

## Hegel On The English Reform Bill

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*A man's body, and his mind, with the utmost reverence to both I speak it, are exactly like a jerkin, and a jerkin's lining; -- rumple the one, you rumple the other" ---- Tristram Shandy*

### I

"Liberalism is the problem with which history is now occupied and which it has to solve in the future,"<sup>1</sup> So wrote Hegel near the end of his life, thinking especially of the July Revolution and the failure of the French to find a stable unity of democracy and state authority. It was then more than forty years since, as a student, he had rejoiced at the coming of the great revolution which would enthrone reason as the controlling power in human affairs. If, as is said, the old Hegel was greatly troubled at revolution renewed in France and threatening even in Britain, what troubled him was not revolution but that it continued when it was no longer necessary. He never ceased to think that a new age had begun in 1789, which needed, however, still to be understood and accepted by peoples and governments<sup>2</sup>.

Liberalism is the inner freedom and equality of the Protestant reform realized in the world. Therewith the division between rulers and ruled becomes secondary, sovereign power belonging to all citizens alike in virtue of the rationality in which all are primarily equal, despite whatever differences of birth, talent or education may also occur. Political equality is, however, as ambiguous as was religious equality at an earlier time. Should it be taken to mean direct democracy? The indirect democracy of representative government? Or is the truer sense of the revolution that now people are at the point where they demand and can endure that their affairs be governed by impartial reason, as far as this can be provided by the fittest and most qualified among them? However impossible

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<sup>1</sup> *Werke*, 2nd ed., vol 8, (Berlin, 1840), 541.

<sup>2</sup> Rosenkranz's description of a Hegel shattered and despondent at the July Revolution and the possibility of revolution in England does nothing more than colour what is said in *Philosophie der Geschichte.*, ed. cit., vol.8, facts he quotes from the Roman historian Niebuhr, an unphilosophical head who receives harsh censure elsewhere from Hegel. See his *Hegel's Leben*, Berlin, 1844, 413-19.

direct democracy is in a modern state, it was this Rousseausan ideal that still held the French bourgeoisie fifteen years after the Restoration<sup>3</sup>.

The reason for instability in France was not danger that the revolution might be undone by the restored monarchy. Rational rights of person and property remained in effect; a state had been organized within which the various levels of society had room to carry on their affairs freely; thanks to this ordered freedom the intelligent were not regarded with suspicion by the people, but were trusted and had influence with them. But liberals were unsatisfied with this real freedom because they demanded that the general will be also empirically general: that individuals as such rule or participate in government. They were unaware that what they sought in this was the opposite of the liberal principle: not government according to reason but the domination of opinion, caprice, interest, hatred of authority as such<sup>4</sup>.

Instability and recurrent revolution were likely to continue in France for a long time. For the causes of an anarchic suspicion and hostility of individuals towards government were deeply fixed in French tradition, political and religious. If the restored monarchy could not abolish liberal democracy, to oppose its principle was a matter of religious conscience, and the attitude of the people to political authority, once it was beyond their direct control, was as towards an alien and external power and not the expression of the general will. Between the Revolution and Catholic France was a gulf that could not be crossed, if it be true that without religious reform liberalism cannot win the common people to the better meaning of its principle.<sup>5</sup>

Liberalism was not an unsolved problem for France alone or for Catholic Europe. Indeed, France apart, Catholic Europe had even a certain immunity to revolution in that it lived either in the decline of a Renaissance culture or, to the east, had hardly entered the modern age. It might be that in Protestant Germany the bourgeoisie did not resent the authority of an able and enlightened bureaucracy -- an aristocracy of talent and education -- with the active resentment of the French bourgeoisie. Centuries of Protestant faith disposed them to feel rather unity than conflict of public and private interests. But the weakness and danger was that this conviction was rather religious than from the experience of political freedom. If it might be thought that the German bourgeoisie were better able to live through and complete the revolution than the French, certainly they had not yet proved that this was the case. The rights which the bourgeoisie had gained by its own efforts in Britain and France had sometimes been granted in Germany by absolute princes or had been introduced by Napoleon. With the industrial revolution and the resulting transformation of social relations it must be expected that the same independent spirit -- the same separation and hostility of civil society in relation to the state -- must grow in Germany as earlier in France and Britain. Revolution in some manner would

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<sup>3</sup> *Ph. Gesch.*, I.c.

