

The State of Capital: Hegel's Critique of Bourgeois Society

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Abstract: Hegel's *Philosophy of Right* openly proclaims itself to be a work without a political agenda, an interpretation of politics rather than a political project. This essay contends that Hegel's decision to locate the universality of the state as the culminating point of the political structure represents itself a political intervention that occurs through the act of interpretation. Hegel's analysis of the relationship between capitalism (or civil society) and the state reveals that we must adopt the perspective of the state when looking at capitalist society. By doing so, we can recognize the political exigency of moving from capitalist particularism to the universality of the state form.

Keywords: Hegel – Philosophy of Right – State – Capitalism – Civil Society – Absolute

Formal Objections

Hegel's philosophy always privileges what comes last. Unlike most other thinkers who see how one begins as determinative, the starting point holds only an evanescent significance in Hegel's system. Whereas his one-time roommate and fellow German Idealist F. W. J. Schelling looks to the beginning of creation itself to prove the existence of freedom in his system, Hegel always sees beginnings as contingent and obfuscatory.¹ How things start hides relationality. In this sense, despite his considerable philosophical overlap with Schelling, there is a gulf between them, as well as an immense one between Hegel and the entire phenomenological tradition, which yearns to return to beginnings to discover what is original in our experience. This is the sense of Edmund Husserl's famous claim, "we must go back to the 'things themselves.'"² Phenomenology aims at uncovering the initial point of the experience of things that subsequent thinking about this experience covers. Hegel moves in exactly the opposite direction. For him, the illusory immediacy of the beginning in which a direct relation appears operative gains its significance only when we discover the mediation that underlies it.³

The works of Hegel begin with what appears as the most concrete position but is actually the most abstract. The abstraction of the beginning

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1 In his essay on freedom, Schelling locates the capacity for evil, which he sees as the sine qua non of human freedom, in the distinction between what exists and the ground out of which what exists emerges. Without this distinction at the heart of the creation of the universe, we could not conceive of ourselves as free. Rather than simply seek out freedom at the beginning of an individual subject's existence, Schelling looks to the beginning of everything. Hegel, in contrast, locates freedom in how we end up, no matter how things start. See Schelling 2006.

2 Husserl 2002, p. 168.

3 Despite writing a book entitled the *Phenomenology of Spirit*, Hegel is a rabid anti-phenomenologist, even though the practice didn't yet exist during his lifetime.

point consists in the failure to acknowledge the relations that constitute it. Moments such as sense certainty in the *Phenomenology of Spirit* or being in the *Science of Logic*—the opening moments in each work—intrinsically lead to more concrete positions because these starting points of the dialectic involve a thorough mediation that their semblance of immediacy hides. For Hegel, immediacy is never anything but a pretension to immediacy. As he demonstrates in each of these first sections of his two most famous works, there is no direct relation to objects or bare thought of being. The apparent immediacy of sense certainty or being requires a vast conceptual apparatus that must be functioning behind the scenes. A total network of relationality informs the simplest interaction or substance, which is what each work goes on to demonstrate. The end doesn't develop out of the beginning but simply reveals what is already operative, though unknown, in it.

Like the *Phenomenology of Spirit* and the *Science of Logic*, each one of Hegel's mature philosophical works moves from the immediate to the full elaboration of mediation, which is some form of the absolute (absolute knowing, absolute idea, absolute work of art, and so on). Importantly, *Elements of the Philosophy of Right*, despite seeming to have a different structure than these earlier works, is no exception. This work follows the exact same movement as the earlier ones, the movement from the apparently immediate to the demonstrably mediated, from abstract to concrete. Recognizing that the concrete arrives as a result at the end of a process of dialectical unfolding enables us to understand the political intervention that Hegel makes in the *Philosophy of Right*, just as it facilitates an understanding of the earlier works. Hegel's political claim—his critique of capitalist society—is written into the form of the book.

For Hegel, the concrete is not what we typically believe it to be. It is not the immediacy of direct experience but the complete mediation of a totality. An experience is concrete when we theorize all the relations that inform it. For instance, my concrete experience of the smell of a rose must take into account the activity of the gardener who planted it, the political arrangement that made it possible for me to come near this particular flower despite living in the city, and the social pressure that leads me to cherish roses as privileged flowers, to say nothing of the biological processes that produce the particular plant and its fragrance. Obviously, I can just enjoy smelling a rose without contemplating all of these mediating factors, but in order to understand it, I must. Thought doesn't eradicate the experience but plays a necessary role in constituting it. The immediate act of smelling itself is an abstraction if the thought of it doesn't register these layers of mediation. But we only arrive at them through a dialectical process of interpretation.

The form that most fully reveals the entirety of mediation along with the necessary contradiction is the most concrete. This is why the formal end point of Hegel's works is not just an arbitrary conclusion

but itself contains the theoretical claim that he is making. Where Hegel ends a work indicates the position that he is taking up on the question at hand, be it the structure of experience as in the *Phenomenology of Spirit* or ontology in the *Science of Logic*. Ending with absolute knowing or the absolute idea is a way of claiming that this is how we must understand experience or ontology. In contrast, the starting point reveals only what Hegel recognizes as inevitably surpassed and never intrinsically valid. Its value consists in showing us its lack of ultimate value. The beginning is important only insofar as it contains the end in embryo.

