Teachers of the People
TEACHERS
of the
PEOPLE

POLITICAL
EDUCATION IN
ROUSSEAU, HEGEL,
TOCQUEVILLE,
AND MILL

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It is not a matter of indifference that the minds of the people be enlightened.
Montesquieu, *Spirit of the Laws*

**Chapter One**

SOME YEARS AGO I ORGANIZED A PANEL AT THE ANNUAL MEET-
ING of the American Political Science Association on the topic of political
education. A colleague from Princeton gave a paper on the potential effects
of John Rawls’s idea of public reason on political debate, and another col-
league from the University of Chicago offered an analysis of the implicitly
democratic message to be found in much of Machiavelli’s work. I myself
offered some skeptical thoughts about the place Tocqueville and his con-
temporary followers assign religious belief in the moral formation of a
democratic people. As is usual at these events, the presentations by the
panelists were followed by a half-hour discussion period during which
audience members could raise questions or engage in debate with the au-
thors. Because the panel was well attended, I expected a large number of
hands to shoot up the moment the presentations were over. Much to my
surprise—and contrary to my previous experience at such events—there
was a distinct and prolonged pause, with nary an anxiously waving arm in
sight.

Reverting to my teacherly mode (every professor has had the experience
of encountering a wall of student silence after delivering what he or she
assumed was a brilliant and intellectually stimulating lecture), I spoke up,
offering what I thought was a provocative remark to start the ball rolling.
Because every idea of political or civic education—whether in its Rawlsian,
Machiavellian, or Tocquevillian form—presumes some idea of “the people”
as the target of its pedagogical efforts, I asked whether, in the United States
today, “the people” even existed. Confronted by the deep social, economic,
and ideological differences that currently characterize our body politic, one might well conclude that notions like “the people” and “the will of the people” are little more than fictions. While admittedly useful for rallying voting blocs or legitimating particular policies and legislation, they actually correspond to no tangible or even plausible reality. The words were scarcely out of my mouth before my fellow panelist from the University of Chicago interjected—loudly—“that’s idiotic!” To the audience’s dismay, perhaps, no fistfight ensued. Discussion, however, was successfully launched.

The point my colleague from Chicago wanted to make was that, at a time of increasingly concentrated wealth and what seems to many to be the “tyranny of the 1 percent,” the idea of “the people” is hardly irrelevant or unreal. And, indeed, in comparison with the super-rich 1 percent, we are all “the people.” As the short-lived Occupy Wall Street movement discovered (echoing the experience of countless political movements and politicians from the past), presenting yourself as the voice of the people is a reliable if somewhat disingenuous way of drumming up both attention and support, often from unexpected places. Yet the deployment of phrases like “the 99 percent” or the “silent majority” or “the vast majority of Americans” always distorts, if not outright falsifies, the social-political reality it claims to represent. This is especially so in a country that is as deeply divided politically as our own.

In our day, “the people” is and must be a rhetorical construct, one designed to create the illusion of a clear popular will where there often is none. What we actually have is murk (the undecided), ideological division, widespread apathy, and—clearly—a lack of anything approximating unanimity. Now, as in our past, it is only by presenting some real or imagined enemy of the people—the 1 percent, nonwhite or non-Christian Americans, secularists supposedly intent on restricting religious liberty, the establishment, and so forth—that such notions gain whatever rhetorical traction they possess. Otherwise, they remain what they always were: the sometimes edifying, sometimes horrifying, yet invariably hollow clichés of much of our democratic discourse.

Things were not always so. The emergence of civic republican discourse in Florence in the late fifteenth and early sixteenth centuries, the adoption and expansion of this discourse in England during the seventeenth and eighteenth centuries, the so-called “rise of the middle classes” during the same period, and the culminating triumph (or trauma) of the French Revolution—all point to moments when “the people” was no mere rhetor-
ical device, but the most seemingly concrete of all social realities. The vast bourgeois, artisan, and peasant populations—all excluded from meaningful political participation in the past—made up the bulk of the society of orders that was aristocratic Europe from the feudal age through the Enlightenment.

Placed in this context, the fiction of the people takes on flesh and reveals itself to be powerful precisely because it corresponded to a universally perceived social reality, the so-called third estate. To use the Abbé Sieyès’s famous phrase from 1789, this was an estate that had been nothing but was, in fact, everything. The same can be said of Machiavelli’s earlier use of *il popolo* in the context of the city-states of Renaissance Italy. The more than rhetorical resonance of this phrase flowed from the very real and widespread domination practiced by the nobles or *grandi*. That domination was a clear and unavoidable fact of life. For political thinkers writing critically about the society of orders—and the monopoly on political power possessed by the nobles, monarchs, and the Church—“the people” was thus a legitimate category of social analysis, one that packed a powerful rhetorical punch.

With the advent of democracy and what Tocqueville was to call a democratic *condition sociale*, however, “the people” begins to apply more or less to everyone. It takes on concrete political and social resonance only where a clear and universally acknowledged elite monopolizes political authority and social power. This has sometimes been the case in the United States—the Gilded Age comes to mind—but most periods in our history are open to debate. Although populism remains a highly effective political strategy in the contemporary United States, the absence of such a clearly identifiable elite means that it remains little more than a strategy and a rhetoric, open to any number of ideological uses. The simple fact is that “we the people” can come to no real agreement on who the elite is. Is it Wall Street? Ivy League–educated liberals? The politicians and lobbyists in Washington, DC? White males? All the above? According to one prominent school of political analysis, our lack of precision on this matter is both predictable and, indeed, inevitable. For more than fifty years, political scientists of the pluralist school have denied that any elite actually runs things in quite the way the populist mind imagines. The answer to the question “who governs?” is shifting and unpredictable.

The present book goes back in time in order to investigate the political education of the people as it was conceived by four canonical European
thinkers: Jean-Jacques Rousseau, G. W. F. Hegel, Alexis de Tocqueville, and John Stuart Mill. Rousseau wrote just before the French Revolution, and his impact on that event and its aftermath—a favorite topic of dispute among scholars—was considerable. Hegel, Tocqueville, and Mill wrote after that epochal event. For all of them, the idea and even the inevitability of increasing popular participation in politics brought with it great hopes and an equally great anxiety.

In the period I will be discussing, “the people” was not just a useful fiction. It denoted an undeniable social reality, one fighting for the opportunity of sustained and meaningful political participation. As a result of nearly seventeen hundred years of domination by nobles, monarchs, and the Church, the people were without the experience or the knowledge that most thinkers in the Western tradition have assumed were prerequisites for the exercise of political power and participation in the political process. As Hegel himself pointed out, the history of Western culture up until the French Revolution was a history framed by the duality of masters and slaves, lords and bondsmen. In such a world, there could be little expectation of popular political wisdom, ability, experience, or judgment. For such advocates of liberalization as Rousseau, Hegel, Tocqueville, and Mill this meant that the crucial work of their age had to include an enormous effort directed at popular political education.

From the perspective of these four thinkers, “the people” had, somehow, to be brought up to speed—morally, intellectually, and experientially—if they were to wield successfully even a limited amount of political power. Without the rudiments of political knowledge, the cultivation of political judgment, and the inculcation of civic virtue, the people’s ever-widening participation in the political realm was likely to end in disaster—or so these thinkers thought. Such was the case even when the theorist in question diverged markedly from the more or less literal idea of popular sovereignty endorsed by Rousseau. Thus Hegel, Tocqueville, and Mill—all of whom approved of increased popular participation and representation—devote a good many pages, and much theoretical energy, to the problem of how “the people” should be educated into politics and public affairs. At the center of their respective political theories is the question of how ordinary people can be equipped with the competence, judgment, and public-spiritedness these three thinkers thought essential to the more representative politics of the “new age.”
The concern with popular political education—and with popular education in general—is obviously an outgrowth of the Enlightenment and the so-called bourgeois (French and American) revolutions. If Hegel, Tocqueville, and Mill agree on anything, it is that a politically active people must also be an enlightened—that is, minimally educated—one. The concern with literacy and knowledge of public affairs was never a conspicuous feature of Catholic absolutism nor, it must be said, of the often authoritarian politics of the early Reformation (one thinks of the hierarchies imposed by the Calvinist “saints” in Geneva and elsewhere). It came into increasing prominence only with the emergence of the now much-maligned idea of progress—an idea with roots in the scientific revolutions that preceded the Enlightenment and that was subsequently extended by the philosophes to the spheres of morals and politics.5

In this regard, Robespierre’s hyperbolic declaration “Tout a changé dans l’ordre physique; et tout doit changer dans l’ordre morale et politique” only summed up what many thinkers of the age, including those of a notably less radical bent, assumed. Just as religious dogma on how nature and the “world system” worked had been dispelled by Newton, so too an increase in the knowledge of moral and political principles (born of the collapse of monarchic-aristocratic ideology and religious obscurantism) would invariably lead to a new, more rational and just, political order.

One finds this faith expressed throughout the writings of the American founders and the French revolutionaries, as well as in Rousseau, Kant, and Hegel. The point in the present context is not that a dogmatic rationalism came to replace an equally dogmatic body of religious belief and divine right ideology (a point beloved by religious conservatives and postmodernists). Rather, it is that knowledge and enlightenment were now perceived to be within the grasp of ordinary people (a wholly novel expectation), but only if they had the proper teachers and widespread access to education. Enlightenment—conceived as popular literacy combined with access to free thinking and instruction in the new principles underlying morals and politics—went hand in hand with the spread of republican and democratic ideals. A corollary of this view was that, where enlightenment failed to penetrate, republican and democratic ideals would either fail to flourish or grow up in a twisted and malicious form.

Thus it is that we find a thinker like Tocqueville—by no means a fan of the French Revolution, despite his counsel that his fellow Catholics and his
fellow aristocrats accept the new world it had brought into being—insisting that it is the enlightened character of the American people that made an ordered form of democracy possible in the New World. Where enlightenment in this minimal sense was absent, the democratic movement would result in the lust for equality surpassing the desire for civil and political liberty. The result would be degeneration into anarchy (the mob during the French Revolution) or the rise of dictatorship (for example, that of Napoleon or his nephew, Napoleon III—Tocqueville’s bête noire). In other words, the absence of enlightenment would result in either a disordered democracy or some form of democratic despotism.

As a result, the “world made new”—that is, the world after the fall of the ancien régime—required teachers of the people (Volkserzieher) far more than it required teachers of princes (Fenelon) or statesmen and political leaders (Burke). As suggested above, the vocation of the political theorist changed accordingly, and the question of popular political education came into sharp focus for the first time.

Just how this education was to be conducted, and just what it consisted in, is the subject of this book. In it, I have chosen to concentrate on two tensions internal to the project of popular political education, at least as that project was conceived prior to, and in the wake of, the French Revolution. The first is the tension between a moralizing idea of political education or citizen formation such as we find in the republican tradition (for example, Machiavelli and Rousseau) and the more intellectual, Enlightenment-inflected version we find in German Idealism (notably Hegel) and progressive English liberalism (Mill). Despite his liberal reputation, Tocqueville’s idea of political education owes far more to the republican, moralizing view than it does to the idealist or liberal one. This fact accounts for many of its flaws. Or so I will argue.

The second and more important tension is between conceptions of political education that stress the learning by doing of ordinary citizens and conceptions that emphasize a more passive exposure to, and absorption of, enlightened, informed, or “universal” views. Rousseau and Tocqueville seem to fit, more or less naturally, into the former category, while Hegel and Mill appear more at home in the second. Yet, as I will argue in this book, there are important moments of self-contradiction, self-deception, or both in all four cases. Tocqueville, perhaps the clearest and most celebrated proponent of the learning by doing model (gleaned from his observation of the American practice of local self-government), is surprisingly
top-down in his conception of how his own theory and analysis might guide practice in his native France. Mill, on the other hand, while upholding the “authority of the instructed” (and advocating what, to our eyes, appear to be very odd schemes of proportional representation) was influenced by the example of democratic Athens—and, of course, by Democracy in America—to the point where he attached great if not determining importance to political participation as a good in itself.

It is not surprising that it is Hegel who presents us with the most intellectual conception of political education. It is not learning by doing that matters. Indeed, one could say that, for Hegel, the importance of political participation for attaining a grasp of public affairs and an adequate degree of public-spiritedness has been vastly overrated. While supporting broader participation and representation (at least beyond the rather narrow confines of Prussia's reformed, post-Jena constitution), Hegel saw the most important dimension of political education as a kind of “learning by understanding.” It was only by grasping how the modern constitutional state did justice to the claims of both individual freedom and the ethical life of the community that an ordinary citizen could come to feel at home in his or her political association. And, as is well known, “being at home in the world” (as opposed to being alienated from it, as many of us are) is a crucial if not determining feature of Hegel's understanding of what freedom, the supposed telos of human history, truly is.

Of all the theorists considered here, it is Rousseau who, perhaps predictably, offers the most complicated and paradoxical array of motivations, goals, and methods. There has rarely, if ever, been a more eloquent defender of popular sovereignty as the only possible legitimate form of political authority. Yet, precisely because of his commitment to the ultimate legislative authority of “the people,” Rousseau worried intensely about how easily they might be misled and their simple patriotism and civic virtue corrupted. In his view, what the people needed to avoid this fate was not enlightenment or any specialized form of knowledge or experience. Rather, it was a well-designed set of exercises for strengthening their collective (or general) will—the will of the moi commun, or public self, that comes into existence with the constitution of a political society.

Characteristically, for Rousseau it is the “great legislator”—that old stand-by of the civic republican tradition—who provides the institutions and set of laws that form and enhance the people as a moral and collective body. While insisting on the greatest possible degree of popular
souvereignty—at least in comparison with the other thinkers considered here—it is Rousseau who most carefully and thoroughly weaves *le peuple* into a constraining set of institutional, procedural, and legislative leading strings. These are designed to keep an uncorrupt people on the straight and narrow once they have attained the level of civic spirit and collective identity necessary to make the general will a manifest reality.

These two sets of tensions—between virtue and enlightenment, on the one hand, and between participation and understanding, on the other—point to a more fundamental conundrum underlying virtually all republican or democratic ideas of political education. This is the problem—or perplexity—writ into the very idea of an education to autonomy.

This problem—which in its micro form is familiar to every parent—is by no means an easy one to solve. At best, viewing the people as the target of pedagogical ministrations (of whatever kind) casts them in the role of pupils who require a series of teachable moments with supposedly clear and inescapable moral lessons. This view is widespread, even today. At worst, it casts them into the role of children in need of the most rudimentary forms of discipline, civic training, and character formation. The latter has been a near constant feature of Western political theory since its inception in Plato. The *demos*, if not exactly the “beast” that is portrayed in the *Republic* [493b], is often seen to be childlike in its inability to control its appetites and passions. For that reason, the most important dimension of political education is that of taming and control. For both Plato and Aristotle, this taming was to be conducted by an *aristoi* of wisdom, birth, or character; those who possessed, in a way the *demos* did not, both reason and the capacity for self-control. The illiberal ideas of “statecraft as soulcraft” and the so-called tutelary state have their origin in this characteristically philosophical perception of the childlike quality of ordinary people.6 These ideas are still with us, and they color many a political theory even today, from the most advanced neo-Marxist (Theodor Adorno, for example) to proponents of virtue on the secular and the religious sides of contemporary political debate.

Whitehead’s famous quip that “all philosophy is a footnote to Plato” is, unfortunately, doubly true when it comes to political philosophy. Platonic assumptions and prejudices are plentiful within the tradition, appearing often where we least expect them. This is certainly the case with the theorists covered here. Philosophical prejudices about the ability of ordinary people to grasp either political principles or complexity are,
of course, to be expected in some. We are not surprised when Hegel describes the “science of the State” as something largely beyond the ken of the ordinary person. Nor are we thrown off balance by his characterization of public opinion as something that needs to be “respected as well as despised” (geacht als verachet).

It is surprising, however, to find the work of Rousseau and Tocqueville rife with Platonic or quasi-Platonic tropes and assumptions. The sad fact of the matter is that none of the theorists considered here really believes that “the people” can more or less educate themselves politically—a basic presupposition of contemporary liberal democratic thought and practice. It is this fact, more than any other, that separates them from us when it comes to considering the nature and modes of legitimate forms of political education.

I shall have much more to say about this separation in the following chapters and in my conclusion. The rest of this introduction will be a brief outline of what is to come.

In chapter 2, I examine Rousseau’s civic republican formulation of the problem of political education. As a member of a longstanding tradition whose roots go back to Aristotle (and which includes such diverse thinkers as Machiavelli, James Harrington, and Montesquieu), Rousseau’s formulation possesses some characteristic features. First and foremost, it sees political education—the “education of the people”—as a forthrightly formative project, one inseparable from the active shaping and preservation of a disciplined and civically virtuous body of citizens. Of course, the idea of “forming” a people has links back to the “political artist of character” we find in Plato’s Republic [484d and 500c–501c], although the philosophical education adumbrated in that work was entirely focused on “sculpting” an elite. With Machiavelli, the metaphor of “forming” is transferred to the people themselves. The goal is no longer the wisdom and virtue of the leading few, but the solid and reliable civic virtue of the many.

Like Machiavelli, Rousseau saw moral corruption among a patriotic and public-spirited people as the greatest threat to liberty and equality. One crucial difference between them, however, is related to their respective ideas of where such corruption had its source. Machiavelli saw corruption as arising almost solely from inequality. More specifically, he saw it as arising from the ambition and lust to dominate that is characteristic of the wealthy and powerful. Rousseau, on the other hand, viewed corruption as a far more insidious force, one brought into being not just by inequality
(a potent source, to be sure) but by the very processes of civilization and socialization themselves.

To boil an extremely complicated argument down to one basic insight, Rousseau did not think one had to be rich or powerful to suffer from *amour-propre*. Indeed, Rousseau’s indictment of modern civilization focuses on the fact that we all suffer from such vanity, the desire to measure ourselves against others. The result is not simply the subjection of one or several social groups to an elite of wealth and power; it is, rather, the subjection of us all to relations of personal (psychological and material) dependence on both our superiors and our inferiors. Even in societies where inherited rank has been abolished, these relations of personal dependence become, with the passage of time, ever stronger and ever more debasing. In such a social world—the world Rousseau wrote about and the world in which we live—it is virtually impossible to lead an autonomous, self-governed and self-determining, life. It is impossible because we are all addicted to a form of personal and psychological recognition that has nothing to do with the equality of relations among civic peers.

Rousseau’s solution to this dilemma thus had to be deeper and more thoroughgoing than Machiavelli’s. Civic liberty and the return of public spirit could not be attained by “lopping off the tops” (a phrase Aristotle borrowed from Herodotus for use in the *Politics*, 1284a), nor by merely keeping the rich and powerful in check. It could be attained only where a relatively simple and uncorrupt populace was lucky enough to find itself gifted with a set of laws, institutions, and way of life conceived and brought into being by a “great legislator” such as Solon, Lycurgus, Theseus, or Moses.

So far, we are still with the Machiavelli of the *Discourses on the First Decade of Titus Livy*. The key point for Rousseau, however, was that a system of legislation had to do more than merely habituate a “rude populace” to a regime of patriotic self-discipline. It had to create a new form of universal dependence: the dependence of each upon the whole, of the individual upon the community at large. Where all are so dependent, no one could be said to be superior or inferior. In their collective capacity, the resulting body of people makes up the sovereign power of the political association, its public self or *moi commun*. As individuals, they are the subjects of this collective body and no one else. Because the sovereign body makes (or at least endorses and legitimates) the laws, every individual citizen finds himself subject only to laws he has helped to institute. Such “obedience to a self-given law” is, for Rousseau, the essence of political and social (as
opposed to “natural”) freedom. It is a form of autonomy reached, paradoxically enough, through the extension and transformation of dependence, rather than through its elimination.

Rousseau’s updating of Machiavelli’s formative education—the civic education of equal and public-spirited citizens—has some peculiar features, which I shall deal within chapter 2. Here I only want to mention what I consider the most important. It is not, as some might think, his seeming disregard for what, following Isaiah Berlin, we have come to call negative liberty—the freedom from interference by the state or any other social body. More troubling is the fact that Rousseau views the citizen body throughout as a kind of child that must be nestled securely in a web of laws, procedures, and practices that will isolate and protect it from corrupting influences.

As a people, we come to strengthen our fledgling and somewhat weak will by following the set of legislative exercises set up by the founder, as well as by staying within the regime of simple and purifying moral education he creates through such ancillary institutions as civil religion and the office of a censor. To be sure, “obedience to a self-given law” may well be one, if not the, genuine form of freedom (no less a thinker than Kant thought Rousseau was correct on this score). The autonomy achieved by Rousseau’s ideal citizenry, however, bears a disturbing similarity to the autonomy we give our children when we allow them the opportunity “to make their own decisions” under an ever watchful parental eye.

Hegel (chapter 3) is well known for abandoning the idiom of social contract and ideas of natural liberty, turning instead to a far more defensible (from today’s perspective) cultural and historical viewpoint. Unlike Rousseau, he did not think popular political education consisted in the “forming” of a people through a set of institutions and laws specifically designed for the task. Rather, he saw history as the “progress of the consciousness of freedom.” That is, he saw it as a long, slow, and often bloody slog toward the adequate legal and institutional embodiment of what at first is the “merely” spiritual idea that “all are free.” Freedom, maturity (Mündigkeit), and a degree of concrete autonomy were not actualized through the artificial isolation of a people or nation from history (Rousseau’s rather forlorn hope). Rather, they were to be found at the end of the complicated cultural, political, and historical process that brought forth the modern and constitutional (or rational) state.

Somewhat notoriously, Hegel thought such a state was present, at least in outline, in what the reformed Prussia of his day had already achieved.
The problem was that too few appreciated this fact. Government officials and ordinary people alike were ill equipped to decipher the “hieroglyph of reason” that is the modern state, let alone place it in its proper historical, moral, and cultural context. Much to Hegel’s alarm, populist, romantic, and nationalist ideas were gaining increasing traction in his day. For the most part, these ideas hinged on an undifferentiated and notably unenlightened notion of the “will of the [German] people,” a notion that made its somewhat startling appearance on the discursive scene with Fichte’s *Addresses to the German Nation* (1809). Hegel’s distaste for incipient German nationalism is clearly on display in the preface to his *Philosophy of Right*. There he memorably excoriates his contemporary Jacob Fries for fostering just such an undifferentiated and dangerous idea of “the people.”

German thinkers like Fries had—wrongly, in Hegel’s view—transformed German culture and German character into the seedbed of a virtuous and unified popular will. This Germanized version of what can only be called vulgar Rousseauianism elicited Hegel’s greatest scorn. But it put him in an awkward position when it came time to deal with increasing demands for greater political participation in what had been a remarkably closed and top-down political structure. Hegel supported reform, not populism or nationalism. He therefore set himself the pedagogical task of promoting the *Rechtsstaat* as an adequate institutional embodiment of both personal and communal liberty. For him, the constitutional state, not the *Volksgemeinschaft*, was—in some as yet to be determined sense—the “end of history.” The result, in the case of Hegel, was a political pedagogy that manages to be radical, reformist, and backward-looking—all at the same time.

In chapter 4, I turn to the quite different work of Alexis de Tocqueville. Tocqueville is of great importance to my subject. The reason is not because he wrote about American democracy. Nor is it because he has much to teach citizens of the United States about its political system and how it works. For a variety of reasons, I do not think that he does—at least not anymore. Approaching contemporary American politics from a Tocquevillian point of view can, on occasion, be illuminating. The exercise—while often pleasant for its side effects (it allows us to bask in our allegedly superior virtue)—can also distort if not outright falsify.

One obvious reason for this is that the twenty-first century United States bears precious little resemblance to the largely preindustrial character of Jacksonian America. A bigger reason, however, is that Tocqueville wrote
his book very much with French political problems on his mind. The entire *topos* of democracy and centralization, as well as the apparently severe tension between equality and liberty, was derived from questions and concerns first put forth by that formidable collection of French thinkers known as *les Doctrinaires*, a group that included Pierre Royer-Collard, Mme. de Stael, and Benjamin Constant.

Thus, virtually everything Tocqueville writes in *Democracy in America* is intended as a political lesson of one sort or another for France. The inability of France to find a stable postrevolutionary settlement, combined with the seemingly necessary connection between democratization and governmental centralization, made the young Tocqueville nearly despair for the future of his country. The ordered yet decentralized democracy of the early American republic offered what looked like a sounder and far more palatable alternative. As citizens and as members of a proliferating number of civil associations, the Americans seemed to do much of the work (from local administration, to education, to charitable organizations, to cultural institutions) *themselves*. This was in contrast to a French people who, in Tocqueville’s view, had long ago been trained to look to the state for aid, improvements, and cultural initiative generally.

This difference in what used to be called national character led Tocqueville to concentrate on the “free *mœurs*”—the ideas, habits, beliefs, and attitudes—of the Americans. Like Rousseau, Tocqueville thought that the *real* constitution of a polity was not to be found in its laws and institutions. It was, rather, “written on the hearts of its citizens.” There is a grain of truth in this vague and sentimental assertion, however skeptical we might be about the causal priority it asserts. As we have seen repeatedly during the past twenty-five years, democratic laws and institutions often prove remarkably impotent when they are thrust upon political cultures emerging from decades, if not centuries, of authoritarian rule.

But although this focus on manners and mores has its place, it creates—as Tocqueville recognized from the start—a rather uncomfortable problem for a political thinker who wanted to be a “teacher of the people” in his native France. To put the matter bluntly: if the “free *mœurs*” of the Americans are responsible for the order and stability of *their* democratic institutions, how, if at all, could this lesson be transferred to the utterly different history, culture, and experience of France, or anywhere else for that matter? The fact that contemporary Americans tend to place far more
emphasis on the efficacy of law and our Constitution does not obviate the problem. It merely shows us that, despite our obsession with Tocqueville, we have not been particularly good students of his thought.

A more promising emphasis in Democracy in America concerns the importance of civil society, as distinguished from the state. Following Rousseauian theoretical precepts, the French revolutionaries cast a critical eye on any and all partial associations that might take away from the ostensible unanimity of the general will. Indeed, as Pierre Rosanvallon has recently demonstrated, the Chapelleir Law of 1793 severely crippled the development of a robust associational life in post-revolutionary France. The passage of this law created a fundamental obstacle to citizens acting together and conducting their own affairs, whether these be social, political, or cultural in character. Remove this and similar obstacles, Tocqueville thought, and something like the “do-it-yourself” spirit of American democracy might spread in France, strengthening both public spirit and local institutions throughout the nation. Even better, a nearly universal freedom of association would give the French the basic tool they needed to teach themselves the political and social virtues necessary for a decentralized democracy.

The fundamental problem with Tocqueville’s focus on civil society and his advocacy of a democratic process of learning by doing is that he does not really trust the French people—or any other people, for that matter—to teach themselves. I detail the reasons for this in chapter 4. Suffice it to say here that Tocqueville imbibed—from Plato, his Catholic upbringing, and his family’s horrific experience during the Revolution—a profound mistrust of “the people.” At least in urban settings, they were seen as more likely to devolve into an anarchic mob than to defer to the political advice of more experienced and knowledgeable statesmen (as Tocqueville thought they should). Tocqueville’s ostensible goals of self-government and learning by doing mask his advocacy of what is, in fact, a mild form of (liberal) governmental paternalism, one backed up by a not-so-mild form of what Mill would later call “social tyranny.” This is a tyranny of beliefs, attitudes, and practices that were decidedly Christian, middle class, and profoundly antiradical. Equality—not totally demonized, to be sure—was nevertheless framed as the most likely, and indeed the most dangerous, threat to liberty in the modern era.

As I note in chapter 5, John Stuart Mill lionized Tocqueville in his reviews (1835 and 1840) of the two volumes of Democracy in America, calling him “the new Montesquieu.” He fully endorsed the official self-education theme
of that work, returning to it several times in his most extended work of political philosophy, *Considerations on Representative Government* (1859). He, however, like Tocqueville, thought that every school—even the large free ones provided by civil society and a representative political system—stood in need of teachers. Mill’s preferred teachers were not the political elite of his day (he had nothing but contempt for most of them). They were, rather, the instructed classes, that growing body of educated, independent, and liberal-minded intellectuals and professionals who stood apart from the old interests that had traditionally ruled Britain and had made a mockery of English liberty.

Mill was enough of an anti-Platonist to respect Athenian democracy and reject anything like a tyranny of the instructed or “the wise.” Yet he thought that democratic education could not proceed unless newly enfranchised classes found themselves in proximity to, and influenced by, those with greater knowledge and experience. Once again, a regime of leading strings is thought essential to the creation of a new, more democratic political order that will, eventually, be able to do without them.

In revealing the Platonic or quasi-Platonic prejudices of these four liberalizing theorists, it is not my intent to suggest that “the people”—that surprisingly slippery entity—has nothing to learn from those with greater knowledge or experience. My point is that such learning can and must take place freely and, in a sense, indirectly, lest it be the product of an intolerable paternalism. Although I am critical of the top-down approach often advocated by these theorists, I nevertheless think their works are indispensable for a more comprehensive understanding of what it means to be a democratic citizen. We tend to take such understanding for granted, with the result that we all too often remain ignorant of the kind of moral and intellectual virtues that informed citizenship demands.

I should note, in this regard, that although I underline the elitist or quasi-elitist element of Rousseau *et alii* in the following pages, I do not endorse a conception of political education that defines itself as populist or anti-elitist in character. We are all too familiar with the dangerous forms that both populism and anti-elitism have taken in recent years, as well as in some of the uglier moments of US history. The dismissal of any and all intellectual virtues in the name of patriotism and the “good sense” of the people is, of course, a handy rhetorical ploy for unscrupulous politicians.
But it is more than that. Populism and anti-elitism resonate, in part, because they have a fundamentally different vision of what civic virtues are and how they should be cultivated. This vision stresses community, ways of life, religion, and manners and mores far more than it stresses distance, skepticism, and an informed sense of justice.

As the following pages testify, I have little regard for what many theorists of a more communitarian bent view as vitally important popular forms of civic education. The inculcation of manners and mores; the cultivation of a selfless patriotism; the demand that we bypass skepticism or intellectual doubt when it comes to our country, our “people,” and “our” policies—all these have been, and will continue to be, significant generators of political evil, both at home and abroad.

“Political education” as we typically conceive it and practice it is, for the most part, an invitation to moral and intellectual self-lobotomization. It is an invitation to a form of faith or ideological belief that is, to put it mildly, unbecoming to adult individuals. Kant’s famous demand to “have the courage to use your own understanding!” in *Was ist Aufklärung?* is often mocked. Indeed, taken by itself, it is inadequate as a recipe for either self-cultivation or political education. Nevertheless, it is light-years closer to a minimally moral conception of political education than what we are usually invited to endorse, lazily and without thinking.

As I noted in my book *Socratic Citizenship*, the tendency to isolate morality and apparent political virtues from the virtue of intellectual honesty is a troubling, yet deeply rooted and rarely questioned, characteristic of much of our tradition. The very phrase “God and country” demands the surrender of skeptical consciousness and the endorsement of two pillars of unquestioned—and often unquestionable—authority: religion and the political association. The fact that we even find political thinkers of the first order—from Machiavelli and Rousseau to Hegel and Tocqueville—insisting that, for ordinary people at least, these two pillars are essential is depressing if not exactly unpredictable.

Moving away from what the theorists have said and what our own public culture often demands, we must recognize not only the fact that skeptical consciousness has a vitally important place in any minimally moral political education. We also must recognize that there are many types of experience that add to our civic and political consciousness, even if they do not run along the usual (mindlessly affirmative) lines. The experience of the often naked brutality of the global economy; of the bureaucratic in-
difference of both corporations and government; of social disrespect and (often) flagrant injustice—all these are or can be vitally important parts of an individual's political education.

Insofar as they are political, however, these experiences cry out for public articulation, argument, and new interpretive perspectives. This is, if you will, the epistemic challenge facing every citizen who has reason to be critical of either our institutions or our practices. In coming to grips with that challenge, the work of canonical thinkers can be both a spur and inspiration. They interpreted experience differently, creating new vocabularies and perspectives for thinking about justice, democracy, and the nature of political membership more generally. Their difficult works provide what the endless stream of volumes praising the “statesmanship” of our Founders cannot: genuine intellectual stimulation on matters of political and moral importance.

It is true that many of the popular works praising our Founders (and selected presidents) do not simply invite us to put our faith in “God and country.” In that regard, they are a big step up from the usual rhetoric of political populism in the United States. They take a different tack, albeit one with its own perils. Typically, they invite us to put our faith in a Washington or a Lincoln, a Jefferson or a Roosevelt. Yet, however praiseworthy these figures may or may not be, the worship of their words and deeds is not a good way for democratic citizens to deepen or even begin their political education. The cult of leadership is a cult like any other. It invites us, once again, to surrender our capacity for individual doubt and judgment and to bow down at yet another altar. Again, this is a posture not exactly becoming for an adult citizen of a democracy. Even at its best, the genre has the effect of relieving us, the citizens of a democracy, of our own responsibility for both judgment and concerted action. At its worst, the genre serves as a form of ideological indoctrination. It is shamelessly deployed by propagandists for a range of right-wing causes that, it must be said, the statesmen in question would scarcely have recognized, let alone supported.

As citizens of the United States, we can be thankful that we experience little in the way of direct, top-down, or government-sponsored political education. But where constitutional government fears to tread, civil society rushes in. There are hundreds if not thousands of political organizations, educational institutions, public-relations firms, and media spokespeople who deal in crude and often intolerant forms of political “education.” Indoctrination—so long associated with our Communist enemies—remains
the preferred mode of political education in the demographically splintered echo chambers that we like to call our public sphere.

Of course, true believers on either the right or the left constitute a relatively small minority in our country, even if they are a highly motivated and often effective one. More troubling, perhaps, is the generalized and dispersed form of indoctrination (or ideological conditioning) that has taken root in the last forty years. The claims of social science and opinion research are often deserving of skeptical reception. However, it is more than a little disconcerting to see a consensus emerging from a wide array of studies demonstrating just how rare it is for individuals or groups to be brought up short by experience, facts, or developments that run counter to the preconceived ideas of their particular demographic-political stratum. It is hazardous, in a polity as large and diverse as our own, to venture any generalizations. Yet I am convinced that such demographic-specific cultural and ideological conditioning poses a great and perhaps insurmountable challenge to a democratic political culture that remains committed, in theory and in rhetoric, to the importance of debate and argument as a means of expanding the range of our political insight and sensitivity.14

Real democratic political education tends to be more indirect and more personal. That is to say, it is not part of anyone’s plan, any organization’s doctrinal objectives, or any demographic’s preconceived opinions. It happens to us in our daily lives, as we read the newspapers, experience discrimination, deal with decades-long wage stagnation, and react to the more irresponsible and undemocratic actions of our government. (The recent sponsorship of torture and mass digital surveillance come to mind.) Such experiences, unlike much of the debate in various media forums, have a way of altering, sometimes fundamentally, our view of what politics is and what it means to have a government based on constitutional principles. If we are able, at least episodically, to complement these experiences by some acquaintance with political cultures and vocabularies different from our own, we can begin to move away from the cruder, faith-based forms of political education that have all too often limned our moral-political horizons. The importance of an informed citizenry to the success of democracy is one of the most hackneyed of clichés. That does not prevent it from being true.15

Do we still have either the reason or the will to pursue this ideal? The downward economic, social, and educational spiral experienced by many in the United States since the Reagan Administration, combined with what
some on the political left like to call “neo-liberal” economic policies, reveals a nation no longer committed to even the idea of an informed, active, and critical electorate. One could go further and say that we are no longer committed to the idea of democracy, at least if that idea entails the assumption that elections are not for sale and that the legislative process should be above gross structural manipulation by corporate and other special interests. Ever since “Morning in America,” we have been willing to let things slide. This is especially the case when it comes to the vital link between democratic citizenship and education. Insofar as we do take education seriously—a questionable assumption—it is, seemingly, only because we desire to remain competitive in the increasingly brutal global marketplace.

If Rousseau, Hegel, Tocqueville, and Mill were all wrong, at crucial points, in their conception of political education, they were all vitally aware of the importance of popular education to politics overall. At the present time, the United States lags behind many if not all of the developed Western nations when it comes to indices of adult literacy and educational attainment among the majority of our youth—not to mention more basic things like public health, class mobility, and overall happiness. It would seem, then, that we have much to learn from the history and experience of others.

Leaving aside their residual Platonism, the works of Rousseau, Hegel, Tocqueville, and Mill have much to teach us about the close tie between political education and public enlightenment—that is, education in the broader and more familiar sense. They also have clear lessons for contemporary American political culture. All four thinkers remind us of the risks run by any people who are content to view politics as a spectator sport, or who believe—with such “Tocqueville-lite” commentators like David Brooks—that the virtues and worldview of people like themselves are adequate to the task of reforming our increasingly corrupt, and increasingly mindless, democratic process.

To be sure, rhetoric in praise of what are commonly called middle-class virtues has a certain feel-good quality. If one thing is clear, however, it is that the producers of such rhetoric—editorial page writers, politicians, corporate public-relations teams—are intent on cultivating civic docility and shortsightedness in an age of unprecedented inequality and an increasingly banana-republic-like power structure.16 The failure to confront—straightforwardly and without euphemism—the complete corruption of our democratic system by moneyed interests is a clear symptom of the decline of
our civic culture. Their differences aside, Rousseau, Hegel, Tocqueville, and Mill would have agreed on one thing: The failure of our political discourse to confront basic realities reveals a democratic polity in the process of losing its raison d’être.

Does this mean that my blunt colleague from the University of Chicago was, in the end, correct? Are the people a concrete and palpable entity, one that has allowed its democratic sovereignty to be usurped by the powerful and the wealthy? In one sense, the question answers itself. “The people” has always appeared on the historical stage only in juxtaposition to some internal or external other—the aristocracy, the bourgeoisie, the colonizers, the foreigner. The construction of every “we,” unfortunately, depends upon the simultaneous creation of a “they” or “them.” The fundamentally dialectical nature of identity—so artfully and appallingly exploited by the Nazi legal theorist Carl Schmitt—is inescapable.

“The people” appears as a historical actor in those moments when a majority, rightly or wrongly, feels itself oppressed—if not existentially threatened—by an other. In centuries past, it was possible to celebrate those revolutionary moments when ordinary people stood up to a power structure that explicitly defined itself as above “the people.” In the twentieth and our own century, such a relatively naïve populism becomes more than a little problematic. “Il populo” is and must remain a somewhat shadowy, and largely rhetorical, presence for us, one capable of both great harm and great good. “Il nobili,” on the other hand, seem to be in the process of a very concrete resurrection. Nostalgia for simpler days—for a time when there was a clear opposition between the forces of good (ordinary people) and evil (aristocrats or class enemies of various kinds)—is understandable. It is, nevertheless, nostalgia. And nostalgia, as a wise woman once observed, can be as destructive as it is comforting.
Anyone who ventures to create institutions for a people must feel himself cap­
able, so to speak, of changing human nature, transforming each individual, who in himself is a perfect and isolated whole, into a part of a larger whole from which this same individual in a sense receives his life and being; he must feel capable of changing the constitution of man in order to strengthen it, and of replacing the physical and independent existence we have all received from nature with a partial and corporate existence. In short, he must deprive man of his own powers to give him powers which are foreign to him, and which he cannot use without the help of others.

*Social Contract*, book 2

Here lies the root of the whole matter. It is education which ought to stamp on the soul of your citizens the print of their nationality and so guide their tastes and opinions that by inclination, by passion, by necessity they will be patriots.

*Considérations sur le Gouvernement de Pologne*

Do you want to get an idea of public education? Read Plato’s *Republic*. It is not at all a political work, as think those who judge books only by their title.

*Émile*, book 1

It is obvious that no matter how complete the theory may be, a middle term is required between theory and practice, providing a link and a transition from one to the other.

*Kant, On the Common Saying: ‘This May Be True in Theory, but It Does Not Apply in Practice’*

I. Introduction: The Rousseauian Paradox

*True to Its Title, Rousseau’s Social Contract* (1762) begins with the elucidation of the specific form of agreement, between individuals in a precivil condition, that yields a corporate body—a political commu­nity—with a will and reality of its own. Building on the work of Hobbes and
Locke, Rousseau insists that political society is not, as Aristotle and Aquinas contended, something natural or God-given. It is artificial, built upon human agreements and conventions, and nothing else.

This was, for the seventeenth and eighteenth centuries, a radical and deeply subversive thought. It disposes of divine right, custom and usage, and the ostensibly natural hierarchy between the few and the many in one fell swoop. It is a view of the origins of legitimate political authority that presumes both equality and liberty in the precivil “state of nature” and that eschews all metaphysical grounding in the form of divine will, an order of the cosmos, “natural” sociability, or the mystical pull of time-honored tradition. It is an approach to the question of the origins and nature of political authority that not only enraged Edmund Burke but continues—apparently—to be too radical for a not insignificant number of American citizens who see God’s law as the only true foundation of legitimate political institutions and civil law. Rousseau revealed natural law—at least in its traditional, generally religious, pre-Grotian form—to be the dubious tool of obscurantists and authoritarians that it all too often is. This position makes him, despite his deep reverence for antiquity, a decidedly modern thinker.

Of course, there are many in the more secular parts of the West for whom the contractualist idiom of Hobbes, Locke, and Rousseau has become second nature, lacking even the faintest trace of controversy. This is especially the case where this idiom has been shorn of any pretensions about the historical reality of founding agreements and conventions. Thanks to Kant and his latter-day disciple John Rawls, the “as if” interpretation of such founding conventions has come to the fore, with the “original position” (that is, the putative state of nature) becoming little more than a point of departure for an elaborate thought experiment, one that aims at identifying principles of justice that all could agree on. Other political theories based on the idea of a social contract now concern themselves almost entirely with the reasons that rationally self-interested individuals, devoid of culture or context, would enter political society in the first place, arguing for either a much enhanced, or much diminished, role for the state. This transformation of social contract theory into a method for approaching questions of justice and political legitimacy has robbed it not only of its historical and cultural novelty. It has also largely buried its more radical political and moral implications, all in the pursuit of the apparently
noncontroversial (“what all could agree to”). It has, in other words, domesticated a vocabulary that was anything but anodyne in its most influential formulations.

Given the demise of absolute monarchy and the broad modern rejection of non-constitutional forms of government, it could well be argued that Hobbes’s *Leviathan* has seen its day (the work of Carl Schmitt notwithstanding). The over two hundred year history of our separation of powers may be far from perfect, but it attests to the empirical and historical failure of Hobbes’s basically definitional argument on the nature and necessity of a unified sovereign power. Similarly, Locke’s reliance (in his *Two Treatises of Government*) upon a set of specifically Christian theological presuppositions, together with his undeniably Calvinist prejudices on the questions of work and property, have limited his appeal, or—at the very least—made his theory problematic for both secular and non-Christian readers. When we add to these considerations the fact that neither Hobbes nor Locke had any affinity with, or liking for, democracy as a form of political association, it becomes plausible to argue that Rousseau was, and continues to be, the most important and enduringly relevant of all the social contract theorists. Not only was he the most revolutionary, he also was the one least encumbered by either the scientific or religious prejudices of his age—a fact he highlighted in his writings again and again.

Rousseau, of course, was no democrat, at least not in the modern sense of the word. He was a republican to his bones, one who thought—again, radically—that hereditary monarchy and aristocracy were the paradigmatic instances of illegitimate political authority and injustice, and not only because they were premised on ideas of human inequality. Like Hobbes, Rousseau believed that sovereign power did indeed have to exist for political (or civil) society to become and remain a reality. However, such sovereignty had to be invested in a corporate body of *all* the citizens, not any individual or group, if it was to be worthy of freely given consent and the obedience that such consent implies. In this respect, Rousseau can be seen, if not as a “dreamer of democracy,” then certainly as dreamer of popular sovereignty—the one now universally acknowledged basis of legitimate political authority.

It is this fact, I will argue, that makes Rousseau so concerned with the problem of how to educate or form a people so that it possesses a morality of the common good and a keen sense of civic responsibility. For any
upholder of elite or aristocratic rule, popular political education was simply not a problem. The people did not have, and by “right reason” should not have, any political authority or decision-making power. Likewise, it was not a problem for thinkers who endorsed republicanism or popular sovereignty in principle—for example, Kant—but who never thought that “the people” could undertake the concrete activity of legislation or self-government. Kant’s position is that of most contemporary liberal theorists, who view popular sovereignty as a more or less theoretical form of residual power, one vested in an abstract entity, “the people.” Popular political education—the “education of the people”—was, however, an enormous and central problem for Rousseau, the logical product of his fundamental commitment to civic equality and to the republic as the only legitimate (and morally acceptable) form of political association.

Bearing these considerations in mind, it should come as no surprise that the Social Contract begins as it does. Book 1 is composed of nine short chapters, chapters that revolve around two central themes. The first is the imperative of going back to founding conventions or agreements in order to locate the real source of political legitimacy (as opposed to the many false ones, such as hereditary right or the so-called “right of the stronger”). The second theme is the particular form that every pact of association must take if it is to be genuinely, and not just apparently, legitimate. Rousseau had argued passionately in the second half of the Discourse on the Origin and Foundations of Inequality among Men (1755) that the world abounded in false albeit technically legitimate instances of the civil contract. Such contracts were agreements drawn up by the rich in order to dupe the credulous poor into respecting an inviolable right to property and accepting a vastly unequal distribution of wealth and resources.