<sup>4</sup> The logic of liberalism, what there is of human right in its principle, one learns of course chiefly from *Philosophie des Rechts*; e.g. sect. 124 ff.

<sup>5</sup> To *Ph. Gesch.*, I.c., *Ph.R.*, sect. 270, for the relation of church to state generally and why Hegel finds successful revolution, as against indefinite recurrence of the same revolutionary situation, only conceivable in Protestant countries. It has of course nothing to do with the extreme importance of the French Revolution for humanity that the French people fail to draw the right conclusions from it.

have to be experienced as revolution, even if the end might be voluntary obedience to a wise government as the true agent of the general will.<sup>6</sup>

If Hegel saw this happy unity of reason and authority with revolutionary freedom as possible for Germany and grounded in the special character and tradition of the people, he knew also how difficult its achievement must be. The unsolved problem of liberalism was, more generally stated, the problem of the relation of civil society to the state. Is the state properly the servant of individuals and their private or corporate interests? Or is it rather that these interests, however much deserving to be protected and encouraged by the state, are not so much ends as means to a fuller liberation of individuals which is the end of the state? Nowhere did Hegel see the conflict of particular and common interest so harsh as in Germany, whether he looked at the older history of his people or at the newest tendencies. The reason for this was the wholeness of the German temper, as little capable of English common sense and compromise as of a French division of religious and secular conscience. But in learning from the success, such as it has been, of the English and the French in uniting society and state, the Germans could find the way to a resolution of the conflict satisfactory to themselves. The way was certainly not to abandon reason and enlightenment for nature, history, old Germanic forms of association, pagan or medieval.<sup>7</sup>

Among the growing bourgeoisie of Hegel's Prussia those forces were already strong which broke forth explosively in 1848 against government from above, then were contained by the stronger force of German nationalism. Bismarck's Empire was no doubt a certain solution to the problem of liberalism, but altogether other than the ideal solution that seemed not impossible in Hegel's time. The Prussian constitution, a work of the Enlightenment, could by a natural growth permit the freest development of civil society without that weakening of state power which had taken place variously in Britain and France. In Prussia the monarchy had been revolutionized first. Society, to reach the same point, must absorb and build on the rationality already attained in Britain and France.

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<sup>6</sup> *Ph. Gesch.*, pp. 541-42, 545-46. Modern freedom in its more developed forms was the work of the French and Germans. The French brought it to reality without any clear conception of it; the Germans attained the concept, but its reality with them was not from an inner development but taken from, or imposed by the French. See, e.g., *Geschichte der Philosophie* (1941), 3rd part, 478 ff., 485.

<sup>7</sup> Hegel's attitude to the Prussian state is for us deeply buried under the awareness of its subsequent history. For him Prussia was more than any other European state the creation of the Enlightenment. Because it was freer than the French state, or the English, of merely existent, traditional rights, the true achievements of the Revolution -- rational human rights, a rational system of law, etc. -- could be incorporated into the Prussian state more successfully than in other cases. And it was just this work that a bureaucracy formed by the Revolution and the new German philosophy was in course of accomplishing. On the historical situation, *Staat und Gesellschaft im deutschen Vormärz 1815-1848*, ed. W. Conze, Stuttgart, 1962, 79 ff; 243 ff. Hegel was also fully aware that relapse into a worse than medieval barbarism was encouraged by some aspects of revolutionary thought. The *Ph. R.* was primarily directed against an irrational, nationalistic liberalism, of which Nazism was the distant result: "Vorrede" (Hoffmeister), 6 ff.

Instead, as in the other cases, the fatality of nature prevailed: the strife of a ready and total obedience with an equally ready and total opposition of society to state.<sup>8</sup>

The most desirable course of events for his people, it must have seemed to Hegel in his last years, would be that, first, a strong capitalist economy have time to grow, therewith an independent society as in Britain; that liberal democracy be discouraged until it had this basis and might thus rather seem to establish its principle of equality and human right within society than turn to revolutionary politics. For liberalism need only be a problem and a danger if it became, as in France, the fanatical effort to realize abstract equality through direct democracy. The true defence against this empty demand for power was the attraction of an ordered class society, as in 18th century Britain.<sup>9</sup>

The recurrence of revolution in France, whence it must spread at once to Germany endangered this rational growth of civil society. No less disturbing was the prospect of liberal revolution in Britain, which alone of modern states had remained indifferent to radical freedom throughout the revolutionary wars. For Britain, if no longer as in the previous century a model of freedom generally to others, remained a model in the sense indicated. The ruin of the British constitution would be a loss to Europe.

