Hegel, Marx and the State as a Prerequisite for Freedom

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Word Count: 25,173 words

Candidate Number: 1021380

Abstract: In my thesis, I discuss the dispute between Hegel and Marx over whether or not the state is necessary for human freedom. According to Hegel, the state is necessary for such freedom because he believed that humans require a family life for love and support, but as family life is characterized by natural necessity, it cannot be truly free. Therefore, beyond family life, there must be a civil society where individuals approach one another as self-sufficient beings fully conscious of their independence from one another. But this atomistic relation of individuals to one another within civil society then requires that the state exist beyond it as an institution in which the interests of these different individuals are unified into one will in order to return unity to society. However, Marx believed that the state is incompatible with social freedom because it is an instrument for the rule of one class over another rather than a general will for society.

My thesis will discuss the opposition between Marx and Hegel with special reference to Hegel's *Elements of the Philosophy of Right* and Marx's *Critique of Hegel's Philosophy of Right, Civil War in France* and *Critique of the Gotha Programme*. First I will present Hegel's theory of why the state is necessary for human freedom and then I will present a critique of Hegel's theory of the rational society. I will then explain Marx's theory of the state and why Marx believed the state is incompatible with social freedom. Then I will defend Marx's position against Hegel by arguing that social freedom does not require the state because it is possible for a mediated substantial unity (a unity between individuals in which they still also recognise themselves as particulars) to exist even without the state.

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I - Introduction

Hegel and Marx were the two most influential German philosophers of the 19th Century to discuss the nature of the state, but while Marx was deeply influenced by Hegel, the two ultimately came to quite contrasting views of what exactly that nature is. According to Hegel, the form of society which had emerged in western Europe by the early 19th Century was the culminating product of a centuries long, albeit unconscious, quest by humans to attain full freedom for themselves as they worked through the contradictions of life which presented themselves when they failed to live within societies whose structures were compatible with their own individual freedom. And the structure of this contemporary western European society of his was thus the general structure (realised in different ways by different nations according to their unique qualities) that is necessary for fully realising this freedom. According to Hegel, history is the development of freedom and this freedom is its ultimate product - and it is only once society has developed in such a way that human freedom is realised that we can understand this product of historical development and can therefore look back upon history as the process of the development of this product and understand it as this rational process rather than a mere aggregation of contingent, past events. If we can understand what freedom is and can look back upon history and see it as the rational process of producing freedom, then that must mean that we have reached the stage of social development where freedom is at last fully actualised. And, according to Hegel, the form of life which is the result of this process is characterised by three simultaneously existing spheres of activity which relate to one another in a hierarchical manner – family life, civil society and the state. The state is thus crucial for making human freedom possible according to Hegel and, for him, this is the ultimate justification for its existence.

By contrast, Marx took a much less descriptive and a much more prescriptive view towards philosophy's relationship with society. In practical terms, the point Marx tried to make was that we do not need to be at the final stage of the development of freedom within social life in order to understand what freedom is. Rather, it is the intrinsic deficiencies (that is, inner contradictions – contradictions which arise from the very content matter itself rather than from simple misunderstanding) within a form of social life and the resulting effort by the people under that form of life to overcome these deficiencies which are responsible for driving history on in the first place from social formation to social formation. Hence, the intrinsic deficiencies within contemporary (i.e. liberal-capitalist or 'bourgeois') society with respect to freedom lead us to understand what freedom actually is – the full understanding of freedom which allows us to resolve the contradictions present within bourgeois life. And it is precisely this vision which inspires us to try to overcome bourgeois society so that we may achieve a rational society (a society free of inner contradictions) with respect to freedom. Hence, for Marx, understanding *precedes* rather than follows action. Being able to understand within our current social context what human freedom is thus does not demonstrate that bourgeois society is the full actualisation of human freedom. Rather, it can be cripplingly deficient in regard to this, making further historical development of freedom possible. This, of course, is precisely what Marx believed – bourgeois society does not actualise full human freedom but rather must itself be overcome for this to occur. Thus, according to Marx, the bourgeois state does not make social freedom possible but rather blocks it and should thus be overturned. In fact, according to Marx, not just the bourgeois state, but *all* states are counter to full social freedom. The existence of the state is thus not justified by its being necessary for freedom, but rather, in order to achieve freedom, the state must ultimately disappear from human life. For Hegel, philosophy served primarily to make sense of contemporary society so

that we may reconcile ourselves with it, whereas for Marx, the purpose of understanding bourgeois society is so that we can than change it to end our social alienations.

The question which is the concern of this paper is, why did Hegel and Marx disagree with one another over whether or not the state is necessary for social freedom? In order to answer this question, I will first describe Hegel's views by drawing upon his most important work of ethical and political theory, his *Elements of the Philosophy of Right*. Afterwards, I will attempt to demonstrate that Hegel's theory of modern society is bedevilled by an inner contradiction of its own as Hegel tried but failed to navigate between the two extremes of, on the one hand, the theory of mind known as 'voluntarism' and the political theory with which it is associated known as 'liberalism,' and, on the other hand, the theory of mind known as 'intellectualism' and the political theory with which it is associated, not known by any standardly recognised name but which I will refer to as 'social organicism.' As I hope to show, Hegel was concerned with both of these views and wanted to demonstrate that both are 'one-sided' (i.e. incomplete) truths, and he produced his theory of how a free society must be structured in an effort to bring these opposing views together into a unity. But his attempt to do so leaves his social theory vitiated by a contradiction in which this theory is instead torn apart by these opposing traditions within political philosophy.

Then, I will discuss Marx's views on the nature of the state. Doing this for Marx will be somewhat more complicated than doing it for Hegel because, unlike Hegel, Marx did not produce any truly systematic work on the nature of the state. Rather, his observations on the state are scattered throughout various works, and bringing these observations together into a coherent whole is fraught with difficulties. Nevertheless, the most important works where Marx discussed the nature of the state are his early work *A Critique of Hegel's Philosophy of Right*, which presents many of his views on the nature of the state but in a very undeveloped form, followed by the later works *The Communist Manifesto*, *The Civil War in France* and

The Critique of the Gotha Programme. Using these works, I hope to reconstruct Marx's view of the state and then explain why he believed that the state must be overcome in order to make social freedom possible. After doing this, I will then use Marx's views to construct an explicit response to Hegel, providing the direct reason for why Hegel's view that the state is necessary for such freedom is incorrect.

II – Hegel's Theory of the State

Before focusing on Hegel's political philosophy, it would be helpful to make some opening remarks about how Hegel conducted philosophy in general. There are numerous different ways of approaching how to understand Hegel's system of philosophy in general, as Hegel was motivated by multiple concerns in formulating this system, but perhaps the best way to understand it is as a response to scepticism. However, the form of scepticism with which Hegel was most concerned was not Humean or even Kantian style scepticism about the nature of 'things-in-themselves' (i.e. things as they exist independently of our mental faculties). Rather, he was most intensely concerned by the more radical sceptical tradition of ancient Greece, which went far beyond matters of philosophy of mind, how our mental faculties relate to external objects and whether or not we can know how objects exist apart from our cognition of them through these faculties. Ancient Greek scepticism was a form of scepticism which questioned whether or not we can truly know anything at all (not just about the nature of things-in-themselves but also even about the contents of our own minds) by questioning whether or not the very idea of 'knowledge' itself is coherent. This most importantly takes the form of the 'Agrippan Trilemma,' according to which it is impossible to demonstrate any truth using deductive logic because one can then always ask for a proof for the premises of the argument in question. In response, the philosopher must either leave the

premise unsupported by any further premises, support it though further, more basic premises, which are themselves likewise supported in an infinite regress or support the premise using a premise which this premise has already itself been used to support, resulting in a vicious circularity in reasoning. All of these possibilities are defective, and so, it is impossible to truly demonstrate the truth of any claim using deductive logic.

Hegel's response to this trilemma was essentially to flip the entire table over and present a radically different alternative. If we cannot demonstrate any claim using *deductive* logic, then we shall have to use some other type of logic instead. The problem here is that, in formal, deductive logic, the form (logical form of an argument) is regarded as separate from the content (the individual premises) of that argument, so that a form of argument can be applied to any content (different premises) and the conclusion therefrom will be regarded as valid, even if not actually correct. Because form and content here are separate, the form can do nothing but repurpose the content, so that the conclusions reached by formal deductive logic can be nothing more than an explicit unpacking of whatever is implicitly already contained in whatever premises one has assumed. Hence, these premises must also be justified and if one attempts to do so through further formal, deductive logic, this simply pushes the problem back until one must either arbitrarily stop at some ultimate assumption (foundationalism), go in a circle of assumptions (coherentism) or try to provide an infinite chain of arguments (infinitism) which can never be truly actualised (as, according to philosophers like Aristotle, a quantitative or numerical infinity can only ever exist as a possibility, not an actuality).

As the problem with deductive logic is that a deductive argument can never create new content but only repurposes whatever content is given to the argument through the assumption of particular premises, a true explanation for a phenomenon must somehow generate genuinely new content. According to Hegel, this is done by developing the

phenomenon in question from the internal contradictions of the phenomenon which precedes it. Internal contradictions are a *form* that arises from the *content* itself of a phenomenon, a form for this phenomenon which then conceptually generates a new content – that content alone which can resolve this contradiction, driving forth this whole process with new material. Thus, in this type of argument, which Hegel calls a 'dialectical argument,' form arises from content and content from form – the two merging together. Only the generation of new content from the form (internal contradiction) of the preceding content can result in genuine explanation for a phenomenon – and this new content is generated by virtue of the fact that new resources must be produced in order to resolve this contradiction. Hence, a dialectical argument, unlike a deductive argument, is capable of providing genuine explanation for a phenomenon. However, this is precisely because within a dialectical argument, the form and content of the argument are inseparable – and therefore, the argument in question cannot be 'formalised' by separating the form from the content so that any new content can be fitted to this form. As a dialectical argument cannot be formalised, it cannot be generalised as a deductive argument can be, but rather, a dialectical argument is limited to the particular content of that argument.

Because he believed that it alone is capable of true explanation, Hegel always tried to proceed from phenomena to phenomena by means of internal contradiction, with the self-contradictions of one phenomenon generating the content for a newer, higher phenomenon. This includes the *Philosophy of Right*, where Hegel devotes himself to trying to explain matters relating to rights, morality, ethics, law and the state. All of these matters however, are, according to Hegel, phenomena which follow in the dialectical manner discussed above from the fact that human beings have 'free will.' (In fact, according to Hegel, the expression 'free will' is really a tautology, as a will just is the ability to choose between alternative courses of action, and without freedom, there is no choice - PR, §4, addition).[1] Hegel

therefore begins the Philosophy of Right by explaining the will and what it actually means for it to be 'free' in the first place. And it is here where we must begin our own analysis.

In order to understand Hegel's explanation for the existence of freedom and willing within humans, one must first understand the dialectic of universality, particularity and individuality which Hegel describes in his *Science of Logic*, as his explanation for individual human freedom is really akin to the underlying logic of this dialectic becoming incarnated in a more determinate form of existence which serves as an example of this dialectic. The key point is that in the dialectic of universality, particularity and individuality, the individual arises out of the dialectical flux between the universal and the particular. A 'universal,' such as 'being a stone,' only makes sense with reference to particular objects because a universal exists only to become present in singular beings. However, at the same time, a particular object can be determinate only with reference to a universal – hence, if a particular object is going to be a stone, then this object must refer back to this universal stone. Without this reference to a universal – i.e. a shared nature with other objects which relates it to these other particulars, a particular object is simply determinate and particular on its own, relating only to itself without reference to anything else. But because *every* particular object is characterised by determinacy and singularity, such a bare determination makes this object paradoxically identical to every other one, thus relating them together under a universal after all. Hence, just as the universal must refer to a particular being within which it is to be present, this particular object, in order to be a determinate object at all, must refer back to this universal – on its own, it is nothing more than pure determinacy, which fails to be anything at all.

But as the universal refers to the particular, it is 'negated' in the sense that it passes over into and is replaced by its opposite. And as the particular passes over into the universal, it is likewise 'negated.' There is thus a double negation in which the universal and the particular continuously pass over into one another in an ongoing flux. This flux as a whole or

double negation in which the universal becomes united with the particular is what in turn constitutes an actual ‘individual’ being. With respect to a stone, neither the particular on its own is an individual stone (as, without reference to the universal of being a stone, it cannot have this nature but is instead simply pure determinacy) nor is the universal of being a stone an individual stone. Rather, an individual stone is the being within which the universal of being a stone and a particular, which is simple determinacy on its own, are united through their continuous passage into one another.

