

The Rabble and Its Constitution

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Abstract: Nowadays we are looking with increasing concern at the phenomenon of the new populism. The aim of my article is to find in Hegel's consideration of the rabble elements for a characterization of the new populism. According to Hegel, the creation of the rabble is the result of the antagonistic dynamics of a liberalized market economy. The transition of civil society into the state lean on the precarious basis of political disposition, which emerges from the particular welfare legally recognized by the double mediation of the political between social institutions and political representation. But the rabble is not organized in the particular circles of the institutions of civil society, which has negative consequences for the rule of law.

Keywords: Hegel; Philosophy of Right; rabble; populism; political representation; social institution; social rights.

Hegel, the social question and the emergence of the rabble

For Hegel, the founding principle of modernity is the “right of *subjective freedom*”.¹ Individual freedom is based on the separation between civil society and state. In the civil society, the individual is free to seek to satisfy his own needs and interests. Although the particular and communitarian elements present themselves in two separate spheres – civil society and the state –, it is possible to affirm that in the civil society the communitarian element is also present in three forms: (1) the principle of subjective freedom – which emerged *historically* through Christianity;² (2) the right of particularity – as an “universally valid” character, in the sense that the pursuit of rights guides the “mode of conduct” of seeking a particular satisfaction;³ and (3) the actualization of a selfish end – conditioned by a social-community space where market relations are developed.⁴ –Therefore, in Hegel's US-American reception

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1 GW 14,1, § 124 A. I'm quoting Hegel's and Marx's writings from their critical editions, respectively with the abbreviation *GW* and *MEGA*, with the indication of the volume, page or paragraph and eventually the abbreviation *A* for Annotation (*Anmerkung*). For Hegel's *Elements of the Philosophy of Right*, I use the translation of H. B. Nisbet (Cambridge: Cambridge University of Press, 2012). Other quotations are my own translations.

2 GW 20, § 482 A.

3 GW 14,1, § 258 A. “The fact that the habits of the right serve the realization of self-conscious and social freedom implies a particular challenge for their formation and it creates another source of their ongoing reshaping: The subjects of these habits, as self-conscious subjects, can distance themselves from these habits in critical reflection and possibly also form reflexive mechanisms – institutions of their critique, modification and regulation.” (Khurana 2017, p. 496)

4 GW 14,1, § 183. “The modern economy is one of the forms in which this subjective freedom finds expression.” (Herzog 2013, p. 60) Schmidt am Busch (2011, p. 195) characterizes the market economy as a kind of institutionalization of the recognition of personal respect. Although markets are not “norm-free systems,” it seems for me inappropriate – as Zurn (2016, p. 301) has considered – to define

the definition of *social freedom* was created in a sense that individual freedoms can only be achieved socially, i.e. through participation in social institutions.⁵

Hegel characterizes the market dynamics as a “system of needs” mediated by work.⁶ In the market system, each individual gives out his commodity, the result of his own work, with the aim of acquiring another commodity and, with that, to satisfy his own need.⁷ Each individual, by alienating the product of his work and seeking to satisfy his “*subjective selfishness*” through exchange, contributes to the satisfaction of the needs of other individuals. The satisfaction of a particular need is mediated by a communitarian element: It is the result of “dependence and reciprocity of work and the satisfaction of needs”.⁸ If, on the one hand, the social division of labor allows the differentiation and multiplication of needs and means of work, on the other hand it makes the work of the individual increasingly simple and mechanical, “so that the human being is eventually able to step aside and let a *machine* take his place.”⁹ Work is the universal means to acquire a part of the social wealth, but the social organization of production itself subtracts from individuals the natural means of acquiring social wealth.¹⁰

This contradiction shows that the market dynamics offers both the mere “possibility” of participation in social wealth¹¹ and the risk of reducing individuals to poverty.¹² On the one hand, a liberalized market universalizes the “association of human beings” and increases the “*accumulation of wealth*”, but, on the other hand, it also increases “the

them solely by the “moral criteria of social cooperation.” Although the common interest presents itself as the result of individual actions, it is not the motive that moves individuals: “The general interest is precisely the generality of the self-seeking interest.” (MEGA II,1.1, p. 168) As the social space of expression of subjective freedom and recognition of personal respect, the modern market is guided primarily by the norm principle of subjective particularity.

5 “[...] this conception of freedom is particularly difficult to grasp, in part because it is both a freedom that individuals achieve through certain ways of participating in their social institutions and a freedom that can be predicated of those institutions themselves, insofar as they are rational.” (Neuhouser 2000, p. 5–6.)

