for democracy; the self-determination of all people. Whereas the political alienation of the people is the cause and the condition of the separation of civil society and the state, the self-determination or the self-expression of the people is conceived as being the solution to political alienation. Obviously this self-determination (and self-expression) is conceived as being a free political act by all the people. From this perspective, monarchy and all political forms other than democracy (and even democracy in ancient Greece) are in some form or other a type of political alienation, in the sense that they are not the product of the free will of all the people. In this context, Marx claims that in the case of modern democracy (and only in this) the fatal characteristics of political alienation can be eliminated through the people’s free political acts (by which Marx seems to mean a free press and universal suffrage both in the positive and negative sense)<sup>78</sup>. It is through democracy conceived at these three levels that Marx

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<sup>76</sup> *Critique*, p. 32

<sup>77</sup> *Critique*, p. 73.

<sup>78</sup> *Critique* p. 121.

claims that “In all states distinct from democracy, the state, the law, the constitution is dominant without really governing . . . All forms of the state have democracy for their truth and for that reason are false to the extent that they are not democracy”.<sup>79</sup>

Finally, in addition to (or rather from) these three levels of argument for democracy, Marx introduces the ultimate dimension of democracy; the notion of “true democracy”. This was the original concept which was in later years developed as the political ideal of human emancipation, true communism and the abolition of the state.

Of the three levels, the historical dimension is the most important for the concept of true democracy, because, as we have seen above, Marx created criteria by which the difference between the state in the Middle Ages and Modern Times could be characterised as “real dualism” and “abstract dualism” respectively, making full use of the insight into the separation of civil society and the state to characterise feudalism and modernity. On the other hand, Hegel did not develop the specific characteristics of feudalism. The characteristics of Ancient Greece, Rome and the Middle Ages (and the *ancien régime*) are quite clearly discussed as the relationship between two opposing forms of consciousness (man and woman, honour and wealth etc.) in *Phänomenologie*. but it is at the cost of modernity. In *Philosophie der Geshichite* the Middle Ages, feudalism and the *ancien régime* are, of course, discussed most intensively as a part of the history of Europe and there are discussions by which Marx might have been inspired; but this time the Middle Ages is, in a sense, buried in the middle of “the German World”. In *Rechtsphilosophie* Hegel does not make any mention of the Middle Ages in the section on World History. Unlike Hegel, Marx singles out the Middle Ages in *Critique* and characterises it as an epoch in which political life and popular life were identical in a special way. “In the Middle Ages there were serf, feudal property, trade corporations, the corporation of scholars, etc., that is, in the Middle Ages property, trade, society, man was political . . . ”<sup>80</sup> However, if this is the Marx’s notion of the Middle Ages we can find almost the same characterisation in Hegel, albeit brief one. In Remark to SS 273 Hegel draws a distinction between the feudal monarchy and the modern constitutional monarchy as a comment on Montesquieu, which seems to have inspired Marx. According to Hegel in the feudal monarchy “the relationships covered by its constitutional law [*inneren Staatsrecht*] have become firmly established as rights of private property and privileges of individuals and

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<sup>79</sup> *Critique*, p. 30.

<sup>80</sup> *Critique*, p. 32

corporations”.<sup>81</sup> Again in the Remark to SS 278 Hegel repeats: “the particular functions and powers of the state and civil society were vested independent corporations and communities, so the whole was more of an aggregate than an organism . . .”<sup>82</sup> Thus, Hegel thinks that in the feudal monarchy the state was certainly sovereign *vis-à-vis* other states, but internally neither the monarch nor the state was sovereign at all. Drawing on Hegel’s understanding Marx places a special emphasis on the nature of the relations of feudal property and the feudal class system, in a manner which is brief but absolutely clear. In the Middle Ages political life and popular life were identical only because the “whole existence of the medieval classes was political”<sup>83</sup> and only because the political constitution was the constitution of private property. At that time “man was the actual principle of the state, but he was unfree man” and the state was “the democracy of unfreedom”. Viewed like this, the modern form of the republic and the modern form of monarchy is basically the same, not only in that “property, etc., in brief the entire content of law and the state is, with small modification, the same in North America as in Prussia”<sup>84</sup>, but also in that the content of the state lies outside these constitutions. On this point, but with a small though significant difference of emphasis, Marx agrees with Hegel. The basic point is the separation of civil society and the state. Hegel’s version of constitutional monarchy (not the Prussia system as it was) is not merely equal to but is even superior to the modern state existing in France and Britain in so far as it is a rationally articulated organism. In Marx’s opinion, although Prussia was far behind in development, from his vantage point the Hegelian rational state, France, England and America were substantially the same. There is, however, a profound difference between the mentor and the disciple as to the evaluation and prospect of the “Aufhebung” of the separation of civil society and the state. Hegel regards this separation as the achievement of the modern world and his theoretical task was how to establish the rational state that could allow this separation within it. There is no suggestion in Hegel that this separation is a problem. On the contrary, it is one of the decisive achievements of modern history. Marx regards it as a problem which

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<sup>81</sup> *Nisbet*, p. 311. In Remarks to SS 290 Hegel describes the corporations in the Middle Ages as follows: “. . . these circles gained too great a degree of self-sufficiency in the Middle Ages, when they became states within the state. When Marx criticises bureaucracy as a particular, closed society within the state, Marx seems to have this in his mind.

<sup>82</sup> *Nisbet*, p. 315.

<sup>83</sup> *Critique*, p. 73.

<sup>84</sup> *Critique*, p. 31.

is to be solved and as a result of a historically changeable condition. It is in this sense that Marx maintains “democracy is the resolved mystery of all constitutions”.<sup>85</sup>

## V. THE CROWN OR THE SOVEREIGNTY OF THE STATE

Hegel begins SS 275 with the following paragraph.

The power of the sovereign itself contains the three moments of the totality within itself (see SS 272), namely the *universality* of the constitution and laws, consultation as the reference of the *particular* to the universal, and the moment of ultimate *decision* as the *self-determination* to which everything else reverts and from which its actuality originates. This absolute self-determination constitutes the distinguishing principle of the power of the sovereign as such, and will accordingly be dealt with first. (*Nisbet*, p. 313, *Werke* 7, p. 441)

To this text Marx adds the following annotation:

All the first part of this paragraph says is that both the universality of the constitution and law, and counsel, or the reference of the particular to the universal, are the crown. The crown does not stand outside the universality of the constitution and the law once the crown is understood to be the crown of the (constitutional) monarch. (*Critique*, p. 20)

Marx changes “contains” into “is” and accuses Hegel of tautology. Tautology is one of the main points of Marx’s critique throughout *Critique*, but I do not think that Hegel is guilty of tautology in this case. It is true that what Hegel has in mind from the beginning is nothing but the constitutional monarchy. For, as we have seen above, Hegel takes it to be not only “the achievement of the modern world”<sup>86</sup> but also as the only feasible political form, even if it has not yet been realised in Germany. The French Revolution had overthrown the monarchy, but in Hegel’s view the system of France had been quite unstable since that point. What needed to be established was a modern constitutional monarchy based upon a true division of power. Thus, to define the nature of the crown within the framework of the constitution

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<sup>85</sup> *Critique*, p. 30.

<sup>86</sup> *Nisbet*, p. 308.

with a proper division of power is the theme here. What Hegel is actually saying is very clear in Lecture Notebook (1817/18). First of all:

The sovereign power is based upon the constitution and the lawmaking is not included in any scope of this power. The constitution and laws comprise the foundation of the sovereign power, and the sovereign must govern according to them.<sup>87</sup>

Secondly, there must be ministers who provide all sorts of information to facilitate decision making. Thirdly, the monarch as an individual subject must make the final decision, secure the national interest and express the unity of the state. In other words, this was a demand in the name of rationality that the modernisation of the existing monarchy, which had been non-constitutional in Prussia and in many other German states, had to be based upon a written constitution and a code of laws and advice of ministers who were responsible for policy. In Hegel's view this combination of a written constitution and the code of laws and balance between the ministers and the monarch is the proper division of power within a sovereign power.

Marx, however, does not understand it like that. He sticks firmly to the problems of the subject-predicate. His annotation runs as follows:

What Hegel really wants, however, that both the universality of the constitution and the law is the crown, the sovereignty of the state. So it is wrong to make the crown *the subject* and, in as much as the power of the sovereign can also be understood by the crown, to make it appear as if he[, the sovereign] were the master and subject of this moment. (*Critique*, p. 20, italic added.)

It is sometimes hopelessly difficult to understand what Hegel really intended to say. This is especially the case with the problem of sovereignty. It is partly because Hegel avoids the alternative judgement: between the "popular

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<sup>87</sup> *Iltting*, p. 162(My translation). German original: "Die fürstliche Gewalt hat die Verfassung zur Grundlage, und das Gebender Gesetze ist nicht seinem ganzen Umfang nach in ihr erhalten. Verfassung und Gesetze machen die Grundlage der fürstlichen Gewalt aus, danach muß der Fürst regieren."

sovereignty” and “*that sovereignty which exists in the monarch*”.<sup>88</sup> It is also partly because Hegel assigned to the monarch contradictory roles. However, it is mainly because the subject matter itself is difficult. It is not merely sophistry that led Hegel to tell us that “we may say that *internal sovereignty* lies with people, but only if we are speaking of the whole [state] in general.”<sup>89</sup> It is easy to say that sovereignty lies with the people. Rousseau and Kant had said this before Hegel (Fries certainly did against Hegel); and Hegel knew it very well. Hegel was unhappy both with Rousseau and Kant and felt obliged to react against and beyond these thinkers. Although living in a so-called democratic nation-state, whose constitution declares that the sovereignty lies with the people, we can easily see that there is something paradoxical about the notion of sovereignty. Also it is apparent that the situation was equally applicable (if not more so) in the former communist countries, which declared the sovereignty of the people but clearly did not practice it. That is to say that although in theory sovereignty lies with the people (or the working people in communist countries), we are not that people as soon as we step beyond an invisible boundary, whether it is the wall of the palace or the fence of the parliament. Even if Marx had attempted the criticism which he had repeated in the previous parts of *Critique*, the problem of the conversion of subject-predicate, it would be even less successful than those in relation to the idea (and/or the state) - civil society and the family, circumstances, arbitrary will, and political sentiments. In this case, Marx’s alternative point of departure, the reversed dichotomy of real (actual)-imaginary (or even illusory) does not make much sense, since both the power of the sovereign and the constitution are highly abstract and ideal. Besides, as Hegel points out, the people cannot appear as such in the state. Therefore it is almost meaningless to discuss either what is actual (real) and what is imaginary between them or what should be the subject rather than the predicate. If Marx presses further, he will end up by contradicting Hegel’s view of the people as institutionalised individuals and instead view them as an aggregate. It merely means that Marx does not understand Hegel’s critique of Rousseau, Kant and Fichte at all.

Understandably, Marx gives up developing this line of argument at this point. Indeed, he takes up another point of criticism: “the distinguishing principle of the power of the sovereign as such”.<sup>90</sup>

According to Marx, “what Hegel is really saying” is “that the actual, i.e. individual will is the power of the crown”.<sup>91</sup> Marx’s translation with the

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<sup>88</sup> *Nisbet*, pp. 318f.

<sup>89</sup> *Nisbet*, p. 318.

<sup>90</sup> *Critique*, p. 20.

reference to SS 12 is that “the arbitrary choice is the power of the crown” and thus that “the power of the crown is arbitrary choice”.<sup>92</sup> This is certainly one plausible translation of Hegel’s language, because Hegel calls it “ungrounded”. However, is Marx’s final analysis of the distinctive principle of the power of crown correct? Yes, it is, at least in so far as we remember the empirical and historical reality. We know that most often in almost all the ages and circumstances the monarch was nothing but an arbitrary decision-maker, thus it seems quite right for Marx to translate what Hegel says finally:

The Common Man:

2. The monarch has the sovereign power, or sovereignty.
  3. Sovereignty does what it wills.
- (*Critique*, p. 25)

Of course, there is Marx’s alternative discourse: 2. (Not the monarch but) the people have the sovereignty; 3. (Not the monarch but ) the people do what they will. Although it sounds logical, this new discourse no way solve the problem of sovereignty.<sup>93</sup>

In addition, there are two problems with Marx’s translation. It is about wrongly applying Hegel’s discussion on will in SS 12 to clarify Hegel’s text in SS 275 and the later paragraphs, although Hegel himself suggesting making a cross reference to SS 7 in the Addition to SS 278 for the benefit of students. What Hegel is saying there is not the “arbitrary choice” but the importance of “the freedom of the will”, of the subjectivity and of the decision “from within” which the modern Western world had achieved. As Harry Brod points out, “Hegel’s reading of the historical development of the political consciousness tells . . . that in all ages people have looked for a final, unconditional sign of decision as the ultimate basis of political right, but only in the modern period has this aspect of consciousness come into its own within the political system”.<sup>94</sup>

The other problem is that as Marx was well aware, this application and the critique based upon it is appropriate only “in so far as this moment of ultimate decision or absolute self-determination is divorced from the universality of

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<sup>91</sup> *Critique*, p.20.

<sup>92</sup> *Critique*, p 21.

<sup>93</sup> See Harry Brod, *Hegel's Philosophy of Politics* [Boulder: Westview Press, 1992], pp. 153f.

<sup>94</sup> Harry Brod, *Hegel's Philosophy of Politics*, p.153. Cf. *Nisbet*, pp. 316-320.

content [i.e. the constitution and laws] and particularity of the counsel”.<sup>95</sup> In the real situation as envisaged by Hegel, the ultimate decision of the monarch must be carefully limited by ministers and lie within the framework of the constitution as well as the laws. Usually there is little more for Hegel’s monarch to do than “to sign his name” or “to say yes”.<sup>96</sup> Whatever the historical examples of the monarch or even “all the attributes of the contemporary European constitutional monarch” might have been, what Hegel is trying to do is to create a stable head of the modern state in the form of his version of the hereditary, constitutional monarch. According to his elaboration it is crucial to put the power of the crown within the framework of the constitution and to make it a branch of articulated political institutions. Therefore, it is from Hegel’s viewpoint utterly inappropriate to isolate the monarch as such and to discuss the monarch in isolation. It is simply wrong to accuse Hegel by saying: “Above all it is noteworthy that Hegel emphasises the way in which the legislature is itself a part of the constitution . . . since he had made this statement neither of the Crown nor of the Executive, for both of which it is equally true.”<sup>97</sup> Hegel answered this point in SS 285 of *Rechtsphilosophie* and even more clearly in the lectures at Heidelberg and Berlin. In the lecture at Berlin (1819/20) Hegel told the students:

The third moment of the power of the crown is the universal in and for itself. This is the law and the constitution. The crown [*Der Fürst*] does not make the law and the constitution, but these exist in and for itself. The power of crown presupposes the other political powers in the state, just as they presuppose it in their turn. (*Henrich*, p. 253)<sup>98</sup>

In this way, Hegel’s theory of monarchy is thoroughly constitutional and is based upon the division of powers and the development of the political consciousness of the people.

That said, Hegel’s assertion of the necessity of the hereditary, constitutional monarchy as the indispensable element of pure self-determination or ultimate decision-making is, nonetheless, the most controversial and unconvincing aspect of the discussion. Hegel was forced to appeal to *Logik*, “the Idea” and “concept” at least four times. First, to place

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<sup>95</sup> *Critique*, p. 21.

<sup>96</sup> *Nisbet*, p. 321.

<sup>97</sup> *Critique*, p. 54.

<sup>98</sup> My translation.

the monarchy in one branch of the divided powers; second, to explain the functions of the crown; third, to prove the concept of pure self-determination and which must have a physical person as this or that particular monarch; and finally, to insist that the monarch must be hereditary. Above all, in so doing, Hegel starts discussing the crown, changing the order he set himself in SS 273 in accordance with concept and *Logik*: (a) the legislative power (b) the executive power (c) the crown.<sup>99</sup> Hegel even appealed to an analogy to “the so-called *ontological proof of the existence of God*”.<sup>100</sup> However, it must be noted that these arguments could almost equally applicable to the justification of the head of the state such as the president.

In SS 276 Hegel emphasises “the substantial unity” underlying the political state, but at the same time he explains this unity as the ideality of the whole of the state in the analogy of “the simple self” and “the life” in the organism. From this paragraph Marx copies not only the main text but also the first sentence from the Addition, as follows:

The basic determination of the political state is the substantial unity or ideality of its moments. (a) In this unity particular powers and functions of the state are both dissolved and preserved. But they are preserved only in the sense that they are justified not as independent entities, but only in such a way and to such an extent as is determined by the Idea of the whole [*Ganzen*]; their source is the latter's authority [*Macht*] and they are its fluid members, just as it is their simple self.

*Addition (G)*

This ideality of the moments [in the state] is like life in an organic body.

( *Nisbet*, p. 314, *Werke* 7, p.441)

To this Marx put the following annotation:

It is evident that Hegel speaks only of *the idea* of the particular powers and their activities. They are to have authority only of the order and breadth determined by the idea of the whole; they are to originate from its might. That it should be so lies in *the idea* of the organism. But it

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<sup>99</sup> This is the same with the lectures. Cf., *Ilting*, p. 151, p. 271, *Pöggeler*, p.181, *Henrich*, p. 237. Only in the Henrich version does Hegel give a brief, unconvincing reason why he starts with the crown. It runs: "Die fürstliche Gewalt wird zuerst betrachtet, weil in ihr die Existenz des Begriffs als solcher, als Subjectivität, ihren Sitz hat."(*Henrich*, p.238).

<sup>100</sup> *Nisbet*, p. 322.

would have to be shown *how this is to be achieved*. For in the state conscious reason must prevail: and substantial . . . of the powers and activities cannot be presented as something rational. (*Critique*, p.21, italics added.)

Here we can see an interesting change of attitude on the part of Marx. On the one hand Marx maintains the argument that Hegel applies the ready-made idea of organism to the state, but at the same time he shows a willingness to see how Hegel has achieved the task: to determine the mutual relations of the political powers in a rational way according to the idea of the organic whole. The problem is that it is not clear whether Hegel totally depends upon this idea as Marx alleged.

According to H. Kato, the principles of Hegel's theory of state are as follows: 1) the self-conscious subject in the sense that individual persons find their ultimate end in it and identify themselves with it; 2) the organic whole which has many beings as its parts or members; 3) the self-contained substance to which all individuals belong as its attributes.<sup>101</sup> Although Kato has not discussed how these three principles relate to each other, these principles will, nevertheless, help us to understand the details of Hegel's arguments on the state.<sup>102</sup> Viewed from these principles, what we have seen so far in this chapter are firstly the implications of the idea of "the self-conscious subject" and secondly the implications of the idea of "the organic whole" in terms of the Hegelian sense of the concept, rationality and the division of political power. Hegel makes full use of the second principle in defining sovereignty. That is why Marx takes a somewhat different approach.

In SS 278, especially in the Remark, however, it becomes less clear whether Hegel is applying only the idea of the organic whole or is instead appealing to the other two principles that Kato has listed. For Hegel refers to idealism and explains sovereignty not only in terms of the idea of the organic whole but as the idea of will, and even requires the full understanding of "substance" and "subjectivity" in a somewhat complicated way. This is how it is expressed:

The *idealism* which constitutes sovereignty is the same determination as that according to which the so-called *parts* of an animal organism

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<sup>101</sup> H. Kato, *Hegel's Philosophy of "Right"* (Tokyo: Seidosha, 1993), pp. 253-255.

<sup>102</sup> As is mentioned at the beginning of this chapter Kato's studies are focused on analysing the peculiar fusion of Hegel's discourse and educing the core of Hegel's idea. Cf. Above footnote 1.

are not parts, but members or organic moments whose isolation and separate existence [*Für-sich-Bestehen*] constitute disease (see *Encyclopaedia of the Philosophical Sciences*, SS 293). It is the same principle which we encountered (see SS 7) in the abstract concept of the will (see Remarks SS 279) as self-referring negativity, and hence as universality *determining itself to individuality* [*Einzelheit*], in which all particularity and determinacy are superseded - i.e. the absolute and self-determining ground. In order to grasp this, one must first have understood the whole conception of the substance and true subjectivity of the concept. (*Nisbet*, p. 315, *Werke* 7, p. 443.)

But why the constitutional monarchy? Hegel provides us with his answer in the Remark, which contains the following two points. As is mentioned above, one is that the Aristotelian classification of monarchy, aristocracy and democracy is irrelevant to the modern Christian Western world, because the idea of the basic rights of individuals has developed to such an extent and because the size of the state has been enlarged to such a degree. Now that individuals are allowed to pursue their own interests according to their own will, their abilities and their self-image in civil society ( “the whole is to have the strength to maintain its unity and grant the forces of developed particularity their positive as well as negative rights”<sup>103</sup>), then there must be a new constitutional arrangement. What Hegel is trying to say here seems to me to be strikingly similar to what Marx was to forward as the relationship between the development of productive forces and a mode of intercourse. Only the constitutional monarchy can sustain the indispensable totality of the state, while giving individuals the possibility of maximising their individual rights.

The second argument for the constitutional monarchy is that the real possibility of revolution in Germany (or rather German modernisation) lies not in the total negation (or abolition) of the existing state, but in the results from specific historical achievements. It is the constitutional monarchy or more correctly the constitutional monarchy of the future. In Hegel's view the task in hand should neither be the restoration of the German Empire which belonged to the past nor radical republican democracy which had cut itself off from the past and had destroyed all existing institutions and seemed incapable setting up new ones and maintaining them. In other words, he wanted a modernised state but he did not think that there could be any short cuts. As the Vorwort in Homeyer's Notebook clearly tells us, the philosophy of the

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<sup>103</sup> *Nisbet*, pp. 310f.

state should not start from abstract ideals, that is ahistorical and transcultural utopian criteria which criticise the present constitutional arrangement, but it should be based on history in order to legitimise the existing state of affairs, to give a feeling for the past. Hegel lectured the students: “The world of the right can be attainable only through forward development but we can jump no stage of this development”.<sup>104</sup>

## VI. CONSTITUTION AND VOLKSGEIST

In SS 274 Hegel restates his position on the historical and cultural nature of the constitution and develops the same point in his more usual fashion; this being the relationship between the constitution and the consciousness of the people and the value of the educational development [*Bildung*] of the people. Hegel again enlightens us with the view of constitution, and shows not only the fruit of his own historical research, but also exhibits the influence of Montesquieu. It is summed up in this way:

Since spirit is actual only as that which it knows itself to be, and since the state, as the spirit of a nation [*Volk*], is both the law which permeates all relations within it and also the custom and consciousness of the individuals who belong to it, the constitution of a specific nation will in general depend on the nature and development [*Bildung*] of its self-consciousness; it is in this self-consciousness that its subjective freedom and hence also the actuality of the constitution lie. ( *Nisbet*, p. 312, *Werke* 7, p. 440)

This essence is restated both in the Remarks and Addition following the main text: the constitution of a nation is something more than the product of the pure abstract utopian thought which is divorced from the history and culture of each people.<sup>105</sup> In other words, the constitution was a result of the effort a over many century by a people and based on its unique understanding of what is the rational; what are the rights of man; and what is the right form of government. It took two thousand years for the importance of the “subjectivity” discovered by Socrates to become common understanding and one of the principles of political consciousness. To this text, Marx added the

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<sup>104</sup> *Ilting*, p. 206.

<sup>105</sup> *Werke* 7, p.440, *Nisbet*, pp. 412f.

following annotation, but without his usual adaptation into “Marxian language”. It is as follows:

The only thing that follows from Hegel's reasoning is that a state in which the character and development of self-consciousness and the constitution contradict one another is no real state. That the constitution which was the product of a bygone self-consciousness can become an oppressive fetter for an advanced self-consciousness. . . are certainly trivialities. (*Critique*, p. 20)

Hegel certainly did not consider this to be trivial. On the contrary, he regarded it as one of the most distinguished features of *Rechtsphilosophie*. For after making and re-making of constitutions over the past two hundred years or more, in the West and in the former communist countries in Eastern Europe and also in Asia, Africa, and Central and South America, this insight of Hegel's though seemingly commonplace, but nonetheless, important. On the one hand, an archaic constitution hampers the development of the nation. On the other hand, we have seen, especially since the end of the Second World War, how the ideals expressed in the constitutions of many countries have been in reality not achievable. This has applied especially to the situations in many developing countries including those with communist constitutions. These problems arise because of the lack of development in the political consciousness of those countries. Many countries, including Japan and Germany, are reshaping or rewriting their constitutions.