And as it is for a stone, so is it for an ‘I.’ Within my individual ‘I,’ I can abstract away from all of the peculiar, contingent contents of my mind and focus solely upon my bare ‘I.’ But this ‘I,’ as such, is indistinguishable from the ‘I’ of all other subjects which exist, in which case it is not a singular being but is rather an abstract, general or universal ‘I’ -

> The will contains (a) the element of pure indeterminacy or of the ‘I’’s pure reflection into itself, in which every limitation, every content, whether present immediately through nature, through needs, desires, and drives, or given and determined in some other way, is dissolved; this is the limitless infinity of absolute abstraction or universality, the pure thinking of oneself (PR §5).[2]

But this universal ‘I’ makes sense only with respect to particular beings within which it becomes present as the determination of their existence. And so, in thinking of this pure, universal ‘I,’ we are led back to thinking of a particular, determinate ‘I’ -

> In the same way, 'I' is the transition from undifferentiated indeterminacy to differentiation, determination, and the positing of a determinacy as a content and object. - This content may further be given by nature, or generated by the concept of spirit. Through this positing of itself as something determinate, the 'I' steps into existence [*Dasein*] in general - the absolute moment of the finitude or particularization of the 'I' (PR §6).[3]

But again, a particular being, on its own and without reference to a universal, is only a pure determinacy – which is to fail to be actually determinate in any way and so is not really

anything at all. Hence, the particular must refer back to the universal. This particular 'I,' in order to be an 'I' in the first place, must refer back to this universal 'I'. And as it does so, this particularity is negated in the transition to universality, just as this universality is negated in its transition back to particularity. An individual 'I' is in turn the unification of this universal 'I' with this particular being – the unification which emerges from the continuous flux between this universal and particular. And so I in turn, as an individual 'I,' am this continuous flux or passage of the universal 'I' into a particular being and vice-versa. As such, this universal and particular are united within me.

Now, the crucial point here is that, because this universal and particular are united within my individual self, I am able to move from my own particularity to universality. In other words, I have my own particular desires, perspective and so on. These desires have been granted to me by nature, such as my love for spaghetti. However, at the same time, because I am an individual 'I,' the universal 'I' is present within me as well. And, as the flux between this particular being and the universal I, I am therefore able to move in thought from my particular perspective to this universal 'I' – and, in so doing, I am able to abstract away from my own particular desires and perspective in order to adopt the universal perspective of the universal 'I' – an 'I' in abstraction from all particular content. And because this universal is present within every 'I,' I am therefore able to move from this universal 'I' down to any particular 'I' as this universal refers back to a particular. As the universal 'I,' I am this universality which makes itself present in every 'I,' and so I am able to become present within another particular 'I' as well. In other words, I am able to adopt the particular perspective of a different individual – a perspective different from my own. And in so doing, I am able to *act* from this perspective as well, rather than from my own. I am able to *choose* whether or not I should act according to my own desires, or if I should abstract from them and place myself in the perspective of a different person in order to understand the world

from his particular viewpoint. And this, in turn, is what constitutes *freedom*. I am a particular being, and insofar as I am a particular being, I can act according to my particular desires, perspective and so on. But if that were all I could do, then I would not be free. Instead, with the universal 'I' united with my particular being, I am also this universal 'I.' And so I can abstract away from my own particular desires and perspective and adopt those of a different individual instead, and, in so doing, I can act according to these desires and this perspective instead of my own. And it is precisely my ability to do this, to rise above my own particular perspective and adopt that of other individuals, which constitutes my power of choice and thus my individual *freedom*. And this power in turn, is what Hegel refers to as the 'will' –

> Every self-consciousness knows itself as universal, as the possibility of abstracting from everything which is determinate, and as particular, with a determinate object [Gegenstand], content, and end. But these two moments are only abstractions; what is concrete and true (and everything true is concrete) is the universality which has the particular as its opposite, but this particular, through its reflection into itself, has been reconciled with the universal. This unity is individuality… What is properly called the will contains both the preceding moments: 'I' as such is primarily pure activity, the universal which is with itself; but this universal determines itself, and to that extent is no longer with itself but posits itself as an other and ceases to be the universal. Then the third moment is that 'I' is with itself in its limitation as this other; as it determines itself, it still remains with itself and does not cease to hold fast to the universal. This, then, is the concrete concept of freedom, whereas the two previous moments have been found to be thoroughly abstract and one-sided (PR §7, remark and addition).[4]

According to Hegel, a 'subject' and a 'person' are not the same thing. A 'person' is a subject which has a will, that is to say, a subject which can abstract from its own particular mental content and perspective in order to adopt and act from the perspective of a different individual. Not every 'I' is capable of doing this, according to Hegel, for there are some such egos which remain steadfastly fixed upon their own desires without any ability to abstract from them and think universally, as is the case with animals and small children. Such beings

thus, according to Hegel, are not properly people and, with no capacity for freedom, have no ethical duties (PR §35, remark and addition).[5]

Beyond this, Hegel makes an extremely important remark in an earlier section:

> …[A]s for the connection between the will and thought, the following remarks are necessary. Spirit is thought in general, and the human being is distinguished from the animal by thought But it must not be imagined that a human being thinks on the one hand and wills on the other, and that he has thought in one pocket and volition in the other, for this would be an empty representation. The distinction between thought and will is simply that between theoretical and practical attitudes. But they are not two separate faculties; on the contrary the will is a particular way of thinking -thinking translating itself into existence, thinking as the drive to give itself existence ((PR §7, addition).[6]

Hegel here is alluding to an old debate within the philosophy of mind between those who adhere to what is called 'voluntarism' and those who adhere to what is called 'intellectualism.' Oftentimes, this debate is expressed in terms of arguing over whether 'the will is prior to the intellect' (as voluntarists argue) or whether 'the intellect is prior to the will' (as the intellectualists argue). However, in order to understand this debate, which is important for making sense of much of what Hegel wrote, we need to go into deeper detail.

Firstly then, what is the intellectualist position? It is essential for the intellectualist view that humans from the very beginning are pre-determined by nature – they begin not as indeterminate beings capable of self-determination but immediately possess a substantive nature which cannot be changed. This nature fixes for them those activities which, by this nature, are objectively good for them, which they must pursue to be thriving human beings. Such activities may include eating, producing children, forming friendships and so on. The purpose of the will is then simply to pursue these activities which the intellect indicates to it are good for humans in accordance with this nature. Hence, we have a hierarchy of human nature – the intellect – the will. Human nature determines the human intellect, insofar as the

intellect acts to determine what is objectively good for oneself on the basis of this objective nature. And the intellect determines the will insofar as, once the intellect has determined what is good for oneself, then the will acts to obtain this object through various activities.

By contrast, according to the voluntarist position, the human self (which must be distinguished from one's body) has no substantive nature but is rather indeterminate in its existence until it determines its own self in some manner. However, without a determinate nature, this person cannot then have any activities which are objectively good or bad for him. Therefore, his intellect cannot perceive particular activities as objectively good for him, and so the intellect, on its own, must remain indeterminate with respect to what activities are good for this individual. And, insofar as the intellect is indeterminate with respect to what activities are objectively good to pursue, it cannot determine the will with respect to what the will will pursue. This person cannot be motivated by the desire for something because his nature makes that object good for him and his intellect perceives that this is the case and it then determines the will to desire this object. Therefore, if this person is to act, then, insofar as the will is not determined by anything else, it must be the case that first the will desires to pursue an activity of its own accord and the intellect gives its seal of approval to this desire by judging it to be a good thing to pursue because the will desires it. Hence, it is the will here which determines the intellect. The important conclusion here is that, according to the intellectualist position, the self desires something because it is good (or it perceives that it is good) for itself, whereas, according to the voluntarist position, something is good for the self simply because the self desires it, regardless of whatever it is. So long as the self has no determinate nature, then it is not possible to say that something is objectively bad for the self if the self desires it, even if it would result in the destruction of the self. Instead of it being the case that the self, through the intellect, perceives something as good for itself and therefore, through the will, desires it, it is the case that the self first desires something and therefore, for

this reason, this object is good for it. There is no substantive nature undergirding it which fixes what objects are good for it so that it can then perceive them as good for itself and so that it can then desire them on this basis.

In order to understand how Hegel tries to reconcile the political tradition of the past with that of modernity, it is necessary to link the two positions above with the respective understandings of society which they entail. Firstly, the intellectualist position entails what we can refer to as 'social organicism.' Advocates of this view hold that society should be understood as akin to a single, great organism in which all of the members of society should relate harmoniously to one another in terms of performing complementary social functions, like the different organs of an organism perform the different functions which keep this organism alive. The idea here is as follows. According to the intellectualist, humans have a substantive, determinate nature which determines their intellect and then, through the intellect, their will. However, if humans have a determinate nature, the question is, are they by nature social or by nature solitary beings? The third possibility, that humans have an indeterminate existence until they determine themselves individually through an act of the will, is not acceptable here as, according to this view, they do have a determinate nature, As humans do in fact live cooperatively in societies, they cannot be by nature solitary and so they must be naturally social beings. What this means then is that individual humans cannot live logically prior to society. As naturally social beings, they require society in order to be truly human. And according to the organicist view of society, society is akin to an organism precisely because its members do not exist prior to it logically but rather are just as dependent for their existence as humans upon it as it depends upon them for its existence, precisely because, to be understood as humans, they must be understood as social beings and so must be understood in terms of a function which they perform within this society. An organism, such as a fox, is an organism by virtue of the fact that it is divided into parts and is reliant

upon those parts to survive (its lungs, heart, etc.) but these parts are in turn just as reliant upon it to survive qua the parts that they are as well. A lung can survive as a long only within an organism because it can be understood as a long only in terms of a specific function which it carries out in such an organism. There is a reciprocal dependence between the whole and its parts, in which these two extremes both exist through one another.

Humans, on this view, do not logically pre-exist society as individuals. They live an organic existence within society as a great social organism because, as naturally social beings, they are every bit as dependent upon society to exist as humans as this society is dependent upon them to exist. Society as such is a direct product of nature because humans form it spontaneously as a direct result of their human nature. As the different parts of this social organism, these individuals act as its different organs in order to continuously produce this society just as it also makes their existence as humans possible. And the functions which these different individuals perform to realise this society are centred around making possible the form of life which is objectively good for humans in accordance with their nature. Hence, this social organism has as its purpose making possible the objectively good life fixed for humans by the very same human nature from which it emerged.

By contrast, the understanding of society which is associated with the voluntarist model of the human mind is liberalism. The core of liberal theory is the idea that society is the product of a social contract to which individuals agree to escape a ‘state of nature’ and that the state exists to enforce this contract. The conception of society as a social contract assumes the prior existence (logically, if not temporally) of individuals in a 'state of nature,' with this social contract serving the purpose of bringing them into civil society in order to escape the dangers of this pre-existing anarchic state.

Hence, according to the social contract view of society, society is an artificial construct – it does not arise naturally but rather is the product of an act of conscious willing by a group of individuals to enter into social relations with one another and thereby escape the dangers or inconveniences of anarchic and pre-social existence in the state of nature – an act of conscious willing which we all perform every time we decide that we would prefer to live in society rather than outside of it. And so, according to this view, humans are not by nature social beings, i.e. their social arrangements are not natural but rather something which they create and which they exist prior to. If humans were naturally social creatures, then society would emerge from within the very state of nature as a direct product of nature itself. The notion that society must emerge from a social contract implies that humans exist logically prior to all social relations and so are not naturally social. This does not mean, it is crucial to note, that this view implies that therefore humans are naturally solitary or asocial in nature, for, if they were, it is difficult to conceive of how they could ever come together to agree to live in a civil society in the first place. Rather, what this view implies is that humans are neither social nor asocial by nature because they do not have a determinate nature at all. Rather, humans are indeterminate in their existence prior to the decisions which they make in how to determine themselves, and therefore human existence is individualistic in the sense that each individual human can choose his own determinations, e.g. can choose to enter into social relations and be social or not. Prior to the creation of civil society, humans exist in an indeterminate state where they may choose how to determine themselves, both in terms of their desires and goals as well as in terms of entering into social relations with one another. And it is the former which provides the motivation for the latter because, having chosen one's goals as one pleases, the creation of civil society furthers one's abilities to achieve these goals by introducing civil relations with others which enables cooperation and by eliminating the danger of the absolute freedom of the state of nature where each individual is just as free to

harm others as to help them. Hence, the state of nature must be regarded as one of absolute freedom where humans are not yet determinate in their existence and are unconstrained in their relations towards one another, both in terms of cooperation and in terms of violence depending upon each individual's determination of his inclinations. And within this state of absolute freedom, humans are to be regarded as individualistic, not in the sense that they are solitary by nature, but rather in the sense that, as indeterminate, each person must individually choose his own manner of existing.

Hence on the liberal view of society, humans exist prior to their social relations - into which they consciously choose to enter - with their own individual desires and enter into civil society to secure themselves in their quest to fulfil these pre-existing desires. Hence, civil society is regarded as essentially a medium within which logically pre-existing individuals peacefully interact to secure their pre-existing interests. And the state, as the enforcer of the social contract, is regarded as a mechanism for legally arbitrating between individuals as they strive after their own, individual conceptions of the 'good life,' rather than as a mechanism for trying to bring about any sort of single, virtuous way of living for all people (the conception of the state as an institution for teaching virtue to its citizens and enforcing that single system of virtue amongst them that was common prior to liberalism). In summary, if society is the result of a social contract, then humans must logically pre-exist society (just as the parties to a contract must logically pre-exist this contract) along with their individual desires (for otherwise they would have no desire to enter into this contract in the first place) so that the purpose of civil society, with this purpose being enforced by the state in order to uphold this social contract, is essentially to act as a medium between individuals as they pursue their individual lifestyles (styles of self-determination).