Yet no sooner has Rousseau posed his famous riddle in book 1—“find a form of association which defends and protects the person and property of each member with the whole force of the community, and where each, while joining with all the rest, obeys no one but himself, and remains as free as before”—and solved it with the idea of a social contract founded upon the “total alienation” of all previous “rights” to the community as a whole—than he veers, in book 2, into an idiom and a set of questions that stray far from the contractualist norm. The idiom in question is civic republican, and it derives from Machiavelli and Montesquieu as well as from Rousseau’s reading of the ancients, Plutarch and Plato in particular. The questions addressed in books 2–4 of the Social Contract have less to do
with founding agreements between rationally self-interested agents (the basic Hobbesian-Lockean paradigm) than with the historical, cultural, and institutional prerequisites for the creation of an active, and not merely abstract or residual, corporate identity. This is a sovereign people capable of creating laws that are truly general in both their form and their object.

In this regard, it should be noted that Rousseau is not merely restating Aristotle’s point that an alliance made up of self-interested individuals pursuing mutual benefit and protection does not constitute a genuinely *political* association (*Politics*, 1280b). He is, rather, drawing our attention to what is a fundamental, but often merely implicit, presupposition of all social contract theory: The individuals who, through a pact of association (the so-called “horizontal” contract), come together to form a political society, are always already social beings. More than that, they must have *some* common, albeit diffuse and ill defined, identity even in their precivil (or “natural”) condition. Only a people bound by at least rudimentary social, linguistic, and cultural ties can decide or be motivated to become a *people* in the political sense of the word.¹⁵

What is, according to classic social contract theory, not merely a pre-political but also a largely presocial condition—the “state of nature”—is, in fact, rooted in a time, a place, and at least a rudimentary cultural context.¹⁶ Without some such common identity, no pact of association—the step into *political* incorporation—will be forthcoming.¹⁷ Even more important, if such a step is to be successful—that is, if it is to be in accordance with what Rousseau understands to be the necessary formal clauses of the social contract itself—a nascent political people must understand the implications, both legislative and institutional, of equality and freedom. Of course, the “pact of association”—the social contract itself—is logically distinct from the articulation of political principles, rules, and institutions.¹⁸ Nevertheless, since Rousseau believes that (a) the pact of association is identical with the creation of a sovereign body; and (b) that the only “form of association” consistent with freedom and equality is one based on popular sovereignty and the exercise of a “general” will, he is faced with a dilemma. There is, in fact, an aporia in social contract theory, one that Rousseau (in book 2, chapter 7, of the *Social Contract*) presents in the following terms:

> For a new-born people to be able to appreciate sound political principles, and to follow the fundamental rules of political necessity, *the effect would*
have to become the cause; the social consciousness to be created by the new institutions would have to preside over the establishment of the same institutions; and men, before the laws existed, would have to be as the laws themselves should make them.¹⁹

Since Rousseau, like Locke, considers putting one’s self and one’s fellows under the absolute power of one man or group of men to be the height of folly, it follows that the sovereign must be composed of all the people. It must be capable of expressing its will in the form of laws that come from all and apply to all. But for that to happen—for the political people formed by the pact of association not to be dead on arrival, as it were—a strong and not merely rudimentary corporate identity, together with something like a public spirit and a morality of the common good, must somehow already be in place.

Hobbes was able to finesse this problem by rigorously adhering to an extreme methodological individualism. His “science of politics” began by dissolving all corporate, historical, and cultural ties, a procedure that leaves nothing but abstract, atomic individuals, whose only motivation is self-interested in the most fundamental sense: self-preservation in the face of probable violent death. All wills are, for Hobbes, individual.²⁰ Hence, the creation of the sovereign power necessary for political society does not flow from the agreement of a rudimentary people to a form of government, nor from its collective subservience to a ruler or group of rulers. Rather, it is created by each individual resigning up his “right of nature” as a “free gift” to the (still unfettered) power of one or several of their number. The incorporation into political society presumes not even the most basic sense of corporate identity, nor does the creation of the sovereign presume any knowledge of political principles or legislation.²¹

Rousseau can be said to partially accept, while simultaneously repudiating, Hobbes’s methodological individualism.²² Yes, the pact of association or basic convention forming political society is between individual actors. Yet these actors are not the putatively “natural” individuals presented by Hobbes. They are, rather, individuals who already possess such socially created capacities as reason, language, and understanding, as well as the rudimentary sense of community or collective identity alluded to above. “Natural man”—the independent individual who is truly presocial and prepolitical—turns out to be a prelinguistic and premoral brute, one
hardly capable of articulating, let alone understanding, either a binding agreement or the principles of obligation.

The “state of nature,” then, is either something of a misnomer for what is actually a prepolitical yet nonetheless social condition (the parties to a “first convention” cannot be merely “natural,” since, contra Hobbes, that would render them incapable of both reason and speech); or it is a condition that exists so far back in our primitive and prelinguistic past as to be virtually irrelevant to thinking about the basis of legitimate political authority.23 We social human beings—that is, we culturally and historically situated beings, who are in principle capable of creating a new political association together with a more concrete corporate identity—are separated from this presocial natural condition as if by an abyss. It is important to see that this remains the case even when no ordered and recognized set of political institutions yet exists. The latter condition can be called a “state of nature” only in a highly metaphorical sense.24

What Rousseau has done, then, is to transfer the usual theoretical function filled by the “state of nature” to that of a prepolitical, but not a presocial, condition. By tacitly relying on Samuel Pufendorf’s distinction between the “state of nature” understood as man’s primitive condition versus the “state of nature” understood simply as a precivil condition, Rousseau is able to reintroduce social, historical, and cultural dimensions previously banished by social contract theories of the Hobbesian type.25 In the process, he effectively repudiates the traditional ideas of natural right, natural law, and a primordial “state of nature” immediately antecedent to a civil state.

This move on the part of Rousseau may appear to some as turning social contract theory upside down. Others, perhaps following Leo Strauss’s lead, may see a dangerous falling away from the classical-Christian idea of nature as normative order either writ into the cosmos or given by God.26 Rousseau, however, is fully aware of the revolution in political thought that he is effecting. He is denying that nature or the natural world have anything to teach us when it comes to the origins and right ordering of political society.27 Contra Christian orthodoxy and theories of “natural” sociability, nature—the state of things prior to all society and culture—is morally blank. Moreover, Rousseau is denying that prepolitical individuals are either prudence-driven atoms (Hobbes) or members of a universal moral community of mankind instituted by God’s Law (Locke). Reasonably enough, he eschews these two extremes, enabling us to imagine what
a pact of association looks like in a world not totally stripped of historical, social, and cultural flesh.

The principles of the social contract as conceived by Rousseau are thus principles designed to guide social yet prepolitical human beings into the right kind of agreement and, thence, into the right kind of political society—namely, one in which “the people” are sovereign. Bearing these principles in mind—first, that the alienation of merely social or prepolitical rights and possessions up to the proposed community must be total; second, that the artificial, concrete, and collective body established by this alienation must be seen as having a collective personality, life, and will of its own; and third, that the parties to this agreement are now members of this collective body (and thus participants in sovereign legislating authority), while simultaneously becoming, qua individuals, subjects to the laws of the state—enables a precivil yet nonetheless social group of individuals to form themselves into a distinctly political people. That is to say, it enables them to form themselves into a people with a public life, a public interest, and a public good.28

But, of course, “for a new born political people to be able to appreciate sound political principles, the effect would have to become the cause.” Indeed, the problem runs even deeper than this. As Rousseau puts it in his chapter on law in book 2:

Laws properly speaking are nothing more than the conditions of civil association. The people subject to the laws should be their author; only those who are forming an association have the right to determine the conditions of that society. But how will they determine them? Will it be by common agreement, by a sudden inspiration? Has the body politic any organ to express its will? Who will give it the foresight needed to formulate and publish its acts in advance? Or how will it declare them when the need arises? How will a blind multitude, which often does not know what it wants, since it rarely knows what is good for it, by itself execute so great and difficult a project as a system of legislation?28 (emphasis mine)

The answer is that no simple group of people—no “blind multitude”—is able to do so without guidance. By repudiating natural law, natural right, and the “state of nature” as they are usually conceived, Rousseau enables us to see what such prepolitical yet social men actually look like. By re-
introducing elements of history, society, and culture into a theoretical problematic that had previously banished them, he resurrects the classical concern with political education, albeit this time with a surprising twist. It is no longer a philosophical ruling stratum nor any group of aristocratic gentlemen who must be educated. It is, rather, the people themselves. If they are to take their place in a society of laws, one that guarantees both freedom and equality and abolishes chains of personal dependence, they need to be molded by institutions and laws that they themselves, in their unsophisticated state, cannot possibly create (or at least not create successfully). “Individuals see the good they reject; the public wills the good it does not see,” writes Rousseau:

All stand equally in need of guidance. The former must be obliged to bring their wills into conformity with their reason; the latter must be taught to know what it wants. Then public enlightenment will effect a union of understanding and will within the social body; then the parts will work together in perfect harmony, and the whole will achieve its greatest power. From this arises the need for a legislator.30

Legitimate political authority and just laws are thus not something rationally self-interested individuals come to see as prudentially necessary. Rather, they constitute a moral or normative ideal, one that centers on the idea of autonomy or obedience to a self-given law.31 In order to grasp the moral necessity of this ideal, let alone discover the appropriate means to bring it about, a prepolitical people must have a teacher. Thus we confront what I will call the Rousseauian paradox: an autonomous or self-governing people must be taught to be autonomous and self-governing. This goal requires more than a set of what Kant, in his 1784 essay Was ist Aufklärung?, was to call “leading strings” (Gängelwagen).32 It requires a thoroughgoing paternalism at the start, a paternalism that continues—albeit in a kind of posthumous mode, since the legislator himself must never govern—through the proper functioning of the laws, procedures, and institutions gifted by a great lawgiver to an infant people.33 These laws, procedures, and institutions continue the work of forming the people into an interdependent sovereign whole. This whole is characterized by a morality of the common good, a morality that is operative even as its individual members pursue their particular interests.
II. Forming a People

The phrases “forming a people” and “forming citizens” sound peculiar to contemporary ears. Civic or political education, construed as a generic insistence on minimal political understanding and judgment, may pass muster. But “civic formation”? The so-called formative project of modern republicanism has long been a target of stinging liberal critique, in part because it calls to mind twentieth-century attempts at “creating new men,” whether of the Bolshevik or National Socialist variety. Such slippery slope–type associations—the idea that, once you start trying to form citizens rather than merely provide them with protections for their rights and properties, you invariably wind up in places you really do not want to go—gain some credibility from Rousseau’s pronouncement that “anyone who ventures to create institutions for a people must feel himself capable, so to speak, of changing human nature.”34

J. L. Talmon and other analysts of totalitarian democracy to the contrary, such associations are clearly an exercise in extreme anachronism.35 The change in human nature Rousseau has in mind is from loosely associated yet more or less independent individuals into a corporate body that sees itself as a distinct public, one with its own interest and will. The character of this change is best captured by the Rousseauian distinction between homme and citoyen, a distinction meant to capture the private and public dimensions of modern life, each of which Rousseau sees as legitimate and necessary.36 Thus, the change in human nature is most definitely not a question of how to form anything like new socialist man, let alone a master race. Rather, it is, simply, how to change human beings as we find them into citizens worthy of the title, into members of a political community possessed of public spirit and a morality of the common good.

Anachronistic distortions aside, we cannot ignore the fact that Rousseau follows in the footsteps of the two political thinkers who were most influential on his thought, Plato and Machiavelli. These two thinkers, often seen as antipodes (the original idealist-utopian versus the most notorious political realist) share one very important feature—or, I should say, one very important structuring metaphor. It is a metaphor packed with unfortunate implications for the history of Western political thought, a metaphor that more or less justifies treating human beings as a kind of raw material.

What is this metaphor? In the Republic, book 6 (500d–501a), Socrates (Plato’s mouthpiece in the dialogue) asks Adeimantus what would hap-
pen if the “lover of wisdom,” once having achieved communion with the unchanging reality of the eternal forms, were somehow compelled to turn his attention back to the realm of human affairs, with all its disorder and calumny:

If then, I said, some compulsion is laid upon him to practice stamping on the plastic matter of human nature in public and in private the patterns that he visions there, and not merely to mold and fashion himself, do you think he will prove a poor craftsman of sobriety and justice and all forms of ordinary civic virtue?

By no means, he said. But if the multitude became aware that what we are saying of the philosopher is true, will they still be harsh with philosophers, and will they distrust our statement that the city could never be blessed unless it lineaments were traced by artists who used the heavenly model? [500d–501a]

Even if the hoi polloi acknowledge the imperative to base the polity upon patterns of cosmic order and justice, they may be less than thrilled to learn what, according to Plato, the first step taken by the philosophic “artist of character” must be. “They [the philosophical artists inspired by divine forms] will take the city and the characters of men, as they might that of a tablet, and first wipe it clean—no easy task. But at any rate you know that this would be their first point of difference from ordinary reformers, that they would refuse to take in hand either individual or state or to legislate before they either received a clean slate or themselves made it clean” (501a).

This chilling vision of “wiping the slate clean” of corrupt or disordered human material echoes through the history of Western political thought and practice. It is a call for a kind of artistic-aesthetic ruthlessness in the pursuit of a higher degree of order and justice. Religious fanatics, militant revolutionaries, and reactionary forces—appalled by what they see as the corruption and godlessness of the modern age—have all echoed Plato’s words and deployed, with stunning monotony, the same set of metaphors. The perfect or just state is a work of art that can be achieved only by a special kind of artist, one who knows the order of the cosmos, God’s will, or the “end of history.” He must be an artist who recognizes the absolute necessity of starting fresh, whatever the cost.

Platonic ruthlessness finds its un-Platonic counterpart in much of what Machiavelli has to say about the founding and reforming of republics in
his Discourses on the First Ten Years of Titus Livy. Operating with the same metaphors of form and matter, Machiavelli underscores the extraordinary measures (grandissimi straordinari) that must be taken to re-form a corrupt polity, one in which the material itself—the people—have become tainted by the corruption of their previous rulers. Only an exceptional man with enormous power and great virtù (prowess) can enforce the laws rigorously enough so that the “material” might take on civic form once again. But where the corruption born of inequality and the desires of the rich and powerful has sunk down to the roots, there reform would take more than rigorous enforcement of the laws. It would take extralegal measures so drastic that few would know how to employ them, let alone have the stomach to use them.

The question of how to impose civic form on popular “matter” is made much easier when the legislator, founder, or prince is dealing with a rude or simple people, one relatively untouched by culture and certainly untouched by the kind of corruption that great wealth and power introduces. Thus, according to Machiavelli, in early antiquity men like Lycurgus, Solon, and Numa all found scattered populations amenable to the imposition of civic form, primarily through the dual means of civil religion and intense military discipline. Sparta, Athens, and Rome were the results—the greatest republics the world has ever seen. But, observes Machiavelli, those times were “very religious”—that is to say, credulous and superstitious—and the human material with which Lycurgus, Solon, and Numa dealt were uneducated as well. This inchoateness made it easy for the legislator to “stamp on them any new form whatever” (potendo imprimere in loro facilmente qualunque nova forma). The lesson to be drawn for the creation of a stable and virtuous republic in the present could not be clearer:

Without doubt anyone who at present wishes to build a state will find it easier among mountaineers, where there is no culture, than among those who are used to living in cities, where culture is corrupt. And a sculptor will more easily get a beautiful statue out of a rough piece of marble than from one badly blocked out by another.

The all-important task of imposing civic form on relatively uncrupt human matter is similarly invoked by Machiavelli in chapter 6 of The Prince. Writing of such legendary founders of polities as Moses, Cyrus, Romulus, and Theseus, Machiavelli observes that “they had from Fortune nothing
more than opportunity, which gave them matter into which they could introduce whatever form they chose” (emphasis mine). What marks these great legislators of the past is, of course, not a philosophical grasp of the order of the cosmos or of the intelligible realm of essences outside and above “the cave” of human affairs. It is, rather, the possession of almost superhuman amounts of virtù—of strength, skill, and ability. All that each of these great individuals required was simply the opportunity to create a principality or polity of their own. In other words, all that was needed was a group of human beings who had either lost or who had never been molded by civic form. And this they found, respectively, in the “enslaved and downtrodden people of Israel,” in the more vigorous Persians chafing under the rule of the “effeminate” Medes, and in the “scattered” condition of the Athenian people.

What lessons should we to draw from Plato and Machiavelli in this regard? More to the point, what lessons did Rousseau learn from them? As the first epigraph to this chapter indicates, Rousseau more or less swallowed whole the Platonic idea that the legislator is and must be a political artist of character. The citizens of a relatively just, uncorrupt polity have to be formed or made. The change in human nature is, as already indicated, a change wrought by imprinting civic form and creating a morality of the common good where previously none existed. Second, Rousseau completely accepted the unfortunate metaphors of form and material in thinking about these matters. This, along with the artist metaphor, creates a polarity of activity/passivity in which the philosopher-king (Plato) or great legislator (Machiavelli and Rousseau) stands as an agent in a kind of sculpting process, and the people figure as the raw material out of which something of enduring value is made. Third, and perhaps most important, Rousseau accepted without question the dual Platonic-Machiavellian view that the material in question is or ought to be relatively raw or untouched, unmarked by any previous experience of political rule or—at the very least—so removed from that experience as to present the artist of character with a more or less blank slate.

The extent of Rousseau’s acceptance of this dubious Platonic-Machiavellian heritage is made absolutely clear by the three short chapters on the people that follow his famous chapter on the legislator (Social Contract, book 2, chapters 8–10 and chapter 6, respectively). The legislator is likened to an architect, one about to embark on the erection of a “great edifice” (un grand édifice). The legislator must first observe and “sound out the ground”
(sonder le sol) to see if it will, in fact, be able to bear the weight (soutenir le poids) of what he is about to construct. The people the legislator proposes to give laws to—impose civic form on—are thus both the ground and the material upon which and out of which the great edifice will be constructed.

Echoing Machiavelli’s insistence that it is far better for the political artist to have an unblocked slab of marble to work on, Rousseau insists that the material chosen by the legislator-architect will be suitable for construction only if a previous form has not hardened or (worse) corrupted and spoiled it. The material in question must be fresh, pliable, and easy to shape. This means that the only truly appropriate material for a legislator to apply his art to is a people at the very early stages of its development. “Most peoples,” Rousseau writes, “like men, are docile only in their youth; as they grow older they become incorrigible. . . . It is a dangerous and futile project to try to reform them; the people cannot stand having its ills touched even for the purpose of destroying them, like stupid and cowardly invalids who tremble at the sight of the physician.”

Rousseau’s deployment here of another arch-Platonic metaphor—the reforming statesman as a physician who administers painful but necessary treatment to a people whose desires have been left unchecked by their previous leaders—is extremely telling. In the Gorgias, Plato argued that such a physician-reformer—his mouthpiece Socrates, in this case—was precisely the person who exercised the “true political art” (politike techne) necessary to cure a dangerously corrupted people (the Athenians) of their lust for wealth, power, and greatness (Gorgias, 521d–e). In the Republic, the physician metaphor is dropped in favor of the artist analogy (420d–e). The philosophical lover of truth, the individual who climbs out of the cave and contemplates the order of things, subsequently climbs back down in order to “stamp on the plastic matter of human nature in public and in private the pattern that he visions there, and not merely to mold and fashion himself” (Republic, 500d). Like Plato and, indeed, like Machiavelli, Rousseau signals a clear preference for building from scratch with “untainted” material. This is a project that Rousseau, again following Plato and Machiavelli, thinks has a greater chance of success than even the best, most knowledgeable treatment of the “diseased.”

This is not to say that all truly “raw” material is created equal. As I mentioned above, the creation of a people in the political sense of the word requires, at a minimum, a certain common, if diffuse and relatively inar-
ticulate, identity to begin with. The people, in the political sense, must first exist as a people in the social or (relatively straightforward) cultural sense. Thus, Rousseau admonishes, “youth is not the same thing as childhood. . . . Some peoples can be disciplined from the moment of birth; others are incapable of it after ten centuries. The Russians will never have a real polity, because they were given one too soon. Peter had a gift for imitation, but he lacked true genius, the gift of creating something out of nothing.”

The nothing in question are the Russian people, who, in Rousseau’s estimation, constitute extremely unsuitable material for a political association, no matter how rude or undeveloped their society and culture actually were. Peter the Great—unlike Moses, Cyrus, Theseus, and Lycurgus—had, so to speak, nothing to work with. That is, he did not even have a people in the most rudimentary sense of the word. No one, not even a ruler as energetic as Peter, could possibly be successful in the attempt to create a polity out of such disparate and heterogeneous materials. “His [Peter’s] first wish,” Rousseau writes, “was to create Germans and Englishmen, whereas he should have begun by creating Russians.”

“What people, then” Rousseau asks rhetorically, “is fit for legislation?” His answer is clear:

One which, though already united by some common bonds of origin, interest, or convention, has not yet borne the true yoke of laws; one which has no customs and no deeply rooted superstitions; one which has no fear of being overwhelmed by sudden invasion; one which, without participating in the quarrels of its neighbors, can resist each of them by itself, or use one to repel another; one whose individual members can all know one another, and where it is not necessary to impose greater burdens on a man than a man is able to bear; one which can get along without other people, and without which all other peoples can get along; one which is neither rich nor poor, and can be sufficient unto itself; one, finally, which combines the firmness of an old people with the docility of a new one.

A number of things need to be noted about this answer. First, it spells out what, exactly, Rousseau means by finding a people in its “youth,” not its “childhood.” Second, like Plato and Machiavelli, Rousseau sees the potential for self-sufficiency (understood in terms of available resources and geographic situation) as absolutely crucial. The “material” must be separate and distinct before it can be formed, and its formation will be guided by an
ideal of autonomy inconsistent with any commercial or agricultural dependence on others (a view of the preconditions of autonomy and peaceful national existence first expressed by Machiavelli and later updated for a market society by Fichte in his *Closed Commercial State* [1800]). Third, the potential political community must be small enough in numbers to be precisely that, a community. The larger the number of citizens, Rousseau believes, the more distended and weak the civic bond will be.56

Fourth and finally, while Rousseau ideally hopes that a people ready for legislation will enjoy a Geneva- or Corsica-like situation (one freed from imminent threat by its neighbors), he—again like Plato and Machiavelli—is under no illusions about the importance of a people’s ability to defend itself. The military dimension, it is true, is not as pronounced as we find it in Plato (the guardian class from which the philosophical elite is drawn is, first and foremost, a warrior class) or Machiavelli (with his insistent emphasis on Roman military virtù and the need for patriotic citizen-soldiers). Yet it is there nevertheless, presented as a necessary and central concern for any would-be legislator.

In this regard, the earlier *Discourse on Political Economy* (1755) underlines just how exaggerated and false Rousseau’s pacific reputation is. In that essay, and in parts of book 1 of *Émile*, the importance of love of one’s country and a self-sacrificing patriotism looms almost as large as it does in Machiavelli’s *Discourses*. Indeed, it can truthfully be said that the extent of Rousseau’s pacifism is limited to his warning republics away from the path of conquest. This is a path that invariably increases dependency, making autonomy and happiness all but impossible for the newly formed polity.57

The legislator takes such promising raw material, then, and shapes it into a political people by giving it laws, institutions, and—most important—the self-awareness as a people that it previously lacked. Judith Shklar’s observation that, from Rousseau’s perspective, “there is no group mind apart from the legislator. Moses created Jews” is both true and false. True because the legislator does indeed form a people. It is through his lawgiving that they become a people with a distinct national identity and awareness. But Shklar’s assertion is false because she makes it sound almost as if—from Rousseau’s perspective—the Israelites did not already exist as a people (albeit one without political institutions or a law of their own).58

The legislator is the molder of a preexisting people as a people, with just such an explicit national and political identity. Yet the legislator is a peculiar figure insofar as he himself must not wield any actual political
power once his system of legislation is in place. If it is true that he who rules men should not rule the laws,” Rousseau writes, “it is equally true that he who rules the laws should not rule men.” Lycurgus abdicates the kingship; Moses dies within sight of the Promised Land. If this were not the case, the lawgiver would turn into a dictator, usurping the sovereign legislative power of the people by making laws beyond the fundamental (constitutional–constitutive) ones.

At the beginning of his chapter “The Legislator,” Rousseau puts this point in the following, somewhat misleading, terms. The legislator is an engineer (mécanicien) who “invents the machine,” while the ruler or statesman “is only the workman [ouvrier] who builds it and makes it run.” This makes it sound as if all the legislator does is draw up a blueprint or architectural plan—something that was true enough in the days when Greek city-states asked outsiders to draw up a table of laws. But, as we have seen, the legislator as Rousseau conceives him is often, if not always, involved in the construction of the grand édifice himself. Once it is built, he excuses himself, but not before.

This new metaphor is important because it draws our attention to a vital dimension of any system of legislation. A constitution or set of fundamental laws can indeed be seen as a kind of house for liberty, a structure whose very existence constitutes a free people by giving them, so to speak, a place to dwell. The house metaphor, however, is static, whereas an actual constitution provides working institutions and at least the outline of the most significant procedures and practices (voting, for example). Rousseau did not envision a system of legislation as a kind of “machine that would go of itself” (a phrase often used to describe the workings of the US Constitution and the procedural justice it provides). The people, as a sovereign legislative body, makes subsequent law, while the government (a separate body of magistrates who are appointed—and, if need be, removed—by the people) executes it.

The point in the present context is that the two-stage process at work is not that of, first, designing a machine and, second, building and running it. Rather, the process begins with the forming of the plastic mass of the people into a people by giving them a set of institutions and basic laws. This is followed by the legislator-mechanic’s stepping back from the machine so that, by its very operation, the formative project—the shaping of civic character—may continue and reach its fulfillment. In the Discourse on Political Economy, Rousseau writes, “It is not enough to say to the citizens,
be good; they must be taught to be so.” The operation of the “machine”—through institutions, laws, and procedures—continues the work of education and formation begun by the “great legislator.” In many ways, the latter becomes, just like the tutor in Émile, a sort of “man behind the curtain.” Ostensibly off the scene, he continues to exert a shaping influence on the people’s civic identity through the very laws and institutions he originally put in place.

III. Formative Institutions

This brings us to that substantial portion of the Social Contract that deals with institutions and their contribution to a people’s continuing civic formation and their education in a morality of the common good. The most important of these institutions are the legislative assembly itself, elections, the censorship, and—finally and perhaps most notoriously—civil religion.

For Rousseau, the sovereignty of the people is the only legitimate form of sovereignty. The essence of sovereignty is found in the legislative power; that is, in the capacity to make laws for the entire political association. Again, to be just, these laws must come from all and apply to all. There can be no laws that apply to one group but not to another. If there were, the distinguishing characteristic of all genuine law, its formal universality, would be destroyed. Popular sovereignty would then be reduced to the domination of one group (a minority) by another (the majority). It would not, in short, actually be the sovereignty of the people (laws as expressions of a corporate will, a moi commun). It would simply be the will of a faction composed of many individual wills (what Rousseau calls the volonté de tous).

The expression of the sovereign (popular) will, so conceived, is restricted to the making of laws. The execution and enforcement of laws—their application to particular cases—cannot be in the hands of the sovereign. If it were, the temptation to confuse or conflate the general interest with particular applications of law—to see the will of the people operative in specific judgments and decrees—would be enormous. The result would be a continual contamination of the purity of the general will by the particular interests that attend specific applications of law. It is for this reason that Rousseau considers democracy, as a form of government rather than a form of sovereignty, a bad idea. “It is not good for the maker of laws to execute them, nor for the body of the people to turn its attention away from
general considerations to particular objects. Nothing is more dangerous than the influence of private interests in public affairs.\(^{66}\)

Government, then, is not just a practical but also a moral necessity. The unity and purity of the general will depends upon the existence of an executive agency that takes care of the application of the universal (law) to the particular (individual subjects or members of the state). The government, viewed from this perspective, does not and should not participate in the sovereign power at all. It is merely a set of magistrates charged with the executive functions of administration, judgment, and enforcement. If the magistrates who form the government begin to develop a corporate will of their own—if they begin to express their own group interest rather than simply enforcing the general will as expressed in law—an attempted usurpation of the sovereign power is all but inevitable. Rousseau was enough of a Lockean to insist that governmental power is a trust, extended by the sovereign people and revocable by them at will.\(^{67}\)

Rousseau was also enough of a Lockean to expect such overreaching by magistrates to be a structural (if not, in fact, perpetual) temptation. “Just as the particular will works unceasingly against the general will, so does the government make continuous efforts against the sovereign.”\(^{68}\) The only sure way to prevent governmental usurpation of what is, in fact, the sole property of the people is to have regular popular assemblies in which “the people” came together as a body, concretely instantiating their power in such a way as to remind the magistrates of just who is—and who is not—the sovereign. If the people do not do this, the government will ultimately substitute its will for theirs. Once that is done—one sovereign power becomes the property of the government rather than the people—the social contract is dissolved and the body politic is well and truly dead. What remains is a system not of law, nor even a political association. It is, simply, a structure of domination.\(^{69}\)

Rousseau’s chapters on the importance of popular assemblies, along with his critique of representative government, are some of the most important and—for the contemporary reader, at least—most frustrating pages in the *Social Contract*. Hegel, lecturing in 1828 and 1830, noted that a representative constitution had become a “rooted prejudice” of the age. Rousseau, writing almost seventy years earlier, begs to differ:

The sovereign, having no other force than the legislative power, acts only through the laws; and since the laws are nothing but authentic acts of the
general will, the sovereign can only act when the people is assembled. A people assembled, you will say, what a chimera! It is a chimera nowadays, but two thousand years ago it was not. Has human nature changed? The limits of the possible, in moral matters, are less narrow than we think; it is our weaknesses, our vices, our prejudices that restrict them. Base souls do not believe in great men; vile slaves smile contemptuously at the word liberty.70

Hegel’s (and our) rooted prejudice in favor of a representative constitution is, from a Rousseauian perspective, precisely that—a prejudice. It is a prejudice built on the idea that the energy, public-spiritedness, and simple practical arrangements required for periodic popular assemblies in even moderate-sized states are today impossible. The people are too numerous, and too busy with their own affairs, to want to participate in the exercise of collective sovereignty. Better to leave the legislative power to their representatives. To this all too familiar argument Rousseau responds in no uncertain terms:

Sovereignty cannot be represented, for the same reason that it cannot be alienated. It consists essentially in the general will, and will cannot be represented; will either is, or is not, your own; there is no intermediate possibility. Thus deputies of the people are not, and cannot be, its representatives; they are merely its agents, and can make no final decisions. Any law which the people has not ratified in person is null and void; it is not a law. The English people thinks it is free; it is very much mistaken. It is free only when it is electing members of parliament; as soon as they are elected, it is enslaved and reduced to nothing.71

It is important to see here that Rousseau is correct not only in terms of his own theory. Any representative system in which electoral pledges (promises to vote a particular way on specific legislation) are not given, nor instructions conveyed, necessarily emasculates the idea of popular sovereignty. And, indeed, these are the terms in which we currently think. For us, popular sovereignty remains important as a principle, but is viewed—both practically and theoretically—as virtual or residual. At best, it is manifest in the act of voting leaders and representatives into office, and—should they stray too far from regnant public opinion—voting them out. Of course, one
need not go as far as Rousseau does in his criticism of representative government. A representative system may distend popular sovereignty, but it does not enslave. Nevertheless, one can see the truth of Hannah Arendt’s point (in *On Revolution*) that a working representative system tends in one of two directions. Either representatives are turned into “glorified messenger boys or hired experts,” or they wind up monopolizing the space of deliberation and decision, giving us a kind of “de facto oligarchy.”

From Rousseau’s point of view, then, periodic popular assemblies serve two vital functions. The first, as we have seen, is to remind the government who is boss. The second, no less important, is to provide an opportunity for the appearance and exercise of the sovereign (popular) will. In order for the people to think of themselves as a corporate body (and not just a collection of dispersed individuals pursuing particular interests), it is necessary for them to come together and concretely exercise their public will. In Rousseau’s view, this is possible only by means of assemblies. These provide essential reminders not just to the government, but to the people themselves, of where sovereign power lies and in what it consists. Moreover, in coming together to exercise their sovereign and legislative power, the people have the opportunity to bolster their corporate will through its very exercise. The heart of the polity is not only kept beating, it is strengthened, much in the way that physical exercise strengthens the individual’s heart.

Assemblies, in short, are the places where public freedom and public will are made manifest. The arena they provide for ongoing political education and citizen formation is absolutely essential. Hence Rousseau’s admonition that “as soon as public service ceases to be the main business of citizens, and they prefer to serve with their purses rather than their persons, the state is on the brink of ruin.” Here as elsewhere, Rousseau is not arguing for the eradication or complete disregard of private, particular interests. For Rousseau, these are ineradicable and no greater mistake could be made than to try to extirpate them root and branch. He is not arguing, as some of his critics have charged, for a self-obliterating submersion in the “we,” a proto-totalitarian form of collectivism that denies the very legitimacy of the private realm.

Rousseau is, however, arguing for the importance of public spirit and a morality of the common good. The latter, boiled down to its most essential element, is simply the ability of every citizen to make a clear distinction between particular and general interests, coupled with the habit
of privileging the latter in all matters of public import. Pursuing this part of Rousseau’s educational agenda by means of public assemblies may well be off the table in the contemporary world. The goal of such education, however—cleaving toward the public, rather than the partial or private, interest in political matters—is hardly an anachronism or, indeed, utopian. Insofar as we think that making the distinction between private and public interest is important, and that minimal political responsibility demands privileging the latter over the former, we are all Rousseauians. This is the case even though none of us expects the public interest to be as clear and univocal as Rousseau evidently does.

Rousseau’s insistence upon the importance of public assemblies might make us think that the education they provide is intimately tied to the activities of debate and deliberation. This was, after all, an essential dimension of the public meetings we find in ancient Greek democracy as depicted by Thucydides. In more recent times, the educational potential of enhanced public debate and deliberation has been emphasized by a broad array of political thinkers, activists, and ordinary citizens. A more deliberative democracy, if not public assemblies per se, is seen as crucial for the maintenance of an informed and active electorate, one that has not been reduced to the role of mere spectators to an ostensibly democratic process.

All the more reason to be surprised, then, by Rousseau’s description of what should take place in the periodic assemblages of the sovereign people he recommends. From the standpoint of deliberative democracy and democratic education more generally, this description is more than a bit odd, if not totally baffling.

Toward the end of book 3 of the *Social Contract*, Rousseau states that two motions must always be raised and voted upon at the opening of every assembly: “The first is: ‘Does it please the sovereign to continue the present form of government?’ The second is: ‘Does it please the people to leave the administration in the hands of those who are presently entrusted with it?’” These two motions palpably reassert the people’s position as sovereign, making the continuation of the very form of government contingent upon its regular and periodic approval. The vote on whether the same magistrates should be entrusted with administrative power, while hardly an afterthought, pales in contrast with the explicit and periodic return to the fundamental question of what form of government to institute. This question—which even Locke said required unanimous consent, at least once in the history of the nation—reveals not only the “public
person” born of the pact of association. It also reveals the full extent of an active, and not merely residual or virtual, sovereign power. Votes on proposed laws during the assembly constitute a further exercise of that power vested in the people.

So far, so good. It is when Rousseau turns, in book 4, to the voting procedures themselves that the oddness reveals itself. He opens the book by insisting that the general will is always “constant, unalterable and pure.” This is so even when public spirit has declined and private interests dominate the assembly. The general will, like the public interest itself, is clear and identifiable, but the people—now, for all intents and purposes a mere aggregate of individuals—cease to listen to it or actively seek it out. The closer that votes approach unanimity, the more assurance we have that the general will is being listened to and that private or partial interests are being subordinated to the general interest. The appeal to unanimity as the measure of intact public spirit and civic integrity raises an obvious question, one Rousseau puts like this: “How can the opposition [i.e., the minority in any given vote on legislation] be free, and at the same time subject to laws to which it has not consented?” If freedom is “obedience to a self-given law,” this seems to be a well-nigh fatal objection to Rousseau’s entire argument. Rousseau comments:

My answer is that the question is badly framed. The citizen consents to all the laws, even to those which have been passed over his opposition, and even to those which punish him for any violation. The constant will of all the members of the state is the general will; that is what makes them citizens and free. When a law is proposed in the assembly of the people, what the voters are being asked is not precisely whether they do or do not approve of the proposal, but whether or not it is conformity with the general will, which is their own.

And he continues:

Each, when casting his vote, gives his opinion on this question; and the declaration of the general will is found in counting the ballots. Thus when an opinion contrary to my own prevails, this proves nothing more than that I was mistaken, and that what I thought to be the general will was not. If my private opinion had prevailed against it, I should have done something I did not intend; and it is then that I would not have been free.
Rousseau’s point here is that, where public spirit and public interest still prevail, what is being elicited from members of the sovereign are not arguments for and against pieces of legislation (the basic presupposition of any truly deliberative body) but simply a verdict on the conformity of the proposal with the (in principle infallible) general will. In other words, no speech making, no deliberative back and forth, no articulation of varied and plural opinions on the nature of the common good itself. What the individual citizen—always male, for Rousseau—does is to silently interrogate himself, engaging in an operation of virtually Cartesian introspection. The goal of this self-examination is a critical awareness of where his private interest lies and where the public interest does. Indeed, it is only by summoning up, in the interior domain of conscience, the opposition between the citizen’s public and private interests that a sincere opinion on the conformity of a given law with the general will can be given at all. Should the majority vote no where I and several of my peers have voted yes, then it is clear that we, the minority, have made some mistake in the process of our self-interrogation. We acknowledge gladly the correction of our error supplied by the majority verdict.

Rousseau’s public assemblies thus reveal themselves to be something considerably less than a genuine public space—that is, a space reserved for argument and debate about common affairs. Like Plato and—according to some readings, at least—like Thucydides, Rousseau assumed that ordinary people would be led astray by oration, argument, and the talkative exchange of opinion. The way to avoid such a result was to make the articulation of the general will dependent upon self-examination by citizens. Of course, only simple, uncorrupt citizens—citizens animated more by love of country than by private interest—could be expected to carry out the process of self-interrogation with any rigor and sincerity. More to the point, only simple, uncorrupt citizens could be expected to welcome the correction to their opinion that a contrary majority vote expressed. Thus it is that Rousseau’s political theory—so often reproached or praised for making politics supreme—turns out to be not very political at all. This of course assumes that we understand “politics” in the manner it has been understood since the Greeks invented it—namely, as entailing debate and deliberation over the nature and content of the common good. Such debate is always about ends as well as means.

The absence of any genuine dimension of plurality in Rousseau’s conception, as well as his focus on near-unanimity as a sign of the strength of
the general will, has made his political theory an inviting target for liberal critique ever since Condorcet. The strain of criticism that views Rousseau’s political theory as proto-totalitarian has its roots in his apparent fetishization of a near-unanimous popular will. From a contemporary perspective, his emphasis on it is indeed problematic, perhaps even fatal. But it should be pointed out that Rousseau was hardly alone in his assumption that “the people,” freed from domination and the more overt forms of manipulation, would tend to see the common good as something simple, plain, and unitary.

We find this assumption operative, for example, in the thought of the early-nineteenth-century Prussian reformers, Baron von Stein and Karl August Fürst von Hardenberg. Both Stein and Hardenberg assumed that increasing national popular representation would lead to a harmonious convergence of the interests of the monarch and the people, the latter viewed as a more or less homogeneous bloc. We even find this assumption in two of Rousseau’s most celebrated nineteenth-century critics, Alexis de Tocqueville and John Stuart Mill. Although the notion of the tyranny of the majority certainly seems to take direct aim at the idea of a clear and near-unanimous popular will, it in fact presupposes it. What Rousseau designates positively as the volonté générale, Tocqueville and Mill designate negatively as the tyranny of the majority. The assumption of an overriding, near-monolithic popular will is left virtually undisturbed.

Another aspect of Rousseau’s voting procedures that has come under fire is its seeming presupposition of a quasi-a priori idea of the general will itself. If the general will is, as Rousseau says, “indestructible”—“constant, unalterable, and pure” (constante, inaltérable et pure) no matter how much a prey to private interests the people become—does that not mean that it is always hovering somewhere either behind or above society? Is it not a kind of spirit that possesses an eternal life, no matter how corrupt its bodily envelope may become?

It would be premature to dismiss the possibility of an underlying Platonic-Christian soul-body metaphorics here. As I pointed out above, however, the minimalist idea of the general will is not at all metaphysical. All it assumes is the capacity of citizens to distinguish between their private or group interests and the public interest at large. The fact that a population of citizens might become corrupt—that is, either unable to make this distinction or unwilling to suspend, at least temporarily, the priority of their private interests—does not affect the reality of the public interest or the
common good. It merely demonstrates that the citizen body is no longer interested in pursuing it, in acting as a body for the sake of the common good. It is one thing to say that we are all in this together, quite another to judge, act, and vote accordingly. True, the univocal conception of the common good in Rousseau—his refusal to entertain the possibility that people of good will may, in fact, disagree about it, with neither party necessarily being less virtuous or less public-spirited—is a piece of metaphysics. It is, however, a piece of metaphysics that virtually the entire Western tradition of political thought has succumbed to.87

The real problem that Rousseau’s chapter on voting procedures points to is not the presupposition of some ghostly entity—the general will. Rather, it is his dual assumption of a univocal public good (on the one hand) and a more than minimally virtuous citizen population (on the other). For the general will to preside over popular assemblies, a concrete public interest, one by definition exempt from controversy, must exist, and the citizens themselves must have been educated to civic virtue. These two conditions are entirely in line with what might be called Rousseau’s most basic assumption, articulated in his chapter “The Various Types of Laws” (in book 2):

In addition to these three types of law [fundamental or constitutional, civil, and criminal] there is a fourth, the most important of all, which is graven not in marble or bronze, but in the hearts of the citizens; which forms the real constitution of the state; which day by day acquires new strength; which revives or replaces the other laws when they grow old or are extinguished, which preserves the people in the spirit of its original institutions, and imperceptibly substitutes the force of habit for that of authority. I am speaking of manners, morals, and customs and, above all, of public opinion, a factor unknown to our political theorists but on which the success of all the rest depends; a factor with which the great legislator is secretly concerned when he seems to be thinking only of particular regulations; for the latter are only the soffit of the arch, while manners and morals, though of slower growth, are in the end the unshakeable keystone.88

This passage is of great importance since it deals with what Tocqueville, in a quite different context, was to call “free mœurs.” It reveals, first, the necessity, in Rousseau’s mind, of the cultivation of such mores (habits, opinions, and ideas) for a free state. Second, it reveals the need for the “great legislator” to centrally, albeit covertly, concern himself with creating rules,
laws, and institutions that will form virtuous citizens capable of governing themselves in accordance with self-given laws. The undeniable paternalism of Rousseau’s overall conception here stands out in sharpest relief. It is concretely manifest in the institutions of the censorship and civil religion— institutions that both form and police the ideas and habits appropriate to virtuous citizens.

“Reform the opinions of men,” Rousseau writes, “and their manners and morals will automatically be purified.”89 Human judgment about the noble and the base, the beautiful and the ugly, must be “regulated” (“c’est donc ce jugement qu’il s’agit de régler”). The easiest way to do this, as the Spartans and Romans demonstrated, is through the office of the censor. The censor is charged with the preservation of public manners and morals through the (supposedly) judicious rooting out of corrupting opinions, ideas, practices, and the like.

Rousseau nowhere goes to the lengths Plato does90—as, for example, in demanding the expulsion of the poets (although, in his Lettre à d’Alembert sur le théâtre, he gives vent to a vehement, and very Platonic, antitheatrical prejudice).91 Nor does he see the office of the censor as a kind of propaganda ministry in utero. Public opinion and public morals, if they are the product of anything, are the creation of the people’s constitution and legislation.92 Ultimately, they are the product of the system of laws given by the legislator. Thus, although “the law does not regulate manners and morals,” it is, nevertheless, “legislation that causes them to arise.”93 Where legislation weakens and becomes progressively less expressive of the general will, there “manners and morals degenerate.”94 The best the censor can do—the extent of this office’s educational and formative power—is to aid in the preservation of manners and morals “by preventing opinions from growing corrupt.”95

A far greater institution for the shaping and preservation of public morals is religion, especially that of the civil variety. In the Discourses, Machiavelli went so far as the rank Numa Pompilius, the founder of Roman religion, above his legendary predecessor, Romulus, who was the founder of Rome itself. The reason for this ranking is simple. According to Machiavelli, religion disciplines unruly citizens by making them afraid to break their oaths and contracts, even when their self-interest—or, indeed, their self-preservation—urges them to behave otherwise. He thinks that “anyone who examines Roman history closely will discover how much religion helped in commanding armies, encouraging the plebeians, keeping men
good, and shaming the wicked.” Moreover, “where there is religion it is easy to introduce arms, but where there are arms without religion the latter can be introduced only with difficulty.”96 The fact that the pagan religion focused on soothsayers who looked for signs of the gods’ favor or disfavor at critical moments only made its civic-military utility that much greater.

