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An Unfinished Project: Marx's Critique of Hegel's Philosophy of Right

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This chapter seeks briefly to reconstruct Marx's critique of Hegel's Philosophy of Right and develop the intuition that the equivocations evident in Marx's reading of this text were prematurely resolved in the promise of Marx's inversion of Hegel's 'mystical dialectic'. I suggest that this reading of the Philosophy of Right and this conception of how to respond to it posed an unnecessary obstacle to the fulfilment of Marx and Engels' own lifelong project: that of complementing their critique of political economy with a critique of the moral, legal and political forms of capitalist society. Not only does it blunt the edges of Hegel's critique but in so doing it also deprives Marx and Engels of a much needed resource for overcoming pre-critical and naturalistic approaches to these 'ideal' elements of capitalist society. Instead of reading the Hegel-Marx relation through Marx's own formulation of it, I suggest that a more productive alternative is to read the Philosophy of Right and Capital alongside one another as complementary critiques of the 'ideal' and 'material' elements of capitalist society: the one addressing the fetishism of the subject and the other addressing the fetishism of the object. It is not by reading what Marx says about Hegel but by reading what he does in Capital that we learn most about his relation to the Philosophy of Right.

The chapter begins with two sections on Marx's critique of Hegel's Philosophy of Right: first, the young Marx's critique of Hegel's so-called doctrine of the state and second, Marx's 'inversion' of Hegel's dialectic. In each case I raise questions concerning the validity of the reading of Hegel contained in Marx's response. In the following two sections I reconstruct aspects of Hegel's Philosophy of Right read, as it were, through Marx rather than in opposition to Marx. The first of these sections addresses the central issue raised by Marx in his critique of the 'doctrine of the state', the role of representation in the state. The second addresses more broadly the scientific and critical nature of Hegel's project in the Philosophy of Right. The last section makes the case for reconstructing the unity of Hegel and Marx and reading the Philosophy of Right and Capital alongside rather than in opposition to one another.
The young Marx's critique of Hegel's 'doctrine of the state'

The young Marx's guilty verdict on Hegel's 'doctrine of the state' has long overshadowed access to the text within Marxist social and political thought. Marx maintained that Hegel concealed the forms of domination and unreason characteristic of the modern state beneath a speculative veneer of freedom and reason. According to Marx, Hegel reified the predicate of the modern state, the idea of the universal, before deducing from this idea the mundane institutional forms of the state -- the constitution, monarchy, legislature and executive (Marx, 1992, p. 80). Once Hegel converted universality into a subject and the actual state into a mere moment of this 'mystical substance', the dogmatic character of the Philosophy of Right seemed set: Hegel's concern was simply to rediscover "the idea" in every sphere of the state that he depicted, to 'fasten on what lies nearest at hand and prove that it is an actual moment of the idea' (Marx, 1992, p. 98).

Marx argued that Hegel gave a roughly accurate empirical account of the operations of the modern state but that the contribution of speculative philosophy was merely to convert empirical facts into the actualisation of the 'idea'. The resemblance Marx saw between Hegel's conception of a 'rational state' and the actual nineteenth century Prussian state led him to despair of finding any critical edge in the substance of Hegel's politics. 'God help us all!' was his final, exasperated comment after citing a passage in which Hegel seemed to deduce ministerial authority and two houses of parliament, Commons and Lords, from the idea of the Universal (Marx, 1992, p. 198).

The value of reading Hegel's Philosophy of Right for Marx lay in the mirror of reality it offered -- not just in Hegel's description of the institutions of the modern state but also in Hegel's inversion of subject and predicate which mirrored the actual inversion of subject and predicate in bourgeois society: *practical mysticism* is the key both to theiddle of modern constitutions [...] and also to the mystery of the Hegelian philosophy, above all the Philosophy of Right (Marx, 1992, p. 149). In a society in which human beings are transformed into 'merely objective moments of the idea' (Marx, 1992, p. 62) and the state is transformed into the semblance of an earthly divinity, Hegel's speculative philosophy not only rationalises this upside-down reality, it also reveals it.