From such considerations, and not from a senile retreat and fear of revolution, Hegel could reasonably be moved in the last year of his life to resume the role of publicist and set in useful perspective for the Prussian bourgeoisie the causes and prospects of the Reform Bill in Britain. Where society or particular interest has taken control of the state, is the state any longer capable of fundamental reform without revolution? Yes, but with much difficulty; and provided there is little disposition to listen to intellectuals in place of statesmen.<sup>10</sup>

## II.

The English constitution was an anachronism, resting "entirely on particular rights, freedoms, privileges conferred, sold, presented by or extorted from kings and Parliament on special occasions. Magna Carta and the Bill of Rights, which concern the most

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<sup>8</sup> *Ph.Gesch.*, 529. On the particular form the relation of society to state took in Germany after 1848, viz. a socialist (Marxist) opposition to a state for which liberalism was no longer a problem, the author's comments in "Hegel and Contemporary Liberalism: A Defense of the *Rechtsphilosophie* Against Marx and His Contemporary Followers," in *The Legacy of Hegel*, ed. J.J O'Malley (The Hague: Nijhoff, 1973)

<sup>9</sup> e.g., "France's misfortune must be sought entirely in the complete disintegration of the feudal system ... As a result of the decline of the States General, the higher and lower nobility no longer appeared in the character of representative ... On the other hand., their personality was intensified in the highest degree .... At the same time, effect is no longer given to the representation of the Third Estate ..." "The German Constitution" in *Hegel's Political Writings*, trans. Knox, Oxford, 1964, 205.

<sup>10</sup> The article on the Reform Bill was written of course for the use of Germans, Prussians in particular. Hegel is concerned to show at once the strength of the British constitution and that British freedom is insufficient to German needs. Though unlikely to please an English reader, for which reason its publication was delayed by the King of Prussia after two-thirds had appeared in the official *Preussische Staatszeitung* (v. *Hegel's Political Writings*, 22), it is most superficial to find in it, with Rosenkranz (*op. cit.* p-419), a denigration of England -- let alone a "*krankhafte Verstimung*"! Hegel sees alike what a Bentham and what a Burke sees in the 18th century constitution.

important foundations of the English constitution ... are concessions wrung (from the Crown) by force, or else acts of grace, agreements, etc., and constitutional rights have stuck by the form of private rights, which they had at their origin, and therefore by the accident of their content."<sup>11</sup> "But at no time more than the present has the general intelligence been led to distinguish between whether rights are purely positive in their material content or whether they are also inherently right and rational."<sup>12</sup>

The interest and importance of the Reform Bill is that in the matter of the franchise it attacks the principle of positivity on which the constitution depends. However moderate the content of the Bill, in its principle it is liberal and revolutionary. The franchise is no longer to be regarded as the property of a few in certain localities, which they take it to be their private right to sell to candidates approved by the local aristocracy. Instead it is seen as a universal right of popular participation in the election of Parliament, even if the universality will at first only take the form of a fairer distribution locally and among classes. What therefore in effect is attacked in the Bill is the aristocracy, its long established right to rule for the people. "What rouses the greatest interest is the fear in some quarters, the hope in others, that the reform of the franchise will bring in its train other reforms of substance. The English principle of positivity on which ... the whole of English law rests, does through the Bill actually suffer a shock which in England is entirely new and unheard of, and one instinctively suspects that more far-reaching changes will issue from this subversion of the formal basis of the existing order."<sup>13</sup>