This linkage of religious and military discipline makes it clear that the kind of religion required to make men place their duty to God (or the gods) and country above their own self-interest was hardly the kind Machiavelli and his contemporaries were most familiar with. For them, the Catholic Church was a potent source of corruption and “wicked customs.”97 Machiavelli’s excoriation of the Catholic Church is matched in its vehemence only by Luther’s. Luther, however, wanted a Christianity purified of worldliness, one that emphasized the individual’s relation to God and scripture. From Machiavelli’s standpoint (writing at the same time as, albeit in complete ignorance of, Luther), such a remedy would only make matters worse. In a famous passage from book 2, chapter 2 of the Discourses, Machiavelli writes as follows:

Considering, therefore, why it is that in ancient times the people were greater lovers of liberty than in our own times, I believe this arises from the same cause that makes men less strong today—and this, I believe, is due to the difference between our education and ancient education. Since our religion has shown us the truth and the true path, it makes us value the honor of this world less; whereas the pagans, who valued it very much and considered it the highest good, were more fierce in their actions. . . . Ancient religion glorified only men who were endowed with worldly glory, such as generals of armies and rulers of republics; our religion has glorified humble and contemplative men rather than active ones. Furthermore, it has established as the supreme good humility, abjection, and contempt for human affairs, while ancient religion defined it as grandeur of spirit, strength of body, and all the other things likely to make men most vigorous. . . . [Our religion] seems to have rendered the world weak and handed it over as prey to wicked men, who can safely manage it when they see that most men think more of going to Heaven by enduring their injuries than by avenging them.98

Whatever the truth of Christianity, its inherent world alienation makes it unsuitable for the creation and education of liberty-loving, patriotic
citizen-soldiers—the kind of citizen-soldiers any republic, surrounded by strong enemies, stood in dire need of.

Rousseau’s chapter on civil religion presumes the correctness of Machiavelli’s description of the essential difference between ancient education and the kind provided by the Christian religion. Indeed, anticipating Hegel’s analysis in *The Phenomenology of Spirit*, Rousseau ups the ante considerably: “Christianity is a wholly spiritual religion, exclusively concerned with heavenly things; the home country of the Christian is not of this world. . . . Christianity preaches only servitude and dependence. . . . True Christians were made to be slaves; they know it, and do not really mind; this brief life has too little value in their eyes.”

If we add to this indictment of the Christian spirit the fact that the Catholic Church bases itself on a hierarchical split between spiritual and temporal authority—between church and state—we seem to have quite a quandary. Religion is an absolutely essential educative institution for free republics. It makes men good and habituates them to the idea that in serving their country, they are also serving their god. Yet Christianity “detaches” the “hearts of citizens” from all worldly things, the state most of all. Catholicism makes matters worse by institutionalizing a fundamental split between worldly and spiritual power. As Rousseau puts it, “anything which breaks the unity of society is worthless; all institutions which set man at odds with himself are worthless.”

Where, then, can one turn in modern times in order to secure the benefits of a truly civil religion and the education in citizenship it provides? From a Rousseauian point of view, the answer is not at all clear. One thing we can say for sure is that Robespierre’s attempt to fulfill Rousseau’s demand with a state-sponsored cult of Reason and Nature (one in which moral and religious ideas are ostensibly reconciled with republican principles) was a miserable failure. The perplexity only deepens when we take into account Rousseau’s genealogy of moral inequality and social-political corruption in his *Discourse on the Origin and Foundations of Inequality among Men*.

**IV. Natural or Nascent Man: The “Degree Zero”**

It is in the second *Discourse* that Rousseau can be said to have become Rousseau—the “Homer of the losers,” in Judith Shklar’s apt phrase. If
the poet immortalized the “great words and deeds” of noble Greeks and Trojans, Rousseau’s “epic prose” reveals the moral degradation produced by a form of socialization based not on civic equality, but on hierarchy, envy, and contempt. This moral degradation affects both the high and the low, the rich and the poor, the powerful and the impotent alike. It is a process of decline roughly equivalent to the history of organized Western society—a society whose basis, we should remember, was the belief in a “natural” (Aristotle) or divinely sanctioned political inequality.

What was praised, then, by Greek philosophers and by Christian thinkers from Augustine and Aquinas to Bousset and de Maistre as the very foundation of social and political stability is indicted by Rousseau in its totality. What European humanity had been taught for centuries by philosophers and priests to venerate was, in fact, the root of all evil. Disposing of the absurd, incoherent and—it must be said—inmoral doctrine of original sin, Rousseau reveals moral corruption and human self-degradation as the product not of wicked or sinful individuals, but of the social system as a whole. In doing so, he reveals how “the material”—civilized human beings, we ourselves—have become deeply if not hopelessly corrupt.

How does he do this? Essentially by juxtaposing two very different types of human beings: natural or savage man, on the one hand, and social or civilized man on the other. These two types are separated as if by an abyss. The entire origin and growth of society, an above-subsistence-level economy, political authority, and culture itself—lies between them. There is an equally large gap between their respective ways of life, their distinct modes of existence. In a passage toward the end of the second Discourse, Rousseau memorably sums up the contrast between them:

Savage man and civilized man differ so much in their inmost heart and inclinations that what constitutes the supreme happiness of one would reduce the other to despair. The first breathes nothing but repose and freedom, he wants only to live and to remain idle, and even the Stoic’s ataraxia does not approximate his profound indifference to everything else. By contrast, the Citizen, forever active, sweats, scurries, constantly agonizes in search of ever more strenuous occupations. . . . He courts the great whom he hates, and the rich whom he despises; he spares nothing to attain the honor of serving them; he vaingloriously boasts of his baseness and of their protection and, proud of his slavery, he speaks contemptuously of those who have not the honor of sharing it.
Social man (“the Citizen” in the above passage) is not natural man corrupted. He is, rather, a more degraded version of the relatively less corrupt social man found in preceding epochs of human history. The contrast here works, both analytically and rhetorically, because of the caesura Rousseau inserts between natural and social or civilized man.

Why does he do this? If natural man is not the seed of social or civilized man—if there is no pregiven or necessary pattern of development from one to the other—of what use is the concept? Has Rousseau gone back to the hypothetical state of nature simply because his illustrious predecessors Hobbes, Locke, and Pufendorf had done so?

The answer to the second question is “obviously not.” If the problem before us is how to trace the origin of moral (social, political, economic and cultural) inequality among human beings, then what is needed above all else is what Jean Starobinski has termed a “reference concept”—a “degree zero” from which to measure the nature and extent of socially generated corruption and moral degradation. Rousseau, unlike Hobbes and even more unlike Locke, makes no claim that the state of nature (as he paints it, at least) ever existed historically. The point of the speculative anthropology contained in the first part of the second Discourse is to present the human being as he looks stripped of “all the supernatural gifts he may have received, and of all the artificial faculties he could only have acquired by prolonged progress; by considering him, in a word, as he must have issued from the hands of Nature.”

Nature, not God. The difference is decisive. If we want to have some idea of what human beings were like in a genuine (but nonetheless hypothetical) state of nature; if we want to avoid both anachronism and the smuggling in of theological dogma and prejudices; then we must bracket all philosophies and teachings based on natural law and the idea of a divine lawgiver. A lengthy tradition—from Aquinas to Althusius to Locke and beyond—relied on the idea of natural law (or a “law of Nature”) to ensure that the state of nature would be viewed as a moral state, one governed by God’s law if not (at least not yet) by the positive laws generated by organized human societies. Rousseau rejects this tradition as fallacious and misleading. If one does not want to import all kinds of socially and historically created ideas and faculties into the “state of nature,” one must be prepared to meet a premoral and prerational being. Man “from the hand of nature” possesses neither speech nor reason. He is not possessed of any innate moral or social sense. Nor, contra Hobbes, is he particularly
passionate or violent. Naturally speaking, primitive man has only a “sentiment of existence,” an impulsion to self-preservation, and an aversion to seeing animal suffering—a natural form of the passion of pity.

Other than that, natural man is pure potentiality. And “pure” means pure. There is no built-in end or perfection, no design, no preset path of development for this idle and rather lazy being. He lives alone in the forest and lacks any sense of time or property and has no means of communication beyond an inarticulate cry:

Let us conclude that, wandering in the forests without industry, without speech, without settled abode, without war, and without tie, without any need of others of his kind and without the desire to harm them, perhaps even without ever recognizing any one of them individually, subject to few passions and self-sufficient, Savage man had only the sentiments and the enlightenment suited to this state. . . . If by chance he made some discovery, he was all the less in a position to communicate it as he did not recognize even his Children. The art perished with the inventor. . . . Centuries went by in all the crudeness of the first ages, the species had already grown old, and man remained ever a child.112

Yet it is precisely the absence of a fixed nature or telos, combined with the ability to resist the natural instincts that determine the behavior of all other species, that opens the possibility of a decisive change in nascent man’s nature. A series of fortuitous accidents—the discovery of fire, ironworking, agriculture, and (most puzzling in its origin) language itself—thrust the largely solitary and premoral “savage” man out of the state of nature and into a rudimentary social existence, one based on small family groups and tribal organization. The contingent nature of this development—the advent of recognizably social man—must be emphasized. Contra Aristotle, man is not “by nature” a political animal. Nor, contra Aquinas, is he “by nature” a social animal either. However, as we have already seen, the extremely moderate nature of natural man’s passions, combined with the absence of any notion of property or exclusive use, meant that he was not naturally aggressive or violent either (a view Rousseau attributes, predictably but also somewhat unfairly, to Hobbes).113

Other than freedom from determination by instincts, one faculty that Rousseau does attribute to premoral, presocial, and prelinguistic man is what he calls (with no small irony) “perfectibility.” This capacity is utterly
absent in all other species. They remain pretty much the same throughout the ages. Only nascent man, “with the aid of circumstances,” can develop all the other capacities (for thought, communication, reason, social organization, and moral ideas) singled out by previous philosophers as distinctively human. Rousseau emphasizes the historical and contingent nature of this development, whereas Greek, Christian, and natural law philosophy saw it as necessary and natural in the metaphysical-theological sense. It was, supposedly, the outgrowth of our natural or God-given essence.

For Rousseau, the idea of a human essence (one that transcends the most basic differentiation from other species) is infinitely problematic. He views it as the supremely dubious means by which philosophers and theologians alike have, for centuries, transposed historically and socially developed qualities into a “human nature” that supposedly lies beyond time and chance. For Rousseau, no such realm exists—at least not for nascent human beings and the (contingent) developmental stages through which they subsequently pass.

Another key difference between Rousseau and the tradition is that Rousseau sees our distinctively human faculties as, in effect, morally neutral. Their development can lead either up or down, to human dignity or to human depravity. The preponderance of human history—with its violence, envy, contempt, and general moral corruption—demonstrates just how far “developed” and “enlightened” human beings can fall (“lower than the Beast itself” [plus bas que la bête même], as Rousseau says). But—to say it again—such a fall is not built into our nature or somehow predestined, as the Old Testament and Christianity would have it. It becomes possible only with the series of fortuitous accidents that transform solitary, independent, and decidedly nonvicious creatures into social and dependent ones.

It is only with social existence that the possibility of moral inequality appears. In nature, there are no masters and slaves, lords and bondsmen, rich and poor. There are only relatively small differences of strength and sagacity that, in and of themselves, do not notably distort a natural order of equality and freedom. One specimen of nascent man will be pretty much like another, absorbed by his easily fulfilled needs and independent (“free”) of any structural reliance upon his peers. Inequality is thus barely perceptible in man’s presocial existence.

These vitally important differences with the theological-metaphysical tradition notwithstanding, more than a few commentators have suggested that Rousseau—with his basic contrast between natural and social
man—has merely socialized the biblical idea of the Fall. Nature is good, while society is evil. But this, of course, is not what Rousseau says. Although evil is definitely social in its origin and development, not all social existence is evil.\textsuperscript{117}

This is made perfectly clear by the \textit{Social Contract} itself, which holds out the distinct possibility of a society founded upon civic equality, civic virtue, and the collective exercise of an autonomous (“general”) will.\textsuperscript{118} But it is also made clear by the three stages of rudimentary social development that Rousseau depicts in the second half of the \textit{Discourse on the Origin and Foundations of Inequality}. The steps detailed there—from a simple and patriarchal tribal existence based on a subsistence economy; to the development of the division of labor (brought about by the discovery of agriculture and metallurgy) and the creation of a surplus; to (finally) the creation of a political order to protect the individual property made possible by the existence of such a surplus—are not necessarily downward ones, Rousseau's observation that “It was iron and corn [i.e., metallurgy and agriculture] which first civilized man, and ruined humanity” notwithstanding.\textsuperscript{119}

In fact, Rousseau viewed the tribal-patriarchal stage as a kind of golden age. True, proximity to others gives rise to comparisons and, thus, to admiration and possible envy: “Everyone began to look at everyone else and to wish to be looked at himself.”\textsuperscript{120} But it also gives rise to conjugal and paternal love, the “sweetest sentiments known to man.”\textsuperscript{121} Even more important, the division of labor was, at this stage, extremely rudimentary. Men hunted and fished, and women tended to the family and the hut.\textsuperscript{122} The significance of what, from our perspective, looks like a completely undeveloped division of labor is made plain by Rousseau's description of the essential traits of human existence at this stage:

So long as men were content with their rustic huts, so long as they confined themselves to sewing their clothes of skins with thorns or fish bones, to adorning themselves with feathers and shells, to painting their bodies different colors, to perfecting of embellishing their bows and arrows, to carving a few fishing Canoes or a few crude Musical instruments with sharp stones; In a word, so long as they applied themselves only to tasks a single individual could perform, and to arts that did not require the collaboration of several hands, they lived free, healthy, good, and happy as far as they could by their Nature be, and continued to enjoy the gentleness of independent
dealings with one another; but the moment one man needed the help of another; as soon as it was found to be useful for one to have provisions for two, equality disappeared, property appeared, work became necessary, and the vast forests changed into smiling fields that had to be watered with the sweat of men, and where slavery and misery were seen to spout and grow together with the harvests.¹²³

This is an indictment of the division of labor that exceeds anything Karl Marx ever wrote, revealing Rousseau to be Adam Smith’s true opposite number.¹²⁴ Yet, again, it is easy to miss Rousseau’s main point. It is not the division of labor that is in itself bad or corrupting. Rather, it is the way the division of labor—a form of economic dependence—prepares the ground for ubiquitous psychological dependence, a phenomenon that first appeared in tribal society, but in largely benign form.

It is no exaggeration to state that the second part of the second Discourse is devoted to showing how psychological dependence results in a society in which human beings increasingly live “outside themselves,” requiring the recognition of their identity and status by others. This is in marked contrast to the independent and self-sufficient existence enjoyed by nascent (or natural) man. It is the beginning of a civilized life in which amour propre—vanity or self-regard—replaces the sheer sentiment of self that characterized humanity in its infancy.¹²⁵

But—yet again—it is not as if Rousseau is simply indicting a surplus economy or the increasingly civilized life it makes possible. Contrary to the tendency of his earlier Discourse on the arts and sciences (1750) and Voltaire’s quip about “walking on all fours,” Rousseau hardly thinks the “golden age” is recoverable, or that a return to nature is either possible or desirable. The loss of innocence is irreversible; civilization is here to stay. This is what gives the Discourse on the Origin of Inequality its tremendous pathos. Similarly, while psychological and economic dependence sets the stage for the blossoming and expansion of moral inequality—for the growth of a society in which status and rank is everything—such dependence can also have a benign, indeed elevating, form. This can occur when it takes the form of the dependence of the individual not on the will or regard of another individual or group, but upon all the rest—that is to say, on the political community as such.

This fact—that, for Rousseau, it is not simply a case of (good) nature and independence on one side of the equation, and (bad) society and
dependence on the other—draws our attention to another. Even the process of socialization upon which Rousseau seems to blame so much is, in itself, neither good nor bad. Socialization happens. The question is what form it takes. Is it guided by institutions, laws, and practices designed to bolster the self-sufficiency and self-governance of the community, or is it a largely haphazard process in which forces beyond our control (like the rapid expansion of the division of labor and the birth of a market society) dictate the outcome?

In the second Discourse, Rousseau leaves little doubt about humanity’s overall failure to avoid the moral corruption born of psychological and economic dependence, even though—again—these two phenomena could have led up instead of down, assuming they had been shaped and limited in certain ways. Correct civic education and formative institutions could have—and, in certain cases (like the ancient republics and Rousseau’s idealized Geneva), did—avoid the moral degradation spawned by the fateful intersection of psychological and economic dependence at the very earliest stages of civilization.

V. The Origin and Progress of Social Corruption

The second half of the Discourse on Inequality begins with a famous declaration: “The first man who, having enclosed a piece of ground, to whom it occurred to say this is mine, and found people sufficiently simple to believe him, was the true founder of civil society.” Rousseau continues: “How many crimes, wars, murders, how many miseries and horrors Mankind would have been spared by him who, pulling up the stakes or filling in the ditch, had cried out to his kind: Beware of listening to this imposter; You are lost if you forget that the fruits are everyone’s and the Earth no one’s.”

Like much of Rousseau’s rhetoric in the second Discourse, this blunt declaration masks a more complex line of thought. It is not private property that is the source of all evil (a thesis Marx and Proudhon might have endorsed). As with social interaction, the division of labor, and the advent of civilization itself, the birth of private property is not the cause of mankind’s downward slide so much as a necessary precondition. The society outlined in the Social Contract is hardly a communistic one, even though Rousseau, like the ancient republicans before him, wanted to mitigate the gap between rich and poor. And, as Patrice Higonnet has recently re-
mind ed us, Rousseau’s professed followers, the Jacobins, were staunch de­
defenders of the right to private property.  

Rousseau’s fundamental point is actually the same as Locke’s in the Second Treatise on Government. It is the existence of, or claim to, private property that entails the creation of a “civil” (political) society. Once again, there is nothing intrinsically or irredeemably bad in this. Civil or political society, the outgrowth of the claim to property, can lead up or down as well. Indeed, an uncorrupt form of civil society provides what neither the state of nature nor familial or tribal existence ever could: a humanity transformed from brutish or primitive status to something infinitely higher. As Rousseau writes in book 1 of the Social Contract:

This passage from the natural to the civil state produces a very remarkable change in man, substituting justice for instinct as the guide to his conduct, and giving his actions the morality they previously lacked. Then only is it that the voice of duty takes the place of physical impulse, and law the place of appetite; and that man, who until then thought only of himself, finds himself compelled to act on other principles, and to consult his reason instead of his inclinations. Although in this state he loses many of his natural advantages, he gains so many in return, his faculties are broadened, his sentiments ennobled and his whole soul elevated to such an extent that if the abuses of this new condition did not often degrade him beneath his former state, he ought unceasingly to bless the happy moment which wrested him forever from it, and turned him from a stupid and limited animal into an intelligent being and a man.

Anyone invested in the idea of Rousseau’s “primitivism” has to take this fundamental and uncompromising assertion into account.  

Where, then, do things truly go wrong? Or, better, how is it that they go wrong? The answer is not the claim to private property as such. But the emergence of this originally shaky institution enabled small natural differences in strength and wit to manifest themselves. Divergent and unequal portions of the surplus created by the development of agriculture and the division of labor assert themselves. A relatively prosperous group, acting on the “title” endowed by being the first to inhabit or work a piece of land (Locke again), gradually emerged. They found themselves confronting a relatively unprosperous group of latecomers, individuals who, for whatever
reason, failed to seize the same resources at the outset. The nascent institution of private property, in other words, gives rise to the distinction between rich and poor, and it is this distinction that is the true root of moral inequality and (thus) corruption and human degradation. But—to qualify things yet again—it is only the root, not the totality.131

Needless to say, in the nascent society Rousseau depicts, the gap between rich and poor is far less extreme than at later stages of development. From our perspective, one almost inured to vast differentials in wealth, this early gap seems barely perceptible. Yet the gradual monopolization of the surplus by the more “industrious and rational” (as Locke would say) nevertheless created a situation of structural antagonism, one in which the right to maintain hard-won possessions confronted the right of others to self-preservation. Envy, deception, and violence necessarily followed. The “war of all against all,” which Hobbes had famously located in the state of nature, actually occurs at a much later stage of development. Such a war presumes the advent of society, the claim to property, and the emergence of two basic social groups, the rich and the poor—a distinction that soon gives way to that between the powerful and the weak. A transformation of human nature occurs, but it is not the edifying one outlined in the Social Contract:

The usurpations of the rich, the Banditry of the Poor, the unbridled passions of all, stifling natural pity and the still weak voice of justice, made men greedy, ambitious, and wicked. A perpetual conflict arose between the right of the stronger and the right of the first occupant, which only led to fights and murders. Nascent society gave way to the most horrible state of war. Humankind, debased and devastated, no longer able to turn back or to renounce its wretched acquisitions, and working only to its shame by the abuse of the faculties that do it honor, brought itself to the brink of ruin.132

It is in this context—a context characterized by haphazard socialization, constant conflict between rich and poor, and escalating levels of theft and violence—that the idea of civil or political society first appears. It occurs, logically enough, among those who have the most to lose: the rich. It is, after all, they who bear the full cost of a perpetual conflict (conflit perpetuel). Thus, it must have been a rich man who conceived “the most well-considered project ever to enter the human mind [le projet le plus réfléchi qui soit jamais entré dans l'esprit humain]: to use even his attackers’ forces in his favor, to make his adversaries his defenders.”133
“Let us unite,” he told them, “to protect the weak from oppression, restrain
the ambitious, and secure for everyone the possession of what belongs to
him. . . . Instead of turning our forces against one another, let us gather
them into a supreme power that might govern us according to wise Laws,
protect and defend all the members of the association, repulse common
enemies, and preserve us in everlasting concord.”134

This is the origin of what some commentators have called the “false” or
“iniquitous” contract—a pact or agreement that creates a political society
ruled by law and a sovereign power. The primary effects of this contract,
however, are to transform “a skillful usurpation [by the rich] into an irrev
ocable right,” thereby subjugating “for the profit of a few ambitious men”
the whole of Mankind to “labor, servitude, and misery.” The impoverished
many “ran to their chains in the belief they were securing their freedom.”135
To be sure, the false contract aims at what “the wise Locke” declared the
sole legitimate purpose of political authority, namely, the preservation of
property (whether in the narrow everyday sense or the expanded sense
of “lives, liberties, and estates”).136 This, however, does not alter its funda
mental nature. As Rousseau notes, it is a confidence trick perpetrated by
the haves upon the “crude” and “easily seduced” have-nots.

With the unequal and unjust distribution of property and resources
thus legitimized, the war of all against all comes to an end. Society takes
on a more peaceful, but still fiercely competitive and increasingly status
oriented, profile. Although Rousseau carefully avoids the anachronism of
Hobbes (who projected the selfish and prudentially rational man of the
present back into the state of nature), it cannot be said that he entirely
avoids anachronism in his psychological portrait of social man at this (still
relatively early) stage of development. A whole raft of vices we associate
with developed forms of market society—consuming ambition, envy, hyp
ocrisy, widespread and irreducible conflicts of interest, and “the hidden
desire to profit at another’s expense”—are all seen as arising the moment
private property is institutionalized and nascent inequality given legal and
political form.137

Two things need to be noted at this stage of Rousseau’s story. The first is
that, despite its character as a strategic and artful seduction on the part of
the rich, the “false contract” is, nevertheless, legitimate in a basic or legalis
tic sense. According to Rousseau’s account, no one forces the poor to agree
to the terms of the contract. Second, the moral corruption of mankind at
this stage, although manifest in the vices noted above, is still rather limited. The “fall” of social man—now safely housed in political society—has just begun. He still has—or, I should say, we still have—a long way to go. True, social man is no longer free (independent), and **amour propre** is fully developed relatively early on. The most repellent potentials of **moral** (that is, artificial) inequality, however, remain as yet unrealized.

Here a subtle but undeniable teleology creeps into Rousseau’s account. Once the moral inequality between rich and poor is institutionalized and protected by law, it begins a gradual but seemingly inevitable development toward more and more extreme forms. Anticipating themes that recur in the *Social Contract*, Rousseau notes that rich and poor alike, obsessed by possessions and relative status, will tend to ignore political matters. They will be inclined to trust those to whom political and executive power has been given. As Tocqueville was to observe, the narrow focus on one’s **individual** property, affairs, and status is a central element in the decline of whatever public life exists. Wherever such a bourgeois attitude takes hold, the stage is set for (a) the alienation of all public power to a set of magistrates or representatives and (b) the subsequent usurpation and monopolization of political power by an individual or clique.

Tocqueville’s delineation of the bourgeois road to servitude follows the path originally laid out—albeit in more general, less class-specific terms—by Rousseau in the last portion of the *Discourse on Inequality*. As Rousseau writes, “the people, already accustomed to dependence, repose, and the comforts of life, and already past the state where they could break their chains, consented to let their servitude increase in order to consolidate their tranquility.”

Personal dependence on others for livelihood, service, or the production and expansion of wealth create a situation in which public-political responsibilities are spun off as part of a burgeoning, and increasingly hierarchical and corrupting, division of labor. To the already existing categories of rich and poor, master and servant, landowner and peasant is added the qualitatively different one of rulers and ruled. And this new form of moral inequality—inequality based not on wealth, but on political power—is but a prelude to what Rousseau sees as the ultimate degree of inequality, that between a despot and his subjects, who have become no more than slaves:

> If we follow the progress of inequality through these different revolutions, we will find that the establishment of the Law and Right of property was
the first term; the institution of Magistracy, the second; the conversion of legitimate into arbitrary power the third and last; so that the state of rich and poor was authorized by the first Epoch, that of powerful and weak by the second, and the third that of Master and Slave, which is the last degree of inequality, and the state to which all the others finally lead. . . . Here is the last stage of inequality, and the ultimate point that closes the Circle and meets the point from which we set out: Here all private individuals again become equal because they are nothing and, since the Subjects have no other Law left than the will of the Master, and the Master no other rule than his passions, the notions of the good and the principles of justice again vanish. Here everything reverts to the sole Law of the stronger and consequently to a new State of Nature, different from that with which we began in that the first was the state of Nature in its purity, whereas this last is the fruit of an excess of corruption.139

Despotism, the subjugation of individuals or a people to the arbitrary will of an individual or clique, is the most extreme form of the personal dependence that originates with the division of labor and the subsequent creation of rich and poor. For Rousseau, moral inequality has a kind of inner logic, one by which personal dependence on superiors or inferiors expands and deepens, touching every part of our social and psychological lives. The master or boss is a kind of minidespot. The servant or worker is impelled to become a hypocrite and a knave, kowtowing to those he secretly hates. Anticipating Hegel, Rousseau emphasizes how each side needs the other, both materially and—even more important—psychologically. Without the servant, there is no master; without the laborer, there is no boss.140 Even at this relatively early stage, dependence effectively weakens individual will, destroying the capacity for autonomy and rendering both master and servant unfree and corrupt.141 The final stage of inequality—that of political despotism—makes de facto slaves out of rich and poor alike. All are subject to—dependent upon—the arbitrary will of society’s Master.

Rousseau’s account of what he calls the three revolutions in the progress of moral inequality echoes the accounts of how tyranny develops in both Plato’s Republic and Machiavelli’s Discourses. It is, however, decisively different from them in that (contra Plato) it does not locate the ultimate culprit in the “uncontrolled passions” of the many, nor (contra Machiavelli) in the unlimited ambitions of the few. Tyranny is not the central object of analysis and description for Rousseau. What matters is the genesis
and growth of moral inequality and recognition of its universally corrupting power. The corruption of a people does not begin, as Machiavelli suggested in book 1 of the Discourses, with the advent of corrupt rulers. It begins long before, with the emergence of amour propre and the destruction of anything like natural freedom or independence.

Here we encounter both the power and limitation of Rousseau’s analysis. On the one hand, it is remarkable that he does not let the weak and the poor off the hook, even though his sympathies are obviously with them. In corrupt societies—and most if not all of the European societies of Rousseau’s day were clearly corrupt, by his standards—the people are just as tainted as their masters. Once cannot make a society of free citizens out of a society of knavish lackeys or (to update the example just a bit) out of social climbers and ambitious or resentful employees. Neither group is capable of transcending the web of personal dependence and socially determined self-regard that is the core of moral corruption as Rousseau sees it.

This brings us back to what Rousseau does share with Plato and Machiavelli, namely, the unfortunate metaphor of the people as real or potential material for the creation of a just political society. Like Plato and Machiavelli, Rousseau warns future lawgivers and statesmen away from corrupt or tainted material. Civic form cannot be successfully imposed on such botched matter. The only real possibility for civic renewal—for the creation of a free republic in modern times—is giving a set of laws and institutions to a people that is distant enough from the mainstream of history so as to retain some, if by no means all, of its “natural” goodness. Only where personal dependence has not yet become an ingrained way of life is the emergence of civic freedom possible.

VI. Children, Corsicans, and Poles: The Social as Natural, the Natural as Social

The latter possibility is explored in Rousseau’s “Considérations de Constitution pour la Corse” (1765) and, to a lesser extent, in his Considérations sur la Gouvernement de Pologne (1771–72). These are texts that explore a social conception of the “natural,” one that has its mirror image in Émile. In all these texts we see Rousseau transforming the word natural into something approximating our modern sense—namely, natural as the antonym of artificial, corrupt, or needlessly complex. This transformation not only departs radically from the sense of natural Rousseau deployed in the
Discourse on Inequality; it also effects a radical break with the entire discursive field opened up by the Greek philosophical distinction between physis (nature) and nomos (law or convention).

In Rousseau’s later works, natural takes on the modern connotations of authentic, integrated, and unspoiled. It takes on connotations, in other words, that enable us to entertain the idea of a natural (developmental) education of a single child, as well as the political education of a social, yet (relatively speaking) “natural” people—the Corsicans and, to a lesser degree, the Poles. The right kind of education for an individual child ultimately produces a man (homme) who is self-sufficient and at one with himself, both in and out of society. The right kind of constitutional education for a not totally corrupted people produces a group of citizens (citoyens) who are unified, equal, and also largely self-sufficient. In both cases, the artificial (in the form of Émile’s educational regime and the Corsicans’ and Poles’ constitutional one) is the route to the development and preservation of the natural. Émile is formed in such a way that he may develop only what is “natural” to him; the Corsicans and Poles are to be formed in such a way that the sizable remnants of their “natural” national character are developed into a genuinely civic virtue.

Viewed from one angle, the educative stages Rousseau proposes for the child Émile closely track the developmental stages outlined in the second Discourse. We move from the originally independent and premoral state of the infant to the child’s acquisition of language and ideas grounded in experience, to the introduction of social relationships in early adulthood. The final stage is initiation into civil society and political obligation. The parallel with Rousseau’s conjectural history of the human species is obvious. The difference is that the entire educational scheme of Émile is one devoted to forestalling the development of amour propre out of amour de soi, a development that will be all too likely if Émile is prematurely exposed to the beliefs and opinions of corrupt society. Where inequality becomes as deep and ineradicable as that depicted in the latter half of the second Discourse, the only alternative is to turn away from the political sphere entirely, the better to work the salvation of an individual born into (yet, for educational purposes, consciously separated from) society.

The tutor’s careful isolation of Émile until he is fifteen is an attempt to strengthen what is natural to him (his dispositions and inclinations) and preserve him from what is, in Rousseau’s view, entirely unnatural and inauthentic (precocious rationality, book learning, and the “false ideas”
that make up the “empire of opinion”). In this regard, *Émile* presumes the fundamental accuracy of the analysis of social corruption outlined in the *Discourse on Inequality*. Its educational strategy (the separation of the child Émile from society) and tactics (letting the child be a child and following what Rousseau calls “the method of nature”) are primarily prophylactic or negative in character. They are instruments designed to develop only what is natural—and thus good—in Émile, until such time as he is strong and autonomous enough to withstand, as far as possible, the corrupting influence of society.

This sketch of *Émile* reveals both its continuity with and departure from Rousseau’s earlier use of the terms *natural* and *social*. The natural inclinations, dispositions, and needs of the infant are presented as quite limited in character—just like those of nascent man in the state of nature. The education provided to the child Émile by the tutor is a highly contrived paternalistic regime, one that aims at cultivating a self-sufficiency analogous to, but obviously quite different from, the independence and self-sufficiency of savage man. Personal oneness or wholeness is thus both the origin and goal of Émile’s education. For nascent man, that oneness is a brute fact born of his independence in the state of nature; for Émile, it is the object of a fiercely protected and focused cultivation, one that allows the fruit to ripen in its own time. It is at this point that it becomes clear that Rousseau’s use of *natural* in *Émile* is metaphorical in the extreme—assuming, of course, that we take the picture of natural man presented in the first part of the second *Discourse* as an example of its literal use.

What difference does it make that the use of *natural* in *Émile* is more intensely metaphorical than its more literal use in the second *Discourse*? I would argue that it matters quite a bit. Without this metaphorical displacement, neither we nor Rousseau would be entitled to contrast a real, authentic, or natural self to an artificial, inauthentic, and unnatural social one.

In *Émile*, “natural” ceases to have its robustly presocial connotation, despite the fact that something called “society” is cast in the role of villain. Émile, after all, is a child whose education and development takes place within a broader social context—one from which, it is true, he has been separated, but one that nevertheless presumes developed language, reason, and virtue (in the form of the tutor), to say nothing of the foresight, moral sense, and material resources of Émile’s parents. The tutor is someone who knows the (social) sources of moral corruption and who is painfully
aware of just how early such bad social influences can take hold of a child, perverting natural dispositions and inclinations (like amour de soi) into something rotten (like amour propre). This knowledge leads him to place Émile in a strict pedagogical quarantine, one far removed from cities, social relationships, and the baneful influence of both rank and vanity.

What looks, then, like the natural education of a “civilized savage” is, in fact, the extremely careful and highly artificial isolation of an aristocratic child for a very special kind of tutorial relationship. Émile is entrusted to a teacher who knows how to ward off and counteract the influences that produce greed, envy, selfishness, and an essentially strategic form of intelligence. Such avoidance is achieved through the creation of specially created (and strictly controlled) educational environments in which the child thinks he is free to follow his natural curiosity and desires wherever they lead him. In fact, all his movements and utterances are anticipated by his teacher. The tutor creates often elaborate tableaux and pedagogical situations, the better to impress upon Émile a specific moral or lesson without the latter realizing he has just been taught.145

In this regard, the fact that the inclinations, dispositions, and needs Émile’s tutor manipulates are not those of presocial or nascent man is of fundamental importance. The latter are static, whereas Émile’s inclinations and dispositions are subject to inevitable development. An education attuned to the natural inclinations, dispositions, and needs of a child—a child who is of but not yet in society—does all it can to isolate this development from pernicious social influences. At the same time, it guides the child along a carefully laid out path of natural development, never asking him to prematurely (and unnaturally) act like a little adult. If all goes according to plan, Émile will, as a young adult, be in possession of a more natural social self and will be capable of fostering more authentic (that is, compassionate and direct) social relations with others. Natural here takes on a strongly normative connotation, one that presumes a developed social context as both background and departure point for Émile’s education. This normative sense of natural, so familiar to us, must be sharply distinguished from the analytic and descriptive sense Rousseau attaches to it in the Discourse on Inequality.146

What Rousseau’s educational treatise opens up, then, is the possibility of an extremely artificial yet (somehow) natural socialization, one undistorted by the gravitational pull of the vanity and envy that reign in society
at large. Émile is intended by Rousseau as proof that, even in a society characterized by *amour propre* and the proliferation of adventitious needs, a more integrated, less self-divided personal existence is possible. And this, of course, is exactly how both Émile and *La nouvelle Héloïse* were read in the eighteenth century—namely, as briefs for a more authentic or natural existence, one that preserved what Rousseau considered genuinely human and humane from the corrosive effects of social rank, personal vanity, and ubiquitous selfishness.147

The formation of an autonomous and self-sufficient body of citizens is quite a different matter. For the most part, Rousseau views this process as one of a systematic denaturalization. The perverted remnants of a haphazard socialization (such as we find outlined in the second half of the *Discourse on Inequality*) must be extirpated if civic form is to be stamped successfully on human material. This line of thought, although clearly evident in the *Social Contract*, finds perhaps its most pungent expression in the earlier *Discourse on Political Economy*:

> There can be no patriotism without liberty, no liberty without virtue, no virtue without citizens; create citizens, and you have everything you need; without them, you will have nothing but debased slaves, from the rulers of the State downwards. *To form citizens is not the work of a day; and in order to have men it is necessary to educate them when they are children.* . . . If they [citizens] are so rare amongst us moderns, it is because nobody troubles himself whether citizens exist or not, and still less does anybody think of attending to the matter soon enough to make them. It is too late to change our natural inclinations, when they have taken their course, and egoism is confirmed by habit; and it is too late to lead us out of ourselves when once the human ego, concentrated in our hearts, has acquired that contemptible activity which absorbs all virtue and constitutes the life and being of little minds. How can patriotism germinate in the midst of so many other passions which smother it? . . . From the first moment of life, men ought to begin learning to deserve to live; and, as at the instant of birth we partake of the rights of citizenship, that instant ought to be the beginning of the exercise of our duty.148

The last point was something the ancients knew but we moderns have forgotten. Of course, the cradle-to-grave civic formation instituted by the
“great legislator” can be viewed as having its private-realm counterpart in Émile’s education. The difference, however, is not simply one of scale, nor even of a public and political education versus a private and personal one. In the Political Economy essay, Rousseau presents the formation of citizens as something artificial “all the way down,” as we would say today. Civic education cannot rely on anything that is merely natural. Rather, it must effect the total replacement of haphazardly developed human nature with another, second and utterly artificial, version. As Rousseau sees it, the “great legislators” of the distant past were masters of this art.

The distinction between human and civic nature—as well as that between an education that fosters and protects the natural in us versus one that aims at extirpating the natural in toto—is, however, less hard and fast than it first appears. In the Social Contract, Rousseau distinguished between a people in its “youth” and one in its “childhood.” He saw the great lawgivers of history and myth—Moses, Cyrus, Romulus, and Theseus—as all being fortunate enough to find a people in its prepolitical, but not presocial, youth. The Israelites, Persians, original Romans, and Athenians were all, to one degree or another, socially but not politically formed. This raised the possibility of finding a similarly formed yet unformed people—one in its youth, if not its childhood—in the Europe of Rousseau’s time. The Russians would not do because they had not yet been formed to be a people in the weaker, prepolitical sense. When Rousseau looked to the island of Corsica, however, he thought he saw an appropriate candidate for such civic formation. In his estimation, the Corsicans were a people whose natural characteristics made them, if neither a blank slate nor particularly docile, at least unspoiled enough to be set on the path to genuine autonomy by means of constitutional reform.

* * *

At the end of book 2, chapter 10, of the Social Contract (the third of three chapters on the topic of the people), Rousseau writes

In Europe there is still one country capable of legislation; this is the island of Corsica. The valor and constancy with which this worthy people has succeeded in regaining and defending its liberty well deserves that some wise man [quelque homme sage] should teach it how to preserve that liberty. I have a certain presentiment that one day this small island will astonish Europe.
These words were published in 1762. Two years later, Matteo Buttafuoco (a soldier in the service of France who presented himself as speaking for Pasquale Paoli, the great Corsican freedom fighter and de facto ruler of the island), wrote Rousseau a letter asking him “to be that wise man.” This was an offer Rousseau could not resist, and the result was the *Projet de Constitution pour la Corse*, drafted, but not published, in 1765. Although it had absolutely no influence on subsequent Corsican affairs, the manuscript is an intriguing example of Rousseau’s attempt to find what Kant described as a “middle term” between the theoretical principles of the *Social Contract* and actual practice. It also is a fascinating document in the way it illuminates how Rousseau viewed political, and not just individual, education as a means to develop and preserve putatively natural characteristics.

In the foreword to the *Projet pour la Corse*, Rousseau sets out his understanding of both the material before him and the nature of the task ahead:

> The Corsican people are in that fortunate condition which makes possible the establishment of a good constitution; they can begin at the beginning, and take steps to prevent degeneration. Full of health and vigor, they can give themselves a government which will keep them healthy and vigorous. But even now the establishment of such a government will have certain obstacles to overcome. The Corsicans have not yet adopted the vices of other nations, but they have already adopted their prejudices; these prejudices are what still have to be combated and destroyed in order to create good institutions.

The Corsicans are a people with a clear sense of collective identity. Their struggles for independence from Genoa in 1735 and 1752 would otherwise never have gotten off the ground. Moreover, they are a people with “health and vigor”—a profound compliment, coming from Rousseau—one that has never known “the true yoke of law.” Their relatively simple mores, however—the very basis of their moral health—are in jeopardy from the absorption of various “prejudices” which, if left unaddressed, will eventually grow into real vices, vices comparable to those found in the rest of (corrupt) Europe. Exactly what prejudices (*préjugés*) does Rousseau have in mind when he makes this declaration, and how does he propose to “combat and destroy” them?
Before answering these questions, I should note that the word *prejudice* occupied a special place in the lexicon of the Enlightenment. If the *philosophes* saw themselves as battling anything, it was prejudice. This was a shorthand term for all beliefs and opinions grounded not upon reason and understanding but upon tradition, authority, and ignorance. Thus, in the *Discours de la méthode*, we find Descartes insisting that the things to be feared most are “precipitate conclusions and preconceptions” (*la préception et la prévention*). Somewhat more analytically, we find Voltaire distinguishing (in his *Philosophical Dictionary*) between four species of prejudice: those arising from deceptive sense perceptions; those that pretend to be scientific; those imbibed uncritically from dubious historical accounts; and those religious prejudices that inculcate belief in supernatural beings who are, in fact, fantastic in nature. In *Was ist Aufklärung?* Kant warns against the “new prejudices” (*neue Vorurteile*) that invariably replace old ones unless freedom of thought and expression and the public use of reason are cultivated.\(^{153}\) Finally, in his *Esquisse d’un tableau historique des progrès de l’esprit humain*, the Marquis de Condorcet envisages a quasi-utopian future in which all men will have the skills necessary to conduct their common affairs amiably by virtue of a “reason uncontaminated by prejudices.”\(^{154}\)

Despite their differences, Descartes, Voltaire, Kant, and Condorcet all viewed prejudice as a form of received and unquestioned opinion. The origin of such opinions could be too much trust in our sense perceptions (Descartes’s particular obsession). Prejudices were much more likely, however, to have been transmitted from the past and simply accepted. Such acceptance was encouraged (and enforced) by authorities both governmental and clerical, as well as by an inveterate human tendency toward mental laziness and intellectual torpor.

Rousseau’s use of *préjugés* in the *Projet pour la Corse* is markedly different. For Rousseau, the prejudices that the Corsican people hold are not, generally, those received lazily from the past. Rather, they take the form of new and fashionable ideas from the present. These need to be combated and destroyed if they are not to give rise to the vices that have ruined the rest of Europe.

The first and most basic prejudice Rousseau warns against is the very idea that, in light of their newfound liberty, the Corsican people need to change. “It is not so much a question of becoming different as knowing how to stay as you are.”\(^{155}\) The struggle for independence has, Rousseau
asserts, awakened the Corsican people’s courage, prudence, and morality. To try to change in order to become more up to date, more like their sophisticated European brethren, would only destroy these hard-won improvements in moral stature, improvements that are themselves based upon the “fortunate natural qualities of its [Corsica’s] inhabitants” (l’ heureux naturels de ses habitants).

The second prejudice of the age, emanating from Scottish economists like Smith, is that wealth is to be valued more than civic or political liberty. To this Rousseau responds by stating that the prosperity of the Corsican nation depends upon adherence to the basic principle that “everyone should make a living and no one should grow rich.” A third, allied, prejudice making inroads with the Corsican people was that trade and commerce should be esteemed more highly than agriculture and self-sufficiency. In fact, Rousseau says, “it is better for the land to produce a little less and for the inhabitants to lead better regulated lives. With any movement of trade or commerce it is impossible to prevent destructive vices from creeping into a nation.”

A fourth prejudice endangering the Corsicans is the notion that urban life is preferable to a rural existence. Of course, Rousseau observes, towns are useful and unavoidable for those who choose to pursue the route of a commercial republic. To increase their importance and population in Corsica, however, would result only in the creation of a large class of idlers while simultaneously encouraging what Rousseau calls “the stupid pride of the burghers” (le sot orgueil des bourgeois). Cities invariably breed selfishness, not love of liberty. Finally, the Corsicans’ desire that their nobility, stripped of their traditional privileges and rights by the Genoese, should be restored to their former glory and position is a prejudice fatal to equality and (thus) to liberty. The Corsican people need to realize that the Genoese did them an enormous favor by destroying their nobility, taking upon themselves “the odium of this enterprise” and relieving ordinary Corsicans of the task of depriving native aristocrats of both titles and lands.

Rousseau’s constitutional proposals for Corsica are all designed to show the Corsicans the baselessness of these prejudices. They are also designed to demonstrate how a relatively small republic—one that is agrarian, egalitarian, and self-sufficient in character—is far more capable of preserving its freedom than any other, possibly more up-to-date, alternative. The stringent antimodernism of these proposals—a barter economy; little or no
commerce; the encouragement and increase of a landowning peasant class spread evenly across the land; social as well as civil equality; a democratic form of government in addition to popular sovereignty—is apt to blind us to the fact that Rousseau hardly aims at wiping the slate clean with them, let alone try to sculpt a new and magnificently virtuous Corsican citizenry. The formative-artist metaphor so evident in the Social Contract does not appear in the Projet pour la Corse. Nor, it must be said, does the equally Platonic one of the statesman as physician, one who must administer radical and painful cures to an overheated and disordered political culture. Why is this so?