Marx argued that the rationality Hegel attributed to the state is contradicted at every point by its irrational reality. The illusion of the state, he wrote, is that 'the affairs of the people are matters of universal concern'; the truth is that 'the real interest of the people [...] is present only formally' (Marx, 1992, pp. 125, 129). The state admits the people only as 'idea, fantasy, illusion, representation' (Marx, 1992, p. 134). It offers a 'ceremony' or 'spice' of popular existence. It delivers 'the lie [...] that the state is the interest of the people' (Marx, 1992, p. 129). Hegel idealises the bureaucracy as the
ultimate purpose of the state and the state as the ultimate purpose of the universal. At the same time he emphatically 'public consciousness' as if it were a mere patchwork made up of "the thoughts and opinions of the Many" (Marx, 1992, p. 124). Marx maintained that both Hegel and the political state must be 'turned on their head' if the people are to enter the political stage in actuality rather than in mere form.

The trope that enriches Marx's text is chiasmus, a figure of speech in which the order of words in one clause is inverted in a second. Thus Marx writes: Hegel's true interest is not in 'the logic of the subject-matter but the subject-matter of logic' (Marx, 1992, p. 73); it is 'not to discover the truth of empirical existence but to discover the empirical existence of the truth' (Marx, 1992, p. 98). Hegel 'does not provide us with the logic of the body politic' but 'provides his logic with a political body' (Marx, 1992, p. 109). Hegel 'does not say that the will of the monarch is the final decision, but that the final decision of the will is - the monarchy' (Marx, 1992, p. 82). Marx wishes to put philosophy back on its feet: it is not the constitution that creates the people but the people that create constitutions; it is not the state that determines civil society but civil society that determines the state; it is not consciousness that determines life but life that determines consciousness; it is not the idea that determines actuality but actuality that determines ideas. In a 'true democracy' philosophy would stand on its own two feet: 'matters of universal concern are really matters of universal, public concern' (Marx, 1992, p. 125) and not the preserve of the class of officials; representatives of the people are delegates of the people and no longer a power over the people; 'man does not exist for the sake of the law, but the law exists for the sake of man' (Marx, 1992, p. 88). While Hegel 'proceeds from the state and conceives of man as the subjectivised state', Marx 'proceeds from man and conceives of the state as objectified man' (Marx, 1992, p. 87).

Marx's critique of Hegel's 'mystical' dialectic

The ghost of Hegel never ceased to haunt Marx's scientific and political writings. He praised Hegel for having discovered the 'correct laws of the dialectic'; he criticised him for presenting the dialectic in an idealistic and mystifying form. In 1858 Marx wrote to Engels that in leafing through Hegel's Logic 'I [...] found much to assist me in the method of analysis' (Marx and Engels, 1983, p. 50). In March 1858 he wrote to Kugelman: 'My method of argument is not Hegelian, since I am a materialist, Hegel is an idealist. Hegel's dialectic is the basis of all dialectic, but only after the disposal of its mystical form' (Marx and Engels, 1983, p. 126). In his 1873 Preface to the second German edition of Capital he comments: 'The mystification which the dialectic suffers in Hegel's hands by no means prevents him from being the first to present its general form of motion in a comprehensive and conscious manner. With him it is standing on its
head. It must be inverted in order to discover the rational kernel within the mystical shell" (Marx, 1990, p. 103).

Marx’s representation of Hegel and his presentation of self were always intertwined. While Hegel transformed the process of thinking into an independent subject and the real world into the external appearance of the idea, Marx recognized that ‘the ideal is nothing but the material world reflected in the mind of man and translated into forms of thought’. While Hegel’s ‘mystical form of the dialectic’ became the fashion in Germany because it functioned to ‘glorify what exists’, the ‘rational form of the dialectic [...] is a scandal and an abomination to the bourgeoisie [...] because it includes in its positive understanding of what exists a simultaneous recognition of its negation, its inevitable destruction’ (Marx, 1990, pp. 102–3). At the same time Marx thundered against ‘pompous, pseudo-scientific professors’ and ‘ill-humoured, arrogant, and mediocrite epigones’ who understood nothing of Hegel, he remained loyal to the necessity of inverting the old master (Marx, 1990, p. 102; see also Marx and Engels, 1983, pp. 167–8).

