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Wolsing, Peter

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## Hegel on Nation, Ethical Life, and the Modern State

Peter Wolsing

Faculty of Humanities

Department for the Study of Culture, Section of Philosophy

University of Southern Denmark

Odense, Denmark

wolsing@sdu.dk

### Abstract

This paper examines Hegel's idea of nation and its significance for his theory of the modern state, namely, the role that 'the national' plays for his justification of right in the *Philosophy of Right*. It is argued that Hegel strikes a balance between historicism and a rational justification of state and law. He bases the state on a notion of *Sittlichkeit* (ethical life) that is both national and subjected to a world historical development toward rationality and universal right. Consequently, 'nation,' in the sense of a group of people invoking identity and rights based on a primordial common language, culture, and territory, does not cover what Hegel means by the modern nation state. 'Ethical life' is national, but it also constitutes a *historically changeable* community of values supported by citizens' conscious participation in communal life (patriotism). Today, Hegel's idea undermines the legitimacy of nationalistic invocations of *primordial* ethnic cultures within politics.

### Keywords

Georg Wilhelm Friedrich Hegel; nation; nationalism; rationality; philosophy of right; modern state; ethical life; philosophy of history

### 1. Introduction

Interpretations of Hegel's political philosophy in his *Philosophy of Right* (1821)<sup>1</sup> have been divergent, even mutually contradictory, from its publication up to the present day. The charge of reactionary conservatism leveled by Rudolf Haym in 1857,<sup>2</sup> namely that Hegel's work is animated by the spirit of the Prussian Restoration, grounded a prejudice that manifested itself after World War II in Karl

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<sup>1</sup> Published in autumn 1820.

<sup>2</sup> Rudolf Haym, *Hegel und seine Zeit* (Berlin: Gaertner, 1857).

Popper's ascription of totalitarianism and idolization of the state to the philosopher.<sup>3</sup> However, it is often forgotten that immediately after his death in 1831, Hegel's political theory was rejected by conservatives for the opposite reason, namely his alleged sympathy with—and support of—the political ideals of the French Revolution. In the 1950s, Popper's assessment of Hegel yielded to the predominantly liberal-conservative interpretation suggested by Joachim Ritter in his *Hegel und die französische Revolution* (1957). In Hegel research today, the accusation of totalitarianism has almost ceased. Some scholars even emphasize Hegel's criticism of the Prussian conservatism of his own day and consider him a reform-minded liberal.<sup>4</sup>

Reactionary conservatism and totalitarianism were associated with Hegel's political philosophy until after World War II, but what role does 'nation' play in Hegel's theory of the modern state? The concept of nationalism has been almost completely overlooked in Hegel studies, probably because of its apparent connection with conservatism. Hegel grounded his philosophy of right on what he called *Sittlichkeit*, which I translate as 'ethical life,'<sup>5</sup> and more precisely, on the spirit of the total communal life practice of a people. The label *Volksgeist* (national spirit), which Hegel used to emphasize the particular character of a nation state based on significant cultural traditions, suggests a strong national element in his 'political science' (*Staatswissenschaft*).<sup>6</sup> Furthermore, according to Hegel, the nation state, though based on the principle of political freedom, is absolute in the sense of being the ultimate basis of human law. It recognizes no higher-ranking international right, nor does it defer to ideals of universal human rights. Universal right is necessarily rooted in a particular nation state.<sup>7</sup> One nationalistic feature of Hegel's political philosophy is thus obvious: 'nation' is defined as

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<sup>3</sup> For a brief presentation of Haym's reception of Hegel's *Philosophy of Right*, see Joachim Ritter, *Hegel und die französische Revolution* (Cologne: Westdeutscher Verlag, 1957), 9-12

<sup>4</sup> For a brief account of Hegel's position on the political movements of his day, see, for instance, Kenneth Westphal, "The Basic Context and Structure of Hegel's *Philosophy of Right*," in *The Cambridge Companion to Hegel*, ed. Frederick C. Beiser (New York: Cambridge University Press, 1993), 234–240.

<sup>5</sup> All translations from the German are mine.

<sup>6</sup> Hegel equates *Volk* with nation. Both are defined as large associations of families and constitute civil society, which develops into a state. The state preserves its national basis. See G. W. F. Hegel, *Grundlinien der Philosophie des Rechts*, vol. 7 of *Werke* (Frankfurt am Main: Suhrkamp, 1970), 338, §181A; 139, §182 *Zusatz*.

<sup>7</sup> According to Hegel, the state is the organization of ethical life from the "real, organic spirit of a people," and it develops through relations to other particular *Volksgeister*. This development constitutes world history, which—through the development of the states in history—reveals the world spirit, "whose right is supreme." Hegel, *Philosophie des Rechts*, 88, §33. It follows that, on the international stage, the states are sovereign, since no single state can invoke the higher right of the world spirit: "The (particular) people as the state is the spirit in its substantive rationality and immediate reality, thus the absolute power on *earth*; a state exists in sovereign independence of the others." *Ibid.*, 498, §331. However, the state is only real *for others*, i.e., as

the ethno-cultural foundation of a political community. Consequently, international relations beyond the sphere of the nationally grounded right must operate in the conditions of a state of nature, exposing states to war as a way to settle mutual conflicts when diplomacy fails. National disposition—patriotism—is an important manifestation of citizens' awareness and support when their homeland asserts itself on the world stage.<sup>8</sup>

Whereas nationalistic features of Hegel's political philosophy manifest themselves from the perspective of international relations, an anti-nationalistic feature appears when it comes to the question of the rational justification of law. The 'inner state right' (*das innere Staatsrecht*) of Hegel's political philosophy is deduced from the principle of political freedom. Thus, the entire structure of Hegel's philosophy of right forms an argument grounded by a kind of natural law. However, this rational deduction of state government, including all of its institutions, from the notion of individual freedom seems to contradict the famous, or notorious, statement that Hegel made in the preface to his *Philosophy of Right*, namely that the truth of right and state lies manifest in public law, morals, and religion.<sup>9</sup> This—at least apparent—conflict between historicism and rationality at the foundation of his philosophy of right must lead to the question of whether the rational justification is real, or just the empty form of an underlying post hoc rationalization of the existing positive right of the Prussian state and its traditions.