One could argue that the gracious nature of Buttafuoco’s invitation (apparently made at the behest of Paoli) prevented Rousseau from relying upon the more hubristic metaphors found in his earlier work—metaphors that, as I argued earlier, have their theoretical basis in Plato and Machiavelli’s writings. Or one could frame the relationship between the Social Contract and the Projet pour la Corse as parallel to the one between Plato’s Republic and his Laws. In each case, apparently, we have a fairly abstract presentation of the ideal or best regime, followed by a more practical, down-to-earth, “second best” formulation suited to specific circumstances that do not permit the flight of architectonic fantasies.

There is something to be said for both of these explanations, but neither really touches the heart of the matter. The “material” Rousseau considers in Projet, the Corsican people, have had a distinct identity for centuries, an identity hardened by a long subjugation to Genoa and not one but two liberation struggles. Considered as a collective subject, the Corsican people were, as noted above, a “youth” and not a “child.” Its natural characteristics had already developed into a something like a national character. This character was strong and distinct enough to be amenable to the “yoke of Law,” even as it remained susceptible to the prejudices of the age and their attendant vices. The purpose of the legislator in this case was not to build from scratch with raw material. Nor was it even “clearing the ground a little, and removing some of the rubbish” (to borrow Locke’s phrase). The Genoese had already done that with their reduction of the Corsican nobility.

What was left for the legislator (Rousseau) to do was to suggest means by which the Corsicans could insulate themselves, as far as possible, from a modern market economy. It was the latter that created and spread unequal wealth, promoting social inequality while eroding patriotism and national
solidarity. Rousseau’s many warnings against relying on commerce rather than self-sufficiency, on cities rather than farms, and on money rather than payment in kind are intended to help the Corsicans stay as they are. Yet precisely because there is no such thing as a static state in nature—because change is always a constant—remaining the same requires active intervention, self-discipline, and the imposition of bulwarks designed to keep the modern world at bay. The analogy to what I have called Émile’s educational quarantine is plain.

What Rousseau offers the Corsicans, then, is a constitutional recipe for remaining, and not realizing, their best selves. The best is already there, in the shape of a largely agrarian and underdeveloped land, one without big cities and without inordinate commerce and trade; one that is capable of sustaining itself agriculturally; one that is already home to a freedom-loving and relatively virtuous people. As with Émile, the good is not found in any telos, but in original characteristics developed in a limited and natural way. In order to achieve this, the Corsicans need only to guard against certain modern prejudices. What the laws will provide are the autarkic and equalizing institutions and practices that will enable them to enjoy a prudent and limited (natural) national development while extending the period of their youth as long as possible. As Rousseau states in a note to Projet,

There is in all states a progression, a natural and necessary development, from birth to destruction. To make their life as long and as excellent as possible, it is better to emphasize the period before rather than after they have obtained maximum vigor. It is not desirable for Corsica all at once to be all that she is capable of becoming; it is better for her to ascend toward this point rather than reach it immediately, and then do nothing but decline.163

* * *

Corsica, as Rousseau viewed it, had many qualities that made his role as would-be legislator relatively easy. First and foremost, the position and geography of the island—its relative isolation and mountainous terrain—made it easy to envisage an agrarian and autarkic society taking root there. The second quality was a youthful and relatively uncorrupt people; a people, moreover, who cherished their hard-won (but, ultimately, short-lived) freedom and independence. Third was the Genovese reduction of the Corsican nobility, a move that facilitated the establishment of an egali-
tarian society of the kind Rousseau preferred. The slate did not have to be wiped clean as the material was good and the masters (similar to Machiavelli’s much despised “gentlemen”) had been eliminated.

Things were considerably different in the case of Poland. Asked, in 1769, by a convention of large landowners to help reform the Polish constitution, Rousseau embarked on his last political writing project. Like the Projet pour la Corse, Rousseau’s Considérations sur le gouvernement de Pologne was not published during his lifetime. Unlike Projet, however, Rousseau was not being asked to legislate so much as to make suggestions for reform.

If the main problem addressed by Projet was the creation of constitutional instruments that would aid in the preservation and development of the native virtues of the Corsican people, the primary problem addressed by Considérations was how to reform and reconstruct the main elements of the Polish constitution. King, nobility, senate, and diets would all remain in place, and the common people would remain excluded from the political life of the nation, at least for the foreseeable future. With these restrictions, it is no wonder that Considérations reads more like an exercise in puzzle-solving than one in “sounding out the ground” the better to build a new house of freedom for the Polish people.

The restrictions built into the project of reform pale, however, when compared with Rousseau’s own doubts—about himself, and even about the limited project the Poles want him to undertake. Rousseau is acutely aware that “good institutions for Poland can only be the work of Poles”—that is, of native individuals who have a thorough knowledge of the local situation and with the “tastes, customs, prejudices and [even] vices” of the Polish people. “A foreigner can hardly do more than offer some general observations for the enlightenment, but not for the guidance, of the law-reformer.” To this substantial and self-imposed limitation, Rousseau adds that he has “nearly lost the capacity for consecutive thought.” This is exaggeratedly modest, but the humility it expresses is not utterly feigned. To borrow a phrase from Socrates, at this point is his life Rousseau knows what he does not know. Gone is the self-assurance of the theorist who could begin his most celebrated political work with the declaration “Man is born free, and is everywhere in chains”—a declaration that seemed to promise a road to emancipation for all the subjugated peoples of Europe.
In *Considérations*, Rousseau’s preoccupation with popular will and the conditions of abstract political right gives way to a Montesquieu-like focus on local mores and circumstances. As a nation, Poland occupies a geographical space that makes it repeatedly prey to more powerful neighbors, such as Prussia or Russia. It is made up of a motley of distinct jurisdictions, containing what Rousseau calls a “large number of dead members” together with a small number of disunited ones, incapable of common ends and common action. In addition to being thus “strangely constituted,” Poland finds itself “depopulated, devastated, and oppressed” by its most recent struggles. And yet, despite the general anarchy of its situation, Poland—through her brave combat against multiple enemies—displays “all the fire of youth; she dares to ask for a government and for laws, as if she were newly born.”

Poland, however, is not a babe, nor an infant, nor even—appearances perhaps to the contrary—what Rousseau calls a “youth.” It is a nation whose long and successful struggle for survival provides “one of the most singular spectacles ever to challenge the attention of a rational being.” Despite displaying “all the fire of youth,” the brave Poles have been left exhausted by their struggles, wishing only for liberty and tranquility. But Rousseau cautions that “repose and liberty seem to me incompatible.” If Poland wants to maintain her independence, she will have to fight for it repeatedly. There is no rest for the weary.

Fortunately, there seems to be something in the Polish character that leads it again and again into the struggle. How was this combative spirit originally cultivated? Certainly not according to any “great legislator’s” plan for the achievement of eventual autonomy. It is a product, evidently, of Poland’s strange and seemingly irrational constitution, the very constitution the Poles now want to reform. Rousseau fears that tinkering with the precise thing that has produced this combative spirit—the Polish constitution—may well make matters worse rather than better. It is for this reason that Rousseau advises the Poles to “correct, if possible, the abuses of your constitution; but do not despise that constitution which has made you what you are.”

Thus, while Rousseau undertakes the project of reforming the Polish constitution—its laws, institutions, and educational practices—he does so on the understanding that this reform will be moderate rather than radical. “I do not say that things must be left in their present state; but I do say that they must be touched only with extreme circumspection.” We are
here a long way from the “political artist of character.” This despite that fact that Rousseau continues to hold firmly to the antiliberal assumption that statecraft is necessarily soul craft as well.

In the case of the Poles, such soul craft entails reforming existing national institutions in such a way that they preserve and enlarge the Poles’ native (“natural”) patriotism. The latter, in Rousseau’s view, is the “only rampart which will always stand ready to defend her, and which no army will ever be able to breach.” With the extreme vulnerability of Poland’s geographic-political situation, the worst thing its lawmakers could do is let the country drift into the market-based individualism that already taints the national characters of the French, the Germans, the Spanish, and the English. All these peoples have become, in Rousseau’s estimation, faceless “Europeans.” They lack utterly any organic connection to their respective homelands. As a result, they are more or less the same in character. Their particular national spirits have all given way to selfishness and the unquenchable desire for material gain.

For Rousseau, then, it is imperative that Polish elites strive to “incline the passions of the Poles in a different [non-market-oriented] direction.” Doing so, Rousseau promises, will give the souls of the Polish people an even more distinctive national physiognomy, one that will distinguish them from all other peoples. The redirection of the passions of the Polish people toward strictly national and public ends will “prevent them from mixing, from feeling at ease with those [merely and uniformly European] peoples.” Appropriate legislation must therefore encourage nationalistic and patriotic sentiments as the antecessor to the achievement of Polish autonomy. The trick is to do so with as “little fundamental change to your laws as possible.”

How is this to be done? Largely, Rousseau suggests, through patriotic ceremonies, memorials, honors, and competitions:

I should wish that, by honors and public rewards, all the patriotic virtues should be glorified, that citizens should constantly be kept occupied with the fatherland, that it should be made their principal business, that it should be kept continuously before their eyes. In this way, I confess, they would have less time and opportunity to grow rich; but they would also have less desire and less need to do so. Their hearts would learn to know other pleasures than those of wealth. This is the art of ennobling souls and turning them into an instrument more powerful than gold.
Broad constitutional-legal change of the sort suggested by the *Social Contract* is not in the cards. Nor need it be, Rousseau suggests, if ceremonies, honors, memorials, and so on all convey the same message. That message is that the nation is the greatest good and that this good should be the central focus of every Pole’s attention, thereby elevating his sentiments and ennobling his actions. A morality of the common good is less dependent upon a specific political and legal configuration than it is on the promotion of patriotism and a deeply ingrained sense of national honor. This promotion is made infinitely easier by the fact that the Poles have not yet been corrupted by their neighbors. It also is eased by the fact that, as a people, the Poles possess very particular manners and mores. Thus, it is necessary “to maintain, to re-establish these ancient usages, and to introduce other appropriate ones which will be peculiar to the Poles.”

Through these means alone, the Poles can be given a “great opinion of themselves” and fortify their “natural repugnance to mingling with foreigners.” The successful cultivation and growth of such patriotic and national sentiments would create a situation in which legislation, “even if it were bad, would make good citizens.” Sentiment and *mœurs* are more important than laws. As I previously noted, this is a lesson Rousseau’s liberal and aristocratic reader, Tocqueville, would later take to heart.

One of the larger innovations Rousseau recommends is the introduction of a revised and more inclusive educational regime for children. The educational regime will not attempt to mimic the cradle-to-grave training of the Spartans, nor will it be patterned after the personally tailored (and seemingly indulgent) tutelage Émile receives. To be sure, in *Considérations* Rousseau retains elements of the both the Spartan ideal and *Émile*. They are so watered down, however, as to become virtually unrecognizable. From the Spartans Rousseau takes the emphasis on bodily training, citing the need for forming “robust and healthy” physiques. From the *Émille* he takes the commandment of cultivating only what is natural to the child: “I can never sufficiently repeat that good education ought to be negative. Prevent vices from arising, and you will have done enough for virtue.”

Generally speaking, such broad educational guidelines would be more or less acceptable to a present-day liberal. What might give that liberal pause, however, is Rousseau’s insistence that children’s games and competitions *always* take place in a public setting in front of an adult audience who sit in judgment. According to Rousseau, this slight alteration in
educational practice will make each child want to exceed his peers (thus winning their admiration as well as that of the adult audience) and simultaneously familiarize him with the importance of working toward a common (team or collective) goal. “Their instruction may be domestic and private, but their games ought always to be public and common to all; for here it is not only a question of keeping them busy, of giving them a robust constitution, of making them agile and muscular, but also of accustoming them at an early age to rules, to equality, to fraternity, to competition, to living under the eyes of their fellow citizens and to desiring public approbation.”

Such public games—together with the creation of a mock state (intended as a nursery for statesmen) and a national college of magistrates to oversee educational institutions and appointments—are Rousseau’s primary suggestions for educational reform within the soon-to-be “reborn” Polish state. The operative principle behind them is enforced public visibility. The Polish state will not be a small republic along ancient lines. It is too big for that. Nevertheless, with educational reforms of the kind Rousseau suggests, it will be possible, at least in principle, to create a regime in which “all the citizens know and watch over each other.”

The linchpin of such a scheme of mutual civic surveillance is the adoption, by the Poles, of the federative principle. It is only if the Polish nation is divided up into a federation of smaller political entities that the corruption seen in large nation-states can be forestalled and the “constitution of a great kingdom” be given “the vigor and stability of that of a small republic.” Thus, if Poland—already divided into various fiefdoms and palatinates—were a confederation of thirty-three small states it would, according to Rousseau, “combine the power of a great monarchy with the freedom of a small republic.”

Considered simply as a change or reform, the adoption of the federative principle appears to be quite radical. We should remember, however, that Rousseau suggests it as a way of conserving and cultivating what the Poles already possess—namely their native (inherent or natural) patriotism and their distinctive and decidedly anticosmopolitan usages, customs, and manners. These are the constituents of a proud Polish identity, an identity that must be nurtured and protected if it is to yield a body of citizens unlike any other in Europe. The rebirth of Poland and a national morality of the common good, one similar to but distinct from the civic virtue of the ancient republics, requires only that these preexisting natural elements
be allowed to ferment (fermenter) within a properly arranged political and educational environment. The parallel with Émile is again plain. The fact that the Poles have formed confederations before in order to defend their lands will further ease the adoption of the federative principle.

Two other reforms suggested by Rousseau address issues that were a major concern in the Social Contract. The first is equality; the second, representation.

The equality of citizens and the doctrine of popular sovereignty are basic to Rousseau’s teaching in the Social Contract. Yet the case of Poland presents Rousseau with a political constitution consisting of the king, the nobility, and the senate. In the earlier part of Considérations, Rousseau puts the current constitutional arrangements to one side, preferring instead to focus on a broader political-sociological classification of the three orders or estates. These are “the nobles, who are everything; the burghers, who are nothing; and the peasants, who are less than nothing.”

Peasants and burghers—the common people—although not considered part of the Polish constitution, are nevertheless members of the Polish nation. Rousseau’s moral and theoretical commitments would lead one to expect him to lobby hard for a more inclusive political order. And so he does, but only with the greatest circumspection and tact. The nobles hold their brothers in chains; they should be freed. Yet it is neither possible nor desirable, Rousseau states, to free them immediately. The process is and must be a gradual one, stretching into an indefinite future. The common people have only the crudest notion of what political freedom is, let alone the many obligations it entails:

O proud and holy liberty! if those poor people could only know thee, if they realized at what a price thou art won and preserved; if they felt how much more austere are thy laws than the yoke of tyrants is heavy, their feeble souls, enslaved by passions that would have to be suppressed, would fear thee a hundred times more than slavery; they would flee from thee in terror, as from a burden threatening to crush them. To free the common people of Poland would be a great and worthy enterprise, but bold, perilous, and not to be attempted lightly.

Rhetorical overkill aside, Rousseau’s point would undoubtedly be seconded by the Polish elites he was addressing. Before any liberation of the
majority class is attempted, the peasants and serfs must be made “worthy of liberty.” The problem posed by such an education to liberty is perhaps even more difficult than the one facing the great lawgiver in the *Social Contract*. A reflexive identification with the common good is not to be expected from a population whose moral and political faculties have been left undeveloped for centuries. The common people have, in principle, the ability to become equal to the nobility in the exercise of civic competence. But under no circumstances should the nobility “free their bodies” before they have successfully “freed [the peasants’ and serfs’] souls.” A government of leading strings, together with the benign paternalism it presupposes, is the only plausible course in the present. Like equality, autonomy must be deferred indefinitely.

Equality, then, is a worthy goal, but not one to be attempted in the near (or even not so near) future. Rousseau viewed most change as bad, as a process of decay and growing corruption. But even where the material is unspoiled, as it was in both the Corsican and Polish cases, revolutionary change is to be avoided at all costs. Suddenly liberated, the common people of any nation will inevitably mistake freedom for license. Here we encounter a very familiar conservative argument against political equality and popular participation—that is to say, an argument against the ideal of popular political autonomy as such. What is surprising is to find Rousseau, the champion of equality, repeating it—and not merely to please his audience.

If equality is more of less put on hold, how is it possible for the general will to be generated, let alone correctly identified? The answer for Rousseau, the vehement critic of the representative principle, is representation. Representative institutions—the diets or local parliaments—already exist in Poland. Of course, they consist of elites, but this has its advantages. A legislature “made up of the whole citizen body is impossible to corrupt [mutual surveillance again], but easy to deceive.” Men of talent drawn from the elite and middle classes are, because of their literacy and experience in affairs, harder to deceive.

The problem, then, is not whether the general will can be represented. In *Considérations* Rousseau more than implies that it can, a radical departure from his position in the *Social Contract*. The difficulty, rather, is in making sure that the class of representatives does not evolve its own set of interests beyond that of the nation. In Rousseau’s view, this tendency of representative government can be avoided if there are many and frequent
elections and if representatives are bound by instructions from their constituents. Rousseau even credits present and past members of the diets—the “dietines”—with preserving Polish liberty and embodying “the true palladium of liberty” (*le vrai palladium de la liberté*). 187

This endorsement of the representative principle, coming on the heels of a warning against the precipitate liberation of the people, demonstrates how far Rousseau was willing to depart from the abstract principles of political right articulated in the *Social Contract*. The concrete circumstances of Poland demand that the greater part of their already established constitution be preserved, albeit slightly altered. The edifice of Polish freedom, together with the manners and mores required for continued independence, already exist. These elements need to be shored up rather than torn down or replaced.

If we compare *Considérations* and *Projet* to the *Social Contract*, we see that Rousseau has hardly abandoned the formative project of civic republicanism. In both unpublished works, however, he has backed away considerably from the form and matter metaphors that dominate the *Social Contract* with its vision of the lawgiver as a kind of plastic artist of character. In their place, we find a surprising (and repeated) insistence on the need to preserve and build on what is already there. Transformative legislation that denatures in order to renature is firmly ruled out. A morality of the common good can develop and even prosper where both division (federalism) and representation (the Polish diets) exist.

The indivisibility and unrepresentability of the *volonté générale*—two of the most basic teachings of the *Social Contract*—are thus abandoned as Rousseau makes the transition from theory to practice. Despite occasional rhetorical relapses (such as the passage from *Considérations* that serves as an epigraph to this chapter), in his last political writings Rousseau replaces Platonic architectonics with a more organic and developmental idea of political education, one in which the need for a teacher is toned down considerably. The reforms he proposes are framed entirely by the idea of cultivating the inherent qualities of the Corsican and Polish peoples. These qualities can, apparently, develop without any overly intrusive guidance.

The sine quo non of autonomy is, then, the avoidance of corruption and dependence upon the will of other individuals or nations. Just as *Émile* is Rousseau’s answer to the question of how to protect an individual youth from the corrupting influences of society and its dominant modes
of education, so *Considérations* and *Projet* are Rousseau’s answer to the question of how to preserve and develop the natural qualities of peoples as yet uncorrupt in the context of a corrupt European modernity.188

**VII. Conclusion**

We are now in a position to see the extent of Rousseau’s hopes for civic education—an “education of the people” for republican citizenship and self-government—as well as the strict limits he imposes upon the practical application of such education.

In one sense, Rousseau’s formative project knows no bounds. The lawgiver is, both historically and potentially, the true creator or artist of a people. The creation of a constitution is the highest form of political art and political education.189 The lawgiver is thus a teacher of the people in much the same manner as the tutor who forms Émile’s character. Both exert a determining influence while simultaneously fostering the illusion of political or personal autonomy.

In another sense, however, Rousseau’s formative-pedagogical project obviously lacks what is and must be the decisive element, namely, genuinely untainted material. Rousseau’s constitutional project for Corsica and his remarks on the government of Poland aside, the sheer rarity of such material in modern society made the *Social Contract* a bit of a cry in the wilderness, even in its own day. It was only with the French Revolution and the rise of the decidedly dubious (and, strictly speaking, un-Rousseauian) idea of a naturally good French people that a seemingly impossible project—the cultivation of civic virtue in the midst of modern civilization—became a plausible and widespread political ideal.

The idea of the natural goodness of the French or any other people inhabiting a modern nation-state becomes rhetorically plausible only by means of a clear contrast with a corrupt ruling class or elite. As I mentioned in the Introduction, this is a favorite trope of political populism, both past and present. It is, nevertheless, a tremendously problematic idea. It applies what—for Rousseau at least—is a notion that is either utterly divorced from man’s social existence or applicable only to a mostly noncommercial people in their “youth.” The idea of the natural goodness of a people is severely restricted by Rousseau’s insistence on the priority of uncorrupt mores. Without these, no people could plausibly be considered as an example of natural goodness.
The problems do not stop here. Like Machiavelli, only to a greater degree, Rousseau was exceedingly dubious that a virtuous republic could be created on a large scale. His reflections on popular assemblies during the Roman republic (in the *Social Contract*) are less arguments for the possibility and desirability of a large-scale republic than they are refutations of the idea that *only* the smallest of city-states can be republican. Similarly, his specification of the procedures required for popular elections and legislation, as well as the maintenance of a high degree of civic virtue, rule out any structural reliance upon a representative system—an apparent necessity in any large-scale nation-state. The concessions made in *Considérations* aside, we should remember the fundamental reason why he insisted that the “sovereign” palpably manifest itself and express the popular will in regular, periodic fashion. Rousseau thought that this was the only way the corporate will of the *moi commun* could be exercised and, through such exercise, strengthened. Without this activity—without the periodic interrogation necessary to articulate the general will—the social bond will begin to loosen and the common interest deteriorate. The general will “ceases to be the will of all” as factional interests emerge and come to the fore. It was precisely the size of the new French republic that made Rousseau’s scheme (or anything like it) inoperable. This fact was well recognized by Condorcet, who drafted the spurned constitution of 1793 (which mixed local popular assemblies with representative institutions) as well as by other opponents of Robespierre and the Jacobin Mountain. The latter, attempting to preserve Rousseau’s idea of an unrepresentable general will intact, had no other choice than to perform what Isaiah Berlin once called the “monstrous impersonation” whereby a ruling clique—in this case, the Committee of Public Safety—takes upon itself the responsibility of being the organ that articulates the “will of the people.”

Instances of this very same move—of a popular revolutionary or nationalist struggle devolving into rule by a party or clique that claims to instantiate the “will of the people”—in the nineteenth and twentieth centuries are almost too numerous to catalog. They run the gamut from mammoth and excruciating tragedy (the Russian and Chinese revolutions) to low farce. The point in the current context is that we cannot blame Rousseau for such radical distortion and cynical exploitation of his political ideas. He would have been the first to point out that, in virtually all cases
of social revolution in the twentieth century, both genuine lawgivers and uncorrupt material were missing. And, it must be said, he would have been the first to question the suitability of the French people—living in the most advanced and corrupt society of the eighteenth century—for the demanding role of republican citizenship.

Yet one other possibility remains. If the material is unsuitable and there are no latter-day Corsicans available, why not begin again? Why not wipe the slate clean? This Platonic suggestion has been tried, most notably by Pol Pot in Cambodia during the 1970s. Acting under delusions of his own grandeur and the influence of some mongrel mix of Maoist-Marxist-Third World and vulgar Rousseauist ideology, he attempted—by the most vicious means imaginable—to root out cosmopolitanism and “corruption,” the better to bring about a self-sufficient peasant community. To say it did not work is a laughable and indecent understatement. Yet—and we must be clear about this—neither Rousseau nor, indeed, Machiavelli would have advocated such a project. Where the material is corrupt, it is best to look elsewhere or (in Rousseau’s case) to withdraw into the self and the world of private relations. The education of Émile, not the undertaking of virtual genocide, is Rousseau’s response to a thoroughly corrupt modern world.194

Where, then, does Rousseauian republicanism fit in the modern world? Of what use are his ideas of civic education and the formation of citizens? To the first question, I am tempted, like many others, to answer that it does not fit at all. This response is not so damning as it might seem, since, as I have argued above, Rousseau was the first to see just how limited the opportunities for reviving civic virtue in the modern world actually were. “Public instruction no longer exists and can no longer exist,” Rousseau writes, “because where there is no longer fatherland, there can no longer be citizens.”195

If, however, we put both lead-footed literalism and cynical exploitation aside, the answer is more complex. Rousseau actually never seriously argued for the revival of what today is called antique virtue. He, like Hegel, knew that an immediate and natural identification with the political community, such as that found in the ancient republics, was not available in the modern world. This follows not only from the analysis in the Discourse on Inequality; it also follows from the analysis of the general will in the Social Contract itself. To repeat what I said above, the general will emerges not by the community coming together and banging on their shields (or
some more contemporary implement) in unison. It emerges only through an introspective process that presumes from the outset the existence of a particular, private or self-interested, will as well.

This assumption puts us on decidedly modern terrain, the rampant Spartanisms of Rousseau’s rhetoric notwithstanding. Rousseauian civic education—the project of forming citizens—has as its goal the thematization of the distinction between the general or community will (on the one hand) and the will or interest of a particular person, group, or faction (on the other). Although it is difficult for us, the citizens of a pluralist democracy, to imagine a general or community will in the unitary terms Rousseau did, it is not difficult for us to see the salience of his distinction. It is one thing to sincerely inquire where the common or community good lies. It is quite another to pretend that the interest of one’s self, one’s group, or one’s business somehow magically dovetails with the “true” will of all. The latter tendency, most pungently captured by the old chestnut that “what’s good for General Motors [or Wall St., or the technology sector, or the arms industry] is good for the country,” is universally ascendant today. It is, one might say, a solid indicator of our level of corruption.

Political thinkers following in Rousseau’s wake, like Hegel and Tocqueville, attempted to mediate Rousseau’s strong republican opposition between public and private interest. In other words, their schemes of civic education or Bildung hinged less on the sharpening of this opposition (Rousseau’s strategy) than on its softening. They did so not because they wanted to give private interests the chance to parade themselves in the false costume of the public good. They did it because they both thought a modern market economy made the pursuit of self-interest not just legitimate, but in certain respects normative. The problem, from the perspective of both Hegel and Tocqueville, was not how to use various modalities of civic education to beat self-interest down or push it into a corner (the Calvinist residue in Rousseau). Rather, it was to work with the material at hand and to explore ways in which institutions and patterns of life in civil society could be used to channel, modify, and contain the rising tide of self-interested (or market-based) individualism in the modern world.

As we will see, their attempts to square the Rousseauian circle were not entirely successful. The patterns of mediation and amelioration they suggested often depended upon the containment not just of market-based individualism, but of individualism in its myriad moral, cultural, and aesthetic forms as well. Dissent of a Socratic sort does not fare especially
well in either Hegel's rational state or in Tocqueville's idealized America. If the measure of a healthy general will was, in Rousseau's estimation, its proximity to unanimity, the measure of an appropriate balance between public and private interest was, in Hegel's and Tocqueville's view, a certain level of “healthy” social integration and conformity. A diffuse and multidimensional process of moralization and socialization takes the place of civic formation in its robustly republican form. Hegel and Tocqueville's focus upon this multidimensional process represents a notable theoretical advance, particularly when we compare it to Rousseau's more backward looking idea of political education. Yet it is a solution to the Rousseauian paradox that raises nearly as many questions as it answers.
CHAPTER THREE

* * *

Hegel as Political Educator

In politics, M. Hegel is the only man in Germany with whom I was always on the best of terms. He was, like me, infused with the new spirit; he considered the French Revolution to be the greatest step forward taken by humankind since Christianity and he never ceased questioning me about the issues and men of this great epoch. He was profoundly liberal without being the least bit republican.

Victor Cousin, “Souvenirs d’Allemagne,” Revue des deux mondes, August 1866

Apart from some earlier attempts, it has been in the main reserved for our epoch to vindicate, at least in theory, the human ownership of treasures formerly squandered on heaven; but what age will have the strength to validate this right in practice and make itself its possessor?

Hegel, “The Positivity of the Christian Religion,” 1795

I am about to be fifty years old, and I have spent thirty of these fifty years in these ever-unrestful times of hope and fear. I had hoped that for once we might be done with it. Now I must confess that things continue as ever. Indeed, in one’s darker hours it seems they are getting ever worse.

Hegel to Creuzer, October 30, 1819

Democracy, in the proper sense of the word, is of necessity despotism.

Kant, Zum ewigen Frieden

I. Introduction

One unexpected by-product of the fall of communism has been a renewed appreciation of Hegel’s stature and the truly remarkable extent of his philosophical and theoretical influence. Kierkegaard, Nietzsche, Schmitt, the Frankfurt School, Sartrean existentialism, poststructuralism, Lacan, and Foucault: all struggled to define their positions against Hegel (albeit often with cribbed Hegelian vocabulary). Even Marx—once heralded as Hegel’s most devastating critic and clear theoretical superior—
looks, in retrospect, more and more like a second-rank Hegelian. Although analytic philosophy has remained largely immune to Hegel’s return to prominence, an increasingly broad array of analytic and analytic-friendly commentaries have succeeded in translating Hegel into an idiom that permits fruitful dialogue and assimilation into an otherwise alien vocabulary.¹

Hegel’s reemergence from Marx’s shadow, as well as from enforced banishment to the often marginalized precincts of “Continental” philosophy, raises once more Croce’s question of what is living and what is dead in his philosophy. Today, any list of the living elements would include his theory of the social nature of both reason and self-consciousness (the reflective “I”); his allied critique of the shortcomings of atomism as a method in both philosophy and political theory; his emphasis on the role that social recognition plays psychologically, ethically, and politically; and his conception of political community as something decidedly more than a prudential association for mutual protection and benefit. Any list of dead items would presumably include his idealistic metaphysics (the unity of spirit and nature, thought and being), his dialectical logic, his philosophy of history, his idea of freedom, and his theory of the state.

It is the last three “dead” items that I want to focus on in this chapter. My goal is to suggest that these elements of Hegel’s thought are not so dead as is often presumed and that they still have much to teach us as citizens. Taken together, they provide us with a unique and rarely equaled conception of the development of the constitutional state, the growth of individual freedom, and the nature of political membership in the modern world. What was often largely implicit in Rousseau—the idea of the human being as almost pure potentiality, a potentiality that is developed historically—is made explicit in Hegel. The result is a transformed understanding of how humanity gradually (and painfully) creates new social and political forms, forms that are progressively more adequate to the modern idea of freedom and political membership.

It is Hegel’s focus on Bildung—on the cultivation or education of humanity by means of evolving social, cultural, and political forms²—that sets his work apart not only from Rousseau (who viewed human history in terms of corruption and decline) but also from the Enlightenment. As Lessing’s Die Erziehung der Menschen Geschlechts (1780), Kant’s Was ist Aufklärung? (1787), and Condorcet’s Esquisse d’un tableau historique des progrès de l’esprit humain (1795) demonstrate, the Enlightenment viewed the growth of human freedom and self-knowledge in terms of the polarities...
of maturity versus immaturity, science versus superstition, reason versus revelation, and autonomy versus heteronomy. Although developmental phases in the education of humanity are hardly denied by such schemata, they are radically simplified, reduced to what is basically a two-stage (and essentially linear) process, one that moves from “child” to “adult.” As a result, Lessing, Kant, and Condorcet all downplay the importance of political institutions and practices in the education of mankind, preferring to focus on freedom of thought and expression (“criticism”), the questioning of religious dogma, and the growth of scientific understanding.

Hegel was a far more historical and political thinker than his Enlightenment precursors. The evolution of political forms is hardly tangential to his view of the past. Indeed, as I argue below, it occupies a central place in his philosophy of history. It also is central to his ethics of recognition and to his conception of what makes the modern state modern. This focus—combined with his creative appropriation of Schiller’s idea (in the Letters on the Aesthetic Education of Man [1794]) that all Bildung entails both opposition and alienation—give his thought a political and historical depth unmatched by his Enlightenment predecessors.

In making this observation, I am not suggesting that Hegel’s conceptions of history, freedom, and the state are in any way problem-free or somehow normative for us. Far from it. As will be seen, I think that many criticisms made of Hegel’s doctrines are telling, if not exactly fatal. And I think that many of the things Hegel says himself are morally indefensible and incommensurable with a liberal, pluralist society.

Nevertheless, it is one thing to identify philosophical weak spots (along with nineteenth-century excrescences), another to throw the baby out with the bath water. As Hegel noted in the preface to the Philosophy of Right, it often is easier to find fault than to comprehend, and properly value, the positive content of an institution, a constitution, or a historical pattern of development. The following is, in large part, an exercise in drawing out positive content where many have seen only rationalist hubris or an embarrassing Eurocentrism. As such, it takes the form of a tour d’horizon of some of Hegel’s better known and more forthrightly political works—specifically, the Lectures on the Philosophy of History, the Philosophy of Right, and the master–slave dialectic in the Phenomenology. I argue that these works, taken together, provide a distinctively modern conception of political education, one with distinct, but largely complementary, “moments” (Momente). They constitute a conception that breaks, often decisively, with both the early
liberal and civic republican traditions, even as it incorporates elements of each.

Does this mean that Hegel was able to overcome what I have been calling the “Rousseauian paradox”? In a very limited sense, the answer is yes. Hegel’s idea of political education does not rely on great lawgivers, the removal of a virtuous people from the mainstream of history, or the imposition of formative institutions of a Rousseauian type. A good deal of modern civic education, Hegel argues, happens through the process of socialization itself. The process is decentered and multistaged and it involves distinct and relatively autonomous spheres (family, civil society, and state). Thus, according to Hegel, the child derives his first ethical lessons in the family, where an altruism focused on fellow family members is learned. As a young adult, he goes on to cultivate his particular talents and pursues his particular interests in the sphere of civil society. Finally, as a “fully developed [adult] subjectivity,” he takes his place in the political order, becoming the bearer of specific rights and obligations. These rights and obligations are universal, and they are spelled out by public law in a constitutional state or Rechtsstaat.

Hegel’s overcoming of the Rousseauian paradox by means of an appeal to a multistaged and decentered socialization process is, however, only semisuccessful. Yes, ordinary people in the Hegelian state are entitled to political representation and equal constitutional rights. They even have the possibility of political participation open to them as members of the state. Yet ordinary people can hardly be said to teach themselves by means of political activity in the Hegelian state. They learn not by doing, but by understanding. Such understanding is cultivated by means of social and economic participation, and it is completed by the political instruction offered by public law, the debates of elected representatives, and the conscious absorption of one’s rights and duties as a citizen. It is through these agencies that ordinary people are enabled to comprehend just how the modern state is able to do justice to their individual rights and particular interests (on the one hand) and their desire for community and preservation of the general interest (on the other). Understanding and social integration, not self-government or autonomy, are the goals of Hegelian political education.

Hegel’s focus on understanding as the essential goal of our civic Bildung is, I shall argue, made somewhat more plausible when it placed against the background provided by the master–slave dialectic and his philosophy of
history. These two added dimensions provide us, respectively, with conceptions of the Bildung of the ego and of humanity itself. The master–slave dialectic foregrounds the struggle for recognition, and the philosophy of history foregrounds humanity’s long, hard slog toward awareness that all are free and toward institutional forms that concretize this awareness. The civic Bildung ostensibly provided by the modern state will still probably strike us as an inadequate response to the Rousseauian paradox. Seen against the background provided by the master–slave dialectic and Hegel’s philosophy of history, however, it is a powerful alternative to the formative project of civic republicanism. Self-formation—whether of the ego, a people, or humanity itself—takes the place of the great lawgiver and the political artist of character.

* * *

In Freedom and Its Betrayal, Isaiah Berlin casts Hegel as one of the “six enemies of human liberty” who dominated European thought in the middle eighteenth and early nineteenth centuries (the others are Rousseau, Helvétius, Fichte, St. Simon, and de Maistre). There is a deep and—from Berlin’s point of view—intended irony here insofar as Hegel is best known for a philosophy of history whose content can be most compactly expressed as the “progress of the consciousness of freedom.” The “end” of history—history’s ostensible telos—is the spread of this consciousness among the world’s peoples and freedom’s concrete instantiation in a set of rational social and political institutions. From Berlin’s liberal perspective, Hegel betrays the end of history by dismissing negative liberty—the freedom from state and social coercion that is so important to the Anglo-American tradition—as “mere caprice,” substituting instead a positive account that equates freedom with submission to a dubious “rational” necessity.

Hegel, like all rationalists in the Western tradition, does indeed look down on negative freedom. It is deeply misleading, however, to suggest that he dismisses it or (worse) pulls a conceptual sleight of hand by transmuting liberty into its opposite. For Hegel no less than for Benjamin Constant, a wide area of negative liberty—the freedom to choose a career, a dwelling place, a life partner, a religious confession—is part and parcel of the “liberty of the moderns.” Indeed, he goes so far as to call it the “principle of the modern world.” But, while a vitally important part of modern freedom, negative liberty is only a part. It must be situated within a shared set of norms, institutions and practices which create a wider context of
public or political freedom. In Hegel’s understanding, these norms, institutions, and practices also serve to bridge or mediate the gap between individual interests and the common good.

Hegel’s contextualization of “freedom from interference” in terms of a broader ethical life (Sittlichkeit) embodied in concrete institutions, norms, and practices allows us to see the latter not as obstacles to our freedom, but rather as freedom’s very medium. We make use of our “concrete” freedom precisely by taking up the choices and the responsibilities entailed by civic, social, and professional roles. It is as citizens, professionals, and association members that we give our actions direction, coherence, and meaning. Such roles are essentially relational in character. They take us out of ourselves (and our diffuse, ever-shifting desires), enabling us to actualize a public or social self in specific contexts of action and interaction. More important, they facilitate that “being with oneself in another” (Beischelbstsein in einem Andern) that, according to Hegel, is the essence of freedom.5

Recognition that social roles, other people, and public institutions are not simply constraints to my liberty but, in many respects, the vehicles of my freedom is the first step toward escaping the persistent and problematic identification of freedom with independence that has haunted the West since the Stoics.6 Hegel can thus be seen as a critic of the atomistic self-understanding that undergirds modern liberalism, but not—contra Berlin—as an antiliberal. He endorses key liberal values—individual freedom, tolerance, and a right to political participation—even as he questions the adequacy of the conceptual paradigm in which they were couched by Enlightenment utilitarians and social contract theorists.7 His own conceptual paradigm is, of course, notoriously hard to grasp, but it is not predicated upon the kind of denial of “free subjectivity” that Berlin suggests. In fact, as I show below, the opposite is true. Neither Hegel’s philosophy of history nor his political philosophy can be understood unless we grasp just how central the notion of free subjectivity is to his thought and to his overall conception of modernity. His only antiliberal point in this regard is that this free subjectivity is socially grounded: ontologically, psycholog-ically, politically, culturally, and—of course—ethically.

The interpretation of Hegel that I have given thus far chimes with that found in Charles Taylor’s influential Hegel.8 Focusing on social ontology, the critique of atomism, and the linguistic-cultural-practical constitution of the self, this interpretation appears anodyne, a relatively benign and hardly
controversial refutation of the naïvetés built into the theories of Hobbes, Locke, Rousseau, and Bentham. And, indeed, as far as the “social construction of the self” goes, we are nearly all Hegelians now. The sticking point, however, comes with Hegel’s specification of what he considers to be the only fully adequate vehicle for the kind of concrete freedom and ethical life he has described. Notoriously, that vehicle is the modern state.

For a long time, the state-centric nature of Hegel’s political philosophy has been a major stumbling block to any positive appropriation of his political thought. The idea that Hegel was little more than an apologist for the Prussian state had very early origins. It began with Hegel’s contemporary (and bitter philosophical rival) Jakob Fries’s crack that “Hegel’s metaphysical mushroom has grown not in the gardens of science, but on the dunghill of servility” and was followed by Marx’s radical critique in the Deutsch-Französische Jahrbücher in 1844 and by Rudolf Haym’s liberal critique in Hegel und seine Zeit (1857).9

Predictably, this charge was resurrected (in even more virulent form) in the Anglo-American world after the conflicts with Germany in World Wars I and II. From Ernest Barker’s 1914 work on “the worship of power in Germany,” through E. F. Carritt’s 1940 article “Hegel and Prussianism” and (most famously) the publication of volume 2 of Karl Popper’s The Open Society and Its Enemies in 1945, Hegel was sequentially identified as a proponent of the imperialistic Machtstaat, an upholder of the authoritarian tradition of Prussian militarism, and (finally and most egregiously) a nineteenth-century prophet of the totalitarian state.10

Even if these various libels had never been published, the focus on the state in Hegel’s political writings places him, apparently, well outside the traditions of Anglo-American liberalism and constitutionalism. Classical liberalism of the Lockean sort views the political world as a constitutional construct or mechanism designed to secure rights and freedoms that are, strictly speaking, prepolitical or “natural” in character. Government is a kind of regulatory superstructure placed atop a social and economic base that is, for the most part, capable of self-reproduction, self-expansion, and self-regulation. Indeed, were it not for the various “inconveniences” generated by conflicting property claims, there would be little need for political power and government at all—or so Locke argued.11

The language of God-given or naturally given rights and freedoms remains, thanks to Jefferson and Paine’s borrowings from Locke, constitutive
of American thinking about the problem of government and political society. Rights, ethics, property, freedom, economics: for most Americans, these are things that come before all political association. A legitimate government is a limited government that protects, but also sometimes regulates, the otherwise autonomous and preexistent spheres of morality, property, and liberty. Any political theorist who insists on the priority of the political—that is, upon the logical and normative priority of organized political life—will be bound to looked at askance by an Anglo-American audience.

Hegel—like Hobbes and Rousseau before him, but for different reasons—insisted upon this priority of the political. Without political association in the form of an organized constitutional state, the spheres of property, morality, economics, and individual liberty could not be adequately defined and protected in their relative autonomy. Political society is constitutive—historically, normatively, legally, and institutionally—of all these things, not the other way around. It is therefore not the natural and inevitable enemy of all of them, but their ground and condition—indeed, the only real guarantee of freedom.

This is not to say the state or government has an unlimited field of action or power for Hegel. Quite the contrary. In fact, what Hegel calls the political state (der politische Staat) in sections 273 and 276 of the Philosophy of Right is limited in many of the ways any self-respecting liberal constitutionalist would demand. It is only the “state in the comprehensive sense”—the state viewed as a highly differentiated but inclusive normative order, one that encompasses the respective “moments” of family, civil society, and public political life—that breaches the relatively narrow boundaries we liberals like to draw around what John Rawls termed the “domain of the political.”

I will return to these issues at some length below. I mention them here simply in order to anticipate some basic confusions—for example, between “the political state” and the state “in the comprehensive sense”—that have worked against Hegel, placing him outside the liberal constitutionalist tradition. His critique of social contract atomism and the natural law tradition more generally may well place Hegel outside the liberal tradition, his aforementioned appreciation of negative liberty notwithstanding. But there is simply no way to see him as standing outside the tradition of modern Western constitutionalism. This is a tradition that had its beginnings in the Levellers, Locke, and Montesquieu and that subsequently took on a variety of shapes in various national cultures. The Hegelian Rechtsstaat is, above all
else, a constitutional state, even if its form—that of a constitutional monarchy—is far removed from our own version of constitutionalism.¹⁵

II. Hegel’s Approach to Political Philosophy

In his book *Enlightenment, Revolution, and Romanticism: The Genesis of German Political Thought, 1790—1800*, Frederick C. Beiser takes on the myth of the “apolitical German,” arguing that a wide range of liberal and conservative writers (including Kant, Fichte, Schiller, Humboldt, Herder, Jacobi, and Wieland) saw themselves, first and foremost, as Volkserzieher or “teachers of the people.”¹⁶ Politics was not a peripheral or reluctant theme, but a central one at a time when thinkers and writers all over Germany were struggling to come to terms with the implications of the French Revolution.¹⁷ The French philosophes of the mid-eighteenth century may, of necessity, have addressed themselves to an aristocratic and haute bourgeois reading public, but the heirs of the Aufklärung had broader (if rarely democratic) ambitions.¹⁸

Hegel grew up in this atmosphere, evidencing an enthusiasm for the French Revolution during his student days at the Tübingen Stift and a contempt for oligarchic and patrician rule during his time as a family tutor in Berne. In a famous letter to his former roommate Friedrich Schelling (dated April 16, 1795), Hegel complains about the oppressive political atmosphere in Berne and indicates his hope that “the Kantian system” will bring about a “revolution in Germany.” He then gives voice to his hopes for an impending era of radical reform, an era to be ushered in by the spirit and teachings of the Aufklärer:

I believe that there is no better sign of the times than the fact that mankind as such is being represented with so much reverence; it is proof that the halo which has surrounded the heads of the oppressors and gods of the earth has disappeared. The philosophers demonstrate this dignity [of mankind]; the people will learn to feel it and will not merely demand their rights, which have been trampled in the dust, but will themselves take and appropriate them. Religion and politics have played the same game. The former has taught what despotism wanted to teach: contempt for humanity and its incapacity to reach goodness and achieve something through man’s own efforts. With the spreading of ideas about how things should be, there will
disappear the indolence of those who always sit tight and take everything as it is. The vitalizing power of ideas—even if they still have some limitation, like those of one’s country, its constitution etc.—will raise the spirits.¹⁹

This letter reveals the young Hegel’s complete sympathy with the political ideals of the French Revolution and the radical Aufklärer. It also reveals what will appear, in retrospect, as his naïve faith in the power of reason and philosophy to specify an ideal, an “ought” (the “Rights of Man”), which will energize common people and move them to take action.

