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Hegel's Organicist Theory of the State: On the Concept and Method of Hegel's "Science of the State"

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Hegel's "organicist" theory of the state is usually, and surely rightly, regarded as the expression of a specific political outlook on his part. But this understanding of Hegel's theory all too easily can lead us to overlook the theoretical insights that originally motivated the organicist approach and the theoretical insights that this approach itself may have made possible. One should at least attempt to determine the theoretical value, from Hegel's own standpoint, which this organicism possessed for his theory of the state. It is at least possible to show that this organicism derived from a philosophical conception that was not merely, or indeed principally, developed in relation to the domain of political philosophy but was governed by an ideal of knowledge that also was implicitly decisive for Hegel beyond the context of his political philosophy. In the published text of the *Philosophy of Right*, this ideal repeatedly finds expression in the use of the term that already stands programmatically in the original title of the work, namely, "science of the state" [*Staatswissenschaft*], or "political science," as the word is often rendered in English. Hegel thus clearly was attempting to maintain the program that is expressed by the explicit use of the word "science" [*Wissenschaft*] in the titles of all the principal works that he published himself: the program of a "philosophical science" in general. It is entirely in line with this program that the "Philosophy of Right" should be pursued and presented as a "science of the State." The typographical layout of the two titles on facing pages in the first edition of the work in 1821 shows this very clearly.

For Hegel, there was an internal connection between the meaning of the concept of “philosophical science,” itself derived from Kant, and the particular structure and character of the *object* of such a science. Philosophical science was supposed to be distinguished from the so-called finite sciences, or individual sciences in the usual sense, through its own specific method of grounding and demonstration. The justification for this method was supposed to consist in the fact that the “infinite” science of philosophy takes an “infinite” object as its theme. This use of the adjective “infinite,” as a characterization both of philosophical science *and* of its object, also has a direct connection with the intrinsically organic structure of philosophical science and its appropriate object. Expressions such as “organism” and “organization” already served in Kant for designating, on the one hand, the specific (teleological) method and structure of grounding proper to philosophical science – as the science of the final ends of human reason – and, on the other, the specific (teleological) causal structure proper to a specific kind of object, namely, those that, since Leibniz, have been called “organisms.” For Kant such an object precisely *as* organism was not a possible object of properly scientific “doctrine,” *either* of a philosophical *or* of a nonphilosophical science, because its organic character was neither an object of experience for us nor constitutive for the object itself. Hegel took a completely different view of the matter. For him it was precisely the distinguishing feature and ultimate aim of every philosophical science to comprehend a “whole” in accordance with its immanent self-organizing character, that is, as an organism, *and* simultaneously through this comprehension to unfold itself as a methodically structured and organized system. The task of a philosophical science that takes the inner and external character of the state as its object was synonymous for Hegel with the task of understanding it as an organism, that is, as a self-organizing whole.

In broad outline this was precisely Hegel’s perspective, and it is in such terms that we must interpret explicitly the overall concept that underlies his social and political philosophy. In saying this, I by no means wish to deny that Hegel’s “science of the state,” indeed precisely *as* a philosophical program, was equally a political program, too, and one that can be read and assessed as such. But I think it is nonetheless instructive to reconstruct in some detail that relationship between Hegel’s programmatic “science of the state” and his organicist theory of the state as we have just sketched it. For it is only in this way that Hegel’s “organicism” properly can be distinguished from other earlier and later “organological” conceptions of the state. It is also because of this specific relationship that Hegel’s

theory of the political organism even could be interpreted as a significant scientific advance by Marx, although he himself attempted to reveal the precise political tendencies in Hegel's conception and judged them in essentially negative and critical terms. Thus in the critical notes on Hegel's *Philosophy of Right* in Marx's manuscripts, we find the following: it was a true "discovery" and a great "advance to consider the political state as an organism, and thus to consider the differentiation of powers no longer mechanically but rather as a living and rational distinction."¹ At its heart, Marx's critique is directed not explicitly at Hegel's organic conception of the state as such but only at the precise way and manner in which Hegel "presents" the new dimension of his own theory. Marx himself saw no reason simply to ascribe Hegel's organicism to the conservative side of the latter's conception of the state. It would in a sense be perfectly plausible if Marx indeed had done so. For just like the contemporary "Christian-Romantic" conception of society and state (which even presented itself explicitly as a "science of the State" in the work of Adam Müller in 1819), Hegel also directly connected, for example, the organic character of the state with the idea that it is something that has grown into what it is and thus to that extent cannot simply be fabricated. At least superficially considered, Hegel could be said to have approached the romantic versions of political organicism in other respects as well: in the fact, for example, that he explicitly criticized the ideas of the French Revolution, or that he strongly opposed liberalism and individualism, or that he expressly recommended a "corporate" political community of "social estates." All of these views have some connection with Hegel's organic conception of the state. One hardly can claim that Marx's positive evaluation of Hegel was based on such views as these, which only makes that evaluation all the more striking and remarkable from our perspective. There is a further remark by Marx that is no less interesting in this respect. In a journalistic polemic of 1842, which is explicitly directed against Christian-Romantic doctrines of the state, Marx compares the achievements of Hegel's theory of the state with some of the classical theories of natural law in the following terms: "But if the earlier philosophical theorists of the state constructed the state on the basis of certain instincts, whether of ambition or sociality, or indeed on the basis of reason, albeit the reason of the individual rather than the reason of society, the more ideal and fundamental perspective of the most recent philosophy [does so] on the basis of the idea of the whole. This perspective regards the state as a great organism in which legal, ethical, and political freedom are to find their actualization, and in which the individual citizen of the

state obeys in the laws of the state [*Staatsgesetzen*] only the natural laws [*Naturgesetzen*] of his own reason, of human reason.”² Here Marx expressly refuses to place Hegel’s organicism in immediate proximity to the Christian-Romantic conception, but rather connects it with the tradition of natural and rational law associated with Hobbes, Rousseau, and Kant. This remark also clearly reveals the substantive reason for Marx’s positive evaluation of Hegel’s conception of the state: regarding the state as a great organism does not necessarily imply anti-individualism as such, but on the contrary allows us, and better than the earlier tradition of natural and rational law was able to do, to ground the freedom of the individual citizen of the state on the autonomous exercise of his own thinking. Hegel’s organicism is, as Marx writes in the same connection, the most successful attempt yet “to look upon the state from the perspective of human eyes and to develop its natural laws [*Naturgesetzen*] on the basis of reason and experience.”³

It seems to me that Marx has precisely and properly grasped Hegel’s own intentions here. It is certainly true that the profoundly un-Hegelian expressions such as “the reason of society,” “the natural laws of the state,” and “the natural laws of reason” already suggest certain notions specific to Marx and Engels that would later become familiar (such as the idea of freedom as insight into necessity or, more particularly, of the laws of motion as implicit within existing social reality). But just as this insight is supposed to represent a “scientific” perspective once expressed in its developed form, so too Hegel’s social and political philosophy is based on the conviction that the self-determining will is a matter of thinking and knowing, that this self-determining will is, in its truly proper shape, nothing but philosophical science itself. In a way that we have yet to analyze further, the task of a philosophical science of the state is to display the “necessary emergence” of the concept of the modern state with its specific laws and institutions out of the very concept of the self-determining will (the will that expressly “frees the free will,” according to §274). To display the “necessity” of the concept of the state in this way is to provide what he calls the “*scientific demonstration* of the concept of the state” (§256, Note).

Now it is relatively easy to explain how and why the concept of the state that Hegel hopes to “demonstrate” essentially involves the concept of organism. It is indicative that this explanation can be provided in two ways. We may either attempt to grasp what the “demonstration” of a concept in the context of a philosophical science amounts to for Hegel, and thus determine what the “necessity” of the relevant concept consists in.

Or we may attempt to clarify the nature of the state whose concept Hegel seeks to "demonstrate." First of all, I should like first to sketch these two approaches, discussing the second one (in Section I) in rather more detail than the first (in Section II). How it is possible for both of these paths, despite their completely different starting points, to lead us to the same goal will become fully clear only at the end of the analysis. In order to advance along both paths, we should initially orient ourselves in each case to the text of §256, already cited above, which speaks (in the note) of the "scientific demonstration of the concept of the state" and functions as the point of systematic transition to the section entitled "The State" (§§257–360). It is at the end of the note to §256 that Hegel's organic concept of the state first makes its appearance in the text of the *Philosophy of Right* (if we ignore the introductory paragraphs 5, 31, and 33). Hegel here declares that it is "through the form of *thought*" that "spirit is objective and actual for itself in the *laws* and *institutions*, in its *conceptualized* will, as *organic* totality," and further that this "form of *thought*" is a "moment" of the "infinite form" that "ethical substance" acquires "in the development of civil society." We shall have to return to the significance of this remark later.