Surely, Hegel ascribes substantive significance to the national ethno-cultural community when it comes to the legal foundation of a state. But constituting the foundation of the state's ethical life, it is subordinated to the law of history, which judges the single nation according to what it contributes to the progress of universal right in the course of historical events. The higher universal law of history trumps the laws of particular nations and states. Hegel's philosophy of history demonstrates the significance of the development toward freedom and universal right as a countermove to doubtful ideas of a 'primordial people' found mainly in the Romantic movement of his era. But how, then, are ethical values of nations and universal right compatible, if at all, as foundations of law and state?

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recognized. In addition, Hegel claims that the legitimacy of state power is only complete by virtue of international recognition. Although states should not interfere with other states' internal affairs, Hegel here suggests that governments of enlightened modern states are expected to cultivate positive international relations for the sake of recognition. Reason and ethics in foreign policy rather than transnational political unions constitute the binding power that secures international peace.

<sup>8</sup> On state sovereignty, patriotism, and international relations as a 'state of nature,' see Hegel, *Philosophie des Rechts*, 490, §322; 491, §324; 499–500, §333.

<sup>9</sup> *Ibid.*, 13–14.

In the following, Hegel's idea of 'nation' and its transformation into ethical life as a constitutive moment of the modern state is presented as an attempt on Hegel's part to balance the claims of *universal* principles of a constitutional state and a respect for *particular* communities rooted in common life forms based on cultural traditions. It is argued that Hegel aims at a moderate nationalism. In emphasizing the temporal, changeable character of peoples and their cultures as subject to the world historical development toward universal freedom, Hegel attempts to justify the idea that the national disposition denotes the individual person's conscious endorsement of the political state as the institutional organization of ethical life in and through which the individual realizes her freedom in the community. Thus, a national disposition need not invoke the social rights of peoples and cultures of the past; it is a practical engagement, displayed by the citizen as a participant in her people's contemporary life practice in the social institutions administered by the state. Hegel emphasizes the significance of the national element as the presupposition of a living community, in which universal freedom and law are instantiated in the shape of a particular people.

## **2. From Nation to State**

The question about national orientation or even nationalism in Hegel's political philosophy must be addressed through an examination of his notion of ethical life. What significance does the common life practice of the people, grounded in traditions of law, morality, and religion, have for the foundation of the state? Are the principles of right and law based on the history of a people alone, or does the state constitution need a further legitimation in natural right? Both in Hegel's early writings and in his mature work *Philosophy of Right*, the historical development and principles of natural right play a role in the state, its constitution, and institutions. A study of Hegel's ideas of nations, peoples, and states leads in both directions.

In general, the national ideas of historical origin and cultural homogeneity should be confronted with the fact that all human phenomena rest on the unstable basis of historical changeability. According to a modern definition, the term 'national' denotes the common origin, religion, culture, ethnicity, and territory of a people. And the term 'nationalism' denotes stateless peoples' or nation states' particular feelings for and invocations of their past in their political struggles for political recognition. Etymologically, the Latin word 'natio' ('birth' or 'place of birth') refers to the allegedly primordial geographical location of a people or ethnic group sharing a common historically rooted

language and culture.<sup>10</sup> By and large, Hegel's use of the term 'national' throughout his work corresponds to this current usage. In his early, theological writings he endorsed *Volksreligion* as the ethical foundation of the nation.<sup>11</sup> The young theologian Hegel emphasized the significance of 'national imagination'—Greek mythology and legends—at the expense of Christian faith because of the power of its narratives to unify the people. The power of imagination in Greek mythology functioned as the visualization of deities in shared worldly images connected to the history of a people and its geographical place and native soil. National imagination was thus a people's cultivation of an image of itself that served to constitute and preserve its national identity.

The young Hegel's studies of ancient *Volksreligion*, especially Greek mythology, was motivated by his interest in understanding how culture forms the basis of a united and free people. Hegel considered ancient Athens a model because, through common political struggle and the creation of a flourishing culture, it formed a community around shared values that elevated the national disposition necessary to sustain and develop the political state. By contrast, the demythologized, monotheistic Christian religion lacked a similar cultural power. As a religion of charity situated in culturally indifferent, interpersonal relations with a view to the hereafter, the primordial Christian religion was better suited for exclusive groups outside nations. Consequently, the original Christian community's gradual supersession of ancient *Volksreligion* became a severe problem for the constitution of the state because it lacked a cultural basis in common mythological narratives.<sup>12</sup>

According to the young Hegel, the ethno-cultural history of a people expressed in ancient *Volksreligion* was thus a significant feature of a community, but it turned out not to be a sufficient condition for forming a political state. Later in his *Philosophische Propädeutik*, the lectures he delivered at the high school in Nuremberg, Hegel pointed out that state constitutions are not just external and artificial arrangements. They are always based on "the people's character, morality, education (*Bildung*), on its life form and extent."<sup>13</sup> However, the state is primarily a society based on legal principles. Hegel remarks that it is a great fortune when a people, having formed a nation, also

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<sup>10</sup> See, for instance, U. Dierse and H. Rath, "Nation, Nationalismus, Nationalität," in *Historisches Wörterbuch der Philosophie*, vol. 6, ed. Joachim Ritter and Karlfried Gründer (Darmstadt: Wissenschaftliche Buchgesellschaft, 1984), 406.