"In England a broad field for reform is open comprising the most important aims of civil and political society. The necessity for reform begins to be felt." There are, apart from the constitution, the "extensive jumble of English private law, which even Englishmen master their pride in their freedom sufficiently to call an Augean stable;" obsolete forms of ecclesiastical organization and property; "manorial and other bizarre rights and property restrictions derived from feudalism;" "the contrast between prodigious wealth and utterly embarrassed poverty;" the Irish question etc. Together these evils might move public opinion to demand universal rights and to transfer its allegiance from the aristocracy to the radical party as supporting such a reform and rationalization of society. For the "reason why England is so remarkably far behind the other civilized states of Europe in institutions derived from true rights is simply that there the governing power lies in the hands of those possessed of so many privileges which contradict a rational constitutional law and true legislation."<sup>14</sup>

In these circumstances it might seem probable that England was on the eve of a liberal revolution. One estimate was "that, under the Bill in question, the greater part of the electors would consist of shopkeepers, and thus the interests of trade would seem to gain advantage." It would serve the ambition of the 'novi homines' whom this electorate would put in Parliament to make themselves the advocates of liberalism and universal right. And since principles so opposed to their privileges could hardly be acceptable to an

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<sup>11</sup> "The English Reform Bill" in *Hegel's Political Writings*, 299.

<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.* 295; 300-01.

<sup>14</sup> *Ibid.* 301 ff; 300.

aristocratic government, the new politicians "would inevitably come on the scene only as an opposition to the government and the existing order of things; and the principles themselves would have to appear not in their practical truth and application, as in Germany, but in the dangerous form of French abstractions." "The new class may all the more easily get a footing, since the principles as such are simple in nature and so can be quickly grasped by the ignorant. Since in addition, on the strength of their universality, these principles have a claim to adequacy for everything, they suffice in a man of a certain slenderness of talent, and a certain energy of character and ambitions for the requisite all-attacking rhetoric, and they exercise a blinding effect on the reason of the masses who are just as inexperienced in these matters."<sup>15</sup>

Should such a struggle develop between the ruling aristocracy and the demagogic leaders of the middle section of the bourgeoisie, "which in England is of course extremely numerous and which in general is most open to those abstractions" the battle would be the more dangerous in that there was no power in the constitution able to mediate between the two sides. "In England the monarchical element in the constitution lacks the power which in other states has earned gratitude to the Crown for the transition from a legal system based purely on positive rights to one based on the principles of real freedom, a transition wholly exempt from earthquake, violence, and robbery."<sup>16</sup>

And is not a battle of principles inevitable? The contrast between England and "the civilized states of the continent" is too extreme to continue long. On the one side government by a privileged class and positive rights; on the other the sovereignty of the general will and national institutions. The principles of the reform "being grounded on universal reason, cannot always remain so foreign even to the English understanding as they have been hitherto."<sup>17</sup>

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However inevitable it might seem, Hegel judged that revolution was improbable in England. Should it indeed occur, its causes would rather be the accidental incompetence of politicians and the momentary loss of practical sense by the people than because the reforms sought could not be attained within the constitution. Certainly the constitution could not absorb the liberal principle -- atomic individualism with its implication of direct democracy. But, as the history of the following century was to show, it could tolerate the indefinite extension of the franchise. If the principle of positive rights was, and continues to be held to stubbornly, there was shown on the other hand an unlimited capacity to alter the content and distribution of privilege according to the necessity of the times. That the constitution contained this wondrous strength and adaptability, and for what reason, was evident to Hegel as to no British philosopher or political writer. Burke no doubt *felt* the excellence of the constitution, and could account for it through the constitution itself and by an analogy with the Christian religion. Lacking a general and

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<sup>15</sup> *Ibid.* 323; 325; 326.

<sup>16</sup> *Ibid.* 330. For the last, Hegel thinks of course chiefly of the *Allgemeines Landrecht* of Frederick the Great.