I

1. First I shall sketch the second approach and concentrate specifically on what the paragraph says about the state, the "concept" of which is to be "demonstrated." Here Hegel says simply that "the sphere of civil society" now "passes over into the *state*." The justification for the alleged transition runs as follows: "the purpose of the corporation as something limited and finite" finds "its truth in . . . the *universal purpose* in and for itself and the absolute actuality of the latter." Hegel does not claim that the transition to the state takes place because civil society itself already gives rise to an institution such as the "corporation" and this institution in its particular functions also serves a universal purpose. The text of the paragraph makes it quite clear, on the contrary, that Hegel does not wish to ascribe to the corporation *any* universal purpose that transcends the sphere of civil society, but simply a finite and limited one. Nor obviously had it escaped Hegel (cf. §255 Addition) that without higher supervision on the part of the state the corporation would collapse in its functional role as a social institution, would simply "ossify, degenerate internally, and decline into a miserable system of castes." The highest function that Hegel sees performed by the corporation is to bestow upon

the second estate (the business, commercial, and professional class) what the other estates already possess without need for a specific institution, namely “honor within one’s estate” [*Standesehre*] (§253 Note). Hegel regards the lack of any corporate honorable status (among other things) as the “*ethical* reason” for the emergence of “luxury and extravagance within the commercial and professional classes” and the concomitant “generation of a rabble” that is (and rightly to some extent) outraged by the spectacle of the former. For without “*honorable status*” the individual finds himself “reduced through isolation to the selfish aspect of his trade, and his livelihood and sense of satisfaction lack all stability” (ibid.). “The sanctity of marriage and the honor attaching to the corporation are the two moments around which the disorganization of civil society revolves” (§255 Remark). It is quite true that Hegel sees the two “*ethical* roots of the state” (§255) in the corporation of the commercial estate and the institution of the family (which for reasons connected with direct inheritance of property finds its most secure form in the agricultural estate). But he also assumes that these roots will inevitably wither if they are cut off from the total organism of the state. On Hegel’s view they will lose their effective functional role with respect to the particular, limited, and finite purposes of their members unless they simultaneously function for the state as well. Such a loss of function produces a disorganizing effect for civil society as a whole. The reasons for this process of disorganization ultimately lie, according to Hegel, within civil society itself: in its technically and economically conditioned diremption into a class society.

If we now ask again what it is that grounds the necessity of the transition from civil society to the state according to Hegel, we can provide the following answer: the functional context that the institutions of civil society appear to provide for the latter and its members cannot be sustained at all in actuality if these same institutions do not simultaneously belong in a quite different functional context, namely, that of the state. With this transition we find a transformation in the order of that relationship of end and means or ground and consequence under which all the institutions of civil society characteristically stand. Whereas the end purpose or the ground of these institutions initially seemed to lie in the *particular* interests of the members of civil society, in their “*particular* will,” it now transpires that it is the interest of the state, or a “*universal* will,” that constitutes their ground and final purpose. In the first functional context, the ethical socialization of the individual members of civil society (or, alternatively expressed, *the universalization of singular wills*) was only a consequence of or a means toward the realization of their purposes. In the second

functional context, what we find is *the particularization of singular wills*. For the state as the *ground* of the institutional articulation of society not only precedes the emergence of these institutions in a historical and temporal sense (cf. §256 Remark), but also performs the task of countering the inner "disorganization" of civil society. It does so through a continued political reorganization of the totality of social institutions and the "allocation" of individuals to these institutions (cf. §§262–65). To this extent, the state arises from civil society not as its mere "consequence," considered merely, for example, as the sum of its institutions, but rather "as its true *ground*" (§256 Remark).

2. Here I also point out in advance that the two forms of the means/end and the ground/consequent relationship also can be expounded in terms of Hegel's doctrine of the syllogistic forms. For the fact that different forms of the syllogism are directly involved here is something on which Hegel lays the greatest emphasis from the methodological point of view. The ethical socialization or universalization of the singular will in the context of civil society can be interpreted as a mediation of the singular and the universal will and thus presented explicitly as the first figure (S-P-U) of the "syllogism" [*Schluss*].⁵ To see this we must adopt Hegel's symbolism and read the letters S, P, and U (Singular-Particular-Universal) not as variables, but rather as abbreviations for the three moments of the "concept," in this case the concept of the will. They hereby designate, in Hegel's specific terminology, the singular, the particular, or the universal will. S-P-U thus represents a specific relationship of ground and consequent that can be described as follows: the singular will is universal will only because (or insofar as) it is particular will (which as such wills the universal). Or expressed in teleological form: the singular will has the universal will as its end and purpose only because (or insofar as) it has the particular as its end and purpose. In precise correspondence to this, what I have called the particularization of the singular will can be expounded as the third figure of the syllogism (P-U-S): the singular will is particular will only because (or insofar as) it is universal will (which as such wills the particularization of the will). Or again, expressed in teleological form: the singular will has the particular as its end and purpose only because (or insofar as) it has the universal as its end and purpose (which consists in the particularization of the will). Precisely by virtue of this syllogistic structure, Hegel tells us in the Remark to §256 that with the state considered "as the *true ground*," we see how "all *mediation* and the semblance already referred to are just as much *sublated* in the form of *immediacy*." In other words: with the transition from civil society to the

state, the (syllogistic) mediation of the singular will with the universal will is sublated as a mere “semblance” insofar as an *immediate* relationship between the singular and the universal will is here revealed. The universal will itself now assumes a mediating function.

We shall see more below that the state as organism is essentially supposed to contain all three syllogistic forms of mediation (thus also including the second figure: U-S-P). In the *Science of Logic* (WL II, GW XII, 144ff.; ET: pp. 722–73),⁶ and in the “Lesser Logic” of the *Encyclopedia of the Philosophical Sciences* (EPW §198, Remark), Hegel already draws explicit attention to this structure. In the *Encyclopedia*, he writes: “It is only through the nature of this (syllogistic) self-concluding, or through this triad of syllogisms with the same terms, that a whole is truly understood in its organization.”⁷

But before I attempt to elucidate why Hegel regarded this syllogistic interpretation of the relationship between the three moments of the will as something more than an empty formalism, I should like to return to my earlier question concerning the sense in which Hegel understood the state as an “organism.” For this conception of the state is directly connected with the relationship of ground and consequent and the relationship of means and end as outlined above.

3. At first sight one might wrongly conclude from what has been said that in Hegel’s view it is not the state as such but only “the state as envisaged by the understanding,” namely, the entirety of the institutions of civil society, that can be said to constitute an organism. For it is precisely in relation to these institutions that Hegel speaks of the “disorganization” of civil society and charges the state with ensuring their reorganization. For anything that can be disorganized or reorganized surely already must be something intrinsically organized in the first place, and in this sense must be regarded as an organism itself. But Hegel first speaks explicitly of the organism of the state only in the text of §259, and systematically speaking the concept of the political organism finds its proper place only in §267 and §269 in the section concerning constitutional law. By talking of an “organism” here, Hegel is thinking of what he calls the “political state” or the “political constitution.” This latter is the system of political powers and must be distinguished from what Hegel describes in §256 as “the *constitution* [...] in the *particular* sense.” It is only this constitution in the particular sense that can be identified with “the state as envisaged by the understanding” [*Verstandestaat*] or with the totality of the institutions of civil society. This does not include the political constitution of the state as such but merely provides the “basis” (§265) of the political state.