To explain the inadequacy of the beginning relative to the end, Hegel has recourse to the metaphor of the relationship between the acorn and the oak tree. In the preface to the *Phenomenology of Spirit*, he writes, “When we wish to see an oak with its powerful trunk, its spreading branches, and its mass of foliage, we are not satisfied if instead we are shown an acorn. In the same way, science, the crowning glory of a spiritual world, is not completed in its initial stages.”⁴ Although the acorn will eventually grow into the oak, the acorn form obscures all the relations that will sustain the oak tree—specifically the sunlight, the air, the soil, and the water. Without this mediation, there could be no oak tree, and yet, the acorn appears to exist independent of this relationality, as just a little isolated nut. Like all beginnings, the acorn misleads us into failing to see all that goes into the constitution of the tree. In contrast, the end point, for Hegel, is absolute. It exposes the constitutive mediation that goes into its structure and the contradiction that this mediation makes evident. Where a system ends represents the point at which its mediated structure reconciled with the necessity of contradiction becomes most fully apparent.

While the privilege that Hegel accords to the end point appears to confirm his status as a teleological thinker, it actually indicates his total opposition to teleology, despite the fact that this is the critique most often levelled against him.⁵ Hegel’s system does not depict a chronological development but instead a revelation of the relations that already inform the beginning point. The network of mediation that unfolds inform the immediate opening, but that opening obfuscates this mediation. Moving from the immediate to the fully mediated is, in the most important sense, not a movement at all and thus not an indication of Hegel’s investment in teleology. It also forms the basis for the political contribution that Hegel’s philosophy makes.

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4 Hegel, 2018, p. 9.

5 For instance, Kojin Karatani argues that in Hegel’s thought “every becoming is realized teleologically as a self-realization of spirit.” Kojin Karatani, *Transcritique on Kant and Marx*, trans. Sabu Kohso (Cambridge: MIT Press, 2003), 188. Karatani asserts this point in order to defend Kant against Hegel’s critique of him, but this line of thought is widespread among Hegel’s detractors (and even some of his partisans).

The most political decision that Hegel makes in *Elements of the Philosophy of Right* is opting to conclude the book with the state rather than with civil society [*bürgerliche Gesellschaft*], which is Hegel's term for the capitalist economy.⁶ The decision is not an implicit claim that the state is an unimpeachable authority but that it enacts universality that lays bare the mediation that other social forms, such as the family or civil society, obscure. The state is the absolute political form, which means that it exposes all social mediation as well as the intractable contradiction that animates the social structure. Just like absolute knowing or the absolute idea, the reconciliation achieved through the theorization of the state form is a reconciliation with contradiction rather than with its overcoming.⁷ This is Hegel's definition of the absolute.

By ending his treatise on politics with the state, Hegel asserts through the book's form that we must see the state as having the last word on the capitalist economic structure, the structure that he identifies with the term "civil society."⁸ In the act of placing the state in this position, he implicitly claims that capitalism does not coincide with human nature, as its ideologists proclaim, but instead can only emerge against the background of the modern state, which provides the mediating background for civil society. The state forms the basis for capitalism and must ultimately trump its regime of self-interest with an assertion of universality. Rather than looking at the state from the particularist perspective of capital, we must look at capital from the universalist perspective of the state. This is a radical shift of perspective that calls into question the persistence of capitalist society. It is what's at stake in Hegel's formal gesture in the *Philosophy of Right*.

When societies do not do this, when they allow capitalism to override the power of the state, they lose touch with the project of universal emancipation that animates modernity and become mired

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6 The accepted translation into English of *bürgerliche Gesellschaft* as "civil society" obscures an otherwise clear connection between Hegel's critique and Marx's in the *Economic and Philosophical Manuscripts of 1844*. In these manuscripts, Marx enacts a critique of capitalism, but he refers to this economic structure not as capitalism but as *bürgerliche Gesellschaft*, translated most often as "bourgeois society." This becomes especially apparent in the essay "Estranged Labor." Hegel's reception in the English-speaking world suffers from this translation discrepancy. See Marx 1964.

7 Hegel locates the contradiction of the state in the figure of the monarch, who represents singularity within the state's universality. Without the irrational point of the monarch, Hegel believes, the state form would no longer be reconciled with contradiction and would lose its universality. For more on the necessity of the monarch or some equivalent figure, see McGowan 2019.

8 Given Hegel's account of civil society as the realm where one pursues particular self-interest without regard for universality, it seems clear that he is referring here to the capitalist economy and its ideological presuppositions. There are interpreters, however, who see this account of civil society as too reductive. For instance, Dean Moyer claims that Hegel views civil society as "more of a catch-all category than a specifically economic one." Moyer 2007, p. 201.

in particularism.⁹ The triumph of the particular over the universal is a prescription for a social unraveling in which acting for the collective becomes anathema. The state comes to appear for people as a form of civil society rather than as the site of universality. When this occurs, people view the state as nothing but as protector of various interests. Rather than asserting a positive public organization, the state just guards private interests. Hegel calls this attitude the reduction of the state to the status of civil society, and he sees it as the chief danger of the modern universe. This denigration of the state is the situation today, which is why the theoretical corrective that Hegel offers is more urgent than ever.

When reading the *Philosophy of Right* in 2021, one cannot help but be taken aback at Hegel's insistence of the right of the state to insist on vaccination.¹⁰ Hegel argues that the health of the collective outweighs individual choice when it comes to the question of schooling or vaccination. If a society allows the particularism that predominates in civil society to overrule the universality of the state, mandating vaccines will become questionable and private interests will prevail over the public. This is precisely what we see happening around the world in the midst of the Covid-19 pandemic. The woeful response to this pandemic—the refusal to mandate various measures for public health, from masks to vaccines, and the resistance to these measures when instituted—reveals the contemporary impoverishment of the state relative to the logic of civil society, a situation that Hegel attempts to forestall through his theoretical interpretation advanced in the *Philosophy of Right*. Although he doesn't anticipate the Covid-19 pandemic—even Hegel has some limitations—he does foresee our inadequate reaction to it and the reasons for that inadequacy.¹¹

According to the logic that Hegel lays out, the particular self-interest that drives capitalist subjects must give way to the demands of the universal that state makes on subjectivity. The universality of the state frees the subject from the dictates of its self-interest, which is what

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9The rejection of the state form—and all form—as oppressive indicates the abasement of contemporary politics. The flight from state power is not an expression of Marxism's critique of the state but a retreat from it, which is why Marxist theorist Anna Kornbluh insists on the state form. For Kornbluh, "form is the answer rather than the problem." Anna Kornbluh, *The Order of Forms: Realism, Formalism, and Social Space* (Chicago: University of Chicago Press, 2019), 162. Dissolving forms plays directly into the dominance of civil society.