Under the liberal scheme, it is necessary to deny any sort of universal human nature beyond the idea of all humans being indeterminate beings (i.e. beings with no nature) who

determine their own selves individually. This is because, if there were any sort of universal human nature more substantive than this, then such a nature would fix for all humans a purpose and form of living which is good for all human beings, and which civil society and the state should therefore enforce for all of its members as the virtuous and correct way of living. But this flatly contradicts the liberal notion that civil society exists for the purpose of merely allowing individuals to peacefully pursue their own private desires as they see fit, and the state exists only to enforce laws such as are necessary to prevent these different individuals from interfering with one another as they so pursue their desires. Hence, the liberal state can legitimately outlaw the act of killing another without that individual's permission (as such an act would interfere with that individual's right to pursue their own desires) but cannot self-consistently outlaw the act of killing a person *with* their permission (e.g. assisted suicide) because to do so would imply that there are universal norms of living for all humans which the state should enforce, regardless of its citizens' individual desires. To the extent that liberal states still do outlaw such forms of homicide, this is really only a residue of the pre-liberal mindset. However, because humans undeniably have bodies which do display universal natural features (requiring food, reproduction based upon a sexual dimorphism dividing humans into biological males and females, etc.) the denial that there is any sort of universal human nature requires distinguishing a human being from their body and upholding this inner, non-material self as a tabula rasa bereft of any nature and driven only by a voluntaristic will. Liberalism is therefore necessarily an anti-materialist philosophy, implicitly positing that the true human self exists distinctly from one's body.

Why is liberalism associated with voluntarism? According to the voluntarist position, human individuals have no objective nature. And so, while they cannot be naturally solitary, they also cannot be naturally social. Therefore, voluntarists must deny that society exists as a direct product of nature (of human nature). Insofar as human societies do exist, they must

therefore be artificial constructions created by humans. In other words, they must be the result of an agreement between different individuals to abandon a pre-social state of living, i.e. these societies must be the result of social contracts. Hence, the voluntarist understanding of the human mind leads directly to a liberal view of society.

Returning now to Hegel, it is crucial to understand that, according to Hegel, both intellectualism and voluntarism, and thus, by contrast, social organicism and liberalism, are deficient. This is because, according to Hegel, the entire effort to separate out the will and intellect from one another and figure out which one is prior to the other is wrong from the start. Rather, neither the will nor the intellect can be prior to the other because the two are not even distinct faculties in the first place. Rather, they are really just different ways of thinking about one and the same activity of thinking, and any effort to separate the two out from one another so that one can be made prior to the other simply ends up destroying both.

Firstly, the intellectualist position makes the will passively subordinate to the intellect so that the actions of the former are determined fully by the latter as the intellect compares, contrasts and understands in order to determine what is good for this individual, with the will then choosing accordingly. But the effort to distinguish the intellect from the will destroys the intellect. After all, if an intellect, as the power of discernment and distinguishing, is distinguished from the will, then it cannot be free because it is the will, as the power of choice, which is free. But if the intellect is not free to choose in deliberating, comparing and contrasting, then it is not really an intellect at all. Instead, with the intellect obliterated, action can only be guided by instinct, i.e. an automatic, fixed pattern of behaviour in response to a certain stimulus. And here we come to the crucial point – if the existence of a being has been pre-determined for it, with this pre-determination determining what is objectively good for this being, then it has no need for an intellect to determine its actions as instincts – fixed patterns of behaviour – are then alone sufficient for directing this being to pursue these

objectively good ends. To possess an intellect must mean being able to freely discern what is good for oneself, but one cannot do this if what is good for oneself has already been determined by nature. And so there is no room for intellect here. Thus, on the intellectualist view of human existence, human will (the power of choice) must be determined by our instincts, which in turn are determined by human nature. But as human nature is not determined by the individual himself but simply given to him by nature, this means his will is completely determined by something over which he has no control (the will being completely determined by the instincts, which in turn are completely determined by the pre-determination for all humans which is human nature). But if the will is completely determined by something over which this individual has no control, it cannot be free. But again, a will which is not free is no true will at all, as a will just is the ability to abstract from one's own perspective and adopt the perspective of someone else so that one can act according to the motivations of someone other than oneself. It is precisely because animals have no such ability that we deny that animals have any will (and therefore deny that they are persons) even while affirming that they are still self-conscious and therefore subjects. Hence, on this view, humans cannot have any will either. We are simply driven by fixed patterns of behaviour in response to certain stimuli, which is what animals have in place of both will and intellect. Thus, the ultimate result is that the intellectualist completely assimilates humans into nature as the realm of necessity, making us nothing more than animals.

The deeper point here is that the intellectualist position has an entirely deficient understanding of what human freedom is. It is essential for the intellectualist view that humans from the very beginning are pre-determined by nature – they begin not as indeterminate beings capable of self-determination but immediately possess a substantive nature which cannot be changed. This nature fixes for them those activities which, by this nature, are objectively good for them, which they must pursue to be thriving human beings.

The purpose of the will is then simply to pursue these activities which the intellect indicates to it are good for humans in accordance with this nature. And so, for the social organicist, freedom is not self-determination but rather can only be the ability of a being to pursue what is good for it in accordance with its pre-determined nature. But this is the very same 'freedom' which is enjoyed by any natural object. And so, for the social organicist, humans are really no freer than the moss which realises its nature by growing on the side of a tree or the worm which realises its nature by burrowing through the ground. The problem here of course is that such a view utterly assimilates humans into nature but nature is the realm of necessity rather than freedom. To say that something has a 'nature' means that it is pre-determined and nature itself is the realm of pre-determination. But something which has no ability to determine itself – such as by being able to abstract from its own perspective to adopt the perspective of someone else from which it can then act and so determine its own position – cannot be any freer than any object bound by the immutable laws of nature. Instead, the social organicist position leaves humans with a manner of existing which they have no say in determining, and so leaves the individual with various natural impulses and desires from which he cannot abstract to determine his own self. The result is a failure to recognise the difference between nature and spirit, and the superiority of the latter over the former which places humans over mere matter.

By contrast, the voluntarist position is that the will is to be distinguished from the intellect and it falls to the will to determine human action without any further basis and for the intellect to then simply cognise this action as good for this person because this is what the will has chosen – rather than humans desiring what is good for them, what is good for them is simply what they desire because they have no nature to determine this for them and so the will must lead the intellect. However, the voluntarist position of liberalism, by divorcing the

will from the intellect and making the former dominant over the latter, ultimately makes it completely arbitrary what action the will chooses to pursue and therefore what is good for this individual. If the will is dominant over the intellect and thus distinct from it, then this means that the power to choose (the will) must be distinct from the power to distinguish and understand (the intellect), so that the choices made are lacking in rationality. And if they are lacking in rationality but instead simply arbitrary, then there is no real freedom here because there is no real self-determination. Instead of determining its own self, this person is being determined by arbitrariness and irrationality. And a will which is not free is not truly a will at all, as the will just is the ability to choose and act freely (i.e. to replace one's own perspective with a different one as a basis for one's actions).

Beyond this, the voluntarist position is deeply paradoxical in the following respect. Because the process by which desires are formed on the voluntaristic model cannot be grounded in any deeper phenomenon (such as the recognition by the intellect of an object being good for itself in accordance with a substantive nature which it possesses), the desires which an individual does form according to this model must appear to them as ineffable and incomprehensible. And therefore, this desire takes on the appearance of a 'brute fact,' i.e. something which must simply be accepted – until by this same process this incomprehensible desire is replaced by some other one. Hence, this individual must feel their desires as involuntary, even though the entire point of the voluntarist model is that the will acts completely free of any prior determinants, such as an objective nature which determines what is good for it. Absolute freedom has the paradoxical effect of folding over into unfreedom.

To make the same point using less Scholastic and more Hegelian language, the liberal view of the human is that of an individual which is an indeterminacy which determines itself into a determinacy. The entire point of liberalism is to understand the human as radically free in nature. But freedom is an act of self-determination, i.e. a process in which something

develops its own self from indeterminate existence to a determinate existence. Hence, the liberal must deny that a human has any substantive nature, i.e. any substantive manner of existing for all humans which has been determined by nature for them prior to their ability to will, and which they could not change even if they wanted to (which they could not insofar as one's desires are determined by one's nature). If one is determinate in one's existence prior to one's ability to will, then one does not have the power to determine oneself and so cannot be truly free. Hence, the liberal must regard humans as indeterminate in their nature – they are thus by nature neither social nor solitary, they are individualistic in the sense that they choose their determinations individually and the purpose of civil society and the state is merely to protect this ability for each individual. But if humans determine their own selves, the natural question then is, on what basis do they do so? The answer can only be the dictates of an individual will which is utterly inscrutable, a will which cannot be explained in terms of any deeper determinations such as a substantive human nature and the desires and self-evident beneficial ends for oneself which such a nature can determine. And hence, we are led to an inversion in which radical freedom folds over into its opposite insofar as one's desires still appear to be forced upon oneself by an arbitrary, external power.

As the attempt to distinguish the will and intellect from one another into separate faculties destroys both, the truth must be that both intellectualism and voluntarism are wrong and that the intellect and will are in fact wholly unified with one another, as we use our ability to choose in judging and comparing and contrasting and carrying out other 'intellectual' functions while using these very same functions in choosing between or willing different alternatives. As intellectualism implies that we will what is good for us and voluntarism implies that what is good for us is simply what we will, the supersession of these two views has the crucial implication that it is in fact simultaneously the case that the free will wills what is good for it and what is good for it is what it wills. But how can we make

sense of such a claim? Recall that earlier we discussed how Hegel conducts philosophy by proceeding by means of internal contradictions. For Hegel, the correct method in philosophy is to begin with a concept and uncover what contradictions are present within this concept. These contradictions will then generate a new content – a higher form of existence – which alone can resolve these contradictions by bringing into existence the conceptual resources which are necessary for resolving these contradictions. The form of existence which results therefrom is thus the resolution to the contradiction within this lower form of existence.

However, the will, in order to act freely according to Hegel, presupposes various phenomena. For example, to act freely requires possessing property for oneself. This is because, according to Hegel, when one asserts that an object is one's property, this means that one consciously thinks of it as becoming subsumed under or subordinated to one's will or ability to choose between different courses of action to the exclusion of the will or same ability of any other individual (PR §44).[7] If one has no property, then one has not subordinated any objects under one's will to the exclusion of the wills of other individuals. Hence, one's will remains entirely locked up within oneself, finding no expression in external reality. But one cannot exercise one's power of choice upon any external objects, then one does not really have this power. A will which does not will anything is no true will – such a will is a blatant contradiction. Hence, from the very concept of the will itself, we arrive at a higher form of existence which gives concrete content to what it means to will in the first place. By means of such presuppositions to the act of willing, and the contradictions which such presuppositions become enmeshed in and the higher forms of existence which these contradictions must generate in order to become resolved, the will produces an entire range of content which is essential to concretely understanding what freedom is (as opposed to the entirely abstract conception we have of freedom when beginning with the simple, individual will). Hence, the will itself produces from itself the content for its full actualisation, the

content without which such a will can really only be a potential will or potential freedom. In this manner, when the will wills, it creates the very conditions which it needs to will (such as the institution of property) and the conditions for these conditions and so on. Hence, insofar as these conditions are good for the will, we can say that the will wills what is good for it (the very conditions which it needs to exercise itself). And what is good for the free will is what the free will wills for itself because a truly free will does not act in an irrational and arbitrary manner, but rather must will those very things which are necessary for its actualisation.

The point here is that Hegel's understanding of the nature of the will requires going beyond the entire debate between intellectualism and voluntarism and thus requires going beyond both social organicism and liberalism. Hegel tries to do this in the section of the Philosophy of Right which discusses 'ethics' [*Sittlichkeit*] which, in the sense that Hegel uses this term, essentially concerns the general structure of social relations which a will must will for itself so that it can be an acting will. As stated in the introduction, Hegel believed that such a structure consists of three hierarchical spheres, beginning with 'family life' and then building up through 'civil society' in order to culminate with the 'state.' We must thus take these three spheres in turn in order to understand why Hegel believed that societies must be characterised by these three spheres in order for freedom to be possible.

The first sphere is family life. According to Hegel, the family relation is the most basic, immediate relation which humans can have with one another, and so must form the basis for society. All social bonds are ultimately the product of self-consciousness or 'spirit,' which is above nature – the former being the realm of subjectivity, personhood and freedom whereas the latter is the realm of necessity or phenomena determined by unyielding and unchanging natural laws. The social bond which binds humans together as a direct result of nature – the directly natural human bond - is thus something of a paradox – a product of self-

consciousness and intersubjectivity but intersubjectivity at its lowest stage, when it is still most conditioned by nature.