The substantive reason for the difficulty apparent here lies in the fact that in the introductory paragraph to §256 Hegel was not yet speaking directly of the state *as* the political state, that is, as a constitutionally organized system of political powers, but merely of the state in its initially "abstract character," as Hegel puts it (§270). What does Hegel mean by this? The "state" in §256 (and also in the first two paragraphs of the section entitled "The State") in the first instance signifies the state above all as the ethical spirit of a people considered according to its merely *subjective* aspect.⁸ In §267 Hegel expressly distinguishes the merely "*subjective* substantiality" of the will from the "*objective*" substantiality of the same. Whereas this objective substantiality is first explicitly introduced here as "the *organism* of the state," the substantiality of the political will is contrasted as merely subjective "political *disposition*" precisely with this objective organism.⁹

Now Hegel certainly believes that political disposition, as a form of "willing that has become habitual" (§268), cannot actually exist unless it is able to rely on a somehow already actualized objective organism of political powers. To that extent, political disposition is "only a result of the institutions subsisting within the state" (*ibid.*). Even in its "particularly determined *content*," political disposition is sustained by the various aspects of "the organism of the state" (§269).

But it is equally true, on the other hand, that this organism cannot *develop* at all without the spirit of a people the individuals of which have effectively brought about a more or less explicit political disposition for which the universal purpose of the state is the very end that defines and determines their own willing and acting. For at least those individuals on whose activity the existence and effectiveness of the political powers immediately depend must possess a certain minimum of such a subjective disposition. In §270 Hegel speaks about precisely this subjective disposition as the condition of the possibility for the development of the organism of the state: "The fact that the end and purpose of the state is both the universal interest as such and the conservation of particular interests within the universal interest as the substance of these constitutes (1) the *abstract actuality* or substantiality of the state. But this substantiality is (2) the *necessity* of the state, for it divides itself up into the conceptual *differences* within the state's functions; and these differences, by virtue of this substantiality, are likewise actual and *fixed* determinations or powers. (3) But this very substantiality is the spirit that knows and wills itself as having *passed through the form of education* [*Bildung*]. The state therefore *knows* what it wills, and knows it in its *universality* as something *thought*."

Consequently, it acts and functions in accordance with known ends and recognized principles, and with laws that are laws not only *in themselves* but also for the consciousness; and it likewise acts in determinate knowledge of existing circumstances and relations insofar as its actions have relevance to these."

4. This distinction between the "objective aspect" of the organism of the state and a "subjective aspect" of the political will thus reveals that there is also a third form of the relationship between ground and consequent, or means and end, and one that can clearly be distinguished from the second. For it is not merely that the universal interest of the state must be realized in the subjective medium of political disposition if the particular interests of the individuals of civil society are to be safeguarded over against the forces of social disorganization (i.e., more than P-U-S is required). We must also recognize the necessity of U-S-P (the second figure of the Hegelian syllogism). This implies that the political disposition, or the subjective disposition of the members of civil society, is not already sufficient in itself to ground the actual existence of the state. But neither is the state some intangible power that simply hovers over and above its members. On the contrary, the state is objectively actualized only in the shape of those who bear the political powers, who are in turn only singular individuals, though not *the* singular individuals characteristic of civil society. It must always be specific individuals, if not these or those particular individuals, who serve to mediate particular social interests with the universal interest of the state. It must always and necessarily be an individual will that serves to mediate the particular will with the universal will. The political powers therefore only ever exist in the shape of individual functionaries who, as members of civil society, bring particular interests along with them on the basis of their particular social functions and who are already ethically socialized in a particular way in each case. And this holds for the entire structure of political powers, and thus also for what Hegel calls the "organism of the state."

How, then, can we resolve the difficulty implied in the fact that Hegel properly describes the political powers only considered in their entirety as an organism, although he already employs organismic vocabulary precisely in relation to "the state as envisaged by the understanding" and already speaks at the very least of the "disorganization" of the latter? Are the expressions "organism" and "organization/disorganization" merely metaphors that can be relatively freely applied to the state in various functional contexts? Or does the "organism of the state," as developed

in paragraphs §§257 and the following pages actually represent a strictly defined concept for Hegel?

The relevant difficulty is only increased when we consider that Hegel also predicates an "organic" character of the second form of mediation that we have described. Thus in the Remark of §256, already cited above, we read that "spirit" as "*conceptualized* will," namely, through "education" and the "form of *thought*," is already "objective and actual as an *organic* totality." (Here one should compare the Addition to §261 where Hegel speaks of the "organization of the concept of freedom.") Consequently, all three forms of mediation appear in a certain sense as "organic," and we must therefore ask whether or not this sense is the same in all three cases.

5. The problem can be resolved, *first*, if we consider that the terms "organic," "organization/disorganization," and "organism" can take different referential objects. For it is only the word "organism" that can be applied to a *system*, and indeed a system to which we can ascribe certain predicates: one that can be described, for example, as capable of self-organization, self-preservation, and development. According to Kant (whose theory of organism in Part II of the *Critique of Judgment* probably represented Hegel's paradigm from a terminological point of view), we can describe something as an organism only if the following condition is fulfilled: "that the parts of the same are connected into a unified whole by virtue of the fact that they are reciprocally cause and effect of one another with regard to their form. For only in such a fashion is it possible that, on the other hand (reciprocally), the idea of the whole may in turn determine the form and connection of the parts."¹⁰ It is obvious, as we can show easily, that Hegel regards the political constitution in the broad sense, that is, the structure of the political powers in their totality, as just such a system.

In the *second* place, we must also consider the structure that mediates and conditions the three forms of mediation discussed above:

- (1) S-P-U (the constitution in the particular sense),
- (2) P-U-S (the state considered in its abstract actuality), and
- (3) U-S-P (the political constitution).

According to Hegel's construction, we can see immediately that neither (1) nor (2) can be regarded as parts of an organism or themselves as organisms in the sense of a *self-organizing* whole. The "state as envisaged by the understanding" (the constitution in the particular sense) (1) is not a

self-organizing, but rather an *organized* whole, one that for that very reason also can become disorganized, and indeed even can disorganize *itself*. We also can see, on Hegel's construction, that the state as abstract actuality (2), constituted as it is within civil society in the form of "education" and "thought," is not an organism, either, although it at least already must contain the "Idea" of a system that is capable of (re)organizing a disorganized or self-disorganizing civil society. Insofar as this Idea is explicitly that of a self-organizing whole, the Idea, or the spirit that grasps it as such, can be described as "organic" or as an "organic totality" (precisely in accordance with Kant's terminology).

6. If we now examine more closely the conditioning structure of the three forms of mediation – the constitution in the particular sense (1), the state as abstract actuality (2), and the political constitution (3) – we can summarize the argument as follows. First, we saw from §265 that Hegel regards the constitution in the particular sense as the "the firm basis of the state," and we can also claim, if we examine this paragraph more closely, that it is also supposed to provide the "firm basis" of (2) and (3) as well. For Hegel writes that the constitution is the firm basis of the state as well as of the trust and disposition of individuals with respect to the former, and constitutes the central pillars of public freedom since particular freedom is rationally realized within them. We also saw, further, that the political constitution as a system of political powers and the state in its abstract actuality as political disposition, and so on, condition one another reciprocally.

On consideration of this last reciprocally conditioning relationship between (1) and (2), we can easily see that (2) is neither an organism nor a part of an organism in relation to (3). For the state in its abstract actuality cannot as such be regarded as part of the state in its concrete actuality as political organism, and nor can it be regarded as an independent political organism in its own right. The second form of mediation (2) relates to the third form (3) more like a plan that awaits its execution and fulfilment.