10 Hegel claims, "society has a right ... to compel parents to send their children to school, to have them vaccinated, etc." Hegel 1991, p. 264. This is not just a modernized translation. Hegel uses the term for vaccination, *impfen*, that remains current today.

11 Viewing the state as civil society and thereby missing the universality inhering in the state is not confining to rapacious capitalists. It is also the failing of many left-leaning theorists, chief among them Giorgio Agamben, who sees any attempt to ameliorate the effects of the Covid-19 pandemic as an illegitimate expansion of state power.

predominates in civil society. Merely on the basis of where Hegel places the state in the structure of his political philosophy, he articulates his critique of the basic presuppositions of capitalist society and points to how we should conceive its transformation. Civil society or capitalism is an incomplete political form that requires the perspective of the state to constitute it. Capitalism points to its own overcoming through the state structure that is the necessary soil in which it grows.¹² Capitalist society depends on the state, and yet the state form provides a universality that points beyond its incessant particularism.

Despite its dependence on the state, capitalism survives as a socioeconomic system on the basis of its political priority relative to the state that it assumes and that people give it. Capitalist society cannot continue intact if the universality of the state form plays a determinative role relative to the demands of capitalist particularity. The state doesn't just make capitalism possible; once it has theoretical priority, it also makes capitalism impossible because of its universality. Universality is always emancipatory and thwarts capitalist accumulation because it forces subjects to abandon their particularist perspective and to recognize the solidarity that derives from the universal. Subjects in solidarity are not capitalist subjects.

Although capitalism operates according to the logic of the particular, it nonetheless relies on an implicit structure that governs the competing particularities. This is what Adam Smith refers to as the invisible hand that guides capitalist society.¹³ Because this universality remains undeveloped amid capitalist relations of production, capitalist subjects cannot become aware of it. They toil trapped in the perspective of their particularity. The state must intervene as the standpoint from which subjects view capitalist exchange in order for them to see the universality that underlies it. This is Hegel's aim in the form that he gives to the *Philosophy of Right*. The form of this book gives it a political

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12 Although he is critical of Hegel's failure to accede fully to the position of the Marxist materialist, Georg Lukács nonetheless credits Hegel with providing the first philosophical analysis of capitalist society that takes its economic structure into account. He writes, "it is undoubtedly no accident that the man who completed the edifice of idealist dialectics was the *only* philosopher of the age to have made a *serious* attempt to get to grips with the economic structure of capitalist society." Lukács 1976, p. 565. By giving a space for civil society but not giving it priority over the state, Hegel simultaneously describes the reality of capitalism and offers a critique of its ideological presuppositions. Although Lukács gives Hegel a great deal of credit for his speculation about capitalism, he doesn't go so far as to acknowledge him as a critic.

13 Even though Hegel's account of civil society betrays the influence of his reading of Adam Smith's *Wealth of Nations*, had Smith written the *Philosophy of Right*, he would have ended it with civil society rather than with the state because in Smith's vision capitalist relations have the last word in structuring the society. Ironically, were Karl Marx to rewrite the *Philosophy of Right*, his first step would be to reorder its chapters in the same way that Smith would, albeit for different reasons. According to Marx, the idea that the state might curtail or even trump the power of capital is nothing but a symptom of capitalist ideology, to which Hegel falls victim when he structures his work of political philosophy.

radicality that Hegel himself likely does not suspect. He isn't trying to show the path to moving beyond capitalism, but this is what he does.

Theoretical Politics

If interpreters want to consider Hegel a political thinker, they typically do not look to his work on politics, which seems like a document of political quietism, but to the early *Phenomenology of Spirit*, a work that appears at moments to point toward openings for political activity. This is the strategy that Robert Brandom takes up in *A Spirit of Trust*, his attempt to found a Hegelian politics of overcoming modern alienation without abandoning the freedom that modernity provides.¹⁴ The fact that Brandom articulates his Hegelian politics through a commentary on the *Phenomenology of Spirit* rather than an interpretation of the *Philosophy of Right*, Hegel's book specifically devoted to politics, is in no way an accident. Hegel's work of political philosophy devotes itself to analyzing what is rather than what should be.

Reading the *Philosophy of Right* as a political treatise appears to run up against Hegel's own claims about the political role of philosophy. Rather than imagining his work as a political intervention, he sees it as merely an analysis after the fact, as an autopsy on the very institutions that his work analyzes. Hegel's antecedents, such as Kant and Fichte, write up political maps for attaining perpetual peace or strengthening the German nation, and his descendent Marx vows to change the world rather than merely interpret it. But Hegel stands out for his insistence that all of these gestures run up against the foundational limit of all philosophizing. This limit is the philosopher's inability to see the future. Hegel's stubborn determination to adhere to this limit stands out in his political philosophy.