With some exceptions, within Marxist scholarship most secondary discussions tend to follow Marx’s equivocal construction of his relation to Hegel (e.g. Fraser, 1997, p. 103; MacGregor, 1998, pp. 2–4; McLellan, 1980, p. 13; Nicolaus in Marx, 1973; Rodolfo, 1980, p. xiii; Smith, 1990, p. 17; Wood, 1993, p. 433). However, on the margins of Marx’s own writings we find traces of an alternative reading. In the section on the method of political economy at the opening of the Grundrisse Marx refers in a much quoted passage to Hegel’s confusion of the real and thought about the real and insists on the importance of distinguishing, as Hegel did not, between the process by which the concrete comes into being and the process by which thought appropriates the concrete:

The concrete is concrete because it is the concentration of many determinations [...] it appears in the process of thinking, therefore, as a process of concentration, as a result, not as a point of departure, even though it is the point of departure in reality [...] Hegel fell into the illusion of conceiving the real as the product of the thought concentrating itself, probing its own depths and unfolding itself out of itself, by itself, whereas the method of ascending from the abstract to the concrete is only the way in which thought appropriates the concrete, reproduces it as the spiritually concrete. But this is by no means the process by which the concrete itself comes into being.

(Marx, 1973, p. 101)

According to Marx the rational kernel of Hegel’s method lies in its recognition of the dialectic, that is, the immanent movement of concepts and of the necessity of transition from one concept into another. The mystical shell
consists of his confusion of the movement of concepts with that of reality. Hegel is charged with confusing 'the development of the moments of the notion' with the development of the concrete itself. Marx argues that the driving force of the dialectic is not logical but historical, not 'the notion' but the bourgeois economy, a self-affirming movement from one logical category to another but a movement from one social form to another. Whereas in Hegel the dialectic is conceived as a closed system with natural presuppositions and a rational 

*etos*, Marx conceives the dialectic as a movement of contradictory social forms based on historical presuppositions and open to revolutionary change. In his 'Notes on Adolph Wagner,' he writes:

I do not start out from 'concepts,' hence I do not start out from 'the concept of value' and do not have to 'divide' these in any way. What I start out from is the simplest social form in which the labour-product is presented in contemporary society, and this is the 'commodity.' I analyse it and right from the beginning, in the form in which it appears. (Marx, 1975, p. 198)

Simply put, Marx identifies Hegel with the transmutation of social relations into timeless logical categories, whilst he recognises the transitory character of capitalist social relations.

On closer examination we see that Marx himself casts doubt on this contrast. In the introduction to the *Grundrisse* Marx observes that it may seem correct to begin with the 'real' and the concrete, with the real precondition, thus to begin in economics with e.g. the population. However, it is false because the real and the concrete is itself 'the concentration of many determinations'. Population, for instance, presupposes classes; classes presuppose wage labour and capital; wage labour and capital presuppose money; money presupposes exchange value and the commodity form. These are the *elements* which make up the 'chaotic conception of the whole.' Marx writes:

If I were to begin with population, I would then [...] move analytically toward ever more simple *concepts*, from the imagined concrete toward ever thinner *abstractions* until I had arrived at the simplest determinations. From there the journey would have to be retraced until I had finally arrived at the population again, but this time not as the chaotic conception of the whole but as a rich totality of many determinations. (Marx, 1973, p. 100)

Marx identifies the first option as the *analytical path* which he associates with economics at the time of its origins; he identifies the second as the *dialectical path* which he associates with the 'scientifically correct method.' Instead of starting with a category like population, it is necessary to ascend from the simplest and most abstract forms (value, exchange value, etc.) to
the level of the concrete and complex totality (the state, the world market, etc.). Marx asks:

[Do] not these simpler categories also have an independent historical or natural existence predating the more concrete ones? That depends. Hegel, for example, correctly begins the Philosophy of Right with possession, this being the subject's simplest juridical relation.

(Marx 1973, p. 102)

In fact Hegel did not begin with the idea of possession in general but with abstract right, legal personality and private property. Nonetheless Marx sees himself as following in Hegel's footsteps when he observes that historically there are families in which there is possession but no private property but that to understand the modern family it must be seen in relation to private property. As Marx put it, the simpler category (say, private property) may have an historical existence before the more concrete category (say, the family), in which case the path of abstract thought, rising from the simple to the complex, would correspond with the real historical process. However, it would be wrong

to let the economic categories follow one another in the same sequence as that in which they were historically decisive. Their sequence is determined, rather, by their relation to one another in modern bourgeois society [...] The point is not the historic position of the economic relations in the succession of different forms of society. [...] Rather, their order within modern bourgeois society.