But even (1), considered as the "firm basis" of (2) and (3), is neither an organism nor a part of an organism. It is quite true that whenever we consider something as a basis, we are also already considering it teleologically: a basis is always a basis *for* something, is that on which something can depend for some purpose or other. And organisms also stand in a teleological relationship to their respective parts and members. But in the case of organisms, the parts relate to the whole *reciprocally* as at once means and end. But Hegel's constitution in the particular sense,

taken on its own, can be regarded only as a means, and not as an end, in relation to the political constitution and to the state in its abstract actuality. The constitution in the particular sense is, as we saw above, the entirety of the institutions that have the special interests of civil society (the "particular freedom" of §265) as their end and purpose and whose function is to actualize those interests. But these institutions also serve to ensure that these special interests are not actualized in such a way as to lead to the "disorganization" of civil society. If civil society were simply to be left to itself, this disorganization would inevitably result from the realization of special interests. The institutional measures for countering the disorganization that the constitution in the particular sense already harbors are political arrangements on the part of the state. To this extent the state also *seems* to present itself as a means for the realization of special interests. But, according to Hegel, this is itself a mere *semblance* [*Schein*]. Hegel is referring to this semblance when he says in §263 that objective universality "shines through" the sphere of civil society. And he is also referring to the same thing in the *Science of Logic* when he writes: "The third syllogism (S-P-U) is the formal syllogism, the syllogism of semblance in which the singular individuals are connected to this universal absolute individuality through their needs and their external existence; a syllogism that, as the purely subjective one, passes over into the others and finds in them its truth" (GW XII, 145). In truth, on Hegel's view of the matter, the state employs not only the institutions of civil society as a means to its own end and purpose, but also the very *semblance* that this purpose is the realization of the particular interests of the citizens (§263). Hegel's perspective here is based on a quite simple thought: if it is true that the realization of the special interests of civil society produces a disorganizing effect, that the state and the institutions expressly established for this purpose produce a reorganizing effect, then the realization of such special interests cannot be the true end and purpose of the state and its institutional arrangements. In truth there is only the following teleological sequence of conditions leading progressively from (1) to (3): the institutions of the constitution in the particular sense *and* their apparent purpose are merely means for the state's purpose in ensuring that subjective dispositions arise, or at least are not prevented, among the citizens; these dispositions are articulated under (2) as the "spirit of the people" or "political disposition" and provide the conditions for a living political constitution (3), and one that under favorable conditions is also capable of further development.¹¹ The particular interests themselves are precisely not the end and purpose of the state, but rather are "sublated" within the universal interest.

The state indeed must preserve these interests, but only for the sake of the state itself.

7. This conception, according to which the interpretation of the state as merely a means in relation to the particular interests of the citizens is a consequence of an objective “semblance,” constitutes one of the central theses of Hegel’s theory of the state. It is essentially equivalent to his claim that the state, as the “actuality of the substantial will” (i.e., as a rational state), is an *absolute end in itself* [*Selbstzweck*]. To this extent, this conception is intrinsically connected with Hegel’s critique of all those theories of natural law that, as he charges, have “confused the state with civil society” (§258 Remark). Hegel apparently traces this confusion back to the fact that such theories of natural law have allowed themselves to be deceived by the existing “semblance” we have discussed. Such theories include all those that have attempted to explain the union of citizens in a state by recourse to a (real or ideal) “contract,” and thus to some purely common feature of their individual interests or individual wills. From Hegel’s perspective, such confusions concerning the character of the state inevitably result in the paradoxical fact that they actually do far less justice to the existing special interests of civil society than Hegel’s own doctrine of the state as an ultimate end is capable of doing. In this respect, Hegel’s criticisms are directed principally at Rousseau, whose “notions concerning the innocence of the state of nature, and the simplicity of manners belonging to undeveloped peoples” he explicitly rejects. According to Hegel, it was precisely these notions that allowed Rousseau to regard “the needs and their satisfaction, the pleasures and conveniences of particular existence and so on, as *absolute* ends and purposes” (§187 Remark). Hegel’s state, on the other hand, which precisely does not take particular and private interests and needs, and so on, as its absolute purpose, nonetheless leaves far greater leeway for them. For Hegel, by contrast, sees the realization of such interests and needs as an appropriate means of disposing private persons or individuals positively as members of the rational state. For in the process of this realization individuals must “determine their knowing, their willing and their acting in universal fashion and thereby make themselves into a linking *member* in the chain of this [social] *continuum*” (§187). In other words, private persons or individuals come to discipline, to cultivate, to “form and educate” themselves in this manner and “work away,” as Hegel puts it, their “natural simplicity” (ibid.). In a certain sense, Hegel is here following the critique of Rousseau that Kant developed in §83 of the *Critique of Teleological Judgment*. For Hegel, as for Kant, the technical, economic, and cultural development of civil society with *all*

of its harsh social consequences not merely is a source of corruption, but also serves a meaningful purpose. For both thinkers, the ultimate purpose of this development is a supra-individual one that actually realizes itself without the active knowledge of the individual members of society, that is, without that purpose also simultaneously presenting itself as their own purpose as well. Now the distinction between Kant and Hegel lies in the fact that Kant regards this supra-individual purpose as an "end of nature": social development for Kant is not something contrary to nature, but rather corresponds to the final end of gradually "developing in full" all of the natural potentialities of the human species (something that the single individual cannot accomplish alone). Human beings are distinguished from the individuals of other species in accordance with their nature by the fact that they cannot properly unfold their natural capacities in a purely individual fashion. In contrast to Kant here, Hegel still concurs with Rousseau in holding that social development in a sense runs counter to nature, although for Hegel this development corresponds to a *higher* purpose that is *not* an end of nature. "The interest of the Idea, which is not present in the consciousness of these members of civil society as such, is the *process* whereby their individuality and naturalness are raised, both by natural necessity and by their arbitrary needs, to *formal freedom* and *formal universality of knowledge and volition*, and subjectivity is *educated* in its particularity" (§187). This distinction between Kant and Hegel is also reflected in their different conceptions of the political state and its characteristic constitution. For Kant even the most perfect political constitution is still merely a means for the realization of a natural purpose, or more precisely is "only a formal condition under which alone nature can attain this its final intention"; "for it is only here [i.e., under a political constitution] that the greatest possible development of our natural capacities can transpire."¹² This constitution is not the final purpose itself, but merely an appropriate purposive arrangement where "lawful power within a whole known as civil society is opposed to infringement in cases of mutually conflicting freedom." For Hegel, on the other hand, the constitution of the state is itself the "final purpose" (§258) and sublates the "interest of the Idea" within itself. This general distinction between Kant and Hegel is lastly reflected in their quite different conceptions of the content and value of any philosophical theory of political history. For Kant, any such theory must ultimately fall within the framework of a teleological perspective on nature in general. And insofar as the idea of a natural end or purpose can possess only a regulative rather than a constitutive value for our theoretical knowledge, then the teleological picture of

political history for Kant can only further the organization of our empirical historical knowledge from the theoretical perspective, and can only further the comprehension of ourselves not simply as moral subjects, but also as citizens of the world, as cosmopolitan subjects, from the practical perspective. For Hegel, on the other hand, the philosophy of world history must fall within the framework of a philosophical theory of the state. And for him the philosophy of world history is possible as “science,” as *theoretical knowledge*, to the degree that world history can be understood as the history of states and these states can be understood as organisms. For once they are understood in these terms, states represent purposive ends in themselves just as much as natural organisms do. And here, in contrast to natural organisms, the teleological idea is not “external” to these political organisms and not merely, as Kant says in relation to natural organisms, “the ground for cognizing the systematic unity” of the organic whole in question.¹³ And indeed, precisely insofar as the state is not merely a natural product, but rather a product of human will, the teleological idea here is constitutive for the organism of the state, that is, is not merely the ground of cognition for the same, but the ground of its existence as well.

8. But what is it that ultimately *justifies* Hegel in regarding the state or, more precisely, the political constitution, as an organism, that is, as a whole that possesses its end and purpose solely within itself? That the state is a purposive end in itself follows for Hegel, in the first place, directly from the fact that although, as we have seen, it can be a purpose, it never can be simply a means for the realization of particular ends in civil society. The fact that something is a purposive end in itself, however, is only a necessary but not sufficient condition for the fact that it is an *organism*. Not every purposive end in itself is already as such an organism. Why, then, does Hegel think that the purposive character of the state as an end in itself effectively makes it into an organic system?

The reason for Hegel’s view lies in the fact that the state is not only an end in itself, but also an organized whole of various functions that make the state into a system of powers. These functions arise from the connections we already have examined in the following manner.

First, we saw that the state, as regards its political constitution, must possess a reorganizing function in relation to civil society. This cannot mean, as we also saw, that it should represent merely a means for the realization of the particular ends and interests of civil society. It does mean, however, that the state must concern itself with these particular ends and interests *insofar* as these can be *harmonized* with a *universal*

purpose. This universal purpose ultimately cannot consist in anything else than the "*union*" of the members of civil society that tend to disintegrate into a plurality of classes (§258). The final end and purpose of the state is consequently the union of the various social classes with one another.