<sup>11</sup> G. W. F. Hegel, "Fragmente über Volksreligion und Christentum (1793-1794)," in *Frühe Schriften*, vol. 1 of *Werke* (Frankfurt am Main: Suhrkamp, 1971), 31, 37, 42.

<sup>12</sup> *Ibid.*, 199–203.

<sup>13</sup> G. W. F. Hegel, "Texte zur philosophischen Propädeutik," in *Nürnberger und Heidelberger Schriften, 1808–1817*, vol. 4 of *Werke* (Frankfurt am Main: Suhrkamp, 1970), 246.

becomes a political state.<sup>14</sup> But the merging of nation and state is almost a stroke of luck at a moment in history, a coincidence due to fortunate circumstances. Therefore, it is historically volatile and doomed to perish: “Once something has been arranged, it is the best fortune not to have history, just as nations consider the happiest epochs to be those that are not historical [i.e., changing].”<sup>15</sup> In his later *Vorlesungen über die Philosophie der Geschichte*, he states that as a historical phenomenon, a nation’s existence is subjected to the higher, universal law of history, whose purpose reaches further and does what it likes with the fortunes of peoples: “The epochs of fortune are blank pages in world history.”<sup>16</sup> Good fortune is thus without substantive foundation because it happens to a nation in a transitory historical epoch. By contrast, ‘right’ (*das Recht*) is the universal and permanent foundation that evolves and appears gradually in a historical movement driven by interactions, predominantly conflicts, among nations. It is the permanent substance of the world historical movement and provides it with universal justification.

Hegel is strongly critical of the idea of national origin. A community consisting of a people considered exclusively on the basis of commonly shared values would find itself in a ‘natural condition.’ And contrary to the contract theorists, for example Locke and Rousseau, Hegel denies to the natural condition any ethical or legal quality. Violence and injustice result when social life is left to the powers of man’s raw nature.<sup>17</sup> Thus, nature and right constitute opposite domains. It is worth noting that, in his philosophical anthropology,<sup>18</sup> Hegel treats primordial nations (*Völker*) as being on almost the same level as natural phenomena. They are characterized by natural features such as race, physical appearance, predispositions, ways of life, and common territory. As ‘local spirits’ they are mere germs from which they can develop and actualize their inherent human spirit.<sup>19</sup> Considered in isolation, the national, i.e., primordial, peculiarity is “just as fixed a difference as the diversity of race.”<sup>20</sup> Therefore, “the state of nature is a state of brutality, violence, and lack of justice. People must withdraw from this and enter the state society because only there is the law actual.”<sup>21</sup>

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<sup>14</sup> Ibid.

<sup>15</sup> Ibid., 327.

<sup>16</sup> G. W. F. Hegel, *Vorlesungen über die Philosophie der Geschichte*, vol. 12 of *Werke* (Frankfurt am Main: Suhrkamp, 1970), 42.

<sup>17</sup> Hegel, “Texte zur philosophischen Propädeutik,” 246–247.

<sup>18</sup> See , “Erste Abteilung der Philosophie des Geistes: Der subjektive Geist” in G. W. F Hegel, *Enzyklopädie der philosophischen Wissenschaften III*, vol. 10 of *Werke* (Frankfurt am Main: Suhrkamp, 1970), 38-302.

<sup>19</sup> Ibid., 63–64, §394, esp. *Zusatz*.

<sup>20</sup> Ibid., 64.

<sup>21</sup> Hegel, “Texte zur philosophischen Propädeutik,” 247, §25.

The state of justice is supposed to save individuals from the brutality that dominates in the state of nature. Only in the political state can the individual rise from being just a family member to becoming a person, a subject of rights constituted through relations based on mutual recognition in civil society and secured by the state. The transition from national associations of families to civilization comes about through a new, intersubjectively mediated, self-knowledge. The individual develops a different identity by experiencing herself as a person equal to all other persons in sharing with them essential human characteristics. This universal bond constitutes the system of rights, mainly property rights. Thus, in the state of law, “Man counts as such [i.e., as a person in legal sense] because he is Man, not because he is a Jew, Catholic, Protestant, German, Italian, etc.”<sup>22</sup>

### 3. Ethical Life and National Disposition

The relations between nation, civil society, and state are subtle. In the *Philosophy of Right*, wherein Hegel puts forward his theory of the modern state, the transition from the sphere of the family to the sphere of civil society is marked by the imposition of a new principle. Civil society, which is the distinctive mark of the modern state, is ruled by ‘universal justice.’ The social interactions in civil society foster general talents and bring a new adequate, universal moral attitude to predominance. Nevertheless, the national characteristics of a society continue to play a role as an important background of shared values. But they are demoted to the status of minor cultural importance and superseded by the higher order of the universal law that governs the institutions of modern civil society. Class privileges based on feudal inequalities are abolished<sup>23</sup> in favor of general freedom and dignity pertaining to the individual as a person and member of the modern state. Yet, the sphere of civil society has arisen in two stages. First, it has joined particular *individuals* under the law of the market, which bases its interactions on universal needs and property rights. This is a historical leap from the family principle of national ethics in the premodern age to the principle of universal right of modern civil society. Second, this transition also marks a continuation.<sup>24</sup> The family as an institution is what is left over from the social structures of premodern nations. As such, the national quality of society continues to play a role in the distinct family sphere that constitutes a part of ethical life.

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<sup>22</sup> G. W. F. Hegel, *Philosophie des Rechts*, vol. 7 of *Werke* (Frankfurt am Main: Suhrkamp, 1970), 360, §209.

<sup>23</sup> Hegel did not advocate political equality. He was critical of democracy.