(Marx, 1973, p. 107)

The order of presentation is governed by logic, not history. Marx affirms here that the starting point of his analysis of capitalism, the commodity form, may correspond to some historical event – for example a barrier between communities prior to all money relations – but it is the starting point only because it is the simplest economic form of capitalist society. He further acknowledges that this mode of presentation may give rise to idealist illusions:

Of course, the mode of presentation must differ in form from that of inquiry. The latter has to appropriate the material in detail, to analyze its different forms of development and to track down their inner connection. Only after this work has been done, can the real movement be appropriately presented. If this is done successfully, if the life of the subject matter is now reflected in the ideas, then it may appear as if we have before us an a priori construction.

(Marx, 1973, p. 102)
Scientific analysis of capitalist society, if done successfully, will appear as an *a priori* construction. Marx cannot, however, shake off the conviction that Hegel’s *Philosophy of Right* really is a logical, *a priori* construction.

We have to question this conviction. For we cannot take it as given that the relation between Hegel and Marx accords with Marx’s own account of it. Marx’s own work opens up for us the possibility that Hegel did not after all reduce history to logic in his *Philosophy of Right*, that his ‘science of right’ was not a logical, *a priori* construction but a ‘scientific treatment’ of the social forms of modern society.

**The dialectics of representation in Hegel’s *Philosophy of Right***

Let us return to the young Marx and his charge that the older Hegel was an uncritical apologist for modern representative government. The older Hegel summed up his own work in a contrastive manner as an attempt to dispel the illusions of representation. In *Lectures on the Philosophy of History* he formulated his position thus: ‘It was a great advance when political life became the property of everyone through the advent of representative government [...] but to associate the so-called representative constitution with the idea of a free constitution is the hardened prejudice of our age’ (Hegel, 1975, p. 121). ‘Hardened prejudice’ is not the language of uncritical apology. Hegel saw himself rather as dispelling the aura of representative government.

In the *Philosophy of Right* Hegel’s critique of representation in fact prefigured Marx’s own. Hegel pointed to the manifold ‘guarantees’ that restrict the principle of representation both as envisaged in republican thought and as practised in the modern state. Representation is restricted to one part of the state, the legislature, and to one House of the legislature, the Commons. Representatives are endowed with a privileged standing in relation to those they represent: they are not ‘agents with a commission or specific instructions’ but enjoy a relation of ‘trust’ with their electorate which allows them to reach decisions on the basis of their own ‘greater knowledge of public affairs’ and ‘the confidence felt in them’. Representatives are answerable to the executive and one of the principal duties of the executive is to curb the ‘excesses’ of the assembly (Hegel, 1991, §301R). The authority of representatives is restricted by the constitutional monarch endowed not only with formal powers of ultimate decision but also with powers over the survival of the state. Hegel put it ironically: it is as if there were an unwritten rule that ‘public freedom in general and a hereditary succession guarantee each other reciprocally’ (Hegel, 1991, §286f). The constitution allows representatives to make legislative changes but only so far as they are ‘imperceptible’ and ‘tranquil in appearance’. It demands that the constitution itself must not be regarded as ‘something made’, even if it does have an origin in time’, but rather as ‘divine and enduring [...] exalted above
the sphere of all manufactured things' (Hegel, 1991, §273R). Civil society is arranged in such a way as to 'ensure that individuals do not present themselves as a crowd or aggregate [...] and do not become a massive power in opposition to the organic state' (Hegel, 1991, §302) and to keep them under the 'higher supervision of the state' (Hegel, 1991, §255A). The key to representative government is that everything is done to ensure that the people at no point become a 'formless mass' uncontrolled by the state. Thus the 'democratic element' is refused admission to the state unless it goes through a system of mediations on the grounds that in an unmediated democracy 'the masses will always express themselves in a barbarous manner' (Hegel, 1991, §302A). Hegel highlights the exclusions practised by the modern state and justified in natural law theory: the exclusion at one time or another of workers, women, servants, the mad, the bad, children and foreigners. As Hegel observed, what we call 'universal suffrage' means in effect the participation of the many, never of All (Hegel, 1991, §301R).

Hegel contrasted the purely conceptual thinking of Kant, who simply identified representative government with 'the united will of all' and who declared that 'every true republic is and can be nothing else than a representative system of the people', with the actual existence of representation in the modern state. He impelled Kant's critical philosophy beyond Kant to reveal what exists beneath the concept. He also explored the critique of representation associated with the name of Rousseau.