<sup>17</sup> *Ibid.* 325.

philosophical insight into its principles, he is at his limit when confronted with the deeper rationality of French liberalism. In extolling prescriptive above rational right, he was obliged to defend, or ignore, indefensible abuses. It escapes him alike that the excellence of the constitution has its source in its rationality and that the corruptions characteristic of it are primarily there because this rationality is immediate and abstract.<sup>18</sup>

The obstacle to the radicals and their abstract ideas is the "political sense" of the English people. Not the same as this is the "so-called practical sense of the British people, its concentration on gain, subsistence, wealth." For shopkeepers do not as such tend to acquire "political sense" but to be fixed in a narrower unpolitical view of their interest. But the "so well-reputed sound common sense of the English people" has also the quality that "it makes individuals feel the insignificance of the influence they exercise on public affairs by their single votes. Moreover this same common sense gives them a proper sense of their general ignorance and their slender capacity for judging the talents, acquaintance with business, skill, and education required in high offices of state." What then is this "political sense" and how did the English come to have it in a special degree?<sup>19</sup>

It is not certainly the virtue which Montesquieu thought necessary to the survival of democracies. Indeed it would be hard to find anywhere so complete a corruption of political life as in England, where the rights of electors are regarded to a great extent simply as a "matter of cash". But this corruption may also be thought the sign of a just perception and political maturity. For to take "badges, roasts, beer, and a few guineas" for their votes is preferable, surely, to the practices of the more inexperienced French voters who, to be conscious of their political importance, must have "insurrections, clubs, associations, etc.". One need not agree with "the almost unanimous view of the pragmatic historians that if in any nation private interest and a dirty monetary advantage becomes the preponderating ingredient in the election of Ministers of state, then the situation is to be regarded as the forerunner of the inevitable loss of that nation's political freedom".<sup>20</sup>

One may instead ask how it would ever be possible for the members of civil society to acquire "political sense" except by carrying to absurdity their appropriation of the

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<sup>18</sup> Burke, speaking of a concrete reason in Hegel's sense, calls it stoically "a conformity to nature in our artificial institutions" (*Reflections on the Revolution in France*, Everyman's Library, 32). But such a conformity in no way explains how "the idea of inheritance furnishes a sure principle of conservation and a sure principle of transmission; without at all excluding a principle of improvement. It leaves acquisition free; but it secures what it acquires" (31). ".... we are guided not by the superstition of antiquarians, but by the spirit of philosophic analogy": but no more does this medieval language explain the consciousness that the "principle of conservation" and "the principle of improvement" are radically one and the same -- from which comes Burke's confidence in the sufficiency of the constitution to all occasions. The bond is the Humean, sceptical principle of concrete individuality, the presupposition of Burke's thought about which he cannot speak clearly. Leo Strauss, recognizing and deploring this concession to modernity in Burke, remarks that "Burke himself was still too deeply imbued with the spirit of 'sound antiquity' to allow the concern with individuality to overpower the concern with virtue" (*Natural Right and History*, Chicago, 1953, 323). On which Hegel would have commented that modern individuality does not exclude ancient virtue but contains it and restores it to the concreteness it had lost in Stoic and medieval forms.

<sup>19</sup> "English Reform Bill", 312; 315; 320.

<sup>20</sup> *Ibid.* 296; 297.

state. Once the franchise has been placed "in the same category with strict property rights" the contradiction between its meaning within society and its political meaning can hardly be overlooked. Upon this insight would follow logically the subordination of society to the state. The Reform Bill aids to this conclusion as containing "an internal contradiction between positive rights and an abstract and theoretical principle. Therefore the illogicality of what is derived from the basis of the old feudal law is shown up in a cruder light than if all entitlements to voting had been put on one and the same footing of positive rights". The recognition of this contradiction need not precipitate a liberal revolution. It may instead, by permitting a Burkean insight into the inner and ideal nature of the constitution, lead to a conservative reaction.<sup>21</sup>

It could not be the intention of a popular essay to show the logical structure of the English constitution -- how it worked and whence its stability and long duration. For it would be necessary to bring into the argument philosophical concepts of the greatest difficulty and quite unfamiliar in their strict conceptual form to the ordinary educated reader. Hegel proposes only to indicate historically and empirically the form of the struggle taking place in England. The pieces are all there in his description but not their logical connection. He can assume that the English character is well known in its general lines to his readers: the popular idea of a national character in a mixture of conflicting qualities, such as to support whatever friendly or hostile attitudes one may have in varying circumstances. Hegel's intention is to counter one-sided conclusions Germans might draw from events in England according as they favoured one side or the other or sought support therefrom for their political attitudes at home.