The contention that philosophy cannot instruct politics derives from Hegel's focus on the structural end point where mediation is fully visible. When we act politically, we often do so—perhaps we must do so—without taking all the mediation of the system into account. We do not foresee the dialectical reversals that our political act undergo, the mediation that informs it, nor the contradictions that holds within. All this becomes evident only from the standpoint of the end, which is why Hegel insists on it for philosophy. It is only thinkers who value beginnings that can make political pronouncements and offer political advice. Hegel's

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14 As Brandom puts it, "A proper understanding of ourselves as discursive creatures obliges us to institute a community in which reciprocal recognition takes the form of forgiving recollection: a community bound by and built on trust." Brandom 2019, p. 635. In the *Phenomenology*, Hegel provides for us a political task, an obligation to create a community of forgiveness accomplished through recognizing our own fault in the other's transgressions. The enormous obstacle in the way of Brandom's politicization of Hegel is the latter's exhortation of any philosophy that ends with an *ought* [*Sollen*]. Hegel denounces this position unequivocally in both Kant and Fichte, but Brandom's interpretation of the *Phenomenology of Spirit* transforms this work into an extended plea for what we ought to do.

commitment to the end is also his commitment to philosophy's lack of a political bearing, which he announces right away in his work on politics.

The most memorable passage in the *Philosophy of Right* comes in the preface. It is Hegel's confession of philosophy's political fecklessness. In contrast to direct political acts, philosophy's theorizing of politics—what Hegel does in the *Philosophy of Right*—cannot transform the world, or so Hegel seems to admit. He states,

A further word on the subject of *issuing instructions* on how the world ought to be: philosophy, at any rate, always comes too late to perform this function. As the *thought* of the world, it appears only at a time when actuality has gone through its formative process and attained its completed state.... When philosophy paints its grey in grey, a shape of life has grown old, and it cannot be rejuvenated, but only recognized, by the grey in grey of philosophy; the owl of Minerva begins its flight only with the onset of dusk.¹⁵

This statement seems to leave the would-be political activist with little to work with. As Hegel formulates it, political activism and philosophy have no common ground. Hegel offers no explicit political guidance and expressly prohibits philosophy from doing so.¹⁶ Philosophical wisdom arrives after the political problem has been resolved, not in time to prescribe an intervention.

We certainly cannot take the political arrangement that Hegel describes in the *Philosophy of Right* as an ideal toward which to aspire. This is a point that Robert Pippin insists on in an effort to dampen any enthusiasm for the particular structure—including the monarch at the head of the state—that Hegel puts forward in this work. Pippin claims that one must apply Hegel's own claim about the tardiness of philosophy to his own work. The political apparatus that he analyzes here “has grown old, is dying, and only because of this can it now be comprehended by Hegel. It is hardly the image one would propose were one trying to claim that we had reached some utopia of realized reason.”¹⁷ According to Pippin, Hegel cannot be advocating the relationship between the family, civil society, and the state that he lays out here, simply because he argues against philosophy's ability to advocate anything politically.

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15 Hegel 1991, p. 23. Rebecca Comay sees the space for politics within Hegel's statement that appears to confess the political inutility of philosophy. She writes, “The indiscernible gap between gray and gray marks the interval in which the spectator can find a foothold for intervention. Repetition marks the formal difference separating the present from itself: it identifies the site where the subject's agency is both reflected and repelled.” Comay 2011, p. 144.

16 According to Slavoj Žižek, Hegel's refusal to offer any political program for the future is the index of his radicality as a political thinker. In *Hegel in a Wired Brain*, he writes, “Hegel's thought stands for a radical opening towards the future: there is in Hegel no eschatology, no image of the bright (or dark) future towards which our epoch tends.” Žižek 2020, p. 2.

17 Pippin 2013, p. 18. Pippin believes that Hegel sees our political task not as accomplished but as unending. He claims, “it is likely that the state, understood as the realization of freedom, does not have anything like a permanently achieved, eternal structure, and that ... historical contingencies will always pose anew the question of the rationality of the actual.” Pippin 2019, p. 312.

That said, Pippin must also be correct to believe that Hegel has some political agenda. If Hegel really believed that philosophy had no political effect at all, he would not write a work of political philosophy. The act of writing itself indicates an investment in the possibility for transformation driven by what one writes, even if one's only aim is to see the status quo continue without the emergence of any potential interruption. The question in Hegel's philosophy is where we should locate this political charge.

My contention is that Hegel identifies philosophy's political efficacy with the act of interpretation. Philosophical intervention does not come from offering directives or strategic plans for political activity but by providing a radical interpretation of political forms. Although philosophy cannot issue instructions or provide an outline for a political project, its recognizing power is at once a transformative power.¹⁸ To turn Marx on his head, it is by interpreting the world that the philosopher changes the world.

By theorizing the state as the political absolute and relegating capitalist exchange to a dependent position in relation to it, Hegel practices interpretation as politics. In his formulation, the state ceases to be the handmaiden of capital and becomes the universalist corrective to its particularism. Left to its own devices, the particularism of civil society runs amok. It threatens to destroy the social order. The state must provide the universal perspective that ensures social solidarity and egalitarian emancipation. Although Hegel does not foresee how the state will accomplish this emancipation, he theorizes this as its political role.

Marx Avant la Lettre

Marx is the first to recognize the fundamental contradiction that animates the capitalist economy: its necessity of minimizing the laborer's wage and simultaneously maximizing this same laborer's purchasing power. This is the contradiction between the production of surplus value and its realization through the sale of the commodity. Writing before Marx (and before the fuller development of industrial capitalism, especially in Germany), Hegel does not evince any awareness of this contradiction. But he does grasp an equally fundamental contradiction in capitalism that leads to the constant social unrest that it unleashes.

For Hegel, capitalism's excessive creation of wealth produces an equal excess of impoverishment.¹⁹ In his discussion of civil society

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¹⁸ Importantly, Hegel does not say, like Ludwig Wittgenstein, that philosophy "leaves everything as it is." Wittgenstein 2009, p. 55. Although philosophy doesn't offer political plans, it does necessarily shake things up politically through the interpretation that it offers.