To Marx, however, Hegel's insight is trivial because Marx believed that he himself had a different point of reference; democracy and the popular sovereignty which, Marx believes, is denied from the outset by Hegel. In other words, Marx takes popular sovereignty for granted. Therefore Marx continues:

However, what would follow is only the demand for a constitution having within itself the characteristic and principle of advancing in step with consciousness, with actual man, which is possible only when man has become the principle of the constitution. (*Critique*, p.20)

As is suggested in Chapter III, and as is discussed earlier in this chapter, my understanding is that although Hegel's point of reference is quite different from those of the modern liberal thinkers, Hegel demanded a modern nation state with positive achievements of the French Revolution, but, without the bloody revolution and terror associated with it. Hegel, in short, proposed it in

the form of a constitutional monarchy. Hegel believed that this form was possible for Germany. In fact, from today's perspective both parts of the Hegelian theory of the division of power (monarchy as a branch of divided powers and the relation of each power as a part of an organic whole) seem quite peculiar or perhaps even bizarre. But Hegel's view rest on these bases: firstly, the implications of Hegel's dichotomy of the external state (civil society) and the rational state; and secondly, the idea of the rational state as a fully articulated organic system in a form which guarantees public freedom.

## Chapter 5 MARX VERSUS HEGEL ON BUREAUCRACY

The fully developed bureaucratic apparatus compares with other organisations exactly as does the machine with the non-mechanical modes of production. Precision, speed, unambiguity, knowledge of the files, continuity, discretion, unity, strict subordination, reduction of friction and of material and personal costs — these are raised to the optimum point in the strictly bureaucratic administration, and especially in its monocratic form.

Max Weber, *Economy and Society*

### INTRODUCTION

In this chapter Hegel's idea of bureaucracy and Marx's critical annotations of it will be examined. As mentioned above, Shlomo Avineri once observed that Hegel's notion of the bureaucracy and its role in Hegel's theory of the modern state is crucial in understanding Marx's development of thought towards his eventual belief in socialism. Avineri even claimed that the development of Marx's notion of the proletariat as the class which can and should “aufheben” all the other classes and thus abolish all class antagonism once and for all, stemmed from his critical assimilation of Hegel's theory of bureaucracy as the universal class rather than other sources.<sup>1</sup> Some evidence for Avineri's claim can be found both in *Rechtsphilosophie* and *Critique*, but I will argue that it has been caused mainly by Marx's misunderstanding of the Hegelian notion of universality and rationality. However, it is not the main interest of my study to examine Avineri's contention.

My main aim is to understand Hegel's theory of bureaucracy and to defend Hegel's idea of bureaucracy against Marx's savage criticism of it in *Critique*. Firstly, I shall highlight the position which bureaucracy has in the

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<sup>1</sup> S. Avineri, “The Hegelian Origins of Marx's Political Thought” in *Marx's Socialism* ed. S. Avineri (New York: Lieber-Atherton, 1973), p. 5. See also Avineri, *The Social and Political Thought of Karl Marx* (London: Cambridge University Press, 1968), p. 52, pp. 60f.

Hegelian theory of the rational state, or the ethical life [die Sittlichkeit]<sup>2</sup>. I will show that Hegel's theory of bureaucracy is a thoroughly modern one based on the modern family system and civil society. Secondly, I shall examine the main features of the young Marx's critique of the bureaucracy and the mature Marx's critique of the same subject, which is more sophisticated and developed to some extent, but which basically shares the same assumptions as the earlier one. Thirdly, I shall try to defend Hegel's version of bureaucracy not only in terms of its modernity but also from the position which is dismissed not only by Marx but also by most of all the other commentators as a reflection of German backwardness. Lastly, I will argue that Marx's assumptions upon which he developed his criticism have led him (and his followers) to the total denial of the bureaucracy and the virtual non-existence of Marxist politics.

## I. THE POSITION OF BUREAUCRACY IN THE SYSTEM OF ETHICAL LIFE

The bureaucracy which Hegel describes in *Rechtsphilosophie* is the real content of the second branch of Hegel's version of the division of political power; which is called the executive power [Regierungsgewalt] by him.<sup>3</sup> In other words, it is not Hegel but Marx who employed this term (bureaucracy) with a deep critical intent. I have argued in the previous chapters that Hegel's *Rechtsphilosophie* is a philosophical amendment to the French Revolution based on the critical learning of Adam Smith and J. J. Rousseau on the one hand, and on his continuous studies in history (from ancient to contemporary) on the other. We have also seen that Hegel's theory of the modern state contains the three elements or dimensions: family; civil society; the political state. This sounds commonsensical today, but, in fact, it was unique. Most importantly in our analysis the content of those three dimensions created by Hegel are thoroughly modern. Besides, these three dimensions are understood as the different types of will. In other words, these three dimensions are grasped as the three types of consciousness as well as the three types of institutions.

Hegel rejects the Lockean-Kantian-Fichtean idea of marriage and family based upon contract. Hegel insists: "Marriage . . . cannot be subsumed under the concept of contract; this subsumption - which can only be described as

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<sup>2</sup> *Werke* 7, pp. 292-307.

<sup>3</sup> *Werke* 7, p.457.

disgraceful - is proposed in Kant's *Metaphysical Elements of the Theory of the Right*.”<sup>4</sup> According to Hegel they regard marriage merely as an arbitrary civic contract.<sup>5</sup> but “such arguments are based on the common notion [Verstellung]”.<sup>6</sup> It is “the ethical life in its natural form” based on love.<sup>7</sup> “Love is”, Hegel says, “the most immense contradiction” which the individualistic and calculating understanding cannot solve.<sup>8</sup> For in love self-centred individual personhood is denied, but at the same time the individuality of both persons is affirmed in the sense that he/she gains not only liberation from the isolation of autonomous selfhood, but gains a “We”.<sup>9</sup> For Hegel this “We” is the first notion of the spirit.<sup>10</sup> Hegel is also critical of both Kant and Rousseau on their view of the education of children,<sup>11</sup> and of Locke and his followers on the rights of inheritance<sup>12</sup>.

Hegel's family does not fit quite neatly into the mainstream liberal notion of modern family. That is why Merold Westphal called it “radical”.<sup>13</sup> This Hegelian version of family and its definition as an ethical life invokes some uneasiness in our liberal-minded contemporaries.<sup>14</sup> For Hegel marriage is a substantial relationship, that is a union of two previously independent persons which results from the free surrender of their individualistic personal interests

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4 Nisbet, SS 75 Remark, p. 105, SS 161, Addition p. 200. In the Remarks to SS 75 (pp. 106-108)Hegel not only names Kant and his book but even cites the pages, which is for him extremely rare.

5 Nisbet, SS 161, Addition, p. 201., SS 168, Remark, p. 208.

6 Nisbet, SS 168, Remark, p.208. See Harry Brod, *Hegel's Philosophy of Politics*, pp. 62-64.

7 This does not mean that Hegel simply equates marriage with love. His notion of love is rightly ethical love. See Nisbet, SS 161, Addition, p. 201.

8 Nisbet, SS 158, p. 199.

9 Merold Westphal, "Hegel's radical idealism: family and state as an ethical community" in *The State and Civil Society*, ed. Z. A. Pelczynski (Cambridge: Cambridge University Press, 1984) pp. 84-88.

10 *Hegel's Phenomenology of Spirit*, trans. A. V. Miller (Oxford: Clarendon Press, 1979), p.110. *Werke* 3, p. 145.

11 Nisbet, SS 174, p. 211.

12 Nisbet, SS 174, SS 175, pp. 211-213. See Steven Smith., *Hegel's Critique of Liberalism*, pp. 57-91. See also Harry Brod, *Hegel's Philosophy of Politics*, p. 65.

13 Merold Westphal, "Hegel's Radical Idealism" in *The State and Civil Society*, ed. Z. A. Pelczynski, (Cambridge: Cambridge University Press, 1984), p. 77.

14 For a recent example see, Charles Taylor, "Hegel's Ambiguous Legacy for Modern Liberalism," in *Hegel and Legal Theory* ed. D. Cornell, M. Rosenfeld, and D. G. Carlson, (New York & London: Routledge, 1991), p. 64, p. 75f

and calculating minds by themselves. Consequently, both sexes lose their absolute independence as “immediate self-sufficient persons”. Nonetheless, it is a modern nuclear family which consists of the following four elements: the love and sexual relationship of free persons; children as its result; the bringing up and education of the children<sup>15</sup>; the family resources to maintain all those activities. It is one of the absolute principles on which the whole ethical life of a state or the ethical life of community [Gemeinwesens] depends.<sup>16</sup> Therefore, it has often been regarded as of divine origin. It is worth noting that in the Hegelian notion of family children are potentially free persons and are not the property either of parents or anyone else.<sup>17</sup> “Children have a right to be *brought up* and *supported* at the expense of the family.”<sup>18</sup> They have a right to be educated at the cost of family resources so that they can grow up to be a truly free person and their parents have no other right (or rather duty) than to educate their children properly, to say nothing of selling them as slaves or favouring them as slave labourers.<sup>19</sup> In terms of the rights of inheritance of family resources, he is against such a law, which either favours sons, excluding daughters or excludes the other children favouring the eldest.<sup>20</sup> However, he is equally critical of the notion of inheritance rights which is based on the assumption that one autonomous individual person hands down accumulated property to another.<sup>21</sup>

Family is the first dimension of the ethical life which is at the core of Hegel's theory of the modern state and which commands its own status and respect in the state at large. The young Hegel in Frankfurt could not see the possibility of the compatibility of love and the possession of property.<sup>22</sup> All that Hegel could say at the time was that: “The fate of property has become too powerful for us to tolerate reflection on it, to find its abolition

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<sup>15</sup> Children not only have the right to be educated but must live in a circle of love and trust. See, *Nisbet*, SS 175, Addition, p. 213.

<sup>16</sup> *Nisbet*, p. 207. Hegel continues: that is why it is included as one of the moments of founding of states by gods or heroes. In this sense, we can argue that it is not only the political state but family that is divine in Hegel's theory of the state.

<sup>17</sup> *Nisbet*, SS 175, p. 212.

<sup>18</sup> *Nisbet*, SS 174, p. 211.

<sup>19</sup> *Nisbet*, SS 174, p. 211, SS 180, p. 216.

<sup>20</sup> *Nisbet*, pp. 217-218.

<sup>21</sup> Harry Brod, *Hegel's Philosophy of Politics*, p. 65.

<sup>22</sup> Hegel, “[Liebe]” in *Werke 1*, p. 249f. *Early Theological Writings*, trans. T. M. Knox (Philadelphia: University of Pennsylvania Press, 1981), p. 308.

thinkable.”<sup>23</sup> Hegel did not explore the possibility of the abolition of property. The mature Hegel sees the core of the modern state in the modern nuclear family. Family is a unique institution in the sense that it is a fixed dimension for individuals to which they are bound by natural intimacy and love (either sexual love or parental love). In the family everyone becomes a member, and individual male adult members go out to act as citizens either in civil society and/ or in the political state; but at the same time it is the place to which they always come back and belong.

It is often said that Hegel’s achievement was to separate civil society and the political state. This, however, is at best oversimplification. Hegel’s rational state is much more compacted. Family is the first dimension of the Hegelian rational state, in the sense that its principle is love: a sense, sentiment or feeling of immediate unity between two persons. It is modern family not in the sense that family is based primarily either on the aim of generation and the upbringing of children (Samuel Pufendorf),<sup>24</sup> or on the contract according to which each sex is allowed to enjoy each other’s sexuality reciprocally (Kant).<sup>25</sup> Under certain circumstances marriage can be started either with the parents’ arrangement, but Hegel is clearly in favour of marriage based on love. Hegel see in it a development of the idea of individual freedom in modern times. However, love itself is too contingent. Marriage should be based on love but it should not be equated with love. For Hegel the crucial point is that it is based on the free consent of the two persons to make a “single person” and to give up their natural and individual personalities. It resembles a self-limitation of individual freedom (the basic assumption of modern individualism in the West); but in Hegel’s words and in Hegel’s view, it is in fact “liberation from a limited personality”.<sup>26</sup> In other words, the principle of the family is the spiritual bond based on love, trust, and the sharing of the whole of individual existence and family resources.<sup>27</sup>

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23 Hegel , "[Der Geist des Christentums und sein Schicksal]" in *Werke 1*, p. 333. *Early Theological Writings*, p. 221.

24 Nisbet, p. 438, SS 161, note 2.

25 Nisbet, SS 161, p. 201, p. 438, SS 161 note 3. Kant seems to want to construct all social institutions, including marriage from the standpoint of contract of autonomous persons, but Hegel regards the Kantian notion of marriage as debasement. Cf. David McLellan, ‘Contract Marriage: The Way Forward’ in *Journal of Law and Society*, Vol. 23, No 2, 1996, pp. 233-246.

26 Nisbet, SS 161, p.201.

27 It is interesting and noteworthy that Hegel’s idea of family does not necessarily exclude a family based upon love between the same sex.

Marx understands and acknowledges the modernity of Hegel's idea of family, although he has a tendency to take it for granted<sup>28</sup> That is why Marx criticises Hegel's special treatment of family in the landed-property- class family. He says:

But he [Hegel] himself has declared love to be the basis, the principle the spirit of family life. The class whose basis is family life lacks the basis of family, i.e., love, as the actual, and thus effective and determining principle. It is spiritless family life, the illusion of family life. In its highest form of development, the principle of private property contradicts the principle of family. (*Critique*, p.99)

Marx's critique is quite right in this case; this inconsistency on Hegel's part is one of the pre-modern aspects of Hegel's theory of the rational state.<sup>29</sup> Hegel could not get rid of the concept of the semi-feudal landed property class for some reason. We will see the implication of this in the next chapter.

There is another serious problem about Hegel's ethical theory of family. It is the position of women, which has been much criticised by feminist theorists such as Carla Lonzi.<sup>30</sup> Men are members of the family and citizens of civil society and /or the state simultaneously, but women are supposed to remain in the family either as a daughter or as a wife, or/and as a mother.<sup>31</sup> In principle they have no possibility to go out into civil society, let alone into the political sphere. This aspect of Hegelian theory of family cannot be accepted today, but it is quite wrong to criticise Hegel by saying: "Hegel, in endorsing the conditions of women's oppression according to 'the necessity of the concept' is of course only being true to his method of providing a rational reconstruction of the existing order; he accommodates within the state all the contradictions of the present state of things including those involved in the situation of women."<sup>32</sup> This is just another repetition of critique by Marx: Hegel's logo-centrism and accommodation.

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<sup>28</sup> *Critique*, p. 11.

<sup>29</sup> For Hegel's justification for it see, *Nisbet*, SS 306, p. 345 and its Addition pp. 345-6.

<sup>30</sup> Carla Lonzi, "Let's spit on Hegel" in *Italian Feminist Thought: A Reader*, ed. P. Bono and S. Kemp (New York: Basil Blackwell, 1991), pp. 40-59. See also Christopher J. Arthur, "Hegel as Lord and Master" in *Socialism, Feminism and Philosophy*, ed. Sean Sayers and Peter Osborne (London & New York: Routledge, 1990), pp. 27-45.

<sup>31</sup> *Nisbet*, SS 166, Remark, p. 206f.

<sup>32</sup> Arthur, *ibid.*, p. 43. This is another typical example of Marx's influence on reading and interpreting Hegel. His last sentence, based on Genevieve Lloyd, is a more promising critique.

Civil society, which is itself a modern phenomenon, constitutes the second dimension of ethical life. It is the second, in the sense that all the individual persons, who are fundamental units (the fundamental agents) in this dimension, have to be, in the first place, born and brought up in the family. More importantly, it is the second in the sense that it is the specific sphere which the modern Western World has produced historically between the traditional sphere of household and that of the state, with the inevitable transformation of these two traditional spheres.<sup>33</sup>

In the Hegelian project of the modern state, civil society includes the system of needs and satisfaction, the system of law and the courts of justice<sup>34</sup> and the system of police [Polizei]<sup>35</sup> and corporations. It is the public social space in which the individuals can and should seek their own particular interests and “the satisfaction of both necessary and contingent needs”.<sup>36</sup> It is in this sphere that the person in our common-sense understanding of the individual with basic human rights, which is the basic assumption for mainstream modern political thought, exists and behaves as such regardless of race or religion.<sup>37</sup> Each particular person can pursue the satisfaction of all the basic needs he and his family have. The individual person can indulge himself in all directions with the sole aim of his own enjoyment at his own risk.<sup>38</sup> In this sense he can treat all the other persons as the means of his own interest and of his own aims, and vice versa. However, in order to achieve his own particular aim each individual person has not only to enter into a relationship with the other individuals at random, but he has to choose his field of activities. In other words, the individual has to take part in a branch of the system of total reciprocal interdependence. Just as family has family capital as one of its moments, civil society has social capital [allgemeine Vermögen]. Although conditioned by their personal capital, skill, abilities

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33 *Nisbet*, p. 182. For a concise history of the interpretation of this concept from E. Gans onward, see Manfred Riedel, "Hegel's Begriff der >Bürgerlichen Gesellschaft< und das Problem seines geschichtlichen Ursprung" in *Materialien zu Hegels Rechtsphilosophie* (Frankfurt am Main: Suhrkamp, 1975), pp. 247-275. See also H. Arendt, *The Human Condition* (Chicago & London: The University of Chicago Press, 1987), pp. 38-49.

34 Shlomo Avineri, *Hegel's Theory of the Modern State*, pp. 191-192.

35 For the broader meaning of this term see a long editorial note by Allen Wood in *Nisbet* (Hegel, *Elements of Philosophy of Right*) p. 450.

36 *Nisbet*, SS 185, p. 222.

37 *Nisbet*, SS 190, Remark, p. 228, SS 209, p. 240.

38 S. B. Smith, *Hegel's Critique of Liberalism* (Chicago & London: University of Chicago Press, 1991), pp. 141-143. See also *Nisbet*, SS 185, p. 222.

and education, individuals can freely choose their field of work.<sup>39</sup> It is in this context that Hegel introduces the social classes such as the estate of the farmers, the estate of trade and industry and the estate of civil servants.

Civil society, however, is by no means constituted with the one and only principle of the pursuit of individualistic interests. Rather there are two dominant principles which are operating in it: the first principle is the satisfaction of the concrete individual needs and interests; the second principle is the universality each person acquires in the process of the pursuit of self-interest. This second principle is at first a hidden universality behind the first principle of the system of needs as an emerging form of the mutual interdependence in economic, social, legal and even political terms.<sup>40</sup> It is in this sense that Hegel emphasises that his civil society is already the political domain in the usual sense of the term.<sup>41</sup>

The bureaucracy, which Hegel calls the executive power [Die Regierungsgewalt], is the second of the three powers in the internal constitution (the state itself). It is more or less similar to the government of modern Britain and Japan, especially that before the Second World War. The business of bureaucracy is to execute and implement the state's decisions assented to by the monarch. It includes both ministers and government officials in the political state and the administration of the police and justice in the civil society as its part.<sup>42</sup> Whereas the monarch acts as the symbol of temporal continuity and the spatial extension of the state, the bureaucracy works as the driving force in the realisation of this continuity and its extension.<sup>43</sup>

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<sup>39</sup>Nisbet, SS 200, p. 233.

<sup>40</sup> Nisbet, SS 188, p. 226, SS. 211, p. 241. As for law making, Hegel points out that: "Only after human beings have invented numerous needs for themselves, and the acquisition of these needs has become entwined with their satisfaction, is it possible for laws to be made." As for a penal code, he says " A penal code is therefore primarily a product of its time and of the current condition of civil society." But he does not explain how laws are actually made and who actually makes laws. Nisbet, SS 209, Addition, p. 240, SS 218, Remark, p. 251.

<sup>41</sup> This is a reason why Hegel calls civil society the external state, the state of the necessity or the state of the understanding. This shows clearly the uniqueness of the Hegelian project. On the other hand this way of stating the idea is certainly confusing to many readers. See Nisbet, SS 183, p. 221.

<sup>42</sup>Nisbet, SS 288, p.329.

<sup>43</sup> Nisbet, SS 287, p. 328f.

The Parliament which Hegel calls the legislative power [Die gesetzgebende Gewalt]<sup>44</sup> is the third and final branch of the political state. The Hegelian parliament is a two-chambered house like many parliaments today. "Die gesetzgebende Gewalt" should be translated as the law making power. The role which Hegel ascribes to this part of the body politic, however, is not law making at all.<sup>45</sup> It is rather the law amending or revising power rather than law making. Marx is not at all happy with this for good reason. For Marx the law making power should be at the centre of politics. A detailed examination of the dispute between Hegel and Marx over parliament follows as the theme of the next chapter.

## II. THE HEGELIAN PROJECT AND MARXIAN CRITIQUE

In the last chapter we saw that Hegel's constitutional monarchy (the rational state) is Hegel's philosophical amendment to the French Revolution. In other words in the first place Hegel's project was the philosophical reconstruction of the meaning of the French Revolution as a means of calling for revolution in Germany. The point was also made that Hegel's idea of the rational state was conceived as Hegel's critique of Rousseau, Kant and their followers on the one hand and of Haller and Savigny on the other. With the possible exception of Edmund Burke, Hegel's response is by far the most important to Rousseauian and Kantian-Fichtean enlightenment as well as to the French Revolution. In other words, it is a philosophical amendment to the French Revolution. But it is not to say that because of the backwardness of Germany, Hegel (or Kant himself in this respect) had to retreat from the real political world to the spiritual world of philosophy and had to make do with drawing up ideas for revolution on paper only. Hegel's constitutional monarchy is a blueprint for a German revolution, if not from under, which involves little bloodshed and terror. It is certainly the case that, as far as his personality is concerned, the mature Hegel became more cautious and conservative. There seems to be some basis for the accusation against the mature Hegel of cowardice, compared with the young Hegel who was a passionate revolutionary and a Jacobin.<sup>46</sup> His philosophical amendment,

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44 *Werke* 7, p. 465.

45 See the above note 40.

46 See the comment by C. Butler in *Hegel: The Letters*, ed. & trans. C. Butler & C. Seiler, p. 677.

however, has its own theoretical dimension which is different from Hegel's personal disposition (or its change in his later years).<sup>47</sup>

Firstly, it is Hegel's objective to overcome the theoretical difficulty which Rousseau faced and failed to solve.<sup>48</sup> The Hegelian solution is to give a political thinking the historical and socio-cultural dimension (history, religion, and art) of a people. Hegel believes that enlightened and contractual ideas in political thinking will result in cutting a people off from their history, religion and culture. This would thus destroy all existing traditions and institutions at a stroke and would so free people from what was oppressive and traditional. Then a people would be able to build new political and social institutions from scratch based on their ideals. These people or individuals would be equipped only with their basic human rights and stripped of institutions, culture, religion and history.

As we have seen above, in civil society Hegel places individuals not just in one of the branches of the socio-economic system of needs and satisfaction, but they also enjoy legal protection and they should have access to a system of educational, legal, welfare and religious institutions. Above all, they are members of professional associations and the local community.<sup>49</sup> On one level, the thrust of the Hegelian project is to give a proper cultural and historical underpinning to abstract principles such as liberty, equality and fraternity and to fundamental human rights. On another level, it is to provide a social and institutional framework for the individual citizen in civil society.

Secondly, it was also to maintain the principles of the French Revolution at a time when there was the restoration of the old order and the reaction of the romantic movement, when the aristocracy and other privileged groups in Germany tried to evade the changes produced by modernity. As John Toews has rightly pointed out, we can say that "Like so many later disciples, Hegel conceived the contemporary cultural revolution as a fusion of French politics and German religion and philosophy".<sup>50</sup>

Hegel regards the bureaucracy as the most effective institution in implementing the laws and regulations over a relatively large territory and running a big nation state. As we have seen in the previous chapter, Hegel defends constitutional hereditary monarchy as the most effective institution in guaranteeing the unity and continuity of the nation state. As we have also

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<sup>47</sup> Jürgen Habermas, *The Philosophical Discourse of Modernity*, trans. F. Lawrence (Cambridge: Polity Press, 1990), pp. 40-43.

<sup>48</sup> Hannah Arendt, *The Human Condition*, p. 39.

<sup>49</sup> Steven B. Smith, *Hegel's Critique of Liberalism*, pp. 142-144.

<sup>50</sup> John E. Toews, *Hegelianism*, p. 58.

seen above, however, what Hegel actually did with regard to the power of the crown was to make it one of the branches of the political state and thus firmly bound it within the constitutional framework. Furthermore, because of his doubts and suspicions about the power of the legislature Hegel tends to depend heavily on the quality of knowledge, education and ethos of dispassionateness, fairness, and politeness in the behaviour of the modern bureaucracy.<sup>51</sup>

In the preceding chapters we have seen that Marx does not support the implications of the Hegelian project at all. Marx was a revolutionary in 1843 (and remained a revolutionary until his last days) and he had not yet built up a critique of the French Revolution by his own standards. On the contrary, Marx was looking for the causes and agents of the Revolution, and learning diametrically opposite lessons to Hegel's from the French Revolution. For Hegel the lesson is that in the French Revolution, because of an inadequate notion of the division of political power, the legislature eventually gained too great a power: so much so in fact that it has eliminated the historical and the social-cultural dimensions, and thus, even twenty-five years after the Revolution France had not been able to establish any stable body politic.<sup>52</sup> For Marx the lesson is exactly the opposite, because in his view, it was the legislature that had produced the French Revolution. When the legislature has the overriding power, it has produced "the great organic, universal revolution".<sup>53</sup> Thus Marx believes that in order to realise true democracy in Germany it is necessary to produce the revolution by way of establishing the overriding power of the legislature.<sup>54</sup>

Hegel presents the image of the rational state as the systematically articulated organic whole with the function of providing with a historical and socio-cultural dimension to the revolution. Although Marx makes use of the metaphor of the organism, which he has learned from Hegel, for Marx it is no longer the metaphor for the image of the rational state but for the image of the real total revolution from below. Marx sometimes seems to have shared with Hegel the notion of the rational state as a fully articulated organic totality. But even in such a case, he is doubtful about the possibility of the rational state unless there is a real revolution in the first place. But the crucial point is that even when he is insisting on the greatness of the notion of the rational state he

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51 Nisbet, SS 296, p.335, *Werke* 7, p. 464.