As such, this bond is characterised by self-consciousness and thought – but thought only in its lowest, most immediate form. As nature is the realm of self-externality (i.e. space and time) and thus of sensuousness and particularity (for which space and time are media), immediately natural thought must be characterised by the immediately sensuous and particular rather than the abstract and universal. In other words, such thought must consist of 'feelings' 'sensations' and 'emotion' rather than mediated, abstract *conceptual* thought. The directly natural human bond must thus be one based upon feeling or sensation rather than conceptual thought. This means firstly that this bond must be intuitive in nature. A 'feeling,' such as the sensation of the colour and taste of an apple, takes the form of a singular representation or 'intuition' which the mind uses to represent to its own self a *particular* object in nature. By contrast, a universal representation or 'concept' is used by the mind to represent to itself a *general type* of object – the abstract and universal which rises above the natural and concrete. The directly natural bond between humans must be based upon intuition and thus upon feeling and sensation – rather than abstract thought.

As such, this bond must also be forceful in nature. This is because sensation and intuition, as that which are still immediately determined by the natural and its realm of law-governed necessity, must be involuntary in nature. Hence, mere feeling is beyond the control of the individual, just as one feels the sensation of redness and whiteness, sweetness and tartness forced upon oneself when one sees and tastes an apple. Moreover, as the feeling which constitutes the directly natural bond between humans is one of a bond with another human being, this sensation must relate oneself to another human being for the purpose of unity with them.

But as this bond is a mere sensation, it cannot be mediated by any higher, conceptual thought. Hence, the interpersonal bond in question cannot be mediated by the notion of law, contract, nationality and so on. Rather, it must be an interpersonal bond which is completely unmediated by any conceptual thought, and so it must be the simple sensation or intuition of being directly unified with this other person. The directly natural human bond is a *sensation* in which one *involuntarily* feels that one is *directly unified* with another human being without the mediation of any higher social institutions, i.e. a direct unification with another human being into one single subject where all thoughts and feelings are shared, even as at the same time one feels that one is still one's own distinct self as well. It is thus the feeling that when this other person is gone, one has become estranged from oneself, leaving oneself tormented. In other words, the directly natural human bond is 'love,' for love just is this involuntary feeling of being directly united with another, such that, without this other, one feels alienated from one's own self. Hegel most eloquently and clearly describes this with respect to a different context (the love between the Father and the Son which characterises the Holy Trinity) as follows:

> [L]ove is a distinguishing of two, who nevertheless are absolutely not distinguished for each other. The consciousness or the feeling of the identity of the two – to be outside of myself and in the other – this is love. I have my self-consciousness not in myself but in the other. I am satisfied and have peace with myself only in this other – and I am only because I have peace with myself; if I did not have it, then I would be a contradiction that falls to pieces. This other, because it likewise exists outside itself, has its self-consciousness only in me, and both the other and I are only this consciousness of being-outside-ourselves and of our identity. We are only this intuition, feeling and knowledge of our unity. This is love, and without knowing that love is both a distinguishing and the sublation of the distinction, one speaks emptily of it. This is the simple, eternal idea.[8]

The great contradiction of love is that when two people love one another, they *feel* that they are *continuously* merging with one another to form a *single* individual. Because the two

partners are merging with one another, they become one single individual (in thought that is, obviously not physically). However, because this merging process is continuous in nature, they must still also feel distinct from one another separate individuals – for if they became fully one individual, then the merging process would be complete rather than continuously ongoing. As such, in love, two individuals must feel that they are both distinct from one another and yet also merging with one another to form one person. Love, in other words, is not some static phenomenon but rather is a continuous, dynamic process whose very continuousness renders it utterly contradictory.

And love in turn is what constitutes the familial bond – the family relationship. When two individuals feel that they are not fully distinct from one another and that this relationship has been forced upon them by nature itself, they feel that they are members of a common family - such a feeling *just is* the familial bond. Hence, when two individuals fall in love with one another, they feel that they are now family. And when two siblings cannot stand one another but would nevertheless feel grieved if the other died because they still feel that they are unified with one another by nature itself, so that the loss of one is also the loss of oneself for the other regardless of however disagreeable they may find each other, then they know that they are family:

> Love means in general the consciousness of my unity with another, so that I am not isolated on my own, but gain my self-consciousness only through the renunciation of my independent existence and through knowing myself as the unity of myself with another and of the other with me. But love is a feeling, that is, ethical life in its natural form. In the state, it is no longer present. There, one is conscious of unity as law; there, the content must be rational, and I must know it. The first moment in love is that I do not wish to be an independent person in my own right and that, if I were, I would feel deficient and incomplete. The second moment is that I find myself in another person, that I gain recognition in this person, who in turn gains recognition in me. Love is therefore the most immense contradiction; the understanding cannot resolve it, because there is nothing more intractable than this punctiliousness of the self-consciousness

> which is negated and which I ought nevertheless to possess as affirmative. Love is both the production and the resolution of this contradiction (PR §158, addition).[9]

The family relationship (and thus the family itself) must thus form the basis for a human society because this relationship is the social relationship which is the most immediate – the one which emerges most directly from nature. However, a society which is the product of the free will willing its freedom must make freedom possible - and so, the family relationship in such a society must in some manner be conditioned by freedom or individual choice. This is made possible through the institution of marriage. Marriage, as Hegel describes it, is a social institution in which two people consent to merge together to form a single person (spiritually and legally). It is in other words, an act in which two people explicitly consent to become family members with one another. Now, this may sound quite contradictory at first. After all, marriage is based upon love, and yet love, as described above, is a feeling, and feelings or sensations are not voluntary in nature. Rather, they press themselves upon us whether we desire them or not, such as sensation of hardness when one bumps into a wall, the feeling of pain resulting from that bump and so on. Likewise, when one falls in love with another, this sensation of being in love with this other individual (of feeling that one is continuously merging with that person, that one exists in this other person) is not voluntary. Rather, one feels that it has been forced upon oneself, perhaps almost like a curse even. *We do not choose who we fall in love with*.

But if marriage is based upon love and love is involuntary, then how can two individuals *consent* to form a single person with one another? While Hegel does not discuss this issue, the resolution to this problem probably comes from the fact that while one may feel that one is merging with another person when one falls in love with that person, at the same time, one must also be aware that that person may not reciprocate the feeling. If they do not, then one cannot really merge with that person to form a single individual spiritually, as

the merging process can only occur if both individuals are merging with one another. This knowledge must then work continuously against the feeling of merging with that person, so that even as one feels that one is forming a single individual with this other, at the same time, the feeling is being negated by this knowledge. This negation can be removed only if this other individual announces their love for this individual, and in such a manner that this individual can be assured that the announcement is sincere. This means in effect agreeing to a legally binding union. When two individuals do this for one another so that they can be assured of the other's love for them, then this stumbling block is removed and they can unrestrictedly feel that they are merging with one another spiritually to form a single individual after all. And, as the legally binding announcement which these two make to one another must be made voluntarily, we can say that these two have in fact consented to form one individual with one another, even though their love for one another is not truly voluntary. But this is not necessary for those related by blood to know that they are loved by one another, as this blood relation itself is a sign of the natural union between these individuals.

It is precisely because marriage has this quality that individuals who are already family members are prohibited from marrying one another to form a union. Marriage is essentially an act of freedom in which two people *consent* to form a single person with one another. But if they are consenting to do so, then it cannot be the case that they are already by natural or legal necessity family members because, in such a case, they already possess the familial relation with one another – the natural relation in which individuals feel an *immediate* union with one another which, as such, exists as a sensation of merging with this other individual to form a single person. It is not possible to voluntarily unify together that which is *already* unified as a matter of natural necessity. Because individuals who are already family members cannot consent to become family members (consent to become what they already are by natural necessity) they cannot truly marry one another. Romantic love, in turn,

is a special form of love which is characterised by the fact that the familial relation which it forms between two individuals can exist only insofar as both individuals desire it, whereas the love and familial connection which one feels towards one's other family members is a product of natural and legal necessity (blood relations and marriages between other family members which are beyond one's control) so that one feels bound by necessity to love these other individuals, even if one does not actually *like* them.

> [S]ince marriage arises out of the free surrender by both sexes of their personalities, which are infinitely unique to themselves, it must not be concluded within the naturally identical circle of people who are acquainted and familiar with each other in every detail - a circle in which the individuals do not have a distinct personality of their own in relation to one another - but must take place [between people] from separate families and personalities of different origin. Marriage between blood relations is therefore at variance with the concept of marriage as an ethical act of freedom rather than an association based on immediate natural existence and its drives (PR, section 168).[10]

Note that it is only on this conception of marriage that we can make full sense out of the incest prohibition. It is often claimed that the reason for why incest is forbidden within marriage is because we have an instinctual aversion to it because sex between biologically related individuals is much more likely to produce offspring with crippling disabilities. But this is not a sufficient explanation because, if that were all there were to the matter, then marriage would still be perfectly acceptable between individuals who are fellow family members but who are not related by blood, such as between a brother and a sister, one of whom was adopted into the family, or between step-siblings. But even these relations violate the logic of marriage, because, even though such individuals are not related by blood, nevertheless, by circumstances beyond their control, they already share the familial relationship and so cannot truly *consent* to become unified as a single person.

These are the essentials of family life within an ethical society (a society which actualises individual freedom because it is the form of society which a will wills in order to

be a will). From here, we must transition to the next stage of society, what Hegel refers to as 'civil society' or 'bourgeois society' (*buergerliche Gesellschaft* – the German term *buergerlich* can be translated as either 'civil' or 'bourgeois'). If it is the case that family life must be conditioned by marriage, in which former non-family members come together to form a family union with one another, then this implies that society cannot be composed of one single family but rather must be made of many different families so that they can be unified in various different combinations in the first place. Therefore, beyond family life, there must be a stage of society where individuals relate to others as non-family members – i.e. where they relate to others who are outside of their family. Because they relate to one another here as non-family members, these individuals do not feel a sensation of merging continuously with one another to form a single person – rather they relate to one another as fully distinct individuals. Hence, we move beyond family life to civil society.

Civil society is the first stage of society where individuals relate to one another as fully distinct beings whose relations are mediated by social institutions, rather than regarding themselves as merging with one another to form a single person. As such, civil society is characterised by two different aspects. Firstly, because individuals in civil society relate to one another as self-consciously fully distinct individuals, they relate to one another in terms of their own individual concerns. Civil society is thus the stage of society where individuals pursue their own particular interests, rather than relating to one another, as they do in family life, as individuals fully distinct from one another. However, this is only half the story. Because humans rely upon one another to fulfil these interests, they are not truly independent from one another within civil society. Within civil society, every individual wishes to realise his own desires. But he cannot do this independently – rather, he needs help from others who can provide the various services which he requires to fulfil these desires. But because these other individuals are also fixated first and foremost upon their own concerns, they will not

provide such assistance unless this individual agrees to help them achieve their goals. Civil society is thus characterised by the principle of reciprocity or quid pro quo, in which individuals help one another, but only in return for the explicit promise of reciprocal assistance for achieving their own goals. In concrete terms, such a system of relations takes the form of the market system, as a market is a system for explicit exchanges. Within the market system one individual desires the services or products of another individual, but as that individual is preoccupied with his own desires, he will provide his services or products only in exchange for a form of assistance which will help him achieve his own goals. That form of assistance is usually money, with which he may then purchase what he desires from a different individual in like manner. By this means, the interactions of different individuals with one another as they work to pursue their private ends creates a system for achieving the social good of individuals working to help one another:

> The concrete person who, as a particular person, as a totality of needs and a mixture of natural necessity and arbitrariness, is his own end, is one principle of civil society. But this particular person stands essentially in relation to other similar particulars, and their relation is such that each asserts itself and gains satisfaction through the others, and thus at the same time through the exclusive mediation of the form of universality, which is the second principle… The selfish end in its actualization, conditioned in this way by universality, establishes a system of all-round interdependence, so that the subsistence [*Subsistenz*] and welfare of the individual [*des Einzelnen*] and his rightful existence [*Dasein*] are interwoven with, and grounded on, the subsistence, welfare, and rights of all, and have actuality and security only in this context (PR section 182-183).[11]

Above, it was stated that civil society presents two aspects, the first one being that each individual within civil society focuses upon his own desires over those of others so that he makes his own self the end of his actions and thereby asserts his own distinct existence against those of others. The other aspect is that, insofar as all of the individuals within civil society do this, they (inadvertently) create a system for achieving the social good of individuals working to help one another. These two aspects may be regarded respectively as

examples of the principles of particularity and universality. Within family life, the universal and the particular are united with one another in what Hegel calls a 'substantial unity.' In other words the particulars (individual members of a family) inhere within a universal (that family) in a manner similar to that in which the properties of a substance inhere within that substance. Because the members of a family are united like the different properties of a single substance, Hegel calls a family a 'substantial unity' (PR section 163, remark).[12]

By contrast, the main characteristic of civil society is that within it, the 'universal' and the 'particular' become disunited with one another while still relating to one another. The particular exists to one side as the bundle of individuals who all pursue their own ends over those of others and help one another only to extent that doing so benefits themselves, thereby emphasising their distinctness from one another. To the other side exists the universal as the system in which these individuals, in pursuing their own private ends, end up all helping one another do likewise with their own goals, achieving a general social good in which not just one or a few but all or at least most are benefited. This is crucial because the general layout of Hegel's ethical society is one in which we begin with a substantial unity (the family, in which the particulars exist in the universal), then proceed to civil society where both the particular and the universal become separate from one another but continue to exist insofar as the individuals, in focusing upon their own aims, create a socially beneficial system only inadvertently, before finally arriving at the state, where the universal and particular will re-unite with one another to form a new substantial unity, one in which the individual wills of the different members of society are united together in the common will of the state:

> Civil society is the [stage of] difference which intervenes between the family and the state, even if its full development occurs later than that of the state; for as difference, it presupposes the state, which it must have before it as a self-sufficient entity in order to subsist itself. Besides, the creation of civil society belongs to the modem world, which for the first time allows all determinations of the Idea to attain their

> rights… In civil society, each individual is his own end, and all else means nothing to him. But he cannot accomplish the full extent of his ends without reference to others; these others are therefore means to the end of the particular [person]. But through its reference to others, the particular end takes on the form of universality, and gains satisfaction by simultaneously satisfying the welfare of others. Since particularity is tied to the condition of universality, the whole [of civil society] is the sphere of mediation in which all individual characteristics, all aptitudes, and all accidents of birth and fortune are liberated, and where the waves of all passions surge forth, governed only by the reason which shines through them (PR section 182, addition).[13]

This is important because civil society, as a stage where humans lack a substantial unity with one another, is essential for individual freedom because this makes the recognition of oneself as a distinct individual fully possible. Otherwise, if one were left only with family life, then one could regard oneself as only an accident of a substance, and thus as having no freedom of action for oneself insofar as one must be determined by this substance. The manner in which the universal and the particular move from a substantial unity at the level of family life to lacking such a unity within civil society is necessary for human freedom because, in order to be free, individuals must be able to move from their own 'I' to the universal 'I' (i.e. abstract from their own point of view so that they can adopt the perspectives of others and thus act according to perspectives other than their own). But the movement from one's own 'I' to the universal 'I' implies that one exists as singular 'I' in the first place, which is not possible if society is characterised only by individuals being in a substantial unity with one another. The purpose of civil society within the system of social freedom is that it makes it possible for individuals to focus upon their own particular desires and perspectives, which is necessary as the first moment in acting freely because acting freely consists in abstracting away from one's own perspective in order to become the universal 'I' and then adopt the perspective of a different individual from which to act (i.e. look beyond one's own perspective in order to emphasise with someone else and act according to their

needs instead). But one cannot abstract away from one's own particular perspective and desires in the first place unless one first has these things. This is not possible in family life, where the immediate natural relation of individuals to one another is already characterised by substantial unity. And so, this must be achieved beyond family life, in the realm of civil society, whose entire purpose is to give free reign to individuals in acting according to their own desires so that they may realise their particularity and thus make the movement of freedom from one's particularity to the universal 'I' possible.

However, insofar as freedom means moving from one's own 'I' to the *universal* 'I,' then we must still go beyond civil society. In civil society, individuals are concerned firstly with their own, particular interests – this is how they regard themselves as fully distinct from one another. But if this is all that they are concerned with, then they are failing to look beyond themselves in order to adopt the perspectives of others. If the development of society ends with civil society, it will thus end without a stage which allows individuals to go beyond the particularity of civil society in order to adopt the universal perspective which makes adopting the perspectives of others possible. As such, freedom will not be possible in such a society. As the free will produces a society with institutions which make freedom possible in order to actualise its own freedom, a new stage or institution must thus arise above civil society which will allow its members to go beyond their own particularity. This is the purpose of the state, which is an institution that exists beyond the family and civil society (and so takes on the appearance of existing over society in general). The state , by existing over society in this manner, will make possible a universal perspective for the members of society who, by adopting the perspective of the state, are thereby able to step into this universal perspective. However, before we can arrive at the state properly speaking, we must first understand how exactly the transition from civil society to the state occurs. Within civil society, individuals are fixated upon their own particular interests, and so, some institution is

needed within civil society itself which mediates between civil society and the state in that it allows individuals to view their own efforts to sustain themselves within the wider context of society, where these efforts help to maintain society as a whole. In other words, it must be an institution which is designed specifically to make clear for the members of civil society, as the particulars, the universal which they themselves make within civil society – the system in which reciprocal exchange of assistance between these individuals creates a system that advances the common good.

This is the purpose of what Hegel calls the 'corporation.' A 'corporation,' as Hegel describes it, is a legally recognised association made up of individuals who perform the same type of labour. Within these corporations, individuals perform their labour so that they may earn an income which they use to satisfy their own needs. However, as members of these legally recognised corporations, these workers are also able to see how the labour which they perform serves a distinct social function which benefits the rest of society by providing the services and products which the members of society desire. They are able to see this because these corporations appear to them as social organs – associations which perform a specific task to maintain society, just as the organ of an animal performs a specific task within that animal to maintain this animal (and thus its own self as well). By seeing his own labour in this manner, each individual worker is able to see how his work relates to society as a whole and is thus able to go beyond his own perspective to contemplate the needs and concerns of the other members of society – even as he performs his work within this corporation firstly in order to maintain his own self:

> In our modem states, the citizens have only a limited share in the universal business of the state; but it is necessary to provide ethical man with a universal activity in addition to his. private end. This universal [activity], which the modern state does not always offer him, can be found in the corporation. We saw earlierI that, in providing for himself, the individual [das Individuum] in civil society is also acting for

> others. But this unconscious necessity is not enough; only in the corporation does it become a knowing and thinking [part ofl' ethical life. The corporation, of course, must come under the higher supervision of the state, for it would otherwise become ossified and set in its ways, and decline into a miserable guild system. But the corporation in and for itself is not an enclosed guild; it is rather a means of giving the isolated trade an ethical status, and of admitting it to a circle in which it gains strength and honour (PR section 255, addition[14]).

In the above quotation, Hegel tried to distinguish his corporations from the medieval guilds, but his remarks on the differences between them are very vague and unconvincing. In any event, the picture of a rational society which Hegel sketches is one which is distinctly pre-capitalist. The purpose of a corporation, as Hegel describes it, is to act as an association between individuals who practice the same trade. This association, as an association, is supposed to bind these individuals together so that they view themselves as working together to function as one of the organs of society. In fact, Hegel indicates that the corporation is supposed to serve as a 'second family' for its members, indicating that its purpose is to ameliorate any antagonisms between these individuals within it (PR section 252).[15] By contrast, in capitalism, the defining feature is not corporate life but rather the constant competition between different individuals and firms which are involved in the same trade, competition in which workers hardly view one another as parts of a common social organism.

The corporation leads to the last stage of the rational society as Hegel conceived of it – the state. As the corporation uses the desires of the individuals within civil society to get them to look at society as a whole by showing to them how their work benefits the common good rather than just serving their own individual ends, these members are left with the thought of this society as a whole. This then provides the transition for the perspective of the state, which, by adopting, the members of civil society look upon society as a whole without reference to their own particular desires. The purpose of the state is to act as an institution which moves beyond the individual desires which characterise civil society – and therefore

moves beyond civil society itself. Freedom consists in abstracting from one's own 'I' to adopt a universal perspective, rather than being limited to one's own perspective. Only in this manner is one able to choose between different alternative courses of action for otherwise, if one is limited to just one's own viewpoint, then one must act only according to one's own desires. And being able to act only according to one's own desires is not freedom but rather determinism. Hence, in order to make freedom possible, it must be possible for the people of a society to abstract fully from their own perspectives (their own individual interests) in order to think about the interests and concerns of society as whole. According to Hegel, this is possible only through the state which rules over this society and adopting the perspective of the state as it looks down upon society as a whole. Because it must look down upon society, the state must be distinct from this society properly speaking, as a power which exists over it. Hence, the state is both a power which is external to society (the family and civil society) as well as the culmination which the family and civil society themselves lead to in a teleological fashion in making social freedom possible:

> In relation to the spheres of civil law [*Privatrecht*] and private welfare, the spheres of the family and civil society, the state is on the one hand an external necessity and the higher power to whose nature their laws and interests are subordinate and on which they depend. But on the other hand, it is their immanent end, and its strength consists in the unity of its universal and ultimate end with the particular interest of individuals, in the fact that they have duties towards the state to the same extent as they also have rights… (PR section 261).[16]

Earlier, it was noted that the movement within Hegel's rational society is from substantial unity to disunity between the particulars and the universal and then back to substantial unity. With respect to the sphere of the state, substantial unity is made possible insofar as the individual wills of the different people of society are united together into the one will of the state. But what exactly does this mean? As Hegel stated above, the people of a rational society have duties to the state in proportion as they also have rights against it. Why is this?

Because duties and rights are really the same thing viewed from different perspectives. My *right* to do something is a *duty* which others have to allow me to do this action, or my *right* to assistance of some sort is a *duty* which others have to provide such assistance. Hence, my rights are others duties. But if I have these rights, then it is also my obligation to respect the same rights as others, and so their identical rights press upon me as *my* duties:

> Duty is primarily an attitude towards something which, for me, is substantial and universal in and for itself. Right, on the other hand, is in general the existence [*Dasein*] of this substantial element, and is consequently the latter's particular aspect and that of my own particular freedom. Thus, on a formal level, right and duty appear to belong to different aspects or persons. In the state, as an ethical entity and as the interpenetration of the substantial and the particular, my obligation towards the substantial is at the same time the existence of my particular freedom; that is, duty and right are united within the state in one and the same relation [*Beziehung*] (PR section 261, remark).[17]

The important thing here is that, by understanding my rights as others' duties and others' rights as my duties, my will or ability to act is brought into a harmony with the wills of these others. This harmony consists in the fact that our wills *all* act in such a manner to coordinate with one another *consciously*, whereas in civil society, people may consciously coordinate their wills with one another, but only on a very limited basis with respect to the duration of this coordination and how many people are involved in it. Insofar as this great coordination occurs, our wills unite and the unified will which results is the state, which exists as this great will over society. And it is precisely by making one's will one with this will of the state that one adopts the perspective of the state and so the perspective of the universal 'I.' And in so doing, one becomes fully free.

III – Critique of Hegel's Theory of the State

We have seen now how, according to Hegel, the state is necessary for freedom. At this point, I would like to provide a brief critique of Hegel's theory of the rational society.

As noted above, Hegel's theory of society can be understood as an attempt to supersede both social organicism and liberalism as one-sided philosophies by incorporating aspects of both into his own system, insofar as that system describes the movement within society from sphere to sphere as one from substantial unity to disunity and back to unity. Hegel viewed this as critical for preserving both the moment of particular subjectivity and the moment of substantial unity which he viewed as essential for a society which does full justice to human freedom:

> The state is the actuality of concrete freedom. But concrete freedom requires that personal individuality [*Einzelheit*] and its particular interests should reach their full development and gain recognition of their right for itself (within the system of the family and of civil society), and also that they should, on the one hand, pass over of their own accord into the interest of the universal, and on the other, knowingly and willingly acknowledge this universal interest even as their own substantial spirit, and actively pursue it as their ultimate end. The effect of this is that the universal does not attain validity or fulfilment without the interest, knowledge, and volition of the particular, and that individuals do not live as private persons merely for these particular interests without at the same time directing their will to a universal end [in und fuer das Allgemeine wollen] and acting in conscious awareness of this end. The principle of modern states has enormous strength and depth because it allows the principle of subjectivity to attain fulfilment in the self-sufficient extreme of personal particularity, while at the same time bringing it back to substantial unity and so preserving this unity in the principle of subjectivity itself (PR section 260).[18]

The result is a complex, multi-level conception of society in which the different aspects or 'moments' necessary for freedom are present at different levels. Within this structure, it is clear that the sphere of civil society is supposed to incorporate into this structure what Hegel regarded as the truth of liberalism (the need for subjectivity focused upon its own

particularity over all others) whereas the spheres of the family and the state are supposed to give social organicism its due by incorporating the truth that society is not simply an aggregation of different people but rather, these people must be unified so that society does not sink down into the selfishness of an uncontrolled drive for particularity and placing one's own particular perspective over all others indefinitely.

The problem here is that, while civil society is supposed to incorporate liberalism as a 'moment' into Hegel's rational society, civil society also needs Hegel's corporations in order to bridge the gap between civil society and the state. Without the corporations to raise the members of civil society to awareness of how their drive to fulfil their particular desires serve a universal end, then these individuals have no motive to adopt the universal perspective of the state and form a substantial unity with one another. Rather, they remain sunken down in their own particularity, fixated upon their own particular desires and perspectives. The state instead appears as simply a coercive institution over society for the purpose of regulating civil society in order to ensure that the individuals within it do not violate one another's rights as they pursue their own desires. In other words, we are back at the full liberal view of society as simply a social contract which is enforced by the state. The individuals of a liberal society may in fact participate in the state in the sense that they vote for individuals to represent them within it, but such 'participation' is really quite perfunctory, consisting of little more than elections held once every couple of years for picking individuals whose job it is in turn to act as the will of the state for them as they pursue their own interests.

However, if we include Hegel's corporation to bridge the gap between civil society and the state, then the entire schema collapses because this essentially destroys civil society as any sort of sphere independent from family life. If the corporations are included, then, through these corporation, the individuals of civil society will look upon themselves as organs of society, fulfilling complementary functions alongside one another for sustaining

this society. But if they view society as one great social organism after all, then the liberal perspective which is supposed to be given its due within civil society disappears along with civil society because we are now back at the social organicist view, which is directly opposed to the liberal view of society.