If the argument be translated into more philosophical form one could say that while the principle of the English constitution is positive or prescriptive right there is present also a rational principle whereby nothing given (precedent, custom, etc.) is binding to the point of destroying the constitution. The "political sense" both of the ruling part of the nation and of the ruled has its foundation in this principle. It is in no way an abstract moral principle -- virtue as opposed to vice -- but rather such as to permit and comprehend a vigorous, even ruthless, pursuit of private interest or stubborn adherence to privilege. The consciousness of this underlying unity of the body politic, and attachment to it, were maintained by no formal education (though a classical formation predisposed to the reception of it) but by the conflicts of society and their resolution.<sup>22</sup>

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<sup>21</sup> *Ibid.* 315, "... it has been the uniform policy of our constitution to claim and assert our liberties as an entailed inheritance derived to us from our forefathers ... as an estate specially belonging to the people of this kingdom, without any reference whatever to any other more general or prior right" (Burke, 31). The aristocracy, who administer the inheritance, readily treat it as their property. But the constitution in its operation constrains its would-be owners to recognize the mutual dependence of classes and their common subordination to the principle of sovereignty expressed by the monarchy. The effect of the constitution is to awaken, beyond the conflict of class interests, the sense of unity and mutual obligation. For this to come about the proprietary attitude has to be negated by a conflicting claim to the property. The resolution is the ideal unity of classes in a common self-consciousness

<sup>22</sup> England is a Protestant state. What lies in this formula equally evades liberal and socialist writers and conservative or theological (such as L. Strauss). For, as Burke already noticed, such a state contains both a conservative and a reforming principle. For the concept - of this unity, *Ph.R.*, sections 105-114, on which the writer has commented somewhat in an article already referred to. There is in Protestant societies an

The English was not a medieval aristocracy attached, like the Polish, to the destruction of the state. It was to able to govern also contrary to its interests so far as it not only contained the solid ignorance of country squires and those who had no other claims to rule than blood but was in some measure the universal or political class. From the settlement of 1688 the English state could be governed neither by the absolute authority of kings nor by republicans but by those who know the unity of both principles. For the independent Protestant temper of the commercial class was indeed antagonistic to monarchy, if the two confronted each other immediately. There lay, however, in the ascetic pursuit of wealth a contradiction which had its resolution in the total movement and conflict of society. Implicitly the Puritan knows in his devotion to business also an ideal end -- that work and the acquisition of wealth was means to a free life he could not venture to enjoy in this world. It evaded his direct awareness that the interaction of classes in society had no other result than to produce the desired unity of work and enjoyment already secularly. The actual experience of society resolved concretely for him the contradiction that the love of money, or whatever his particular interest and passion might be, was both vanity and his very self. For the capitalism which was the expression of his moral or rational attitude to work made the contingency of productive labour more immediately and harshly present than need be so in a more static economy. If this experience drove the employed either to ruin or to the independent spirit of the employer, the social sphere of capital and labour alike was defined by their relation to the aristocracy -- the relation to an unconfined individuality of an individuality formed through a particular occupation. If the effect of capitalism was to level and equalize, to reduce the natural to abstract universality, the opposition of bourgeois to aristocrat had the tendency to restore the broken unity -- no longer, however, as that of craftsmen, technicians, specialists to their work as such, but as of concrete persons to one another in society.<sup>23</sup>

Those for whom this knowledge did not have the form of submission to the inevitable forces of social life but rather of insight that the unity of classes in the state proceeded from nothing else than this negation of particular interests were capable of "political sense". They were the universal class who, knowing what it is to govern and be governed, could rule for the rest according to the constitution. Their authority with the others had its source in this, that in them was best realized what the other classes sought.<sup>24</sup>

The tendency of the English state was at once to encourage strenuous and intelligent economic activity on the part of the bourgeoisie and out of that class to recruit or refresh an aristocracy able to rule a strongly independent people. In these conditions effective power passed from the King to Parliament; and in place of a pervasive central administration, as under the French kings, local and particular aspects of government, by the same aristocratic principle, were widely diffused among the political or ruling class.

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immanent principle by which, under good government, private greed tends to subordinate itself voluntarily to the general interest.