<sup>24</sup> Hegel, *Philosophie des Rechts*, 338–339, §181.



The universal and distinctively *modern* character of civil society refers to the legal organization of the market, which constitutes the “system of needs” (*das System der Bedürfnisse*).<sup>25</sup> It is the purpose of civil society to promote “everyone’s welfare and right.”<sup>26</sup> In this respect it differs from the ethnic society by challenging the individual to self-realization, i.e., to education (*Bildung*) and the formation of her identity on the conditions of civil society. However, individual self-realization goes hand in hand with the development of communal life in civil society. In supporting the system of the free market and its institutions, such as industries and corporations, civil law regulates society to promote personal development in accordance with *universal* human qualities and values (*Bildung*). The dynamics of civil society transform its national culture by developing toward a constitutional state ruled by universal law. By virtue of the relative independence from the state<sup>27</sup> power that civil society enjoys due to the law of the market, the modern state marks a break with the primacy of its ethno-cultural historical roots as regards the justification of right by the development of property rights.

Hegel emphasizes the political importance of the cultural traditions of right, morals, and religion, but they will not serve as primary principles of law in the modern secular state, which has individual political freedom as its guiding principle. However, Hegel also rejects the idea of a free market governed merely by the ‘law of the jungle.’ With its characteristic mechanisms and basis in material needs, the market constitutes a sphere of necessity. Without regulation, it is dominated by the particular, i.e., the capricious—and not truly free—wills of individuals. But it is fair to say that because of the relative independence from the state and the principle of equal civil rights, civil society marks the sphere of negative freedom, “the basic freedom of choosing one’s vocation.”<sup>28</sup> Furthermore, because of its encouragement of private initiative, the development of talents, and the formation of a community of corporations pertaining to the various professions, organized business life constitutes an important condition for individual self-realization—positive freedom—whose promotion is also the ultimate end of societal and political institutions.<sup>29</sup> The ethics of corporations, which are

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<sup>25</sup> *Ibid.*, 346–351, §188–195.

<sup>26</sup> *Ibid.*, 340, §183.

<sup>27</sup> Hegel calls civil society the internal division (*Entzweiung*) of ethical life; see *Philosophie des Rechts*, 87, §33. Because it is the sphere of market interaction, which is based on selfishness, it counteracts the principle of unification administered by the state government and is therefore the “external state” and “state of need” (*Notstaat*). *Ibid.*, 340, §183.

<sup>28</sup> Westphal, “Basic Context and Structure of Hegel’s *Philosophy of Right*,” 258.

<sup>29</sup> Klaus Vieweg notes that the arbitrary freedom of the market is not true freedom (which is the positive realization of freedom). On the other hand, he concedes that “a free community cannot be conceived of without

communities formed to counteract the distress resulting from the ‘law of the jungle’ dominating the market, is substantive for the specifically modern ethical life, which is therefore different from the mainly religious ethnic ethics of primordial nations.

Considering Hegel’s separation of universal right from its historical, national origin, his rejection of the classical liberal identification of civil society with the state<sup>30</sup> may seem strange. The liberal idea that the primary task of the state is to protect the security and property of the citizens seems to favor the idea of the individual as a person enjoying universal rights. But Hegel, being critical of the idea of abstract, universal rights and atomistic individualism, emphasizes that the state is tasked with unifying individuals into leading a *communal* life. The purpose of state membership is to make an individual “objective and true”<sup>31</sup> by organizing ethical life through social institutions in such a way that individuals can live and realize themselves by pursuing their own good, while also developing their humanity. It is the aim of social life to unify particular individuals with their *universal* nature. Therefore, it is the interest of the state not just to protect rights but also to promote culture and education (*Bildung*).

Hegel’s view that individuals are determined to lead a communal life has been considered a totalitarian feature of his conception of the state. Against liberal views of the state as a contract formed by individuals, Hegel provides a metaphysical justification of the state, considering it a pre-individual, divine creation. Statements like “It is the progress of God in the world that the state exists, its foundation is the power of reason which realizes itself as will”<sup>32</sup> suggest a theological-metaphysical top-down justification of the state that contradicts bottom-up liberal principles. However, the accusation of totalitarianism overlooks the following passage, in which Hegel adds that it is to the state as a universal notion that he lends ontological priority and absolute power, and not to definite, actual state constitutions. His ideal of modern states is not the totalitarian states of the twentieth century, nor even the Prussian state of the early nineteenth century. He says that “the state is the actuality (*Wirklichkeit*) of the idea of ethical life—the ethical spirit that is the manifest (*offenbare*) substantive will, clear to itself, that thinks and knows itself, and accomplishes what it knows and as far as it knows it.”<sup>33</sup> Moreover, the modern state and civil society are based on freedom and right, which shows that free self-

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controlled laissez-faire (*Gewährenlassen*), development of particular interests, [and] specific persons.” See Klaus Vieweg, *Hegel: Der Philosoph der Freiheit* (Munich: C. H. Beck, 2020), 508.

<sup>30</sup> Hegel, *Philosophie des Rechts*, 399, §258.

<sup>31</sup> *Ibid.*, 399, §258A

<sup>32</sup> *Ibid.*, 403, §258 *Zusatz*.

<sup>33</sup> *Ibid.*, 398, §257.

realization of the citizens is a matter of core importance to them. Ethical life in modern states is based on the progressive idea of universal freedom and the development of ethical values corresponding to the conditions of modern society.