6 GW 14,1, § 188.

7 GW 14,1, § 192.

8 GW 14,1, § 199. “Markets thus take over a task of coordination which could never be accomplished by an individual human being or a government, as ‘no human wisdom or knowledge could ever be sufficient’ for it. Individuals only need to make judgments about their local situation [...]”. (Herzog 2013, p. 32)

9 GW 14,1, § 198.

10 GW 14,1, § 241.

11 GW 14,1, § 230.

12 GW 14,1, § 241.

isolation and the *limitation* of particular work”, as well as “the *dependence* and *want* of the class which is tied to such work”.¹³ This “large mass of people” – when it falls “below the level of a certain standard of living”¹⁴ – becomes unable “to feel and to enjoy the wider freedoms, and particularly the spiritual advantages, of civil society.”¹⁵ The “rabble” (*Pöbel*) is characterized by the loss of “feeling of right, integrity and honor which comes from supporting itself by one’s own activity and work”.¹⁶

The double mediation of the political

The division of labor creates “*particular systems* of needs” with their own forms of life and social institutions.¹⁷ The member of a social institution develops a “*selfish* end” that “expresses itself at the same time as a universal end”. (1) “*Selfish*” because it concerns the defense of interests and a particular form of life of the social institution of which the individual is a member. (2) “*Universal*” because the interest collectively formed inside the social institutions is “wholly *concrete*”, and has no wider scope than the end inherent in the trade which is the social institution’s proper business and interest.¹⁸ By giving a formative and socially shared character to the individual practice, the social institution elevates it to a “conscious activity for a common end”, providing another basis for action beyond mere contingent individual opinion or static preferences observed by economists.¹⁹

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13 GW 14,1, § 243. “Accumulation of wealth at one pole is, therefore, at the same time accumulation of misery, agony of toil, slavery, ignorance, brutality, mental degradation, at the opposite pole, i.e., on the side of the class that produces its own product in the form of capital.” (MEGA II,9: p. 559)

14 GW 14,1, § 244.

15 GW 14,1, § 243.

16 GW 14,1, § 244. “[...] once men are reduced in this way materially and spiritually they lose their sense of self-respect and their identification with the whole community, they cease really to be integrated into it and become a ‘rabble’ (*Pöbel*).” (Taylor 2006, p. 436)

17 GW 14,1, § 201. According to Jaeggi (2018, p. 40 and p. 16), forms of life grasp “attitudes and habitualized modes of conduct with a *normative character* that concern the *collective conduct of life*”. Although they are “neither strictly codified nor institutionally binding”, they are “always politically instituted from the outset and depend on public institutions.”

18 GW 14,1, § 251. “For instituted subjects, institutions are quasi things that furnish the world in which they move: they are there, seemingly eternal, apparent because presupposed by the everyday behaviors for which they provide a horizon of meaning [...]”. (Kervégan 2018, p. 338)

19 GW 14,1, § 254. “Only by adopting institutionally bound behaviour can the identity of actors be established, even in terms of self-identification. Moreover, it is recognition that establishes the social ontology of identity.” (Herrmann-Pillath; Boldyrev 2014, p. 101) According to Herzog (2015, p. 155), Hegel makes the individual preferences and identities, formed within social institutions, the “explicit object of theorizing”, and this is “a very different process of how general patterns of behaviour are brought into the market than the ones observed by economists. It does not arise as a consequence of how people’s static preferences interact, but concerns the formation of these very preferences”.

A civil society divided into social institutions possesses an antidote against the emergence of the rabble.²⁰ This occurs because social institutions reorganize the ethical body of the civil society, creating the following positive dynamics: (1) by conditioning a moral behavior, created by the free interaction of its members, the social institution limits the exercise of market power;²¹ (2) it institutionalizes particular forms of social identity and recognition, e.g. the recognition of a professional activity;²² (3) because each social institution forms a collective with definitely purposes, civil society is organized and anchored according to collectively formed particular interests; (4) the social institution promotes a “structure of distributed cognition”;²³ (5) the connection with a particular form of life, in which the members of the social institution meet and recognize each other mutually as equals, leads to a stabilization of consumer behavior;²⁴ (6) in social institutions a “principle of sociability and solidarity” is concretely developed by presenting themselves as an “antidote to the atomised individualism of a competitive commercial society” and counteracting the “external-negative results of purely private economic activities”;²⁵ (7) every social institution is thus a “moral self-governing body in civil society.”²⁶

20 “In short, Hegel saw corporations inside his system of ethical life structured in such a way that people are protected from becoming rabble, commoners, or a mob which Hegel termed *Pöbel*.” (Klikauer 2016, p. 21)