As the epigraph from Victor Cousin indicates, Hegel never abandoned his endorsement of the broad political goals of the French Revolution.²⁰ What he did abandon—and indeed became famously critical of—was the doctrinaire approach of the Jacobins and the overly simple articulation of the theory–practice relationship we find in Kant and Fichte. Both Kant and Fichte saw the task of practical reason to be the deduction of rationally necessary principles of morality, human dignity, and autonomy. Once arrived at, such principles demanded, in effect, to be put into practice. This could be done through the creation of a republican regime in which we obey only those laws we have given ourselves or through our representatives. Hence Kant’s argument in the essay “On the Common Saying: ‘This May Be True in Theory, but It Does Not Apply in Practice’” (1793) and Fichte’s more polemical Beiträge zur Berichtigung der Urteile des Publikums über die französische Revolution (1793–94).

Kant was no radical (he categorically denied anything approximating a “right to revolution,” his insistence on human dignity notwithstanding), but his disciple Fichte certainly was.²¹ What they shared was the conviction that reason alone, independent of experience, could legislate the moral principles necessary to guide any true or legitimate system of politics. To the later Hegel, such an approach appeared hopelessly formal and abstract, incapable of combining the lessons of reason and experience, custom and institutional history.²² The rationalist presuppositions of the Aufklärer thus give way, in the mature Hegel, to a historically inflected rationalism, one that does not deduce principles so much as tease them out from the most advanced elements of what is already there, socially and historically speaking.²³ The caricature of a youthful, radical Hegel followed by a mature, reactionary Hegel who “wrote against revolutionary ideas on the parchment of a Prussian drum” is, at least in part, the product of a complete failure
to understand the shift in his conception of what it means to *do* political philosophy.\textsuperscript{24}

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In section 260 of the *Philosophy of Right* Hegel writes as follows:

The state [in the “comprehensive” sense] is the actuality of concrete freedom. But *concrete freedom* requires that personal individuality [*Einzelheit*] and its particular interests should reach their full *development* and gain *recognition of their right* for itself (within the system of the family and of civil society), and also that they should, on the one hand, *pass over* of their own accord into the interest of the universal, and on the other, knowingly and willingly acknowledge this universal interest even as their own *substantial spirit*. . . . The principle of modern states has enormous strength and depth because it allows the principle of subjectivity to attain fulfillment in the *self-sufficient extreme* of personal particularity, while at the same time *bringing it back to substantial unity* and so preserving this unity in the principle of subjectivity itself.\textsuperscript{25}

If one wanted to boil the entire *Philosophy of Right* down to one thesis, this would be it. What Hegel is suggesting is that a rational modern constitutional state (rational in contrast to the feudalism of the *ancien régime*) provides, at least in principle, what no previous form of political association could: an ample sphere for the pursuit of family and individual interests, together with a set of mediating social associations and political institutions. The latter gradually enlarge citizens’ circle of interests, ultimately leading them to see a unity underlying their particular interests and the common good.

It is crucial to see that, for Hegel, the modern state reconciles the universal (*das Allgemeine*, which also means the common) and the particular *not* by reducing one to the other, but rather by providing a number of normative levels and spheres of activity that serve to progressively educate and integrate particular interests into the broader community. This strategy is equally far from civic republicanism’s cult of the *patria* (with its emphasis on martial virtue and the stern suppression of “selfish” interests) and the early utilitarian reification of individual interests (which yields a strictly aggregative conception of the public good). By locating particular individual and group interests within an institutional matrix that, at
least in theory, gradually expands circles of association, Hegel’s “modern state” provides its citizens with an understanding of the “close connection that unites private and general interests” (to borrow a phrase from Tocqueville). In other words, it imparts an appreciation of just how much the private relies on, and is conditioned by, public norms and institutions.

For Hegel, writing in 1819–20, the emerging outline of the modern rational state was a little more than twenty years old, dating back only to Napoleonic reforms and Baron von Stein’s and Prince Hardenberg’s post-Jena reform policies in Prussia. The French revolutionary state, albeit a giant ethical and rational step forward, notoriously failed to fill in the associational space between the individual citoyen and the sovereign will of la nation. Indeed, it went so far as to criminalize so-called “partial associations” under the Chapelier Law. This law was an act of decidedly Rousseauian inspiration, one expressly designed to preserve the ostensible unanimity of the “will of the people”—the volonté générale.

The novelty of the modern differentiated state—a state that provided for rule of law, rational administration, individual liberty, and relatively autonomous economic and associational spheres—must be kept in mind when assessing Hegel’s philosophical-political project. For a post-Weberian audience, one schooled in the ubiquity of bureaucratization, Hegel’s “rational” state will doubtless elicit a rueful smile: little did he know what lay in store. Having the benefit of hindsight, we can perhaps forgive Hegel’s optimism about the possibilities opened up by the new political form.

Put simply, the promise of the modern rational state—a promise seen only by those who had made a sustained effort to comprehend its novelty—was the provision of a fully developed sphere of individuality (in property, moral conviction, profession, etc.) along with appropriate and effective associational structures of mediation. It was the latter that made the individual citizen’s identification with the fundamental norms, practices, and institutions of his community’s public life possible. Modern individuals can be at home in the world, Hegel is saying, but only if we overcome the ingrained habit of viewing ourselves as either egoistic pursuers of self-interest or as largely undifferentiated elements submerged in a collective “We” (whether this “we” be völkisch, republican, or totalitarian in nature).

Now, everything I have said thus far points to the need for a radically different approach to political philosophy, one that eschews utopian model-building (Plato), the construction of a smoothly running political society out of its most basic constitutive elements (Hobbes), or the abstract
specification of the conditions of political legitimacy and right (Locke and Rousseau). The modern rational state—which, in Hegel’s time, existed in only partial, half-realized form—does not need to be theoretically constructed; rather, it needs to be philosophically understood. Hegel makes all this quite clear in his preface to the *Philosophy of Right*, the text most often cited as proof of his conservative authoritarianism:

The truth about right, ethics, and the state is at any rate as old as its exposition and promulgation in public laws and in public morality and religion. What more does this truth require, inasmuch as thinking mind [Geist] is not content to possess it in this proximate manner? What it needs is to be comprehended as well, so that the content which is already rational in itself may also gain a rational form and thereby appear justified to free thinking. For such thinking does not stop at what is given, whether the latter is supported by the external positive authority of the state or of mutual agreement among human beings, or by the authority of inner feeling and the heart and by the testimony of the spirit which immediately concurs with this, but starts out from itself and thereby demands to know itself as united in its innermost being with the truth.30

We are here far, obviously, from Marx’s eleventh “Thesis on Feuerbach,” with its impatient complaint that “philosophers have only interpreted the world, in various ways; the point, however, is to change it!”31 With the partial emergence of a new, post–French Revolution form of political association in parts of Germany (including von Stein’s and Hardenberg’s Prussia), the key task confronting the political philosopher was to understand—actively interpret—that which would not interpret itself.32

I say “actively interpret” because Hegel’s approach is by no means a merely descriptive one. As the passage above indicates, the “merely positive” or external authority of the state has no weight for Hegel. Neither does the de facto agreement of citizens or “inward feeling and emotion” (a slap at romantic nationalists, like Jakob Fries).33 What does have authority—and here Hegel remains entirely in line with his Enlightenment forebears—is reason. “In a political constitution,” Hegel writes, “nothing should be recognized as valid unless its recognition accorded with the right of reason.”34 Hegel’s reason, however, is modeled not on Newtonian mathematical physics (*the* exemplary embodiment of reason for both Kant and Voltaire), but rather upon the idea of a self-moving and self-differentiating intelligence
hegel as political educator

(“spirit” or Geist), one that has power to actualize itself in the world—historically, culturally, and politically.35

Here I want to leave aside the controversy over whether this spirit is cosmic or divine in nature (as Taylor contends) or “merely” humanity itself considered as collective, self-forming and historical, subject (as Allen Wood and other recent commentators argue).36 The critical point for Hegel (and for us, his latter day “students”) is that the “glorious mental dawn” of the French Revolution, in conjunction with the Enlightenment, made it possible for humankind to bring political principles and arrangements “down to earth.” It made it possible to view them, for the first time, as based on rational considerations about the interests, welfare, and happiness of associated moral equals, rather than on divinely sanctioned privilege, hierarchy, and paternalism.37

The initial attempts at expressing this humanistic and egalitarian reorientation—for example, social contract theory and the French Revolutionary idea of a “sovereign people” possessed of a legislative will—were, unsurprisingly, inadequate. True, they helped topple the ancien régime and the rule of feudal particularism and patrimonialism. But they were predicated upon the faulty idea that it was both possible and necessary to wipe the slate clean, the better to rebuild in accordance with the dictates of “natural” reason. The “fury of destruction” that resulted in the case of the French Revolution was therefore hardly surprising. Yet although sensitive to the dangers of abstract political rationalism, Hegel firmly rejected the Burkean appeal to tradition and usage.38 Reason is still the standard, but it is now a culturally and historically situated reason—a conception that dovetails with his idea of humanity cultivating its spiritual and intellectual powers over the course of a long, hard course of historical Bildung.39

Hegel’s mature approach to political philosophy, then, stresses the utter uselessness of “state of nature” and “human nature”–type arguments, emphasizing instead the developmental character of social, political, and economic institutions, as well as the normative orders we associate with them.40 Thus, to take but one example, the three normative orders Hegel discusses in the Philosophy of Right—abstract right, morality, and ethical life—have different historical-cultural origins (in Roman law, Christianity, and the modern configuration of state and civil society). Yet they are all present—in the form of property rights, rights of conscience and subjective conviction, and the “concrete freedom” of the public-political realm—in the modern “rational” state.41 Grasping the rational content of
social-political institutions and their associated normative ideals means tracing patterns of evolution, accretion, synthesis, and revolution that—ultimately—produce a form of political association adequate for social and governmental complexity, as well as for the modern individual’s demand for personal liberty and desire for community.42

This emphasis upon a multilayered historical, cultural, and political development—one that has its culmination in the modern state—opens Hegel’s political philosophy (and not just his philosophy of history) to charges of teleology and theodicy.43 Say what you want about the atomism, abstraction, and the sheer implausibility of the social contract theorists, at least they provided us with clear critical standards by which to judge the legitimacy, or illegitimacy, of existing political arrangements. Hegel’s historical-synthetic (“dialectical”) approach to deciphering the “hieroglyph of reason” that is the modern state, on the other hand, has the seemingly unavoidable result of endowing existent political arrangements (whether his or our own) with an entirely unearned halo. As noted above, this was how he was read by many of his contemporaries and near-contemporaries, and it is how he has been read by more than a few twentieth-century critics.

Hegel does not help matters much when, in the preface to the Philosophy of Right, he disparages those who fail to see that the task of philosophy is not to promulgate “still another theory” or to envision an ideal polity “God knows where,” but rather to comprehend the rational in the actual. “Was vernünftig ist, das ist wirklich; und was wirklich ist, das ist vernünftig”—“What is rational is actual and what is actual is rational,” as the notorious sentence—the Dopplesatz—goes.44

But what first appears as the epitome of philosophical conservatism, on a par with Aristotle’s equation of the ideals of a Greek gentleman with virtue as such, is, in fact, far from simple. As a number of commentators have pointed out, the crucial term in the phrase is wirklich, “actual.” In his Encyclopedia of Philosophical Sciences, Hegel explicitly juxtaposes Wirklichkeit (actuality) with Dasein (existence).45 For Hegel, Wirklichkeit refers to that part of present reality in which essence and existence coincide. Dasein, on the other hand, refers to everything that exists, essential (“rational”) or not. Actual and actuality turn out to be philosophical terms of art, referring to those parts of reality (whether cultural, social, or political) that are adequate embodiments of the Idea—that is, of what is essential, rational, and progressive in human history.
Such a distinction turns on a broadly teleological conception of history, to be sure. It is only by knowing the end or purpose of history that we can separate the philosophical significant “actual” from the merely accidental or contingent existent. Hegel, famously, thinks he knows what the end of history is: Freedom, that is, the embodiment of man’s highest intellectual and spiritual characteristics in adequate social and political institutions. The point here is that the distinction between Wirklichkeit and Dasein opens up a normative space within the horizon of a broadly conceived present, one that allows for the teasing out of norms, practices, and socio-political goals that have yet to find adequate embodiment in existent institutions. Thus, to revert to my previous example, Hegel took it for granted that any rational modern state would include representative institutions and have a constitution—two elements conspicuously lacking in the Prussia of his day.

That said, it must be acknowledged that Hegel’s broadly hermeneutical approach to the modern state—that “hieroglyph of reason”—endows many institutions of dubious modernity (such as the monarchy and the estates or Stände) with the imprimatur of reason. Hegel introduces his “science of the state” [Staatswissenschaft] as “nothing other than an attempt to comprehend and portray the state as something inherently rational.” Even keeping the distinction between the “state as actuality” and the “state as it contingently exists” in mind, the theoretical result seems to be a recipe for quietism and complacency. Hegel’s repeated disparagements of contemporary efforts to “construct the state as it ought to be”—indeed, his whole anti-Kantian effort to bridge the gap between the “is” and the “ought”—culminate in the well-known “owl of Minerva” passage:

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. This lesson of the concept is necessarily also apparent from history, namely that it is only when actuality has reached maturity that the ideal appears opposite the real and reconstructs this real world, which it has grasped in its substance, in the shape of an intellectual realm. 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.
A number of things need to be said about this familiar passage. First, Hegel's second sentence appears to bridge the distinction between actuality [Wirklichkeit] and contingent existence [Dasein]. A nonconstructivist approach to political philosophy becomes possible only when “actuality” has “attained its completed state.” That is, we can tease out the rational content of institutions and political forms only when they exist, fully formed, in the world. Yet the very next sentence reasserts the distinction between the actual and the existent, portraying philosophy’s task not as idealizing description of an unedifying reality, but rather as a theoretical reconstruction of the real, contingently existing but basically rational, state.

Philosophy, the “owl of Minerva,” cannot legitimately call for revolution once the most basic outline of a rational state has been achieved, historically speaking. But what it can do—and what the Philosophy of Right in fact does—is fill in the gaps between contingently real and the fully actual with a catalog of necessary reforms and further institutional innovations. The point of this catalog is not to overturn the modern state, but, in a very real sense, to complete it, that is, to make it a truly adequate vehicle of reason and human freedom.

In the face of Hegel’s overly generous account of how much of the “rational state” had actually been realized by the Prussia of his time, many readers will no doubt find the Marxian call for radical critique more congenial than Hegel’s retrospective glosses. But what many have often construed as the strength of Marx’s appropriation of Hegel’s dialectical method—its more future-oriented grasp of a range of social evolutionary possibilities within the capitalist present—is also its Achilles heel. The hubris manifest in Hegel’s claim to have fully grasped reality in a web of dialectical concepts aside, he never succumbed to the fantasy that he could predict the next “shape of life” that Spirit would take. Yet it was precisely the idea that Marxist theory not only knew where social evolution had been but also could also tell us (within broad parameters and with a variety of qualifications) where it was going, that laid the groundwork for its totalitarian deformations.

III. The Bildung of the Ego and of Humanity:
The Master–Slave Dialectic

Rousseau once remarked that, as a cure for the dangers and inconveniences of a prepolitical condition, the state often turns out to be worse than the
disease. This is one aspect of Rousseau—probably the only one, in fact—that most contemporary Americans could endorse, whatever their ideological leanings. Our liberal-libertarian heritage makes us distrustful of the state as a political institution. Indeed, one of the grounding fictions of American political life is that our Constitution, through its separation of powers and federal structure, avoids falling into the trap posed by the centralized (European) sovereign state. That this conviction is often allied to an unreflective pride in being “the world’s only superpower” is too obvious an irony to warrant comment. In theory, the United States may not be a “state” in the old sense. Yet, in practice, it is the most militarily powerful state the world has ever seen.

I mention these conflicting impulses and realities merely in order to underline the obvious. There is more than ample reason within modern Western history to make us wary of the state as a political form. When, in the introduction to his lectures in the *Philosophy of History*, Hegel famously describes history as a “slaughter bench” on which the “happiness of peoples” and the “virtues of individuals” have been sacrificed, one naturally wants to point out that it has been states that have been doing most of the slaughtering.

Unlike Kant and unlike Voltaire, Hegel was not disgusted by war. In a series of notorious passages at the end of the *Philosophy of Right*, he expresses skepticism toward the Kantian idea of perpetual peace through the construction of a federation of states. He even goes so far as to call war an excellent vehicle for the reaffirmation of our commitment to the “universal,” the overcoming of civic “indifference” and the restoration of “ethical health.”

As both the French Revolutionaries and the Nazi legal theorist Carl Schmitt knew all too well, war—even its mere possibility—is an excellent way to create or restore a sense of shared identity and destiny. The “we” suddenly becomes palpable for even the most atomized of bourgeois individualists. But, unlike the revolutionaries or Schmitt, Hegel does not celebrate the modern state because it provides an opportunity for us to submerge ourselves in a strong collective identity. Rather, he celebrates it because it provides an adequate vehicle for he calls “concrete” individual and social freedom.

We need, then, to place the apparent conservatism of the *Philosophy of Right* in the context of Hegel’s philosophy of history—even though the latter comes, pedagogically and systematically, after the presentation of
his philosophy of law and the state. But before we do this, we have to look at a text that forces us to read both Hegel’s philosophy of the state and his philosophy of history in a quite different light. I refer, of course, to the “Lordship and Bondage” section of *The Phenomenology of Spirit* (1807).

Why “Lordship and Bondage”? One could answer in terms of its influence upon theorists of domination and recognition (from Marx and Nietzsche through Sartre, Lacan, Fanon, Butler, and Honneth). One could answer, as Alexandre Kojève famously did, that this section holds the interpretative key to *Phenomenology* itself. In what follows, I am not concerned (at least not primarily) with influence. I also am well aware of the hazards of placing undue emphasis upon any single chapter or section in Hegel’s lengthy *Bildungsroman* of the human spirit, let alone fixating (as did Francis Fukuyama) on the most dubious part of Kojève’s interpretation, the thesis of a supposed “end of history” in Hegel. Nevertheless, I will be following Kojève’s anthropological reading here. In my view, Kojève’s reading of history as the unfolding of Hegel’s “dialectic of mastery and slavery” effectively highlights the central role caste hierarchy and its ultimate overcoming has played in the formation of Western consciousness and consequent forms of social recognition (*Anerkennung*). Kojève’s interpretation also underlines the way Hegel locates the origins of the struggle for emancipation, mutual recognition, and equal respect in the very structure of hierarchical domination itself. In contrast with the modern natural law tradition from Hobbes to Kant, Hegel shows how equality and freedom are not to be taken as our rationally demonstrated (or “self-evident”) departure point, as characteristics somehow built into the human condition by either nature, God, or reason. They are not humanity’s starting point, its putative “natural” state. They are, rather, its greatest potential achievements.

By reading the outlines of Hegel’s philosophy of history back into *Phenomenology*, Kojève was able to show how his dialectic moves us from a world of masters and slaves, or lordship and bondage, to a social and political world of equal citizens. Both the “concrete freedom” of the *Philosophy of Right* and the “history as the progress of the consciousness of freedom” formulation in *The Philosophy of History* thus receive their condensed and epigrammatic prologue in the *Phenomenology*. What links them is Hegel’s conviction that humanity’s destiny is freedom. As Kojève’s reading emphasizes, the driving force of history for Hegel is the struggle for the mutual
recognition of equals, and not the division of labor, technological development, or the evolution of modes of production.\textsuperscript{61} The institutionalization of freedom—\textit{the central problem of the Philosophy of Right}—therefore does not \textit{deny} the struggle for emancipation (as it must for the “conservative apologist” interpretation of Hegel to hold); rather, it \textit{presupposes} it.

* * *

In the \textit{Phenomenology}, Hegel traces the transition from forms of knowledge grounded on sense impressions and our consciousness of the external world to forms that are reflective and characterized by self-consciousness (\textit{Selbstbewusstsein}). \textit{Desire} provides the ground or mediating link of this transition. In broad terms, Hegel can be said to be following the path first laid out by Rousseau in the \textit{Discourse on Inequality}. A simple or naïve consciousness (such as Rousseau’s natural man), is absorbed by external objects and the evidence given by the senses. This consciousness begins to discover itself as an “I,” as self-certain and immediately self-conscious, the moment it is beset by appetites and desires that \textit{are its own}. Confronted by an array of natural objects in its environment, this ego experiences itself as both lack and desire—as a kind of emptiness. But it also experiences itself as the capacity for nihilating or negating action as it goes about satisfying its appetites. The ego transforms and assimilates the otherness of nature, the “non-I,” in the very process of satisfying its natural needs.\textsuperscript{62}

Such an ego has clearly moved beyond contemplative absorption in the sheer “this-ness” of objects given to the senses. It now knows itself as active, as negating. Yet it remains, at an essential level, natural in both its being and activity. Desire leads to the negation of the naturally given “other” (in, for example, the act of eating a fruit to satisfy hunger) but this negating activity is circular and repetitive, conditioned only by the length of the ego’s biological lifespan. For the desiring ego to become genuinely and not just immediately self-conscious—for it to become “for itself” (\textit{für sich}) and not remain stuck at the level of mere Rousseauian “sentiment of self”—it requires a \textit{nonnatural} object, another “I,” to acknowledge the priority of its needs and its immediate self-certainty. This need for confirmation or affirmation is what distinguishes the human animal from all others. Unlike the need for food or rest, this is an essentially spiritual (\textit{geistig}) need. As such, it points to the transcendence of the merely natural and to the creation of a distinctively \textit{human} reality.
Desire, then, must be directed toward another desire in order to emerge as a recognizably human self-consciousness; to become, as Kojève puts it, “anthropogenetic” in character:

Desire is human—or, more exactly, “humanizing,” “anthropogenetic”—only provided that it is directed toward another Desire and another Desire. To be human, man must not act for the sake of subjugating a thing, but for the sake of subjugating another Desire (for the thing). The man who desires a thing humanly acts not so much to possess the thing as to make another recognize his right... to that thing, to make another recognize him as the owner of the thing. And he does this—in the final analysis—in order to make the other recognize his superiority over the other. It is only Desire of such a Recognition (Anerkennung), it is only Action that flows from such a Desire, that creates, realizes, and reveals a human, non-biological I.63

Self-certainty, self-consciousness, and self-knowledge emerge out of this desire for recognition by a “nonthing,” another member of the proto-social “herd.” Hegel here synthesizes contradictory elements from Rousseau’s Discourse on the Origin and Foundations of Inequality among Men (the fateful transition from a natural amour de soi to the socially determined vanity that is amour propre) and Hobbes’s Leviathan (the bellum omnium contra omnes) in order to reveal what neither Rousseau nor Hobbes could: the emergence of human self-consciousness (the “I”), social relations, and history itself in terms of a primordial struggle for recognition. In Hegel’s presentation, the poison pill of Rousseauian amour propre—source of all civilized man’s woes—is transformed into the struggle for recognition. “Vanity” does indeed play a part in this struggle, but it is a vanity deepened and transformed into a moral form of self-knowledge.

But, one may ask, why struggle? The simple answer is because it is the nature of primitive or generic desire to want to negate or subjugate. This is how the nascent human ego confronts its natural environment, and it is how the ego first encounters nonnatural objects—other Desires—within that environment.54 But this first encounter with such an other also reveals a splitting of the ego’s nascent sense of identity, a self-division rooted in the passive versus the erotic dimensions of the self.55 An emerging self-consciousness confronted by another (equally independent) self-consciousness is, as Hegel puts it, “out of itself.” It is both “for itself” and for an other. Its quality as both passive and erotic ego impels it toward self-containedness (on the
one hand) and communion (on the other). The activation of this splitting (Splatung) occurs when one quasi-natural ego confronts another, each being unsure of the other’s character and capacities.66

The “return to self” requires what Hegel calls the “supersession” of this “ambiguous” otherness, a fuller grasp of the other as an other, rather than as a naturally given object or creature. Prior to the struggle, then, “each is indeed certain of its own self, but not of the other, and therefore its own self-certainty still has no truth”—that is, the self is not yet fully conscious of itself as a human subject, as an “I.”67 For this to happen, the fundamentally social nature of the self must be constituted by means of a relation to the other. It is only by having my identity as a desiring ego acknowledged by another that I can be sure of myself, that I can gain both self-certainty and confirm my self-importance. Impelled by the need for greater self-assurance and confirmation of his own self-importance, the desiring ego enters the process of recognition by antagonistically engaging with another desiring ego. Unsurprisingly, each of these egos—each pole in this new, identity-constituting relation—is intent on asserting the priority of its own desires and needs. The nascent self tests its own reality and that of the other through the aggressive assertion of its own superiority. Each side wants to be recognized without having to recognize.

Thus, according to Hegel, the “relation of the two self-conscious individuals is such that they prove themselves and each other through a life and death struggle” (Kampf auf Leben und Tod). Further, “they must engage in this struggle, for they must raise their certainty of being for themselves to truth. . . . And it is only through staking one’s life that freedom is won.”68 Why should this the case? How does “staking one’s life” lead to freedom? Hegel’s answer is that each combatant in the struggle proves that he is willing to go beyond the biological given of life in order to win something nonnatural: respect.69 Or, as Kojève puts it, “Man will risk his biological life to satisfy his non-biological Desire.”70 It is in the life-and-death struggle for recognition—the “fight for pure prestige”—that the determinism of the natural is transcended. For the first time, man—it is now proper to call him such—acts as an essentially spiritual and free being.

Logically speaking, there can be three possible outcomes of such a struggle. The first is that the antagonists kill each other. In this case human self-consciousness (the “I” reflected in the eyes of an other, who knows itself to be so reflected) and social reality are stillborn.71 The second possible outcome is that one of the antagonists succeeds in killing the other. This,
to use Hegel’s term, is an “abstract negation,” one that establishes physical superiority at the cost of destroying the relationship with the other and (thus) the potential for recognition and self-knowledge. It is only when the defeated opponent is preserved in life that such a relation of recognition can emerge. And this, according to Hegel, is what happens. One antagonist surrenders to the other out of fear, in order to preserve his natural (biological) life. The other antagonist—the fighter who was willing to go all the way, even to the point of losing biological life—emerges simultaneously as victor and as master. Human social reality appears, and history begins, with the creation of the relationship between master and slave.

So much, then, for the idea that “man is born free” and only subsequently and, as it were, accidentally, finds himself “everywhere in chains.” For Hegel, natural man is only potentially human; he becomes human (self-conscious) only with the constitution of a relationship based on inequality and domination. This relationship—that between master and slave, lord and bondsman—is recognized by both protagonists. Mirrored in the eyes of another, each ego gains the distance required for a reflective relation to itself. The self can now indeed know itself—but only as master or as slave. Extrapolating from Hegel’s basic description of the process of recognition, Kojève asserts that the greater part of human history is constituted by the interaction between masters and slaves, lords and bondsmen.

The slave’s position of inferiority in this relation results from his surrender to fear and to the biological instinct for self-preservation. This is something the warlike master, with his hunger for respect, recognition, and prestige, would never do. The slave’s role as social inferior is to recognize the master as master. His function or purpose as a slave is to mediate the master’s relation to nature and to his natural needs. The slave, in other words, stands between the master and nature, liberating the master not just from toil but also from any direct confrontation with the sheer immediacy and recalcitrance of nature. It is the slave, not the master, who works the fields, prepares the food, builds the buildings, and so on. By working over, transforming, and appropriating nature for the master, the slave enables the master to continue his existence as a warrior, that is, as one who fights and who devotes his nonfighting time to the consumption of (humanized) products and pleasures.

The master—the ego who fully risked life for the sake of respect and recognition, who overcame his biological instinct for self-preservation through his willingness to “go all the way”—has, apparently, achieved ev-
everything he desired at the outset of the life and death struggle. He—his needs, his self-importance, his identity—is recognized by a terrified other who cedes him priority. He is called “master.” He fights and he enjoys, while the slave knows only toil and pain. But—and this is the wrinkle that has made the “Lordship and Bondage” section so appealing to theorists of the underdog, from Marx to de Beauvoir and Fanon—the triumph of the master is only apparent. He has gained recognition, to be sure, but this recognition is curiously one-sided and inadequate.78 The slave, as slave, is not really a genuine other, an independent self-consciousness.79 Indeed, viewed from the master’s perspective, the slave is not really a human being at all. As Aristotle notoriously put it in the Politics, he is only an instrument or tool.80 Thus it is that the master cannot encounter his own truth, his own fully human identity, through his relationship to the slave.81

Moreover, by liberating himself from toil and having the slave stand between him and nature, the master finds himself condemned to fight and consume ad nauseam. True, he has realized a degree of autonomy and self-sufficiency, but his human action actually reduces to the act of risking his life.82 Having made the leap to the human—that is, to self-consciousness by means of a social relation of recognition—the master becomes historically inert. Neither fighting nor consuming lead anywhere beyond fighting and consuming. The horizon of human possibility is as a result severely limited. That is why Kojève characterizes the life of the Hegelian master—and, indeed, mastery itself—as a kind of “existential impasse.”83 It does not lead to genuine recognition (the recognition provided by a fellow human being), nor does its defining activity, fighting, contain a principle of transformation, one capable of generating either progress or historical evolution.

Hegel’s claim is that work, unlike fighting, does contain such a principle. The slave, condemned to toil, seems at first to be only the shortest step away from a purely natural existence. Indeed, the slave’s human status consists in the (social) fact of subjugation, his dependence upon the independent master. But the very things that apparently lock him into a cyclical and repetitive existence—his fear of death, his surrender, his subsequent role as laboring mediator—actually provide him with the beginnings of a sense of himself as subject or agent, along with an abstract or rudimentary idea of freedom. His terror at the possibility of death—that which seemed to link him most securely to nature—was actually an experience that caused him to “tremble in every fibre of his being,” thus breaking the bond with nature.84 The slave’s own nothingness, the mark of his humanity,
becomes clear to him when everything “solid and stable” is “shaken to its foundations.” In his very terror, the slave becomes aware that he is not a mere thing or a set of unvarying appetites.

This intimation of his own, as yet unrealized, humanity is developed through an activity that, at first glance, seems more soul-destroying than soul-creating. Labor or work (Hegel conflates the two, as does Marx) serves to develop that slave’s powers and capacities. Working over nature in order to provide for the master’s needs, the slave begins to realize his latent power over it. He becomes aware of the human capacity to dominate nature. Forced by his servitude to cultivate self-denial and to develop his technical skills and knowledge, the slave also gradually transforms himself through work. As Hegel puts it, it is precisely in his labor “wherein he seemed to have only an alienated existence” that the slave “acquires a mind of his own” and comes to view himself as a center of independent value. It is thus no exaggeration to state that the key to human development and historical evolution resides in the self- and nature-transforming activity of work—that is, in the slave’s activity, not in the master’s. In Hegel’s view, the whole Bildung of humanity has its roots in this fundamental pedagogy. Man forms himself through laborious (albeit initially terrified) work.

Hegel’s identification of work with the Bildung of the species, with man’s gradual unfolding of his powers and capacities through labor was obviously of the greatest importance to Marx’s thought. But this fact should not blind us to the ideal content of the master–slave dialectic, a content Kojève nicely teases out:

thanks to his Work, the Slave can change and become other than he is, that is, he can—finally—cease to be a Slave. Work is Bildung, in the double meaning of the word: on the one hand, it forms, transforms the World, humanizes it by making it more adapted to Man; on the other, it transforms, forms, educates man, it humanizes him by bringing him into greater conformity with the idea that he has of himself, an idea that—in the beginning—is only an abstract idea, an ideal. If then, at the start, in the given World the Slave had a fearful “nature” and had to submit to the Master, to the strong man, it does not mean that this will always be the case. Thanks to his work, he can become other; and, thanks to his work, the World can become other. And this is what actually took place, as universal history, and, finally, the French Revolution and Napoleon show.
The telescoping that occurs in this passage is truly breathtaking and, for Hegel scholars at least, possibly vertigo-inducing. Yet it brings out something essential. For Hegel, the future is *with the slave*, not the master. The long, hard road to equality, reciprocal recognition, and concrete freedom is a road trod by slavish self-consciousness. The latter is a consciousness barely aware of its independent value at the start. Moreover, it is a consciousness that will, in the course of history, mystify the dawning awareness of its own value by means of such slavish philosophies as Stoicism and skepticism. In these the idea of freedom is confined to either so-called inner freedom or equated with the ability to doubt (negate) all that is given—but only in thought. This mystification culminates in the “unhappy consciousness” of Christianity, a stage in the development of consciousness that Hegel sees as characterized by the most extreme form of self-division imaginable. Attempting to rescue something positive from the idea of inner freedom, Christianity projects human happiness, freedom, and equality onto a transcendent “beyond.”

But even though there are many detours and dead-ends on *Phenomenology’s “highway of despair,”* and even though the journey takes millennia, the ultimate result of the dialectic of mastery and slavery—which is to say of European history since the “masterly” polities of ancient Greece and Rome—is a world without masters and slaves. It is, in other words, a world made up of free and equal *citizens*. Thus, the master “is only the ‘catalyst’ of the History that will be realized, completed, and ‘revealed’ by the Slave or the ex-Slave who has become a Citizen.” The truth of self-consciousness, of the “I” revealed through the essentially social relation to an “other,” is mutual recognition, the kind of recognition made possible only by the *political* relation between free and equal citizens.

**IV. From Recognition to History: Progress of a Particular Kind**

One can imagine Nietzsche reading Hegel's master–slave dialectic and laughing heartily. Indeed, the first essay of *On the Genealogy of Morals* reads like a deliberate parody of Hegel, one designed to expose the utter lack of necessity behind any dialectical transition from hierarchy to equality, or from the recognition afforded by noble peers (the Homeric heroes, for example) to mutual recognition as such. For Nietzsche, it is the slave
who is the dead end, not the master. The former represents the diminution of man, not his ascension to a more universal status. Considered as one long cultural process that started with the Jews and Christianity, Western history is the unfolding story of the “slave revolt in morality”—a revolt that succeeds (horribly enough, in Nietzsche’s view) in making the masterly types ashamed of their own capacity for lordly action and aristocratic distinction. For Nietzsche, the spiritual revenge of the slave is complete and the mediocrity of bourgeois Christian man—the unholy offspring of Jesus and the French Revolution—too obvious to require further demonstration.94 History is not the progress of freedom but rather the diffusion of moralized sickness, *resentiment* and self-loathing.

Yet one point on which Nietzsche would agree fully with Hegel is that Christian otherworldliness has an essentially *ideological* origin and function. Hegel’s dialectic of mastery and slavery reveals how the social consciousness of an individual, one robbed of all independent value by the condition of servitude, nevertheless discovers his value through the self-formation—the *Bildung*—of work. This discovery that he has “a mind of his own,” that he is capable of being a subject and not just a tool, gives the slave the idea of freedom.

A huge gap, however, lies between the *idea* of freedom and its concrete actuality. Incapable of challenging the master physically, the slave searches for a way of reconciling his abstract idea of freedom with the social reality of his enslavement to a master, or his bondage to a lord. The most effective and longest-lasting of these bogus reconciliations is the Christian religion, a belief system that holds—in contrast with both skepticism and stoicism—that freedom and equality are indeed real, but real in the *beyond*. Hence, Kojève notes, there is “no need to fight against the Master since one already is free to the extent that one participates in the Beyond, since one is freed by that Beyond, by the intervention of that Beyond in the World of the senses. No need to fight to be recognized by the Master, since one is recognized by a God.”95 The position of the master is trumped not only by the idea of an “other world” more real than this one, but also by the idea of a God who is lord of all, of both masters and slaves.

Of course, the price of this reconciliation is a high one. Practically and concretely speaking, the slave remains a slave, no matter how much he orients his inner life to his reward in the beyond (or, as Nietzsche would add, relishes the thought of his master’s coming eternal punishment).96 Worse,
this ideological reconciliation of the abstract idea of freedom and the this-worldly reality of servitude creates a division within the slave far worse than the splitting that accompanies all previous forms of self-consciousness.

The “other” necessary for recognition and confirmation of the ego’s identity has, in Christianity, been projected into the beyond. It has become the “simple Unchangeable,” a reality beyond time and chance. The slave, in contrast, identifies himself with what Hegel calls the “protean Changeable,” with the inessential. The most severe contradiction is thus inserted in his sense of self. He vainly strives to bridge the gap between the mutable and immutable, temporal existence and divine essence, in the here and now. His existence becomes a pious but increasingly unbearable longing for what will complete it, but that it cannot have. The unhappy Christian consciousness is unable to see the true meaning of the Jesus story, of God becoming man and dying on the cross. As Judith Shklar succinctly puts it, the truth is that “God is really dead, and the holy spirit is mankind’s own spirit.”

Hegel’s analysis and critique of the unhappy consciousness in the *Phenomenology of Mind* casts one of his most notorious claims in the *Lectures on the Philosophy of History* in a new light. In the introduction Hegel famously notes that whereas “the Orientals” knew only that one man (the Despot) is free and the Greeks knew only that “some” (the male heads of households) are free, “the German nations, under the influence of Christianity, were the first to attain the consciousness that man, as man, is free.”

What looks like irrefutable proof of Hegel’s Eurocentric bias, however, is not quite the expression of smug self-satisfaction and cultural superiority it appears to be. Hegel does indeed credit Christianity with the idea that human beings are, as such, free and morally equal beings. And he calls “the Christian world” the “world of completion” in contrast with the “incomplete” worlds of the Greeks and Romans. But this is a completion in principle only. Just as the unhappy consciousness remains, qua consciousness, quite distant from a state of genuine self-knowledge and reconciliation with the world and with others, so Christianity (considered as a situated historical-cultural phenomenon) is quite distant from the actualization of concrete freedom. It points the way, but does no more than that. Jesus needs both Luther and the French Revolution for his message about the liberation of the human spirit to take root in this world—the only world, it turns out, that there is. For man to know himself and his nature, for genuine reconciliation to take place, freedom must take on a
concrete public (social and political) form. It must resist, even overcome, the lure of “inner freedom” and inwardness (Innerlichkeit) more generally.

As idea and as faith, Christianity is far—very far—from this truth. Indeed, Hegel would argue—along with Machiavelli, Rousseau, Gibbon, and the civic humanist tradition generally—that it has contributed much to the covering over of this truth. This is why, despite the obviously Christian metaphorical structure of Hegel’s idealism (Geist embodying and realizing itself in the world), it is wrong to view him as an essentially Christian philosopher intent on a merely spiritual reconciliation. Of course, it is equally one-sided to reduce Hegel to his political philosophy or to any of the essential influences on that philosophy (civic humanism, for example). Nevertheless, if recent scholarship is agreed on anything, it is that Hegel is a far more political, and publicly oriented, thinker than hitherto appreciated.

This fact comes out very clearly if we turn to the discussion of the state in *Die Vernunft in der Geschichte*—the introduction to the lectures on the philosophy of world history. The presence of such archetypal Hegelian themes as the “cunning of Reason” (List der Vernunft), the “spirit of a people” (Volksgeist), and the “world-historical individual” in this text have encouraged a relative lack of focus on its central argument, namely, that the state (or political association) must be seen not only as the “realization of the Idea,” but as the *minimally adequate vehicle of both freedom and the moral life* in the world. The master–slave dialectic results in an abstract idea of freedom and human dignity in the slave. This abstract idea is given universal but nevertheless ideological form in the belief system of Christianity. And it is through the course of Western history that this at first totally abstract idea of human freedom and equality comes to take on historical, legal, and institutional flesh, culminating in the rule of law that characterizes the modern constitutional state. Hegel’s state is not the “actualization of Christianity”; rather, it is the actualization of freedom.

With this basic but absolutely crucial premise in mind, we can begin to make sense of some of the more outré statements Hegel makes in *Die Vernunft in der Geschichte*, including the declaration “the State is the Divine Idea as it exists on Earth.” We also can make sense of Hegel’s criteria for inclusion (and exclusion) from his supposedly universal philosophical narrative. Unless we bear in mind the centrality of a certain kind of political organization to the embodiment of freedom in the world, these criteria will appear as gross manifestations of European prejudice—grist for the postcolonialist’s mill—and nothing more.
Hegel begins *Die Vernunft in der Geschichte* by looking, first, at the abstract characteristics of Spirit and the means Spirit uses, in history, to “realize its Idea”—that is, to adequately embody itself in the world. He then turns to a long discussion of the shape “which the perfect embodiment of Spirit [whose essence is freedom] assumes—the State.”109 It is at the start of this discussion that Hegel makes his most encompassing—and, to the majority of his Anglo-American readers, most dubious—claims:

Thus the question would arise: What is the material in which the Ideal of Reason is wrought out? The primary answer [the answer of the moderns] would be—Personality itself—human desires—Subjectivity generally. . . . But the subjective will has also a substantial life—a reality—in which it moves in the region of *essential* being. . . . This essential being is the union of the subjective with the rational Will: it is the moral Whole, the State, which is that form of reality in which the individual has and enjoys his freedom; but on the condition of his recognizing, believing in, and willing that which is common to the whole. . . . We affirm [that] Law, Morality, Government, and they alone [are] the positive reality and completion of Freedom. . . . The State is the Divine Idea as it exists on Earth. We have in it, therefore, the object of History in a more definite shape than before; that in which Freedom obtains objectivity. . . . For Law is the objectivity of Spirit; volition in its true form. Only that will which obeys law is free; for it obeys itself.110

Freedom, to be concrete, can exist only in the form of an association, but an association of a particular type: a *political* association characterized by rule of law. The individual finds (true) subjective freedom within this “moral whole” thanks to the social, cultural, and ethical *Bildung* it provides in the recognition of rights, duties, reciprocity, and a public good that includes—but is not reducible to—individual and so-called sectional interests. As I noted previously, rights and duties are not something we are transcendentally invested with, as Locke and others in the modern natural law tradition had argued.111 Rather, they are things we learn about through our membership in a political community, notions whose nature, extent, and interpretation evolve over time with the gradual accretion of normative-ethical content from various sources (Roman law, Christian subjectivity and conscience, modern constitutionalism).

Our ethical lives are thus bound up with the political association, primarily because it is *public life and public culture* that provides the medium—the
language, the practices, the institutional and legal reference points—essential to their content and shape. This is so, Hegel points out, even when we take issue with certain interpretations of our duties, or dissent from particular policies and practices. To be sure, Hegel was no great friend of dissent: his treatment of Antigone in *Phenomenology* and Socrates in *The History of Philosophy* leave little doubt in that respect. Yet his general point—that consent and dissent, patriotism, and criticism presuppose a network of shared background practices and understandings—is now one widely held in both analytic and continental philosophy. Even Socrates, the individual who can be said to have invented the secular conscience, needed the Athenian polis. In a real sense, the democracy made his philosophizing possible, despite its ultimate condemnation of his philosophical activity as subversive and having a corrupting effect on the young.

Another way of putting this is to say that our notions of fairness, property rights, individual liberty, moral obligation, citizenship, and patriotic duty do not descend from on high. They are neither contextless nor timeless. They are embedded in a whole. This whole is at once a legal-institutional matrix (*der politische Staat*) and an “ethical totality,” that is, a moral, cultural, and political horizon. Even those like myself who would demur from describing their native lands in quite these terms must admit Hegel’s general point. A law-governed political association—its particular history, institutions, norms, and practices—has a tremendous impact on one’s ethico-political formation, no matter where on the left–right political spectrum one ultimately positions oneself. This is as true for Hegel’s nineteenth-century constitutional monarchy as it is for a liberal representative democracy of the American type. The public culture of each sets the (permeable) horizon for multiple and often conflicting interpretations of rights, duties, and possibilities of reform.

The problems with Hegel’s preliminary comments in *Die Vernunft in der Geschichte*, then, do not revolve around his presumed Prussianism and state-worship. The primary thrust of the passage cited above is that the ethico-political whole—the political association—is prior to the individual (subjective) parts and that the latter owe a good deal of their shape and content to the nonpassive appropriation of a particular public culture with its norms and specific practices. None of this implies that the state is the end and individuals the means, nor that the interpretation of our public culture, norms, and practices is in any way homogeneous or conflict-free. Hegel explicitly questions the means-end schema when applied to
the relation of the state to the individual, regarding it as more confusing than enlightening. And he was certainly aware that politics implies both a range of opinions and the possibility for tragic conflict.

The problem is that he tended to depreciate the former (for example, in his observation that public opinion is something that deserves to be “both respected and despised”) and confined his recognition of the latter to those hinge moments in history when a new “shape of Spirit” was about to announce itself. At all other times, he fell into the Herderian habit of endowing discrete political cultures with a more than symbolic wholeness and homogeneity. This comes out most clearly in his discussion of the various historical Volksgeister and his tendency—when discussing the state “in the comprehensive sense”—to efface the distinction between public culture and culture as such.

In these discussions—and in his descriptions of particular historical political cultures throughout the Philosophy of History—the state as moral whole ceases to be a background, medium, or horizon. It becomes, instead, a coherent, limited, and universally recognized source of ethical content. The conflict of ideas and interpretations does not take place so much within a culture or political association as it does between the temporal iterations of Spirit’s embodiment. The Philosophy of History is a philosophical rendering of these conflicts between iterations, the drawing out of their inner logic and progressive character.

To some degree, such a flaw is all but inescapable in any philosophy of history. Telling a big story about, or imposing a metanarrative on, Western history is bound to yield a series of tidied up cultures and states, passing by in parade-like review. But Hegel’s cultural-political personifications are not simply the result of going macro with a vengeance. They also reveal quite a bit about his overall tendency to privilege conflict and change as the motor of history while decrying it as a feature internal to polities. Like most other political philosophers in the Western tradition, Hegel tended to view such internal conflict as a sign of corruption and decline, a sign that the age of robust civic integration and identification had passed, never to be regained.