Hegel maintained that the Roussean critique of representation is expressed in two closely related propositions: the demand to abolish representation as such on the ground that I have a right to speak for myself and no one else has a right to speak on my behalf; and the demand to abolish the guarantees which restrict representation in the modern state and instead to make representation 'fully active and unrestricted'. Throughout his writings Hegel acknowledged the democratic impulse behind this principle, although his relation to it changed. In his Early Theological Writings Hegel simply celebrated 'the revolution in the spirit of the age' (Hegel, 1971, p. 152) ushered in by positing the general will as the principle of the modern state. It signified 'the right to legislate for one's self, to be responsible to oneself alone for administering one's own law' (Hegel, 1971, p. 145), Rousseau, as the young Hegel put it, rediscovered the ancient political principle according to which citizens 'obeyed laws laid down by themselves, obeyed men whom they themselves had appointed to office, waged wars on which they had themselves decided, gave their property, exhausted their passions and sacrificed their lives by thousands for an end which was their own' (Hegel, 1971, p. 154). In the Philosophy of Right Hegel continued to acknowledge the democratic principle contained in the general will: 'all individuals ought to participate in deliberations and decisions on the universal concerns of the state - on the grounds that they are all members of the state and that the concerns of the state are the concerns of everyone, so that everyone has a
right to share in them with his own knowledge and volition' (Hegel, 1991, §308R). Rousseau, the older Hegel observed, was the first to put forward 'the will as the principle of the state, a principle which has thought not only as its form [...] but also as its content' (Hegel, 1991, §258R). The revolutionary implications of this principle were such that it 'afforded the tremendous spectacle [...] of the overthrow of all existing and given conditions within an actual major state and the revision of its constitution from first principles and purely in terms of thought' (Hegel, 1991, §258R). Now, however, reflecting on the phenomena of revolutionary Terror, Hegel maintained the more critical stance he developed in the Phenomenology of Spirit. He stated the principle in order to decode it.

In the Phenomenology Hegel explored the illusory form in which the general will expresses the relation of the individual to society: 'every personality [...] undivided from the whole, always does everything (done by the whole), and what appears as done by the whole is the direct and conscious deed of each' (Hegel, 1977, §§84). Individuals are instructed to see their only purpose as the general purpose and individual personality is denied. Hegel explored the negativity inherent in this conception of freedom. Rather than build 'institutions of conscious freedom' (Hegel, 1977, §§88), the general will experiences itself only through the annihilation of all particular and objective determinations. It expresses its power through destruction (Hegel, 1977, §§89). In Philosophy of Right he observed that 'If the subjective opinion which individuals have of themselves may well find the demand for such guarantees, if it is made with explicit reference to the people, superfluous and perhaps even insulting' (Hegel, 1991, §310R). In the name of the people, revolutionaries demand 'all power to the assembly' and declare an essential opposition between the assembly and the state executive, as if the assembly were all good and the executive all bad. However, Hegel commented that it could equally be said that 'since the Estates have their origin in individuality, in the private point of view and in particular interests, they are inclined to direct their efforts towards these at the expense of the universal interest, whereas the other moments in the power of the state are by their very nature dedicated to the universal end and disposed to adopt the view of the state' (Hegel, 1991, §301R). Neither standpoint is justified. In the modern state the function of political representation, as Hegel sees it, is to admit the private interests of civil society into the organism of the state as one of its several elements and to serve as a middle term between civil society and the state. Its role is to embody the 'subjective moment in universal freedom' in order to prevent the isolation of the government which otherwise might become an arbitrary tyranny, and the isolation of civil society which might otherwise crystallize into a bloc in opposition to the state (Hegel, 1991, §361R). If representation is this middle term between civil society and the state, then the appropriation of the whole state by the principle of representation will not overcome the private point of view.
it will totalise it. Hegel argued in effect that implanting the democratic
element devoid of rational form into the organism of the state means that
representation is not overcome, it is irrationally reproduced.