Why does viewing society as one great organism force civil society to collapse as any sort of institution that is independent of the sphere of the family? The difficulty here is that viewing society as one great organism also requires viewing it as one single great family. If society is one great social organism, then it must be a direct product of nature because, if society is one great organism, then humans must depend upon society to exist as humans every bit as much as society depends upon them to exist, as within an organism, the parts and whole are in relations of reciprocal dependency. But if humans depend upon society to exist as humans, this must mean they are by nature social, in which case, society emerges directly from human nature, and thus from nature in general. And insofar as society is organic in its existence and thus the direct product of nature, the social bonds between its members must also be natural. In other words, if one conceives of one's society as a social organism and thus as a direct product of nature resulting directly from the manner of existence given to humans by nature (human nature), then one must also conceive of the social bonds which one shares with all of the other members of this society as likewise being natural bonds. But as discussed before, the immediately natural bond which humans can share with one another is the familial bond, in which they sense that they are in a direct unity with one another by continuously merging with one another.

And so, if society is natural in its existence and the interpersonal bonds which constitute it must thus also be of a directly natural kind and the only directly natural bonds that humans share with one another are familial ones, then, in a society which is conceived by its members to be one great social organism, each member of this society must regard the

other members of it to be fellow members of one great family. This means that they must feel that they have been bound to one another involuntarily and that they are not fully distinct from one another. To regard one another as fellow family members means loving one another at some level and this means paradoxically feeling united with one another into a single subject even as these individuals remain distinct individuals – a process of two merging together into one only to then reclaim their independence before merging yet again continuously.

The notion of society as one great organism and as one great family cohere with one another because both notions regard all of society as one great 'substantial unity,' in which the different members of society are essentially just different accidents of a common substance, just the organs of an organism are accidents of this material substance and the members of a family are the accidents of this spiritual substance. Within an organism, the different parts of this organism must be distinct from one another as they carry out complementary functions. And yet, at the same time, they come together to form a whole which is greater than the sum of its parts – a whole which alone is the true substance. The parts of the organism are not themselves substances, i.e. they cannot exist apart from the organism - for in such a case, an organism would be nothing more than an aggregation of parts (like a pile of stones) rather than their organic unity. Hence, while the parts of an organism must be distinct from one another, at the same time they can really only be said to have an existence as accidents of this substance because it is this organism, not they, which is the substance. Likewise, within an organic society, the members of this society, as fellow members of one great family, must feel that they are distinct from one another, even as they feel that they all form one single, great subject. Hence, they must feel that they exist only as the accidents of a substance

Hence, if we follow Hegel in accepting the existence of these corporations, we are left with a view of the entirety of society as one great organism, and thus society as one great family, thus swallowing up civil society within the sphere of family life. Likewise, the state, as its own distinct sphere, must also cease to exist. Firstly, this model is unable to account for the existence of the state. In a society whose members regard this society as a social organism and who therefore regard one another as members of a single family, the governance of such a society must conform to the principle of familial organisation. What this means in effect is that the leader of such a society must basically be thought of as the parent of this society's members, who in turn are regarded as his children. This leader must thus be a patriarchal or matriarchal figure. As the father-figure or mother-figure for all other members of this society, these members must regard themselves as being in a familial relation to this figure, and therefore they must have the intuition or sensation of being unified with this individual as one person as the members of a family regard themselves together as all one single person. Therefore, this ruling parental-figure cannot be regarded as existing above society or as alienated from society. And insofar as this individual personifies or embodies the governance of this society, its government cannot be so regarded either. But a state, as we shall see, just is an institution which exists distinctly from society as a power above it, precisely because it claims to represent this society as a whole to all of its individual members. By contrast, a parental-figure ruler does not claim to represent society as a whole to the individual members of this society (this ruler's 'children') but rather, these members intuit themselves as being unified with this ruler and all of the other members of this into a single person. A father does not represent his family to his children but rather his children feel that their individuality merges with that of their father and therefore his will is binding upon theirs. And so, the government of a society ordered by the principle of familial unity cannot be regarded as a state (unless this society has been conquered by a foreign power and had such a government

imposed upon it exogenously over its familial ruling structures). Therefore, this model cannot in and of itself account for the existence of the institution of the state.

The upshot of all of this is that Hegel's system is ultimately unable to reconcile the liberal and social organicist views with one another, but rather suffers the terrifying contradiction between the two.

IV – Reconstruction of Marx's Theory of the State

We turn now to the discussion of Marx's view of the state. As noted before, Marx's ideas about the nature of the state are scattered across multiple works and attempting to bring these ideas together can be quite difficult. Broadly speaking however, Marx believed a state arises only when society divides itself apart into a class of exploiters who live from the labour of others, and a class of the exploited who are coerced into rendering their labour services or part of the product of their labour to this first class without compensation. The state, as a specific form of government, arises only after human society *has already* been established, and only in response to a situation in which this society becomes divided into two classes whose interests are mutually irreconcilable because the income of one of the classes is derived through the exploitation of the other.

From here, Marx believed that the state serves the purpose of enforcing the rule of one class over another – that is, that the state comes into existence when society divides itself into different classes with irreconcilably antagonistic interests and it serves the goal of acting as a coercive institution which exists 'above' society for the purpose of controlling this conflict to prevent civil war. But because these classes have irreconcilable interests, the state cannot serve the interests of both classes in ruling over them, but rather must enforce the interests of one class over the other. Marx thus rejected the view that different classes can live

harmoniously with one another under a neutral state which somehow reconciles them with one another in favour of the view that classes have irreconcilably antagonistic interests and therefore the state must serve the interests of one class over another. One can see this clearly by turning to the Communist Manifesto, where Marx stated bluntly "[t]he power of the modern state is merely a committee [note: the translator here erroneously translates *Ausschuss* as 'device'] for administering the common affairs of the whole bourgeois class."[19] Likewise, in *The Civil War in France*, Marx describes the capitalist state of the Second Napoleonic Empire in the following terms:

> The proper form of their joint-stock government was the parliamentary republic, with Louis Bonaparte for its president. Theirs was a regime of avowed class terrorism and deliberate insult towards the "vile multitude." If the parliamentary republic, as M. Thiers said, "divided them [the different fractions of the ruling class] least", it opened an abyss between that class and the whole body of society outside their spare ranks. The restraints by which their own divisions had under former regimes still checked the state power, were removed by their union; and in view of the threatening upheaval of the proletariat, they now used that state power mercilessly and ostentatiously as the national war engine of capital against labor. In their uninterrupted crusade against the producing masses, they were, however, bound not only to invest the executive with continually increased powers of repression, but at the same time to divest their own parliamentary stronghold – the National Assembly – one by one, of all its own means of defence against the Executive. The Executive, in the person of Louis Bonaparte, turned them out. The natural offspring of the "Party of Order" republic was the Second Empire.[20]

There are a number of important things to note from this quote. Firstly, according to Marx, even a representative form of government (a parliamentary republic) is little more than an institution of terror used by the capitalist class against labourers. Secondly, as the struggle with the labourers grew, the capitalists were forced to cede ever more power to an executive figure (Louis Bonaparte, who would become Napoleon II) who was not only independent from the workers (for he served to oppress them) but was also independent of the capitalist

class within the parliament as well. Additionally, Marx also speaks of Bonaparte as also presenting himself as a representative for all of the different classes of French society, and using this claim of representation to justify his rule, even as, at the same time, his government still remained wholly committed to ruling in favour of the capitalist class, despite Bonaparte's independence from it:

> The empire, with the coup d'etat [in which Bonaparte seized complete power for himself from the parliament] for its birth certificate, universal suffrage for its sanction, and the sword for its sceptre, professed to rest upon the peasantry, the large mass of producers not directly involved in the struggle of capital and labor. It professed to save the working class by breaking down parliamentarism, and, with it, the undisguised subserviency of government to the propertied classes. It professed to save the propertied classes by upholding their economic supremacy over the working class; and, finally, it professed to unite all classes by reviving for all the chimera of national glory. In reality, it was the only form of government possible at a time when the bourgeoisie had already lost, and the working class had not yet acquired, the faculty of ruling the nation. It was acclaimed throughout the world as the savior of society. Under its sway, bourgeois society, freed from political cares, attained a development unexpected even by itself. Its industry and commerce expanded to colossal dimensions; financial swindling celebrated cosmopolitan orgies; the misery of the masses was set off by a shameless display of gorgeous, meretricious and debased luxury. The state power, apparently soaring high above society and the very hotbed of all its corruptions.[21]

Finally, Marx emphasises once more the manner in which this bourgeois state sores over society, as something which is quite distinct from it and alienated from it: "The unity of the nation was not to be broken, but, on the contrary, to be organized by Communal Constitution, and to become a reality by the destruction of the state power which claimed to be the embodiment of that unity independent of, and superior to, the nation itself, from which it was but a parasitic excrescence."[22]

Taking all of the claims made about the state by Marx above, we can infer that Marx understood the nature of the state in terms of the three following characteristics. Firstly, he regarded the state as an institution which rules over a society by using force, especially against one class on behalf of another. Moreover, it derives its legitimacy in ruling over such a society from its claim to 'represent' this society as a whole – not only to foreign governments but, more importantly, internally to each and every individual member of this society itself – just as Bonaparte did. A representative is one who has the right to speak for another; hence, if the state is the representative of society as a whole to each individual member of that society, then the state claims for itself the right to speak to that member on that member's very behalf. Hence, when, e.g. the criminal is brought before a state court, this court establishes its legitimacy in judging this criminal by claiming to represent as a whole the society which it governs to this criminal, who is himself a member of this society, so that this state has the right to speak for this criminal to his own self in judging him.

Moreover, because that which represents something must be distinct from which it represents, the state must be an institution which exists distinctly from the society over which it rules so that this society is governed by a coercive, sovereign power which exists above it. In other words, the state, in claiming to act as the representative of society as a whole to all of its members individually, must be separate in some manner from this society – hence Marx's description of the state as a 'parasitic excrescence.' The distinct existence of the state from society must take the form of the state being independently from this society in some manner. However, a state cannot be independent from a society in the sense of being able to exist without it, and so its independence from society must come, not in terms of existence, but rather in terms of activity. The state is distinct from society as an institution claiming to represent it, and this distinct existence from society takes the form of being able to act *autonomously* from it, just as a representative is one who has the right to speak for another

while acting autonomously from the individual he is representing (as opposed to e.g. a delegate). And because the state can act autonomously from society, including all of the classes within it, even as it acts on the interests of one of these classes against the other because of the irreconcilable antagonism between these classes makes it impossible to act in the interests of both classes, this means that the state must be able to act autonomously from the very class within this society whose interests it nevertheless serves. Hence, in Marx's description, Bonaparte served the interests of the capitalist class against the labourers because a state cannot serve the interests of two classes when they are divided by irreconcilable antagonisms. Nevertheless, Bonaparte served the interests of the French capitalist class, not by acting as their mere instrument, but rather by acting autonomously from them as he saw fit as an independent executive power. He ruled for the capitalist class (even as he claimed to rule for all French citizens) even though he ruled for them on his own terms. Hence, in Marx's conception, the state should not be thought of as simple, passive instrument to be wielded by one class against another, but is rather an active, dynamic force in its own right, even as it never ceases being an institution for the rule of one class over another.

Thus, for Marx, the four distinctive characteristics of a state are its coercive power through force over a society, its claim that it rightfully wields this power because it represents this society to all of its individual members, its resulting alienation from this society so that the governance or order of this society is handed down to it through force by a sovereign power which is separate from it and finally, the ability of the state to act autonomously from society, even from the very class in whose interests it rules in practice.

The origin of the state, as noted above, is found in the division of a society into opposing classes. Within a class society, the exploiting class desires to rule over the exploited class, but in order for it to do so, a state must arise over society. Why is this? Why cannot this exploiting class rule over this exploited class directly, without any state? In order to rule over

this exploited class, the government of this society must justify the right to rule them through coercion despite the fact that this class is to be effectively excluded from this government and the governance of the community. Because the members of this exploited class are effectively excluded from this government (as this government is to be the means by which the exploiting class rules over this exploited class) this government can only justify its rule over the members of this class by claiming that it represents this society as a whole (including each and every member of this class as a member of this society) to each and every member of this class. This government must claim to represent the *entirety* of this society to the members of this exploited class - for otherwise, if it did not claim to represent the other members of this society to the members of this class, then it would have no justification for regulating the relations between the members of this class and these other members of society (including through the laws which allow the members of the opposing exploiting class to exploit these people). But if this government claims to represent society as a whole to all of its members, then it must be distinct from this society as a sovereign power which rules over it. In such a case, this government ceases to be a mere *administration* but becomes a *state* precisely because it is now an instrument for *social coercion* which is *external to* and *alienated* from society.