There is an obvious tension here with the conflictual dynamics of the master-slave dialectic, to say nothing of the central role conflict plays in Hegel’s story about the progress of consciousness in the Phenomenology. If Kojève can be said to project the master-slave dialectic onto the philosophy of history, Hegel can be said to sublimate it in his narrative of successive Volksgeister embodying themselves in distinctive cultural-political
forms. It is possible to overstate the degree of this tension, however, especially if one forgets the end or purpose of history itself as Hegel articulates it in *Die Vernunft in der Geschichte*. History is the “progress of the consciousness of freedom,” a consciousness that finds its progressively more adequate embodiment through the (often painfully slow) evolution of Western forms of political association.

To be sure, masters and slaves, lords and bondsmen exist in the polis, the Roman republic and Empire, the feudal system, and the *ancien régime*. Hegel agrees with Rousseau that moral inequality has been one of the defining—and corrupting—characteristics of Western history hitherto. He disagrees, vehemently, however, with Rousseau’s contention that only a relatively small, agrarian republic—one characterized by minimal social differentiation and lacking a representative system—is capable of creating, let alone institutionalizing, genuine moral and political equality. Political forms, although historically mired in inequality, have been evolving in a more inclusive—more “rational”—direction from the very beginning, or so Hegel would have us believe. Thus, although it is true that the origin of the state “involves imperious lordship on the one hand, instinctive obedience on the other,” even here we find the beginnings of a common consciousness, a nascent unity of particular and general. This unity of the general and the particular “is the Idea itself, manifesting itself as a state, and which subsequently undergoes further development within itself.”

History, then, cannot be reduced to the relatively simple Rousseauian narrative of the individual’s degradation at the hands of society and an *amour propre* grown to monstrous proportions. It also is the story of the rise of the rule of law (in the form of the state) and of relatively autonomous personal, social, and political spheres. It is the story of how equal citizenship is realized—not through a more or less literal form of popular sovereignty (Rousseau), but rather through evolving constitutional forms, more inclusive representative institutions, and the (ultimately successful) mediation and integration of particular interests into the domain of the common (or public or universal).

Hegel’s inversion of Rousseau’s vision of history hinges upon his rejection of the idea that the natural condition of mankind provides us with a kind of degree zero from which to measure our loss of freedom and our increasing moral and political degradation. “Freedom as the *ideal* of that which is original and natural,” Hegel states, “does not exist as *original* and *natural*. Rather it must first be sought out and won and that by an incal-
culable medial discipline of the intellectual and moral powers.... Society and state are the very conditions in which freedom is realized.”127 Granted, in the Social Contract Rousseau had claimed that “the transition from the state of nature to the civil state produces a most remarkable change in man, substituting justice for instinct in his conduct, and endowing his actions with the morality they previously lacked.”128 But such civil freedom—and the promise of autonomy it implies—can be realized only in a political community ruled by the general will.129

Civil freedom can be realized, in other words, only in a community whose citizens have been radically denatured. They have to be stripped of the remnants of their socially corrupted natural freedom and endowed, by means of a rigorous civic education, with a patriotic morality of the common good. Rousseau’s fascination with relatively uncorrupt peasant populations, as well as with the systems of law laid down by such great legislators as Moses and Lycurgus, testify to his desire to find an escape hatch from history—not, of course, in order to go back in time, but rather in order to create an isolated and protected experiment in moral and political socialization. Hence the constitutional projects for Corsica and Poland, and hence Rousseau’s disgust with such large and well-established nation-states as France and England.130

For Hegel, obviously, neither history nor civilization pose the threat they do for Rousseau. This is not to say that, in Hegel’s view, things are getting better all the time. No reader of the Phenomenology of Spirit, with its cultural-historical cycles of false certainty and knowledge, could think that. Nor could any careful reader of the Philosophy of History come away with the impression that civilization advances smoothly and in a straight line. Gradual growth and progressive unfolding may characterize development in the natural world, but the relation between the “idea” and its realization in the spiritual (human, cultural, intellectual) realm is quite different.131

“Spirit is at war with itself; it has to overcome itself as its most formidable obstacle.”132 Hegel’s statement is not simply a metaphysical description of the manner in which “self-positing Spirit” (Taylor) embodies itself in the world.133 It also is a characterization of the historical-civilizational process itself. The problem with the Enlightenment’s view of history was not that it was linear and optimistic (although, in comparison with Hegel’s view, it often looks that way).134 Rather, it was that it failed to account for the central role the destruction of civilizations played in the frequently spasmodic progress of freedom.135
The idea that the realization of Spirit as (embodied) Freedom requires the sacrifice of entire peoples and cultures on the altar of history will seem to many like a typical piece of Hegelian bloody-mindedness. Indeed, Hegel lectured on the philosophy of history not merely to demonstrate that history is “the progress of the consciousness [and embodiment] of Freedom,” but also to justify such enormous sacrifices. As with any theodicy, the ethical problem here—the justification of the suffering and destruction of innocents—is a real one. But, contra Adorno, Hegel’s primary intent is not to celebrate the crushing progress of history’s triumphal car. Rather, it is to point out a historical learning process—one that is sporadic and subject to major elisions, to be sure—that gives the present whatever moral depth and justification it has. Insofar as history has brought forth law-governed polities, greater consciousness of the dignity and freedom of humanity, and stable political structures of ethical life, it is not “a tale told by an idiot, signifying nothing.” It is humanity’s coming to self-consciousness, that is, to the realization that our essence is freedom.

Hegel’s tragic-progressivist sensibility is most compactly conveyed by his gloss on the Oriental idea that “while death is the issue of life, life is also the issue of death”—a grand conception that finds its pictorial expression in the image of the phoenix “eternally preparing itself its funeral pyre, and consuming itself upon it; but so that from its ashes is produced the new, renovated, fresh life.” Taken by itself, this image is, as Hegel puts it, “merely Asiatic,” referring primarily to the cycle of natural life. Seen through the lens of an idealist metaphysics inspired equally by the Enlightenment and the French Revolution, however, the image yields a conception of Spirit-humanity as its own activity, as a subject that creates and comes to know itself through its rich and varied cultural objectifications. Spirit-humanity is “its own deed, its own work,” but these deeds and works find their primary expression in the political and cultural worlds created by discrete peoples or national spirits (Volksgeister). And, as I emphasized above, the most important creations are the forms of political association, of life in common, that such “world-historical” peoples create.

The primary pedagogical purpose of the Lectures on the Philosophy of History, then, is to extract what Hegel calls the “fundamental error” of a supposedly natural freedom. Hegel wants to focus us on the “incalculable medial discipline”—the political and social learning process manifest in a prolonged cultural sequence—that leads up to institutional forms adequate for the realization of freedom. The depth of our present is a func-
tion of how much we absorb—or fail to absorb—this slow and painful political-cultural Bildung.\textsuperscript{139}

Of course, one can reject Hegel’s case at any number of levels—as metaphysics, as historical interpretation, as idealization of the state. The important point, however, is to grasp the character of the Lectures as a form of political education designed not to celebrate the West and denigrate the rest (although Hegel certainly does that) so much as to elucidate patterns of political, cultural, and institutional evolution that point the way to the concrete actualization of freedom. Hegel wants us to see the moral-political contribution of each world-historical people, the better to grasp the project of freedom as the human project—a project that, for centuries, was understood (if it was understood at all) through a glass, darkly. The present partial actualization of this project enables a retrospective survey of the Hegelian sort, one that picks out the strands leading up to what we ourselves essentially are—or, at least, wish ourselves to be.

In the next section, I want to give a reading of Lectures that concentrates on its character as political education and survey of the evolution of political association in the West. This reading sets up my discussion of Hegel’s Philosophy of Right in the penultimate section and the critical considerations in my conclusion. Before proceeding, however, I want to note some basic objections to Hegel’s project. Hegel’s blatant Eurocentrism is, today at least, probably the largest single stumbling block to any positive appropriation of the Philosophy of History. Second, postmodern skepticism toward what J.-F. Lyotard called “meta-narratives” inclines us to see big stories of the Hegelian sort as misguided and no longer credible.\textsuperscript{140} Third, there is the widespread feeling (in academic circles, at least) that, after Auschwitz, any and all narratives of moral-cultural progress in the West have been definitively unmasked as the ideological fictions they always were. There is much to be said for each of these objections. I touch upon the grounds of the first two in the next section. I will postpone my response to the last until the conclusion of this chapter.

\section*{V. Lineages of Subjective Freedom and the Nonabsolutist State}

Anyone who does not initially gag on Hegel’s insistence that world history follows a rationally necessary course in the Vorlesungen über die Philosophie der Weltgeschichte is bound to be brought up short by the section
on the geographical basis of world history that brings his introduction
to completion. This section contains Hegel’s memorable description of
America as “the land of the future.” It also, however, contains long and
embarrassing passages describing Africa as the home of a humanity at the
“lowest grade” of culture, one virtually indistinguishable from nature.\textsuperscript{141}

For Hegel, Africa is “the land of childhood, which lying beyond the
day of self-conscious history, is enveloped in the dark mantle of Night.”\textsuperscript{142} “The negro,” we are told, “exhibits the natural man in his completely wild
and untamed state” and lacks even the most rudimentary idea of human
spirit or dignity.\textsuperscript{143} Insofar as any political association exists, it is barbaric
and despotic in character, without any knowledge of law. “Nothing but
external force can hold the State together for a moment.”\textsuperscript{144} From Hegel’s
world-historical point of view—a point of view that attaches the greatest
importance to the development of law and the presence of differentiated
political institutions—Africa “is the Unhistorical, Undeveloped Spirit, still
involved in the conditions of mere nature.” It is the “threshold” of world
history, but not actually a part of the developmental process.\textsuperscript{145} Humanity
is present in embryonic form, as yet untouched by the “light of Spirit.”

Where, then, does the history of humanity, of \textit{self-conscious} Spirit, ac-
tually begin? Like the sun, the “History of the World travels from East to
West, for Europe is absolutely the end of History, Asia the beginning”:

Here [in the East] rises the outward physical Sun, and in the West it sinks
down: here consentaneously rises the Sun of self-consciousness, which dif-
fuses a nobler brilliance. The East knew and to the present day knows only
that \textit{One} is Free; the Greek and Roman world, that \textit{some} are free; the Ger-
man World knows that \textit{All} are free. The first political form therefore which
we observe in History is \textit{Despotism}, the second \textit{Democracy and Aristocracy},
the third \textit{Monarchy}. To understand this division we must remark that as
the State is the universal spiritual life, to which individuals by birth sustain
a relation of confidence and habit, and in which they have their existence
and reality—the first question is, whether their actual life is an unreflecting
use and habit combining them into this unity, or whether its constituent
individuals are reflective and personal beings having a properly subjective
and independent existence.\textsuperscript{146}

This passage is of crucial importance. Not only does it set out the (now
familiar) narrative frame of the body of the \textit{Lectures} themselves; it also
provides the basis for Hegel’s critical distinction between what he calls *substantial* and *subjective* freedom.

Substantial freedom, Hegel tells us, is “the abstract undeveloped Reason implicit in volition, proceeding to develop itself in the State.”147 Such freedom is present in ancient civilizations like China and India. Here one finds political constitutions or regime forms (the Chinese Empire; the various Indian kingdoms), as well as positive laws and enactments. The creation of a cultural world articulated in legal and political form represents a decisive step away from what Hegel regarded as the tyranny of nature and the natural. But, in and of itself, substantial freedom—the freedom found in a cultural-political world governed by custom and usage—does not include any principle of, or indeed room for, *individual* freedom. This is the freedom of the subjective (reflective) will, the freedom that attends the development of conscience and the Socratic-Christian idea of the moral dignity of the individual. Hence, according to Hegel, “where there is merely substantial freedom, commands and laws are regarded as something fixed and abstract, to which the subject holds himself in absolute servitude.”148

The substantial–subjective freedom distinction structures Hegel’s descriptions of the world-historical civilizations that concretely embody the life of Spirit. Indeed, taken in tandem with Hegel’s stripped-down three-stage schema of historical-moral development, it provides Hegel with the basic framework he needs to speak of a childhood, boyhood, adolescence, manhood, and old age of Spirit—phases of civilizational development that supposedly cohere with Spirit’s centuries-long journey from East to West. The potential for Eurocentrism and German Lutheran prejudice built into this schema is, of course, immense. And, it scarce needs to be noted, Hegel rarely disappoints on this score. Reading Hegel’s “universal history” through a censorious multicultural lens, however, serves only to blind us to its more progressive impulses and message.149

Thus, for example, when Hegel refers to the great ancient civilizations of the East as the “childhood of History,” it is important to remember the positive connotation this description had for him. “In the political life of the East we find a realized rational freedom, developing itself without advancing to *subjective* freedom.”150 However much a contemporary Chinese or Indian reader may want to take cultural pride in the accomplishments of his or her distant ancestors, it is unlikely that they would go so far as Hegel does in this political tribute. We are all democrats now, and calling “substantial freedom” *freedom* sounds to us like a category mistake of the
very worst sort. There is much we would condemn in societies ruled by
custom and convention, and—as we will see—there is much that Hegel
condemns in them as well. Indeed, this is why Hegel’s subsequent descrip-
tions of China and India tend to highlight the moral and cultural deficien-
cies born of their relative “immaturity” rather than their positive cultural
contributions.¹⁵¹

But though the list of deficiencies is long and often biased in nature,
we have to keep ourselves focused on what Hegel’s main project is in the
Lectures on the Philosophy of History. He is not trying to compile a catalog
of all the reasons that “the West” is superior to “the rest” (although he fre-
quently reads that way). Rather, he is attempting to trace the development
of a differentiated, rational political form, one that gives the elements of
substantial and subjective freedom their due. In this respect, the Lectures
can be usefully read as the prolegomenon to Hegel’s Philosophy of Right,
rather than as their coda (which is how they make their appearance in the
Hegelian corpus). They outline a story of political-civilizational evolution
and accretion, one that—however dubious it may seem to specialists—has
the overall effect not of casting out whole civilizations as irredeemably
“other” (Africa is the notable exception), but rather of including them in
the long story of humanity’s political-cultural Bildung.¹⁵²

Hegel, in other words, is trying to provide us with a lineage of the non-
absolutist constitutional state. It is not surprising that he begins this story by
considering the absolutist forms of mankind’s “infancy,” repeatedly drawing
attention to their failure to make room for the principle of subjectivity and
individual independence. What is surprising is the way he selectively praises
political and administrative accomplishments, often within the context of
a more typical (European-Christian) critique of non-Western cultural and
religious forms.

Hegel’s treatment of the Chinese Empire and India—“The Oriental
World”—are cases in point. On the one hand, both sections present ur-
texts of exceptional richness for researchers intent on exposing the Orient-
 talism of canonical thinkers in the nineteenth century. On the other, both
sections argue that these civilizations provide basic preconditions for the
subsequent development of political-cultural forms.

As the most notable civilizations of the “Oriental World,” China and In-
dia are, according to Hegel, animated by the “principle of the Substantial.”
“Moral distinctions and requirements are expressed as Laws,” he states,
“but so that the subjective will is governed by these Laws as by an external
Morality and legality have yet to be distinguished, and the result is the spheres of justice and morals are matters of external regulation only. Conscience as we know it—as an individual's internal moral sense—does not yet exist, and the only real subjectivity to be found is that “concentrated in the supreme head of the State”: the Chinese emperor or Indian prince.¹⁵⁴

Yet even considered as examples of the unencumbered rule of the “substantial”—that is, as more or less pure instances of what J. S. Mill would later call the “despotism of custom and convention”—China and India are poles apart. On the hand we have the Chinese Empire, a highly centralized and surprisingly durable political structure, ably administered by legions of specially trained mandarins. On the other we have a fractured and fractious India, characterized by local wars and an intense (and, in Hegel's view, fantastical) spirituality and culture.

The working of Hegel's dialectical apparatus here is creaky but at least somewhat effective. He presents us with an important early example of political integration and rational political administration (China), the better to contrast its purely external and prosaic character with the turbulent political transformations and ascetic spirituality of the Indians. China represents an almost soulless mechanical unity (the empire); India, a wild and undisciplined diversity (of princes, kingdoms, castes, and divinities run amok).¹⁵⁵ The legacy of China's political culture is precisely its tradition of centralized, rational administration. The price of this centralization, however, is that all its life and direction is vested in the emperor. Without his “superintendence and oversight” everything is “paralyzed from head to foot.”¹⁵⁶ The legacy of India, on the other hand, is the liberation of the idealistic principle in its most exuberant, magical, and undisciplined form. The Chinese Empire—a state without a “people”—confronts a subcontinent with a people, but a people who lack an integrated state.¹⁵⁷

There is, no doubt, a lot of anachronism going on here, driven—at least in part—by Hegel's comprehensive conception of the state. The latter, it will be recalled, synthesizes both rational institutions and the spirit and customs—the “ethical life”—of a people. Indeed, it synthesizes them so well that it becomes false and misleading to speak of the ethical life of a modern people apart from the rational institutions of a constitutional state. Hegel is planting his dialectical seeds in “Oriental” ground, the better that they might come to fruition (ultimately) in modern, Western form.

That said, the “Oriental world” remains “other” insofar as it is mired in the mode of substantiality. While paying tribute to China's political edifice
and India’s cultural-spiritual diversity, Hegel makes a point of reminding us what is lacking in each case, namely, the presence of anything like individual moral sensibility or judgment. For this reason, China and India “lie, as it were, still outside the World’s History,” providing “elements” for its development, but not actually taking part in that development itself.\textsuperscript{158}

In the case of China, we find a polity organized on strictly patriarchal lines. The emperor is the father, and all subjects are his children. Law and ethical obligation are strictly codified according to the demands of familial piety, a principle that structures both private and public life. The hegemony of the patriarchal principle is such that we find unity and equality to be dominant characteristics of the political order. However, as Hegel, following Montesquieu, points out this unity and equality are functions of an essentially despotic order, one in which the universal or common will is expressed solely by the emperor.

The result is an equality born of rationally administered subjugation; an equality, in other words, devoid of meaningful differentiation, mutual respect, and moral value. For this reason, Hegel states, it is actually inappropriate to claim that the empire even\textit{has} a constitution in the modern sense. To have a constitution implies “that individuals and corporations have independent rights—partly in respect of their particular interests, partly in respect of the entire State.”\textsuperscript{159} The paternal care of the emperor, exercised through a highly efficient administration, leaves his subjects perpetually infantilized within this extended family circle, incapable of exercising either personal independence or political liberty.\textsuperscript{160} Thus, although “there is no distinction conferred by birth” beyond the imperial household, and although everyone can “attain the highest dignity” by joining the mandarin administration through an examination process, “this very equality testifies to no triumphant assertion of the work of the inner man, but [rather, to] a servile consciousness.”\textsuperscript{161}

India, in contrast, presents a visage of infinite variety coupled with a pantheistic, dreamlike idealism. All difference, all variety, however, is encased in the caste system, which insists on the inescapable character of a presumed natural destiny for every individual. As Hegel puts it, “everything is petrified into these distinctions, and over this petrification a capricious destiny holds sway.”\textsuperscript{162} Although appalled by such rigid hierarchy, Hegel notably takes time to explicitly mock the idea of a classless society bruited by the radical democrats of his day.\textsuperscript{163} His backward-looking idea that social differentiation necessarily entails the existence of classes or es-
lates (Stände) ought not to blind us to Hegel's palpable moral outrage at a system that determines class identity by birth. Such a system creates a chain that “binds down the life that was just upon the point of breaking forth.”

Even Plato’s Republic, Hegel notes, inserted a moment of choice (albeit the choice of the Guardians) into its construction of an organic class hierarchy. No such moment exists in the Indian case. “In India, Nature is the governing power.” The result is that individuality and free will are, as it were, strangled in their cradles. Hegel’s conclusion—“Morality and human dignity are unknown; evil passions have their full swing; the Spirit wanders into the Dream-World, and the highest state is Annihilation”—mixes a legitimate sense of moral scandal with a culturally inflected attitude of supreme condescension.

Looking past the many passages in “The Oriental World” in which Hegel sounds like a nineteenth-century General Westmoreland (the Chinese and the Indians, in his view, do not value human life and dignity the way we do), the underlying message is one we can endorse. Equality and unity purchased at the price of despotism is inhumane; difference purchased at the price of instituting a “natural” social hierarchy is morally indefensible. Yet, as I remarked above, Hegel thinks both equality and difference are constituent elements of any minimally just polity. How can these two principles be stripped of their bogus naturalism—the naturalism of patriarchy, on the one hand, and caste organization, on the other—and be “spiritualized” in a manner commensurate with human dignity? The answer to that question is found in the long, hard spiritual and political cultivation (Bildung) that begins in the West with the ancient Greeks.

Hegel makes a point of honoring ancient Persia and Zoroastrianism with establishing the principle of separation from nature—that is, with establishing a spiritual-cultural realm not immersed in natural forms or anthropomorphism. But it is in the Greek world that human spirit takes a form that is not only “pure” (detached from the natural) but also hospitable to the growth of individuality. “It is here first that advancing Spirit makes itself the content of its volition and its knowledge; but in such a way that State, Family, Law, Religion, are at the same time objects aimed at by individuality, while the latter is individuality only in virtue of those aims.”

The “Greek Spirit,” born of an agonistic heterogeneity of peoples and states, is one that is stimulated rather than dominated by nature. Hence,
Greek freedom takes a basically aesthetic form. It is the freedom of the “plastic artist” who transforms natural materials into an artificial world of beauty. To be sure, other cultures carved statues, built temples and monuments, and so forth, but it is only in ancient Greece that “the sensuous” becomes a “sign, an expression, an envelope in which Spirit manifests itself.”\textsuperscript{170} The Greek Spirit, unlike previous Volksgeister, “knows itself free in its productions.” The Greek is a transforming artist who “has a respect and veneration for these conceptions and images—this Olympian Zeus—this Pallas of the Acropolis—and in the same way for the laws, political and ethical, that guide his actions. But the human being, is the womb that conceived them, he is the breast that suckled them.”\textsuperscript{171} This artist’s relation to nature—a relation that finds inspiration for human imaginative and world-building powers—is a new phase in the history of the human spirit, one that Hegel celebrates as the dawning of “Beautiful Individuality.” Self- and world-fashioning are a way of life for this “nation of artists.”

The most important artwork, from the point of view of the Lectures and Hegel’s overall political orientation, is that of the state itself. The “political work of art” is the democratic polis of fifth-century BCE Athens, a polity as far from “Eastern” despotism as one could imagine. “The Democratical State is not Patriarchical,” Hegel states. It “does not rest on a still unreflecting, undeveloped confidence—but implies laws, with the consciousness of their being founded on an equitable and moral basis, and the recognition of these laws as positive [that is, man-made]. . . . Law exists, and is in point of substance, the Law of Freedom—rational in its form and purport, and valid because it is Law, i.e., without ulterior sanction.”\textsuperscript{172} Virtue is the principle of a constitution that “affords the widest scope for the development of great political characters” because it summons individuals to develop and use their powers for the “general weal.”\textsuperscript{173} What Plato condemns in book 8 of the Republic as individuality and freedom run amok, Hegel praises almost without qualification. He goes so far as to cite Pericles’s Funeral Oration—with its memorable call to the Athenians to gaze upon the beauty of their city and “fall in love with her”—as testimony.\textsuperscript{174} In Athens, the greatest patriotism and the greatest individual self-cultivation combine effortlessly, in a work of singular—and never equaled—beauty.

But it is precisely this harmony of public freedom and individual cultivation, this spontaneous unity of the “I’ and the “we,” that had to break down if progress toward a genuinely reflective (subjective) moral consciousness were to proceed.\textsuperscript{175} The Greeks identified immediately and, as
it were, naïvely with their political laws, institutions, and cultures. The beauty and vitality of their communal existence is a function of this lack of reflection and the intellectual and moral distance it implies:

Of the Greeks in the first and genuine form of their Freedom, we may assert that they had no conscience; the habit of living for their country without further analysis or reflection, was the principle dominant among them. The consideration of the State in the abstract—which to our understanding is the essential point—was alien to them. Their grand object was their country in its living and real aspect;—this actual Athens, this Sparta, these temples, these Altars, this form of social life, this union of fellow-citizens, these manners and customs. To the Greek his country was a necessary of life, without which existence was impossible.176

The Greeks—even the talkative Athenians—are still mired in the substantiality of custom and convention. Their version of substantiality, however, differs significantly from the naturelike versions encountered in “The Oriental World.” It takes the form of what Hegel calls an “objective will,” that is, a public spirit and civic consciousness that is as yet unaware of either individual interests or a moral horizon beyond the polis and one’s fellow citizens. This, to be sure, is an “aesthetical spiritual unity,” one that Hegel had previously celebrated in the Phenomenology’s section on the ethical world (die sittliche Welt).177 But it is a unity, a community spirit, that—while allowing for individual action and opinion on the part of citizens—nevertheless fails to attain a genuinely moral dimension, one in which both conscience and independent judgment assert their rights.

For the moral dimension to arise, the practice of subjective reflection had to be introduced. And so it was, according to Hegel, at first by the Sophists. But it was Socrates who, in fact, “invented morality” by alerting his fellow citizens to the difference between an ethics of custom (nomoi) and the idea of the right, the good, and the just as such. The consciousness of such a difference demands a thinking “rupture with existing reality” and its attendant practices and the “rise of the inner world of subjectivity.”178 Thought demonstrates its absolute power of negation, its capacity to articulate a distinction between the merely local or particular and the universal in ethics. The effect of Socrates’s dissolvent rationality is truly revolutionary insofar as he forces his fellow Athenians to question what is merely given and realize that “they do not know what Right is.” The effect is also fatal insofar as
it undermines the very manners and mores that made Athenian democracy possible. It is for this reason that Hegel presents the Socratic invention of morality as a great spiritual leap forward, and—simultaneously—as the tragic end of the “beautiful freedom” of the Greeks.179

The absence, prior to Socrates, of any real principle of subjective reflection is the great ethical lack of Athenian democracy. But it is not the only such lack. In their democracy, the Athenians created a concrete realm of public freedom and civic equality. But this realm was strictly limited to citizens, that is, to male heads of households. Similarly, the Athenian democracy depended economically upon the institution of slavery. The result was a stunted and severely circumscribed idea of the bounds of ethical obligation. Mutual recognition may have governed the relations of equal citizens, but it certainly did not govern relations to women, children, and slaves. Nor did it extend to relations with fellow Greeks, let alone barbarians. When Hegel says the Greeks knew only that some are free, he means just that: freedom is exclusively a political, and not a human, quality. But—and this is absolutely crucial—the Greeks were correct in thinking that freedom must find expression concretely, in institutions and a public way of life.180

The introduction of the principle of subjective reflection—while absolutely necessary from the point of view of the evolution of independent moral judgment—“ruins” the Athenian state, and not merely by undercutting the naïve identification of the Athenians with their laws, constitution, and democratic practices. The slackening of this identification results in a broader retreat into the self, a retreat that privileges individual interests and promotes an increasingly instrumental view of the political association. Evidence of this “corruption”—the emergence of the claims of individual particularity over against the state—is amply given in the Platonic dialogues, most notably by figures like Callicles in the Gorgias and Thrasymachus in the Republic. Hegel views Plato’s efforts as rearguard actions, futile attempts to reconstitute the “substantiality” of Greek ethical life at a time when the principle of subjectivity had already sounded its death knell.181

In contrast to the lively but parochial ethical life of the Greeks, Hegel casts the Roman spirit as giving birth both to the abstract individuality of legal personhood and to the politically abstract universality of the empire. Surprisingly for a thinker who is sometimes placed within the broad confines of the civic humanist tradition, Hegel finds little of appeal in the Roman republic. The choice between Athens and Rome is no choice. Born
The distinction between plebs and patricians marks the republic as, essentially, an aristocracy, its patriotic ethos notwithstanding. Gone is the creative, “plastic” spirit characteristic of the Greek “state as artwork.” In its place, the “prose of life” makes itself felt in the form of a harsh legalism that penetrates and perverts the household realm and family relations. Wife and children were treated as the husband’s property, and his legal authority over both was virtually unlimited and despotic. The “immoral active severity” of the Romans in private life is matched, according to Hegel, by “the passive severity of their political union.” The martial discipline and unyielding ethos of self-sacrifice—so attractive to both Machiavelli and Rousseau—holds little appeal for Hegel.

But although the Roman republic was hardly the paradise of patriotism and civic freedom it was later made out to be, it did accomplish something extraordinarily important, namely, the constitution of a relatively autonomous sphere of legality and right. In “the Oriental world” legality and morality were utterly conflated; in Athens, morality in the form of virtue and the “objective will” was the very basis of the democratic constitution. It is only with the Roman republic that we find a principle of right that is “not dependent upon disposition and sentiment.” This, according to Hegel, is an “extremely valuable gift,” one that we moderns should “use and enjoy” without becoming victims of the illusion that legal formalism is the ne plus ultra of political wisdom.

Despite this crucial contribution of the Roman Republic, it is the Roman Empire that attracts the balance of Hegel’s world-historical attention. This may, at first, seem paradoxical for a thinker who so values public forms of freedom. Yet Hegel views the empire as attaining a universal form that leaves the localism of the polis and early republic behind. At the same time, it provides an abstract but inclusive form of membership in the form of legal personhood (the “abstract right” of the Philosophy of Right). On one side, the emperor’s political will was unchallenged, the nominal retention of republican institutions (the senate, tribunes, and censor) notwithstanding. On the other, there was a mass of heterogeneous individuals rendered homogeneous by means of a new notion of legal equality and private right. Again, the latter is a “valuable gift,” but—at the same time—it came at the price of any sense of membership and identification with the whole:
That living political body—that Roman feeling which animated it as its soul—is now brought back to the isolation of a lifeless Private Right. As, when the physical body suffers dissolution, each point gains a life of its own, but which is only the miserable life of worms; so the political organism is here dissolved into atoms—viz., private persons. Such a condition is Roman life at this epoch: on the one side, Fate and the abstract universality of sovereignty; on the other, the individual abstraction, “Person,” which involves the recognition of the independent dignity of the social unit—not on the ground of the display of the life which he possesses—his complete individuality—but as the abstract individuum.186

This passage introduces the theme of atomization in a political-sociological sense, one more akin to Tocqueville and Royer-Collard than to the more methodological critique the young Hegel developed in his 1802 “Natural Law” essay. Hegel, as this passage indicates, sees the problem of atomization as having much deeper historical roots than either Tocqueville or Royer-Collard, both of whom saw it as a direct result of the demolition of the ancien régime and the spread of a democratic condition sociale.187 For Hegel, the breakdown of the connection between the individual and the community, between particularity and universality, goes back to Socrates. Politically speaking, it has its most glaring manifestation in the utterly privatized existence of subjects of the Roman Empire. “All political freedom vanished,” leaving only an equality grounded in subjection to the emperor’s will. As the young Hegel had noted in “The Positivity of the Christian Religion,” at this point death must have become “something terrifying.” The secular immortality guaranteed by a republican citizen’s share in the public world completely vanished as an existential possibility.188

The Roman Empire was thus historically necessary as a more universal and legalistic political form for the West. Yet the price of such universality (and the guarantee of legal personhood) was a public life emptied of ethical substance and existential meaning. At this point, the principle of subjectivity—a principle articulated by Socrates and reduced to a formal juridical category by Rome—retreats inward, to the soul. Christianity provides a purified conception of selfhood and self-consciousness, one that has endured what Hegel calls the “discipline of the World” in the form of the crushing fate of the Roman imperial machine; one that further “trains”
the human individual by extinguishing (or attempting to extinguish) the individual’s last ties to the natural and the bodily.189

Hegel’s presentation of Christianity in the Philosophy of History is abbreviated and allegorical in the extreme. Although hardly abandoning the indictment of otherworldliness that characterized his treatment in the Phenomenology, Hegel now treats the emergence of Christianity as one of the great hinge points of human history. It is so not because of any “good news” Jesus supposedly brings. Rather, it is a turning point because here, for the first time, “God is recognized as Spirit,” that is, as a being whose substance—spirit and intellect—is essentially that of humankind.190 The Christian idea of God presents us with a divinity that embodies our essence in its denaturalized form; an idea of God that is not irreducibly other but that answers and affirms our own quest for self-knowledge. The Delphic imperative to “Know thyself” receives it epochal epistemic breakthrough in the Christian conception of a God who is basically humanity purified and spiritually educated.

Man himself therefore is comprehended in the idea of God, and this comprehension may be thus expressed—that the unity of Man with God is posited in the Christian religion. But this unity must not be superficially conceived, as if God were only Man, and Man, without further condition, were God. Man, on the contrary, is God only in so far as he annuls the merely Natural and Limited in his Spirit and elevates himself to God. That is to say, it is obligatory on him . . . to give up his merely natural being: For the Natural is the Unspiritual. In this Idea of God, then, is to be found also the Reconciliation that heals the pain and inward suffering of man. For suffering itself is henceforth recognized as an instrument for producing the unity of man and God [that is, of completely “spiritualizing” or humanizing the world].191

This unity of truth with reality, God with man, is conveyed by the Christian conception of the Holy Spirit and by the story of Jesus. Jesus is, of course, a man, but a man who is also God. He is, moreover, the subjective principle in its purest possible (human) form. He does not bow down before any positive law or political regime. Rather, he imposes a completely radical and spiritual requirement, one that comes from within and is directed toward every individual.192
Jesus, in other words, universalizes the best of Socratic moral individualism, namely, the demand to never knowingly commit injustice. At the same time, he frees it from its mythic and parochial elements (Socrates’s *daimon*; Athenian political life and the institution of slavery). Indeed, he abjures law and morality as traditionally conceived (as positive or external commands) and calls on his followers to practice a spiritual community and morality *distinct from* political community and public law. From now on, thanks to the Christian conception of God’s and Jesus’s directive to transcend the merely substantial in morality, we come to know not only that humanity has an inner dignity, but that we are, all of us, equal as spiritual beings.

The problem, of course, is that this spiritual freedom—this morally reflective subjectivity—has achieved a universal, yet totally inward, form. Spirit’s “homecoming” in the person of Jesus (the man who is God, the God who is man) is but the first step in a new cycle of embodiment or actualization. To present the basic historical logic in overly simple form: An ancient politics and culture, one whose glimpses of individuality are still mired in the natural and substantial, ultimately gives birth to an essentially spiritual subjectivity, a form of independent individuality sure of its inner dignity and worth. Yet for this subjectivity to *really* know itself, it must embody its newfound dignity and equality in worldly laws, institutions, and political practices. It will then be able to see itself in the world it has made. This is, as I already emphasized, an exceedingly long, slow, and bloody process. Humanity must wade through centuries of feudal irrationality and particularism and endure the perversion of the radical message of the Sermon on the Mount into a body of dogma enforced by an all-too-worldly “spiritual” authority, the Church.

Hegel’s treatment of the Dark and Middle Ages is consonant with what one might expect from a child of the Enlightenment (even one as critical of that movement as Hegel). Early German character and “heart” (*Gemuth* or *Herz*) are paid limited tribute, but the low state of civilization (one in which murder is not yet a crime), combined with an emergent feudal system that transformed all communal ties into *private* rights and *private* obligations, leads Hegel to basically deny the presence of any *spiritual* dimension to political forms during those periods. The Germans may have been “predestined” to be the “bearers of the Christian principle,” but—for long centuries—they failed utterly to embody Spirit’s ethical content in commensurable secular institutions. As Hegel reminds us, “it is in
the World that Spirit is to be realized—in a material not yet brought into harmony with it.” The material in question is a subjective will that, in the secular realm of the early Middle Ages, had yet to transcend violence, passion, and caprice.

After Charlemagne (one relative bright spot in the story), the feudal system establishes itself across Europe. The consequence is the creation of a veritable caste society in the West. This is a society composed entirely of lords and bondsmen, one in which all obligation is particularistic in character (for example, the vassal’s fidelity to a particular king). Tracing the various territorial acquisitions, political divisions, and motley regime forms of the era, Hegel ruefully concludes that “all Right vanished before individual Might.” Equality of rights and rational legislation simply “had no existence.” Alongside the rampant particularism and irrationalism of the secular realm, the Church grows into the dogmatic, “unspiritual,” and authoritarian structure that would later spark the Reformation. One can almost hear Hegel’s sigh of relief when, after charting the rise of the medieval monarchies and emergent nation-states, he comes to the revival of art and learning in the early Renaissance. A “blush of dawn” has appeared after the “long, eventful, and terrible night of the Middle Ages.”

* * *

The last and briefest section of the Lectures concerns die Neue Zeit (“the modern time”). In keeping with his general narrative, Hegel traces the further purification and generalization of the principle of subjectivity—that is, of reflective self-consciousness and the individual dignity and liberty that goes with it. It is therefore not surprising that he devotes considerable attention to the Reformation. Nor is it surprising that he, a German Lutheran, begins this consideration with a memorable trashing of the Catholic Church of the period:

The ecclesiastical piety of the period displays the very essence of superstition—the fettering of the mind to a sensuous object, a mere Thing—in the most various forms:—slavish deference to Authority; for Spirit, having renounced is proper nature in its most essential quality, had lost its Freedom, and is held in adamantine bondage to what is alien to itself;—a credulity of the most absurd and childish character in regard to Miracles, for the Divine is supposed to manifest itself in a perfectly disconnected and limited
way, for purely finite and particular purposes;—lastly, lust of power, riotous debauchery, all the forms of barbarous and vulgar corruption, hypocrisy, and deception—all this manifests itself in the Church.  

To this most unspiritual state of things, Luther opposes the “simple doctrine” that the Deity—which Hegel identifies as “infinite subjectivity . . . true spirituality, Christ”—takes no outward, physical form, but is present “in faith and spiritual enjoyment.” And this simple doctrine has wide-ranging implications for human Bildung:

When, then, the individual knows that he is filled with the Divine Spirit, all the relations that sprung from the vitiating element of externality . . . are ipso facto abrogated: there is no longer a distinction between priests and laymen; we no longer find one class in possession of the substance of the Truth . . . but the heart—the emotional part of man’s Spiritual nature—is recognized as that which can and ought to come into the possession of the Truth; and this subjectivity is the common property of all mankind. Each has to accomplish the work of reconciliation in his own soul.—Subjective Spirit has to receive the Spirit of Truth into itself, and give it a dwelling place there. Thus that absolute inwardness of soul which pertains to religion itself, and Freedom in the Church are both secured.

To be sure, Hegel says much—in both the Phenomenology and The Philosophy of Right—that is critical of inwardness (Innerlichkeit) taken to extremes. Here, however, he is drawing attention to the Reformation’s bold and sweeping destruction of the “positivity” that had become the Catholic Church. The principle of authority makes way for the principle of the free and rational (individual) will. And this, Hegel says, “is the essence of the Reformation: Man is in his very nature destined to be free.”

This “protestant” principle emerges in response to the Church’s demand for “blind obedience.” The idea of an internal moral sense—conscience—that cannot be trumped by any external authority is obviously one with profound political implications. Having gained consciousness of his freedom in the spiritual realm, man [Spirit] “now takes it up and follows it out in building up the edifice of secular relations.” The gap between the sacred and the secular is healed, as State and Church now form what Hegel calls an “immediate unity.” This is, obviously, not a call for theocracy, but rather for the emancipation of the political association from the authority
of a church separate from and above it. The development of national Protestant churches in northern Europe (the “Germanic” peoples) is thus another step forward in the progress of freedom as well as the investment of the structures of the nation-state with real ethical content—that is, with laws and principles of right that recognize the dignity of the individual.

A lot of Hegel’s story about the influence of the Reformation on political development—for example, his Erastian insistence that the state must be given final legal say in affairs both ecclesiastical and temporal—could well be echoed by historians of early liberal thought. One aspect of his story that would not make the liberal cut, however, is his insistence that political sovereignty (in the form of modern monarchies) must by no means be divided.

This Hobbesian point has a lengthy history in Hegel’s thought, first emerging in his early unpublished essay “The German Constitution” (Die Verfassung Deutschlands), written between 1798 and 1802. That essay bemoaned the fact that Germany—a collection of roughly three hundred political and ecclesiastical entities, varying tremendously in size and, for the most part, lacking genuine sovereign power as a result of overlapping jurisdictions—was no longer (if it had ever been) a state. Hegel’s emphasis in the Lectures is, as a result, on the role that centralizing monarchies play in vanquishing the world of feudal custom and particularity, creating modern Staaten to take the place of diffuse Länderey independent towns. To fulfill this role, undivided sovereignty is a must. Yet Hegel is careful to insist, à la Locke, that such power—wielded, it is true, by royal families—is a kind of trust, held on condition of proper exercise, and not a private possession of the monarch or his family. The state is now a political, administrative, and juridical entity that transcends not only particular classes but the monarch himself—a point Frederick the Great underlined by describing himself as the “first servant” of his state (der erste Diener meines Staates).

In addition to their rationalizing and centralizing functions, the monarchies of the seventeenth and eighteenth centuries play a crucial role in reducing the role of the aristocracy. Hegel’s position here is directly contrary to the one Tocqueville was to take in Democracy in America. Although the barons and other aristocratic bodies may have seemed to “constitute an intermediate body charged with the defense of liberty” (the pouvoirs intermédiares so stressed by Montesquieu), in fact it was only their own privileges that they maintained against both king and people. "When liberty is
mentioned,” Hegel notes, “we must always be careful to observe whether it is not really the assertion of private rights which is thereby designated.”212 There can be neither right nor law where aristocratic privilege and exemption hold sway. Contra Tocqueville and other liberal defenders of aspects of the ancien régime, Hegel gives European sovereigns “relying on their respective peoples” credit for effectively vanquishing “the caste of unrighteousness” (die Kaste der Ungerechtigkeit).213

Hegel’s treatments of the Enlightenment and the French Revolution in the Lectures, though relatively brief, are surprisingly positive. Gone is the Phenomenology’s disdain for the “observing reason” (Beobachtende Vernunft) of the new science and the “pure insight” that the Aufklärung opposed to religious superstition. The Enlightenment is to be praised for recognizing that the “ne plus ultra of Inwardness, of Subjectiveness, is Thought.”214 Human reason recognizes itself in the laws governing nature: “Thus, all miracles were disallowed; for Nature is a system of known and recognized Laws; Man is at home in it, and that only passes for truth in which he find himself at home.”215

To borrow Kant’s phrase, this “Copernican revolution” has its analog in the Enlightenment’s approach to the social and political worlds. Whereas previously power and institutions were legitimated by an appeal to scripture, a hierarchical nature, or custom and usage, they now found their grounding principle in the human will: “Right and [Social] Morality came to be looked upon as having their foundation in the actual present Will of man. . . . the freedom of the Will per se is the principle and substantial basis of all Right.”216 As Manfred Riedel has pointed out, with such statements Hegel unambiguously positions himself with the modern (post-Hobbes) tradition of political thinking, a tradition that sees all right and obligation arising not from nature, God, or tradition, but rather from the consent of equal individuals.217 From now on, secular life will be viewed as “the positive and definite embodiment of the Spiritual Kingdom [die geistige Reich]—the Kingdom of the Will [das Reich des Willens]—manifesting itself in outward existence.”218

Hegel presents the French Revolution as the practical working out of Enlightenment theoretical principles: “The new Spirit began to agitate men’s minds: oppression drove men to investigation. . . . The entire political system appeared one mass of injustice. The change was necessarily violent, because the work of transformation was not undertaken by the government.”219 The idea of a political constitution based on reason,
equality, and the interest of the nation *as a whole* was put into effect. Hegel leaves little doubt about the world-historical importance of this event:

A constitution, therefore, was established in harmony with the conception of Right, and on this foundation all future legislation was based. Never since the sun had stood in the firmament and the planets revolved around him had it been perceived that man’s existence centers in his head, i.e., in *Thought*, inspired by which he builds up the world of reality. Anaxagoras had been the first to say that *nous* governs the World; but not until now had man advanced to the recognition of the principle that Thought ought to govern spiritual reality. This was accordingly a great mental dawn.220

Yet though the abolition of feudal privilege and the overcoming of the traditionally substantial in human affairs is a great achievement, the French Revolution had a fairly spectacular downside. In the famous section “Absolute Freedom and Terror” in the *Phenomenology*, Hegel had identified Rousseau’s general will as “the undivided Substance of absolute freedom”—that is, as a purely *formal* will whose abstract generality is in the greatest tension with the citizen’s desire to do more than simply obey a “self-given law.”221 The only specific actions such a will can perform, however, are destructive ones. The general will thus deploys its standard of formal universality to condemn any and all institutions, laws, or practices that are seen as tainted by particular or group interests—interests that undermine the *moi commun*. The result is a “fury of destruction” with pervasive suspicion of possibly “corrupt” individuals leading to a “death without meaning” in the form of the Terror.222

In the *Lectures*, Hegel echoes some of this analysis but places it in the context of a more concrete account of necessary ingredients for any rational (modern) constitution. Three elements are absolutely necessary. First comes “laws of rationality” or “intrinsic right”; that is, laws that sweep away feudal servitude and that provide “real freedom” of person, property, trade, and profession, as well as access to all offices of the state.223 Second comes a governmental authority that gives the laws practical effect. Such an authority concerns itself with formal execution of the law, the pursuit of national interest in foreign affairs, and the internal weal of the community. The latter includes making sure that citizens do not simply have the right but also the opportunity to apply their talents in their chosen profession.
According to Hegel, in modern times the primary question is whether this sovereign element will be monarchical or popular in character. If the latter, then disposition (Gesinnung)—the third element—becomes crucial. The presence or absence of some form of civic ethos will determine whether the “collision of subjective wills” yields an approximation of the common good, or merely the dominance of the strongest sectional interest. As Hegel states it,

There may be various opinions and views respecting laws, constitution and government, but there must be a disposition on the part of the citizens to regard all these opinions as subordinate to the substantial interest of the State, and to insist upon them no further than that interest will allow; moreover nothing must be considered higher and more sacred than good will towards the State; or, if Religion be looked upon as higher and more sacred, it must involve nothing really alien or opposed to the Constitution. It is, indeed, regarded as a maxim of the profoundest wisdom entirely to separate the laws and constitution of the State from Religion.\textsuperscript{224}

Although disposition was the very principle of the state for Plato (hence his focus on an education in character, rather than on laws, in the \textit{Republic}), it can hardly play the same role in a modern polity. Nevertheless, one can hardly ignore the issue of whether the citizens of a particular political association have received a formation or education that disposes them to prioritize the common good over particular or sectional interests. Yet this Hegel states, is precisely what the French Revolution did. In attempting to remodel the state, the Revolution set up “purely abstract principles” of natural right. “Disposition and Religion were not taken into account,” with the result that the general will was presumed to exist—a priori, as it were—within the breast of each citizen, regardless of their religious beliefs and general level of political \textit{Bildung}\textsuperscript{225}

Rousseau had thematized this particular problem in chapter 7 of book 3 of the \textit{Social Contract}. “For a nascent people to be capable of appreciating sound maxims of politics and of following the fundamental rules of reason of State,” he observed, “the effect would have to become the cause, the social spirit which is to be the work of the institution [of the polity] would have to preside over the institution itself, and men would have to be prior to laws what they ought to become by means of them.”\textsuperscript{226}
As we have seen in chapter 2, the solution to this paradox for Rousseau was the great lawgiver, a modern-day Lycurgus who felt capable of changing human nature through the imposition of laws, institutions, and customs. Such a solution was clearly not available to the participants in the Revolution. Instead, they were forced to set themselves up as representatives of the people’s “uncorrupted” general will, even though (empirically speaking) this will was hardly pure, unanimous, or untainted by “attachment to old interests.” The result was a destructive dialectic wherein governors and governed accused each other of pursuing sectional interests, claiming all the while that they alone embodied Virtue and the general will. Suspicion becomes the generalized principle of the body politic and brings with it “the most fearful tyranny,” one that exercises its power with little regard for legal formalities. This is the Terror and the reign of the Committee of Public Safety.