A related 'prejudice' Hegel identifies sets the general will in opposition
to civil society on the grounds that the factions and parties of civil society
are self-interested and thereby incapable of subsuming their private point
of view to the good of the whole. The temptation then is to reject the alien
institutions of representation so that the people might appear in the assembly
in person. This attitude led in the course of the French Revolution to the
suppression of the associations of civil society because they put the private
point of view before the universal. It created a new mask beneath which
the rule of the few and the indifference of the many remained intact. Hegel
recognised that the demand that everyone should participate in the business
of the state arises in opposition to the formal guarantees and substantive
exclusions imposed by representative government. However, it is based
on the assumption that everyone is 'an expert on such matters' and on the
instruction that everyone 'should participate in the concerns of the state'
(Hegel, 1991, §308R). This 'pure' form of democracy means in effect that
citizens are treated as an atomised mass and the state as the only legitimate
association.

In his critique of Hegel's 'doctrine of the state', Marx was indebted to the
Rousseauian proposition that 'sovereignty does not admit of representation'
(Collotti, 1992). He argued that the meaning of the general will is that 'it is
the will of all to be real (active) members of the state' and 'to give reality
to their existence as something political' (Marx, 1992, p. 188). He acknowl-
edged that Rousseau's treatment of the legislature as the sole focus of uni-
versal participation makes no sense in the modern age, not least for reasons
of size, but argued it was necessary to go beyond this 'abstract view of the
political state' (Marx, 1992, p. 189) and extend participation into all areas
of the state and society until the very distinction between civil society and
the state is dissolved.

As Richard Hyland noted, the young Marx still followed the reading of the
Philosophy of Right drawn by the Young Hegelians (Hyland, 1989, 1735-831).
For example, Arnold Ruge, who personified the revolutionary spirit of the
'Glorious Days' of 1830 and subsequently edited a journal with Marx, read
the Philosophy of Right as a defence of the backward form of state current in
Prussia and criticised Hegel for abandoning political action in favour of a
philosophy of eternal forms. The problem for Ruge was Hegel's confusion
of timeless logical categories with particular historical institutions. From the
conservative side of the political spectrum F. J. Stahl protested against the
inversion of subject and predicate in Hegel's theory of the state, the deduc-
tion of determinate institutions from abstract categories, and the conversion
of irrationality and compulsion into the semblance of reason and freedom.
Marx criticised the Young Hegelians for merely inverting Hegel and doing
nothing to change the terms involved. However, at this time he too followed suit. The inversion of Hegel meant a regression to Rousseau. For Marx to become ‘Marx’ and not just a more radical Young Hegelian, he had to move beyond this logic of inversion (Warininski, 1998, pp. 171–93).

Hegel’s account of the dialectic in the Philosophy of Right

Hegel’s recognition of the dialectic in the Philosophy of Right prefigured Marx’s own recognition of the dialectic in Capital. Hegel turned philosophy towards a scientific approach to the subject matter at hand. Philosophy, as he construed it, does not prescribe ‘what ought to be’; it is not a statement of the philosopher’s own opinions, feelings or convictions; it is not ‘what wells up from each individual’s heart, emotion and enthusiasm’ (Hegel, 1991, p. 13); it is not about ‘inventing’ and propounding yet another theory of political community, as if the philosopher had to imagine that ‘no state or constitution had ever previously existed or were in existence today’ (Hegel, 1991, p. 12). It is ‘the comprehension of the present and the actual, not the setting up of a world beyond […] such instruction as it may contain cannot be aimed at instructing the state on how it ought to be, but rather at showing how the state […] should be recognized’ (Hegel, 1991, pp. 20–1).

Hegel’s repeated instruction is to read the Philosophy of Right as a ‘scientific and objective treatment’ of the actual legal and political order, not as a normative prescription for an ideal political order. Hegel presents the shift of emphasis as a theoretical leap from one kind of political philosophy to another — from natural law that prescribes what a reasonable political order should be to a critical philosophy that understands what the actual political order is: ‘Hic Rhodus, hic salta’ (Here is Rhodes, here make the leap).

In the ‘Prelace’ to Philosophy of Right Hegel described it as a great ‘obstinance’ and achievement of the modern age that ‘human beings […] are unwilling to acknowledge in their attitudes anything which has not been justified by thought’. The peace he sought to establish with this world had fire in its belly: not quietism, cynicism or indifference; not ‘that cold despair which confesses that, in this temporal world, things are bad or at best indifferent, but that nothing better can be expected here’ (Hegel, 1991, pp. 22–3); but a refusal to accept any dogma or given authority: ‘such thinking does not stop at what is given, whether the latter is supported by the external positive authority of the state or of mutual agreement among human beings, or by the authority of inner feeling and the heart […] it does not adhere with trusting conviction to the publicly recognised truth’ (Hegel, 1991, p. 11).