This in turn explains the emergence of the two functions (or "powers") of the state: *first*, the state (the individuals united therein) must *cognize* what the desired harmonization of particular interests properly signifies *in concreto*; *second*, this harmonious purpose must also be practically *executed*. The process of cognition, the first of the two functions, proceeds inductively as it were from the particular to the universal: the particular interests are already given, while the universal, that is, the way in which the particular interests are to be harmonized, has yet to be determined. The execution of this purpose, the second function, can be described as the subsumption of the particular under the now determined universal. The execution of the purpose thus proceeds in the opposite direction, as it were, to the cognition of the purpose: starting from a given universal purpose, its task is to specify the latter. Hegel distinguishes the legislative power and the executive power in accordance with the two functions of cognizing and executing the universal purpose (cf. §273). The function of the legislative power is therefore not the enactment of legislation as a purely voluntaristic expression of will, but rather is essentially cognitive in character, is a proper *knowledge* of what law is. That is why the legislative power is also charged, as Hegel emphasizes, with certain tasks that do not substantively belong to the content of the universal will (the annually required fixing of the budget, for example). The legislative power, through its knowledge of particular ends and purposes, must itself "determine" the universal purpose (§273), that is, must cognize and define (decide) that purpose. In a differentiated society that is organized according to the various estates, this function can be performed appropriately only by some representative assembly or organization. But this cannot be a purely representative organization because the tasks and functions of government as such also involve particular purposes that must themselves be defined and determined in relation to the universal purpose. Thus, although the executive power is indeed functionally distinct from the legislative power, it cannot simply be divorced from the latter (as it is on the doctrine of "the separation of powers").

The precise manner in which Hegel distinguishes the political powers in respect of their specific functions clearly shows that he also articulates the inner structure of the political constitution on the basis of the three syllogistic forms of mediation. In accordance with this structure, the

executive power corresponds to the constitution in the particular sense (S-U-P): here the required middle term is the particular purpose in terms of which the individual government functionaries strive to realize the universal end and purpose of the state. The given *conclusio*, or the given outer terms of the syllogism, are, first, the singular individuals (or singular wills) as bearers of the executive power (the officials or the individual members of the so-called universal estate) and, second, the given universal end and purpose of the state (to which this body of state-employed officials, functionaries, and civil servants owes its name as the universal estate). The legislative power corresponds to the state in its abstract actuality (P-U-S): the required middle term here is the universal end and purpose of the state in its concrete form as the interest of the state at a particular time. The *conclusio*, or more precisely the outer terms of the *conclusio*, are given here, on the one hand, as the singular wills qua bearers of the legislative power, on the one hand, and, on the other hand, as the particular interests that these individuals bring with them as representatives of the various estates.

These two relations of correspondence, considered substantively, are not contingent ones. For the function of the executive power is none other than that of (re)organizing the institution in the particular sense. The executive power is supposed to actualize the constitution in the particular sense, precisely as a politically organized constitution harmonious with the end and purpose of the state. And this holds correspondingly for the legislative power. The state in its abstract actuality was the spirit of the people as “Idea,” the *volonté générale* “in the form of thought” (as “education,” as “political disposition,” as “conceptualized will”). But the function of the legislative power is none other than that of actually developing the universal will in the form of thought (the state in its abstract actuality).

9. However, the question that inevitably arises now is much more difficult to resolve: *what is it that corresponds to the political constitution in terms of its own inner structure (U-S-P)?* Can any such relation of correspondence be meaningfully construed at all in this connection?

The syllogistic form of mediation for the political constitution resulted, as we have seen, from the fact that it can be understood not as a kind of free-floating power hovering over and above the individual members of civil society, but only as something that expressly requires these individual members as its bearers and functionaries. It is always singular individuals who have the task of mediating the particular interests of an estate or class with the universal interest of the state. These individuals are identical with the bearers of the political powers, and thus with the government

functionaries and officials and the individual members of the legislative body (or bodies).

Now in explaining the functions of the legislative and executive powers, I have assumed that these individuals, as bearers of both powers, were already "given" as such, that they constituted one of the two outer terms of the given *conclusio*. But in truth they still remain to be "given" as such. It is quite impossible for *all* the individual members of civil society to be the immediate bearers of political power (as with those who have not attained their legal majority, for example). The question inevitably arises, therefore, of how the immediate bearers of political power as such are to be determined. But this question, on what is obviously Hegel's view, can be interpreted precisely as the question concerning the middle term of a specific syllogism. The individual bearers of the political powers are therefore still to be determined, like the two outer terms of the particular and universal interest of the state, as the middle term of a syllogism where the *conclusio* U-P is already given. But the outer terms U and P are already, and indeed only, given in the sense that, first, there are no individuals who do not already bring particular interests with them by virtue of their place in the "system of needs" (i.e., in the system of estates and in the class structure of civil society), and that, second, the universal end and purpose of the state is already established in terms of the harmonious unification of social classes. In fact, the problem that *every* political constitution faces (and specifically in respect to all the political powers) is precisely *how* the relevant individuals are properly selected, or *which* individuals are properly fitted to mediate existing social needs and interests with the universal end and purpose of the state. This problem is equivalent to the question concerning *who* should be the immediate holder of political power.

In Hegel's understanding, the implications of this are twofold: *first*, that the essence of the political constitution as such (the essence of all political powers in general) lies precisely in mediating the universal with the particular through singular individuals (U-S-P); and *second*, that it also belongs to the *functions* of the political constitution to determine the singular individuals who are themselves the bearers of political power. (The organism of the state has to ensure, as it were, a metabolic relation with civil society.)

But this "metabolic" function also requires a bearer. And insofar as Hegel determines the inner structure of the political constitution in terms of specific functions, we can see that a third political power is required here. The function of this third power lies in determining the singular will

as such insofar as the latter is properly capable of mediating the universal with the particular. This produces a correspondence between the structure of the political constitution as a *whole* and the structure of one specific *part* of the constitution, of a particular (third) political power with regard to its appropriate syllogistic form of mediation (U-S-P).¹⁴

10. The question as to *who* should be the holder of this third power seems to lead to an infinite regress. There are only two logically possible solutions in relation to such a regress. Both claim that it is the task of the legislative power to know and determine who is appropriate to hold and exercise the third power. This means that the legislative power, as a part of the political constitution, thus also would be competent to determine the structure of the political constitution directly. Or, alternatively, one removes such competence from *any* exercise of the universal will and claims that civil society contains certain members who are the appropriate holders of the third power by virtue of their own nature or particular position. This alternative between the two possible solutions marks the exact point from which the young Marx's critique of Hegel arises. The young Marx charged Hegel with actually deciding among alternatives in a purely voluntaristic fashion without recourse to any compelling argumentation. Marx, in contrast to Hegel, opted emphatically for the first solution. In Marx's view the state can properly be regarded as an organism capable of further development only if the legislative power is also competent to act as a constitution-giving power. This is the thought that underlies Marx's reference to those "organic revolutions" that are always essentially a matter for the legislative power.¹⁵

Hegel, of course, decides for the other solution. He explicitly denies the legislative power (in §298) any competence, as one part of the constitution, directly to determine the constitution itself. He further claims (in §281, Remark) that philosophy alone has the exclusive right "reflectively" to "consider" whether, or to what extent, "natural birth" should or can decide who should hold and exercise the third power within the state. Hegel thus effectively decides for the monarchical principle and determines the third power precisely as princely power. Hegel believes that a complete organism of the state can be constituted only where specific patriarchal relations of power, specific property relations governed by the principle of primogeniture, and finally a princely ruler of some kind all obtain. For it is only under relations such as these that the allocation and distribution of specific offices and positions, and especially the holder of princely power, can be "left to the devices of nature" (§281). (Hegel does not even really consider the potential objection, eventually raised in fact

by Marx, that relegating the decision to "nature" in this way is ultimately itself a matter of arbitrary will.)