Reason, Hegel notes, “itself revolted against this terribly consistent Liberty,” first by Thermidor and the establishment of the Directory; second, by the Consulate and the establishment of the Napoleonic Empire. The latter spread liberal institutions to every quarter of Europe—even those, Hegel remarks, that were not ready for them. The imperial adventure terminated, the rule of the Chartre begins, only to collapse after fifteen years. Hegel traces the continuing turbulence of French politics back to “the requirement that the ideal general will should also be the empirically general—i.e., that the units of the State, in their individual capacity, should rule, or at any rate take part in the government.” The vehement anticorporatism of the French Revolution not only wipes away any and all hierarchically mediating institutions; it also sets up what Hegel calls the “liberal” principle that individual wills should hold direct sway:

Not satisfied with the establishment of rational right, with freedom of person and property, with the existence of a political organization in which are to be found various circles of civil life each having its own functions to perform, and with that influence over the people which is exercised by the intelligent members of the community, and the confidence that is felt in them, “Liberalism” set up in opposition to all this the atomistic principle, that which insists upon the sway of individual wills; maintaining that all government should emanate from their express power, and have their express sanction. Asserting this formal side of Freedom—this abstraction—the party in question
allows no political organization to be firmly established. The particular arrangements of the government are forthwith opposed by the advocates of Liberty as the mandates of a particular will, and branded as displays of arbitrary power. . . . Thus agitation and unrest are perpetuated.229

At first glance, this seems an extremely odd critique of post-Napoleonic French politics. The peculiar form of suffrage holding until 1848 was limited in the extreme, confined mainly to big property holders. Hegel makes it sound as if French liberalism was a form of virtually direct democracy, which it most certainly was not. If, however, we take a step back from the misplaced invective against liberalism, we can see his point. In the anticorporatist society, the general will must emerge directly from the individual electors themselves—a point Rousseau himself had insisted upon. Yet if the society in question lacks all mediating associations and generalizing institutions, the result will be merely the sporadic triumph of a particular will parading in the garb of the universal. Political opponents point out the gap between particular policies and the public good as they see it, and the era of political turbulence and instability continues.

This is an enlightening analysis, one that reveals a great deal about Hegel’s attitude toward both liberalism (and its underlying principle of atomicty) and popular political participation as such. In light of what Hegel had previously said in the Phenomenology, it is perhaps surprising that he does not here indict the notion of the general will and the ideal of civic unanimity that animates it. Instead, he suggests that la volonté générale will always remain a fugitive presence, devoid of real content, as long as mediating corporate structures—structures that educate particular wills to ever higher degrees of generality—are lacking.

Hegel’s position, then, is that a “we” cannot be created out of an atomized mass of rights-bearing, property-owning “I’s.” The morality of the common good conveyed in Rousseau’s most passionate pages clashes practically as well as theoretically with the contractualist idiom he and the Jacobins employed.230 The solution to the problem, Hegel suggests, is to abandon the social contract idiom altogether.231 We must view a morality of the common good as the clear and limited product of a complex interplay of history, law, institutions, and associations rather than as something imposed by an omniscient legislator or cultivated by means of a union sacrée. Then and only then will there be both ample individual freedom—the freedom of the reflective subject that Western history has been working toward—
and a shared, public form of freedom, one in which the individual citizen is able to see himself or herself in the institutions, laws, and practices that make up their particular social-political world.

VI. The Rational State Redux

Read from start to finish, the *Lectures on the Philosophy of History* do not exactly present the panorama of *Volksgeist* and “world-historical individuals” the reader is led to expect from Hegel's introduction. True, we get ample European bias and a narrowness of focus that is odd indeed for a “universal” history. But since Hegel's self-appointed task is to differentiate the actual from the merely existent in history, we should not be surprised that he devotes as much attention as he does to teasing out the patterns of development underlying self-reflective subjectivity and the emergence of the constitutional state. Of course, these patterns hardly exist in splendid isolation. They are bound up not only with each other, but also, in Hegel's view, with the primary cultural and religious ideas of an age.

Nevertheless—and this is my excuse for reversing the original order of presentation of *The Philosophy of Right* and the *Lectures*—the end of the *Lectures* presents a formidable riddle. After the Enlightenment and the French Revolution brought about the “glorious mental dawn”—the revelation that human political and social institutions had their roots in *us*, that they were *our products* and (thus) amenable to change—how was it possible for a reformed modern state to avoid perpetually oscillating between the destructive abstraction of the *volonté générale* and the all-too-concrete reality of the *volonté de tous*? How, in other words, might a reformed state avoid the trap into which the French Revolution had fallen?

The “glorious mental dawn” may have pointed the way out of the cave of tradition, superstition, and the myth of the divine right of monarchs, but it provided precious little guidance in answering this question. Rousseau's brand of civic republicanism rested upon a diametric opposition between a morality of the common good and the self-interested pursuit of particular interests, while the proto-utilitarian formulations of the Enlightenment assumed that the aggregation of individual preferences could somehow produce some qualitatively different good, namely, the public interest. Unable to transcend the contractualist idiom of the day, both sides found themselves suspended between the polarities of a unitary sovereign will and the diversity of interests pursued by individual citizen-subjects.
To pretend that the common interest willed by the former was simply the resultant of the clash or aggregation of particular interests was the crudest form of reductionism. But to assume—as Rousseau and the Jacobins did—that the common good and the general will could be determined only in terms of their opposition to particular interests created a problem that was virtually insoluble for any nation-state with a market economy. Utilitarianism in effect dissolved the distinction between the political and social spheres, while Rousseau and Jacobinism insisted upon a strict (and, under modern conditions, virtually impossible) separation of the two.232

The theoretical task Hegel set himself in the Philosophy of Right was to conceptualize the state in genuinely new way. Doing so entailed a different articulation of the relationship between the political and social spheres, one that avoided the reductionism of the utilitarians while remaining free of Rousseau’s purist view of civic virtue. Hegel wanted to do justice to both sides of the modern political equation. That is, he wanted to give particular and sectional interests their due while retaining a broadly republican idea of the common interest as something that was more than the mere sum of its parts. This meant bringing the two sides of the equation into a complex relationship of mutual mediation, a relationship Hegel thought capable of generating a substantial (as opposed to merely formal or additive) community will.

Such a project may seem paradoxical in light of Hegel’s view that political philosophy had no business setting out “yet another theory” or providing instructions to political actors. Yet the rational reforms undertaken by von Stein and Hardenberg after the Prussian collapse at Jena, combined with the penetration of French Revolutionary principles by way of the “great Constitutional Lawyer from Paris” (Napoleon), pointed to a radical reconfiguration of the old and the new, one in which the new could—at least in principle—have the upper hand. Prussia had been changed; there was no doubt about that. The point for Hegel was not to build new models; rather, it was to suggest ways of capitalizing upon the progress that had been concretely realized.

Of course it was not to be. The restoration and reaction that followed Napoleon’s final defeat left all liberalizing plans for Prussia, and for much if not all of Europe, on ice. Nevertheless, it is fascinating to see Hegel struggle with the same problem that was to bedevil Tocqueville a mere decade later in France. The problem is simply put. Where could one find the institutional, legal, and associational resources to counter the sociological atomi-
zation produced by the rise of a modern market economy and the collapse of the old regime? How might these resources be deployed so as to support a specifically modern idea of political association, one that fully acknowledged growing social complexity, the individualist quality of the “liberty of the moderns,” and the need to educate citizens about the “close connection” (Tocqueville) uniting public and private interests? It is only by facing up to these conditions that the political philosopher is able to provide a description of what a concrete or “substantial” community will might look like in the modern age. The task is made all the more imperative because of the obvious miscarriage of the Rousseauian-Jacobin attempt to substitute an ill-defined will of the people for the previously foundational will of the monarch.

Hegel and Tocqueville wanted to avoid two things. The first was a leveled, atomistic society held together by self-interest and contract alone, one with little or no interest in public life or public freedom. The second was a centralized and egalitarian state. Following Rousseau, the Jacobins had attempted to impose a regime of civic virtue from the top down, destroying the revolutionary sociétés populaires as well as other forms of factional association in the process. What resulted was a highly centralized regime, one stripped of all the old corporate forms but lacking any basis for a robust associational life. The individual citizen, in principle a part of the sovereign nation, experienced an extreme powerlessness when confronted by the state’s presumptive articulation and execution of the general will.

Moreover, while Hegel and Tocqueville felt particular interests were rightly submerged during moments when la patrie was en danger, they both insisted that such interests played too large a role in the lives of the Third estate to be permanently quarantined by revolutionary admirers of ancient virtue. The only way to move beyond the central aporia of civic republicanism—that of a unanimous or nearly unanimous general will versus a multitude of questionable factions and interests—was for the post-social-contract political thinker to point out how general and particular interests might be drawn into proximity. For Hegel and Tocqueville, the desired end result was not some bogus identity but rather something resembling an educated and ever-widening circle of associations. Such a circle would be one in which various groups with different interests were keenly aware of their interdependence as well as their mutual dependence upon the political association as a whole.
Filling in the details of this new idea of the relation between the general and the particular is a task that Hegel and Tocqueville share. To be sure, their respective “solutions” to the problems of atomization and the disaggregation of social groups are, in many respects, quite different. Tocqueville turned toward free democratic political institutions and the voluntary associations of civil society in order to show how the Americans successfully combated the growing individualism and privatism in their midst. The “close connection” uniting general to private interest was experienced practically, through the participation of ordinary citizens in matters of local administration and through the debates encouraged by a robust and radically decentered public sphere. The basic idea, which Tocqueville saw exemplified time and again in America, was that the twin principles of participation and association could effectively balance and constrain the more materialistic passions and self-centered energies set free by the new republic.

How and whether Tocqueville thought American manners, mœurs, and practices could set an example for French political culture will always be a bit of a mystery (I consider this question in chapter 4). Although Hegel died before the publication of the first volume of Democracy in America in 1835, it is safe to say he would not have found Tocqueville’s appeal to the “land of the future” particularly helpful. If European public culture was going to be revived from the decadent state into which a thousand-plus years of master and slaves, lords and bondsmen had plunged it, it would have to draw upon native resources and more immanent historical developments. It was precisely such resources and developments that Hegel had focused on in the Lectures on the Philosophy of History. These included the rise of a public form of civic freedom among the Greeks and (to a lesser degree) among the Romans; the universalization of human dignity through individual subjectivity in the form of Christian conscience; the devastating attack on authority and “positivity” mounted by the Reformation and the Enlightenment; and (finally), the reconstruction of the social and political world in accordance with the truly human (spiritual) principles of freedom, constitutionalism, and representative bodies.

Yet although the Lectures spent a good deal of time detailing the long, hard process by which a reflective subjectivity gradually emerges from the thrall of nature, tradition, and the unreflectively “substantial,” Hegel’s focus in the Philosophy of Right is quite different. The emphasis now is on the socially and politically dissolvent effects introduced by various mod-
ern forms of individualism (whether bourgeois, protestant, or romantic). World-historically speaking, human spirit had to free itself from encasement in the substantial, the merely given. In his own time, however, Hegel thought the pendulum had swung too far in the other direction. Modern individuals were dramatically less aware of the cultural, social, and historical dimensions of their own Bildung. Increasingly, they thought of themselves as atomistic egos along Kantian, utilitarian, or Cartesian lines.

The result was a world in which real political community (and the ethical life it makes possible) led an increasingly fugitive existence. From Hegel’s perspective, the juridical vocabulary of contracting agents and the moral vocabulary of individual “good wills” served to obscure the entire realm of objective spirit—the ethical bonds and public actualities that lie between us. Unless an institutional structure capable of mediating, integrating, and educating particular interests toward generality was concretely actualized, the modern state seemed fated to provide little more than protection for the lives, liberties, and properties of individuals. This would be the state as viewed from the standpoint of the self-serving members of civil society—the Notstaat, or state of necessity, as Hegel calls it. Such a state, based on the atomistic prejudices of social contract theory and catering to the newly dominant forms of market individualism, lacked what for Hegel makes a state a state, namely, ethical substance.

If the state is confused with civil society and its determination is equated with 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. But the relationship of the state to the individual is of a quite different kind. Since the state is objective spirit, it is only through being a member of the state that the individual himself has objectivity, truth, and ethical life. Union as such is itself the true content and end, and the destiny of individuals is to lead a universal life; their further particular satisfaction, activity, and mode of conduct have this substantial and universally valid basis as their point of departure and result.

This passage calls to mind Aristotle’s distinction (in the Politics) between a genuine political association, one that concerns itself with moral education, and a mere alliance for pragmatic or prudential purposes. Hegel certainly desired something like a synthesis of the modern and classical
political traditions, but it would be misleading in the extreme to read the passage above as calling for the absorption of the individual by the community. To repeat what Hegel says in section 260 of *The Philosophy of Right*, the principle of modern states has tremendous “strength and depth” precisely because it allows subjectivity to attain fulfillment in personal particularity and “at the same time bringing it back to substantial unity.” Nor should we forget his pronouncement in the addition to section 273 of *The Philosophy of Right*. There Hegel categorically states that “the principle of the modern world at large is freedom of subjectivity” and that any modern political constitution that cannot sustain this principle is “one-sided.”

In what follows, I will be concerned with tracing the ways that Hegel’s “rational state” makes room for “particularity” (which he associates with economic life) and “subjectivity” (which he associates with conscience and moral belief). Hegel took great pains to accommodate what Constant called the “liberty of the moderns”—individual liberty—in his theory of the modern state. Yet he was deeply convinced that “everything depends on the unity of the universal and the particular within the state”—in other words, that the particular and individualistic be integrated into a larger system of common institutions, values, and practices. As a result, he approached the “hieroglyph of reason” constantly on the lookout for mediating institutions and associational structures that could facilitate the expansion of relatively small circles of interest into larger, more interconnected ones. For similar reasons, he thought that a reformed political system—one with real representative institutions and public, open debate—would be able to educate and articulate popular will, guiding it step by step from the particular to the universal.

Hegel, then, assiduously provides many of the things his liberal critics see him as ignoring. The fact remains, however, that his ultimate concern is with integration of community members, with bringing them back to the public norms and practices that make up a specifically modern form of ethical life. The reason for this is that Hegel, despite all his criticisms of Rousseau and the French Revolution, does not actually abandon the idea of the general will. If political society was to be more than a joint stock company for mutual protection, there had to be institutions and practices that cultivated social solidarity and public morality, the two essential preconditions for formation of anything like a common or corporate will. The basic reasoning here is, in fact, Rousseauian. But for Hegel, such a will (what he calls the “substantial will” of the community) is not the premise
of the state, the thing that makes the political association possible (as it was for Rousseau). Rather, it is and must be “the emergent outcome of a lengthy process of Bildung.” It is to the nature of the education provided by the process of social and political life in the rational state that I now turn.

* * *

As my overview of the Lectures on the Philosophy of History indicated, Hegel identifies two important substrata in Western culture—Roman law and Christianity—that do much to promote the idea and practice of individuality in Europe. Roman law, updated by means of natural law doctrines, enabled men to think of themselves not just as community members, but as “bearers of private rights against the state” and as “possessors of legitimate particular and group interests.” Christianity, purified by the Reformation and secularized by the Enlightenment (Kant), encouraged people to think of themselves as autonomous moral agents, subject to no higher authority than their own conscience or reason. Hegel dubbed the first tendency “particularity,” the second, “subjectivity.” Together, they helped form the legal, cultural, and spiritual basis of modern European individualism. To repeat, this is a great achievement, an essential step in overcoming the tyranny of the “substantial” (in the form of nature, tradition, custom, and positivity).

But, as I indicated previously, it is an achievement fraught with dangers, dangers that come into sharp focus with the demise of the ancien régime and the rise of a new, more egalitarian and more atomized, society. Thus, in the Philosophy of Right, Hegel begins by giving both particularity and subjectivity their due (in the sections “Abstract Right” and “Morality”). Legal personhood, the right of contract and property, criminal responsibility; will, intention, conscience: we moderns cannot conceive of our normative universe without such notions. Yet, by themselves, they fail to provide any deeply set ethical tie to the community as a whole. As Pelczynski points out, the rights-bearing individual of natural law theory can always contract out of his society, just as the conscientious subject can question the moral legitimacy of nearly all of society’s laws and norms. It is only by living according to a community’s laws, norms, and practices and by participating in its institutions and associations that such a tie is established. Only then does the individual become part of a substantial or concrete ethical life.
Ethical life, as Hegel conceives it, is a system of “objective” (that is, public or social) relations and agencies. Family, civil society, corporate and associational life, law, religion, government, and public opinion—these are all ethical powers in the political association, and they all have their distinctive roles to play. Each level or agency helps to educate the child or new citizen away from an uncultured passivity or selfishness and toward a more general (rational) character and standpoint. As Hegel writes in one of many passages critical of the educational ideal of Rousseau’s *Émile* scattered throughout the *Philosophy of Right*:

_Education . . . is therefore liberation and work towards a higher liberation; it is the absolute transition to the infinitely subjective substantiality of ethical life, which is no longer immediate and natural [as it was with the Greeks], but spiritual and at the same time raised to the shape of universality. Within the subject, this liberation is the hard work of opposing mere subjectivity of conduct, of opposing the immediacy of desire as well as the subjective vanity of feeling and the arbitrariness of caprice. The fact that it is such hard work accounts for some of the disfavor which it incurs. But it is through this work of education that the subjective will attains objectivity even within itself._249

A natural propensity toward lassitude, rude desire, and narrow self-concern is overcome by the process of socialization, a process that is multilayered and multistaged and exercised through diverse agencies. The goal of the process is indeed a social being, but hardly one shorn of all particularity or individuality. The _Bildung_ Hegel has in mind is one that—in principle, at least—overcomes natural independence (on the one hand) and the group conformity of traditional societies (on the other). “Education,” Hegel writes, “is the art of making human beings ethical: it considers them as natural beings and shows them how they can be reborn, and how their original nature can be transformed into a second, spiritual nature so that this spirituality becomes habitual.”250 Education is thus man’s self-humanization, a historical process that is partly achieved by means of the slave’s dialectical relationship to the master and the march of civilization itself. In modern times, it is achieved by means of political and social membership, through the offices of family, civil society, and a state with ethical—and not just economic or protective—ends.

Seen from this perspective, a liberal might well acknowledge that Hegel has provided for some basic rights and liberties in _The Philosophy of Right_...
but object that his overall conception of the political association smacks far too much of the tutorial state. Indeed, Hegel follows Plato, Aristotle, Machiavelli, and Rousseau in arguing that political associations have a strong pedagogical role to play. To be a member of a state is not just a matter of basic self-interest and survival. It is, rather, a crucial dimension of every individual’s moral formation. This idea, basic to the civic humanist tradition, is expressed by Hegel's approving citation of how a Pythagorean responded to a Greek gentleman’s question about how to best educate a child in ethical matters: “Make him the citizen of a state with good laws.”

The twist, however, is that unlike the ancients, and unlike his civic republican forebears, Hegel does not view the undersocialized human being as so much plastic matter requiring the more or less violent imposition of civic form. Although some of the media (laws, habits, customs) of social-political Bildung are the same as those cited by his predecessors, Hegel’s awareness of the needs of the modern individual and the demands of greater social complexity lead him to portray the educational process as a far more decentered, subtle, and often indirect one. Thus, while custom and habit remain essential dimensions of ethical life (the root of Sittlichkeit is, of course, Sitte, “custom”), they can hardly be the primary vehicles of moral-political education in a modern state. If they were, we would be plunged back into the unreflective positivity characteristic of earlier and simpler cultures. Rational insight into public laws, institutions, and practices is, Hegel insists, the distinguishing characteristic of the modern (reflective) individual.

The question, then, is how Hegel sees modern laws, institutions, and social circles as providing the Bildung necessary to guide egoistic (bourgeois) individuals to reflective citizenship? The goal is no longer their transformation into more or less homogeneous elements of a moi commun. Rather, it is to produce responsible members of society, aware of their differences and yet bound by an allegiance to their shared and institutionally articulated social and political life.

The principle behind Hegel’s answer—one that stands in stark contrast to both the ancients and more militant civic republicans—is found in section 261 of The Philosophy of Right. In educating citizens to a more general or universal standpoint, it is of the utmost importance that “particular interests should not be set aside, let alone suppressed; on the contrary they should be harmonized with the universal, so that both they themselves and the universal are preserved.” If “everything depends on the unity of the
universal and the particular within the state,” it is crucial to see that, for Hegel, this very unity is a dynamic and synthetic process. As such, it denotes no simple identity. Rather, it indicates success in mediating and reconciling diverse groups, interests, and social spheres into an institutionally articulated whole, all the while preserving the quintessential right of modern individuals to have “our own views, our own volition, and our own conscience.”

How, then, does this education (a form of civic Bildung that does not efface particularity but that aims at harmonizing it with the general or the universal) proceed? How is it that “personal individuality and its particular interests” can reach “full development” yet somehow also “pass over of their own accord” into the “interest of the universal”?

The process is outlined in part three of the Philosophy of Right, “Ethical Life.” In discussions of the family, civil society, “the police and the corporation,” and the differentiated structure of the political state itself, Hegel presents an organic conception of the modern state. To repeat what I said above, the point of his conception is not to have the whole (the state) swallow the parts (individual citizens). Rather, it is to trace the interconnection and development of various types of social bonds—familial, market-based, corporate, and political.

The family is the sphere of a particular form of altruism. By marrying and having a family, the individual becomes part of a mini-“ethical community,” albeit one based on feeling rather than thought or reason. Although it has a contractual dimension, the essence of marriage and the family is, according to Hegel, not legalistic in nature. Rather, it is found in relations structured by love and altruism. The family thus expects its members to be ready to sacrifice for the good of the whole. Here one learns, for the first time, about obligations transcending the self, and about a common life worth cultivating. One learns, in other words, that both marriage and parenthood demand the transcendence of egoism so that the creation of binding ethical relations might be created. The ostensible telos of the family—the birth and raising of children—actually points to its dissolution. The young adult, attaining the age of majority, enters into the sphere of civil society (bürgerliche Gesellschaft), which is, in many respects, the negation of the ethical moment of the family.

According to Hegel, civil society is “the stage of difference which intervenes between the family and the state.” It is the realm of economic and associational relations—the sphere the Anglo-American tradition dubs “society” in contradistinction to the “state.” A universal egoism reigns here,
as each individual pursues his or her self-interest. Yet, as Adam Smith pointed out and as Hegel fully agrees, the market and the division of labor play an important role in shaping this self-interested particularity into a socially amenable form. To achieve their own ends, individuals must enter into a system of “all-round interdependence”—the developed commodities and labor market—and fashion themselves accordingly:

In civil society, each individual is his own end, and all else means nothing to him. But he cannot accomplish the full extent of his ends without reference to others; these others are therefore means to the end of the particular person. But through its reference to others, the particular end takes on the form of universality, and gains satisfaction by simultaneously satisfying the welfare of others. Since particularity is tied to universality, the whole [of civil society] is the sphere of mediation in which all characteristics, all aptitudes, and all accidents of birth and fortune are liberated, and where the waves of all the passions surge forth, governed only by the reason which shines through them. Particularity, limited by universality, is the only standard by which each particular person promotes his welfare.260

The “hidden hand” of the market not only tends to bring relative order, efficiency, and profitability to the economic realm; it also educates and disciplines the very market actors (and their various aptitudes and passions) by foregrounding their universal interdependence. Under-socialized particularity—what Hegel calls “caprice and immediate desire”—is ironed out by both education and experience in the sphere of the market. I am “compelled to produce means whereby others can be satisfied.”261 This is the imperative of society viewed as an interconnected system of needs. The predictably dialectical result is that civil society—which first appears as a realm of “self-sufficient particularity”—actually socializes and integrates its members into society at large:

Individuals, as citizens of this state, are private persons who have their own interest as their end. Since this end is mediated through the universal, which thus appears to the individuals as a means, they can attain their end only in so far as they themselves determine their knowledge, volition, and action in a universal way and make themselves links in the chain of this continuum. . . . Subjective selfishness turns into a contribution towards the satisfaction of the needs of everyone else.262
Yet there are clear limits to this merely economic integration. Civil society, as Hegel knew all too well, produces poverty as well as wealth, a mass of undereducated and undertrained workers as well as a body of educated and self-interested bourgeois. A high degree of atomization, as well as the illusion of extreme personal independence, is the inevitable result of the specific brand of individualism that reigns in civil society. Even though the universal and the particular are mediated in the ways both Hegel and Smith point out, few market actors are inclined to view their fellow citizens, let alone society and the state, as the very condition of their lives and livelihood. Hence, “the ethical is lost in the extremes” and a potentially valuable lesson in social interdependence is submerged in an agitated and universal egoism.

Indeed, for Hegel, merely economic integration has the ironic effect of producing social disintegration. The social multiplication of needs and products leads to technical innovation, a vastly increased division of labor, and the restriction of a substantial part of society to increasingly simple, and increasingly low-paid, tasks. The accumulation of wealth accelerates, while simultaneously “a large mass of people sinks below the level of a certain standard of living.” This is the sub-working-class “rabble” or Pöbel, an ever-growing portion of society that Hegel, with his eye on the developing factory system in England, viewed with great trepidation. Overproduction in the pursuit of profit leads to periodic crises, the decline and destruction of entire industries, a never-ending search for new markets, and the polarization of wealth. As Hegel puts it in a well-known phrase, the presence of an “increasingly impoverished mass” in the advanced economies of his day proves that “despite an excess of wealth, civil society is not wealthy enough.”

It is at this point that Hegel turns to the political or regulatory dimensions of civil society qua sphere of particularity, arguing that it has a responsibility to provide economic opportunity for various callings, education for children, and charity or subsistence subsidies for those without work. Civil society is “the immense power which draws people to itself and requires them to work for it, to owe everything to it, and to do everything by its means.” But this very fact implies that the individual—the “son of civil society”—also has rights and claims in relation to it. These rights and claims must be recognized and made good by public authorities—the police (Polizei)—who oversee and regulate the economic sphere. For Hegel, civil society thus includes both the market and regulatory powers.
The former is an “educative” system of universal interdependence fueled by a universal egoism. The latter are the means by which the destructive side of such egoism is kept within bounds.

But there is another side to Hegel’s picture of civil society, one that we might call its associational side. From Hegel’s perspective, the overwhelming tendency of market or bourgeois society, left to its own devices, is toward dissociation. In this regard, he is in full agreement with the broad tendency of Tocqueville’s later analysis of the dissociative tendencies of a democratic *condition sociale*. Again anticipating Tocqueville, Hegel turns to the associational potential of civil society—the presence of professional and social associations, municipalities and corporations—in order to help redress the balance. The difference, of course, is that Hegel’s corporate doctrine, with its reliance upon traditional estates (*die Stände*), strikes us as backward-looking in the extreme. Tocqueville’s emphasis on voluntary and political associations, on the contrary, has a more contemporary flavor, despite its many shortcomings.

One obvious reason for this disparity—a disparity all the more notable in view of the emphasis each sets upon the mediating role of associational membership—is the vast difference between Hegel and Tocqueville’s respective objects of analysis. Prussia in the early nineteenth century was—even at its most enlightened and reformist under von Stein and Hardenberg—a long way from republican France and the democratic United States, both socially and politically. The progress of equality was, pace Hegel, not nearly as great in the “German world.” Another reason is found in his general view of philosophy as *Nachdenken* or afterthought. As the preface to *The Philosophy of Right* makes abundantly clear, the point is not to conjecture about what reason might bring about in the future, but to comprehend what it has substantially accomplished (incompleteness notwithstanding) in the present.

When we add to these two points Hegel’s palpable fear of European society dissolving into a heap of radically dissociated, atomistic individuals, we can easily see why he latched onto traditional corporate identities as, so to speak, built-in mediating bodies. To be sure, he tweaks these identities in ways that bring them into line with the Revolutionary-Napoleonic principle of the “career open to talents.” Nevertheless, the traditional hierarchy of estates is largely retained, primarily because Hegel views it as an important counterbalance to the dissociative effects of civil society. *Die Stände* help integrate otherwise disparate individuals into larger, more
coherent and solidaristic, social bodies. These groups supply their members with an ethos that exceeds the me-first ethic of civil society. As corporate, class, and professional bodies, they also provide a certain amount of protection from the vagaries of the market, as well as access, by means of an assembly of estates, to the workings of the political state itself. For these reasons, Hegel can rightly claim that “while the family is the primary basis of the state, the estates are the second.”

Hegel’s description of the three estates is well known and I shall not linger over it here. Suffice it to say that the members of the substantial or first estate are characterized by their retention of a broadly patriarchal way of life, as well as by a general attitude of trust and subservience. Members of the second estate—the estate of trade and industry—embody the ethos of market individualism, but also a pride in craft and a firm belief in law and order. Finally, members of the third estate—the so-called universal estate, which includes the civil service and bureaucracy—are characterized by their devotion to “the universal interests of society” and by the dutiful discharge of their duties. Unlike the venal office-holders of the time (England was a particularly egregious example in this regard), Hegel’s bureaucrats are relatively selfless professionals. They gain their salaried positions through education, effort, and competitive examination.

It is difficult to exaggerate the importance of estate membership in Hegel’s political philosophy and in his overall conception of the integrated or organic state. At the level of civil society, estate membership is one large step in the training or education of a particular individual in the needs and outlook of a larger, socially significant, group. Youth may rebel at the idea of committing themselves to a specific estate, but they do so because youth fail to see that “a human being with no estate is merely a private person and does not possess actual universality.” Youth is blind to the fact that, as Hegel puts it,

The ethical disposition within this system [of estates] is therefore that of rectitude and the honor of one’s estate, so that each individual, by a process of self-determination, makes himself a member of one of the moments of civil society through his activity, diligence, and skill, and supports himself in this capacity; and only through this mediation with the universal does he simultaneously provide for himself and gain recognition in his own eyes and the eyes of others.
The juridical person may have property and rights, but even as matters of legal ("abstract") right, they are dependent upon social and political preconditions. Thus, the particular individual deserves a certain amount of formal-legalistic respect qua person, but it is only as a member of an estate that he or she can expect societal recognition. It is only as an estate member that the social "atom" takes on an objective group identity, one recognized by the rest of society.

Now, if associational membership broadened one’s moral-political horizon in the way Tocqueville was to suggest—namely, by introducing privatized individuals into a number of overlapping social, political, and professional organizations, encouraging them to see what Tocqueville described as the “close connection” between public and private interests—we would expect Hegel to build a similar flexibility and multiplicity into the various circles he identifies within the state. But, of course, he does no such thing. The primary associations of Hegelian civil society—the estates—are traditionally grounded (even though he believes membership should be a matter of choice, not birth). Their purpose is to structure and stabilize the social sphere, not inject it with an unpredictable robustness and energy, let alone the “do it yourself” ethos of local administration and political participation Tocqueville discovered in America. The buzzing civil society that so delighted Tocqueville on his visit to America would have struck the rationalist Hegel as too market-based, too egalitarian, and too undisciplined. He would have seen these characteristics as the inevitable given the Americans’ lack of a “rational state.”

To be sure, Hegel’s focus on associational membership was a response to the tendency toward overcentralization both he and Tocqueville saw in the French Republic and which Hegel also identified with Frederick the Great’s Prussia. “Controlling everything from above,” Hegel notes, may indeed impart a good deal of efficiency. However, it weakens the political association by doing away with the local circles and intermediate powers that have always been critical to the political organization of a free people.

But if Hegel was as sensitive to the dangers of overcentralization as Tocqueville, he was also deeply worried by the possibility of what he characterized as “disorganized” political pressure from below. Estate membership is crucial not only because it assigns individuals a place in the whole, affording them social recognition and providing a kind of second family. It also is crucial because it prevents an unorganized and disaffiliated mass
from forming political opinions in more or less reflex-like opposition to the state. From Hegel’s organic point of view, the estates are crucial insofar as they help prevent the main social groups from becoming alienated from, or habitually opposed to, the government. In a paragraph that gives ample testimony to this and related anxieties, Hegel writes as follows:

Viewed as a mediating organ, the Estates stand between the government at large on the one hand and the people in their division into particular spheres and individuals on the other. Their determination requires that they should embody in equal measure both the sense and disposition of the state and government and the interests of particular circles and individuals. At the same time, this position means that they share the mediating function of the organized power of executive, ensuring on the one hand that the power of the sovereign does not appear as an isolated extreme . . . and, on the other, that the particular interests of communities, corporations, and individuals do not become isolated either. Or more important still, they ensure that individuals do not present themselves as a crowd or aggregate, unorganized in their opinions and volition, and do not become a massive power in opposition to the organic state. . . . When it becomes part of the organism [that is, when it is integrated through estate membership and representation], the mass attains its interests in a legitimate and orderly manner. If, however, such means are not available, the masses will always express themselves in a barbarous manner.283

Given institutionalized form in an assembly of estates (Ständeversammlung), the primary political function of the estates is to represent broad social interests in an organized way.284 As conceived by Hegel, an assembly of estates can be said to share or participate in the “legislative power” of the political state. The primary mode of its participation is the granting or withholding of consent to the general statutes and “extraordinary” taxes (such as those levied in wartime) proposed by the government. Although it provides an avenue of public inclusion in the political process, an assembly of estates can hardly be said to possess any independent legislative authority, let alone a power of governmental control, such as we find in the British parliamentary system. Nor can it be said to provide a basis for organized opposition to governmental initiatives.285 Rather, the assembly’s essential function is to provide deputies the opportunity to inform the de facto legislators (the monarch’s cabinet and
ministers) about popular sentiment on the issues while they themselves are instructed in the needs of the state. In other words, its power is largely restricted to a deliberation and consultation. Hegel thus proposes a fairly radical innovation in the Prussian constitution—an assembly of estates—only to play down its power to check or oppose the higher reaches of the political state.

Part of the rationale behind this is the fact that Hegel thinks the real role of the estates is to “bring the universal interest into existence, not only in itself, but for itself, i.e., to bring into existence the moment of subjective formal freedom, the public consciousness as the empirical universality of the views and thoughts of the many.” Articulating the views of the many to the government, however, is not exactly the relatively simple and direct operation the word representation implies it to be. Nor does this articulation possess any special normative or institutional priority, for the simple reason that the people cannot be said to really know its own will:

The idea with which ordinary consciousness usually begins when it considers the necessity or usefulness of a convention of the Estates will generally be, for example, that delegates of the people, or indeed the people themselves, must know best what is in their own best interest, and that their own will is undoubtedly the one best equipped to pursue the latter. As for the first of these propositions, the reverse is in fact the case, for if the term “the people” denotes a particular category of members of the state, it refers to that category of citizens who do not know their own will. To know what one wills, and even more, to know what the will which has being in and for itself—i.e., reason—wills, is the fruit of profound cognition and insight, and this is the very thing which “the people” lack.

This passage appears to be the smoking gun necessary to convict Hegel of sharing Plato's contempt for the demos and his preference for a “rational” ruling class. Although strong echoes are certainly there, it is important to remember Hegel's frequent excoriations of Plato for eliminating the dimension of particularity from his ideal polity, as well as Hegel's broader (and quite sincere) endorsement of representative constitutions as such.

Once again, the more appropriate touchstone is Rousseau. As I discussed in chapter 2, Rousseau believed that “the general will is always upright, but the judgment which guides it is not always enlightened. It must be made
to see objects as they are . . . [and] shown the good path that it is seeking, secured against seduction by particular wills.\textsuperscript{288} The guiding strings provided by the great lawgiver—institutionalized in laws, customs, civic assemblies, and the censorship—protects the people’s upright but unenlightened will from temptation and from potentially fatal mistakes. In contrast, Hegel sees the multileveled structure of the modern and rational state as creating space for the particular (civil society) while simultaneously raising individual and group interests to a first level of generality (estate membership). This “particular universal” is subsequently mediated and instructed by means of political representation in an assembly of estates. The delegates of this assembly are to be elected corporatively. In turn, the activity and debates of these delegates helps to inform and shape public opinion.

The resulting system is not one devoted to protecting poor but upright peasant-citizens from corruption (Rousseau). Rather, it is one whose goal is the full articulation of individual, associational, and corporate interests in a manner that makes them amenable to further generalization. The submission of interests to several levels of associational and representational mediation will lead, Hegel thinks, to enhanced social solidarity and “substantial unity.” To say it again, Hegel’s “general will”—the “substantial will” of the political community—is neither pregiven (in the uncorrupt souls of simple folk) nor posited (as a practical reality demanded by the very idea of popular sovereignty). It is the product of the multilayered Bildung individuals receive as family members, private individuals in civil society, and members of estates and corporations.

To put this in institutional terms: Hegel’s “substantial community will” is the product of a political constitution that—through public law, jury trials, representative institutions, and the principled preservation of corporations (which include towns and churches as well as professional and estate groups)—creates not a moi commun but rather a highly differentiated, yet nevertheless organic, political structure. This is a structure in which particular and general interests ultimately dovetail thanks to institutional mediation and the rational insight each individual ostensibly gains as the result of his or her multistaged socialization.

The problem with Hegel’s scheme is threefold. First, although his social pluralism and institutional differentiation avoids the Scylla of Rousseauian homogeneity and the Charybdis of Plato’s caste hierarchy, it leaves little space for conflict, opposition, or (indeed) genuine and widespread political participation (at least at the national level). Representation by
means of an assembly of estates is restricted to the nobility (who have their own chamber) and to a people composed of burghers, small rural landowners, and independent peasant proprietors of the sort Hegel thought worthy of inclusion (unlike workers, tenant farmers, agricultural laborers, and the growing urban rabble). As mentioned above, this assembly’s role is hardly self-assertive.

In this regard, Machiavelli’s revolutionary idea that institutionally mediated conflict could well be the cause of liberty would have struck Hegel as misguided, if not exactly crazy. The point of institutional mediation for Hegel was not to enable groups or interests to deliberate about ends and means, let alone let them bash things out in pursuit of compromise. Rather, it was to smooth away the conflictual edges that threatened to turn political life into a scene of ongoing tension or antagonism between social groups, and between a people and its government. Like much of the Western tradition of political thought, Hegel saw conflict as something to be avoided, a kind of disease of the body politic. In contrast, an organic (differentiated) unity achieved through institutional mediation, a multi-layered civic Bildung, and a broadly shared public morality counted as health.

Second, there is the Marxian point that the reconciliation between particular and universal effected by Hegel’s rational state is, and must be, a false one. The interests of the monarch, cabinet, and the so-called universal class (the primary actors of the political state) stand in for the universal or common interest. Insofar as the system of socialization, integration, and representation proposed by Hegel leads the average citizen to identify with the upper reaches of the political state—to see their work as his own will, à la Hobbes—a merely ideological reconciliation has taken place, one that is more rationalization than rational.

Third, there is the problem posed by Hegel’s schema of political integration achieved through socialization and institutional mediation. Though perhaps broadening the citizen’s moral horizon in a variety of ways, this schema actually does relatively little to cultivate the capacity for rational insight on the part of the average citizen. Had Hegel grounded public spirit and social solidarity on manners and mores, as both Rousseau and Tocqueville did, this would not present a much of a difficulty. Yet it is precisely because he insists that “whatever is to achieve recognition today no longer achieves it by force, and only to a small extent through habit and custom, but mainly through insight and reasoned argument” that a large
and fairly obvious problem does arise. What rational insight the average citizen attains comes through his or her socialization and a kind of trickle-down version of political wisdom.293

This latter effect is pointed to by Hegel in sections 314 and 315 of The Philosophy of Right. Here the purely accessory nature of the estates’ deliberations is stressed, as well as the formal quality of the freedom provided to “those members of civil society who have no share in the government.”294 The primary reason an open and public assembly of estates is useful is because it enables the public to learn why the government does what it does:

The provision of this opportunity of [acquiring] knowledge has the more universal aspect of permitting public opinion to arrive, for the first time, at true thought and insight with regard to the conditions and concept of the state and its affairs, thereby enabling it to form more rational judgments on the latter. In this way, the public also becomes familiar with, and learns to respect, the functions, abilities, virtues and skills of the official bodies and civil servants. . . . If the Estates hold their assemblies in public, they afford a great spectacle of outstanding educational value to the citizens, and it is from this above all that the people can learn the true nature of their interests. . . . In a nation where this publicity exists, there is a much more lively attitude towards the state than in one where the Estates have no assembly or where such assemblies are not held in public.295

Publicity and public opinion, then, are important elements of the so-called “rational state.”296 “In public opinion,” Hegel writes, “the way is open for everyone to express and give effect to his subjective opinions on the universal [or common].”297 Yet this importance is substantially qualified by the fact that the public participates only in the corporate election of assembly delegates and not in political deliberation or decision (except, possibly, at an extremely local level). This is as it should be, Hegel thinks, because the view that everyone should participate in political deliberation and judgment contains a “democratic” element that is, in his words, “devoid of rational form.”298

The importance of publicity and opinion is further qualified by Hegel’s view that public opinion itself is a sort of raw material that contains as much error and falsehood as it does truth: “Public opinion contains these two qualities [truth and error] simultaneously.”299 The implication is clear. The general or community will (the “substantial” will), Hegel says, “cannot
be known from public opinion itself." It must come from those whose primary business is with the universal itself—the cabinet and the civil servants of the universal class, as well as assembly delegates chosen from the more educated and experienced stratum of civil society (namely, the bourgeoisie and large landowners).

When we take all these factors into account, we confront the relative passivity of the average Hegelian citizen. He (and it is a “he,” since Hegel, unlike Mill, certainly did not overleap his time when it came to the question of gender) is no automaton. He is, however, consigned to the role of a more or less interested student or spectator. The right or ability to be a “participator in government” (Jefferson) is carefully extracted from the individual and allowed only in the most indirect fashion possible, through membership in a corporate body. The insight into the close tie that unites public and private interests is a function of this corporate membership, and of the habits, duties, customs, and traditions of an individual’s class or profession.

Not reason, but a patriotic disposition—cultivated by public law and the shared set of norms, principles, and ideals of the good life that constitute the “subjective” side of Sittlichkeit—promotes a general attitude of trust in authority and identification with both government and community. Indeed, as Hegel puts it, this disposition—“which may pass over into rational insight”—creates the consciousness that “my substantial and particular interest is preserved and contained in the interest and end of an other (in this case, the state), and in the latter’s relation to me as an individual. As a result, this other immediately ceases to be an other for me, and in my consciousness of this, I am free.”