¹⁹ Rosa Luxemburg provides a precise formulation of the capitalist contradiction that Marx recognizes. She claims, "accumulation proceeds without it becoming apparent in the slightest for which new

in the *Philosophy of Right*, Hegel explains that capitalist society is the source of both extremes of luxury and of want. The more wealthy some members of capitalist society become, the more impoverished others become. This is, according to Hegel, the unalterable rule that derives from the philosophical basis of the capitalist mode of production. It is a contradiction of capitalist society, although Hegel doesn't label it as such.

The link between capitalism's unchecked production of wealth and equally unchecked creation of poverty stems from capitalism's relationship what Hegel sees as the bad infinity [*die schlechte Unendlichkeit*].²⁰ The bad infinity, as Hegel conceives it, is an infinite expansion that recognizes no limit. It is bad to the extent that it is inherently unrealizable. One constantly strives for more but never reaches the goal of attaining it, since the goal recedes as one approaches it. Capitalism demands that one accumulate more and more, but one never reaches the point of having enough. *Not enough* is the capitalist watchword, and this watchword is the indication of centrality of the bad infinity in capitalist society.

Hegel contrasts the unending straight line of bad infinity with the true infinite, an infinite that he represents with a circle. Rather than striving for a goal that is inherently unattainable, the true infinite always reaches its end point and finds satisfaction with itself.²¹ Whereas the bad infinite characterizes capitalism's ceaseless striving for more, the true infinite is the structure of the state's universality. It constitutes itself through positing its own limit and exists through that limit rather than through the attempt constantly to go beyond it.

The bad infinite and the true infinite have a radically different relationship to contradiction. The bad infinite seeks more because

consumers production is ultimately being constantly expanded." Luxemburg 2015, p. 236. According to Luxemburg, capitalism attempts to solve this contradiction by resorting to colonization, but this inevitably fails in her eyes.

²⁰ Although he concludes that Hegel fails to logically derive the state as a realm that can produce the solidarity that will restrain the particularizing drive of civil society, Terry Pinkard nicely identifies civil society with the bad infinite. He says, "On its own, civil society (embodying the proper object of "political economy") is structured around the bad infinite. Needs get multiplied to infinity, the necessity for either expanding capital or being swallowed by other traders pushes the traders themselves to more and more distant connections, and production and consumption become decoupled once trade extends beyond the bounds of local communities. The structure of civil society is the $n + 1$ of the bad infinite: Always one more in the series, all the way up to the infinite and all the paradoxes it seems to bring with it." Pinkard 2017, p. 323-324. In other words, Hegel defines the capitalist economy as a structure completely overtaken by the logic of the bad infinite and thus unable to actualize any satisfaction for subjects caught up in it.

²¹ In the *Science of Logic*, Hegel offers a contrast between these two versions of the infinite. He begins with the bad infinite, saying, "The image of the progression in infinity is the straight *line*; the infinite is only at the two limits of this line, and always only is where the latter (which is existence) is not but *transcends itself*, in its non-existence, that is, in the indeterminate. As true infinite, bent back upon itself, its image becomes the *circle*, the line that has reached itself, closed and wholly present, without *beginning* and *end*." Hegel 2010, p. 119.

it is bent on overcoming contradiction. It looks to a future free from contradiction, but it is just this search for overcoming contradiction that continues to reproduce it, as is clearly evident in capitalist society. Capitalism's drive to escape contradictions is a source of its multiplying contradictions. The true infinite, on the other hand, reconciles itself with contradiction. Rather than seeking to overcome it, contradiction becomes what sustains the true infinite and drives it around its circular path. The true infinite manifests itself in the universality of the state.

The dominance of the bad infinite in civil society leaves capitalist subjects always wanting what they don't have. They desire infinite accumulation. As a result, no amount of accumulation is ever enough. The more that one has, the more that one experiences oneself as missing what one desires. This is why the richest individuals in capitalist society are always the most avaricious. They experience their unreconciled lack much more than those who have little.

Hegel recognizes that there is a dialectical relationship between those who have too much and those who have too little. Capitalist desire refuses to abandon accumulation at any point, which ensures that some will have almost nothing in order that others can have too much. Capitalism's constant drive for more results in a situation where the few accumulate vast fortunes at the expense of the many who toil in misery and become utterly debased. Hegel writes, "The tendency of the social condition towards an indeterminate multiplication and specification of needs, means, and pleasures—i.e., *luxury*—a tendency which, like the distinction between natural and educated needs, has no limits, involves an equally infinite increase in dependence and want."²² As capitalism creates an increasing quantity of wealth, it requires an equal increase in poverty. The drive to accumulate cannot allow any stone—or any potential source of wealth—to remain unturned. The mass of people become buried beneath these stones turned over by capitalism's winners.

Capitalism's inability to produce subjects who recognize their own satisfaction also leads to an infinite production of additional commodities that eventually become new necessities. In his analysis of this process in the *Philosophy of Right*, Hegel anticipates what Marx in the *Grundrisse* calls capitalism's production of needs.²³ Civil society creates an environment in which people can enrich themselves by convincing others that there are an infinite number of items that they need to become truly comfortable in the world.

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22 Hegel, 1991, p. 231.

23 Marx states, "Production not only supplies a material for the need, but it also supplies a need for the material.... The need which consumption feels for the object is created by the perception of it. The object of art—like every other product—creates a public which is sensitive to art and enjoys beauty. Production thus not only creates an object for the subject, but also a subject for the object." Marx 1993, p. 92.

But the supposed need for comfort is, according to Hegel, inherently impossible to satisfy. Every increase in comfort creates a new discomfort. The soft mattress allows one to fall asleep comfortably but results in waking with a terrible backache. The heater saves one from the cold but leaves one's skin too dry. The ubiquity of possibilities for entertainment leave one with nothing desirable to watch. And so on. Hegel writes, "What the English call 'comfortable' is something utterly inexhaustible; its ramifications are infinite, for every comfort in turn reveals its less comfortable side, and the resulting inventions are endless. A need is therefore created not so much by those who experience it directly as by those who seek to profit by its emergence."²⁴ Marx could not have said it better himself. Even when capitalism caters to the desire for comfort, it cannot help but create additional discomforts that it must subsequently attempt to remedy with an additional commodity.