21 “[...] *social freedom* means the completion of individual freedom in the context of particular communities which provide the institutional and material conditions to express personal and moral freedom”. (Herrmann-Pillath; Boldyrev 2014, p. 157) At this point, it seems to me superfluous to fall back on Adam Smith’s idea of an impartial spectator and inner judge in order to build a bridge between abstract morality and ethical convictions, as if Hegel could only manage this “by positing the formation of ethics or ethical habits as a transformational process in which external expectations of behavior become relatively stable automatisms.” (Honneth 2018, p. 209)

22 “What is recognized in these social roles is the ability to contribute something useful to the social whole, but also the particular abilities of individuals; the recognition also comprises, in a sense, their decision to chose this kind of profession, and hence their free will.” (Herzog 2013, p. 78)

23 Herrmann-Pillath; Boldyrev 2014, p. 165. A civil society that is not organized in social institutions – i.e. that is “split up into individual atomic units” (cf. GW 14,1, § 308) – is exposed to problems such as populism. It is no accident that this one is treated as a “cognitive problem”: “Its supporters are supposed to be people who demand ‘simple solutions’ because they do not understand the necessarily complex solutions that are so indefatigably and successfully delivered by the tried and tested forces of internationalism”. (Streeck 2017, p. 392) The polarization between “ordinary people” and an “economically powerful”, “culturally arrogant” cosmopolitan elite, thematized by Streeck, considers only a superficial aspect of the problem. Because it is not enough – like the “new protectionists” (or populists) want – to return politics to the “ordinary people.” Rather, individuals must once again be able to form their own particular interests in independent social institutions.

24 GW 14,1, § 253 A. “One function of Hegel’s corporation is to stabilize the consumption behavior of its members. In Hegel’s view, the fulfillment of this function is important, among other things, because it opens up the possibility that the members of a corporation meet and recognize each other as equals in a consumptive sense as well.” (Schmidt am Busch 2011, p. 226)

25 Klikauer 2016, p. 141.

26 Klikauer 2016, p. 141.

Civil society and state are *only* “inwardly united” – i.e. through the political disposition in favor of the constitutional state – *if* “particular welfare is present as a right and is actualized”.²⁷ The autonomy of particular spheres is guaranteed through the political representation: it is only through the separation between the independent development of social interests and the formation of the common political interest that modern states can allow “the principle of subjectivity to attain fulfilment in the *self-sufficient extreme* of personal particularity”.²⁸ Hegel supports a delegation elected in assemblies of social institutions – i.e. not through the universal suffrage. His justification is that civil society elects its deputies “as *what it is*”, i.e. as “articulated” into its social institutions.²⁹ The idea of the concrete state is thus presented as a “*whole, articulated into its particular circles*”.³⁰ The double mediation of the political between social institutions and political representation structures a public sphere through which the rule of law presents itself as an “institutional framework for non-violent public discourse among different groups in society.”³¹

The formation of populist will

If a state has in the social institutions of civil society the guarantee of the “developed and actualized rationality” “in the realm of *particularity*”, its government policy must also be supported on the firm foundation of the rights of particular welfare.³² The collectively formed particular interests of social institutions, as well as the rights of particularity already realized, make up the starting point both for the debate on the formation of the general political will at the legislative and for the formation of a government policy. The problem arises when civil society is not articulated through social institutions. Both the institutions of sovereignty, which act “upon it from above”, and the particular rights of social institutions, “which act upon it from below”, prevent the government “from adopting the isolated position of an aristocracy and

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27 GW 14,1, § 255.

28 GW 14,1, § 260. This separation is in a sense compatible with current conceptions of democracy: “Democracy also requires a robust cultivation of society as the place where we experience a linked fate across our differences and separateness. Situated conceptually and practically between state and personal life, the social is where citizens of vastly unequal backgrounds and resources are potentially brought together and thought together.” (Brown 2019, p. 27)

29 GW 14,1, § 308.

30 GW 14,1, § 308 A.

31 Herrmann-Pillath; Boldyrev 2014, p. 163.

32 GW 14,1, § 265 and § 289.

from using its education and skill as arbitrary means of domination.”³³ Here lies the risk of a technocratic government that turns economic administration into an instrument of domination.³⁴ Thus, economic interests can receive an immediate political determination and lose their rational content of allowing themselves to be limited into the sphere of private law: “private law imposes itself on all legislation as well as on all governments.”³⁵

Hegel was criticized for having given only socioeconomic treatment to the rabble’s question.³⁶ He did this, however, having good reasons for doing so. His idea of ethical state presents the objective conditions for the realization of the modern principle of subjective freedom: a constitution based on the rights of particular freedoms, actualized through the double mediation of the political between social institutions and political representation. The rabble, thus, is no longer the rabble if it is organized in social institutions and able to formulate its own particular interests. A directly political inclusion of the rabble, without this mediation, would mean “to take the negative as a starting-point and to make malevolence and distrust of malevolence the primary factor”.³⁷ If for Hegel this “outlook of the rabble” was outside the executive power – since it could only “assume ill will, or less good will, on the part of the government”³⁸ –, it acquires a purely destructive character that turns against the institutions of sovereignty and civil society when it becomes the basis for a government policy. This negative viewpoint can only find itself again in the “abstract determination of membership of the state” – i.e. if the rabble is able “to implant in the organism of the state

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33 GW 14,1, § 297.