52 *Hegel: The Letters*, p. 123.

53 *Critique*, p.58.

54 *Critique*, pp. 57-58.

ignores and is totally unaware of the importance of both the historical and social-cultural dimensions and of the notion of the division of power.

Marx shares with Hegel a basic insight into the advent of civil society and the separation of civil society and the political state. Both of them also believed that Germany could belong to the latest development in world history if they could find some path. Their evaluation of Western modernity itself, however, is significantly different. Whereas Hegel regards the separation of civil society and the political state as the ultimate achievement of the modern Western Europe and thus it must be secured by way of an adequate system of the political state and a proper interconnection of family, civil society and the political state; Marx takes this separation as the fundamental problem of Western modernity which must be solved. Whether it is a constitutional monarchy or modern republic, the separation of the civil society and the political state is the result of the political alienation of the ordinary people which is analogous to religious alienation. Therefore, this alienation must be overcome by true democracy based on the self-determination of the people. There is no room in Marx's democracy for the constitutional monarch. The current state of affairs produced by history (with the separation of civil society and the political state) can be and must be changed historically through revolution. Thus, at this stage we must ask: what is the position of bureaucracy in Marx's true democracy? and we must begin the examination of the differences on bureaucracy which are fundamental to the positions of Hegel and Marx.

### III. THE MAIN FEATURE OF MARX'S CRITIQUE OF BUREAUCRACY

Bureaucracy is, as Steven B. Smith has pointed out, “one of the most important but also most controversial features of the Hegelian state”.<sup>55</sup> Hegel regards it as one of three main and indispensable constituents of the modern state. He not only believes that bureaucracy has a key function in the modern rational state, but he also calls it “the universal estate” [dem allgemeinen stande].<sup>56</sup> Although Hegel is aware of the danger that the bureaucracy could become a sort of aristocracy (a privileged closed caste), and that it could be the overwhelming authority in the state, Hegel believes it is possible to provide adequate safeguards. Fundamentally, Hegel is always

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55 S. B. Smith, *Hegel's Critique of Liberalism*, p. 149.

56 *Nisbet*, SS 291, p. 332, *Werke* 7, p. 461.

critical of the aristocracy but not at all critical of the bureaucracy.<sup>57</sup> It might be important to remember that his father had been a bureaucrat and Hegel himself was a bureaucrat most of his life. Hegel was the principal of a "gymnasium" in Nuremberg before taking over the Chair of Philosophy at Heidelberg from Fries and, as is well known, he later took the post Fichte used to have at Berlin. At every institution Hegel was a capable and diligent administrator and a devoted teacher as well as a philosopher. Among Hegel's friends and acquaintances there were many bureaucrats and statesmen. Goethe was a Minister of Weimar. Later Victor Cousin became Minister of Education. F. I. Niethammer (1766–1848), one of Hegel's oldest and the closest friends until the end of his life, was an academic and was also close to Goethe, Fichte and Shelling in Jena. In 1805 Niethammer became a reformer of education when he took a high office as "Zentralschulrat" in charge of education and religion in Munich.

Hegel also enjoyed a close relationship and a possible friendship with the reform-minded bureaucrats and Ministers. The list included the Chancellor in the Prussian Government, such as Prince Karl August von Hardenberg, Wilhelm von Humboldt and Baron Karl von Stein.<sup>58</sup> But Johannes Schulze, the Privy Councillor for school and university affairs, who worked as the most influential advisor to Baron von Altenstein in the Ministry of Education, was by far the most important of these.<sup>59</sup> As J. E. Toews has pointed out, "one might even say that it was the close personal friendship, practical cooperation, and intellectual agreement between Schulze and Hegel that was the concrete reality behind the theoretical reconciliation of philosophy and the Prussian state during the Restoration".<sup>60</sup> Schulze attended all of Hegel's lectures on a regular basis and discussed with Hegel on the long evening walks.<sup>61</sup> They were neighbours on K pfergraben Street.<sup>62</sup> Hegel's audience was not only the students who would later be academics, bureaucrats, clergymen, lawyers and gymnasium teachers, but they also included many government officials from the highest to lowest rank.<sup>63</sup>

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<sup>57</sup> Nisbet, SS 216, p. 247, SS 297 Remark, p. 335.

<sup>58</sup> See *Hegel Dictionary*, (eds.) H. Kato et al. p. 424, p. 230.

<sup>59</sup> *Hegel: The Letters*, p. 396.

<sup>60</sup> J. E. Toews, *Hegelianism*, p. 113.

<sup>61</sup> Toews, *Ibid.*, p. 112.

<sup>62</sup> Hegel, *Briefe von und an Hegel*, ed. Johannes Hoffmeister (Hamburg: Felix Meiner Verlag, 1981), pp. 271-272. *Hegel: The Letters*, "Hegel to Unknown [691], p. 396.

<sup>63</sup> Horst Althaus, *Hegel*(Munich & Vienna: Carl Hanser, 1992), p. 339.

It is well known that Marx was very critical of bureaucracy in all aspects.<sup>64</sup> Unlike Hegel Marx did not have any friends in high office. Although Marx was at one time interested in a career in the academic world, once that prospect was closed through the suppression of the Young Hegelians by the Prussian Government, he never wanted to serve the state.<sup>65</sup> Accordingly, his criticism of bureaucracy is not only strong but radical, which, undoubtedly “reflected in part his own difficulties with officialdom when editor of the *Rheinische Zeitung*”.<sup>66</sup>

However, it is ironic that one of the weakest points in Marx's political thought is that he did not develop any coherent theory of bureaucracy. The political systems which were supposed to be based on his doctrine, despite Marx's harsh attack on the bureaucracy (or rather even more ironically because of it), turned out to be totally bureaucratic regimes: so much so that V. M. Perez-Diaz once proposed treating the lack of a fully explicit political theory in Marx's thought, in which bureaucracy is one of the most important components, as “the lapse or errors as symptoms of conflicts” in a Freudian sense of the term.<sup>67</sup>

It is true that Marx's tone of criticism of bureaucracy is harsh. It is also true that Marx did not leave a detailed criticism of this subject. First and foremost, bureaucracy is, as Marx calls it, “illusory universality” and “the illusion of the state”. As we have seen above, earlier in his *Critique* Marx criticised Hegel's rational state in terms that “the state is an abstraction”<sup>68</sup> or imaginary and an illusionary universality. What he means by this is that in the modern state, whether it is the Prussian monarchy or even the republic of the United States, basically they are the same in that in both cases the state has gained the abstract political form separated from the real, concrete life of people in civil society. Marx believes, there can be found, not only the separation but also opposites, conflicts and contradictions between the political state and civil society throughout *Rechtsphilosophie*. Indeed, there are “empirical collisions” between them.<sup>69</sup> In this sense the modern state as

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<sup>64</sup> Cf. Marx's Defence Speech at his trial in *S.W.* pp. 274-275. Also compare “The Eighteenth Brumaire of Louis Bonaparte” in *S.W.* pp. 300-324 and “The Civil War in France” in *S.W.* pp. 540-557.

<sup>65</sup> Harold Mah, *The End of Philosophy, the Origin of "Ideology"* (Berkeley: University of California Press, 1987), p. 180.

<sup>66</sup> David McLellan, *Karl Marx*, p. 71.

<sup>67</sup> V. M. Perez-Diaz, *State, Bureaucracy and Civil Society* (London & Basingstoke: Macmillan Press, 1978), p. 86.

<sup>68</sup> *Critique*, p. 28.

<sup>69</sup> *Critique*, p. 6, p. 53.

the political state is the imaginary or illusionary universality hanging over civil society. For Marx this is the modern situation as a result of an historically specific development from the Middle Ages and therefore it is a situation to be overcome historically by the realisation of true democracy through revolution.

For Marx bureaucracy is a branch of the modern political state, which is in conflict with civil society on the one hand, but is the binding force and mediation between the political state and civil society on the other. Thus, if the political state is the illusion of civil society, bureaucracy is “the illusion of the illusion of civil society”. However, if there is not the original illusion, obviously there is no need for the second illusion. That is why Marx repeatedly alludes to Catholicism, the Blessed Trinity, the Roman Catholic Church, Jesuitism and *la république prêtre*.<sup>70</sup> In other words, if there is no separation of the political state from civil society, if there is no opposition, no conflict or contradiction between these two, people do not have to live a dual life; the real life and the illusionary life; a double life as a man and as a citizen. For exactly the same reason in the case of the monarchy, there is simply no place or need for bureaucracy in true democracy, in which the separation and the conflicts between the political state and civil society should be cancelled.

Secondly, Marx utterly detests bureaucracy for some reasons of his own. We have already seen that he was forced to give up a planned career as a university lecturer of philosophy and that as the editor of a newspaper he was involved in an intense struggle with the Prussian Government and its bureaucracy over the cause of the rational state. Prussia from the 1820s onwards was no longer the Prussia of 1807-19 which had been on the way to being a modernising, constitutional monarchy. However, the losing struggle of the Young Hegelians and the lack of the possibility of rationalisation and modernisation of Germany made Marx a special kind of democrat.<sup>71</sup> Despite his devoted journalistic activities with his friends, Marx could not see any sign that Prussia was on the way to the formation of the rational state. Prussia and Germany reacted to Marx by the daily impositions of censorship and the suspension of the *Rheinische Zeitung* <sup>72</sup>and finally “the government has given him back his freedom”.<sup>73</sup> Furthermore, with his fiancée waiting for

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<sup>70</sup> *Critique*, pp. 45-48.

<sup>71</sup> This is the perception and conclusion Marx drew in this period, but it must be examined against the situation of Germany at that time.

<sup>72</sup> David McLellan, *Marx before Marxism* (London: Macmillan, 1980), p. 92, p. 98.

<sup>73</sup> *C. W. I.*, p. 397.

him, Marx had no money to start a new life because he had troubles of his own over his family inheritance. Marx was totally disillusioned with Germany which he regarded as philistine - and this view probably extended to his own family.

His disillusionment with Prussia and Germany was reinforced both by doubts over the effectiveness of his journalistic activities and the tiresome troubles with the authorities over censorship. It is crucial in the sense that it made him more than ready to resign from the editorship of the *Rheinische Zeitung* and, more importantly, more than willing to get out of Germany altogether, whether it was to Switzerland or France. Marx thus took the opportunity, which he had long waited for, to commence criticising radically Hegel's *Rechtsphilosophie* and to clarify the difference between Hegel and himself, and thus to establish his own standpoint. With regard to the context in which Marx began the clarification of his stance *vis-à-vis* Hegel, it was natural for Marx to be critical of bureaucracy not only theoretically but also emotionally. Marx hated bureaucracy not only because it was bureaucracy but also because it was German or Prussian. It is worth making the point again that Marx had repeatedly experienced bitter and humiliating problems at the hands of petty Prussian and German bureaucrats and this was bound to affect him. There was certainly a tendency in Marx to think that politics and bureaucracy in Prussia and Germany were far behind and immensely inferior to their equivalents in England, France or the USA, and he had a tendency to feel ashamed about it.<sup>74</sup> Therefore, Marx was not quite sure whether Germany could be treated as an equivalent. Now, in Marx's view, even Hegel, a professor at Berlin University, who was once the Rector of the University, appeared to be just another example of the miserable Prussian civil servant. Marx accuses Hegel, who defends his version of modern bureaucracy in *Rechtsphilosophie*, by saying: "Here, Hegel goes almost to the point of servility." Marx declares: "It is evident that he is thoroughly infected with the miserable arrogance of the world of Prussian officialdom".<sup>75</sup>

Thirdly, and most importantly, there is a strong element of contempt for and a deep distrust of the quality of the knowledge and the ability of the administration by the bureaucracy. Hegel insists that education (in terms both as a qualification for office at a low level and as accumulated expertise while at work) and the professional ethos backed up by full-time employment and a satisfactory salary are two of the most important qualifications for the modern

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<sup>74</sup> "Towards a Critique of Hegel's Philosophy of Right: Introduction" in *S.W.* pp. 63-73.

<sup>75</sup> *Critique*, p. 125.

bureaucracy.<sup>76</sup> Successful candidates are supposed to sit in and pass examinations. Marx does not recognise the merit of the examination at all. For him it is nothing other than a masonic rite for a closed guild.<sup>77</sup> It is merely a system of formalism and a hierarchy of knowledge. What is actually happening in this system is that hierarchy is no more than a mutual deception played upon the higher ranks and lower officials.

Marx's earliest critique of bureaucracy, which is found in *Critique*, is not only one of the harshest critiques of Hegel and Hegel's idea of bureaucracy, but also sets out Marx's decided approach to this issue in the future: the old and the modern bureaucracy. Some say that Marx's approach is strikingly similar to Weber's by virtue of his division of function and hierarchy.<sup>78</sup> Others say that Hegel's description of bureaucracy is strikingly similar to Weber's.<sup>79</sup> This conflict of interpretation might have come merely because Marx did not expose its nature in detail. In my view, however, it is not Marx but Hegel who is strikingly similar to Weber. Or, more correctly, Marx and Weber are strikingly similar to Hegel. Weber read both Hegel and Marx, both Marx and Weber read Hegel, and, needless to say, Hegel read neither Marx nor Weber.

Marx's analysis of bureaucracy in later years is the elaboration of the one in *Critique*.<sup>80</sup> It exposes bureaucracy as the parasite of the state and the tool of class domination. For example in *The Eighteenth Brumaire of Louis Bonaparte*, which is also famous for Marx's allusions to Hegel such as: "Hegel remarks somewhere that all facts and personages of great importance in world history occur, as it were, twice".<sup>81</sup> Then the mature Marx added something he should not have said. There Marx added: "Hegel forgot to add: the first time as tragedy, the second as farce".<sup>82</sup> When Marx wrote this,

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<sup>76</sup> It is not common to be paid solely by money. Cf. Hegel's letter on the conditions for accepting the professorship at Berlin University.

<sup>77</sup> *Critique*, p. 51.

<sup>78</sup> S. Avineri, *The Social and Political Thought of Karl Marx*, p. 48.

<sup>79</sup> Max Weber, *Economy and Society*, Vol. 2, ed. G. Roth & C. Wittich (Berkeley: University of California Press, 1978), pp. 956-969, pp. 973-980.

<sup>80</sup> I do not agree with most of the points made by Prof. Gary Teeple but as far as this point is concerned I agree with him. See Gary Teeple, *Marx's Critique of Politics 1842-1847* (Toronto: University of Toronto Press, 1984), p. 82.

<sup>81</sup> It might be in Hegel's *Philosophy of Aesthetics* but I could not find where Hegel made this remark. Rather Marx himself makes a similar remark in 'Towards a Critique of Hegel's Philosophy of Right.' There Marx says: The gods of Greece who had already been mortally wounded in the Prometheus Bound tragedy of Aeschylus, had to die once more a comic death in the dialogues of Lucian. See *S.W.* p. 66.

<sup>82</sup> *S.W.* p. 300.

Marx did not see the possibility that Hegel would become the first and he himself would become the second. It is also famous for his use of the Aesopian saying from the Preface to *Rechtsphilosophie*: *Hic Rhodus, hic salta!* [Here is Rhodes, jump here!]. Here, in *The Eighteenth Brumaire of Louis Bonaparte*, Marx describes the historical development of the highly centralised, bureaucratic French government as “an appalling parasitic body, which enmeshes the body of French society like a net and chokes all its pores, sprang up in the days of the absolute monarchy, with the decay of the feudal system, which it helped to hasten”.<sup>83</sup> Marx continues: “under the absolute monarchy, during the first Revolution, under Napoleon, bureaucracy was only the means of preparing for the class rule of the bourgeoisie”.<sup>84</sup> Then, bureaucracy became “the instrument of the ruling class” under Restoration, under Louis Philippe, under the parliamentary republic.<sup>85</sup> “This executive power with its enormous bureaucratic and military organisation, with its ingenious state machinery, embracing wide strata, with a host of officials numbering half a million, besides an army of another half million . . . sprang up in the days of the absolute monarchy, with the decay of the feudal system, which it helped to hasten.”<sup>86</sup> In an article for the *Neue Rheinischen Zeitung*, Marx stated that the modern bourgeois society demands that “the bureaucracy . . . which controlled commerce and industry, should become their tool, be reduced to mere organs of bourgeois intercourse.”<sup>87</sup>

From this viewpoint, the European revolution and the March Revolution were the struggles of “the old feudal bureaucratic society with modern bourgeois society”.<sup>88</sup> One could say that whereas the old bureaucracy is the protector of agriculture and the tutor of industry, the new bureaucracy is the servant of industry and of “the needs of national production”. On the one hand, bureaucracy is the pseudo-universality in the sense that it promotes a partial interest, which is either the class interest of the bourgeoisie or its own group interest as a closed society in the state in the name of the common or general or national interest, or often both interests. On the other hand, bureaucracy is impotent in the sense that it cannot mediate between the conflicts of these partial interests and between civil society and the state. Thus, it cannot avoid the catastrophe of the social and political system: that of

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83 *S. M.* p. 316.

84 *S. W.* pp. 316.

85 *S. W.* pp. 316-317.

86 *S. W.* p. 316.

87 *S. W.* p. 275.

88 *S. W.* pp. 274-275.

capitalism. In the final analysis, because of the falseness of universality bureaucracy cannot mediate between the conflicts, and so the modern state will end in revolution. Bureaucracy is the institution which can be and must be abolished by the proletarian revolution.

These examples show how far Marx has over the years advanced in his definition of bureaucracy. Here, in *The Eighteenth Brumaire of Louis Bonaparte*, he sees it not only as the tool of class rule (rather than the tool of the crown) but also differentiates between the new forms of bureaucracy and the old one. The state as the instrument of class rule becomes the focal point. For Marx, however, the bureaucracy is still almost the synonym of the state.<sup>89</sup> Thus the main points remain the same as the one we find in *Critique*. Bureaucracy is the alleged mediator between civil society and the state as well as being the mediator between the conflicts among interest groups in civil society; but because of its incompetence, bureaucracy cannot mediate in these conflicts. For, it is either the instrument of the rule of the crown or that of the class rule of the bourgeoisie. Thus, in the end it cannot prevent revolution (whether it is for true democracy or for communism). It is even arguable that this advance in Marx's understanding of bureaucracy went hand in hand, at least partly, with his deeper understanding of Hegel's political thought.<sup>90</sup>

Thus, at this juncture we might ask the question: can bureaucracy be abolished? Indeed, Marx's critique of bureaucracy is certainly both sharp and convincing. But it is more than evident that the abolition of bureaucracy does not follow from Marx's critique and the Marxist solution. On the contrary, although it may sound like a truism, E. Kamenka is probably right in saying that: "it bids fair to dominate our future".<sup>91</sup> I would argue that Marx's critique of bureaucracy and his idea of abolition of bureaucracy was largely based on his suspicion of the ownership of private property, his hatred of Prussian officialdom and of the German bureaucracy: his neglect of the modernity of Hegel's bureaucracy on the one hand and of Marx's (unconscious or conscious) misunderstanding of the Hegelian notion of the separation of civil society from the state and his misunderstanding of the Hegelian rational state as organic whole because of his theory of alienation on the other. I would

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<sup>89</sup> It is noteworthy that from 1848 onwards Marx always adds the army as another component of the state apparatus.

<sup>90</sup> Hegel points out the increasing centralisation of the executive power in the French political system from the French Revolution to his own time in much the same way as Marx does in "The Eighteenth Brumaire of Louis Bonaparte". See, *Nisbet*, SS 290, Addition, p. 331.

<sup>91</sup> E. Kamenka, *Bureaucracy* (Oxford: Basil Blackwell, 1989) p. ix.

argue that Marx failed to understand the meaning of the concepts : “rationality” and “universality”.

Hegel's theory of bureaucracy which is bitterly criticised by Marx in *Critique* is also important in relation to the genesis of Marx's notion of the proletariat. As mentioned above, Avineri pointed out that the Hegelian idea of bureaucracy as the universal class was the philosophical ancestor of Marx's notion of the proletariat in the sense that Marx had inherited from Hegel the conceptual framework, that is a partial social strata, which is, at the same time, “an ideal subject of the concept of the universality of the Gemeinwesen”.<sup>92</sup> If this is the case, Marx loses one aspect of his critical methods employed in *Critique*. As we have seen above, Marx criticises Hegel's speculative philosophy of “Recht” as Hegel always starts from the abstract concept or logical category or Idea, and he ends up by surreptitiously inserting the specific contents found in front of him as the existing empirical facts into his ready-made system in an utterly uncritical way. Marx accuses Hegel of merely finding the convenient, empirical examples for the logical category in the Prussian state or other German states or at best some other European countries. However, if Avineri is right, the same criticism is applicable to Marx himself. One could argue that what Marx has done is to have looked for and found a convenient, existing empirical example (the working class) in France or Britain just as Hegel had done in Germany and France. It seems to me that this is probably the case with Marx.<sup>93</sup> But the main point of my contention is that Marx took the Hegelian idea of universal class overseriously (probably even more seriously than did B. Bauer, Feuerbach and A. Ruge).

Bureaucracy is called the universal class by Hegel, but the universality Hegel is ready to acknowledge in bureaucracy does not mean much more than the fact that bureaucracy takes a wider perspective than those of corporations and municipal communities. Or for that matter it is also wider than the perspective of the classes (estates). In other words, bureaucracy is supposed to co-ordinate the particular interests of corporations, municipal communities, and classes from the view point of the national interest.<sup>94</sup> Marx does not believe that bureaucracy can function as the co-ordinator of the particular interests and the guardian of the national interest. For, on the one hand, Marx believes that the universality assumed by bureaucracy is nothing but the

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<sup>92</sup> S. Avineri, *The Social and Political Thought of Karl Marx*, p. 57. Also see, *Critique*, pp. 139-142.

<sup>93</sup> Marx was well aware of the fact that in Germany the proletariat was only beginning to appear. *Critique*, p. 142.

<sup>94</sup> Here I use the term "national interest" purely to mean nation-wide interest.

illusion in which the bureaucracy wants to believe itself to be and to make ordinary people believe. On the other, he sees that the state's law is not for all the people but only for the property owners. Thus in *Critique* Marx takes the line of thinking that all the citizens could be the universal class and then in "Towards a Critique of *Hegel's Philosophy of Right*: Introduction" (via "On the Jewish Question") Marx eventually pronounces the proletariat to be the universal class. It is obvious with hindsight that it follows from Marx's identification of the proletariat that in Marx's true democracy there is no other class than the proletariat. I would argue that again in this case Marx was wrong, for Marx took the Hegelian idea of universality too seriously.

#### IV THE ABANDONMENT OF TRANSLATION?

In chapter III I have argued that one of the most remarkable features of *Critique* is that Marx consciously adopts the style of translation. It is interesting and noteworthy that in the annotations to bureaucracy Marx has abandoned his favourite way of criticising Hegel's view of monarchy, i.e. the simultaneous translation of Hegelian language into the common man's language as well as into Marxian-Feuerbachian language. Marx had three aims. Firstly, it is a critique of Hegel's onto-logical philosophy based on the notion of "Spirit", "Idea" and "Concept", which Kierkegaard and Feuerbach complained of and started criticising for the first time. Secondly, it is the mockery of the Hegelian language for being so notoriously abstract and abstruse; so much so in fact that before Marx and Feuerbach no one could criticise the Hegelian system of language to much effect. Thirdly, it has the aim of demonstrating the irrationality, inconsistency and thus illegitimacy of Hegel's theory of the constitutional monarchy, so as to undermine the legitimacy of the Prussian monarchy by showing that it is full of contradictions. It is a perfectly effective strategy when Marx puts Hegel's language and the Common Man's side by side when criticising the power of the crown. In the annotations to the executive power, however, the explicit form of translation from Hegel's language to the Common Man's disappears. That is not to say that Marx gives up the three methods of critique,(subject-predicate inversion; the historico-genetic method; straight forward textual analysis). They are there to some extent, but instead of contraposing the common man's language he starts to look at Hegel's explication deeply and criticises from within, mainly by making use of straightforward textual analysis.