Culture and history—traditions—serve a significant function in the state as a historical formation, but which one, to be precise? Hegel's idea of the state structured as a unity of different systems, institutions, and social arrangements, including family, civil society, corporations, estates, and so on, presupposes a homogeneous culture, a community formed around shared traditional values. He cites the European nations, "which constitute a family due to the universal principle of their law, ethics, and education."<sup>34</sup> As mentioned earlier, the significance of national attitude appears particularly when nations enter international relations. Because of each state's basic interest in preserving its integrity by defending its territory, and its insistence on speaking its own language and practicing its religion, states can only interact as *particular* spirits of peoples (*Volksgeister*).<sup>35</sup> They are individuals pursuing their own national interests, seeking recognition and handling conflicts with others by virtue of war, coercion, or diplomacy. Internally, modern states should be founded on principles of *universal* right; externally, as *particular* peoples, they mainly act on the conditions of a state of nature. Thus, Hegel refutes the notion of a universally obliging right in international relations. The single nation state constitutes the ultimate justification of universal right. Beyond that, solely the "World Court" (*Weltgericht*) is left to determine the destiny and end of world history. A hidden "cunning of reason" (*List der Vernunft*)<sup>36</sup> rules behind the back of the national agents on the world stage and ensures that the higher goal of world history, the universal realization of the consciousness of freedom, is accomplished.<sup>37</sup> In this respect, patriotism serves an important function. It is in international

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<sup>34</sup> Ibid., 502, §339.

<sup>35</sup> Ibid., 503, §340.

<sup>36</sup> G. W. F. Hegel, *Vorlesungen über die Philosophie der Geschichte*, vol. 12 of *Werke* (Frankfurt am Main: Suhrkamp, 1986), 49.

<sup>37</sup> According to Hegel, the claim that reason rules history is a presupposition that the student must bring with her into the study of world history. Basically, it rests on the justification given in Hegel's speculative philosophy (*Science of Logic*) that reason permeates all reality and constitutes the absolute end (*der absolute Endzweck*) of the universe and world history. See Hegel, *Vorlesungen*, 20–21, 539–540. However, it is reasonable to add that Hegel's notion of history is based on the (Aristotelian) teleological notion of life as the actualization of an essence. Applied to a theory of human life, the essence of man is reason (*Vernunft*), which humans realize in social institutions intended for the progress of freedom (right and law) in society. Hegel seems to presuppose that freedom, which is what human life, including world history, is about, does not constitute a metaphysical detachment from the harmonious development pertaining to organic life in nature. The universality of his theory implies that history simply constitutes a continuation of nature in the sphere of freedom that pertains to the human world. Because Hegel considers human life akin to the organic life of nature, the possibilities of

affairs, especially in conflicts, that the national aspect of a state manifests itself in the attitude and support displayed by its citizens.

However, patriotism is not just manifested vis-à-vis other nations in times of war. By contrast, Hegel is critical toward superficial and excessive self-sacrificial behavior.<sup>38</sup> A genuine political disposition is more likely displayed by citizens in their ordinary life, as an unpretentious confidence in the state's administration of public order, e.g., when citizens habitually walk about at night without fear of assault. Patriotic attitudes are the tacit expression of the assumption that one's interest is essentially preserved in the state's interests and purpose; they express the citizen's trust that the state exists for her and is not a strange and hostile power.<sup>39</sup> This signifies the general, positive awareness of the state as a community: because of the anonymous, abstract character of laws and institutions, a state whose citizens lacked patriotic attitudes would simply be a system of external relations of dependences among individuals.<sup>40</sup> Therefore, individuals who accomplish their everyday duties support the state tacitly by their disposition (*Gesinnung*). It is in the conscious, ethical conduct of its citizens that the state manifests itself as an actual and true state rather than simply as an artificial machinery defined in opposition to its citizens. Hegel is eager to stress that a state is a living community only to the extent that its citizens manifest their engagement in their communal life. This makes the unity of the state depend on morals, education, and common ways of thought and action.<sup>41</sup> As headmaster of the high school at Nuremberg, Hegel strongly emphasized the importance of acting with a national disposition by reminding his students of their duties toward the state, namely, "to display obedience to the laws of their government, loyalty to the person (!) of the monarch, and allegiance to the constitution as well as national honour."<sup>42</sup> It is the constitution and national honor, rather than the idolization of a particular person, that is the primary object of patriotic attitudes.

The significance that Hegel ascribes to war as an event that gathers people together and strengthens their devotion to the national community is notorious. And after the First World War, it

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collective degeneration and a cultural step backward in the overall development of history are excluded. Therefore, the philosophical historian predominantly 'sees' progress in the realization of freedom, and conversely 'sees' evil as the necessary negative aspect of the world historical process. For Hegel's idea of world history as both a slaughter and a realization of the freedom of humanity, see *Vorlesungen*, 35, 539–540.

<sup>38</sup> Hegel, *Philosophie des Rechts*, 494, §324 Zusatz.

<sup>39</sup> *Ibid.*, 413, §268.

<sup>40</sup> Hegel, "Texte zur philosophischen Propädeutik," 265, §53.

<sup>41</sup> *Ibid.*, 266, §54.

<sup>42</sup> *Ibid.*, 266, §57.

influenced the reception of Hegel's political philosophy significantly.<sup>43</sup> However, Hegel's idea of war as a means to resolve conflicts between states when diplomacy fails is not intended as a glorification of war. His descriptions form part of his rational attempt to explain the phenomenon of war, its causes, and its function as a driving force of history. War, but diplomacy too, are available means to handle conflicts among nations because it is impossible to argue rationally for institutions of transnational rights and obligations. Hegel puts his trust in general education (*Bildung*) as the rational background of a government for handling international political affairs in accordance with the ethical spirit suitable for modern civilized nations.<sup>44</sup> Here, national characteristics do not divide, but rather function as educational means for preserving and furthering civilized relationships among nations.