Now as far as the function of princely power is concerned, it is little more than a bare and abstract description to say that it determines the will of state precisely as a singular will. In the first place, Hegel by no means believes that the monarch alone should decide about the participation of specific individuals in the exercise of the political powers of the state. For Hegel not merely excludes the possibility of the individual making himself into the monarch, of determining his own successor, of even justifying himself as the proper bearer of princely power. (The fact that "thinking reflection" concerning princely authority is the exclusive right of philosophy itself thus clearly excludes, for example, the principle of divine right, the idea of the monarch simply "ruling by the grace of God.") For, on the contrary, Hegel also believes that participation in the legislative power should in part be quite independent of any influence on the part of the monarch. The arguments he advances here are partly similar to those he uses to justify the monarchical principle itself. For in Hegel's view (by virtue of the principle of representation by social estate), the legislative power must also contain members qualified simply by the natural result of birth (through the principle of primogeniture). In addition, the principle of delegation, which is supposed to be appropriate to the commercial and professional estate, also serves to reduce the influence of the monarch. It is only where mere "contingency" would otherwise prevail that the monarch has to decide with regard to political participation: if there are a number of possible candidates for political office "amongst whom the best choice cannot absolutely be determined," the monarch ultimately has to "select" certain individuals for the relevant positions (cf. §§283 and 292). In this case, the influence of the monarch thus extends directly only to the executive power, and to that extent only indirectly to the legislative power as well. The actual determination of the singular political will, substantively considered, is therefore very slight. But it is so much the greater if considered in terms of form. For in Hegel's construction, the task of the princely power is not in the first instance to select individuals to occupy political positions at all. Its task is much rather a merely formal one: it is "the final decision of will" that properly belongs to the monarch (§273). The monarch can contribute only relatively little to the *content* of legislation, but without the moment of final decision, without the signature of the monarch, all acts of the legislative power would be invalid. The function of the princely power, in this respect, is thus not to determine which individuals actually participate in the legislature, but

merely to make that which the various participating individuals will into a singular will (into the will of the state). To the extent that the monarch is also the head of the government, we can say that the “various powers [of the state] are here brought together into an individual unity” (§273).

Hegel’s construction of the third power as princely power is certainly ingenious, in my opinion, but it still also represents the weakest part of his overall interpretation of constitutional law and the state. For this construction is not only directly connected with the fact that Hegel effectively demotes the legislative body to an organization whose function is to “mediate” between the “organic state” and the inorganic plurality, the atomistic aggregate of the people as a whole (§302). Although he otherwise never tires of criticizing, and with good reasons, the atomistic perspective that is characteristic of civil society and the people (*populus*), Hegel himself here employs a completely atomistic conception of the “purely massed power” of the many “over against the organic state” (§302). “Considered as a *mediating* organization,” as Hegel writes in the same paragraph, “the estates stand between the government as such, on the one side, and the people, dissolved as it is into particular spheres and individuals, on the other.” The legislative body now suddenly assumes the function of protecting the political constitution of the state against, or mediating it with, the people as atomistically conceived, instead of ensuring the appropriate “metabolic exchange” within an organically conceived state.

But if we now disregard the details of the actual realization of Hegel’s theory of the division of powers, and simply consider the overall functional construction of the political system of powers in this theory, it is quite clear that Hegel’s talk of the “organism of the state” is more than a simple metaphor. For Hegel expressly intends thereby to emphasize that the system of powers is neither a mere aggregate nor a system of forces that reciprocally limit their respective spheres of operation in a purely mechanical fashion. Conceived precisely as an organism, the system of powers is itself a whole that possesses its end within itself, and whose parts or articulated members are themselves not merely means but also an end and purpose in their own right: each individual power presupposes the effective functioning of the other two as already given, and the specific function of each is determined by the idea of the whole.

II. If we grasp Hegel’s theory of the state as organism in this way, we can see that it also links up directly with a conception of the state that can ultimately be traced back to the French Revolution where indeed, as is generally recognized, the rhetoric of expressly political “organization” first arose.¹⁶ One also can find a reflection of this conception of the state

in the footnote to §65 of Kant's *Critique of Teleological Judgment* where he writes, with an indirect reference to the French Revolution, as follows: "Thus in the case of a great transformation, recently undertaken, of a great people into a state, the word organization has frequently, and with much propriety, been used for the constitution of the legal authorities and even of the entire body politic. For in a whole of this kind certainly no member should be a mere means, but also should be an end, and, seeing that he contributes to the possibility of the entire body, should have his position and function in turn defined by the idea of the whole." This Kantian conception of the "organization" of the body politic already anticipates the basic idea behind Hegel's doctrine of the political organism in a fairly precise fashion. But it is interesting to note that Kant himself did not expressly adopt this organic conception of the state. This is directly connected with the fact that Kant regarded this language of the "organization" of the body politic as a purely analogical mode of discourse. Such a way of speaking, as Kant remarks in the same footnote, involves merely an "analogy" with the natural living organisms that Kant conceives as the "immediate ends of nature." It seems to me that Hegel consciously distinguishes his own position from that of Kant here, and not without some justification. Kant could only regard the living organisms of nature as "natural ends" to the extent that he believed we already require a teleological perspective even in order to describe organisms *as* organisms in the first place. To regard organisms as "natural ends" means to regard them *as if* the idea of the relevant whole lay behind them as a cause (as the ground of their existence). It does *not* mean to claim, in addition, that the idea of the whole is also the actual cause (the ground of existence) of the specific form of the organism and of the interconnection of its various parts in and as an organic whole. If we now apply the concept of organism not to plants and animals, but rather to the state that is organized by human beings and itself organizes human beings as citizens of the state, then the concept of organism must also undergo some change in the process. The organism of the state is not a "natural end," but rather, as an organized and self-organizing whole, an "end in and for itself" [*Selbstzweck*]. The question thus naturally arises whether Kant's view that the idea of the organism is merely a ground of cognition, but not the ground of the existence of the organization of the parts into a whole, is applicable to the state or political community. It is not mechanical objects – at least according to Hegel's theory – that are organized within the organization of the state. For Kant, one must always regard the parts of plants and animals as just such mechanical objects if we wish

to explain anything about them in causal terms. On Hegel's view of the matter, what gets organized within the state is, rather, what he calls the "political disposition" or the "spirit of a people," is a will that is itself directed toward an end.

II

For Hegel, therefore, the idea of the political organism is not only the cause of the organization of the state, but also the *ground of cognition* with respect to the essence of the state. This brings us back to my original claim that Hegel's conception of the state as organism already arises from his idea of a philosophical science of the state. It should now be easier, after the foregoing analysis, to understand the full sense of this claim. I merely wish to conclude by limiting myself to a few further suggestions.

Hegel was able to derive the concept not merely of the organism, but also of a properly philosophical science from Kant's *Critique of Teleological Judgment*. If we bear this connection in mind, we possess a guiding thread that leads us to the heart of Hegel's concept of a philosophical science of the state. In §79 of the "Doctrine of Method" in the *Critique of Teleological Judgment*, Kant directly raises the problem concerning the proper place of "teleology" within a genuinely philosophical science. In this paragraph, Kant understands "science" as a system, or an organized whole, in which the placement of all the parts is determined by the idea of the whole. Kant then divides philosophical science into a theoretical and a practical part, but, remarkably enough and without providing an argument for this, he discusses only the question concerning the proper place of teleology within the *theoretical* part of philosophical science. His answer is that teleology as science is not a part of scientific "doctrine," but belongs solely to the critical theory of the faculties (and of the faculty of judgment in particular), although it exerts a certain negative influence on the method of theoretical natural science.

Kant's answer is explained by the following considerations. For Kant, the concept of teleology belongs to the critical theory of the faculties to the extent that we recognize the need for the teleological exercise of judgment as a specific characteristic of the human faculty of knowledge. This faculty of knowledge is defined by its receptivity to intuition, on the one hand, and by the spontaneity of discursive understanding, on the other. Our "understanding" is specifically constituted in such a way, as far as knowledge attainable through the understanding is concerned, that

"the particular is not determined by the universal, and the former cannot therefore be derived from the latter."¹⁷ But at the same time, "this particular within the manifold of nature must be concordant with the universal (through concepts and laws) if we are to be able to subsume it under the latter."¹⁸ This "concordance" [*Zusammstimmen*] of the particular and the universal inevitably appears as something contingent and is "conceivable for our understanding solely through the connecting means of ends."¹⁹ In other words, if an organic product is presented to us in empirical intuition, our faculty of understanding finds it impossible to derive or explain from the universal concept of this specific organism how the particular parts of the organism are determined as particular members or organs of the same. On the contrary, our understanding can think "a real whole of nature" only precisely as "an effect of the competing forces of the parts."²⁰ The understanding is unable to think "the whole" as "containing the ground for the possibility of the connection of the parts," but can think only that "the *representation* of a whole contains the ground for the possibility of its form and of the relevant connection of the parts."²¹ To regard an organism in this way means, precisely, to explain it mechanically, on the one hand, and to describe it teleologically, on the other. For this reason, teleology belongs as a characteristic feature to our essentially finite understanding and to the critical examination of the latter. Through his critical analysis of the human understanding, however, Kant also raises the question concerning the possibility of an understanding that is constituted differently from our human understanding. Kant even points out explicitly that insofar as we recognize the finitude of our own understanding, that is, insofar as we grasp the peculiar character of our understanding as its specific essence, we thereby already precisely have framed the idea of an understanding that is constituted in a specifically different way from our own, and the possibility of which we can at least envisage. For such an understanding the finitude of our understanding would be dissolved, that is, for the former it would *not* be impossible to recognize a whole presented in nature (i.e., an organism) as the real ground for the determinate and specific character of its parts. For such an understanding a real whole within nature would *not* appear as a mere effect of the competing forces of the parts. In the intuition of a specifically articulated whole the interconnection and form of the relevant parts would *not* appear as contingent. For such an understanding pure actuality thus would have taken the place of contingency and mere possibility. The ground for the existence of the particular then already would be given along with the universal of the whole (with the nondiscursive concept of the whole). Such an understanding would

require neither the concept of end nor the concept of mechanical effect. Hence Kant calls it a nondiscursive or intuitive understanding.