Equally a science of right does not turn what ‘arises from what is universally acknowledged and valid’ into an oppositional principle of thought: as if all that were necessary were to invert existing ideas (Hegel, 1991, p. 12). The task of philosophy is not to dissolve the experience of domination, not to declare that at some deeper level we have consented to whatever the state
commands and not to say that the experience of oppression is superficial or that the rationality of the state is invisible to natural consciousness. The task of philosophy is, as Hegel put it, to 'recognise reason as the rose in the cross of the present' – to recognise reason in a world of alienation and domination (Hegel, 1991, p. 22).

Hegel's point of departure for his science of right is the idea of abstract right. It is a historical starting point in the sense that it is the end point of a historical process that falls outside the science itself. It is a 'determinate starting point', which is the result and truth of what preceded it' (Hegel, 1991, §2). The science of right, however, self-consciously foregoes the purely historical task of viewing 'the emergence and development of determinations of right as they appear in time' (Hegel, 1991, §33). The starting point is not the 'highest instance' or the 'concretely true' such as the state itself, because the state is the result of many determinations and can only be understood if we break it down into simpler elements. The state may appear to be independent of its origins, but this appearance is deceiving since the determination of each concept and shape presupposes those determinations from which it results.

Hegel maintained that the science of right must start from the simplest and most abstract forms of contemporary society and work upwards toward the more complex and concrete. In exploring the various 'forms and shapes' of right taken by this starting point in the course of its development, the science of right seeks to uncover the laws that govern the movement by observing 'the proper immanent development of the thing itself' (Hegel, 1991, §3). The 'higher dialectic', as Hegel puts it, is the movement of right through its various 'concepts and shapes'. It is not an 'external' activity of subjective thought [...] but the very soul of the content which puts forth its branches and fruit organically' and which thought merely observes (Hegel, 1991, §3). In the process of 'self-division' and 'self-determination' the idea of right is not only the beginning but also 'the soul which holds everything together and which arrives at its own differentiation only through an immanent process' (Hegel, 1991, §32). Hegel describes this dialectical approach thus:

[We merely wish to observe how the concept determines itself, and we force ourselves not to add anything of our own thought and opinions. What we obtain in this way, however, is a series of thoughts and another series of existent shapes, in which it may happen that the temporal sequence of their actual appearance is to some extent different from the conceptual sequence. Thus we cannot say, for example, that property existed before the family, although property is nevertheless dealt with first. One might accordingly ask at this point why we do not begin with the highest instance, that is, with the concretely true. The answer will be that we wish to see the truth precisely in the form of a result, and it is
essential for this purpose that we should first comprehend the abstract concept itself.

(Hegel, 1991, §32A)

This is precisely the point Marx was later to echo in his critique of political economy. In seeking to discover the laws that determine the movement of right Hegel looks to the unfolding relation between form and content, concept and existence, rationality and actuality. The term ‘idea’ includes both the concept and its existence.

Philosophy has to do with ideas and therefore not with what are commonly described as mere concepts. On the contrary, it shows that the latter are one-sided and lacking in truth [...] The shape which the concept assumes in its actualisation, and which is essential for cognition of the concept itself, is different from its form of being purely as concept, and is the other essential moment of the idea. The concept and its existence are two aspects of the same thing, separate and united, like soul and body [...] The idea of right is freedom, and in order to be truly apprehended, it must be recognisable in its concept and in the concept’s existence.

(Hegel, 1991, §118)

Conceptual thinking considers only the concept and ignores its existence; or it turns the concept into an ideal against which it measures what actually exists; or in a more active mode it incessantly strives to bring existence up to the level of the concept. It does not recognise that the concepts themselves are one-sided and lacking in truth. Hegel’s critique of representation is at once a critique of the idealisation of the concept (Kant) and of the active political aim of bringing existence up to the level of the concept (Rousseau).

The manifold resemblances of Hegel’s methodology to that which Marx was later to develop are striking and give substance to Marx’s sense of indebtedness to Hegel’s dialectical understanding. They cast some doubt, however, over Marx’s claim that Hegel’s dialectic was merely conceptual and therefore mystified.