Marx retains the critique of subject-predicate inversion and of logocentrism and the historico-genetic critique of the separation of civil society and the state.<sup>95</sup> These are, however, employed mainly to highlight the aspects of political alienation in the context of the straightforward textual analysis in such a way that Marx can expose the hidden partiality of bureaucracy and its root or cause. First, Marx makes a couple of brief annotations to SS 287, SS 288, and SS 289. Then Marx copies the first half of the long Remark to SS 289 and picks out the three points especially worth noting: the definition of civil society as the *bellum omnium contra omnes*; private egoism as the secret of patriotism; the fixation of the members of civil society and the state.<sup>96</sup> Then Marx summarises the content of the SS 287-SS 297.

The main points of annotation to SS 287, 288, 289 are as following: the first is that Hegel's description of the executive is either "the usual interpretation" or "a simple description of the empirical situation" of some European countries, a point which Marx repeatedly criticises as Hegel's mixture of sheer abstraction and sheer empiricism<sup>97</sup>; the second is that although Hegel claims that the task of the executive is universal, in reality Hegel has failed to develop the executive as such, that is as the institutional system of the executive civil servants whose task it is to subsume the particular interests of civil society to the universal interest of the state. For, according to Marx, the alleged universality of the state (or national interest) manifests itself as just another particularity precisely because of the fact that it stands against the particular interests of civil society.

This is a good example of a special kind of straightforward textual critique, because what Marx is trying to do is to expose Hegel's contradiction between one of the most specific features in the Hegelian onto-logical thought, (i.e. the Hegelian idea of the true infinite, the true universality or the concrete universality) and by contrast the universality which bureaucracy is supposed to assume and promote, at least according to Hegel's account.

The Hegelian idea of the true infinite which is clearly distinct from the bad (false) infinite, I would say, is one of the most important insights of Hegelianism. But, to say so, we have to grasp what is the Hegelian concept of the infinity. It is not easy to understand, but an attempt to do so is made here.

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<sup>95</sup> *Critique*, p. 48, p. 49.

<sup>96</sup> *Critique*, p. 42.

<sup>97</sup> *Critique*, p. 41.

The infinite, Hegel insists, which is shadowed by the finite, is not a true infinite. It is rather a bad infinite in the sense that as soon as it achieves or appears to have achieved the true infinite, it falls into opposition to the finite. The most telling example Hegel shows is the differentiation of desire from the pure concept of mutual recognition in Chapter IV on Self-Consciousness in *Phänomenologie*.<sup>98</sup> The independence of self-consciousness as a man appears to have found fulfilment in the act of eating, but it is an illusion because he/she is in reality still dependent on food in two ways. Firstly, the man has to keep eating twice or three times a day in order to live. Secondly, if he/she eats up all the food available on earth, he/she could not survive. Man has to eat to live and has to live to eat. According to Hegel, the human relationship with nature in general is thus bad infinite. It is only with other human beings that he/she can achieve his/her true independence in the form of the mutual recognition which is the true infinity.<sup>99</sup>

Analogously, in Hegelian thought the universality which stands against the particular (or the individual) is not the universality in the true sense of the term. Rather, such universality in opposition to the particular (or the individual) is itself merely another particular precisely because it stands against the particular. Thus, Marx can argue that in so far as Hegel maintains the separation of civil society and the state, the state has no true universality. In so far as civil society and the state is differentiated, in so far as the state keeps the civil society outside itself and the civil society is excluded from the political state, the political state cannot have the possibility of being the true universality from the outset. In other words, there is no such thing as the general interest, the universal interest of the state or the national interest. As long as civil society and the political state is separated, the so-called national or general interest is in reality either the interest of the bureaucracy or that of some partial interest in civil society (the corporations, the Polizei, the department of justice, local governments, the bourgeoisie, the Crown). This is a particularity disguise for universality.<sup>100</sup>

Marx indicate as “especially worth noting”, the following three points which he picks up from Hegel's remark to SS 289. Those are:

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<sup>98</sup> *Werke* 3, pp. 137-145, *Miller*, pp. 104-111.

<sup>99</sup> For a detailed analysis of dialect of Self-Consciousness and a critique of Marx's understanding of this chapter see Hans-George Gadamer, “Hegel's Dialectic of Self-Consciousness” in *Hegel's Dialectic*, trans. P. C. Smith (New Haven & London: Yale University Press, 1976), pp. 54-74.

<sup>100</sup> *Critique*, p. 46.

- 1) the definition of civil society as the *bellum omnium contra omnes*;
- 2) private egoism is revealed to be the secret of the patriotism of the citizens and the depth and the strength which the state possesses in sentiment;
- 3) the 'burgher', the man of particular interest as opposed to the universal, the member of civil society, is considered to be a fixed individual, whereas the state likewise in fixed individuals opposes civil society.<sup>101</sup>

All three are quite important because they provide Marx with just enough points to criticise Hegel's theory of bureaucracy from within Hegel's system itself, i.e. civil society. Of the three the third is especially important in this context, because this has direct relevance to the criticism of bureaucracy from the viewpoint of Marx's ideas of "true democracy".<sup>102</sup> Significantly, this is Marx's only elaboration on these three points .

One would suppose that Hegel would have to define 'civil society' as well as family as a determination of each political individual, and so too he later state qualities as equally a determination of the political individual. But with Hegel it is not one and the same individual who develops a new determination of his social essence. (*Critique*, p.42)

In Hegel's theory of ethical life there are three spheres or states: the family, civil society and the political state which are based on the different principles: sexual love, economic self-interest and political nationalism. Marx accepts this structure at least for the time being, but, as he points out, there is inconsistency when Hegel designates women as members of the family, the majority of men as members of civil society and a selected few as three political powers (the crown, the executive, the legislature). The men in civil society are at the same time the members of the family, but it is not the case for women. It is easy to find sexism in Hegel. Women are the guardians of the family. They are not the members of civil society. For Hegel the woman is the irony of the state. Men in civil society are at the same time members of

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<sup>101</sup> *Critique*, p. 42.

<sup>102</sup> *Critique*, pp. 29-32, pp. 49-50, pp. 115-116. In this part of *Critique*, Marx uses "the rational state" and "a true state" instead of "true democracy". I regard these as synonyms. See Harold Mah, *The End of Philosophy, the Origin of "Ideology"* (Berkeley: University of California Press, 1987), pp. 193-194. I think we must conclude from this that at this stage Marx clearly did not believe in a total "withering away of the state".

the family, but even they are excluded from the political state itself and as a fixed group of individuals they are opposed to the crown, bureaucracy and the legislature. According to Hegel's description, which Marx criticises, the same person does not assume the triple role in his or her integrity or does not integrate the three spheres in his or her personality. Rather different persons (or different groups of persons) are allocated to the three different social dimensions. Marx sees the reason for this as Hegel does not see real individual persons as the key agents and does not describe the structure of the rational state as the development of real individual persons, but rather he describes it as the development of the abstract concept of "will". Marx seems to be completely right, at least as far as this point is concerned. What Marx is criticising is that every man can be a member of the family and civil society but not every person can be a bureaucrat, or, more correctly, not everyone can enter into the political state.<sup>103</sup> Above all, Hegel creates one specific social class called the universal class for the civil servants that is at the same time a political class. Interesting enough, looking at Marx's critique closely, it is evident that Marx himself ignored the problem of women, at least at the time. Regardless of this negligence on the part of Marx, the implication of Marx's critique from the above viewpoint is profound.<sup>104</sup>

If Hegel could reply to Marx 's critique properly, (and I think Hegel can) we can construct a framework by which we can deal with many important ideas such as feminism, human rights, social services, social welfare, consumer problems, environmental issues, parliamentary democracy, military service, foreign relations, art and religion; to name but a few. (Although this list is in itself impressive!) As for Marx's notion of true democracy, I will discuss the implications of this in relation to Hegel's theory of legislative power and Marx's critique in the next chapter, because Marx seems to find the key for democracy and the democratic revolution in legislative power. As for the other issues I will discuss them briefly in the concluding chapter (Chapter VII). Here we have to confine ourselves to examining Hegel's theory of bureaucracy and Marx 's critique.

Having dealt with those three points, Marx starts summarising Hegel's version of bureaucracy once again from the very beginning (SS 287-297). As mentioned above, until the discussion of the power of the crown Marx can equate his translation to the common man's language. But now Marx abandons that equation. The subject matter is difficult not only from the point

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<sup>103</sup> Later Marx takes up this point again in the annotation to the legislative power. See *Critique*, p.78.

<sup>104</sup> See Harry Brod, *Hegel's Philosophy of Politics*, pp. 174-179

of view for Hegel to develop properly the concrete content but also it is difficult for Marx as well. Thus, Marx admits that “the administration proper is the most difficult point of development”.<sup>105</sup> In other words, Marx does not have the possibility any longer of making a mockery of Hegel by contraposing the Common Man's language. Therefore, Marx tries to translate Hegelian language into his own language before proceeding to radical criticism.

Because Hegel has already claimed that the police and the judiciary to be spheres of civil society, the executive is nothing but the administration, which he develops as the bureaucracy.

(*Critique*, p. 44)

This annotation is a repetition of the annotation to SS 287: “The only thing which can be mentioned as original with Hegel is that he co-ordinates executive, police, and judiciary, whereas as a rule the administrative and judiciary powers are treated as opposed”.<sup>106</sup> This also shows that Marx was fully aware of the standard version of the division of political power and the uniqueness of Hegel's version of the division of political power. Curiously, in both cases Marx does not comment on this unique arrangement as a problem. As we have seen above, Hegel regards the division of the political power as “the guarantee of public freedom”,<sup>107</sup> but he does not see it as a mechanism of checks and balances for each political power. What Hegel has in mind is the rational state which is a systematically articulated organism with the Hegelian version of the division of power. But Marx does not pay any attention to the difference between Hegel and the other mainstream thinkers. Marx finds the crucial problem of Hegel's bureaucracy in its relation with corporations. In his understanding the Hegelian version of bureaucracy has the following relation with corporations.

First of all, the ‘Corporations’, as the self-government of civil society presuppose bureaucracy. The sole determination arrived at is that choice of the administrators and their officials, etc., is a mixed choice, originating from the members of civil society and ratified by the proper authority (or as Hegel says, ‘higher authority’).

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<sup>105</sup> *Critique*, p. 44, p.45.

<sup>106</sup> *Critique*, p. 41.

<sup>107</sup> *Nisbet*, p. 306.

Over this sphere, for the maintenance of the state's universal interest and of legality, stand holders of the executive power, the executive civil servants and the advisory officials, which converge to the crown.

(*Critique*, p. 44f)

According to Marx, corporations presuppose the bureaucracy in the sense that although the particular common interests in civil society should be looked after by corporations as autonomous bodies of professionals and communities, their officials, directors, administrators, and the like should be not only elected by the members of each corporation but those should be confirmed by the higher authorities, i.e. the executives.<sup>108</sup> On the other hand, the bureaucracy presupposes the corporations in the sense that it is “the formalism of a content which lies outside the bureaucracy” and that the content is nothing but the corporations. In this sense, the corporations are “the materialism of the bureaucracy, and the bureaucracy is the spiritualism of the corporations”. From another view point, however, the corporation is “the bureaucracy of civil society” and the bureaucracy is “the corporation of the state”.<sup>109</sup> For, according to Marx “the same mind that creates the corporation in society creates the bureaucracy in the state”.<sup>110</sup> Most importantly, however, despite this mutual interdependency and similarity between the bureaucracy and the corporations, in actuality “the bureaucracy as the civil society of the state is opposed to the state of civil society, the corporations”.<sup>111</sup>

Marx goes on to summarise SS 290-Addition to SS 297. It is done very well and is a good example of Marx's translations using straightforward textual analysis. It is worth quoting fully.

A division of labour occurs in the business of the executive. Individuals must prove their capacity for executive functions i.e. they must sit for examinations. The choice of the determinate individual for the civil service is the prerogative of the royal authority. The distribution of these functions is given in the nature of the thing. The official function is the duty and life's work of the civil servants. Accordingly they must be paid by the state. The guarantee against malpractice by the bureaucracy is partly its hierarchy and answerability, and on the other hand the

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<sup>108</sup>Nisbet, SS 252, SS 253, pp-270-271, SS 255, Addition, p. 273.

<sup>109</sup> *Critique*, p.45.

<sup>110</sup> *Critique*, p. 46.

<sup>111</sup> *Critique*, p. 45.

authority of the societies and Corporation; its humanness is a result partly of direct education in thought and ethical conduct and partly the size of the state. The civil servants form the greater part of the middle class. The safeguard against its becoming like aristocracy and tyranny is partly the sovereign at the top and partly Corporation-rights at the bottom. The middle class is the class of education. *Voila tout !*<sup>112</sup>

This translation of Hegelian language into Marxian is interposed between exactly the same comment that Hegel's description of the bureaucracy is not philosophical but merely empirical.<sup>113</sup> "Most of the paragraphs could be found verbatim in the Prussian *Landrecht*."<sup>114</sup> At best it is an empirical description of the bureaucracy "partly as it is, and partly according to the opinion which it has of itself".<sup>115</sup> Generally speaking this long translation itself is exceptionally faithful to the original and well done. However, the following, long critical annotation is not quite right. Next, we shall examine Marx's annotations.

### III. THE MODERNITY AND THE ANACHRONISM OF THE HEGELIAN THEORY OF BUREAUCRACY

Marx repeatedly criticises Hegel for giving us merely an empirical description of the bureaucracy, partly as it is actually, and partly from the vision which it had of itself. According to Marx, Hegel not merely justifies the existing Prussian bureaucracy as it is but also accepts the self-justification of the Prussian bureaucracy as it is. In this sense, Hegel is doubly guilty of crass empiricism. That is why Marx accuses Hegel of being thoroughly infected with "the miserable arrogance of the world of Prussian officialdom". This is, however, Marx's great misapprehension or rather plausible lie. Hegel's idea of the bureaucracy which Marx beautifully translated and summarised above is neither the bureaucracy as it was in Hegel's times nor its own view of itself. It is true that there are some paragraphs in *Rechtsphilosophie* which closely follow the Prussian General Legal Code<sup>116</sup>, but many of the points cannot be found in the *Prussian Landrecht* codified in

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112 *Critique*, p. 45.

113 *Critique*, p.44.

114 *Critique*, p.46.

115 *Critique*, p.45.

116 See for example, *Nisbet*, SS 294

1794. It is, rather, in the draft plans drawn up independently by Hardenberg and Humboldt in the era of the movement of liberal reform that most paragraphs can be found.<sup>117</sup> It is especially the case with the reform programme by Stein and the constitutional plans.<sup>118</sup> Moreover, it was only a part of their plans that had been realised by 1843, let alone by 1820.

As was pointed out above, Hegel's image of bureaucracy much depended on the movement of high-ranking officials who were reform-minded. On the other hand, Hegel's description of modern bureaucracy as a branch of three powers based upon a written constitution gives a high mission and legitimacy to such reformation movements. It has three tasks. Firstly, what he is trying to do is to acknowledge and encourage the movement of the reformers in the name of reason, the concept and the Logik. Secondly, it is a threat to reactionaries in the government and the royal court. Thirdly, against Fries and later Schleiermacher, it is Hegel's efforts to educate the students who would most likely join the state organisation by one means or another.

As Marx rightly summarises, one of the important differences between Hegel's modern theory of bureaucracy and the traditional one is the question of examination, education and money as salary. In Hegel's view, the civil service should not any longer depend upon the traditional personal relationship between the crown and knights, "precisely because such services are discretionary and arbitrary because those who perform them reserve the right to do so in accordance to their subjective view or not to perform them at all . . . and pursue their subjective ends instead".<sup>119</sup> In the modern rational state the civil service needs full-time professionals and experts for offices with an adequate knowledge and expertise and appropriate ethos, so that every citizen may be treated equally and fairly and so that the continuity and uniformity of the implementation of the laws and government policies may be achieved through due procedures. Of course, civil servants must be adequately paid, otherwise they will pursue their own interests using their positions to their own advantage; this would result in the government only being able to recruit suitable candidates from the ranks of the aristocracy or

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<sup>117</sup> See John E. Toews, *Hegelianism*, for the differences between Hardenberg-Altenstein and Stein-Humboldt in the approach how to reform Prussia and Germany and their relation to Hegel, Schleiermacher and Humboldt, pp. 56-60.

<sup>118</sup> See Notes to SS 288 and SS 289, by Allen Wood in *Nisbet*, p. 467

<sup>119</sup> *Nisbet*, SS 294, Remark, p.333, *Werke* 7, p. 462.

moneyed-class, or most likely from both.<sup>120</sup> Therefore, the proof of capability must be the only criterion for the civil service.

Thus, examinations and qualification are essential for Hegel's version of the bureaucracy in the modern rational state and they “at the same time guarantee every citizen the possibility of joining the universal estates (class)”.<sup>121</sup> Every citizen can take these examinations and if successful, he can take up public office.

As Max Weber rightly pointed out, “ Democracy takes an ambivalent attitude also towards the system of examination for expertise, as it does towards all the phenomena of the bureaucratisation which, nevertheless, it promotes”.<sup>122</sup> Max Weber appears to have read Marx's critique of the bureaucracy when he concludes:

On the one hand, the system of examinations means, or at least appears to mean, selection of the qualified from all social strata in the place of the rule by notables. But on the other hand, democracy fears that examinations and patents of the education will create a privileged ‘caste’, and for that reason, opposes such a system.

(Max Weber, *Economy and Society*, Vol. 2, p.999)

According to Max Weber, it is “precisely against this unavoidable character of bureaucracy that ‘democracy’ reacts in its striving to replace officials in the short term in place of the appointment of officials in the long term and to substitute the recall of officials by referendum for a regulated disciplinary procedure, thus seeking to replace the arbitrary disposition of the hierarchical superordinate ‘master’ by the equally arbitrary disposition of the governed or rather, the party bosses dominating them”.<sup>123</sup>

Max Weber is clearly aware of the potential risk of the bureaucracy and the defect of the alternative offered by democracy. Marx is unaware of this defect. Marx is totally negative about the bureaucracy. In Marx's analysis, Hegel constructs three affirmative relationships between civil society and the state. The first affirmative relationship is the mixed choice of the

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<sup>120</sup> Marx is also critical of the salary. “Hegel develops the salary of the civil servants out of the Idea . . . The Wage of the civil servant is the highest identity which Hegel constructs from all this.” , *Critique*, p.52.

<sup>121</sup> Nisbet, SS 291, p. 332, *Werke* 7, p. 461.

<sup>122</sup> Max Weber, *Economy and Society*, Vol. 2, ed. G Roth & C. Wittich, (Berkeley & Los Angeles: University of California Press, 1978) p.999.

<sup>123</sup> Max Weber, *Economy and Society*, Vol. 2, p. 1001.

administrators of the corporations. The second affirmative relationship is the possibility that every citizen has to become a civil servant in theory. The third and the highest affirmative relationship is the salary of the civil servants. In Marx's final analysis, those three affirmative relationships are all "of a quite superficial and dualistic nature". Indeed, Marx compares the possibility that every citizen has a chance to be an official with the possibility that every Catholic has a chance to become a priest and he criticises accordingly: "Does the clergy on that account face the Catholic any less as an opposite power?"<sup>124</sup> No, not at all. In Marx's view "in a true state" and in a really rational state the crucial point is not "a question of the possibility of every citizen dedicating himself to the universal in the form of a particular class, but of the capability of the universal class being really universal".<sup>125</sup> But, according to Marx, Hegel proceeds from the pseudo-universal, the illusory universal class, universality fixed in the form of a particular, the universal class in the form of the bureaucracy. What does Marx mean by this?<sup>126</sup> Having examined Marx's critical comments on Hegel's theory of the bureaucracy, it is obvious that Marx uses the concept of universality in a completely different way from Hegel. For Hegel it is the middle class containing the progressive, reform-minded educated civil servants which is "the mainstay of the state as far as integrity [*Rechtlichkeit*] and intelligence is concerned",<sup>127</sup> and for Marx it must be a universal class in the sense that it "cannot emancipate itself without emancipating itself from all other spheres and thereby emancipating these other spheres themselves".<sup>128</sup> For Marx it must be a universal class that could end all the class antagonism and supersede the existence of the social classes. It was found in the class of the proletariat.

It is true that in Hegel's version of bureaucracy there is still a monarchic element remaining because the crown can appoint a particular person to a particular post from equally qualified candidates who have successfully passed the examination. It is easy to point out the remaining vestiges of feudalism by saying: "Besides the objective moment of the bureaucratic confession of faith (the examination) there belongs in addition the subjective [moment] of the royal favour, in order that the faith yields fruit."<sup>129</sup> Marx

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124 *Critique*, p.50.

125 *Critique*, p. 50.

126 Sholomo Avineri, *The Social and Political Thought of Karl Marx*, pp. 41- 64.

127 *Nisbet*, SS 297 Addition, p. 336.

128 *S.W.* pp. 70-72.

129 *Critique*, p. 51.

concludes by saying: "The prince is all the time the representative of chance."<sup>130</sup> Marx is perfectly right to point out that Hegel's theory of bureaucracy has the element of chance and it is represented by the crown; in the way that who is actually appointed from the candidates who have successfully passed the examination. As I have argued above, however, theoretically it is not necessarily the crown, it could be the president or even a person who, for example, is chosen by drawing lots. The Hegelian project was to modernise the existing Prussian state without much bloodshed, thus a revolution from above. If there is a historically established monarchy, make it a constitutional one, securely confined by the constitution and the division of power, because the state needs the head in one form or another. The point again is the difference of the understanding of the notion of rationality between Hegel and Marx. It seems to me that Marx again sticks to the idea of rationality too rigidly here. Even in the rational state there are some elements to be decided by the head of the state at least as a matter of form. Moreover, Marx again ignores that point; as I have argued above, there is a little more for the crown to do than to say "I will" or affix his signature! In my view, this is also the case with the appointment of the officials.

It is quite interesting that Marx uses so many words criticising the "examination", which Hegel believes makes it possible to recruit the capable candidates in the modern rational state. As we have seen above, although he is not entirely happy with it, Max Weber recognises the importance and necessity or inavoidability of the examination in the modern capitalist society. But it is almost absurd of Marx to criticise Hegel in this way:

In a rational state, taking an examination belongs more properly to becoming a shoe-maker than an executive civil servant, because shoe-making is a skill without which one can be a good citizen of the state, a social man; but the necessary state knowledge is a condition without which a person in the state lives outside the state, is cut off from himself, deprived of air. The examination is nothing other than a masonic rite, legal recognition of the privileged knowledge of state citizenship.<sup>131</sup>

The main point of the examination is, nonetheless, clear and important. Civil services do not any longer totally depend upon personal chance or accident (by birth). Marx has gone almost to absurd lengths when he accuses

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<sup>130</sup> *Critique*, p. 51.

<sup>131</sup> *Critique*, p.51.

Hegel that even in the Hegelian rational state there is an element of irrationality and contingency. In a sense it is true, but I have to add very quickly that Marx has a presupposition that in the modern rational state (as the fully articulated organic whole with the proper division of political power) nothing irrational must exist. In other words, Marx appears to believe that one can produce the political and /or social system in which there is no irrationality, contingency, arbitrariness remaining at all. This is one of the key notes sounding throughout Marx's harsh critique of Hegel. There is a crucial and critical misapprehension of the Hegelian idea of rationality and irrationality. Suffice to say that in this present context for Hegel rationality and universality mean nothing more than it being the best way of making use of the best and brightest of a nation. It is perfectly true that examinations and the bureaucracy based on examinations often produce a caste, the closed and privileged class, i.e. the state within the state. Hegel is also well aware of the danger and produces some safeguards against it.<sup>132</sup> These measures also result in the liberation of government offices from the traditional domination of rank and status. However, Marx does not even admit the progressive side of the examination for the appointment of officials in modern times. Somehow, Marx cannot accept the idea of the bureaucracy qualified by examination. It is, in Marx's view, simply unnecessary for one to sit the examination and pass it. Marx believes that it is obvious if you think of the rulers in Ancient Greece and Rome.<sup>133</sup> So far as this point is concerned, Marx totally lacks a historical viewpoint, which is quite uncharacteristic of him. I have already pointed out that both Hegel and Marx somehow managed to link Germany to the development of Western history. I have also argued that to some extent Hegel and Marx share a view that Germany was a backward country in comparison to France and England. I would argue that both Hegel and Marx believed, to a different extent though, that Ancient Greece and Rome were by far the best times in Western history. In Marx's case it is evident by the way he makes a point of appealing to the comparison between Greek and Roman statesmen and their Prussian counterparts. Marx offers this cutting statement as a conclusion:

The link between the state office and the individual, this objective bond between the knowledge of civil society and the knowledge of the state, in other words the examination, is nothing but the bureaucratic baptism of knowledge, the official recognition of the transubstantiation of

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<sup>132</sup> *Nisbet*, SS 294, SS 295, SS 296, SS 297, pp. 332-335.