But the very project of producing a comfortable life through accumulating an endless number of commodities is a betrayal of subjectivity itself. The *Philosophy of Right* includes a surprising diatribe against civil society's drive to keep us comfortable. Increasing the comfort of existence is not the path to emancipation. An emancipated society would not be one that finally did away with discomfort once and for all. It would be a society that accepted a certain level of discomfort as the price that we pay for our spiritual existence, for our break from animality. Other animals will always be more comfortable in their worlds than subjects are because they lack the alienation from place that comes with subjectivity. The discomfort of our alienation is the measure of our freedom. Unlike civil society, the state demands a degree of discomfort. It constantly reminds us of our alienation from our natural being through its prohibitions. Rather than promising the possibility of overcoming alienation with the image of more in the way that capitalism does, the state requires the acceptance of it through adherence to the limit of the law.

Public Property

The basis for capitalist society is the immediacy of property. The presupposition of capitalist relations is that I can possess property prior to entering into social relations, even if this property is nothing but my own body. As a result of possessing property, I have the ability to engage in exchange with others in order to increase my amount of property or acquire new forms of property. In order for capitalism to function as it does, property must be defined as essentially private, as determined first and foremost by the subject's own private actions. I must be able to have property regardless of the state of the state.

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²⁴ Hegel 1991, p. 229.

John Locke is the great ideologist of capitalist property relations. In the second of his *Two Treatises of Government*, Locke insists that the act of labor produces private property regardless of and prior to the constitution of the social order. For him, the state does not make private property possible through its system of law. Its system of law merely safeguards the property that individuals themselves create through their activity of working on the materials of nature.

As Locke sees it, the individual's labor generates property through making use of what is available in the natural world. Utility has a transformative power that denaturalizes what one uses and turns it into a possession. He writes, "As much as any one can make use of to any advantage of life before it spoils; so much he may fix by his labour a Property in. Whatever is beyond this, is more than his share, and belongs to others."²⁵ The transformative power of utility fixes a limit between one's own property and that of others (or that which belongs to no one). Useful work has this power in a state of nature, regardless of the social conditions that underlie it.

This conception of private property is essential for capitalist society because it provides the economically necessary presupposition that supports the system. Even capitalist societies that disdain political liberalism (such as contemporary China) require this presupposition. If one considers property as a determination of the state form and its legal apparatus, then the right of the individual to do what it wants with its property disappears. The immediacy of private property enables the individual to neglect the collective in dealing with this property, since the possession of it theoretically has nothing to do with anyone else.

The *Philosophy of Right* represents a complete rejection of this liberal presupposition of capitalist relations of production. By beginning the work with an analysis of property and locating property under the heading of "Abstract Right," Hegel indicates the dependence of my property on the existence of civil society and the state, which are more concrete forms of right. Beginning with property is not a way of privileging it but a way of highlighting its illusory immediacy. As Gillian Rose points out in *Hegel Contra Sociology*, "the institutions which appear most 'natural' or 'immediate' in any society, such as the family or the sphere of needs, presuppose an overall economic and political organization which may not be immediately intelligible."²⁶ The constitutive power of the state is not, as Rose puts it, immediately intelligible, but it becomes evident through Hegel's interpretation of the mediation that informs abstract property right. Although Hegel often sounds like Locke when he describes the act of taking possession of a thing by using it, he breaks

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²⁵ Locke 1988, p. 290.

²⁶ Rose 1981, p. 50.

from Locke by theorizing the role that mediation plays in this possession. He only sounds like Locke for a brief while, and then he goes on to frame the possession of property in ways that would certainly cause Locke's stomach to become upset.

The fact of property depends not simply on the individual's act of taking possession of the property. It relies on a network of social mediation that validates the individual's possession, the method through which the individual took possession, and even the concept of property itself. Contra Locke, there is no property in the natural world. My use of something means nothing unless it receives state recognition. Thus, the apparent individuality attached to property betrays its thoroughgoing mediation in the universal concept of property. Property isn't the index of a subject's individuality but the measure of its submission to the universal.

In the *Philosophy of Right*, Hegel shows that property depends on all the other relations that follow it. Property is the most abstract category because it appears to be a right that has no relation to others, but this appearance, like that of sense certainty in the *Phenomenology of Spirit* or being in the *Science of Logic*, is entirely deceptive. My act of constituting something as mine is not enough for Hegel. He states, "My inner act of will which says that something is mine must also become recognizable by others."²⁷ This recognition from others comes from the state structure that undergirds every act of possession. Nothing is mine unless the state apparatus creates the conditions through which I can have it.

The logic of capitalist society depends on the presupposition of property. In order to function, individuals must believe that their property is constitutively theirs. Once the role of the universal in constituting property becomes evident, capitalist relations of production cease to be tenable. Simply by exposing private property's dependence on the public structure of the state, Hegel launches an attack against one of the pillars of capitalist society.

Contract Killer

Prior to Hegel, major modern thinkers from every political camp theorize the formation of the social order as the result of a social contract. The idea of a social contract is so widespread that almost no political philosopher thinks to do without it. But this is a position that Hegel completely rejects insofar as it represents a silent affirmation of the presuppositions of capitalist society, every bit as much as the investment in the immediacy of property relations. Hegel's refusal to think of the social order in terms of a social contract indicates his radical departure from the tradition he inherits. This refusal even separates him from his primary philosophical

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27 Hegel 1991, p. 81.

antecedents in the German Idealist tradition, Kant and Fichte.²⁸ It is a radicality that drives him away from the presuppositions of capitalist society and toward an egalitarian alternative in which the isolated particular individual does not preexist the social collective, which is what both capitalist society and social contract theory proclaim.