**Forms of right, forms of value: The unity of Hegel and Marx**

It is more in their choice of subject matter than in their methodology that Hegel and Marx differ. The subject matter of the *Philosophy of Right* is the idea of right, by which Hegel refers to ‘not merely civil right, which is what is usually understood by this term, but also morality, ethics and world history’ (Hegel, 1991, §33A). Hegel begins with abstract right and its internal division into personality, property, contract and wrong. He moves from abstract right to morality (*Moralität*) and from morality to the forms of
ethical life (Stillichein) which include the family, civil society, the state and international society. Civil society is differentiated into the system of needs, laws and associations. The state is differentiated into the constitution, sovereign, executive and legislature. International right is differentiated into treaties, wars and finally into what Hegel calls the transition from the state to 'world history'. Every form and shape of right develops through an internal process into the next form and shape of right, displaying them all as a connected system. Each stage in the evolution of the idea of right represents the existence of freedom in one of its determinations. None, however, can be understood except in relation to the system as a whole. It is an error, Hegel argues, to consider a particular determination in isolation from the rest, as if right were embodied in this particular determination alone and all the rest were external to it. When property, morality, ethics and the state come into collision, this indicates that all forms of right are relative. 'Sublation' (Aufhebung) is the name Hegel gives to this metamorphosis of forms and Ovid is his inspiration. It indicates that the characteristics of simpler forms are transmuted in higher forms. They are not relations of progression (as if the state were a 'higher form' than individual personality); still less relations of transcendence (as if the emergence of the state makes individual personality redundant); nor are they relations of reconciliation (as if the state finally resolves the inequalities and conflicts that once divided civil society).

Sublation indicates the indivisibility of preservation and transcendence. Hegel was the arch-diagnostician of how the violence inherent in the simplest forms of right is carried through to the most complex and concrete.

Let me now clarify my claim about the relation between what Hegel was doing in his Philosophy of Right and what Marx was doing in Capital. Hegel confronts the forms of right of modern society; Marx confronts the forms of value. For Hegel the subject matter comprises the forms taken by human subjects in the modern age (right, personality, ownership, contract, wrong, morality, family, civil society, state, the international, etc.); for Marx the subject matter comprises the forms taken by things, by objects, in modern capitalist society (value, exchange value, money, capital, profit, rent, interest, etc.). What is at issue is not idealism versus materialism but the fact that with Hegel we address the ideal forms of modernity and with Marx the material forms of capitalist society. Marx's critique of the forms of value of capitalist society complements Hegel's original analysis of the forms of right. When we read these texts together, rather than in opposition to one another, we access both the subjective and objective forms of modernity and construct a more holistic image of modernity than each offers in isolation. The modern age cannot be reduced either to its ideal or to its material aspects. An analysis which focuses on one rather than the other or treats one as essential and the other as merely epiphenomenal, mistakes the part for the whole. Each text supplements the other. Read together, they overcome the idealism which flows from identifying modernity exclusively with the
ideal forms of legal and political life, and the materialism which flows from identifying modernity exclusively with the material forms of economic life. Hegel was an idealist only to the extent that he focused on the social forms of freedom and violence characteristic of the modern age; Marx was a materialist only to the extent that he focused on the material forms of economic determination characteristic of modern capitalist society. Hegel's 'idealism' and Marx's 'materialism' were wrong only inasmuch as they were one-sided; in their own spheres, they were equally valid.

Recognition of the unity of Hegel and Marx helps us confront the dichotomies of the modern age: subject and object, person and thing, freedom and determination, politics and economics, right and value. These dichotomies are in the world, not merely in how we look at the world, and they are explicable in terms of the specific conditions of our age. Each sphere gives rise to its own illusions: illusions of free will in the case of the political and illusions of determination in the case of the economic. Each sphere gives rise to abstract forms of domination: in one case morality, family, law and the state; in the other, the market, money and capital. Hegel's concern was with the pathologies of the system of right: personification, subjectivism and the fetishism of the subject. Marx's concern was with the pathologies of capitalist society: reification and the fetishism of the commodity. These concerns are not mutually exclusive. If we draw them together, we see that the achievement of the modern age to contain these divisions and oppositions and that an abyss opens up when political freedom and economic determination are cast adrift.

Bibliography


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