<sup>133</sup> *Critique*, p. 51.

profane into the holy knowledge ( it goes without saying that in the case of every examination the examiner knows all). No one ever heard of the Greek or the Roman statesmen taking an examination. But then what is a Roman statesman even as against a Prussian official!<sup>134</sup>

Hegel could have understood Marx's feeling very well. Hegel might have given a wry smile, because until he was in his mid-thirties, his beautiful world of "Sittlichkeit" was nothing but the Ancient Greece and his heroes were Cato and the other statesmen of Rome.<sup>135</sup> However, there is something more in Marx's critique of the bureaucracy. As is argued above, Marx has a completely different idea of the rational state. In Marx's view:

In a true state it is not a question of the possibility of the citizen dedicating himself to the universal in the form of a particular class, but of the capability of the universal class to be really universal, i. e. to be the class of every citizen.<sup>136</sup>

Marx is thinking of the possibility of the abolition of the bureaucracy. "The abolition [Aufhebung ] of bureaucracy consists only in the universal interest becoming really - not, as with Hegel, becoming purely in thought ,in abstraction - a particular interest; and this is possible only through the particular interest really becoming universal."<sup>137</sup> As I have argued above, it is obvious that Marx is not merely looking into the possibility of the abolition of the bureaucracy. He is more radical than that. Marx is thinking of the possibility of a classless society and of the abolition of the separation of civil society and the state where the police, judiciary and the administration are the deputies of civil society itself, which manages its own general interest in and through them.<sup>138</sup> However, it is ironical that Marx's radical critique of the bureaucracy allowed for the lack of political theory to remain in Marxism. It is not the reason that "the executive power is the one most difficult to develop".<sup>139</sup> His idea is too radical for the development of the political theory and the theory of the state, which is, after all, produced by the alienation of the civil society. All that Marx was able to develop in later years was: Civil

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134 *Critique*, P.51.

135 *Werke 1*, p. 205, p. 556. *Werke 12*, p. 374. *Werke, 16*, pp. 310-311.

136 *Critique*, p. 50.

137 *Critique*, p. 48.

138 *Critique*, p. 50.

139 *Critique*, p. 54.

servant, magistrate and judges are to be elective, responsible and revocable.<sup>140</sup> Marx was, it must be noted, only twenty five years old when he wrote *Critique*.

As the title, *Grundlinien der Philosophie des Rechts oder Naturrecht und Staatswissenschaft im Grundrisse*, shows us, what Hegel describes in *Rechtsphilosophie* as the modern system of bureaucracy is regrettably just an outline of his ideas. Therefore, Marx is perfectly right when he criticises Hegel, saying that Hegel only describes a few abstract features of bureaucracy.

Thus, as for the question of education being the qualification for civil servants, it is not very clear what kind of education Hegel had in mind. All we know is that “Hegel presided over the examination board Schulze had set up to test the qualifications of new gymnasium teachers”.<sup>141</sup> Most probably it was the modernised curriculum of Berlin University.

It is well known that from the beginning bureaucrats or the bureaucracy were strongly associated with the literary and educated class whether it had religious functions or not.<sup>142</sup> In Ancient China the educational qualification for bureaucracy was mastering the Chinese classics and verse making and candidates had to sit the legendary difficult series of examinations. That system was soon exported to the Korean peninsula, the India-China peninsula and the main island of Japan. It is known that it worked in Korea and Vietnam to some extent, but it did not in Japan. After some use and experimentation, Japan abandoned the Chinese system of recruitment of bureaucrats. For the Ancient Japanese it was a too impersonal and too egalitarian a method.<sup>143</sup> Japan in the 1870s and 1880s, however, imported another systematic method of recruiting bureaucrats and established two imperial universities which were copies of Berlin University. The qualification for the fast-track bureaucrats was the ability to read English, German or French literature and to find the best and most suitable government policies from all the Western countries. For their task was to adapt the best and most suitable example in Japan as soon as possible so that Japan could catch up with the highly developed Western countries. As is well known, Japanese modernisation from above was a mixed success. It was certainly modernised very quickly but over the forty years from 1890s Japan

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140 S. W. p. 542.

141 John E. Toews, *Hegelianism*, p. 113.

142 M. Weber, *Economy and Society Vol. 2*, p. 956.

143 Y. Murakami, S. Kumon & S. Sato, *Bunmeitoshiteno Ieshakai: "Household Society as Civilisation*(Tokyo: Chuohoron, 1990), pp. 25-27, pp. 408-410.

waged four wars. It is an irony that present-day Japan, which denounced war in the new constitution, is infamous for its “examination hell”.

The infinite, Hegel insists, which is shadowed by the finite, is not a true infinite. It is rather a bad infinite in the sense that as soon as it achieves or appears to have achieved the true infinite, it falls into opposition to the finite. The most telling example Hegel shows is the differentiation of desire from the pure concept of mutual recognition in Chapter IV on Self-Consciousness in *Phänomenologie*.<sup>98</sup> The independence of self-consciousness as a man appears to have found fulfilment in the act of eating, but it is an illusion because he/she is in reality still dependent on food in two ways. Firstly, the man has to keep eating twice or three times a day in order to live. Secondly, if he/she eats up all the food available on earth, he/she could not survive. Man has to eat to live and has to live to eat. According to Hegel, the human relationship with nature in general is thus bad infinite. It is only with other human beings that he/she can achieve his/her true independence in the form of the mutual recognition which is the true infinity.<sup>99</sup>

Analogously, in Hegelian thought the universality which stands against the particular (or the individual) is not the universality in the true sense of the term. Rather, such universality in opposition to the particular (or the individual) is itself merely another particular precisely because it stands against the particular. Thus, Marx can argue that in so far as Hegel maintains the separation of civil society and the state, the state has no true universality. In so far as civil society and the state is differentiated, in so far as the state keeps the civil society outside itself and the civil society is excluded from the political state, the political state cannot have the possibility of being the true universality from the outset. In other words, there is no such thing as the general interest, the universal interest of the state or the national interest. As long as civil society and the political state is separated, the so-called national or general interest is in reality either the interest of the bureaucracy or that of some partial interest in civil society (the corporations, the Polizei, the department of justice, local governments, the bourgeoisie, the Crown). This is a particularity disguise for universality.<sup>100</sup>

Marx indicate as “especially worth noting”, the following three points which he picks up from Hegel's remark to SS 289. Those are:

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98 *Werke* 3, pp. 137-145, *Miller*, pp. 104-111.

99 For a detailed analysis of dialect of Self-Consciousness and a critique of Marx's understanding of this chapter see Hans-George Gadamer, “Hegel's Dialectic of Self-Consciousness” in *Hegel's Dialectic*, trans. P. C. Smith (New Haven & London: Yale University Press, 1976), pp. 54-74.

100 *Critique*, p. 46.

- 1) the definition of civil society as the *bellum omnium contra omnes*;
- 2) private egoism is revealed to be the secret of the patriotism of the citizens and the depth and the strength which the state possesses in sentiment;
- 3) the 'burgher', the man of particular interest as opposed to the universal, the member of civil society, is considered to be a fixed individual, whereas the state likewise in fixed individuals opposes civil society.<sup>101</sup>

All three are quite important because they provide Marx with just enough points to criticise Hegel's theory of bureaucracy from within Hegel's system itself, i.e. civil society. Of the three the third is especially important in this context, because this has direct relevance to the criticism of bureaucracy from the viewpoint of Marx's ideas of "true democracy".<sup>102</sup> Significantly, this is Marx's only elaboration on these three points .

One would suppose that Hegel would have to define 'civil society' as well as family as a determination of each political individual, and so too the later state qualities as equally a determination of the political individual. But with Hegel it is not one and the same individual who develops a new determination of his social essence. (*Critique*, p.42)

In Hegel's theory of ethical life there are three spheres or states: the family, civil society and the political state which are based on the different principles: sexual love, economic self-interest and political nationalism. Marx accepts this structure at least for the time being, but, as he points out, there is inconsistency when Hegel designates women as members of the family, the majority of men as members of civil society and a selected few as three political powers (the crown, the executive, the legislature). The men in civil society are at the same time the members of the family, but it is not the case for women. It is easy to find sexism in Hegel. Women are the guardians of the family. They are not the members of civil society. For Hegel the woman is the irony of the state. Men in civil society are at the same time members of

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<sup>101</sup> *Critique*, p. 42.

<sup>102</sup> *Critique*, pp. 29-32, pp. 49-50, pp. 115-116. In this part of *Critique*, Marx uses "the rational state" and "a true state" instead of "true democracy". I regard these as synonyms. See Harold Mah, *The End of Philosophy, the Origin of "Ideology"* (Berkeley: University of California Press, 1987), pp. 193-194. I think we must conclude from this that at this stage Marx clearly did not believe in a total "withering away of the state".

Marx is primarily concerned to substantiate the correctness of Feuerbach's critique of Hegel by reference to the text of the Philosophy of Right, and that he therefore almost consistently ignores Hegel's intentions and train of thought. Moreover, he seems scarcely to have understood the important part of Hegel's text.<sup>5</sup>

Nonetheless, it is worth examining Marx's critical argument against Hegel's position partly because it foreshadows Marx's attitude to the parliament, and partly because Marx proposes "unrestricted suffrage". More importantly, however, the legislative power is not only one of the three powers whose principle, according to Hegel, is the universality, but rather it is this power in and around which Hegel tries to establish a unique way of incorporating the interests and freedom of individual citizens in civil society.

The most interesting, and at the same time, disappointing point about his annotations to Hegel's theory of the power of legislature is that Marx stopped writing his annotations after copying SS 312 and SS 313 from Hegel text, inserting "O Jerum !" between them. This means Marx totally ignored the theme of SS 314-320 and dismissed the importance of the theme, which is not only the concluding section of the power of legislature as the third branch of the three powers, but at the same time is the concluding section of Hegel's whole exposition on the three powers, that is the internal constitution. Hegel's theme in this concluding section is about the relation of the power of the legislature to the ordinary citizen in civil society. I shall start with that section.

## I. THE ROLE OF THE ESTATES ASSEMBLY

In Chapter II and Chapter III I pointed out the significance of the lack of Marx's annotations to SS 257-SS 260 and his lack of attention to Hegel's polemic with Locke, Rousseau, Kant and his own contemporaries. It has been argued that, partly because Marx was so preoccupied with undermining the legitimacy of the perpetually reactionary Prussian government, and partly because he had an assumption that everything worth examining and criticising had already been incorporated in Hegel's philosophy in one means or another, Marx missed completely the uniqueness of the Hegelian project.

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<sup>5</sup>Karl-Heinz Ilting, "Hegel's concept of the state and Marx's early critique" in *The State and Civil Society* ed. Z. A. Pelezynski (Cambridge: Cambridge University Press, 1984), p.104.

The lack of annotations to SS 314-SS 320 proves the argument. If Marx had understood the Hegelian project, he could not possibly have ignored these concluding sections. The theme of the concluding part of this section is the open session of the Estates, public opinion, freedom of speech and the freedom of the press. In other words, Hegel claims that legitimacy of the modern rational state is based the publicity and transparency of government, parliament and the Crown by way of open session of the Estates.

In chapter IV we saw that Hegel's idea of the modern rational state was based on the assumption that in modern times and in a large complex state it is irrelevant to discuss and to decide which is the best form of government between monarchy, aristocracy and democracy. The most important feature of modern times, in Hegel's view, is that the principle of individuality and subjectivity has been established in conjunction with the idea of freedom.<sup>6</sup> It was presupposed and expressed by romantics as a demand for the identity of pure inner feelings or intuition by an exceptional person and the supreme being or the absolute knowledge either philosophically or artistically. It is also expressed as the inalienable rights of individual human beings, which rights were usually regarded the freedom of individual, the inviolability of, private property and freedom of conscience.<sup>7</sup>

Most manifestly, in Hegel' view, the principle of individuality and subjectivity was expressed and forcefully realised in the French Revolution. The mature Hegel tended to think that because the same principle had already been realised, to a satisfactory extent, through the Reformation in Germany, Germany could do away with a total political revolution as in the French Revolution. Nonetheless, the French Revolution was the most profound political achievement for Hegel, both in terms of the impact it had on German political institutions and on the development of the consciousness of the German people and other Europeans, not to mention the French people. The problem Hegel addressed in his *Rechtsphilosophie* is nothing less than how to integrate modern subjectivity into institutions in the state as an ethical way of life.<sup>8</sup> Hence the importance of family and civil society with various socio-cultural institutions and political institutions in their own way, on the one hand, and the systematically articulated political state in which the individual can not only find the security of his own freedom but also the protection of civic rights and can see the sense of membership, on the other hand.

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<sup>6</sup> Nisbet, SS 260. pp. 282.

<sup>7</sup> Charles Taylor, *Sources of the Self* (Cambridge: Cambridge University Press, 1992), pp. 11-14.

<sup>8</sup> Nisbet, SS 258, pp. 275-277.

It is in this context that the power of the crown has significance as the symbolic representation of the state in general. However, it is not at all satisfactory for the ordinary citizens to achieve a sense of membership in the political state. For the main role of the crown is nothing more than being the symbol of state unity. Likewise, ordinary citizens are excluded from participating in the power of the executive, although every citizen could apply for public offices and has the possibility of being a civil servant. Therefore, it is in the realm of the legislature where people in civil society can have a real possibility of participating in politics. The legislature is an indispensable branch of the political state in the West today. In this sense it is extremely important both for Hegel and Marx that people have real representation in the political state.

As is the case with the previous two powers, Hegel demands the legislative power in the name of reason, the Idea and logic and describes it as a bi-cameral Estate.

From Marx's point of view, however, it does not appear so, as Hegel is demanding a modern regular open session of the Estates in the name of *the concept* and logic of the Prussian government and the other governments in Germany. On the contrary, what Hegel is doing appears to Marx to be completely the opposite. Marx's critique runs like this:

Only for the sake of logic does Hegel want the luxury of the Estates. The being-for-itself of public affairs as empirical universal must have an existence [ein Dasein]. Hegel does not search for an adequate actualisation of the being-for-itself of public affairs, but contents himself with finding an empirical existent which can be dissolved into this logical category. This is the Estates. And Hegel himself does not fail to note how pitiful and full of contradiction this existence is.<sup>9</sup> (*Critique*, p. 64)

Marx's critique of Hegel's logo-centrism appears to be consistent from his annotation to SS 270 to the end. (“Hegel's true interest is not the philosophy of right but logic”<sup>10</sup>.) Of course, one can argue and criticise at any point in *Rechtsphilosophie* that “the gist of this sentence belongs to logic and is ready-made prior to the philosophy of right.”<sup>11</sup> For both the philosophy of right and logic are integral parts of the *Philosophical Encyclopaedia* and

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<sup>9</sup> *Critique*, p.64.

<sup>10</sup> *Critique*, p.18.

<sup>11</sup> *Critique*, p.18.

logic is the part one and the philosophy of right is the expanded version of one section of part three: the objective spirit. From this view point what Hegel is describing in the legislative power is nothing other than an order which corresponds to the logical category (universality, particularity, individuality) and he only finds something before him which he could claim as universality: the Prussian Estates.

There are also provocative expressions in Hegel's text which Marx was surely aware of and which support his criticism in this case. One of these expressions runs like this:

The determination of the Estates as an institution does not require from them optimum results in their deliberations and decisions on the business of the state itself, for their role in this respect is purely accessory.<sup>12</sup> (*Nisbet*, SS 314, p. 351)

We have to say, however, that again Marx missed the point. If we read closely and without preoccupation, it gradually emerges that Hegel wants the power of the legislature not as a luxury for the sake of logic but for the sake of the education of the general public, the ordinary citizen of civil society. Hegel is demanding not only the regular annual session of the Estates but the open session of the assemblies. The discussions and arguments in the assemblies of the Estates, Hegel believes, is important both in its own right and for the sake of the education of the ordinary members of civil society. The debates on the budget, taxation, and the drafts of laws and the criticism of the behaviour and handling of each ministry and its subordinates by the members of the Estates are important and necessary.<sup>13</sup> That is why Hegel wants the two houses regardless of their time- and resource-consuming nature. That is why it is important to have persons as the members of the Estates who are of high enough calibre and capability and can ask effective questions and discuss matters of public concern and the issues of national interest with ministers and the other representatives from the Government.<sup>14</sup> One of the most interesting points of Hegel's theory of the legislature is that Hegel does

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<sup>12</sup> *Nisbet*, SS 314, p. 351.

<sup>13</sup> See Hegel, *Die Philosophie des Rechts: Die Mitschriften Wannemann (Heidelberg 1817/18) und Homey (Berlin 1818/19)*, edited K.-H. Ilting (Stuttgart: Klett-Cotta Verlag, 1983), SS 146, p. 173 and Hegel, *Vorlesungen über Naturrecht und Staatswissenschaft : Heidelberg 1817/18 mit Nachträgen aus der Vorlesung 1818/19 Nachgeschrieben von P. Wannemann*, edited by C. Becker & O. Pöggeler (Hamburg: Felix Miner Verlag, 1983), SS 146, p. 219. Hereafter *VPR 17* and *Edition Pöggeler* respectively.

<sup>14</sup> *Nisbet*, SS 309, p.348, SS 311, p. 350, SS 312, SS 313 p. 351.

not think that even these arrangements, which bring satisfactory members into the Estates and which produce rational debates, will necessarily produce the best results in so far as the debates themselves are concerned. It is most probable that the drafts prepared and presented by the Government are best, and that the debated and amended bills could be worse than the original drafts precisely because of the discussion in both houses. Nevertheless, Hegel insists, the Estates are one of the necessary and indispensable branches of the political power. For they are important educational opportunity both for civil servants who have to prepare drafts and defend them in the Estates and for citizens who see the debates or read the debates in the Estates in newspapers.

The critical point is that Hegel demands the existence of the Estates regardless of their unpredictability and whether they may produce the best results or not. If they can create the best results, this is “a bonus” [*Zuwach*].<sup>15</sup> Hegel affirms the importance of the Estates because the distinctive role of the Estates is to ensure that “through their participation in [government] knowledge, deliberations and decisions on matters of universal concern, the moment of *formal* freedom attains its right in relation to those members of civil society who have no share in the government”.<sup>16</sup> Thus the most important role of the Estates is to disseminate knowledge of public business to the public through open sessions [*die Öffentlichkeit der Ständeverhandlungen*].<sup>17</sup> In the following SS 315 Hegel makes a further case for the educational role of the Estates and the importance of its open sessions. According to Hegel open sessions of the Estates “for the first time” enable public opinion to become rational. This is how Hegel express the idea:

The provision of this opportunity for [acquiring] knowledge has the more universal aspect of permitting *public opinion* to arrive for the first time at the true thought and insight with regard to the condition and the concept of the state and its affairs, thereby *enabling it to form more rational judgements on the latter . . .*

In this way, the public also becomes familiar with, and learns to respect, the functions, abilities, virtues and the skills of official bodies and civil servants. And just as such publicity provides a signal opportunity for those abilities to develop, and offers them a platform on which they may attain high honours, so also does it constitute a remedy for the self-conceits of individuals and of the mass, and a means - indeed one

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<sup>15</sup> Nisbet, SS 314, p. 351.

<sup>16</sup> Nisbet, p. SS 314, p. 351.

<sup>17</sup> Nisbet, SS 314, pp. 351-352, *Werke* 7, p. 482.

of the most important means - of educating them. (*Nisbet*, SS 315, p352)

Hegel admits that open sessions are tiresome for ministers but insists that: “Nevertheless, such publicity is the most important means of education as far as the interest of the state in general is concerned.”<sup>18</sup>

It is of course the case that in Hegel's time the Estates did not have open sessions.<sup>19</sup> In Hegel's view, with regard to political consciousness the English people were far more advanced than Germans and public life was much more active, because there Parliament was “open to the public”. If the public are able to attend and hear the debates in the Assemblies, they will go back home and tell their family members what is going on in the Assemblies and will continue the debates on their own in their own home.<sup>20</sup>

In his lecture held in the Winter Seminar of 1817-1818 Hegel more explicitly demanded the open sessions of the Estates and declared the importance of the Estates.

Their session must be open to the public . . . in doing so the Estates and the Members of the Estates have supervision by public opinion and they have to behave themselves . . . Only when the Estates have remedy against self-conceit in themselves, they can be education for the people . . .

The Estates in which the noblest and the best of people lie and where all the matter of the state is deliberated is the most important education of public opinion. Through this education public opinion becomes the maxim which immediately holds good and which becomes the sound understanding.<sup>21</sup>

The only exception Hegel makes to this principle of the open session of the Estates is the Assembly in the process of revolution.<sup>22</sup> In his view, it was harmful in the French Revolution that French people had open sessions of the National Assembly during revolution, because under such excited, extraordinary circumstances as revolution people, especially the mob, often

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17 *Nisbet*, SS 315, p. 352.

19 Sholomo Avineri, *Hegel's Theory of the Modern State*, p. 161.

20 *VPR 17*, .SS 154 pp. 184f and *Edition Pöggeler*, SS 154, p. 237.

21 *VPR 17* SS 154, pp. 184-185 and *Edition Pöggeler*, SS 154, pp. 236-238 (my translation).

22 *VPR 17*, SS 154, p.184 and *Edition Pöggeler*, SS 154, p. 237.

administrators of the corporations. The second affirmative relationship is the possibility that every citizen has to become a civil servant in theory. The third and the highest affirmative relationship is the salary of the civil servants. In Marx's final analysis, those three affirmative relationships are all "of a quite superficial and dualistic nature". Indeed, Marx compares the possibility that every citizen has a chance to be an official with the possibility that every Catholic has a chance to become a priest and he criticises accordingly: "Does the clergy on that account face the Catholic any less as an opposite power?"<sup>124</sup> No, not at all. In Marx's view "in a true state" and in a really rational state the crucial point is not "a question of the possibility of every citizen dedicating himself to the universal in the form of a particular class, but of the capability of the universal class being really universal".<sup>125</sup> But, according to Marx, Hegel proceeds from the pseudo-universal, the illusory universal class, universality fixed in the form of a particular, the universal class in the form of the bureaucracy. What does Marx mean by this?<sup>126</sup> Having examined Marx's critical comments on Hegel's theory of the bureaucracy, it is obvious that Marx uses the concept of universality in a completely different way from Hegel. For Hegel it is the middle class containing the progressive, reform-minded educated civil servants which is "the mainstay of the state as far as integrity [*Rechtlichkeit*] and intelligence is concerned",<sup>127</sup> and for Marx it must be a universal class in the sense that it "cannot emancipate itself without emancipating itself from all other spheres and thereby emancipating these other spheres themselves".<sup>128</sup> For Marx it must be a universal class that could end all the class antagonism and supersede the existence of the social classes. It was found in the class of the proletariat.

It is true that in Hegel's version of bureaucracy there is still a monarchic element remaining because the crown can appoint a particular person to a particular post from equally qualified candidates who have successfully passed the examination. It is easy to point out the remaining vestiges of feudalism by saying: "Besides the objective moment of the bureaucratic confession of faith (the examination) there belongs in addition the subjective [moment] of the royal favour, in order that the faith yields fruit."<sup>129</sup> Marx

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124 *Critique*, p.50.

125 *Critique*, p. 50.

126 Sholomo Avineri, *The Social and Political Thought of Karl Marx*, pp. 41- 64.

127 *Nisbet*, SS 297 Addition, p. 336.

128 *S.W.* pp. 70-72.

129 *Critique*, p. 51.

other, the administration of justice belongs not to the political state but rather to the second part of civil society.<sup>26</sup> Nevertheless, the codification of law and the openness of the Court of Justice has a deep significance in the citizens' political life. In the Addition to the cited paragraph (SS 224), Hegel accuses the authority and legal professions of their reluctance to admit openness in the law:

Straightforward common sense sees it as right and proper that administration of justice should be public. A major obstacle to this has always been the high station of those with powers of jurisdiction, since they are reluctant to appear before the general public, seeing themselves as guardians of a right to which the laity should not have access.

. . . The right of publicity is based on the fact that the end of the court is right, which *as* a universal should also come *before* the universal, and also on the fact that the citizens are thereby convinced that justice [*Recht*] is actually being done.<sup>27</sup>

Hegel even goes so far as to suggest that trial by jury is more preferable.<sup>28</sup> It might be worth noting that in Japan trial by jury was introduced in the pre-war period in 1923. However, it was abolished soon afterwards, partly because it was expensive and partly because the majority of professionals in the law (judges, prosecutors and lawyers) did not trust the system, and partly because the citizens themselves did not have confidence in themselves as jurors. In comparison with the Japanese case, it is quite obvious that Hegel's version of the administration of justice is much more liberal and democratic.