34 “Ordoliberal states cannot embrace citizen participation or democratic power sharing; rather, they are shaped by ‘a clear and unassailable expression of political will’ grounded in technical expertise.” (Brown 2019, p. 81)

35 Dardot; Laval 2016, p. 53. According to Hegel, the reasonable content of the principle of freedom of property consists in limiting itself to the sphere of abstract right: “A new system of civil freedom thus entered the feudal system, a principle that contained reasonable freedom according to its content, indeed freedom that has a limited sense, freedom of property, of skill and of what is produced by it, but in this sphere its content is reasonable. In the other system, the feudal system, dependence is general and accidental, if the content is reasonable and justified. In this system [feudal system – EN], everything became private property, even that which, by its nature, should not be, and which, once it becomes so, is against morality or against the right of the state”. (GW 27,1, p. 439)

36 “While I have tried to show that a genuinely economic problem becomes a political one, the philosopher himself [Hegel – EN] does not seem to share this reasoning: The danger of the rabble, of which he warns at length in the section on bourgeois society, is banished by the philosopher.” (Schilbach 2018, p. 193)

37 GW 14,1, § 272 A.

38 GW 14,1, § 301 A.

a *democratic element devoid of rational form*".³⁹ Without the mediation of social and political institutions, the formation of political will is based on criteria that come from the sphere of abstract right.⁴⁰ These can be either (1) economic interests (neoliberalism) and family values (neoliberalism and populism) or just (2) individual contingent opinion or the outlook of the rabble (populism).⁴¹ In this new political situation, particular demands must be then reduced to the abstract determination of membership of a national state.⁴² As a result, social rights can no longer present themselves as the rational result of the legal recognition of demands from social institutions of the dispossessed class. From now on, they receive the abstract determination of a national state: I am a member of a national state; therefore, I have certain social rights.⁴³ This has an explosive effect on a globalized market economy.

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39 See GW 14,1, § 308 A. These words might point to a democratic deficit of the Hegelian idea of the state. According to Habermas (1990, p. 199), for example, Hegel disqualifies the public opinion as a guarantor of agreement between the political reason of the public and parliamentary discussion. My interest, however, is not to return to this debate. Rather, I want to reinterpret this passage to suggest that democracies need a civil society that is articulated in independent social institutions. This revised interpretation of Hegel's Philosophy of Right can be critically employed against that *Zeitgeist* in which democratic values are paradoxically used to dismantle democratic institutions: "This is the central paradox, perhaps even the central ruse, of neoliberal governance: the neoliberal revolution takes place in the name of freedom – free markets, free countries, free men – but tears up freedom's grounding in sovereignty for states and subjects alike." (Brown 2015, p. 108)

40 "That is to say, the nature of the situation in an elective monarchy whereby the particular will is made the ultimate source of decisions means that the constitution becomes an electoral contract [*Wahlkapitulation*], i.e. a surrender of the power of the state at the discretion of the particular [*partikularen*] will; as a result, the particular [*besonderen*] powers of the state are turned into private property, the sovereignty of the state is weakened and lost, and the state is dissolved from within and destroyed from without." (GW 14,1, § 281 A.)

41 "[...] because of the de-collectivization of the welfare state and the dismantling of its reserves of solidarity, the individual is increasingly becoming individualized in a negative way." (Nachtwey 2017, p. 324) The de-collectivization of the welfare state makes economic calculation and family values the new sources of political will: Neoliberalism and Neoconservatism "seize upon the necessity of family responsibility as the ideal source of economic security and an effective counterforce to the demoralizing powers of the welfare state." (Cooper 2017, p. 73)

42 According to populist thought, the free differentiation of the particular interests of civil society should be reduced to a chain of equivalences of empty signifiers that remain related to a collective identity: "The construction of a chain of equivalences out of a dispersion of fragmented demands, and their unification around popular positions operating as empty signifiers, is not totalitarian but the very condition for the construction of a collective will [...]" (Laclau 2005, p. 166)

43 "Migration becomes a political problem where the welfare state is generous and accessible." (Manow 2019, p. 19) The only way to argue against this current political situation is to insist on the importance of the social sphere: "The social is where we are more than private individuals or families, more than economic producers, consumers, or investors, and more than mere members of the nation." (Brown 2019, p. 27–8) On the reasonable content of the idea of social law, see Nakamura (2018, p. 83–102).

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