#### **4. Natural Law or Pro-National Ethical Life: Conflict at the Foundation?**

Patriotism thus consists in participation in the practice of societal life in accordance with its fundamental values as they are grounded in morals, religion, and culture in general. And it is expressed in the law and order of civil life. As mentioned earlier, regarding the significance of the national element for constitutional law, Hegel distinguishes the historical presuppositions of the law from the authority based on its rational form.<sup>45</sup> The historical genesis of the national spirit as such is not identical with the ethical life on which the law is founded. Being simply a *subjective* disposition (mainly sentiments) displayed in the patriotism of the citizens—but lacking a firm and clear *objective* basis in social institutions—national spirit cannot constitute the state. National spirit is therefore subordinated to the forms of the law, whose validity depends on principles of universal right. The validity of the organization of the state government and its institutions must be justified rationally.

It is often overlooked that Hegel's *Philosophy of Right* carries an important subtitle: *Natural Law and Political Science in Outline (Naturrecht und Staatswissenschaft im Grundrisse)*. This indicates two things: First, that the system of law comprises both the organization of the government and the political institutions that regulate civil society, including the family. Second, and more importantly, it means that the law is deduced from the notion of right, which Hegel defines as “freedom in existence.”<sup>46</sup> Hegel's political science comprises the philosophical science of the state based on

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<sup>43</sup> Herbert Schnädelbach, *Hegels praktische Philosophie: Ein Kommentar der Texte in der Reihenfolge ihrer Entstehung* (Frankfurt am Main: Suhrkamp, 2000), 338.

<sup>44</sup> For a balanced account of Hegel's concept of war, see Shlomo Avineri, *Hegel's Theory of the Modern State* (Cambridge: Cambridge University Press, 1972), 194.

<sup>45</sup> Hegel, *Philosophie des Rechts*, 400, §258A.

<sup>46</sup> *Ibid.*, 29, 46, §§1, 4.

the concept of right. His political philosophy consists of a “system of right” manifesting “the kingdom of actualized freedom” (*das Reich der verwirklichten Freiheit*).<sup>47</sup>

But Hegel seems to renounce the principle of natural law, universal freedom, when he remarks that “the truth [about the state] is just as old, as it is already available in the public laws, public morality, and religion.”<sup>48</sup> The apparent merging here of positive law according to traditions and universal right according to rational principles begs the question of how the national and the rational aspects should be balanced as regards authority. Against the ascription of conservatism and legal positivism to Hegel’s *Philosophy of Right*—especially based on its preface—speaks Hegel’s lifelong endorsement of the ideals of the French Revolution. According to Ritter’s interpretation, Hegel’s political philosophy is far from a defense of conservatism or reactionary Prussian politics. By contrast, it is the “philosophy of revolution”<sup>49</sup> of his age. According to Ritter, it treats the *post*-revolutionary state,<sup>50</sup> by specifying which institutional reforms are adequate in relation to the ideals of the French Revolution. Hegel’s political philosophy is intended as a blueprint for the “realization of freedom” in rights and duties in the specific social spheres of the family, the market, the administration of justice, business corporations, and so on.<sup>51</sup>

The idea of a community based on the values handed down by tradition points in the direction of a moderate nationalism emphasizing the cultural identity of ethical life as the proper basis of right and law. How is this historical presupposition consistent with the demand for a rational foundation of the state on principles of natural rights? A key to the unification of ethical life and rationally grounded right is Hegel’s notion of freedom, which contains both a negative and a positive aspect. Although he defends equal civil rights in society, he also insists that freedom is only complete as realized within the social bonds of life in civil society. Freedom implies the positive aspect of active participation in life through social institutions. Because negative freedom alone does not guarantee self-realization, Hegel dismisses the *Déclaration des droits de l’homme* for addressing basic rights too abstractly.<sup>52</sup> The concept of right must be specified within concrete relations of social life in civil society. Real, concrete freedom must be conceived of as the conceptual unity of the *universal* essence of freedom—the capability of autonomy pertaining to the free will of the rational, human being—and

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<sup>47</sup> Ibid.

<sup>48</sup> Ibid., “Vorrede,” 13–14.

<sup>49</sup> Ritter, *Hegel und die Französische Revolution*, 15.

<sup>50</sup> “There is no other philosophy than Hegel’s that is in its inmost motive a philosophy of revolution.” Ibid.

<sup>51</sup> Schnädelbach, *Hegels praktische Philosophie*, 340–341.

<sup>52</sup> Ibid., 343.

the *particular* shape of the individual person pursuing the good of herself and the universal good in community with others. It is exactly in this specification that the system of right is in accord with ethical life: the development of individual freedom presupposes education (*Bildung*) through social, moral, and religious practice. Institutions and social arrangements draw on education (*Bildung*). The rights that citizens enjoy correspond to the state's obligations to provide opportunities for a proper education in civil society. Hegel's idea of freedom as actualized in the social life of the individual person with rights and obligations points in the direction of a social state.<sup>53</sup>

But although the notion of freedom as the self-realization of the individual in accordance with her inherent humanity enjoins an obligation on the state, the question of how natural right should be balanced against local traditions of right remains unanswered. This has consequences for the role played by the national element in Hegel's theory. Either the historical foundation is stressed, and the system of right merely reflects the ethical state of the epoch; or right is conceived of in terms of natural right, and this calls into question the authority of positive law and traditions. Hegel's theory is an attempt to unite these two sources: rational justification and historical origin. The partial relativism of the validity of basic rights is due to the idea that the history of the modern world exhibits the unfolding awareness of man's freedom, as it expresses itself in the history of the modern world. Nevertheless, Hegel insists on the superiority of a rational justification of the law. This means that if the historicist interpretation is to be rejected and Hegel's political philosophy is to be considered as built on principles of natural right, one must argue for a normativistic interpretation. This would imply the possibility of a criticism of existing political institutions.