There are several points to comment on here. Law as *a* universal has to come before the general public as *the* universal in order to be real universality. As we have seen above, Marx harshly criticised public servants and the bureaucracy because Hegel calls it a universal class and spent much of his Annotation exposing them for not being universal but merely particular. Marx seems to have confused the relative universality of civil servants as a class with their relationship to the other social classes in terms of their education, ethos and interest with the universality which Hegel unmistakably equates with the people. In the Hegelian rational state universality is first and foremost the law and law making body. The most

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<sup>26</sup> See, Hisatake Kato, *Hegel's Philosophy of "Right"* (Tokyo: Seidosha, 1992), p. 241.

<sup>27</sup> *Nisbet*, SS 224, Addition, pp. 254-253.

<sup>28</sup> *Nisbet*, SS 227, Addition, p. 257.

Hegel that even in the Hegelian rational state there is an element of irrationality and contingency. In a sense it is true, but I have to add very quickly that Marx has a presupposition that in the modern rational state (as the fully articulated organic whole with the proper division of political power) nothing irrational must exist. In other words, Marx appears to believe that one can produce the political and /or social system in which there is no irrationality, contingency, arbitrariness remaining at all. This is one of the key notes sounding throughout Marx's harsh critique of Hegel. There is a crucial and critical misapprehension of the Hegelian idea of rationality and irrationality. Suffice to say that in this present context for Hegel rationality and universality mean nothing more than it being the best way of making use of the best and brightest of a nation. It is perfectly true that examinations and the bureaucracy based on examinations often produce a caste, the closed and privileged class, i.e. the state within the state. Hegel is also well aware of the danger and produces some safeguards against it.<sup>132</sup> These measures also result in the liberation of government offices from the traditional domination of rank and status. However, Marx does not even admit the progressive side of the examination for the appointment of officials in modern times. Somehow, Marx cannot accept the idea of the bureaucracy qualified by examination. It is, in Marx's view, simply unnecessary for one to sit the examination and pass it. Marx believes that it is obvious if you think of the rulers in Ancient Greece and Rome.<sup>133</sup> So far as this point is concerned, Marx totally lacks a historical viewpoint, which is quite uncharacteristic of him. I have already pointed out that both Hegel and Marx somehow managed to link Germany to the development of Western history. I have also argued that to some extent Hegel and Marx share a view that Germany was a backward country in comparison to France and England. I would argue that both Hegel and Marx believed, to a different extent though, that Ancient Greece and Rome were by far the best times in Western history. In Marx's case it is evident by the way he makes a point of appealing to the comparison between Greek and Roman statesmen and their Prussian counterparts. Marx offers this cutting statement as a conclusion:

The link between the state office and the individual, this objective bond between the knowledge of civil society and the knowledge of the state, in other words the examination, is nothing but the bureaucratic baptism of knowledge, the official recognition of the transubstantiation of

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<sup>132</sup> *Nisbet*, SS 294, SS 295, SS 296, SS 297, pp. 332-335.

<sup>133</sup> *Critique*, p. 51.

view that freedom of the press as well as of speech becomes most important in the modern rational state.

In the previous chapter (Chapter II) we saw some interesting parallels between Hegel and Marx. One of them was that for some time both Hegel and Marx were capable editors of newspapers. Although Hegel was more an educator and academic than a journalist and held an editorship for only one year, he believed in the importance of newspapers and kept reading French and English papers as well as German ones throughout his life. That is one of the reasons Schoepenhauer and Nietzsche despised him so much. In a letter written to Niethammer, who had arranged to get Hegel the editorship, Hegel wrote as follows:

But Munich seems neither like nor seeks public exposure [Publizität]. Not a word has been whispered about the Academy<sup>32</sup>, its goals and regulations. Yet publicity is such a divine power. Once printed a thing often looks quite different from when it was merely said or done. Its imperfections come to light then, just as its excellence only then attains its true sparkle. In order to maintain this clear and impartial mirror in its proper purity, I have made my contribution by procuring somewhat whiter paper for my newspaper.<sup>33</sup>

This sounds a little funny and one could easily imagine why such “solemn” thinkers as Schoepenhauer and Nietzsche tended to despise him.<sup>34</sup> However, Hegel was serious in his own way. After all he is well-known as saying that reading a newspaper serves modern man as a substitute for morning prayers. As Benedict Anderson rightly points out, the implication of this “mass ceremony” is quite “paradoxical” and the most “vivid figure for the secular historically-clocked, imagined community”.<sup>35</sup> Nevertheless, it is precisely on this kind of *shared imagination* produced by art, religion, literature, journal and newspaper and photograph (radio, TV, came-corder and internet in recent years) that large modern states are built. We can see there the

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<sup>32</sup> This was supposed to be the foundation for higher education and research institutions and eventually Munich University.

<sup>33</sup> Hegel: *The Letters*, p. 134.

<sup>34</sup> Robert C. Solomon, *From Hegel to Existentialism* (New York & Oxford: Oxford University Press, 1987), p. 106.

<sup>35</sup> “It is performed in silent privacy . . . Yet each communicant is well aware that the ceremony he performed is to be replicated simultaneously by thousands (or millions ) of others of whose existence he is confident, yet of whose identity he has not the slightest notion.” See Benedict Anderson, *Imagined Communities* (London: Verso, 1983), p. 39.

underlying insights of Hegel as the philosopher-educator of modern times. There must be freedom of speech and a free press in order to enhance the education of the ordinary members of civil society through free primary and secondary education so that they can read what is going on and what has been decided in the Assembly and what is at issue and what has been the verdict in the court of justice. Provided with accurate information, they can discuss the matter more properly among themselves and in their home. If they wish, they can write letters to editors and they can express their own opinion through which they can participate in the making and remaking of public opinion. And if it is not enough to express one's own opinion, one can publish one's own newspaper. "In France", in Hegel's observation, "freedom of the press was *always* regarded as less dangerous than silence, for if people remained silent, it was feared that they were keeping their opposition to something to themselves, whereas argument [Räsonnement] gives them an outlet and some degree of satisfaction, which also facilitates the matter [Sache] in question."<sup>36</sup>

In this way, for Hegel, freedom of speech and freedom of public communication are indispensable in the modern rational state. They are so important in Hegel's political theory that they are not just two items on the long list of civil rights, but rather they are the political right through which citizens of the modern state can enter into the political arena directly. One could easily argue that it is not "directly" at all. In other words, Hegel could not think of any other way for the ordinary citizens to participate immediately in the political arena. Hegel is not the only thinker who sees the importance and the difficulty of the immediate participation of the ordinary citizen in the political arena. In a sense, for Hegel, elections are not as important as they are for Marx and for modern liberal political thinkers. In other words, Hegel does not regard mass elections as a modern substitute for direct participation in the political arena. In Hegel's modern rational state public opinion and the freedom of the press are the substitutes. However, we shall see this point later when we examine Marx's critique of Hegel's theory of election and his alternative.

Nevertheless, Hegel is not at all a believer in unlimited freedom of speech and the free press. As is the case with human rights in general, Hegel regards them not as innate, inalienable, natural rights, but rather he regards

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<sup>36</sup>*Nisbet*, SS 317, Addition, P.355 (my italics). Translator's note draws our attention to the fact that there appears no "immer" [always] in Hotho's notes from which Gans compiled this Addition. But it does not necessarily mean Gans' distortion, because the original German sentence begins with "In Frankreich war es Maxime . . ." See, Hegel, *Rechtsphilosophie Edition Ilting 3* (Stuttgart-Bad Cannstatt: Friedrich Fromman Verlag, 1974), p.820.

them as historically produced, culture-bound self-conscious products of freedom gained by the people of a particular society. To put it in the Marxian way, like other human rights the freedom of speech and the press have been produced primarily through the economic interaction among people in the civil society in the modern Christian Western capitalist countries. Accordingly, these “rights” are determined historically and socio-culturally. In a slightly different sense than in the case of toleration towards Quakers and Anabaptists, these rights of the individual citizen also depend upon the strength of the state.<sup>37</sup> If a state is strong enough to maintain its unity as a state, it can tolerate a lot. On the other hand, when the survival of society itself is at stake, it is natural for Hegel that society can restrict such rights and freedom to some necessary extent.

There is another aspect about the freedom of speech and the freedom of the press. Hegel does not believe that public opinion is always right, however powerful and passionate it might be and how much of the proportion of citizens might be united in one opinion. The great man or political genius must sometimes act against the most powerful and fanatical public opinion. Public opinion contains two completely opposite qualities at one and the same time: it is the voice of the God and the voice of the mob. Or more often, the voices of the people are the voices of the gods. Either way, public opinion cannot be taken seriously as it is: to be taken seriously it must be educated public opinion. Hegel's philosophy in general and accordingly *Rechtsphilosophie* in particular are best read as a call for and an enterprise in the education of the German people, which include students, intellectuals, civil servants, ministers, and the Crown. According to Hegel's observation, Britain went to war several times because public opinion was so enthusiastic, but later it realised it was unnecessary and too expensive. Sometimes the public openness of the Court of Justice and that of the Estates, together with the freedom of speech and that of the press are expensive and time-consuming. Precisely for the sake of that education, however, publicity, freedom of speech and that of the press are necessary and indispensable. Besides, “the principle of the modern world requires that whatever is to be recognised by everyone must be seen by everyone as entitled to such recognition.”<sup>38</sup>

### III. HEGEL'S THEORY OF ESTATES: MEDIEVAL OR MODERN?

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<sup>37</sup>Nisbet, SS 270, *Hegel's note*, p. 295.

<sup>38</sup>Nisbet, SS 318, p.355.

As I have argued above, Hegel wanted the Estates not for the sake of logic as Marx alleges, but in order to involve ordinary people in the political process and to enhance their consciousness of politics and their civil rights. Hegel also publicised the parts played by both the Court of Justice and the Estates themselves, and the part played by public opinion, which Marx either took for granted or simply ignored. In Hegel's view the constitution is rational in so far as the state differentiates and determines its activity in accordance with "the nature of concept". The power of the Crown in the Hegelian rational state which Hegel characterises as "the moment of individuality" is firmly limited by the division of powers, the codes of law and the constitution. Those holding public office is characterised by Hegel as "the moment of particularity". Such posts are open to all citizens through open examination; and the newly qualified civil servants would be able to be promoted either through internal training and their accumulated experience and expertise or by virtue of character and integrity. Hegel characterises the power of the legislature, which is the third branch in the division of political power, as "the moment of universality"; but the content of the Hegelian parliamentary system is most complicated.

In theory the Estates as the moment of universality should be open to all citizens but there is a peculiar reservation on Hegel's part as far as the Parliament is concerned. In addition, the power of the executive also has its place in the legislature. In this sense, it seems natural and with good reason that Marx criticises Hegel's theory of the Estates at such length. Now we have to examine Marx's *Critique*.

As for Marx's annotation to SS 298 in which Hegel describes the role of the power of the legislature, its relationship with the Constitution and the gradual progressive change in the nature of the Constitution; this has already been discussed above. Therefore, we shall start with Marx's annotation to SS 299 in which Hegel deals with two functions of the business of the legislature in terms of the provision by the state which is given to its members, and the services the state demands from its citizens. The rights of citizens are realised in the various forms of particular laws; and the services owed by citizens are realised in the form of taxation. Although Marx made a caricature of them by saying: "Do what you want, pay what you must", those functions seem to be thoroughly modern. Copying the other part of the Remark and Addition to SS 299 Marx inserts short accurate translations and comments. The main points of them are as follows:

The second determination found in this paragraph is that the only service he states exacts from individuals is money. The reasons Hegel gives for this are:

(1) money is the really existent and universal value of both things and services;

(2) the services to be exacted can be fixed only by means of this reduction;

(3) only in this way can the services be fixed in such a way that particular tasks and services which an individual may perform come to be mediated through his own arbitrary will.

. . . Do what you want, pay what you must.<sup>39</sup>

This is an accurate translation and Marx understands Hegel's point in that in the modern capitalist society money is the proper form of taxation, and this marks a progress from the pre-modern form in the sense that precisely because of this translation "into terms of this extreme culmination of externality . . . can services exacted by the state be fixed quantitatively and so justly and equitably".<sup>40</sup> Hegel's insight is that through this abstract concept of money individual citizens can retain their own diversified ways of life and thus achieve concrete individual freedom.

Marx, however, shows deep reservations and distrust. Just as Marx shows contempt for the fact that in the Hegelian rational state civil servants should be fully paid by money, he sees something completely wrong with taxation by money here. The problem is neither with the civil servant nor with the tax. Rather the problem is with modern civil society. For in Marx's view, the modern western Christian world which had once emancipated itself from Judaism has regressed to Judaism, in the sense that it has once again embraced vulgar money worship and thus the domination of the money economy.<sup>41</sup> In Marx's view, it is not the Jews but the modern Western Christian world itself that should be emancipated from this principle.<sup>42</sup> Marx thinks that Hegel's definition of civil society as the *bellum omnium contra omnes* is quite correct in so far as it reflects the reality of civil society.

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<sup>39</sup> *Critique*, pp. 59-60.

<sup>40</sup> *Critique*, p.60. See also *Nisbet*, SS 299, Remarks, p. 338.

<sup>41</sup> As I have argued above, the young Hegel shares a similar observation with Marx. Even in the mature Hegel's view we can find a similar observation. "In these opposites and their complexity, civil society affords a spectacle of extravagance and misery as well as of the physical and ethical corruption common to both." See *Nisbet*, SS 185 pp. 222-223.

<sup>42</sup> *S. W.* pp. 59-62.

However, Marx believes that although Hegel's definition is correct, it does not mean civil society should be left as it is.<sup>43</sup> It is the problem to be solved. As I have already shown above, in *Critique* Marx twice wrote:

But within civil society itself the distinctions take shape in changeable, unfixed spheres whose principle is arbitrariness. Money and education are the prevalent criteria. Yet it's not here, but in the critique of Hegel's treatment of civil society.  
(*Critique*, p. 81)

Marx continues to criticise:

Not only is the estate based on the separation of society as the governing principle, but it separates man from his universal nature; it makes him an animal whose being coincides immediately with its determinate character. The Middle Ages constitutes the animal history of mankind, its zoology.

Modern times, civilisation, commits the opposite mistake. It separates man's objective essence from him, taking it to be merely external and material. Man's content is not taken to be his true actuality. Anything further regarding this is to be developed in the section on Civil Society. (*Critique*, p. 82)

Clearly Marx wanted to develop his argument against Hegel's treatment of civil society and his critique of civil society itself when he was writing his *Critique*. After all, family and civil society are the *conditio sine qua non* of the state and not vice versa. It should be so; however, it seems to me that partly because of the unique form of *Critique* and partly because Marx was not yet fully familiar with the political economy, he could not develop critique of Hegel's treatment of civil society and civil society itself.

Then, Marx, in an exceptional way, copies not only the main paragraph but almost all sentences of the long Remark pertaining to it. After copying the SS 299 and the first half of the remark to it, Marx criticises it as follows:

But it is precisely this organic unity which Hegel failed to construct, the various powers each have a different principle, although at the same time they are all equally real. To take refuge from their real

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<sup>43</sup> See *Critique*, p. 42 and *S. W.* p. 47.

conflict in an *imaginary organic unity*, instead of developing the various powers as moments of an organic unity, is therefore an empty, mystical evasion. ( *Critique*, p. 59 )

Whereas Marx finds an unresolved collision between the constitution and the legislature in SS 298, he finds another conflict between the legislature and the executive, that is between the law and its execution in SS 299. Hegel's failure to construct an organic unity is one of the two main points of Marx's critique throughout his attack on Hegel's philosophy of right.<sup>44</sup> The other main point is that Hegel accepts the separation of civil society and the political state as a presupposition of modern rational state. At the same time Marx always concedes in his *Critique* that the task of developing various powers as a branch of organic unity is a very difficult task.<sup>45</sup> Therefore, it is not surprising that despite the plans he outlined in 'Towards a critique of Hegel's *Philosophy of Right* : Introduction' and also in the Preface to *Economic and Philosophical Manuscripts* Marx could never succeed in this task in his life time.<sup>46</sup>

However, what Hegel is trying to say in this context seems to me to be that despite the paradoxical nature of law and its execution, the spirit of law should remain the same in the modern rationally organised state. In other words, it merely reiterates the modern principle of human rights in a very Hegelian way: every citizen is equal and each corporation and every local community are equal under the law. The law should be regarded in the same way as all members of the state. In short, Hegel is merely advocating the fundamental principle of equality under the law. In the modern Hegelian state individual citizens are not merely equal under the law, but they are also be able to see that the spirit of the law remains the same and that laws are executed evenly. Hence, this requires the codification of the law and open sessions of the Court of Justice. Without public scrutiny and the openness of the legislature and of the Court of Justice, the organic unity of the modern state that includes the family, civil society and the political state itself will collapse. However, for Marx the law and its abstract nature are always something he regards with suspicion. This leads us to the second point to be commented on here.

The second point is about "an *imaginary organic unity*". Marx repeatedly uses the term imaginary or illusionary as when he criticises Hegel.

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<sup>44</sup> We can see exactly the same argument in *Critique*, pp. 14-15.

<sup>45</sup> See, for example, *Critique*, p. 54.

<sup>46</sup> See *S. W.* p. 64, pp. 67-68 and pp. 75-76.

This is something to do with the idea of what I would term “the problematic of imagination” or rather “the problematic of imaginalty” which Marx almost always equates with illusion, fantasy, fiction and thus mystification in a totally negative sense.<sup>47</sup> In a way it is closely related with Marx’s theory of alienation. As we have seen above, Marx criticises Hegel in terms of his flight into an illusion and an imaginary solution of real conflicts. On bureaucracy his criticism runs like this:

The bureaucracy is the *imaginary state* alongside the real state: it is the spiritualism of the state. As a result everything has a double meaning, one real and one bureaucratic, just as knowledge is double, one real and bureaucratic (and the same with the will).<sup>48</sup>

Here is an assumption that the real state is not imaginary and that there are a criteria on which whether it is real or not imaginary should be judged .  
As for the power of the crown, the basic question Marx asks Hegel is:

Is not the sovereignty existent in the monarchy an *illusion*?<sup>49</sup>

As for the subject-predicate problem and the relationship between the family, civil society and the state, Marx criticises it in this way:

The Idea is given the status of a subject, the actual relationship of family and civil society to the state is conceived to be its *inner imaginary activity*. Family and civil society are the presupposition of the state; they are the real active things; but in speculative philosophy it is reversed.<sup>50</sup>

Marx seems to believe that crown, bureaucracy and legislature, and consequently the political state as a whole are something alienated, thus imagined and illusionary. Therefore, it is logical for Marx to cancel them. However, I would argue that Hegel's greatest achievement in and contribution to political theory is precisely that for the first time in history Hegel grasped the essence of the modern state as a multidimensional whole in which the family, civil society and political state are indispensable elements. The family,

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<sup>47</sup> See for example, *Critique*, pp. 46-47, p. 63, p. 70, p. 77,

<sup>48</sup> *Critique*, p. 47.

<sup>49</sup> *Critique*, p. 28.

<sup>50</sup> *Critique*, p. 8.

civil society and the political state should be distinguished. These are grasped as the three types of will i.e. consciousness. Thus these are not necessarily as fictional, but they could be shared imagination based upon a unique principle on which family, civil society and the political state.

In this sense, neither Z. A. Pelczynski nor Ernest Gellner are quite right. For Pelczynski believes that “the conceptual separation between the state and civil society is one of the most original features of Hegel's political and social philosophy although a highly problematic one.”<sup>51</sup> Gellner is right to say that “Nationalism is not the awaking of nations to self consciousness; it *invents* nations where they do not exist.” It is true there is something grossly fabricated in the case of nationalism.<sup>52</sup> Gellner is simply wrong when he says that “. . . he (Malinowski) was not a political nationalist and emphatically did not follow Hegel in supposing that nations only found their maturity in possessing their own state.”<sup>53</sup> Gellner does not appear to take anything further into consideration beyond Charles Taylor's *Hegel*.<sup>54</sup>

On this point, Benedict Anderson's proposal, which is the translation of Seton-Watson's observation,<sup>55</sup> is relevant and a good one: the nation is an imagined community - and imagined as both inherently limited and sovereign.<sup>56</sup> According to Seton-Watson, “All that I can find to say is a nation exists when a significant number of people in a community consider themselves to form a nation, or behave as if they formed one. There are no such things as imagined communities, that is a false community as opposed to a true community, rather, all communities are imagined to some extent. Furthermore, as Anderson himself seems to realise but is not sure, that not only the nation and all communities “larger than primordial villages of face-

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<sup>51</sup> Z. A. Pelczynski, “Introduction: the significance of Hegel's separation of the state and civil society” in *The State and Civil Society*, ed. Z. A. Pelczynski, p. 1.

<sup>52</sup> Ernest Gellner, *Thought and Change* (London: Wiedenfeld and Nicholson, 1964), p. 169 cited by Benedict Anderson, *Imagined Communities* (London: Verso, 1983), p.15.

<sup>53</sup> Ernest Gellner, “A Non-nationalist Pole, Chapter 6” in *Encounters with Nationalism* (Oxford : Blackwell, 1994), pp. 77-78.

<sup>54</sup> Ernest Gellner, “Chapter 1 'The Absolute in braces' ”in *Spectacles and Predicaments* (Cambridge: Cambridge University Press, 1991), pp. 13-40.

<sup>55</sup> See Seton-Watson's following sentence in *Nation and States*, p.5 cited by Benedict Anderson, *Imagined Communities* (London: Verso, 1983), p. 15. “All that I can find to say is a nation exists when a significant number of people in a community consider themselves to form a nation, or behave as if they formed one.”

<sup>56</sup> Benedict Anderson, *Imagined Communities*, pp. 15-16.

to-face contact", are imagined but also even these primordial villages of face-face villages themselves are imagined, in fact.<sup>57</sup>

Marx argues that Hegel regarded the state as the reality and the family and civil society as imaginary, while in reality the state is imaginary and the family and civil society are real. Marx is right in that most often the state pretend the false universality and exploits the family and civil society. In my view, as Yoshimoto has proposed, the family, civil society and the political state is each imagined in its essence, although the degree and extent and the principles upon which those are built are different and thus each is different from each other.<sup>58</sup> This is precisely what Hegel has done in *Rechtsphilosophie*. To put it another way, the most important and original achievement is that Hegel has shown the family, civil society and the state as three different types of imagination (I would rather call it three different types of imaginability) and has described the basic principles governing them which we have seen above. This does not mean that the family, civil society, political state are imagined communities equally. Each institution has its own physical and mental elements. But at the same time each institution has imaginability in it. This discovery by Hegel, in my view, surpasses his theorisation of the separation between civil society and the political state. Therefore, in my view, there is not much point in criticising Hegel in terms of imaginary, illusionary or fictional unity. Marx himself seems to have had some intuition that the essence of the political state is a product of imagination and the crucial point is to give a genuine criterion which differentiates a practical illusion from a true expression of the people's will. Marx believed that he could produce the genuine criterion by twisting a Hegelian concept of alienation. This Marx argued as follows:

Posed correctly, the question is simply this : Does a people have the right to give itself a new constitution? The answer must be an unqualified yes, because the constitution becomes a *practical illusion* the moment it ceases to be a true expression of the people's will. (*Critique*, p. 58, italics mine.)

However, Marx did not stick to the dichotomy between false or practical illusion and genuine imagery (the true expression of the people's will) and thus could not develop his theory of the state. On the one hand, he

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<sup>57</sup> Benedict Anderson, *ibid.*, p.15.

<sup>58</sup> Tadaaki Yoshimoto, *Communal Imaginability*(Tokyo:Kawadeshoboshinsha, 1968), p. 16.

understood too narrowly the essence of the state as an imagined community, and thus he did not pay attention to the nature of the family and civil society, as imagined communities and disregarded Hegel's insights. On the other hand, the differentiating criterion which Marx could provide was “the true expression of the people's will”, which is a good political slogan, but, in my view, is hardly efficient in determining whether it is practical illusion or not. In other words, there are no such things as a false (practical) illusion or a genuine (true) illusion unless some criterion is provided. The only definition of his criterion Marx gave in *Critique* is “unrestricted suffrage, both active and passive”.<sup>59</sup>

In the late 1960s and early 1970s we saw an interesting theory put forward in Japan. Inspired by Hegel's *Phänomenologie* and *Rechtsphilosophie*, and trying to rehabilitate Marx, Takaaki Yoshimoto accredited different principles to this imaginary nature of communities, venturing to coin terms such as “individual-illusion”, “pair-illusion” and “shared-illusion” and to establish a new theory of the state so that one can understand individual, family, the modern society and the state on the one hand; and law, religion, arts and literature on the other, in terms of those three types of imagination. It was not a completely successful project, because Yoshimoto's theory could not the difference between civil society and the political state. But at least Yoshimoto laid a foundation for the study of the individual, the family, civil society and the states from the view point of illusion and imagination.