If we bear this Kantian conception of teleology as part of a philosophical science in mind, then Hegel's conception of a philosophical science of the state appears as both an implicit (and quite deliberate) critique and as a productive appropriation of Kant's theory.

As far as the critique of Kant is concerned, Hegel repudiates, *first*, the Kantian presupposition that teleology as science falls exclusively within the theoretical part of philosophical science. The substance of this objection is not, of course, at all new. According to the conception of many traditional political theories already, from Plato and Aristotle through to Kant himself, the state has always been interpreted in terms of the relation of ends and means or part and whole. Even the individualistic contract theories of the state, which have existed since the beginning of the modern age, regarded the state not merely as a whole composed of parts (of individuals), but also as a means for the realization of the particular and shared ends of individuals. Hegel's criticism of such contract theories consisted in the objection that if the ultimate end and purpose of the state is located solely in the particular interests of the individuals as such (e.g., in individual security, in the protection of property, or in personal freedom), then it inevitably appears as "something arbitrary" (or we can now say: as something contingent) whether individuals come together to form a state or not. One can interpret this criticism as one that corresponds precisely to Kant's critique of the understanding that can grasp the emergence of a natural "whole" only as an effect of the competing forces of the individual parts, and for which the interrelated whole, constituted by the individual parts in virtue of their particular natural forces and properties, must appear as something entirely contingent. Now this is precisely why Hegel describes the state that is exclusively envisaged by the contract theorists as "the state as conceived by the understanding." And Hegel believes that his own critical (and to that extent the only properly "scientific") examination of such a state precisely *as* a "state as conceived by the understanding" necessarily leads to a concept of the state that interprets it as an end in and for itself, and thus ultimately as an "organism." That is the significance of Hegel's remarks concerning the "scientific demonstration of the concept of the state" in §256 of the *Philosophy of Right*.

The second aspect of Hegel's implicit critique of Kant is directed against the Kantian claim that teleology as science properly can belong only to a critical examination of the faculty of knowledge, but not to a body

of "doctrine." The substantive basis for Hegel's criticism lies in the fact that what Kant says does not appear to be consistent with what he actually does. For insofar as Kant subjects the human understanding to critical analysis as a finite understanding, the critique of teleological thought does not merely move directly into a theory of the nature of an "intuitive understanding," but also simultaneously suggests a specific and alternative theory of organisms, one in which the opposition between mechanical and teleological causality is overcome or sublated. Although Kant certainly *says* that such a theory could actually belong not to us, but only to a hypothetically entertained intuitive understanding, the remarkable thing is that he has himself sketched out what a possible theory of an intuitive understanding would involve.

If we now consider the articulated construction of Hegel's theory of the state, and if we pay particular attention to the structure of the transitions that take us first from the state as conceived by the understanding (1) to the concept of the state as an end in itself (2) and then from this to the theory of the state as organism (3) we can make the following claims. The first transition corresponds to the transition of the understanding from an initially quasimechanical to a teleological consideration of the state. The second transition corresponds to the transition of the understanding from a previously discursive to a no longer purely discursive consideration of the state as a "rational state." The consideration of the organic state as a chain of syllogisms returning into themselves is, of course, still discursive with regard to form, but the discursive character is now only a moment within a form of thinking that can be described best as a "synoptic conceptualisation" [*Zusammendenken*].²² Here we expressly think the universal together with the particular in the singular or individual. Hegel's theory of the organism of the state, with its assumption of three reciprocally self-presupposing forms of mediation, makes use of precisely the same conceptual structures that Kant had ascribed to the intuitive understanding. As a form of the actualization of the will, the state is certainly not an object of intuition in the Kantian sense of an empirical or nonintellectual intuition. But precisely insofar as it is not indeed such an object, and yet can still be thought as a singular individual "whole," Hegel was able to ask whether it was not perhaps more appropriate, with regard to the essence of the state, to abandon both the purely teleological and the quasimechanical perspectives as inadequate "finite" modes of conceptualization. Hegel's response to this question was quite unambiguous since, in his eyes, the state could properly be regarded as an organism only to the extent that it is a whole articulated in its parts, one where the

whole and the parts causally determine one another with respect to their form and their interconnection.

Notes

1. K. Marx, *Zur Kritik der Hegelschen Rechtsphilosophie*, in K. Marx and F. Engels, *Gesamtausgabe* 1,2 (Berlin, 1982), p. 12.
2. K. Marx, *Der leitende Artikel in Nr. 179 der "Kölnischen Zeitung,"* in K. Marx and F. Engels, *MEGA*, vol. 1, p. 1 (Berlin, 1975), p. 189.
3. Ibid. In the context of the passage in question, Marx compares the theory of the state with that of the solar system: "Just before and just after the time of the great discovery of Copernicus concerning the solar system the gravitational law of the state was simultaneously discovered, and one now found the gravity of the state within itself" (ibid., p. 188). This particular comparison may well have been suggested by the fact that in the *Science of Logic* (cf. note 6 below), Hegel himself identified the organism of the state, in relation to its inner "logical" structure, with the "free mechanism" of the solar system and also spoke about "gravity" in this connection as the fundamental determination of this system. One can find a similar thought in the "Remark" to §198 of the Berlin edition of the *Encyclopedia* (cf. note 8 below). The idea that Marx partly repudiated and partly ignored the Hegelian theory of the fundamental logical structure of the political organism, as occasionally has been claimed, does not really stand up under close examination.
4. The paragraph references here and in what follows relate, unless specifically indicated otherwise, to those of the 1821 text of *Grundlinien der Philosophie des Rechts*.
5. The three figures of the Hegelian syllogism do not correspond to those of the classical syllogism in every respect. The traditional notion of the syllogism is a concept narrower than Hegel's. In his essay *Logical form and Real Totality: On the Conceptual Form of Hegel's Authentic Concept of the State* (cf. pp. 241–67 above in the present collection), Dieter Henrich has pointed out that how the idea of "syl-logizesthai," of synoptic conceptualization, lies at the heart of the Hegelian conception of the syllogism.
6. "Thus the *government*, the *individual citizens* and the *needs* or the *external life* of singular individuals are the three terms, each of which forms the middle term of the other two. The *government* is the absolute center in which the outer term of the singular individuals is brought together with its external subsistence; but the *singular individuals* are equally a middle term insofar as they activate that universal individual in the domain of external existence, and translate its ethical essence into the outer term of actuality. The third syllogism is the formal syllogism, that of semblance, in which the singular individuals are connected through their *needs* and external existence to this universal absolute individuality; a syllogism that, as a purely formal one, passes over into the others and finds its truth in them. This totality, the moments of which themselves exhaust the complete relations of the concept, or as *syllogisms* in which each of the three distinguished objects in turn assume the determination of the middle and the

outer terms, constitutes the process of *free mechanism*. Here the distinguished objects possess the objective universality, the *pervasive* gravity that maintains itself as *identical* in its *particularization*, as its own fundamental determination."