The theory of the social contract knows no political boundaries. From conservative Thomas Hobbes to liberal John Locke to leftist Jean-Jacques Rousseau, the idea of a social contract becomes a way of thinking through how a coherent organization forms out of disparate individuals with no inherent ties to each other. The social contract implies that each member of the society tacitly legitimates the social bond through acceding to the original contract that constitutes it. No one views this as a literal contract that members sign but rather as a metaphorical agreement that inheres in their active participation in society. The appeal of this way of thinking is that it suggests that political authorities must do their part for the individual to adhere to the contract, while individuals can themselves decide to opt out if the arrangement ceases to be salutary. Even when a conservative such as Hobbes advances the idea, it appears to have an implicit radicality because it admits that one can always withhold one's participation.

Rousseau sees the social contract as an ultimate affirmation of freedom. Everything that goes on in society goes on with our fundamental consent because we are constantly affirming the social contract that we might, at any point, choose not to affirm. In *The Social Contract*, he states, "There is only one law which by its nature requires unanimous consent. That is the social pact: for the civil association is the most voluntary act in the world; every man being born free and master of himself, no one may on any pretext whatsoever subject him without his consent."²⁹ For Rousseau, the existence of a social contract is the basis of the social bond. Without some conception of it, one would have no way to conceive what holds a given populace together.

As Hegel sees it, the freedom to enter into the social contract does not exist. It is a liberal and illusory conception of subjectivity that imagines it existing prior to the social order that constitutes it. We are not first free individuals and then subjected to the social order. Instead, our subjection to the social order inaugurates our existence as free subjects. We are subjected into freedom, not subjected out of freedom.

If one believes in free individuals existing prior to their entrance into a social contract, then one confuses the state with civil society, which is what Hegel sees as the cardinal error in political thinking. One misses the universality of the state form and sees instead an atomized mass

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²⁸ While Fichte doesn't mention the term "social contract," he does theorize membership in a society as the limitation of one's natural freedom to accommodate the freedom of others, which is the primary tenet of social contract theory. This is a philosophical move that Hegel would not make.

²⁹ Rousseau 1997, p. 123.

of particulars who come together solely to protect their own interests. This is Hegel's nightmare, which he rues in the *Philosophy of Right*. He exclaims, "If the state is confused with civil society and its determination is equated with the security and protection of property and personal freedom, *the interest of individuals as such* becomes the ultimate end for which they are united; it also follows from this that membership of the state is an optional matter."³⁰ A unity that exists solely to protect one's own private interest is constantly on the verge of disintegrating. In contrast, the state bond, because it constitutes subjects as subjects, necessarily endures.

Mistaking civil society for the state is not a harmless theoretical error. It causes one to fail to see that the state does much more than just protect particular interests. Its universality constitutes subjects as free in their singularity. As Hegel sees it, the universality of the state, unlike the particularism of civil society, allows for the assertion of the subject's free singularity without compromising the relationship to the collective. This freedom is in no way in conflict with the freedom of others but actually depends on everyone's freedom. The role of the state for Hegel is to make clear how our free subjectivity in its singularity emerges out of the universal, not in contrast to it.

The basic contradiction that animates the state form is that between universality and singularity. The universality of the state constitutes the singularity of the subject because this universality is not the imposition of an unrelenting authority but the articulation of a failure. The universality of the state creates the space for the singularity of the subject through the point at which it doesn't account for everything. This contrasts the state with the capitalist order, which cannot reconcile itself with its own failure and constantly seeks to expand itself so as not to fail. The universality of the state cannot be contractual but must be constitutive.

The belief that we begin as individuals who subsequently choose to enter into a social contract gives away too much to capitalist ideology. Armed with this belief, one conceives of oneself as an isolated monad with no intrinsic relation to others or to the social totality. One constantly struggles to get the better of one's fellow citizens in a struggle of all against all. Without a conception of the universality of the state to reign in the raging particularism of capitalist society, there is no way to integrate the singularity of the subject and its irreducibility to capitalist particularity into the social order. When one sees the social order through the lens of social contract theory, one slanders the universality of the state, and it is this universality that enables the singular subject to emerge.³¹

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30 Hegel 1991, p. 276.

31 In his remarkably prescient work on *Hegel and the Modern State*, Schlomo Avineri relates the logic of civil society to the understanding and that of the state to reason. He writes, "What social contract theories call a state is, to Hegel, but civil society, based, as it were, on needs and a lower kind of

The Perils of Civility

More than Marx, Hegel gives capitalism its due. In the *Philosophy of Right*, capitalist relations of production allow for the modern flowering of particularity. In this sense, capitalism is essential to the modernist break. While traditional societies create social coherence by giving everyone a defined social position, capitalist modernity ruptures this coherence through the elimination of all proper positions. Traditional societies make no allowance for the particular, but capitalist society privileges the particular and allows it to defy any assigned social positioning. Capitalist modernity alienates the individual from its belonging to society.

Hegel celebrates the alienating power of modernity. But because capitalism actually becomes a barrier to the subject's alienation for Hegel, he develops a formal critique of it. Whereas Marx criticizes capitalism for alienating workers from their own productivity, Hegel implicitly takes it to task for preventing the subject from recognizing its alienation. Under capitalism or in civil society, one is always striving to accumulate enough to alleviate one's alienation and to overcome all contradictions. This promise of an unalienated future is one that capitalism can never redeem, and yet its entire structure depends on an investment in it. The universality of the state, in contrast, enables subjects to recognize their singularity through their alienation in the state. Capitalism becomes a barrier to the recognition of alienation that only the state form makes possible. The freedom that capitalism offers becomes a circumscribed freedom that depends on reducing others to unfreedom. This is the result of the system's emphasis on absolute particularism.