Copying SS 300 and SS 301 Marx adds another long annotation. Marx does not like Hegel's description at all, especially the definition of the legislature as bringing it into the moment of *subjective formal freedom* in the political sphere; and the definition of public consciousness as *empirical universality* as the views and thoughts of many. It is, in Marx's view, nothing but the idealisation of the bureaucracy and the empiricalisation of public consciousness. Marx again applies a variation of critique of the subject-predicate inversion:

The process in which 'public affairs' becomes subject, and thus gains autonomy, is here presented as a moment of the life-process of public affairs. Instead of having subjects objectifying themselves in public affairs Hegel has public affairs becoming the subjects . . . Public affairs is complete without being the actual affairs of the people.<sup>60</sup>

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<sup>59</sup> *Critique*, p. 121.

<sup>60</sup> *Critique*, p.62.

Thus for Marx the Hegelian Estates are not “the true expression of the people’s will” but “a practical illusion”, “the illusory existence of the affairs of the state as being the affairs of the people”. They are just a show, just a ceremony and just a formality. They are the political illusion of civil society. Marx again finds logo-centrism in this context.

As I have argued above, Hegel regarded it as most important for the modern rational state to have regular open sessions of the Estates and the freedom of speech and the freedom of the press. But for Marx it was impossible to see what Hegel was actually demanding in the name of logic, in the concept [*Begriff*] or sometimes in the name of the Idea. Partly because he was so much influenced by B. Bauer and Feuerbach, but mainly because the reality of Prussia was so hopeless in his eyes, Marx was determined to change this reality. For that reason Marx had to criticise Hegel and his *Philosophy of Right*.

For Marx the following statements are too provocative:

. . . if the term ‘the people’ denotes a particular category of members of the state, it refer to that category of the citizens *who do not know their own will*.

. . . For the highest officials within the state necessarily have a more profound and comprehensive insight into the state's institution and needs, and are more familiar with its functions and more skilled in dealing with them, so that they are able to what is best even without the Estates they are able to do what is best, just as they must continue to do what is best while the Estates are in session. (*Nisbet*, SS 301, Remark)

Thus, although relaying all the above sentences, Marx totally dismissed the points Hegel made as to why the debates and discussions in the Estates are necessary. According to Hegel it is necessary, because:

The guarantee doubtless lies rather in the extra insight which the delegates have, first of all, into the activities of those officials who are less visible to their superiors and into the more urgent and specialised needs and deficiencies which they [the delegates] see in concrete form before their eyes; secondly, it lies in the effect which the expectation of criticism, indeed of public criticism, at the hand of many has in compelling the officials to apply their best insights . . . to their

functions and to their plans . . . and to put these into effect only in accordance with the purest of motives.<sup>61</sup>

The role of the legislature, especially the role of the delegates is not to make laws in the sense that they submit the drafts of the laws and discuss and pass them as laws by themselves. Rather, first of all, its role is to discuss and criticise the drafts of budgets, tax plans, laws and regulations presented by the ministers and other high officials with their first hand knowledge in their own field of business in civil society and in the life of their own local communities and to amend the drafts accordingly. After these proceedings the Estates passes the laws. Secondly, delegates draw ministerial attention to how the existing laws and regulations have been implemented in reality by low-ranking civil servants and what kind of effects and problems these implementations and handling by the lower civil servants have caused. Thirdly, ministers and ministries are always on the alert as to public criticism, which forces them make the most of their abilities and put their greater effort into drafting proper laws and into implementing them. Lastly, Hegel assumes that owing to the open sessions the scrutinies and the critical discussions by the deputies will be constructive and reasonable. These are functions of the Estates in term of managing the public affairs of the modern state before the public, but, at the same time, as I have argued, there is an important aspect in the Estates as regards the education of a people as a nation. And all those aspects are enhanced by regular open sessions, freedom of speech and the existence of a free press.

This does not sound much, but even today we cannot see many parliamentary systems which could do better than the Hegelian version of the parliamentary system. For example, in Japan under the new constitution after the Second World War every member of both Houses of the Parliament has the right to submit the drafts of a law to either house, but it is extremely rare that they practice this right.<sup>62</sup>

Rather, Marx is concerned about the "general guarantee".<sup>63</sup> He argues:

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<sup>61</sup> *Nisbet*, SS 301, Remark, pp. 340f.

<sup>62</sup> It is traditionally called the Diet, because its origin was the Estates of Prussia in the early 1870s and the German Imperial Parliament in 1870. See Edwin O. Reischauer, *Japan: Past and Present* (Tokyo: Charles E. Company, 1964), pp. 123-126 and also Edwin O. Reischauer, *The Japanese Today: Change and Continuity* (Cambridge, Mass.: The Belknap Press of Harvard University, 1988), pp. 245-251.

<sup>63</sup> *Critique*, p. 66.

Public, universal freedom is allegedly guaranteed in the other institutions of the state, while the Estates constitutes its alleged self-guarantee. [But the fact is] that the people rely more heavily on the Estates, in which the self-assurance of their freedom is thought to be, than on the institutions which are supposed to assure their freedom independent of their own participation, institutions which are supposed to be verifications of their freedom without being manifestations of it. (*Critique*, p. 66.)

In Marx's eyes, the Estates in Hegel's version of the Estates does not have independent power and authority, although it is neither in the power of the Crown nor in the power of executives, but it should be in the Estates that people find the expression of their will and the safeguard of their rights and freedom. The power of the legislature is circumscribed by the other institutions and powers. It appears there were two aspirations in Marx's *Critique* which appears to be compatible, but which are not quite so and Marx himself did not show how it was possible. One is the political state which is divorced from civil society, and thus is in conflict with civil society and which should be abolished. The modern state, the expression of the political alienation of the modern world has to be abolished. It is clearly seen in the following extracts:

Just as the bureaucrats are delegates of the state to civil society, so the Estates are delegates of civil society to the state. Consequently, it is always a case of transactions of two opposing wills. (*Critique*, p. 66)

The Estates are the established contradiction of the state and civil society within the state. At the same time they are the demand for the dissolution of this contradiction. (*Critique*, p. 67)

The radical solution is the withering away of the state through revolution, but as I have argued in the previous chapter, although Marx has got an aspiration in this direction, he has not yet reached this conclusion.

The other is the independence of the power of the legislature. In this context the Estates should be the first power and should remain so in the sense that by and through which the constitution, the other political powers, organisations and the political arena itself should be produced and reproduced. In this sense the Estates are truly a mediating organ of the state and civil society. This forms a more dominant theme throughout *Critique*, but there is always the first inspiration like a continual base note.

Even from the second point of view, Marx argues, Hegel's version of the Estates is quite unsatisfactory, because although Hegel envisaged his version of the Estates as the system of mediation, Hegel did not show how this mediation could be possible. Rather, it is the system of contradictions.

#### IV. CONTRADICTION AND MEDIATION

The role of the Estates, in Hegel's view, is to bring the universal interest [*Angelegenheit*] into existence not only in itself but also for itself, that is to bring into existence the moment of subjective formal freedom.<sup>64</sup> So far we have seen examined the role of the Estates with regard to publicity, public opinion, freedom of speech and a free press. Marx almost totally ignored and dismissed these aspects of the Estates. With these points in mind, the role of the Estates is primarily one of the education of the citizens of civil society and the education of the nation rather than a management in public affairs. However, it is only one aspect of the Hegelian concept of the Estates. In this section we shall look at the other aspect: the internal organisation of the Estates and the mutual relation of those organs in the Estates; and we shall examine Marx's critical annotation of them.

After copying the SS 302 Marx translates Hegelian language and develops critical comments on three points: the isolation of the power of the crown; the isolation of the particular interest; the isolation of the ordinary citizens. As Marx rightly points out, the Estates are envisaged not only as the education of the nation, but also as the organ of mediation by Hegel. Or rather, in Hegel's view, "the constitution" at large is "a system of mediation".<sup>65</sup> However, Marx argues that Hegel did not succeed in mediating between the opposing elements and cancelling those elements of isolation. The first point is again concerned with the problem of the power of the Crown. In Marx's view, through the Hegelian arrangement the power of the Crown becomes either "a mere appearance of power, a symbol" or else it loses only "the appearance of arbitrary tyranny".<sup>66</sup> As I have argued above, Hegel's intention is clearly the former. However, Marx believes the latter to be the case. The second and the third points are closely related. They appear in this form:

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<sup>64</sup> *Nisbet*, SS 301, p. 339

<sup>65</sup> *Nisbet*, SS 302, Addition, p. 343.

<sup>66</sup> *Critique*, p. 69.

In a state in which the position of the Estates prevents individuals from having the appearance of a mass or aggregate, and so from acquiring an unorganised opinion and volition and from crystallising into a powerful bloc in opposition to the organised state, the organised state exists outside the mass and the aggregate; or, in other words, the mass and aggregate belong to the state. But its unorganised opinion and volition is to be prevented from crystallising into an opinion and volition in opposition to the state . . . At the same time this powerful bloc is to remain powerful only in such a way that understanding remains foreign to it, so that the mass is unable to make a move on its own and can only be moved by the monopolists of the organised state and be *exploited* as a power bloc.

(*Critique*, p. 68. Italics mine.)

It is worth noting that from Marx's view point both the executive and the members of the Estates are monopolists of the state. Thus, ordinary citizens are not only the object of bureaucratic manipulation, but they are also the object of political exploitation. However, as we have already seen above, it is one of Hegel's presuppositions that in a big modern state, based on a developed and complicated civil society, it is impossible for all the citizens to enter into the political arena in such a way as, for example, the Athenians did. Just as the centralised bureaucracy introduced by ancien régime was transformed and developed by the French Revolution and by Napoleon, the National Assembly was the product of the Revolution.<sup>67</sup> What Hegel is trying to do is to justify the existence of those institutions and, at the same time, to avoid the chaos and the terror of the Revolution. Thus, it is inevitable that citizens participate in the Estates through elections and representation.<sup>68</sup> Hence regular elections, publicity, freedom of speech and the free press on the one hand, and the codes of law, open sessions of the Court of Justice and the jury system on the other are demanded. Above all, the citizens in civil society are supposed to belong to corporations and local communities among other institutions in civil society.

However, the actual function of the Estates, in Marx's view, is that both the interests of individual persons, corporations and the local communities “balance their account with the state in the Estate” and that the

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<sup>67</sup> Nisbet, SS 290, p.331.

<sup>68</sup> See Harry Brod, *Hegel's Philosophy of Politics*, pp. 139-143 for Hegel's most distinctive contribution to the question of legislative representation.

unorganised opinion and the will of the ordinary citizens as a mass merely enjoy “the illusion of its own objectification”.<sup>69</sup>

Thus the Estates are at one and the same time (1) the extreme of the nation over against the executive, but (2) the means between nation and executive; in other words, opposition within the nation itself. The opposition between the executive and the nation is mediated through the opposition between the Estates and the nation. From the view point of the executive the Estates have the position of the nation, but from the point of view of the nation they have the position of the executive. The nation in its occurrence as *image, fantasy, illusion, representation* - i.e., *the imagined nation*, or the Estates, which are immediately situated as a particular power in dissociation from the actual nation. . . abolishes [hebt auf] the actual opposition between nation and the executive. (*Critique*, p. 70, Italics mine.)

I have already made the point that Hegel’s most important achievement was that he managed to reach the essence of the family, corporation, local community, social class, civil society and the political states, and he gave a distinctive character to each of these institutions. Those institutions are the functions of the state, but at the same time they are the various forms of imagination or the various forms of imagined communities in which individual persons can gain something specific for themselves. In the family based upon love an individual person can be recognised as a man or woman or parent or child. In civil society the individual person can be recognised as a member of the corporation by showing talents, ability, usefulness or a “particular skill” in a certain field.<sup>70</sup> In the political state the Estates are the arena in which all the interests and the concerns of ordinary citizens are represented and debated. The terms Hegel employed for that is “will” and “morality” in one case and “Sittlichkeit” and “Geist” in the other. We have seen above that Marx was to some extent aware of the difference between genuine illusion and practical illusion. As cited above, Marx understands that the Hegelian version of Parliament or the Estates are “image, fantasy, illusionary representative”. However, from Hegel's standpoint, not only the Hegelian Estates are an imagined nation, but also any modern parliament is an imagined nation. The problem must be whether the Estates are a genuine imagination or a practical illusion and whether the Estates are a proper

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<sup>69</sup> *Critique*, p. 68.

<sup>70</sup> *Nisbet*, SS 251, p. 270.

representation of civil society and of the nation or not. In other words, one crucial point is that the particular interests and opinions of local communities, corporations and the interests and opinions of individual citizens of civil society should not be excluded so that they will be neither left in apathy and anomie nor become the revolting crowd against the state and an expensive and time consuming parliament.<sup>71</sup> For that purpose, Hegel is ready to accept an expensive government.<sup>72</sup> However, the crucial point is whether Hegel's expensive government is sufficient or not.

Thus the next point of the critique by Marx is the Hegelian formation of the two-storied house or rather the two house system of the Estates based upon the two main social classes. Hegel devotes SS 303 to SS 313 of *Rechtsphilosophie* to this formation of the Estates. The one house is based upon the land owning agricultural class which is directly present in the upper house. Although as Brod points out Hegel does not call the one house upper and the other lower, it seems clear that Hegel has the English parliamentary system as his model.<sup>73</sup> Hegel wants to use the landed class as ballast both against the state and civil society. For Marx this arrangement of the bicameral parliament is utterly unacceptable.

The other is based on “the changing and variable element in civil society” (the business class) which is represented by their deputies through corporations. According to Hegel deputies and the Estates have the following significance:

Since deputies are elected to deliberate and decide on matters of universal concern, the aim of such elections is to appoint individuals who are credited by those who elect them with a better understanding of such matters than they themselves. It is also the intention that these individuals will not subordinate the universal interest to the particular interest of a community or corporation, but give it their essential support. Their position is accordingly not that of commissioned or mandated agents, especially since the purpose [*Bestimmung*] of their assembly is to provide a forum for live exchange and collective deliberation in which participants instruct and convince each other.<sup>74</sup>

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<sup>71</sup> Harry Brod, *Hegel's Philosophy of Politics*, p.140.

<sup>72</sup> Nisbet, SS 302, Addition, p. 343.

<sup>73</sup> Harry Brod, *Hegel's Philosophy of Politics*, p. 139.

<sup>74</sup> Nisbet, SS 309, p.348.

After copying SS 303 and its remark Marx translates them into his own language and develops his critique depending upon the assumption that: “The peak of Hegelian identity, as Hegel himself admits, was the Middle Ages.”<sup>75</sup> In Marx’s view, “all the contradictions of Hegelian presentation are found together in this development”.<sup>76</sup> According to Marx, Hegel presents the following three points:

1. Hegel has presupposed the separation of civil society and the political state (which is a modern situation), and developed it as a necessary moment of the Idea . . . He has presented the political state in its modern form of the separation of the various powers. . . He has opposed the state. . . to the particular interests and needs of civil society. . .
2. He opposes civil society as unofficial, or the private class to the political state.
3. He calls the Estates an element of the legislative power, as the pure political formalism of civil society. He calls them a relationship of civil society which is a reflection of the former on the a latter, reflection which does not alter the essence of the state. (*Critique*, p. 73f)

There are some points to be commented on here. As I have already argued in previous chapters, Marx is well aware of the notion of the separation or division of political power, which is one of the modern forms of democracy as a result of modern revolutions(the English, American and the French). Marx also identifies the same modern feature of political arrangement in Hegel's version. Together with the presupposition of the separation of civil society and the state, this is the main reason why Marx could claim in “On the Jewish Question” and “Toward a Critique of Hegel’s *Philosophy of Right: Introduction*” that the “German philosophy of law and of the state” [Hegel’s *Rechtsphilosophie*] is “the only theory in German history that stands al pari [on an equal footing] with the official modern present”.<sup>77</sup>

The second point is that Marx, as ever, criticises Hegel by making use of his knowledge of Hegel’s *Logik*. In this case Marx is making full use of Hegel’s teaching of the fundamental difference between the notion of reflection and dialectic on the one hand, and the relation between reflection

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<sup>75</sup> *Critique*, p. 72.

<sup>76</sup> *Critique*, p. 73.

<sup>77</sup> See *S. W.* p. 55 and p. 67

and essence on the other. According to Hegel, dialectic is different from reflection because “Reflection is that movement out beyond the isolated predicate of a thing which gives it some reference, and brings out its relativity, while still in other respects *leaving it its isolated validity*”.<sup>78</sup> In this sense, Marx’s criticism is relevant and a good one. However, even “in essence”, Hegel says in the same book, “the actual unity of the notion is not realised, but is only postulated”.<sup>79</sup> If so, unless he criticises the whole system of *Logik*, Marx could not criticise Hegel, depending on his notion of reflection on the one hand but ignoring his notion of essence on the other. It is not enough to say that Hegel has made the process of thinking as a logic of reality and that it must be turned right side up again.<sup>80</sup> It is always very difficult to get out of Hegel’s system of language especially when one tries to criticise him from inside. It seems that Marx was well aware of this. Hence, “Critique of Hegel’s Dialectic and General Philosophy” in “Economic and Philosophical Manuscripts” and further “The premises of the Materialist Method” in *The German Ideology*.<sup>81</sup>

On the other hand, Marx continues,

1. Hegel wants civil society, in its self-establishment as the legislative element, to appear neither as a mere indiscriminate multitude nor as an aggregate dispersed into its atoms. He wants no separation of civil society and political life.

2. He forgets that he is dealing with a relationship of reflection, and makes the civil classes as such; again only with the reference to the legislative power, so that their efficacy itself is proof of the separation. He makes the Estates the expression of the separation [of civil and political life]; but at the same time they are supposed to be the representative of an identity - an identity which does not exist. (*Critique*, p. 74)

According to Marx, the issue is the representative constitution versus the Estates constitution. “Hegel’s keener insight lies in this sensing that the separation of civil and political society is a contradiction. But his error is that

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<sup>78</sup> See *Hegel’s Logic*, trans. William Wallace with Foreword by J. N. Findlay (Oxford: The Clarendon Press, 1975), p. 116 (Italics mine). Also see Michael Inwood, *A Hegel Dictionary* (Oxford & Cambridge, Massachusetts: Blackwell, 1992), p. 250.

<sup>79</sup> *Hegel’s Logic*, pp. 163-167.

<sup>80</sup> *Capital Vol. I* (London: Lawrence & Wishart, 1983), p.29.

<sup>81</sup> *S. W.* p.160-167.

he contents himself with the appearance of its dissolution.”<sup>82</sup> On the other hand, in Marx's view, the representative constitution is a great advance, for it is the open, genuine, consistent expression of the modern state.<sup>83</sup> The separation of civil society and the political state is the result of modern history from the absolute monarchy to the French Revolution. “Only the French Revolution completed the transformation of the political classes into social classes.”<sup>84</sup> In this modern situation the individual members of a people are equal in the heaven of their political world yet unequal in the earthly existence of civil society, just like Christians are equal in heaven yet unequal on earth. Class in civil society has neither need nor politics for its principle. Present civil society is “the accomplished principle of individualism”.<sup>85</sup> Civil society is “a division of the masses whose development is unstable and whose very structure is based upon money and education. Thus, it is totally arbitrary and is in no sense an organisation.”<sup>86</sup>

However, from Marx's view point, Hegel avoided dealing with the issue as such and did not see civil society as it really was. On the contrary, Hegel reintroduced the Estates of the Middle Ages in the form of deputies through corporations and local communities.<sup>87</sup> In other words, the Hegelian project of the Estates is a reminiscence, the mystical way of interpreting an old world-view in terms of a new one and thus inevitably it turns into an unhappy hybrid.

As I have been trying to prove in previous chapters and in this chapter, the first long sentence of 1. cited above ( from *Critique*, p. 74) is an accurate summary of Hegel's position. The massive irrational power; mob and apathy rooted in the atomisation of the people are exactly what Hegel was concerned about in *Phenomenology of Spirit* as well as in *Rechtsphilosophie*. In the former, Hegel highly regards the beautiful world of the Ancient Greek city state and calls it “Der wahre Geist” and although it is also one of the sections of “the true Spirit”, he also recognises the decline of this true spirit in the Roman world (legal status) where one sees “the soulless community” and “a mere multiplicity of individuals”.<sup>88</sup> At that time, however, Hegel could not

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<sup>82</sup> *Critique*, p. 76.

<sup>83</sup> *Critique*, p.76.

<sup>84</sup> *Critique*, p. 80.

<sup>85</sup> *Critique*, p. 81.

<sup>86</sup> *Critique*, p. 81.

<sup>87</sup> Nisbet, SS 303, Remark, pp. 343-344.

<sup>88</sup> *Phenomenology of Spirit*, trans. A. V. Miller & foreword by J. N. Findlay (Oxford: Oxford University Press, 1979), p. 290.

present a model of modern rational states. In later years Hegel began to find this tendency more sharply in modern European states rather than just in the Roman world.<sup>89</sup> In *Rechtsphilosophie* it is the main subject of the police and the corporation. Thus, obviously Marx is correct as far as this sentence is concerned. However, it is not true that “he wants no separation of civil and political life”. On the contrary, in my view Hegel wanted the proper separation of those two as well as the proper separation of the family from them. To put it in another way, Hegel regarded the advent of civil society as progress of history.

Marx admits that civil society cannot appear in the political world as it is. However, the reason he gives for it and the conclusion he draws from it is worth noting. It is because, Marx argues against Hegel, “the mere indiscriminate multitude exists only in *imagination* or *fantasy*, but not in actuality”.<sup>90</sup> According to Marx, what actually exists is only accidental multitudes of various sizes (cities, villages, etc.). Marx concludes:

These multitudes, or this aggregate not only *appears* but everywhere really *is* an aggregate dispersed into atoms; and when it appears in its political-class activity it *must* appear as this atomic thing.<sup>91</sup>

As Gary Teeple tried to show, at least here Marx seems to have gone as far as a sort of atomistic materialism.<sup>92</sup> Marx seems to have demanded that individual citizens must appear directly in the political arena as individuals. However, it seems to me that Marx knew just as well as Hegel did that such direct participation in public affairs was impossible. Marx was thinking of a completely different form of politics. As I have argued, Hegel wanted some significant separation of civil society and the political state and proper relations between them. It is not Hegel but Marx who wanted to end the separation of civil society and the political state. Marx reads this in Hegel's texts, although this is not exactly Hegel intended. And then Marx is complaining because he cannot find this not really and totally realised in Hegel description.<sup>93</sup> To put it more precisely, what Hegel wanted to teach

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<sup>89</sup> See Steven B. Smith, *Hegel's Critique of Liberalism* (Chicago: University of Chicago Press, 1991), p. 130.

<sup>90</sup> *Critique*, p. 77 (my italics).

<sup>91</sup> *Critique*, p.77.

<sup>92</sup> Gary Teeple, *Marx's Critique of Politics* (Toronto: University of Toronto Press, 1984), pp. 16-17, pp 84-85.

<sup>93</sup> *Critique*, p. 76.

both in his lectures and the published version of *Rechtsphilosophie* was that it was their fate to accept the three different dimensions of modern society as a new framework: family, civil society and the political state. It does not mean, however, that Hegel was fully satisfied with the contemporary state of affairs. As Avineri pointed out, much of what Hegel described in *Rechtsphilosophie* was not realised in his time. Rather, Hegel was urging educated people, educators and university students to find the development of freedom in the Hegelian rational state. At the same time, however, Hegel was recommending this to the people in public office and in high positions: this framework is not only the fate of modernity, but is the latest development of freedom; thus a written constitution, code of law, division of political power, election, public openness of the Court of Justice and the Estates to the ordinary citizens and freedom of speech and the press. All these conditions must be established and firmly implemented, otherwise the consequence will be revolution !

## V. VOTING

Hegel is against universal suffrage. Hegel is manifestly anti-democratic. According to him:

The idea [Vorstellung] that *all* individuals ought to participate in deliberation and decisions on the universal concerns of the state - on the ground that they are all members of the state and that the concern of the state is the concern of *everyone*, so that everyone has a *right* to share in them with his own knowledge and volition - seeks to implant in the organism of the state a democratic element devoid of rational form, although it is only by virtue of its rational form that the state is an organism.<sup>94</sup>

In order for the state to be an organism and rational, it is essential that all the different interests of each particular major branch of civil society be represented. Further, each of these branches of society has the same right as the others represented. Thus, Hegel argues that leaving the matter simply to universal suffrage and not tied to already organised interests does not insure that this will happen. As Harry Brod points out, for Hegel the crucial point is “the completeness of public debate, not a competition of power among

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<sup>94</sup> Nisbet, SS 308, Remark, p. 347.

different interests".<sup>95</sup> Universal suffrage leaves this important consideration entirely to chance.<sup>96</sup>

Moreover, in large states in particular, Hegel argues, in the case of mass election (universal suffrage) the electorate inevitably becomes indifferent because a single vote has little effect when numbers are so large. Hence the result is perhaps the apathy and political abstention that modern society is suffering from now.

