

Hegel's Conception of the 'State'

According to Hegel, the state does not come in to existence by historical accident. "The state" writes Hegel, "is the march of God on earth." Hegel stated that the very existence of the state is part of a divine strategy.

Only in the sphere of the state does reason become conscious of itself; in other words, only in the state are the actions of man with his intentions ie. man knows what he wants and acts. In fact, in Hegel the normal or ideal state is an embodiment of society's highest collective ideals, which every member of a state finds its interest.

The Idea of the State is itself divided into three moments: (a) Constitutional Law; (b) the relation of states to other states in International Law; (c) World-History.

1) Constitutional Law

Hegel stated that along with rights the institutions of society requires a doctrine of duties. From the vantage point of the political State, this means that there must be a correlation between rights and duties. This means that in the state duty and right are united in one and the same relation. In fulfilling one's duties one is also satisfying particular interests, and the conviction that this is so Hegel calls "political sentiment" or patriotism.

Constitutional Law is accordingly divided into three moments: (a) the Legislature which establishes the universal through law making; (b) the Executive which subsumes the particular under the universal through administering the laws; (c) the Crown forming into unity the other two powers. Hegel understands the concept of the Crown in terms of constitutional monarchy.

(a) The Crown

The monarch is the bearer of the individuality of the state and its sovereignty is the ideality in unity in which the particular functions and powers of the state subsist.

The monarch is not a despot but rather a constitutional monarch, and acts to the recommendations and decisions of his cabinet (supreme advisory council). The monarch functions solely to give agency to the state, and so his personal traits are irrelevant and his ascending to the throne is based on hereditary succession, and thus on the accident of birth.

(b) The Executive

The executive has the task of executing and applying the decisions formally made by the monarch. "This task of merely subsuming the particular under the universal is comprised in the executive power, which also includes the powers of the judiciary and the police." Also, the executive is the higher authority that oversees the filling of positions of responsibilities in corporations. The executive is comprised of the civil servants proper and the higher advisory officials organized into committees, both of which are connected to the monarch through their supreme departmental heads. Overall, government has its division of labor into various centers of administration managed by special officials. Individuals are appointed to executive functions on the basis of their knowledge and proof of ability and tenure is conditional on the fulfilment of duties, with the offices in the civil service being open to all citizens.

The executive is not an unchecked bureaucratic authority. "The security of the state and its subjects against the misuse of power by ministers and their officials lies directly in their hierarchical organization and their answerability; but it lies too in the authority given to societies and corporations." However, civil servants would tend to be dispassionate, upright, and polite in part as "a result of direct education in thought and ethical conduct." Civil servants and the members of the executive make up the largest section of the middle class, the class with a highly developed intelligence.

(c) The Legislature

Legislative activity focuses on both providing well-being and happiness for citizens as well as exacting services from them (largely in the form of monetary taxes). Hegel also says that the other two moments of the political constitution, the monarchy and the executive, are the first two moments of the legislature, i.e., are reflected in the legislature respectively through the ultimate decision regarding proposed laws and an advising function in their formation. Hegel rejects the idea of independence or separation of powers for the sake of checks and balances, which he holds destroys the unity of the state. The third moment in the legislature is the estates, which are the classes of society given political recognition in the legislature. Thus, the estates incorporate the private judgment and will of individuals in civil society and give it political significance.

The legislature is divided into two houses, an upper and lower. The upper house comprised the agricultural estate (including the peasant farmers and landed aristocracy), a class “whose ethical life is natural, whose basis is family life, and, so far as its livelihood is concerned, the possession of land. Its particular members attain their position by birth, just as the monarch does, and, in common with him, they possess a will which rests on itself alone.” Landed gentry inherit their estates and so owe their position to birth and thus are free from the exigencies and uncertainties of the life of business and state interference. The relative independence of this class makes it particularly suited for public office as well as a mediating element between the crown and civil society.

The second section of the estates, the business class, comprises the “fluctuating and changeable element in civil society” which can enter politics only through its deputies or representatives (unlike the agricultural estate from which members can present themselves to the Estates Assembly in person). The appointment of deputies is “made by society as a society” both because of the multiplicity of members but also because representation must reflect the organization of civil society into associations, communities, and corporations.

The debates that take place in the Estates Assembly are to be open to the public, whereby citizens can become politically educated both about national affairs and the true character of their own interests.

As one of the classes of the estates, civil servants also participate in the legislature as an “unofficial class,” which seems to mean that as members of the executive they will attend legislative assemblies in an advisory capacity.

(2) Sovereignty vis-à-vis foreign States

According to Hegel, war is an “ethical moment” in the life of a nation-state and because these entities are oriented to preserving their existence and sovereignty, conflicts leading to war are inevitable. Also, defense of one’s nation is an ethical duty and the ultimate test of one’s patriotism is war. “Sacrifice on behalf of the individuality of the state is the substantial tie between the state and all its members and so is a universal duty.” In making a sacrifice for the sake of the state individuals proved their courage. Moreover, war, along with catastrophe, disease, etc, highlights the finitude, and insecurity puts the health of a state to a test. Hegel does not consider the ideal of “perpetual peace,” as advocated by Kant, a realistic goal towards which humanity can strive. Not only is the sovereignty of each state imprescriptible, but any alliance or league of states will be established in opposition to others.

International Law

States are not private persons in civil society who pursue their self-interest in the context of universal interdependence but rather are completely autonomous entities with no relations of private right or morality. However, since a state cannot escape having relations with other states, there must be at least some sort of recognition of each by the other. International law prescribes that treaties between states ought to be kept, however sovereignty of a state is its guiding principle, hence states are to that extent in a state of nature in relation to each other (in the Hobbesian sense of there being natural rights to one’s survival with no natural duties to others). Obviously, if states come to disagree about the nature of their treaties, etc., and

there is no acceptable compromise for each party, then matters will ultimately be settled by war.

States recognize their own welfare as the highest law governing their relations to one another, however, the claim by a state to recognition of this welfare is quite different from claims to welfare by individual person in civil society. States recognize each other as states, and even in war there is awareness of the possibility that peace can be restored and that therefore war ought to come to an end, as well as understandings about the proper limitations on the waging of war.

3. World History

According to Hegel rather than blind destiny, “world history is the necessary development, out of the concepts of mind’s freedom alone, of the moments of reason and so of the self-consciousness and freedom of mind.”

Though Hegel’s theory is sometimes seen as been advocating a fascist theory of state, nevertheless it is an important contribution to the realm of political theory.