The problem is that particularity under capitalism cannot simply respect other particularities. Instead, what Hegel calls civil society, according to its own fundamental drive, is not civil at all. Under the domain of capital, particularity becomes unhinged and ceases to pay any attention to others, except insofar as they can be used to serve the particular's own interest. This leads to a generalized unfreedom that prevails in capitalist society. Even though capitalism's insistence on the particular helps to free the subject from the rootedness of traditional society, it becomes a new form of fetter that obscures the necessary universality of freedom.³² There can be no universal freedom under the constraints of capital.

knowledge—'understanding.' This lower kind of knowledge, *Verstand*, is juxtaposed against the higher level of reason, *Vernunft*, which is to be found in the state." Avineri 1972, p. 143. Social contract theory remains stuck in the understanding and cannot accede to reason.

³² Paul Franco points out, "An individual is rationally or truly free only if he is actively engaged in promoting a universal end above and beyond his merely private or particular ends." Franco 1999, p. 276.

Like Marx after him, Hegel believes that capitalist society leads to contradictions that it cannot resolve. This becomes apparent in his discussion of the rabble [*Pöbel*], an excess that capitalism produces without being able to contain or ameliorate.³³ Hegel's entire discussion of the rabble occurs during his analysis of civil society rather than during his commentary on the structure of the state. This formal choice indicates that it is capitalism, not the state, that produces the rabble. Capitalist society necessarily leaves a certain number of subjects out and relegates them to the status of social detritus. This is Hegel's rabble.

The excesses of capitalist society do not allow everyone to fit in. In order for its excessiveness to constantly lead to more excess, some must be left out. Their outsider status both drives the production of more and is a result of it. Everyone wants more because no one wants to be left out. And yet, it is precisely this drive for unlimited accumulation that produces the rabble as capitalism's remainder. Hegel describes the rabble as a direct result of the demands made by civil society. He says, "When a large mass of people sinks below the level of a certain standard of living—which automatically regulates itself at the level necessary for a member of the society in question—that feeling of right, integrity, and honour which comes from supporting oneself by one's own activity and work is lost. This leads to the creation of a *rabble*, which in turn makes it much easier for disproportionate wealth to be concentrated in a few hands."³⁴ The rabble represents a contradiction of capitalism that the capitalist system—civil society—has no way of accommodating.

Hegel rehearses the failed ways of dealing with the rabble, including colonization. Even acts of charity, such as today's universal basic income, necessarily come up short because they reinforce the status of the rabble as a figure of nonbelonging. Rather than finding a way to integrate the rabble within the system of civil society, Hegel simply leaves it standing as an unreconciled remainder. We might assume that the state's intervention in civil society would alleviate this contradictory product, but Hegel himself never describes what this intervention might look like.

Slavoj Žižek perspicaciously identifies the misstep in Hegel's thinking about the rabble. While Hegel does see the rabble as the product of civil society's own contradictions, he doesn't take the next step and

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33 In his compelling discussion of the problem that the rabble poses for Hegel's political philosophy, Frank Ruda suggests that the irresolvability of this problem indicates a limit in philosophy itself. It requires a political intervention in order to solve the problem, not a philosophical one. In other words, it necessitates Marx rather than Hegel. As he puts it, "Marx introduces the true primacy of practice into philosophy, the primacy of the autonomy of political practice. There is no political thinking which could still refer with a sovereign gesture to the invariance of the political and suspend the conditioning of philosophy by (the singularity) of politics. Hegel's greatness consists in having marked this conditioning in the name 'rabble.'" Ruda 2011, p. 179.

34 Hegel 1991, p. 266.

link the rabble to the site of universality within civil society. Žižek claims, “Hegel makes an error (measured by his own standards): he does not venture the obvious thesis that, as such, the rabble should immediately stand for the universality of society. As excluded, lacking recognition of its particular position, the rabble is the universal as such.”³⁵ The inability to see the rabble as the site of universality limits the revolutionary potential of the *Philosophy of Right*. But as Žižek goes on to argue, given how the Marxist projects of the 20th century turned out, perhaps Hegel’s refusal to take up the rabble as the figure of the universal is propitious. Even though the rabble is the site of universality, revolutionary change driven from within civil society has almost uniformly been catastrophic.

When he sets out to write the *Philosophy of Right*, Hegel clearly has no definite thought of writing a revolutionary treatise that would lead to the overcoming of capitalist society. As Rebecca Comay rightly says, “Hegel is not Marx. The rabble is not the proletariat, communism is not on the horizon, and revolution is not a solution.”³⁶ While creating a revolutionary text is not Hegel’s intent, it is the inadvertent result of his formal approach to theorizing the political structure of early capitalist society. By situating the state at the end of his work as the most concrete political form, Hegel envisions a radically different approach to thinking about capitalist society. Privileging the true infinite of the state over the bad infinity of capitalism is certainly not a call for revolution, but it does portend a fundamental reshaping of the structure of society that takes the state as its perspective.

The perspective of the state reveals the limitations of capitalism that capitalism itself cannot avow. It institutes a universality that reconciles itself with contradiction rather than impotently attempting to overcome it. The contradiction of this universality produces the singularity of the subject that cannot be reduced to capitalist particularism. Even if he didn’t mean to, Hegel shows that the logic of the state itself leads out of capitalism’s unacknowledged dead end. Through the seemingly innocent act of locating the state after civil society in the structure of the *Philosophy of Right*, Hegel launches a universalist critique of the mindless particularism that animates capitalist society. For Hegel, the state must have the last word on capital, and this word becomes a death knell.

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35 Žižek 2012, p. 433.

36 Comay 2011, p. 141.

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