In order to further determine Marx's views on the nature of society, we can take the above and now ask ourselves, just as we did with respect to Hegel, how do Marx's views on the nature of the state situate him with respect to the social organicist and liberal views of society? Firstly, the entire social organicist perspective is incompatible with Marxism because viewing society as an organism requires believing that an individual society is internally harmoniously united (its different classes being like the different organs of an animal) while also viewing it as self-enclosed, such that its internal social groups do not have any solidarity with the internal social groups of another society, just as the heart of one

animal is not in any sort of unity with the heart of another animal but instead is only in a unity with the other organs of the organism of which it is a part (these distinct organs nevertheless continuously merging together to form one substance which they maintain through the complementary functions which paradoxically distinguish these organs from one another). Marx's view, of course, is that contemporary societies are internally divided between antagonistic classes which extend through national boundaries, slicing through different societies as it were to create international class solidarity and intranational class conflict. From Marx's perspective, a class society cannot be any sort of harmonious, organic unity precisely because its classes are locked in conflict with one another through irreconcilably antagonistic interests in which the income of one of the opposing classes is the result of the exploitation of the labouring class which it controls. Far from any sort of harmonious unity with one another, this exploiting class enjoys an exploitative existence at the expense of this labouring class by using property relations to expropriate for itself a passive income (income which comes from the simple ownership of property rather than labour) which is used to buy products of labour and therefore must come at the expense of the income of the actual labourers (slave-owners versus slaves, feudal lords versus serfs, landlords versus tenants, moneylenders versus the indebted, capitalists versus wage-labourers). Hence, there is no sort of organic unity between these classes within this society but rather a competition as the income of one class comes at the expense of the other. And so, a class society fails to have an organic unity, fails to be a social organism.

Moreover, these relations of exploitation replicate themselves across different societies so that there arise international class divisions in which the passive income classes of different nations view one another as natural allies insofar as a victory for the labourers of one country may inspire the labourers of another country to follow their example – and assistance between the passive income classes of different nations also makes allies of the

exploited classes of these nations. The result is that class identities take precedence over national identities. But this is incompatible with the view of society as an organism because in such a perspective, the different social divisions of a society must continuously merge together to form one substance which is entirely separate from the organs of another animal which continuously merge together to form a separate substance. There is no unity or 'solidarity' between the organs of different animals. This notion of different societies as being respectively strictly self-contained in different organic unities instead is far more compatible the perspective of nationalism, in which different national societies struggle against one another like animals fighting in the wild. There is no room for international class solidarity in such a worldview. Hence, the Marxist must reject both the view that society is contractual and thus artificial in its existence and the view that it is organic and natural.

Marx also clearly had to reject the idea of the state as a mechanism for enforcing a social contract. The issue here is somewhat more complicated as, broadly speaking, liberals and Marx affirmed the same general qualities for the state, namely, that it is a coercive institution which claims to represent society and so must be distinct from it and be capable of acting autonomously from it. However, whereas Marx grounded all of these claims in the theory of class conflict, liberals instead derive these ideas from the notion of the social contract. For the liberal, civil society results from a contract made between different individuals in the state of nature to escape that state – a contract in which they agree to live peacefully with one another as they pursue their different, pre-existing interests. But every contract, to be a genuine contract, must be enforced by a power which is not itself a party to that contract. If the contract has no enforcement mechanism, then its only binding power can come from a sense of loyalty and community which these individuals already have with one another – in which case they were never in the precarious state of nature to begin with and have no need for an agreement to live peacefully with one another in any case as they seem to

be social by nature. And this power which enforces this contract cannot itself be a party to it because, otherwise this party would have to enforce this contract over its own self, which is impossible. If this party must enforce this contract on its own self for it to have any effect on it, then it is not meaningfully bound by this contract as it can simply choose to not enforce it for itself. But if this party is not bound by this contract, then the other parties to thiscontract have no obligations to this party under this contract. And so, this party is not really a party to this contract at all. Hence, the enforcer of the contract must be a sovereign which has the authority to use force against the parties to this contract because they, through this contract, agree to give up some of their freedom to it so that it may enforce this agreement for peace. As a non-party to this contract, this power cannot be a member of the civil society which emerges from this contract between its members but rather must itself still exist in the state of nature where this power or sovereign exists in a precarious state of no truly binding agreements with the sovereigns of the other nations who likewise remain in this state. Hence, for the liberal, the state, as the sovereign over society, does indeed exist distinctly and act autonomously from this society, but the logic here is quite different from that of Marx.

V – Marx and Overcoming Hegel

This, in broad outlines, is Marx's view of the state. Unlike Hegel, Marx viewed the state as incompatible with social freedom because he considered it as an institution for the domination and suppression of at least one class within a society – as such, the very existence of the state is a sign that this society is divided apart in a vicious manner by internal systems of exploitation. Moreover, if the very class which this state acts in favour of learns from time to time that this state is autonomous from it as well, and that members it this class can also be subject to the wrath of this state.

The question which we must answer now is, if Marx believed that the state is incompatible with social freedom, then how can Marx account for freedom in a post-state society, given Hegel's arguments that the state is essential for making human freedom possible by making possible a universal will which serves as the substantial unity for the wills of the individual members of this society?

The first thing which must be understood here is the role which revolution plays in Marx's analysis for the possibility of social rejuvenation. The point of a revolutionary overthrow of the bourgeois state is, of course, to break the main institution which upholds the exploitation of the labourers of society. However, there is a deeper analysis which must be made here. Marx's vision of a socialist society was heavily inspired by the Paris Commune of 1871, in which the workers of Paris seized control of the city following the collapse of Louis Bonaparte's disastrous war with Prussia in 1870. In the pamphlet *The Civil War in France*, written immediately after the Commune had been crushed by French soldiers, Marx described the Commune as the antithesis of the state under Bonaparte:

> The Commune was formed of the municipal councillors, chosen by universal suffrage in the various wards of the town, responsible and revocable at short terms. The majority of its members were naturally working men, or acknowledged representatives of the working class. The Commune was to be a working, not a parliamentary body, executive and legislative at the same time… From the members of the Commune downwards, the public service had to be done at *workman's wage*. The vested interests and the representation allowances of the high dignitaries of state disappeared along with the high dignitaries themselves.[23]

Here Marx emphasises three features of the Commune government which are important for us. Firstly, individuals who were elected by the workers to serve in this government were subject to instant recall by the people who elected them (likewise, every other public official working for the Commune government was also subject to such recall. Secondly, these individuals, as well as all other people working for the Commune, were to be paid no more

than a workman's wage. In other words, the officials working for the Commune were not treated as dignitaries but rather were regarded simply as common workers – workers who, moreover, had no security in their government posts but could be recalled at any time by unhappy workers. Marx then goes on to write:

> The Paris Commune was, of course, to serve as a model to all the great industrial centres of France… In a rough sketch of national organization, which the Commune had no time to develop, it states clearly that the Commune was to be the political form of even the smallest country hamlet, and that in the rural districts the standing army was to be replaced by a national militia, with an extremely short term of service. The rural communities of every district were to administer their common affairs by an assembly of delegates in the central town, and these district assemblies were again to send deputies to the National Delegation in Paris, each delegate to be at any time revocable and bound by the *mandat imperatif* (formal instructions) of his constituents. The unity of the nation was not to be broken, but, on the contrary, to be organized by Communal Constitution, and to become a reality by the destruction of the state power…[24]

Again, the points which Marx emphasises are how the Commune intended to break down across France the state machinery of Bonaparte's Empire in order to make it possible for all of the workers, to the greatest extent possible, to participate in the governance of France. The army was to be abolished and replaced by militia groups, in which all able-bodied men would participate for short durations. Elected delegates were to be subject to a mandate given to them by their voters, as well as subject to instant recall again if they violated this mandate or upset their voters through other actions. Moreover, there was to be a system of tiered delegation, in which workers would elect delegates to a local assembly and then these delegates would elect a delegate from amongst themselves to vote according to their instructions in a national assembly. This is important because, by these means, it would be possible even for a lowly worker to become part of the national government, as doing so required passing only through a series of very small, localised elections (elections within the local area to the local assembly, elections within the local assembly to choose a delegate

amongst themselves for the national assembly) – elections which even a lowly worker could win, in contrast to the large scale elections of parliamentary governments which, by design, are so costly and drawn out that no workers have ether the money or the time away from their jobs to run as candidates in them.

Hence, by every means, the government of France was to be transformed into a system in which the workers as a whole would be drawn, and government officials would themselves be treated as nothing more than common workers. Marx's comment about how 'the unity of the nation was not to be broken' is also worth dwelling upon. The result of the system described above is a type of government which transcends the polarity between centralisation and decentralisation because it results in a mutual control of the central government and local governments over one another. On the one hand, lower ranking assemblies would control higher ranking ones insofar as these higher assemblies are built out of these lower ones, constituted by members from these lower assemblies who vote within these higher ones according to the mandate, enforced by the power of instant recall, that they have received from the lower assembly which appointed them to these higher ones. However, higher-ranking assemblies would also control lower-ranking ones insofar as their decisions would be binding upon the entire area under their jurisdiction. The result is a unique system combining unitary rule and local decision-making, a system within which local assemblies, voting in accordance with the workers who have appointed their members, would serve as the basis for national power, but would be united under a centralised national government.

The result of all of this is a thorough-going workers' democracy which stands in direct contrast to a state like the one under Bonaparte. Had the Paris Commune succeeded in implementing its system across the country, the result would have been a government which would not have been alienated from society, but rather would serve as its internal democratic structure. Really, insofar as such a government would draw all of the people of society into

itself and organise them into a great, structured mass for governing, this government would be essentially identical to this society as a whole over which it rules. In other words, this would essentially be a government in which society rules its own self by being the very source of the laws which order it, rather than receiving these laws from a state as an external, coercive institution which is autonomous from this society. Insofar as this society now is the source of the laws which govern it, it would really be this society which is *autonomous* as Kant would put it.

Because such a government would serve as the internal democratic structure of society rather than being autonomous from it, this government could not be distinct from society and so could not rule over it by claiming to represent it as a whole to all of its members individually. Rather, its claim of authority over society would consist of the simple fact that all of the members of society who desire to can participate in this democracy, and so all can be part of this self-legislating process. Moreover, such a government could not be a state properly speaking, in either Marx's or Hegel's understanding of this term. Both Marx and Hegel believed that the state must really be a power which exists iver society – Marx because the state must rule over an exploited class who cannot meaningfully participate in the government, and so whom the state can ruler over only by claiming to represent society to them, and Hegel, because the state must serve as a substantial will for all of the members of society beyond civil society, where the will is free to focus upon one's own desires. Because this type of government created by the Commune cannot be regarded as a state, as it lacks the key feature of being autonomous from the society over which its rules, this government must instead be thought more along the lines of a non-political administration (what Engels described as 'the transformation of political government over men into the administration of things and the direction of the process of production).[25]

The result of this is that reformulating the structure of the government of a society (through revolution or what-not) so that it is possible for the workers to now participate in it *en masse* has the effect that this government ceases to be a state and becomes something quite different. However, according to Marx, civil society only makes sense with respect to a state because civil society is precisely a realm of private interests, so that, in its existence, the public interest (the work of the government of society) must be placed off into a separate sphere which, as the governing power, exists not just distinctly from it but *over* it (i.e. a state, as an institution distinct from the society – family life and civil society – over which it rules). Hence, if the governing power is brought low and reabsorbed into society – civil society loses its character as a realm of private interests and so ceases to be civil society. The result is the abolition of both the state and civil society:

> In unrestricted suffrage, both active and passive, civil society has actually raised itself for the first time to an abstraction of itself, to political existence as its true universal and essential existence. But the full achievement of this abstraction is at once also the transcendence [*Aufhebung*] of the abstraction. In actually establishing its political existence as its true existence civil society has simultaneously established its civil existence, in distinction from its political existence, as inessential. And with the one separated, the other, its opposite, falls. Within the abstract political state the reform of voting advances the dissolution [*Auflösung*] of this political state, but also the dissolution of civil society.[26]

The above quotation comes from one of Marx's earlier works, his *Critique of Hegel's Philosophy of Right*, written in the 1840's and thus over twenty years prior to the Paris Commune. Nevertheless, even at this early date, and even without the example of the Commune, Marx was able to grasp a vision of replacing the then-governments in Prussia and other European countries with a system of government designed to draw all of the members of society into it as much as possible – especially the workers. And he was able to grasp that the result of this would be the destruction of both the state and civil society. It then fell to the Paris Commune to show, in greater detail beyond 'unrestricted suffrage,' just what such a

government would be like, with its systems of delegatory elections from the workers to lower assemblies and then from these assemblies to higher ones, with delegates bound by specific mandates given to them by their voters and enforced with instant recall voting, along with the abolition of exclusive institutions of force that could be used against the workers, such as the army, in favour of maximally inclusive bodies such as militias, and with all government officials being paid only modest salaries so that the work of government would be treated as identical to regular labour and the government would no longer be something to be awed at as a leviathan ruling over society. Hence, from very early on, before Marx had begun his mature criticism of capitalism, he was already envisioning the overthrow of both bourgeois society and the state

This vision of Marx's, beginning with his *Hegel Critique* and culminating with the *Civil Wat in France*, is the key to understanding how Marx could overcome the objections which would arise from Hegel against talk of 're-absorbing the state powers into society' and destroying the state. To begin with, let us suppose that revolution occurs and the bourgeois state is overthrown and its functions are absorbed into society, resulting in the annulment of both the state and civil society. What then, would such a society be like? Let us situate such a society with respect to both liberalism and social organicism. Firstly, such a society clearly would not be liberal, as liberalism requires the state to exist over society as a coercive institution for the enforcement of the social contract. Because the government in this society does not exist as a state over society, it is not possible to conceive of this society as being the product of a social contract. Hence, this society cannot be conceived by its members as some artificial association formed by humans logically pre-existing society in order to advance their own particular interests. The liberal view of society as simply an aggregation of pre-existing individuals who formed this association for their own private, pre-existing desires thus falls by the wayside. As stated above, the destruction of the state also destroys civil

society, and civil society is simply the expression of the liberal spirit of focusing upon one's own particularity to the exclusion of any conscious comprehension of the universal.