Against the claims of conservatism and even Prussian totalitarianism put forward by critics from Haym to Popper, it has been the general tendency from Ritter to the present day to interpret Hegel's philosophy of right as a normative theory. Pointing to the historical context of Hegel's political philosophy, Ritter has demonstrated that Hegel's political position was strongly influenced by the political unrest and instability in the age of revolution that spanned Hegel's whole lifetime, and by the reactionary attempt in Prussia at a restoration of past, feudal political structures.<sup>54</sup> Thus, Hegel was eager, in political as well as philosophical respects, "to draw out the revolutionary principle of freedom as right from the political struggle and to keep it safe from the flood of events in the unrest of the age."<sup>55</sup> He considered it his task, on the basis of the legitimate demand for political freedom

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<sup>53</sup> Ibid., 344.

<sup>54</sup> Ritter, *Hegel und die französische Revolution*, 19–27.

<sup>55</sup> Ibid., 27.

proclaimed by the French Revolution, to “find the form of the right to freedom ... that is suitable for the freedom to be oneself and to make it possible for the individual person to become herself and to reach her human determination.”<sup>56</sup> In other words, Hegel considered it the world historical significance of the revolution to deliver political ideas that were *obligatory* as a basis of political practice. Once revealed, they are intuitively justified, universal ideas to be specified in concrete political reforms in ‘post-revolutionary’ states.

In an unpublished lecture on the philosophy of right from 1819/20, Hegel states that “what is rational shall become actual.” He adds that no power can prevent the legitimate claims put forward by the “inner spirit of the age,” i.e., the consciousness of freedom, from realizing the idea of freedom in forms of law.<sup>57</sup> According to these statements and Ritter’s interpretation, Hegel’s political philosophy is a normative theory based on rational principles. The historical genesis of the political institutions are just presuppositions that must necessarily succumb to rational arguments based on the principles of political freedom from the French Revolution. Thus, due to Hegel’s political attitude to the events of his age, and in accordance with the normative principles of his *Philosophy of Right*, it is evident that the modern state in his theory does not represent any existing state of his time. It is a notion based on principles of the age of revolution combined with some elements from the political units of the German area, including hereditary monarchy and estates (*Stände*).<sup>58</sup>

The dichotomy between principles of natural right and historicism as regards the origin and justification of right does not coincide with the dichotomy between rationality and nationalism. Surely, whereas natural rights are rational principles of justification, historical arguments do indeed signal a historical *origin*. But interestingly, the historicist aspect of Hegel’s theory emphasizes a feature in opposition to national foundations, namely the primacy of historical progress over the reactionary nationalistic idea of origin. For Hegel, the term ‘historical’ does not denote the past as such.

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<sup>56</sup> Ibid., 20.

<sup>57</sup> G. W. F. Hegel, *Philosophie des Rechts: Die Vorlesung von 1819/20 in einer Nachschrift*, ed. Dieter Henrich (Frankfurt am Main: Suhrkamp, 1983), 50–51.

<sup>58</sup> This normativistic interpretation is supported by the systematic place that the sphere of ethical life occupies in the *Philosophy of Right*. The explicit task of Hegel’s theory of ethical life, which is founded on Hegel’s critique of Kant’s concept of ‘morality’ (*Moralität*) for failing to provide guidelines for action, is to show how the organization of state and society constitutes a system that specifies the universal good in a coherent institutional setting. Hegel states, “Ethical life is the notion (*die Idee*) of freedom as the living good ... the concept of freedom which has turned into the existing world and the nature of self-consciousness.” Hegel, *Philosophie des Rechts*, 292, §142. For a description of how moral conscience becomes objective—i.e., ethical (*Sittlich*)—by virtue of the training of the citizen in the practices of public institutions that constitute the sphere of ethical life, see Terry Pinkard, *Hegel: A Biography* (New York: Cambridge University Press, 2000), 479.



It is the *present* movement, in which past and present wrestle. Something is left behind, yet also preserved to become constitutive moments of a new historical setting. The historical argument in Hegel's theory of right can thus be seen as pointing toward the change of political institutions according to the ideals of the age. The political process is the actualization of the notion of freedom brought about by critically minded reformers when they change political institutions according to the ideals that determine the modern age.

## 5. Religion, Rationality, and Right

As regards the normative foundation of right, Hegel ascribes substantive importance to the historical events that formed the idea of modern natural law in the tradition of the seventeenth century. In Hegel's formulation, it is the notion of universal freedom that addresses humanity by ascribing infinite value (*unendlicher Wert*) to every single person and which is complete, i.e., *actual*, only as "worldly existence" in state and society.<sup>59</sup> Conceptual universality and concrete completion in the robes of worldly existence are essential to Hegel's notion of freedom. As such, the negative and positive aspects of freedom prescribe rights as well as duties in the context of the state and civil society. However, Hegel also attaches importance to the *knowledge* of freedom as a condition of its normative status in law and morals. Far from being an idea reflecting mankind's laboriously achieved mastery over nature or social liberation, Hegel considers the notion of freedom to be the spiritual essence of man. It is known through revelation (*Offenbarung*) and only interpreted adequately in Protestant Christianity (Lutheranism).