<sup>23</sup> In view is especially *Ph.R.*, "Die Bürgerliche Gesellschaft: (a) Die Art des Bedürfnisses und der Befriedigung". Fragments of Hegel's logic of civil society and its relation to Protestantism were taken up by Marx and by Max Weber. Hegel writes from a view in which the socialism of the one and the liberalism of the other have both their place.

<sup>24</sup> e.g. *Ph. Gesch.*, 544-48..

For these reasons, and not merely their maritime situation, the British were peculiarly fitted both to carry their trade to the remotest parts of the globe and to conquer and rule what they exploited. If the English pursued their economic interest with as little scruple as any, the ideal aspect of empire was at least practical -- not, as with the Spanish empire, dissociated from the real and exploitative.<sup>25</sup>

Hegel saw perfectly the strength of a system which could both give a real political freedom and participation in government to those capable of it and contain and satisfy those whose talent and interest was particular. Out of the divisive forces of a modern society devoted to the application of science and technique to the production of wealth the English constitution produced a people strongly attached to its traditional institutions. The source of this conservative spirit was, as said above, that the independence and seeming sufficiency of society was negated and thereby the old institutions were no longer felt to be alien but as that in which all were one. To this stable consciousness of freedom in their ancient traditions a civil society as independent as possible and the negation of its independence are to be seen as equally necessary.<sup>26</sup>

No less clear to Hegel was the peculiar weakness of the constitution. Indefinitely capable of admitting partial reform, the constitution need succumb only when the content of the reform demanded could no longer be separated from the liberal principle. But when would this point ever be reached? For the political problem in which all others would seem to be contained is that of revolution or the unity of state and civil society. Of this problem there are no approximate or partial solutions: society finds in principle a unity prior to its particular interests or there is no state. The constitution then being a solution to this problem, how can it be insufficient to another? But freedom was taken to lie chiefly in the right of individuals to follow their particular interest with the least impediment. Equality, though strongly present in the underlying Protestant belief, was rather the removal of such impediment than positively the common rationality which should, by the nature of that belief, have precedence over natural differences. And the community of classes which appears as the term of the social process is only the term, and not, as in the religious belief, also what is primary and comprehensive of economic and legal relations. This disparity between the religious and the secular form might take a moral or practical form. Not in this, however, would Hegel see the beginning of a change in the constitution itself, but rather in the intrinsic development of civil society. It would come of itself with a clearer consciousness of the principle of the constitution that the unity of society and state would be felt rather as a deeper disunity.

The cause of a new separation could seem to be merely a more developed science and technology, a scientific culture which had no longer any place for an aristocratic humanism. However plausible, arguments of this kind in fact say nothing to the point. Developed technology by itself only makes conspicuous what it once took a Burke to discern -- why the Englishman was happy to be ruled by aristocrats. It was exactly

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<sup>25</sup> "English Reform Bill", 330; *Ph. Gesch.*, I.c.

<sup>26</sup> *Ph.R.*, sect.182 ff. for an incomparably succinct and precise statement of the logic of civil society. Civil society as it achieved independence in Britain is to be considered primarily under the first or immediate form treated in sect.190 fully.

because he was conscious that society was a system of mutual dependence where specialists blindly pursued their speciality.

The constitution has in fact withstood far more dangerous attacks than from developed technology. It has admitted liberalism to the extent of the universal franchise. Yet the liberal principle once admitted must have subverted the constitution. Socialism from its communal, collective view of human relations would seem to be still more destructive of British freedom. In fact, socialist governments have moved easily enough within the constitution. That these more radical forms could be absorbed without revolution has no other explanation than that both were already implicit in the constitution and belonged to its logic. For, as indicated above, the ideas of equality and social solidarity occur essentially in the transition from society to state -- already in its immediate form. The liberalism and socialism that grow on this foundation, even when they seem to dominate the constitution remain British, however, and hostile alike to Jacobins and Marxists.<sup>27</sup>

The English constitution, however admirable and an education for others, was not for Hegel as for Burke immutable and divine. Divine it might be called if the rational is divine. But the rationality was founded on a jumble of positive rights; it was a freedom from the letter of tradition and from the positive as such, the endless capacity to bind the new to the old. But it was this freedom only in particular cases, not universally. As such it might long satisfy a people peculiarly occupied with the particular and whose ideal was a personal independence rising out of this empirical attitude, the completion of it. If as Hegel expected, the constitution survived the Reform Bill, the unity it expressed of empirical and ideal was felt less easily in the following period than their conflict. Unless in an abstract, moralistic optimism, science and technology and humane interests tended to become sharply divided.<sup>28</sup>

The strength of the British constitution was for Hegel that in an objective secular form it gave satisfaction to the conflicting real and ideal interests of a Protestant people.