However, a post-revolutionary Marxist society would not be one of immediate, natural, substantial unity either, i.e. its members could not conceive it as either one great organism or as one great family. If one conceives of society as either of these things, then one must view society as the direct product of nature. If one regards society as one great family, then one must regard it as a direct product of nature because the familial bond is the immediately natural social bond – if one regards society as one great family, then one must regard the social relations between people holding it together as natural relations (relations produced by nature) and so must regard this society as being a direct product of nature. Likewise, if one regards this society as akin to an organism, then this presupposes that humans are naturally social and this human nature (nature's existence in us) is what produced this society. However, a post-revolutionary, post-statist Marxist society cannot be regarded as directly nature because it is the product of human free will, not nature. It is the product of human free will, not in the sense of being a social contract produced by freely contracting individuals in a pre-existing state of nature, but rather in the sense that this society is the product of a *revolution* which the people of this society *willed* in order to create this society. Hence, the members of this society cannot regard it as directly natural and so cannot think of it in terms of being a single great family or organism – in other words, they cannot think of it as being an immediately natural substantial unity. Hence, within this society, they must have some sense of their own particularity after all, because even if this society is in fact characterised by a substantial unity (the unity of the members of this society within a 'universal' so that they think of themselves as relating to one another like the different accidents of a substance) if this substantial unity is not immediate or natural in nature (as the substantial unity of a family or an organism is) then this unity will still be mediated through

the recognition by its members of their own particularity, so that this particularity exists in this substantial unity in an explicit or conscious manner.

What then is the characteristic of this Marxist society? Firstly, within such a society, there will still be a sphere of family life, as family relations (the immediately natural social relation) must constitute the first bonds which we all have with individuals other than ourselves. What, however, about the sphere of social life beyond family life, the one created by the collapse of the state into civil society and thus their mutual destruction? This sphere of life, for the reasons given above, cannot be characterised by family relations. Hence, individuals here must recognise one another as different particulars. However, at the same time, they must have a substantial unity with one another (one mediated by the explicit awareness of the accidents of this substance of their particularity). This substantial unity arises through the belief within this sphere of social life that every individual's ability to labour is owned by everyone in common, so that they are all in a unity, even as they explicitly recognise their own particularity and distinctness from one another. (This is in contrast to the members of a family who, as such members, cannot explicitly recognise their particularity and distinctness from one another without destroying the unity of the family because the family is an immediately natural substantial unity, and so is not mediated through the recognition of the particularity of its members. Hence, this particularity, while quite real, exists in complete contradiction to the unity of this substance rather than, as is the case with a mediated substantial unity, being reconciled with it – the complete contradiction which is two beings who are *continuously* somehow *merging* with one another).

The key idea here is this. Within his *Critique of the Gotha Programme*, Marx writes

> What we have to deal with here is a communist society, not as it has *developed* on its own foundations, but, on the contrary, just as it *emerges* from capitalist society; which is thus in every respect, economically, morally, and intellectually, still stamped with the birthmarks of the old society from whose

> womb it emerges. Accordingly, the individual producer receives back from society -- after the deductions [for various social expenses] have been made -- exactly what he gives to it. What he has given to it is his individual quantum of labor. For example, the social working day consists of the sum of the individual hours of work; the individual labor time of the individual producer is the part of the social working day contributed by him, his share in it. He receives a certificate from society that he has furnished such-and-such an amount of labor (after deducting his labor for the common funds); and with this certificate, he draws from the social stock of means of consumption as much as the same amount of labor cost. The same amount of labor which he has given to society in one form, he receives back in another. Here, obviously, the same principle prevails as that which regulates the exchange of commodities, as far as this is exchange of equal values. Content and form are changed, because under the altered circumstances no one can give anything except his labor, and because, on the other hand, nothing can pass to the ownership of individuals, except individual means of consumption. But as far as the distribution of the latter among the individual producers is concerned, the same principle prevails as in the exchange of commodity equivalents: a given amount of labor in one form is exchanged for an equal amount of labor in another form. Hence, *equal right* here is still in principle -- *bourgeois right*...[27]

The point Marx is trying to make is that, in a socialist society as it has just emerged from capitalist, all of the means of production will be owned collectively by the workers – except each individual's actual capacity to labour, which they will still own individually. They will do this because socialist society, as it has just emerged from capitalist society, is still marked by bourgeois ideals, including the ideal that every individual should receive back from society in terms of the labour present within a bundle of products of labour (i.e. the labour required to make these products) an amount equal to what he gave to society in terms of his own labour in working within the collectively owned production centres. Hence, every object produced for sale within the collectively owned production centres is to be stamped with an number indicating how many labour hours it takes (on average) to make this type of object, and an individual will be able to take these objects up to the point in which their labour hour numbers add up to the amount of hours which he has worked for society within this given

period. The implication here is that every worker feels that he still owns his own labour power and thus the labour which he produces for society, and so, in giving this labour to society, feels that he deserves something of equal value in exchange for it.

However, over time, this will change. People will come to believe that they do not own their own labour power individually but rather that all people own one another's capacity to work in common. And so, for this reason, individual workers will not demand that they receive back from society a labour value equal to the labour which they have given it, but rather, those who need more in labour than they are able to produce through work themselves (because of disabilities, having many children to feed, etc.) will be free to take more than they have given to society. And accordingly, those who need less than they are able to give to society in labour will take less than what they give:

> In a higher phase of communist society, after the enslaving subordination of the individual to the division of labor, and therewith also the antithesis between mental and physical labor, has vanished; after labor has become not only a means of life but life's prime want; after the productive forces have also increased with the all-around development of the individual, and all the springs of co-operative wealth flow more abundantly -- only then then can the narrow horizon of bourgeois right be crossed in its entirety and society inscribe on its banners: From each according to his ability, to each according to his needs![28]

Why will this occur? Marx here is not being terribly clear but he indicates it will have something to do with overcoming the division of labour. This is a reference to a well-known argument which Marx and Engels made in the German Ideology, where they argued that, in modern capitalist society, the division of labour forces workers into carrying out ever increasingly repetitive and mundane tasks (for, the division of labour works to make production more efficient by making the tasks in producing products increasingly simpler and rote). This, they believed, would have a mind-numbing effect upon the spirit of the workers and so, in a socialist society, the division of labour will be 'abolished,' not in the sense that

every worker will once again have to carry out every taks fot himself in making aproduct, but rather, in the sense that workers will be continuously shifted between carrying out specialised tasks for production so that they have the chance to experience change as they labour and gain a many-sided perspective in how complex production techniques within a highly developed division of labour work (instead of being continuously squirreled away within their own particular slot in such a division of labour).

In any event, the point here is that continuous shifting of workers between different sectors within a highly specialised division of labour implies that the workers own all of these means of production (as capitalists would have no motive for doing this, especially as the constant re-training needed to make this possible would slow production). And, as Michael Lebowitz has argued, if the workers all own the means of production in common, then this will result in a change in the way that they regard one another.[29] When the workers within a society own the means of production in common and work these means with one another to produce the products which they will use, these workers no longer confront one another as opposing consumers competing for the different products which the 'capitalist' have produced (in reality, it is the workers who have produced these products, but this fact is veiled and distorted within capitalist society where the products which wage-labourers produce are immediately alienated from them and owned by their employers instead). Within a society where the workers now consciously collaborate to meet their needs, they view one another increasingly as friends. And as they do this, the amount of resources which the labouring workers will freely give up to care for those within society who need assistance will increase. And the *de facto* result of this will be that the workers will give up the feeling that they own their own labour power individually to the exclusion of one another as they are no longer demanding that they receive an equal quantity of labour in terms of the products of labour which they consume in exchange for the labour which they give to society.

The important result here is that the workers will as such feel that they collectively own one another's capacity to work, and this will bring them into a substantial unity with one another as they now all feel that they all have an equal claim to one another - just as the individuals within the substantial will of Hegel's state feel they all have an equal claim to one another in terms of demanding of one another that they respect the rights which every individual has. These individuals within the substantial will of Hegel's state, by making this demand all upon one another and all making an equal claim to how every one should act in respecting these rights, are in effect merging their will together into one single will to form the substantial will of the state, in which all of these wills are accidents of this one universal will. But the same then applies to Marx's society as well. If all of the individuals within this society feel that they collectively own one another's labour power, then they can all make the same universal demand of one another (namely, work according to the principle 'from each according to his abilities to each according to his needs). And so, their wills fall together into a substantial unity as well.

However, this substantial unity is still mediated through the consciousness which all of these individuals have of their own particularity because this society was a product of their free will, and so is not regarded by these members as an immediately natural substantial unity (beyond family life). In other words, this substantial unity is a mediated substantial unity, within which the particular and the universal are merged and both given their conscious due. And all of this occurs without the need for any civil society or state, with one being a realm for the free reign of particularity over any substantial unity (the unity which does result within civil society with respect to the system of needs being an unconscious by-product of individuals fixating upon their own perspective to the exclusion of those of others) and the other one being alienated from society because, as a substantial unity, it must exist beyond that realm. The important point here is this. Within this Marxist society, there are two sphere

of life, family life and social life beyond the family life. Both of these spheres are characterised by substantial unity, but in the sphere of family life, this unity is immediate and natural, whereas in the sphere beyond family life, it is mediated through the full consciousness of the existence of the members of society as particulars within it. This is done without there being any need for a sphere of life dominated by the focus upon one's own particularity. And so, even without any civil society or state, the individuals within this society are able to move between the particular and the universal 'I'- the movement which is necessary for being able to abstract from one's own particular mental contents and adopt the perspectives of others and thereby be free. And so, within a Marxist society, freedom is still possible – and the state is not necessary for it.

[1] G.W.F. Hegel, *Elements of the Philosophy of Right*, trans. H. B. Nisbet (Cambridge: Cambridge University Press, 1991), 35.

[2] Hegel, *Elements of the Philosophy of Right*, 37.

[3] Hegel, *Elements of the Philosophy of Right*, 39.

[4] Hegel, *Elements of the Philosophy of Right*, 41-42.

[5] Hegel, *Elements of the Philosophy of Right*, 68.

[6] Hegel, *Elements of the Philosophy of Right*, 35.

[7] Hegel, *Elements of the Philosophy of Right*, 75-76.

[8] G.W.F. Hegel, *Lectures on the Philosophy of Religion, Volume III: Consummate Religion*, trans. R.F. Brown, P.C. Hodgson and J.M. Stewart (United States: University of California Press, 1985), 276.

[9] Hegel, *Elements of the Philosophy of Right*, 199.

[10] Hegel, *Elements of the Philosophy of Right*, 207-208.

[11] Hegel, *Elements of the Philosophy of Right*, 220-221.

[12] Hegel, *Elements of the Philosophy of Right*, 203.

[13] Hegel, Elements of the Philosophy of Right, 220-221

[14] Hegel, *Elements of the Philosophy of Right*, 273.

[15] Hegel, *Elements of the Philosophy of Right*, 270-271.

[16] Hegel, *Elements of the Philosophy of Right*, 283.

[17] Hegel, *Elements of the Philosophy of Right*, 283-284.

[18] Hegel, *Elements of the Philosophy of Right*, 282.

[19] Karl Marx, *Marx – Later Political Writings*, trans. & edited Terrel Carver (Cambridge: Cambridge University Press, 2007) 3.

[20] Karl Marx, *Marx – Later Political Writings*, 182.

[21] Karl Marx, *Marx – Later Political Writings*, 183.

[22] Karl Marx, *Marx – Later Political Writings*, 185.

[23] Karl Marx, *Marx – Later Political Writings*, 184.

[24] Karl Marx, *Marx – Later Political Writings*, 185.

[25] Friedrich Engels, *Herr Eugen Duehring's Revolution in Science (Anti-Duehring)*, trans. Emile Burns (New York International Publishers) 315.

[26] Karl Marx, *Critique of Hegel's Philosophy of Right*, trans. & edited Annette Jolin & Joseph O'Malley (Cambridge: Cambridge University Press, 1970) 121.

[27] Karl Marx, *Marx – Later Political Writings*, 213.

[28] Karl Marx, *Marx – Later Political Writings*, 214-215.

[29] Michael Lebowitz, *The Socialist Imperative: From Gotha to Now*, (New York: Monthly Review Press, 2015) 67-70.

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