The origin of the notion of freedom is a religion whose *rational* core is a knowledge brought to the world by a *historical event*, the Christian revelation. Therefore, the rationality of political philosophy is inevitably intertwined with history and religion. This means that Hegel's political philosophy reflects and expresses the modern state of his age, though it is universally valid as regards its foundation in the eternal notion of freedom. Exactly because Hegel emphasizes that historical presuppositions are nonfoundational and secondary to the rational deduction of right, the foundation in the notion of freedom transcends its origin in a religious and historical—and ethnic (German)—context. But his theory of the modern state and its justification is a secular theory because it is based on secularized forms of a historical, religious event: What was originally a merely religious idea was brought into societal life and transformed by the state so as to constitute the general principle of natural right. It was grasped by reason as an essential truth about man. Consequently, as regards

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<sup>59</sup> Hegel, *Enzyklopädie der philosophischen Wissenschaften III*, 302, §482A.

justification, the state must be separated from the church. Though sharing a common origin in the Christian revelation and in their subjective disposition (*Gesinnung*) as moral conscience, the church and the state belong to essentially different spheres. Whereas the former cultivates a personal relationship to God, the latter takes care of the worldly expansion of the good in the form of social institutions. As such, the state must constitute its own form of foundation. Hegel says that “independence of the authority and the faith of the church is necessary in order for the state to exist as the ethical (*sittliche*) reality of the spirit *that knows itself*.... Only thus, beyond the *specific* religious communities, has the state achieved the *universality* of thought, the principle of its form, and brings it into existence.”<sup>60</sup>

If ‘nationalism’ refers to a community of a people organized around common values, including religion and history, Hegel’s political philosophy has essentially nationalistic features. The state government is seen as based on the ethical life of a people (*Volksgeist*) whose historical source is religion and moral life. But ‘nation,’ in the sense of a people whose identity is constituted by a *primordial* common language, culture, and territory, is not what Hegel means by the national character of the modern state. The substance of ethical life is the *actual* (*wirkliche*) community around historically transformed values. Indeed, substantive values once originated in religion and in significant ‘national’ events, but they have undergone historical transformations that—last, but not least—have modernized them. They have gradually been assimilated into society and culture, where they constitute the ethics of common life practice and the rational principles of right.

## **6. Rejection of Nationalism—Deficit of Disposition (*Gesinnung*)**

Today, a Hegelian view would reject nationalist movements’ claims to uphold political rights in virtue of being *original* ethnic groups. It would rather endorse a variant of liberal or moderate nationalism, which connects modern liberal principles with pro-national attitudes or traditions, provided that the national community invokes the values of contemporary ethical life practice. However, the liberal features of Hegel’s move toward a constitutional national state should not be considered an endorsement of individual human freedom and the protection of individual autonomy as the final ends of political reform. Positive freedom prescribes the completion of freedom as individual self-realization in communal life. Thus, rights and duties are not merely prescribed by mutual respect for individual autonomy. They are rules of concrete social practice in institutions and social arrangements that secure a balance of individual and communal interests. It is a communitarian feature of Hegel’s political

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<sup>60</sup> Hegel, *Philosophie des Rechts*, 428, §270A.

theory that he recommends patriotic virtues such as “obedience to the person of the monarch and the constitution and national honor.”<sup>61</sup> As demonstrated, his theory does not express total worship of an individual person or the state power, because, according to Hegel, the state is not its own final purpose (*Selbstzweck*). By contrast, it is the task of the political system to care for communal welfare through social institutions within which individuals may realize themselves. From the perspective of the citizen, self-realization implies trust in one’s state and willingness to bear sacrifices for its sake in times of war. These virtues constitute the subjective conditions of the self-objectification that is necessary for a person to become a moral agent in public, social life. Patriotism is a matter of having confidence that the state, by means of social institutions, promotes the ‘unification’ (*Vereinigung*) of the individual through her role in civil society.<sup>62</sup>

Hegel notes that, without due sentiments in favor of patriotic duties, the state will stiffen to become a “machine.”<sup>63</sup> A national attitude in the moderate, liberal sense is thus the necessary subjective condition of a living community based on institutions handed down and modernized over generations. Sentiments and individual wills constitute its flesh and blood. But knowledge of the rational foundation of institutions must be the first and primary condition that legitimates and educates affection for the nation, since, ultimately, only *reason* can keep a tight rein on the *sentiments*.

## 7. Hegel and Modern Nationalism

‘Moderate nationalism,’ in the sense of a political affection for the history of a people, preserved as elements of modern ethical life, would be a suitable label for Hegel’s position. Nationalist movements advancing claims merely based on common origin, ethnicity, and cultural ties provoke, from a Hegelian point of view, struggles based on anachronistic ideas. They express an ignorance of the historical progress that has led to the modern world. The ‘national awakenings’ in present global struggles for political independence and autonomy would be criticized by Hegel for their overly emotional engagement and their irrational invocations of historically doubtful, semi-mythological ideas of an ethno-cultural, homogenous people belonging to a remote past.

In the present day, however, migration crises and the global growth of national self-awareness give rise to a multicultural complexity as many conflicting claims to privileges are advanced by ethnic minorities within nation states. From the perspective of this national awakening, Hegel’s theory of

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<sup>61</sup> Hegel, “Texte zur philosophischen Propädeutik,” 266, §57.

<sup>62</sup> Hegel, *Philosophie des Rechts*, 399, §258A.

<sup>63</sup> Hegel, “Texte zur philosophischen Propädeutik,” 265, §53.

the modern state appears slightly antiquated. It is essentially built on the idea of a people historically united in a culturally *homogeneous* ethical life. Surely, in his philosophy of history Hegel presented culturally incompatible nations, but in a diachronic order. The conflicts of the present day between simultaneously existing nations and states with heterogenous histories and cultures offer severe—though maybe not insoluble—challenges to his theory.<sup>64</sup>

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<sup>64</sup> Hegel is aware of the challenge that religious diversity presents to the state. But with a view to the possible split that it could bring about, he chooses the optimistic attitude: the state should be tolerant and rely on “the power of the customs (*Sitten*) and the inner rationality (*Vernünftigkeit*) of its institutions ... that they will diminish and overcome the division.” Hegel, *Philosophie des Rechts*, 421, §270, note.