7. The complete Remark in §198 runs as follows: "In the practical sphere, for instance, the state is a system of three syllogisms just like the solar system. (1) The *singular* (the person) concludes himself through his *particularity* (the physical and spiritual needs, which when further developed on their own account give rise to civil society) with the *universal* (society, right, law, government). (2) The will or the activity of the individuals is the mediating term that gives satisfaction to their needs in the context of society, right, and so on, and provides fulfillment and actualization to society, right, and so on. (3) But it is the universal (state, government, right) that is the substantial middle term within which the individuals and their satisfaction have and preserve their full reality, mediation, and subsistence. Precisely because the mediation concludes each of these determinations with the other extreme, each of them concludes itself with itself in this way or produces itself; and this production is its self-preservation. It is only through the nature of this concluding, or through this triad of syllogisms with the same *terms*, that a whole is truly understood in its organization." Whereas the *Science of Logic* (cf. note 6 above) presents the system of the three syllogisms in the sequence of P-U-S, U-S-P, S-P-U, in the "Remark" to §198 of the *Encyclopedia*, Hegel presents the system of syllogisms in the reverse sequence of S-P-U, U-S-P, P-U-S. Both sequences reflect the systematic structure of the Hegelian theory of the syllogism to the extent that, in accordance with the theory, the "syllogism of reflection" (U-S-P) comes to stand between the "syllogism of quality" (S-P-U) and the "syllogism of necessity" (P-U-S). We shall see that Hegel's exposition in the *Philosophy of Right* is concerned only with the mediating role and position of the syllogism of reflection. The different presentation of the syllogistic triad in the *Science of Logic* and the *Encyclopedia* merely seems to me to show that the position of the outer syllogisms of this triad is a matter of indifference for Hegel – just as the position of the outer terms within the simple syllogisms also seems irrelevant to him and is therefore also arranged differently in the *Science of Logic* as compared with the *Encyclopedia*. The syllogistic triad of the *Encyclopedia* corresponds directly to Hegel's metaphor of the "circle of circles" (on this metaphor for the syllogism made up of syllogisms, cf. the "Addition" to §342 of the *Encyclopedia* in the original edition, the *Freundesausgabe*, of Hegel's complete works, where Hegel also develops his theory of organic nature as a triadic theory of syllogisms). The syllogistic triad of the *Science of Logic* corresponds to Hegel's metaphor of the "triangle of triangles" where the relevant middle term corresponds to the extremities and the relevant conclusion (the pair of outer terms) corresponds to the sides.
8. The state is the ethical spirit as the "substantial will that thinks and knows itself" (§257), not the will "insofar as it realizes what it knows and insofar as it knows it" (ibid.). More precisely, this is the state "as the actuality of the substantial *will*, and which it possesses in the particular *self-consciousness* that has been raised to its universality" (§258). Cf. §265, Addition: "It is the individuals' sense of themselves that constitutes its [the state's] actuality."

9. "This disposition," so Hegel says in §268, "is *trust* in general (which can pass over into a more or less educated form of insight) – the consciousness that my substantial and particular interest is preserved and contained within the interest and purpose of something else (here of the state) as in a relationship to myself as a singular individual – whereby precisely it is immediately not an other to me and I am free in this consciousness."
10. *Critique of Teleological Judgment* §65 (B 291).
11. The members of this conditioned sequence are not, it should be noted, the members of the political organism. And the sequence of conditions (1) S-P-U (2) P-U-S (3) U-S-P does not correspond to the sequence of Hegel's triad of syllogisms that ascribes the central position to the syllogism of reflection (U-S-P).
12. *Critique of Teleological Judgment* §83 (B 393). The following quotation is also from §83.
13. *Ibid.* §65 (B 291).
14. It is the correspondence between the structure of the political constitution as a whole and the structure of a single part of the constitution (the third power) that provides the deeper substantive grounding for why Hegel actually interprets the third power as the *first* one. There is a lack of clarity in the secondary literature on Hegel concerning this substantive grounding. Hegel deduces the first power directly from the concept of the political constitution. According to this concept, the essence of every political constitution lies in determining which individual will is charged with harmoniously mediating the given universal end and purpose of the state (that of uniting the social classes) with given particular ends and purposes (those that arise from particular needs and situations, etc.). "Individuality is the first and highest *pervasive determination* within the organization of the state" (EPW §541, Remark). (Gravity in the free mechanism of the solar system corresponds to individuality in the organism of the state.) By virtue of this "pervasive determination" of the political organism, which also ultimately constitutes the individuality of the state itself, all three political powers can be interpreted as forms of the executive power. The *Encyclopedia* thus indeed distinguishes these powers from one another as the individual, particular, and universal expression of the executive power. That the *first* power, according to Hegel's exposition, corresponds to the *middle* syllogism of the syllogistic triad finds its deeper substantive grounding in the fact that Hegel understands the "articulation" of the organic domain in general, and in particular the articulation of the political state in terms of its various powers as a "diremption" (§273; cf. WL [GW VII], 144ff. and the EPW §198 and the Addition to §342; cf., finally, the remarks in Hegel's essay *The Difference between Fichte's and Schelling's System of Philosophy* concerning "the fairest bond" in Plato's *Timaeus* [GW IV, 65] and the passage in the VPG to which Henrich draws particular attention in the essay mentioned above). The syllogism of reflection forms the starting point for understanding this diremption since it already can be grasped itself as a diremption of the individual into the moments of the universal and the particular. The diremption of these

moments gives rise in turn to the syllogisms of quality and necessity that, resulting from diremptions as they do, form the outer syllogisms of the syllogistic triad. The often discussed question, also raised by Henrich, as to how the construction of the state as a system of three syllogisms that is undertaken in *WL* and in §198 of the *EPW* can be brought into a consistent relationship with the exposition of the political organism in the *Rph* is capable of a solution only if we recognize the essentially "diaretic" character of the syllogistic triad. It is unnecessary to endorse Henrich's view that "the syllogistic triad of the *Encyclopedia* is not related at all to the three formal aspects of constitutional law" and that this syllogistic triad should be interpreted as the proper conceptual form of Hegel's "authentic" concept of the state, that is, as a "conceptual determination of the state that still precedes the logic of constitutional law and the speculative articulation of the institutions of its constitution and that yet internally underlies the systematic structure of these institutions."

15. Marx, *Zur Kritik der Hegelschen Rechtsphilosophie*, p. 61.
16. Cf. E. W. Böckenförde, "Organ, Organismus," in *Geschichtliche Grundbegriffe: Historisches Lexicon zur politisch-sozialen Sprache in Deutschland*, vol. 4 (Stuttgart, 1978), pp. 519–622, and in particular 566ff.
17. Kant, *Critique of Judgment* §77 (B 348).
18. Ibid.
19. Ibid.
20. Ibid. (B 349)
21. Ibid. (B 349ff.)
22. See Henrich, Chapter 10 in this collection. On the same question, cf. also Josef König, *Der Begriff der Intuition* (Halle/Saale, 1926), p. 89f. According to Hegel, such "synoptic conceptualization" not merely is concerned with discursive concepts, but rather expresses "the self-reintegrating concept" itself. Once again, Kant's political philosophy can be seen as a model for the theory of the syllogistic form of the rational state. In the *Metaphysic of Morals* (§45), Kant had identified the three powers of the state with "the three terms in a practical syllogism of reason": the major term that contains the *law* of that will, the minor term that contains the *demand* that we proceed according to the law, that is, the principle of subsumption under the latter, and the concluding term that contains the *legal judgment* (sentence) as to what is right in the present case. Without mentioning Kant directly, Hegel refers to this in the "Remark" to §541 of the *EPW*: "As the most obvious categories of the concept are those of *universality* and *singularity*, and their relationship that of the *subsumption* of the singular under the universal, it has come about that in the state the *legislative* and *executive* power have been so distinguished as to make the former *exist on its own* as the absolutely superior element, and to subdivide the latter again into administrative or *government* power and *judicial* power, according as the laws are applied to public or private affairs. The *division* of these powers has been treated as the essential thing, in the sense of their *independence* of one another in reality, subject always, however, to the aforementioned subsumption of the powers of the singular under the

power of the universal. We cannot fail to recognize the elements of the concept in these determinations, but they are here connected by the understanding in terms of an entirely irrational relationship rather than in terms of the self-reintegrating process of living spirit[. . .] It is essentially thus, everywhere and only thus, that the rational relationship of the logical perspective stands opposed in its truth to the external relationship of the understanding that never gets beyond the subsumption of the singular and the particular under the universal. What disorganizes the unity of the logically rational, equally disorganizes actuality.”