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<sup>27</sup> Burke already recognized that in a sense both liberal and socialist rights could properly be demanded by Englishmen under the constitution: "If civil society is made for the advantage of man, all the advantages for which it was made become his right. It is an institution of beneficence; and law itself is only beneficence acting by a rule. Men have a right to live by that rule ... They have a right to the fruits of their industry ... he has a right to a fair portion of all which society, with all its combinations of skill and force, can do in his favour. In this partnership all men have equal rights ... " (*Burke*, 56) But the special form in which he sees these rights imparted is shown in such as "Whatever each man can separately do, without trespassing upon others, he has a right to do for himself ..." (*Ibid*).

<sup>28</sup> "Our political system is placed in a just correspondence and symmetry with the order of the world, and with the mode of existence decreed to a permanent body composed of transitory parties wherein, by the disposition of a stupendous wisdom, moulding together the great mysterious incorporations of the human race, the whole, at one time', is never old, or middle-aged, or young, but in a condition of unchangeable constancy," etc. (*Burke*, 31-2). Hegel can give exact philosophical form to the concept of a concrete reason expressed in this. Because Burke has not hold of his thought except through natural and theological analogies, he cannot know that his concept of society and state is not related, e.g. to Rousseau's as empirical to metaphysical, but rather as two different but closely related metaphysical concepts.

It tolerated evils such as would move other peoples to revolution, but had also the capacity to correct them in a manner agreeable to the empirical temper of the English people. In this was a lesson for Germans as to the outcome of the revolutionary period: a state in which civil society had maximum independence, where individual and collective interests could have the freest possible development. A free and enlightened Prussian state -- German it might come to be -- would have its special character, as the English and French had given their special character to modern freedom. In a German state free individuals would recognize and accept, after a hard conflict, a pervasive and undiminished state as realizing their true interests. A still half-feudal state would of necessity reform itself once it had to rule free citizens for whom blood and aristocratic privilege conferred of themselves no authority.

Hegel's estimate was that the constitutional state, as the outgrowth and completion of a national history, was able to contain revolution in a Protestant country. In France revolutionary movements might indeed continue, but not so that they could either destroy or extend greatly the freedom possible in a modern state. Less developed peoples might be expected to imitate this pattern, not very successfully.

Hegel considered the advanced European states at a point where the English and French, through revolution, had attained a unity stronger than class divisions. The Germans, to his mind, had hardly more to do than recognize that they had reached the same point. Certainly, in Prussia at least, revolution was unnecessary, for the reason that rational institutions already existed. There was needed only political experience among the bourgeoisie, so that they might come to know that their hostility to the state was no more than an attachment to attractive abstractions. The most striking confirmation of his analysis is no doubt 1848, when triumphant revolution dissolved feebly into German nationalism.

Once the European states had come to a concrete internal unity, Hegel knew that political life inwardly must degenerate for want of ideal and universal problems to solve. Higher political satisfaction from that point was only to be found either in war with other states, in which ideal interests could be quickened, or else in wider, world-historical relations. This long familiar outcome is in one way the historical refutation of Hegel's belief that the age of revolution was over. It may also be read as the strongest confirmation of his political philosophy. His question was what primarily holds a modern political society together. Hegel may seem to have been right, in denying that the answer could be found either in nationalism or in the further liberation of 'civil society'.<sup>29</sup>

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<sup>29</sup> e.g. "Das Nächste ist nun, was eintritt, wenn der Geist hat, was er will. Seine Tätigkeit ist nicht mehr erregt, seine substanzielle Seele nicht mehr in Tätigkeit. Sein Tun steht nur mehr in entfernterem Zusammenhange mit seinen höchsten Interessen" *Die Vernunft in der Geschichte*, ed. Hoffmeister, Hamburg, 1955, 67; to which add 69 ff.