Marx criticises Hegel as follows:

According to Hegel, the direct participation of all in deliberating and deciding on political matters of general concern admits the democratic elements without any rational form into the organism of the state, although it is only by virtue of the possession of such a form that the state is an organism at all. That is to say, the democratic element can be admitted only as a formal element in the state organism that is merely a formalism of the state. The democratic element should be, rather, the actual element that acquires its rational form in the whole organism of the state.<sup>97</sup>

As mentioned above, Marx was not only criticising the Prussian monarchy and its ideological rationale but Hegel's rational state and he was at the same time thinking of the possibility of a completely new form of politics even when he uses the same terms borrowed from Hegel. Marx argues against Hegel, "the question whether all as individuals should share in the deliberating and deciding on political matters of general concern is a question that arises from the separation of the political state and civil society".<sup>98</sup> According to Marx, there are two possibilities there: either the separation of the political state and civil society actually obtains, or civil society is an actual political state. Marx supports the second view.

Given the second case, i.e., that civil society is actual political society, it is nonsense to make a claim which has resulted from a notion of the political state as an existence separated from civil society. . . In this

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<sup>95</sup> Harry Brod, *Hegel's Philosophy of Politics*, p.141.

<sup>96</sup> Hegel calls universal suffrage "a loose and indeterminate election" or "mass election". See *Nisbet*, SS 311, Remark, p.350.

<sup>97</sup> *Critique*, p. 116.

<sup>98</sup> *Critique*, p. 118.

situation, legislative power altogether loses the meaning of representative power. Here, the legislature is a representation in the same sense in which every function is representative. For example, the shoemaker is my representative in so far as he fulfils a social need . . . (*Critique*, p. 119)

The reason Marx gave for this argument is “because it is a species-activity”. It represent “only the species; that is to say it represents a determination of my own essence in the way every man is the representative of the other”.<sup>99</sup>

It is commonly accepted that Marx bases his the idea of man as a species-being on Feuerbach’s *Das Wesen des Christentums*.<sup>100</sup> It is, however, not very clear what Marx actually means by “species-activity” and by “species” or “species-being” by way of the example of the shoemaker. With the benefit of hindsight it seems to be the embryo of communism. This notion of man as species-being was developed in “On the Jewish Question”, “Economic and Philosophical Manuscripts”, and “On James Mill”. Marx argues “On the Jewish Question” that “As soon as society manages to abolish the empirical essence of Judaism, the market and its presuppositions, the Jew becomes impossible, . . . because the conflict of man’s individual, material existence with his *species-being* has been superseded”.<sup>101</sup> The important thing is that it is postulated as a way, a situation in which the separation of the political state and civil society is abolished. This is also postulated as a situation in which the question of whether all as individuals are members of the legislature or whether they should enter the legislature through deputies disappear. This becomes clearer when Marx demands unrestricted suffrage. According to Marx:

The vote is the actual relation of actual civil society to the civil society of the legislature, to the representative element. In other words, the vote is the immediate, the direct, the existing and the not simply imagined relation of civil society to the political state.<sup>102</sup>

It is important to note that Marx regards voting as the *immediate*, the *direct*, the *existing* and *not simply imagined* relation. As I have argued above, Marx, at least to some extent, understood that the political state, whatever the form

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<sup>99</sup> *Critique*, pp. 119-120.

<sup>100</sup> See David McLellan, *The Young Hegelians and Marx*, p. 72, pp. 101-110.

<sup>101</sup> *S. W.* p.62(italic added).

<sup>102</sup> *Critique*, p. 121.

it might take, was the imagined community. In this expression we can see the difficulty Marx faced in criticising Hegel. Voting is the immediate, the direct, the existing relation of civil society to the political state; but at the same time it is still, at least to some extent, the imagined one. Nevertheless, Marx demands unrestricted suffrage as the solution to the separation of and the conflict in civil society. For, according to Marx, it is the real point of dispute in the matter of political reform, in France as well as England. Thus it is regarded by Marx that “in unrestricted suffrage, both active and passive, civil society has actually raised itself for the first time to an abstraction of itself, to political existence as its true universal and essential existence”.<sup>103</sup>

It is quite understandable that Marx highly regards universal suffrage. For Marx the family and civil society are the “*conditio sine qua non*” of the political state.<sup>104</sup> And it is the reason why Marx criticises Hegel for the inversion of subject and predicate. By way of universal suffrage, civil society has for the first time a genuine form of abstraction, or in my words, it has a particular form of *imaginality* as the state. But as is almost always the case with Marx, he forgets the family here. Therefore, in Marx’s view, the problem is whether the members of the civil society should have the unlimited right to vote and to be a candidate. To have every citizen have the vote is, in Marx’s view, synonymous with making real men as subject in the state. At the same time, however, Marx wants the abolition of the separation of civil society from the political state. We have already seen that Marx criticises Hegel, in that Hegel presupposes the separation of civil society and the political state. According to Marx, Hegel’s assumption is merely the reflection of recent developments in Western countries, such as Britain, France and the USA. One of the main points of Marx’s critique of Hegel’s rational state is that Hegel contents himself with the appearance of the reconciliation of civil society and the political state.

In Marx’s view there are only two possibilities: either the separation of the political state and civil society actually obtains, or “civil society is actual political society”.<sup>105</sup> The first possibility is only the recognition of the modern European state already existing. Therefore, in the first case there is not anything essentially different from Hegel’s *Philosophy of Right*. If so, it is the second concept that Marx really wanted to explore. In *Critique* Marx sees the possibility in universal suffrage, because the legislature has produced

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<sup>103</sup> *Critique*, p. 121.

<sup>104</sup> *Critique*, p. 9.

<sup>105</sup> *Critique*, p. 119.

great organic, universal revolutions.<sup>106</sup> He seems to believe that if the universal suffrage is successfully realised, one could go beyond the situation of the modern constitutional state altogether through total revolution.

However, although it is easy to understand that Marx's idea of revolution should be much more fundamental than the French Revolution or the American Revolution, the problem is that it is not clear at all what Marx means by "civil society is actual political society". The only brief explanation Marx gives us is the one cited above:

In this situation, legislative power altogether loses the meaning of representative power. Here, legislature is a representation in the same sense in which every function is representative. For example, the shoemaker is my representative in so far as he fulfils a social need . . .  
(*Critique*, p. 119)

It seems to me that Marx is thinking of a new polity in which political activities are not only political but at the same time a social function and a communal character of human beings as a species. Political activity by some other person is assumed to be the same kind of social function as that of the shoemaker in the sense that he fulfils a person's concrete social need for shoes. The person who represents us in the political arena represents nothing other than our social need for politics. This is possible only on the assumption that the political activities by other people represent nothing but the determination of our own essence by fulfilling nothing but my concrete need as a human beings. In other words, there is no distinction between civil society and the political state there. Every activity is a social activity that is, "species-activity" which represents only the essence of the species. Therefore, there is no possibility of the conflict of the interests or of the contradiction. In this state of affairs there is no need for the alienation of human nature in the form of the political state, just as there is no need for the alienation of human nature in the form of religion if there is no conflict and contradiction in our society.

Is Marx thinking here of fully paid professional politicians, just as the shoemaker will be paid for his work? This is obviously not the case, because Marx is not only unhappy with the separation of civil society and the political state, but he is equally unhappy with the existing state of affairs in modern capitalist civil society itself. For example, Marx regards the atomism of civil society as the result of the industrial development:

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<sup>106</sup> *Critique*, p. 57f.

The atomism into which civil society is driven by its political act results from the fact that the commonwealth [*das Gemeinwesen*], the communal being [*das kommunistische Wesen*], within which the individual exists, is [reduced to] civil society separated from the state, or in other words, that the political state is an abstraction civil society. (*Critique*, p. 79)

Here Marx is looking into the possibility of a total transformation of the modern capitalist society, in other words, a revolution, which not only political but also social. It is quite obvious when he makes the following claim:

But the full achievement of this abstraction is at once also the transcendence [*Aufhebung*] of the abstraction, in actually establishing its political existence as its true existence civil society has simultaneously established its civil existence. . . And with the one separated, the other, the opposite, falls. Within the abstract political state the reform of voting advances the dissolution [*Auflösung*] of this political state, but also *the dissolution of civil society*. (*Critique*, p. 121, *Italic added*.)

A few months later in “Towards a Critique of Hegel’s *Philosophy of Right*: Introduction” we cannot find the reference to universal suffrage. There, Marx sees that only the total, fundamental revolution of the society as a whole is a practical option and he regards that “a partial, merely political revolution” is “a utopian dream for Germany”.<sup>107</sup> The only practically possible emancipation of Germany is the emancipation based on the new unique theory which holds that “man is the highest being for man”.<sup>108</sup> The dissolution of the political state and civil society in Germany must be realised at one and the same time by the combination of the new philosophy and the proletariat. That transformation must be based on the unique philosophy of Feuerbach and Marx which is not yet fully completed. In order to complete this new unique philosophy one has to start with the fundamental, total critique of Hegel’s *Rechtsphilosophie*. On the other hand, this new philosophy (that should be completed in the form of the fundamental and total critique of Hegel’s philosophy) cannot be realised and actualised without the

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<sup>107</sup> *Critique*, p. 139.

<sup>108</sup> *S.W.* p. 69.

material power of *a universal class* which is created artificially and historically as a result of the modernisation and industrial development of a capitalist society in the form of the proletariat. Thus, for Marx it is natural that he extended his idea of alienation and the idea of man as species-being to the analysis of civil society itself and concentrated his efforts on critical studies of the political economy in the collaboration with Hess and Engels.

## Chapter 7 CONCLUDING REMARKS AND PRACTICAL IMPLICATIONS

Marx's *Critique of Hegel's Philosophy of Right* is not only one of the most extensive critical studies of *Rechtsphilosophie* in terms of content, but it is also one of the most extraordinary critical studies in the form that it takes. Marx painstakingly copied out SS 261 to SS 313 of *Rechtsphilosophie* and translated the Hegelian language, which is a fusion of languages based on Western philosophy and Christian theology and changed it into a vernacular and Marxian-Feuerbachian language by exploiting in full use the transformative method, straightforward textual analysis and the historico-genetic method. Marx's aim was to expose at every level not only the contradictions in Hegel's theory of the modern rational state, but also in the existing political order. However, as having been examined closely with the aid of the recently published students' notebooks of Hegel's lectures on *Rechtsphilosophie* together with the published version of *Rechtsphilosophie*, Marx's criticism appears to be at best off the point. Marx regarded the separation of civil society and the political state as a dualism which should be abolished through true democracy. Marx thought that the political state was an illusion caused by alienation in civil society, that is to say, the sphere of battle of egoism (*bellum omnium contra omnes*) permeated by money and education, and that both the political state and civil society must be overthrown by means of an organic revolution.

Hegel believed that civil society was the a part of the modern Western world which had been produced by the French Revolution and the Industrial Revolution. *Rechtsphilosophie* was both a philosophical amendment to the French Revolution and a statement of classic political economy. Hegel set the principles of the French Revolution and human rights within the context of the socio-cultural tradition and institutions of Germany. Hegel described the many dimensions of modern society in terms of family, institutions within the civil society and the political state. From Hegel's point of view, the political state together with family and civil society are the *imaginality* but with different principles, that is to say, they are *imagined communities* based on shared experiences, although differing in extent and type different. Marx wanted to transcend the complexity of modernity once and for all through the

combination of a new philosophy and the creation of proletariat resulting in universal character.

There are serious criticism of Marxism even from thinkers who are themselves antipathetic to capitalist society, to say nothing of the criticism of those philosophers and thinkers who see capitalist society coupled with liberalism as the best that can be hoped for in a future society. In the early 1960s, Jürgen Habermas, probably the most important thinker of the second generation of critical theorists, wrote: "In short, it seems that Marx's theory itself has become old so that it cannot explain new facts".<sup>1</sup>

Like most of the Neo-Marxists of the New Left, Habermas does not think that Soviet socialism has anything that is capable of explaining the social and political realities of the twentieth century. Indeed, capitalism itself has changed drastically and today we face problems that Marx did not anticipate.

At that time Habermas presented four new arguments against Marx, which as follows:

1. The "separation" of the state from society which is typical of the liberal phase of capitalist development has been superseded by a reciprocal interlocking of the two in the stage of organised capitalism. The sphere of commodity exchange and social labour requires so much centralised organisation and administration that bourgeois society, once left to private initiative operating according to the rules of the free market, is forced to resort to the political mediation of its commerce in many of its branches.
2. In advanced capitalist countries the standard of living has risen to such an extent, at least among broad strata of the population, that the interest in the emancipation of society can no longer be articulated directly in economic terms. "Alienation" has been deprived of its palpable economic form as misery.
3. Under these conditions, the designated executor of a future socialist revolution, the "proletariat as proletariat", has been dissolved.
4. The Russian Revolution and the establishment of the Soviet system are the historical facts by which the systematic discussion of Marxism, and with Marxism, has been paralysed to the greatest extent.<sup>2</sup>

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<sup>1</sup> J. Habermas, *Theorie und Praxis* (Neuwied am Rhein & Berlin: Hermann Luchterhand Verlag, 1963), p. 162.

<sup>2</sup> Cf. Habermas, *ibid.*, pp. 163-166.

In 1990s at least two of these four facts remain valid or are even more evident.<sup>3</sup> However, the first and the fourth arguments that Habermas outlined have different connotations today. As for the first, although it has retained its validity, the post war consensus on the idea of the welfare state has been going through a period of crisis even in highly advanced capitalist economies for the past twenty years. As is examined in this thesis, the separation of civil society and the political state is exactly the issue that Marx took up in the *Critique of Hegel's Philosophy of Right* and tried to abolish. As for the fourth argument, the Soviet Union and the nations that used to comprise the Eastern European Bloc have undergone rapid and comprehensive political and economic transformations.<sup>4</sup> It is difficult to anticipate the final consequences of these extraordinary movements. This new situation, however, has made Habermas's fourth thesis redundant, the historical fact from which he struggled to be free. That is to say that now is the time to begin systematic discussion of and with Marxism.

Before entering this discussion we have to add four facts, which do not necessarily count against Marx, but which Habermas did not identify thirty years ago.

1. In spite of the rise in living standards and the improvement of working conditions, the exploitation of men and the destruction of nature (especially the latter) has become increasingly serious in the modern world. The activities of "Greenpeace", "Friends of the Earth", and other pressure groups have shown how the social situation and natural environment of human beings are threatened with destruction. "Friends of the Earth" have made the following statement:

The Earth needs all the friends it can get. And it needs them now. For thousands upon thousands of years, our planet has sustained a wonderfully rich tapestry of life. Now, one single species - humankind - is putting the Earth at risk. People the world over are suffering the effects of pollution, deforestation and radiation. Species are disappearing at a terrifying rate.<sup>5</sup>

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<sup>3</sup> Habermas, *ibid.*, p. 162.

<sup>4</sup> See the article by Richard Sakwa "The New Concept of Democracy under Perestroika" in *Socialism and Democracy* (eds.) by D. McLellan & S. Sayers (Houndmills & London: Macmillan, 1991), pp. 136-163.

<sup>5</sup> "Friends of The Earth" action pamphlet, 1991.

This passage is an example of a new kind of political pamphlet. While this statement contains some debatable points, there is nevertheless something important in this statement: first and foremost, the style is different from those of older style pamphlets, including both those which Hegel and Marx wrote. This difference is a reflection of the critical nature of the current environmental situation, as well as a fundamental change of “Weltanschauung” in the last couple of decades.<sup>6</sup>

2. Since the Vietnam War, this would seem to have been an increase in “religious feeling”. In Japan, for instance, small and new religions (but with ominous undertones) have arisen, and are popular with the young people especially rather than the traditional forms of Buddhism. Religious conflicts such as the Iran-Iraq War, the Judeo- Islam and Hindu-Sikh conflicts have also had the somewhat odd result of showing a deep-rooted humanity which seems to be largely absent from Western civilisation. In Russia also, people are returning to religious thought and conviction. Are these only transitive, reactive phenomena?

3. After the Second World War many colonies won their independence. This was the new age of nationalism. But today we can see the rise of another generation of nationalism: racism and ethnocentrism; or what I would term “colourism”. The dissolution of the Soviet Union and the conflicts in former Yugoslavia, as well as the democratisation of South Africa all illustrate the difficult and painful tasks we are now facing.

4. Furthermore, Russia and other East European countries as well as China are to adopt market mechanisms in order to achieve industrialisation and modernisation. West European countries seem to be willing to help the East European countries, and both West and East are attempting to establish as a common European power bloc an enlarged European Community (or a United States of Europe). They also say they are seeking to widen democracy, but that appears to be somewhat doubtful. It might be said that the West is trying to defend its living standards within Europe, and that the East is seeking to join the European Community before the door closes. It might also be said that this is an attempt to build a white wall against the peoples of the Third World and the economy of Japan and the other rapidly developing Asian countries. Nonetheless, such projects being discussed by the EU is indicative of an interesting attempt to transcend the limitations of the nation state.

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<sup>6</sup> At least this movement has expanded the connotation of the terms: friend, friendly, earth and green.

At least three of these four new conditions might be said to count against Marx; and, therefore, seven of the eight oppose Marx's view of the world.

More crucially, however, even Habermas's basic position on Marx is debatable: is it really the case that Marx's theory has become outdated and has lost the relevance it used to have in his own time? But, as has been argued in this thesis, it was the case that from the very beginning something very basic was wrong with Marx; although this is not to deny that his political pamphlets, his critique of Hegel and of the Young Hegelians and his critique of classical political economy had and still have a uniquely inspiring and powerful persuasiveness.

To put this point another way: is it not the case that we are not only freed from the paralysing historical facts of Russian socialism today, but also from the paralysing misconception that Hegel had long been overtaken by Marx? Looking at the second and the third of Habermas's points, and the four facts which I have added above, Hegel appears to be more important than Marx. As this thesis has argued, despite his harsh criticism of religion and the Hegelian philosophy and his detailed discussion of the separation of civil society and the political state, constitutional monarchy, bureaucracy, parliament, and bourgeois law, Marx's understanding of the modern capitalist society seems to be based on the unwarranted presuppositions, to ignore the multi-dimensionality of the modern society and thus inevitably not to be extensive or thorough enough. Therefore, Marx's criticism the modern capitalist society seems to end up to a total revolution which should enable to emancipate us from all kinds of alienation once and for all. This does not mean, on the other hand, that we can be fully satisfied with Hegel. For example, Hegel's treatment of the traditions of China, India and Africa and other places (and which was also used by Marx) which emphasised them as "civilisations lacking history" is wholly inadequate and unjust way. Likewise, the feminist tradition has good reason to take issue with Hegel.

The above attempts to examine Marx's "Critique of Hegel's *Philosophy of Right*" in the light of recently published students' notebooks are in no way intended to devalue the importance or originality of Marx's contribution to modern social and political theory. Furthermore, Marx's fight against Hegel's *Philosophy of Right* and his attempt to rewrite it in Marxian-F Feuerbachian language must be appreciated. Above all, Marx's critique of Hegel's theory of civil society, the modern state and Marx's critique of the modernity itself opened up for him a very important area of study: that is civil society through the critique of political economy. This was done not only from the view point of radical humanism, but also from the perspective of the coming proletarian revolution. In short, while criticising Hegel, Marx, at the

simultaneously attempted to go beyond the modern capitalist society in absolute fashion through socio-political revolution. Marx believed it possible because the alienation in the capitalist society, the separation of civil society and the political state and capitalistic apparatus were the product of history, and therefore could be abolished through history. This attempt, however, caused him to neglect the importance and the significance of social and political institutions, their complex interrelations and the democratic form of the political state.

Hegel, on the other hand, appreciated the modernity achieved by the French Revolution; and his *Rechtsphilosophie* is a philosophical amendment to the abstract character of human rights by way of the contextualisation of human rights in the socio-cultural and political institutions of Germany. Whereas Marx was already a revolutionary in 1843, Hegel between the 1800s and the 1830s was an educator. For Marx the new constitution always required a “real revolution”. In Marx’s eyes Hegel seemed to advocate gradual transition rather than revolution. However, as I have tried to show in this thesis, Hegel was demanding the modernisation of Germany and the realisation of human rights: “Modernise Germany, otherwise bloody revolution and terror!” In other words, Hegel issued a warning to or even tried a type of politico-philosophical “blackmail” on the reactionaries of Germany through *Rechtsphilosophie*. simultaneously, Hegel tried to persuade the German students to abandon their romantic enthusiasm, nationalistic patriotism or even chauvinism which was linked with populist demand for democratisation and which was influenced by “the leader of this superficial brigade of so-called philosophers, J. F. Fries”.<sup>7</sup> Hegel tried to present the young with a concept of modernisation based upon an understanding of the complex inner articulation of the modern rational state.

Needless to say, there are numerous aspects of *Rechtsphilosophie* which are outdated today and it is impossible to accept *Rechtsphilosophie* as it stands. Nevertheless, it still has many aspects that help us to understand the increasingly complex nature of the modern world and which help us to realise human rights in non-European countries and former socialist countries especially.

The new way of understanding Hegel’s theory of the modern rational state suggested in this thesis has practical implications which can be summarised in the following eight points:

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<sup>7</sup>Nisbet, p. 15.

(1) Human rights as declared in the French Revolution are one of the greatest achievements of the modern European countries. Therefore these rights should be introduced and realised, but should set within their historical and social context. In other words, non-European countries should introduce human rights, but also required is the change of the state structure and creation of a new constitution together with the a careful and gradual education of the people. As Pippin points out, this does not mean that Hegelians only have relative moral values.

(2) The principle of modernity should be understood as the freedom of the individual person that is tangibly manifested in civil society through the declaration of human rights and their guarantee through the rule of law and adherence to the constitution. In other words, it is important to recognise the relative independence of civil society as a different dimension both from the family and the political state and which is the ultimate achievement of modern western history. Civil society should, therefore, consist of relatively autonomous institutions.

(3) The freedom of the individual set in the framework of institutions such as the family, “corporations”, the police, courts of justice other branches of the political state and these institutions should be relatively independent. In other words, these institutions should be increasingly open to all the citizens, that is to say to all responsible men and women in the state.

(4) Family, civil society and the political state can best be understood as imagined communities based upon shared experiences, although in different degrees and of different types. In other words, they should be understood in terms of the multi-dimensionality of *imaginality*. However, it does not mean that the internal arrangements of those spheres and relationships within those spheres have to be described as in Hegel’s *Rechtsphilosophie*. They too will need to progress towards rationality and openness. Women will have the same rights as men. Civil society will not only be more and more rational, but increasingly international. As the *imaginality* evolves, we can have a new dimension of *imaginality* such as the UN at the global level and the EU at regional level.

(5) Hegel was a statist: there is nothing bigger than the state in Hegel's political philosophy. Hegelianism, however, does not need be statist at all. It can and should be “cosmopolitan” or globalist as our *imaginality* develops beyond the state based upon new kind of shared experiences. Environmental

issues, for example, are most likely to help develop our imaginability in that direction. These issues will demand a new internal and external arrangement of family, civil society and the nation state. However, this does not mean that family, civil society and the state will wither away. On the contrary, mankind has to be ready to confront the ever increasing multi-dimensionality of our lives and the complexity of modern world.

(6) All those points imply that human history is developing towards rationality and totality, albeit very slowly. This does not mean, however, that somewhere at the end of “pre-history” there is an attainable utopia nor does it mean that history proceeds through stages and ends with the German world realising freedom for all people . Hegelianism is open to both space and time.

7) Like Ricardo and other classic economists, Hegel himself was sceptical and pessimistic about the final result of capitalism in civil society. We cannot be optimistic about the future of “post-industrial society”. Hegel demanded modernisation in Germany in the name of reason through his writing and lecturing *Rechtsphilosophie* so that German could avoid a bloody revolution and at the same time could achieve the principles of the French Revolution. Likewise, Hegelianism demands the solution of ecological issues in the name of reason so that we can avoid both environmental catastrophe and a bloody struggle for natural resources. In other words, we have to try to solve the ecological problem not by an emotional, enthusiastic reaction but by cool dialectical thinking. In Hegel’s words, we cannot “be exempt from method and logic”.<sup>8</sup> We have to think through these issues in a logical and rational way.

8) Hegel’s political thought is based upon Christianity. Hegel himself always claimed that he was a Protestant. Accordingly his political philosophy may be best understood in the context of in the Graeco-Judaic tradition. This means that it is inevitably Eurocentric. However, Hegel’s philosophy is so much removed from traditional Christianity that in a sense it becomes “pure thought”. Hegel could never be free from the suspicion of being atheism. The abstract nature of his philosophy seems to be able to suggest the possibility of going beyond the fundamentalist collisions of civilisations and religions which are seen all over the world today.

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<sup>8</sup> Hegel, *Science of Logic*, trans. Arnold Miller, (London: Allen and Unwin, 1969), p. 67.

Thus, it has been forcefully argued here that although many aspects Hegel's *Rechtsphilosophie* are outdated , and although the original Hegelian language is so abstract that it has to be translated into modern language, Hegel's philosophy is still highly relevant - perhaps more so than that of his disciple and arch critic Marx.

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