The supremely ironic result is that the state whose legitimacy and ethical content are supposedly grounded on the rational insight of its members actually returns these members to the rule of norms, customs, habits, and rectitude fostered by their corporate and civic identity. It returns these members, in other words, to the rule of the “substantial”—here understood not in the sense of a concrete general will, but rather in the sense of custom and convention described in the Philosophy of History. Hegel’s “rational state” may have succeeded in its quest to differentiate social spheres and ensure the primacy of public law and the constitution in the form of a Rechtsstaat. It may have even succeeded in guaranteeing a place for, and a right to, the subjective freedom of private individuals (Constant’s “liberty of the moderns”). But it certainly does not succeed in providing this
“fully developed individual subjectivity” with a renewed Sittlichkeit and commitment to public life.\(^{307}\) Nor does it succeed in finding a place for the positive (active) political freedom of citizens.\(^{308}\) Its members never really rise above the status of more or less attentive pupils, at least when it comes to the realm of public affairs.\(^{309}\) Participation in public life—seemingly so important for the renewal of Sittlichkeit\(^{310}\)—is reduced to indirect representation in an assembly of estates combined with an identification with the reigning public morality.

**VII. Conclusion**

This charge of failure would, no doubt, be disputed by Hegel himself on the grounds that it was never his intention to dramatically expand the role of popular political participation, despite his general endorsement of “the right of the people to participate in public affairs.”\(^{311}\) His experience of the French Revolution, combined with his deep distrust of the romantic-nationalist currents of his time and his Platonic-philosophical skepticism concerning the people’s ability to comprehend a subject as deep as the “science” of right, led Hegel to firmly place the bulk of public authority and legislative initiative in the hands of an intellectual-bureaucratic elite (the cabinet ministers and the civil service).\(^{312}\) When we add to these factors his view of the state as an ideally integrated whole, one in which social conflict and political opposition figure mainly as symptoms of a disease, we might well come to the conclusion that Hegel—while no Prussian authoritarian—was not exactly a friend of public freedom, nor of anything genuinely democratic.\(^{313}\)

Yet such a verdict, while correct in certain respects, is premature and partial for a number of reasons. First, there is Hegel’s abiding nostalgia for the “beautiful freedom” of the Greek polis. He may not have succumbed to its siren song, as so many of his contemporaries did. Nevertheless, this freedom exercised a powerful hold over his imagination, and not simply in his youth.\(^{314}\) Second, there are the numerous scattered remarks throughout his corpus in which the public freedom of citizens is celebrated and treated as an eminently worthy political goal.\(^{315}\) Third, there is his overarching emphasis on associational life as the key mediating dimension between the individual and the political state. Fourth and finally, there is his deep and sincere loathing for the world of the ancien régime—the world of lords and bondsmen, aristocratic privilege, and constitutions that
represented little more than the hierarchical accumulation of customary powers, rights, and duties.

Taking these points into account, one is forced to modify, if not exactly abandon, the original verdict. Throughout Hegel's political works, we find him advocating deep—and, on occasion, radical—reform. The censor and his relations with government ministers sometimes led him to strategically mask this stance (as he did, all too successfully, in the preface to *The Philosophy of Right*). Yet Hegel the reformer also was frightened by shallow rationalist political ideas seizing the imagination of a public ill equipped to judge them. This is why he insisted upon a political structure that preserved basic civil rights and juridical equality but that also was hierarchical enough to effect reform from the top down, while differentiated enough to fulfill its vital integrating and educating functions. What matters in the modern world of large nation-states and representative constitutions is less popular participation than political education—civic *Bildung*—through social and political membership. The masses need to be organized and at least somewhat informed, but they should not be politically mobilized nor encouraged to take their own initiative. That way lies revolution, which—from Hegel's perspective, at least—was just as dangerous as the reactionary desire to turn back the clock to a time before 1789.

This helps us understand the “liberal” Hegel's disparaging remarks about democracy, opposition, and a prematurely critical consciousness, one born of dissatisfaction shorn of rational comprehension. It also helps us understand his persistent and long-lived opposition to the idea of direct participation through citizen suffrage of the one-man, one-vote variety. The latter, in his view, was yet another atomizing principle that helped to dissolve corporate identity, social solidarity, and any sense of connection to public authority. It destroyed, rather than fostered, public freedom (*öffentliche Freiheit*), at least as Hegel understood this term. If, with the aid of mediating associations (and, of course, Hegel himself, the philosophical interpreter of the “hieroglyph of reason”), citizens came to a more comprehensive or universal view of the state, they would see just how misplaced such attitudes and innovations are.

The other crucial factor limiting the role of the public in Hegel's rational state is found in his concept of freedom. If freedom is “being with oneself in an other” (*Beisichselbstsein in einem Andern*) then it follows that the essential task of political philosophy is not to open new avenues for participation (although Hegel does do that, albeit in an extremely limited fashion).
Rather, it is to find ways to defeat or contain the alienation that inevitably results from the sheer scale of the modern state and its institutions.

Hegel’s primary strategy, in this regard, was to highlight integrating and mediating structures within civil society and the state—often where we least expect to find them. As outlined above, such structures promote our recognition of ourselves in public law, a socially pluralist society, and in the political state itself. Public freedom as understood by Hegel is less the right to participate than it is the possibility of rational identification with a political-constitutional structure—its laws, institutions, values, and ends. Such identification with what seems, at first glance, to defy it is one of the primary ways we modern citizens can finally feel at home in the world.

To be sure, this understanding represents a retreat from the more activist role Hegel envisioned for the people in his 1795 letter to Schelling. I have argued that this retreat is no servile submission to the powers that be (as Fries, Haym, and a host of others have charged). It should be seen, rather, as the logical result of Hegel’s distinctive brand of political rationalism, a rationalism equally disdainful of feudal privilege, shallow principles, proto-nationalist fervor, and untutored public opinion. The clock cannot be turned back, but politics, public law, and the correct understanding of the common good are matters too serious to be left to romantic amateurs or would-be reformers who cleaved to the mechanistic and utilitarian nostrums of the Enlightenment. Least of all should they be handed over to a people that has barely emerged from centuries of bondage, ignorance, and domination, lacking—for the most part—any experience in public affairs or the exercise of political judgment. In a manner prefiguring J. S. Mill’s invocation of the “authority of the instructed,” Hegel casts his lot with the educated professionals.

The political education offered by the Philosophy of Right is thus a peculiar one. Its basic pedagogical presupposition is perhaps best summed up by Eric Weil’s statement that “nothing of value can be said before one knows that whereof one speaks, that one cannot judge States without knowing what the State is.” The Philosophy of Right attempts to fill this knowledge gap, and to do so in a way that forestalls criticism of basic political structures. Hegel thought there was so much ignorance—both in popular and ostensibly learned circles—about the science of the state that he wound up vesting political judgment, technical expertise, and critical consciousness in the universal class composed of university-trained civil servants and
cabinet ministers. The latter are less philosopher-kings than they are guardians of the public good over against the egoistic forces unleashed by modern civil society. Of course, they should make every effort to explain themselves to citizens as well as open the governing process to the bright light of publicity. But knowledge (episteme) trumps opinion (doxa) every time, and political knowledge is not something found in the people.

How does the Bildung offered up by the Philosophy of Right compare with that offered by the master–slave dialectic or the Lectures on the Philosophy of History? The answer to this question is a complicated one, and it takes us to the heart of debates on Hegel’s impact on contemporary theory and his relevance to the contemporary world.

The Bildung presented in the master–slave dialectic is one centered on fear and work. The terror felt by the slave reveals his own nothingness, his specifically human lack of a fixed nature. The work he carries out for the master develops his talents and capacities and makes him realize he has a “mind of his own.” The master, in the meantime, gets fixed as warrior and consumer of a nature that has been humanized through the slave's work. Work leads to the development or unfolding of human capacities; mastery to an endless cycle of wars and increasingly conspicuous consumption. A nascent sense of human dignity and equality, then, emerges from the slave's original defeat in the struggle that made him a slave. And it is this sense of human dignity and equality, simultaneously extended and frustrated by the slave ideology of Christianity, that finally bursts forth in the form of the Enlightenment and the French Revolution, creating a new secular order predicated upon moral equality and equal citizenship.

As many a critic has pointed out, and as Marx's appropriation of Hegel unfortunately confirms, the Bildung implied by the master–slave dialectic centers on work at the expense of action, debate, deliberation, and what Jürgen Habermas has called “communicative rationality.” The result is a conception of species formation that emphasizes the pedagogical effects of the long human struggle to dominate and humanize nature, while downplaying the potential for mutual recognition that is contained in speech and (political) action. Work is conflated with action, and the moral-political Bildung of humanity is reduced to an epiphenomenon of its technical-material development. Marx (and Kojève) do not so much betray Hegel here as highlight a conceptual lack built into the master–slave
dialectic, one that yields a macro-subject, Humanity, struggling to throw off the domination of both masters and nature.

It would take me to further out of my way to detail the deformations that issue from Hegel’s master–slave dialectic in the Marxist tradition, let alone feminist and postcolonial thought. Suffice it to say that any schema that reduces political struggle to the coming to self-consciousness of a collective subject (whether these be workers, women, or the colonized) and the subsequent dismantling of structures of domination leaves in abeyance what are perhaps the most important question—the question of how to legally articulate and institutionalize newly won freedom and recognition. Hegel, of course, did not intend the master–slave dialectic to provide such a schema, nor would he have approved of the use theorists like Marx (or de Beauvoir and Fanon) make of it. Nevertheless—and this is crucial—the master–slave dialectic does highlight two dimensions that Hegel’s later iterations of Bildung either overlook or actively play down: struggle and the glaring contradiction between hierarchy and the goal of mutual recognition.

On the whole, Hegel’s Lectures on the Philosophy of History sublimes the tension between masters and slaves, lords and bondsmen, the powerful and the weak. Political struggle is hardly absent from the Lectures, but it is largely transferred to the Herder-esque level of various national principles contending with one another. What is unsurprising, but also somewhat unfair, is that Hegel has been damned for this “proto-nationalist” vision. Somewhat more fairly, he also has been damned for fostering the rationalist illusion of a “necessary” progress toward the “end of history,” freedom.

These and other criticisms notwithstanding, we must be mindful of one very positive contribution the Lectures make to our own moral-political Bildung. For it is in them that Hegel demolishes the appeal to nature, divinity, and tradition in political theory. He does this in a manner that is even more revolutionary than social contract theory. It may have been Nietzsche who drew out the full cultural implications of the statement “God is dead,” but Hegel said it first, and he drew out the implications of this death for social and political theory. The choices we confront—morally, politically, and culturally—cannot be reduced to a choice between physis and nomos, nature and convention, reason and usage, experience and tradition. Rather, our choices are shaped by complex and intersecting histories, conceptual networks, and social practices. As students of Hegel, Mill, and other historically sensitive theorists who consciously eschewed the appeal to “natural” right, we can recognize that no thinker overleaps his time or truly looks at
things *sub specie aeternitatis*. At the same time, we can, thanks to Hegel's explorations of how the past echoes in the present, cultivate our own sense of the permeability of every historical-cultural horizon.

Hegel, in other words, makes it possible for us to see ourselves, and the relative justice or injustice of our institutions, against the backdrop of a long and evolving human struggle for freedom. However much we may disagree with the underlying idealist presuppositions (and Eurocentric bias), the *Lectures* open us to a narrative self-understanding that is not bound by any particular tradition, ideology, or (indeed) metaphysics. We are what history has made us, even though the content of the “what” is subject to endless debate, as is the shape and sequence of the narrative itself. Truth with a capital T is not at stake here. Historically and culturally informed judgment is.

Of course, Hegel thought that Truth with a capital T—a singular, rational, and necessary truth—*was* at stake and that he was the philosopher who found it. He found it, of all places, in history. It is this claim that we find hard if not impossible to take seriously. “History as the progress of freedom” barely survived Hegel’s own time, let alone the twentieth century and its assorted horrors. In addition to the traumatizing events—two world wars, worldwide economic depression, genocide and the virtually unlimited massacre of civilians—it sometimes seems that virtually every major trend of the late modern world (bureaucratization, globalization, the rise of technology, etc.) can be enlisted to refute Hegel’s vision of history. Walter Benjamin’s image of the “angel of history” being blown backward into the future by the wind of history as a mountain of catastrophes piles up in front of him speaks to us in a way Hegel no longer can.326

The refutation is easy, but it also is misplaced. Of course Hegel was “wrong,” but only if we insist on treating the *Lectures* as the story of the coming to self-consciousness of freedom. There are many alternative ways of telling this story—from the local and concrete to the more expansive and theoretical. Yet the centrality of freedom to our own sense of identity—whether as Americans, as Westerners, or simply as human beings who happen to be heirs to notions of public and personal freedom that first gained currency during the Enlightenment and the French and American Revolutions—means that we always will have recourse to something like the metanarrative Hegel provided. This is the case even for those who consider themselves among his most vehement critics.327

We will, of course, want to purge this metanarrative of its ample European prejudices, the better to inch toward a more inclusive vision of world
history. Likewise, we will want to deny that there is an “end” of history—freedom—somehow contained in its beginnings (the fundamental precondition, apparently, of Hegel’s narrative). Nevertheless, we will continue to invoke the “progress of freedom” as both a narrative and normative frame. Without it, we could barely make sense of the “unfinished project of modernity” (Habermas) or possibly justify our own faith in democracy as a form of government. Hegel’s narrative—amended, corrected, and to some degree ironized and relativized—is still in many respects our narrative, the narrative of Western and (increasingly) non-Western modernity.

History as the struggle for recognition, combined with a civilizational story about the gradual progress of freedom through the emergence of the modern constitutional state are, then, two Hegelian legacies that remain central to our self-understanding. Yet, as I stressed in the previous section of this chapter, these two legacies are all too often obscured by Hegel’s emphasis on “concrete freedom” and social integration in the Philosophy of Right, and by his innate social (if not necessarily political) conservatism. The reason for this is not that the mature and successful Hegel suddenly became an upholder of the status quo. Rather, it is that Hegel, when considering the post-revolutionary state, substituted metaphors of organic integration for his earlier and more dialectical emphasis on change, struggle and rebirth. This substitution is, I think, a testimony to Hegel’s desire to escape the specter of permanent revolution—an anxiety that was to afflict Tocqueville just as deeply. Their shared ambition was to stabilize the gains made by the French and (in Tocqueville’s case, at least) American Revolutions. For Hegel, a differentiated yet integrative state seemed the best means to that end. In marked but not total contrast, Tocqueville put his faith in a robust civil society, one that promoted the all-important “art of association” as well as widespread civic participation.

Despite more than a few passages to the contrary, neither Hegel nor Tocqueville simply viewed the people as merely a beast (Plato) or infant (Rousseau) in need of constant moral supervision and guidance. Popular government and ochlocracy were not, for either of them, synonyms. However, both were disturbed enough by the people’s sudden appearance on the political stage during the French Revolution that they focused on the way law, institutions, and associations could educate a body previously excluded from public life to responsible participation in that life. They both welcomed the broad movement toward political freedom. Yet they were both made incredibly anxious by the emergence of a society whose
potential for atomization, alienation, and class conflict seemed virtually unlimited. In their view, what this society lacked was not just renovated institutions, but a firm ground in the form of shared beliefs and norms.328

Like Tocqueville’s emphasis on the role played by “free mœurs” in America, Hegel’s insistence upon the importance of Sittlichkeit was a response to the perceived threats of anomie and anarchy in a political world that had lost its foundation. The thread of tradition was indeed broken, and—for a moment—all seemed fluid in the political world. Hegel thought the philosopher, in concerted alliance with a progressive reformist government, could teach the people to see that there was, in fact, a firmer ground to be found in the rational structure of the state and their own (thinking) will. The irony, as noted above, is that this effort resulted in a new form of the tutorial state, one in which the criterion of rational insight is praised more than it is put into practice.

To be sure, Hegel’s state contains liberal guarantees when it comes to the right to property, choice of profession, religious confession, and so on. But it is a state that works very hard to avoid political dissent and conflict. And, despite Hegel’s recognition of the importance of social pluralism, it is a state that works against the emergence of anything like real political pluralism. It pursues these twin ends by means of what can be described only as a carefully constructed structure of instructive mediation. By encouraging an active identification with the institutions, norms, practices, and ends of the political community, this structure instills an ostensibly objective sense of the common good. Simultaneously, it undercuts potential sources of alienated (or oppositional) consciousness.

Like Rousseau, what Hegel failed to see is that neither social solidarity nor committed citizenship rest upon a univocal or even broadly shared conception of the public good. This was a lesson that lay in the future—indeed, one might say, in the “land of the future,” America. Yet even Tocqueville, perhaps the most celebrated champion of pluralism in the Western tradition, had a hard time making the transition from a robust associational pluralism to a robust political, let alone moral, one. Like Rousseau and Hegel, he was hampered by assumptions about the importance of shared manners and mores to the creation and preservation of a stable political society.

In considering these various failures, we should remember Hegel’s dictum that no man overleaps his age. Hegel thought, by virtue of his historical position, he had achieved what all philosophers prior to him had sought
unsuccessfully: a correct view of the Whole. Of course he was wrong about this, and such epistemic hubris mars his more basic—and more humanist—historicist message. “Truth” was the philosopher’s goal, and if it existed in nature and the ethical realm then it must exist in politics as well. Such, at any rate, is the message of the preface to the *Philosophy of Right*, a text that manages to combine the most profound philosophical humility (the “owl of Minerva”) with the most profound philosophical arrogance (the “science of right”).

Finally, while Hegel celebrated the French Revolution throughout his life, we should acknowledge a fundamental ambivalence on his part toward this truly “world-historical” event. Spirit had made a remarkable advance, bursting forth after long preparation in the creation of a new age and a new world. Hegel embraced that age and that world, but—as the passage in the letter to Creuzer indicates—he longed for the storm to finally pass, for reason and Spirit to embody themselves in adequate and stable institutional form. Thus, despite its self-declared rootedness in the real world, the *Philosophy of Right* actually represents a kind of wish fulfillment: not the Truth, but a “rose in the cross of the present” nevertheless.
We ourselves are moving, my dear friend, toward a democracy without limits. . . . From now on democracy seems to me a fact that a government can have the pretension of regulating, but of stopping, no. It is not without difficulty, I assure you, that I have surrendered to this idea; what I see in this country does not prove to me that, even in the most favorable circumstances, and they have existed here, the government of the multitude is an excellent thing. It is generally agreed that in the first days of the republic, the men of state, the members of the chambers, were much more distinguished than they are today. . . . Now the people no longer have so fortunate a hand. Their choices in general fall on those who flatter its passions and put themselves within its reach. This effect of democracy . . . convinces me every day that the most rational government is not that in which all the interested parties take part, but that which the most enlightened and more moral classes of society direct.

_Tocqueville to Kergorlay, June 29, 1831_

For my part, I doubt that man can ever tolerate both complete religious independence and total political liberty, and I am inclined to think that if he has no faith, he must serve, and if he is free, he must believe.

_Tocqueville, Democracy in America_

I have thought for a long time . . . that we had traveled and were still traveling on a stormy sea at the other side of which the port was to be found. Wasn't this a mistake? Are we not on a stormy sea without a shore? Or, at least, isn't the shore so far away, so unknown that our life and perhaps that of those who come after us will pass before the shore is encountered and people are settled on it? It is not that I believe in an uninterrupted succession of revolutions. I believe, on the contrary, in rather long intervals of order, of tranquility, of prosperity; but in the firm and definitive establishment of a good social and political state, how can one still believe in that? One would have thought in 1789, in 1815, even in 1830, that French society was stricken by one of the violent maladies after the health of the body social becomes more vigorous and durable. But do we not see today that is a matter of chronic complaint; that the cause of the illness is deeper; that
the illness . . . will be more durable than had been imagined . . . and that we are destined to oscillate for a long between despotism and liberty?

_Tocqueville to Stoffels_, July 21, 1848

You say it is the triumph of liberty; it is liberty’s last defeat. I tell you that this people which you admire so naïvely has just shown conclusively that it is incapable and unworthy of living in liberty. Tell me what has it learned from experience? What are the new virtues it has acquired? What are the old vices it has discarded? No, I tell you, it is the same as always: as impatient, as thoughtless, as contemptuous of law, as easily led by bad example and as reckless as its fathers were.

_Tocqueville to Ampère_, February 1848

Whatever one does, there are limits to the degree the people can be enlightened.

_Democracy in America_

Come then, tell me, dear friend, how tyranny arises. That it is an outgrowth of democracy is fairly plain.

_Plato, Republic_, 562a

I. Introduction

In turning from Hegel to Tocqueville, we confront enormous differences in idiom, political context, and theoretical-educational aims. The obvious points of divergence—for example, that reading Hegel’s prose can sometimes be as painful as reading Tocqueville’s is pleasurable, and that “Germany” (made up of a hodge-podge of more than three hundred kingdoms, principalities, duchies, free imperial cities, landgraviates, bishoprics and markgraviates, some comically small) presented nothing like the centralized structure of the French nation-state after Louis XIV—do not, however, render comparison impossible. Both Hegel and Tocqueville wrote in the tidal wake of the French Revolution, and both were concerned, above all, with establishing a relatively liberal postrevolutionary settlement. The clash of the philosophical idiom of German idealism with French liberalism’s generally limpid style should not blind us to this, nor to the fact that—at bottom—Hegel and Tocqueville can both be seen as struggling to discover and articulate new, specifically modern forms of political membership and integration in an increasingly atomized world, one bereft of defined social rank and supposedly natural or God-given patterns of authority and obedience.

With respect to the latter point, one can hardly exaggerate the degree to which both Hegel and Tocqueville saw atomism or “atomization” as the
central problem confronting the postrevolutionary world. Feudalism and the *ancien régime* were dead—decidedly so in France, but also in post-reform Prussia. True, the king, church, and Junker or landowning class continued to play a central role in Prussian politics (a role that was only to grow after the debacle of 1848), but the shift from a caste society to a substantially bourgeois one was well underway. One of the fundamental insights of Hegel’s political thought concerns the rise of civil society (*bürgerliche Gesellschaft*) and its impact on modern forms of political association. Tocqueville is equally famous for his focus on civil society, even though he conceived it more as the broad realm of associational life than as narrow a more economy-focused “system of needs.” Regardless, both thinkers saw postrevolutionary Western Europe increasingly as a world of equal citizens rather than a hierarchy of orders. “The people” (*le peuple, das Volk*) were now an undeniable if not fundamental political force, one that vied with institutions of government and the remnants of corporate privilege when it came to making its voice heard.

This was a situation that Hegel and Tocqueville both welcomed and feared. Welcomed because each was, in his own way, happy to bid farewell to the *ancien régime*. Feared because both Hegel and Tocqueville were exceedingly worried about “the people’s” lack of political experience and understanding. Indeed, one could do worse than to read their respective political theories as concentrated expressions of postrevolutionary angst. But fear and anxiety over the future, as motivations, are too generic to shed much light on their respective conceptions of political theory and what it means to be a “teacher of the people” in the new age.

For Hegel, the pedagogical imperative entailed, among other things, the training of a new university-educated elite in the origins, development, and rationality of constitutional government. It was a self-consciously retrospective exercise that entailed deciphering the hieroglyph of reason and making sense of the course of world history. For Tocqueville, on the other hand, political thought and education was decidedly future-oriented. “*Il faut une science politique nouvelle à un monde tout nouveau,*” as the famous sentence from the introduction to *De la démocratie en Amérique* ran.

Philosophy, as Hegel conceived it, fulfilled its pedagogic task by outlining the developments—cultural, political, religious, and economic—that created modern societies and modern states and by showing how the latter were, in principle, adequate vehicles for both individual freedom and a meaningful life in common. Political science, as Tocqueville conceived
it, was in the business of analysis, diagnosis, and prescription. “Analysis” because the new democratic world was one made up of diverse political, social, and cultural strands; “diagnosis” because it was the task of the political scientist to lay bare the potential pathologies of this world; and “prescription” because it was the duty of the political thinker not just to offer insight into democracy’s potential pathologies but also to point to plausible treatments or cures.

This is the fundamental difference between Hegelian and Tocquevillian political thought. Hegel aims at understanding what is in terms of what was. Tocqueville examines the present from the point of view of a political pathologist, one concerned with new forms of disease and treatment—some already manifest, others delivered in the form of prognosis. One result of this very pronounced difference in approach has been an exaggerated celebration of Tocqueville as an uncannily accurate predictor of the future (at least by some of his American readers).2

The simplest explanation for this fundamental difference is found in the fact that Hegel thought the reformed Prussian state had actualized enough of the rational state to indicate what a liberal-lean, postrevolutionary constitutional settlement would look like. The process he was concerned with—liberalization and the growth of constitutional and representative states—had reached, if not its ultimate fulfillment, at least the stage of basic realization. Tocqueville, in contrast, was worried about a process that was not exactly nearing its end, a process that—at least in its specifically political form—could be still said to be in its infancy. Democratization for Tocqueville had a threefold meaning. The first was deeply rooted in the historical past; the second was connected to practices, mœurs, and institutions in the present; and a third that pointed to likely paths of development in the future.

Here one must note the central distinction that Tocqueville makes between democracy as a condition sociale and democracy as a form of government and political practice. Democracy as a condition sociale refers to the ascent of social equality over the centuries in the Western world, a leveling process that gradually eliminated hierarchical rank as the organizing principle of social structure. A democratic social condition is one in which classes, castes, or estates are no longer the fundamental social reality and equality of condition is. Citizens find themselves in a democratic condition sociale when they have attained equality under the law, equal political rights, and equality in the relations of social life—that is, when the special
privileges and deference accorded rank and estate have been eliminated.\(^3\)
Of course, a democratic social condition still leaves ample opportunity for
inequality of wealth (a point taken up by Fourier, St. Simon, and—later—
Marx). Nevertheless, the crucial characteristic of a democratic condition sociale is the absence of fixed or hierarchical rank, something that the French achieved at a stroke with the abolition of all feudal privilege by the National Convention in August 1789.

As the introductions to the first volume of Democracy in America (1835) and the much later Old Regime and the Revolution (1856) demonstrate, Tocqueville thought that a democratic condition sociale had been in the works for quite some time, at least in France. Indeed, the leveling process that was to result in an equality of condition began (according to Tocqueville) in France in the eleventh century.\(^4\) In bold and—it must be said—highly misleading strokes, Tocqueville paints a picture of the previous seven centuries of French history as an epoch in which “the noble has moved steadily down the social ladder, and the commoner has moved steadily up.”\(^5\) With breathtaking simplicity, in the compass of a few pages, he describes a historical process in which virtually everything contributes to the descent of the nobles and the rise of the common people:

Everywhere a diversity of historical incident has redounded to democracy’s benefit. Everyone played a part: those who strove to ensure democracy’s success as well as those who never dreamt of serving it; those who fought for it as well as those who declared themselves its enemies. Driven pell-mell down a single path, all worked towards a single goal, some in spite of themselves, others unwittingly—blind instruments in the hands of God.\(^6\)

So inclusive and, in his view, so undeniable is this development of equality of condition that Tocqueville pronounces it nothing less than a “providential fact,” one that no contemporary class can arrest or meaningfully impede. “Does anyone think that democracy, having destroyed feudalism and vanquished kings, will be daunted by the bourgeois and the rich?” The appropriate response to such a vast and irresistible revolution is not resistance, but rather a kind of awe. Seeing its outlines for the first time, Tocqueville felt himself “in the grip of a kind of religious terror.” The Creator has given many and “indubitable signs” of his will in bringing about this revolution. This gave the development of a democratic social condition a sacred character, one that, apparently, it would be more than blasphemous
to resist. “To wish to arrest it would . . . seem tantamount to a struggle against God himself, and nations would have no choice but to accommodate to the social state imposed on them by Providence.”

The 1835 introduction to *Democracy in America* thus rests on an appeal to historical inevitability that is hard to deny. In part, the appeal is rhetorical and political. Tocqueville is attempting to disabuse his more aristocratic, reactionary, and Catholic readers of the idea that a return to the prerevolutionary society of the *ancien régime* is either possible or desirable. God clearly thinks otherwise—at least if we, like Tocqueville, think we can “discover indubitable signs” of God’s intentions for the way that history is going.

Of course, Tocqueville believed in nothing like technological or economic determinism, nor in the predictive possibilities of a “science” of history such as those later offered by Comte and Marx. What he did believe in was the unalterable, providential fact of the growth and spread of a democratic *condition sociale*. It makes no sense to act, legislate, or even rail against equality of condition. Historical trends make it clear that such equality is here to stay. In light of this fundamental fact, the only question that makes sense is “where are we headed?” (“Où allons-nous?”). One can neither reverse nor stop the democratic and egalitarian tide of history. What one can do is attempt to channel that tide into political forms amenable to what conservatives like to call “ordered liberty.” Unless this attempt is made, the ever-expanding desire for equality will yield either a tyranny of the majority or extreme governmental centralization and its inescapable correlate, administrative despotism.

There are resonances here with both Hegel and Machiavelli. Like Hegel, Tocqueville deals in broad forms of historical necessity, albeit not in any strictly causal sense. Viewed retrospectively, a democratic *condition sociale* appeared just as inevitable as the rise of the modern constitutional state. Moreover, both Hegel and Tocqueville identify Christianity as the source of the novel idea that “all men are free,” and they both view history as, in large part, the concretization of what began as an abstract idea.

Where they differ has less to do with Hegel’s supposed deification of the state and Tocqueville’s enthusiasm for civil society than with the agencies they see as responsible for this broad historical development over the centuries. Hegel’s identification of *Geist* with reason, God, and human cultural achievement is significantly different from Tocqueville’s rhetorical invocation of Providence. The former treats history as something that has
to be deciphered, understood, and explained; the latter, as a *fait accompli*, too massive to be questioned. Tocqueville takes the triumph of equality of condition as an undeniable and obvious fact, whereas Hegel sees it as one aspect of a much larger story about the tortured and twisting path humanity has taken toward the full realization that “all are free.” If the movement of history is taken as obvious, God-given, providential, et cetera, then it is both possible and plausible to treat equality of condition—democracy—as a *point de départ*, rather than as the result of a by no means obvious process of development. For Hegel, both history and the state are, in effect, texts in need of proper interpretation and conceptualization. For Tocqueville, they are things that are more or less obvious in their form and direction. Or at least that is what the rhetoric of his introduction would have us believe.

Unlike Hegel, Tocqueville vehemently insists that it makes a difference what individuals do when it comes to the political form their equality of condition takes. This may not be entirely apparent, given the “cunning of reason”-like explanation of Providence working behind men’s backs to be found in the passage cited above. Nevertheless, Tocqueville’s standpoint is always the prospective one of the political *actor*, not (like Hegel) the retrospective one of the contemplative *spectator*. Tocqueville’s prospective stance is designed, like Machiavelli’s, to alert statesmen and ordinary citizens to the ways events and tendencies can, to some degree, be managed, if not fully mastered or directed.

Acting with foresight and a knowledge of the passions that move the men of a particular epoch, the political actor can mitigate the negative consequences of bad events and tendencies while maximizing the benefits of good ones. For Machiavelli, success in this endeavor depends on the individual skill or ability—the *virtù*—of the prince, or upon the collective *virtù* of a republican body of citizens. For Tocqueville, success depends on the manners and mores of a self-reliant democratic people. Such a people has confidence in its ability to determine its collective fate. It will, as a result, never allow itself to become a docile herd, administered by an overly centralized state.

Such confidence is grounded in habits, attitudes, and ideas that come only from the daily experience of self-government and local administration. Any democratic people that lacks such experience (as the French manifestly do, in Tocqueville’s opinion) must look elsewhere for direction and guidance. The theoretical-pedagogical intent of Tocqueville’s diagnostic and prospective approach is nicely captured in the following passage:
There is no European nation in which the great [democratic] social revolution that I have just described has proceeded more rapidly than in France, but its progress here has always been haphazard. Heads of state have never thought to prepare for this revolution in advance. It has come in spite of them, or without their knowledge. The nation’s most powerful, intelligent, and morally responsible classes have never tried to take hold of the movement in order to guide it. Democracy has there been abandoned to its savage instincts. It has grown up like those children deprived of parental care who raise themselves in the streets of our cities and who know nothing of society but its vices and miseries. Almost before anyone was aware of its existence, it [democracy] seized power unexpectedly. From then on each man has abjectly catered to the least of its [the democratic people’s] desires. Once, it was worshiped as the very image of force. Later, after its strength had been sapped by its own excesses, legislators imprudently sought to destroy it rather than educate and discipline it. Instead of teaching it to govern, they thought only of expelling it from government.13

What is critical to note here—echoes of Hegel on “the rabble” notwithstanding—is the way Tocqueville frames the nature and purpose of the political education found in the pages of Democracy in America.

Without too much exaggeration, it can be said that there are two fundamentally opposed models of political education operative in Democracy in America. The first is the one we are all familiar with from volume 1’s chapter on the townships and local administration, and from volume 2’s analysis of the do-it-yourself nature of American associational life. Both Tocquevillian localism and civil society pluralism place a premium upon learning by doing. Indeed, in the penultimate chapter of volume 2 of Democracy in America, Tocqueville looks to the expedients of secondary public bodies composed of ordinary citizens, smaller administrative units with wider participation, more inclusive elections, encouragement of associational life (by no means a given in the land of the Le Chapelier law), and greater respect for legal forms and correct procedure to counter the growing tendency to trample individual rights in the name of social utility.14 Tocqueville sums up his “new remedies for new ills” (nouveaux remèdes à des maux nouveaux) in the following manner:

To set broad but visible and immovable limits on social power; to grant certain rights to private individuals and guarantee their uncontested enjoyment
yet this call for constitutional change to enable wider political participation while protecting individual rights, laudatory though it may be, fails to touch upon what was, in Tocqueville’s mind, the essential problem: how to cultivate the “free mœurs” necessary for the preservation of political and individual liberty. How, in other words, might it be possible to alter the national character of the French people? For only such an alteration would bring an end their constant oscillation between the poles of anarchic revolutionary freedom and docile acceptance of hypercentralized political power.

It is here that we encounter the second, more unsettling, model of political education that animates Tocqueville’s project. In the passage from the introduction cited above, the focus is firmly on the pedagogical task of “teaching the people”—a task that French elites failed to take up, with predictably dire results, in Tocqueville’s estimation. This change of optic—from the more familiar bottom-up active learning in associational life to paternalistic intervention in the moralization of le peuple—is not simply the result of a change in the object of observation (the turn from America to France). It also flows from Tocqueville’s firmly held Rousseauian conviction that the “most important law of all” is “graven not in marble or bronze, but in the hearts of the citizens.” It is habit and “manners, mores, and customs” that form “the real constitution of the state.” Without the proper habits and mores, “the people” were like a wild, untutored child who, after exhausting itself in the anarchic liberty of the Revolution, submits to the yoke of a master who secures order at the expense of freedom. At no point had French legislators seriously addressed the task of how to inculcate the habits and mores necessary for self-government and the maintenance of individual independence.

This task—in Tocqueville’s view, the essential task facing virtually all modern European nations, but France especially—is, as I have already emphasized, a paradoxical one. How is it possible to cultivate the habits, attitudes, and ideas necessary for self-reliance and self-government from the top down without reverting to some form of “statecraft as soul-craft” or elaborate (and more or less transparent) ruses similar to those of Émile’s
How is it possible to educate a people to autonomy without engaging in some form of governmental paternalism? How can a “good government” cultivate manners and mores in its people so that they will eventually do away with this very paternalistic agency?

This is, so to speak, the formal problem. There is, however, a problem of content as well. For how can anything as culturally dependent as manners, mores, ideas, habits, and attitudes be packaged as a series of teachable moments or be translated from their native (Anglo-American) idiom and experience to one as historically and culturally different as that of France? As Tocqueville himself plaintively noted in a letter to Beaumont in 1858: “how difficult it is to establish liberty solidly among people who have lost the practice of it, and even the correct notion of it! What greater impotence than that of institutions, when ideas and mores do not nourish them.”

The problem is made all the more acute given the fact that Tocqueville’s mode of analysis stresses the interconnectedness and mutual dependence of virtually all important social and cultural elements. Like Montesquieu, Tocqueville set out to grasp the spirit of a culture and the moeurs of a people. Yet the resulting comparison of French and American national character leads, apparently, to the conclusion that only a substantial change in the moeurs of the French people—and not just laws or institutions—will make France safe for democracy and an “ordered liberty.”

As Tocqueville’s remark to Beaumont suggests, such a transformation of moeurs—the habits, ideas, and opinions of the French—seemed well beyond the capacity of leading politicians, educators, clergy, and community leaders, even supposing they were all acting in the same direction and for the same end. Needless to say, such unity of purpose could hardly be taken for granted in postrevolutionary France. Tocqueville’s republican predecessors, Machiavelli and Rousseau, had a ready answer for this seemingly intractable problem: the deus ex machina of the “great legislator” à la Moses or Lycurgus. He would provide the system of laws, institutions, customs, and religious practices necessary to form citizens capable of defending republican liberty.

The expedient of a great legislator was not an option for the liberal Tocqueville. Its mythic origins aside, the comprehensive formative solution implemented by such a figure more or less effaced the boundary between public and private, all in the name of fashioning citizens who practiced a morality of the common good. It also had the ultimate effect of setting
some form of collective sovereignty over and above individual rights.\textsuperscript{22} Indeed, contemporary French revolutionary efforts to mimic the great legislators of antiquity only confirmed the brutality implicit in Machiavelli’s original idea of stamping civic “form” onto the plastic mass of “the people.”\textsuperscript{23}

The heritage of classical republicanism was, broadly speaking, the problem and not the solution. This fact can be seen in Tocqueville’s conspicuous refusal to draw upon traditional republican strategies for moralizing citizens, such as military discipline and the creation of a civil religion.\textsuperscript{24} What strategy, then, could one adopt in order to reshape something so basic, and so fundamental, as manners and mores? And how could this be done without creating a new paternalism or fostering the systemic violation of individual rights and liberty?

Tocqueville’s answer, as I have already suggested, was not entirely coherent. Nor was it, from a contemporary liberal perspective, entirely acceptable. His rejection of civic republicanism’s traditional strategies notwithstanding, Tocqueville found himself echoing a good deal of its formative rhetoric, but in what could be called a minor key.\textsuperscript{25} I will argue that Tocqueville’s “solution” to the Rousseauian paradox relied on a disparate array of top-down enactments and manipulations, as well as upon the creation of a new and widely dispersed (albeit relatively mild) form of social tyranny. This was not the monolithic variety of social tyranny he and Mill are famous for decrying, namely, the “tyranny of the majority” as expressed through public opinion, the “new mistress of the world.” It was, rather, the tyranny of an unquestioned and widely shared set of mores, beliefs, and attitudes.

From one angle, Tocqueville is the patron saint of what has come to be known as civil society pluralism—the pluralism of interests, purposes, and associations. Yet, from another angle, he is a monist who fears eccentricity, the critical questioning of regnant norms and beliefs, and—above all—the liberal secularist and “dissolvent” heritage of the Enlightenment. In this respect, he compares unfavorably to his erstwhile student, Mill. Considered as a defender of liberty, Tocqueville turns out to be a remarkably blinkered and moralizing one, his many innovations and virtues as a theorist notwithstanding.\textsuperscript{26} This fact undercuts the “official” goals of both his political pedagogy and the process of political education itself: the preservation of individual independence and a love of political liberty.
II. Democracy and Dissociation: The Political Implications of a Democratic *Condition Sociale*

As Pierre Manent has noted in his fine study, Tocqueville believed that *dissociation of individuals* was a natural and inevitable consequence of a democratic social condition. In one of the most famous passages in *Democracy in America*, Tocqueville writes, “Aristocracy linked all citizens together in a long chain from peasant to king. Democracy breaks the chain and severs the links.” The basic idea here is that the abolition of the corporate society of the *ancien régime*—the “society of orders”—took the social version of the “great chain of being” and reduced it not just to a clutter of segments, but to a mass of individual and independent links—links that were no longer bound, as they had previously been, by any meaningful ties of social hierarchy and class-specific rights and privileges.

To alter the metaphor somewhat, the quasi-organic society of the *ancien régime* gives way to what the Doctrinaire Pierre Royer-Collard famously called *la société en poussière*—the atomized society. It was as if the individual and independent “man in the state of nature” postulated by the social contract theorists had suddenly become a reality.

The problem, of course, is that while society may have been completely altered by the democratic revolution, the fundamental structure of the centralized state remained intact. In France, the centralized state was no revolutionary innovation of either the Jacobins or Napoleon. As Tocqueville was to demonstrate in *The Old Regime and the Revolution*, it had deep roots in the *ancien régime*, going back—at the very least—to Louis XIV and Richelieu. Indeed, Tocqueville’s thesis in *The Old Regime and the Revolution* is that the Revolution merely completed a process of the centralization of political power that had been well underway for centuries. The monarchic state had already emasculated the various *pouvoirs intermédiaires*—the regional parlements, the local nobility, manorial courts, et cetera—that stood in the way of centralized administration. Thus, whatever civic equality and equality of condition the Revolution achieved was purchased at the price of a power vacuum outside the centralized—and newly democratic—state apparatus. The likely result was captured by Tocqueville in one of the most haunting passages in *Democracy in America*:

I see an immense and innumerable host of men, all alike and equal, endlessly hastening after petty and vulgar pleasures with which they fill their
souls. Each of them, withdrawn into himself, is virtually a stranger to the fate of all the others. For him, his children and personal friends comprise the entire human race. As for the remainder of his fellow citizens, he lives alongside them but does not see them. He touches them but does not feel them. He exists only in himself and for himself, and if he still has a family, he no longer has a country.

And, as Tocqueville continues:

Over these men stands an immense tutelary power, which assumes responsibility for securing their pleasure and watching over their fate. It is absolute, meticulous, regular, provident, and mild. It would resemble paternal authority if only its purpose were the same, namely, to prepare men for manhood. But on the contrary, it seeks only to keep them in childhood irrevocably. . . . It provides for their security, foresees and takes care of their needs, facilitates their pleasures, manages their most important affairs, directs their industry, regulates their successions, and divides their inheritances. Why not relieve them entirely of the trouble of thinking and the difficulty of living?

This condition—administrative or democratic despotism—was where the French seemed to be headed. Yet, and to Tocqueville’s great relief, American democracy suggested that state centralization and infantilization of the people need not be necessary consequences of a democratic social condition.

Of course, the Americans also suffered from “individualism,” in Tocqueville’s specific sense of the word. Atomization and privatization, he thought, were unavoidable consequences of a democratic social condition, even where there had been no society of estates to be dissolved or smashed into its most elementary particles. But although the French version of this phenomenon was propelled by the bourgeoisie’s self-interest and fear of continuing anarchy, the American version had its roots in a longstanding tradition of civic equality (born of colonial charters and constitutions) and an extraordinarily foreshortened temporal horizon.

If, in the first stage of the Revolution, the French were animated by the desire to “abolish their entire past” by creating an artificial caesura—a destructive and impossible task, as Hegel had pointed out—the Americans had no such need. Theirs had been, from the start, the “land of the
future.” The corporate society of old Europe had been simply left behind with the crossing of the Atlantic by the Pilgrims. Not for nothing did Tocqueville single this moment out as the point de départ of the American democracy. Along with the rest of their Puritan brethren, the Pilgrims shared “more notions of rights and more principles of true liberty, than most any other European people.” From New England these ideas penetrated, first, the entire confederation of the colonies and, later, the entire continent of North America. Although, in principle, all the European colonies in the New World “contained at least the germ, if not the mature form, of a complete democracy,” it was only in New England that this germ took root, flowered, and then spread across the land. This was, in Tocqueville’s estimation, due in large part to the peculiar interpenetration of religious and political ideas of equality in the minds of the Puritans.

Indeed, in his view Puritanism was “almost as much a political theory as a religious doctrine,” one that coincided “in several respects” with “the most absolute democratic and republican theories.”

Leaving aside, for the moment, the originally theocratic structure and legislation of the Massachusetts colony (as well as Tocqueville’s rather blithe assurance that “a real and active, wholly democratic and republican political life flourished within every community” in New England by 1650), the Puritan emphasis on equality had a potential downside. Were it not for the shared faith, language, and habits of self-government born of a specifically English political heritage, the Puritan—and, more broadly, Congregationalist—emphasis upon covenants and binding promises would have placed them in uncomfortable proximity to the teachings of the social contract tradition. For Tocqueville and other proponents of the société en poussière thesis like Edmund Burke and Royer-Collard, such proximity hardly counted as a recommendation.

Virtually all the teachings in the social contract tradition—with the possible exception of Hobbes—emphasized the importance of a “horizontal” pact of association among equal, free, and rationally self-interested individuals. Social contract theories were, in their basic structure and intent, studiously indifferent or even hostile to the kind of cultural and religious presuppositions thematized in the early modern republican tradition. The chief aim of the modern natural law tradition was to identify a minimal morality that all rational human beings could agree to, regardless of cultural or even religious differences. Thus, without the addition of mores, habits, ideas, and attitudes to the mix, we find ourselves—at least in Tocque-
Tocqueville’s view—back on the terrain of the very atomism that Hegel had so savagely attacked. We find ourselves, in other words, in the presence of a political association whose only purpose and adhesive force is found in the prudential self-interest of each of its members.

Yet even though the New England Puritans had what we would today call a “thick” consensus or sense of community to back up their otherwise individualist notions of right and conscience, this particular form Sittlichkeit hardly extended to the entire “confederation,” let alone the entire continent. As Tocqueville was well aware, there were more than Puritans in seventeenth-century America, to say nothing of later times. No matter how important the point de départ may be, it is, by its very nature, just that: a point of departure. The dispersion of ideas, habits, attitudes, and practices is, as a result, also the process of their gradual thinning out, their progressive universalization and formalization.

For those skeptical that Puritanism exemplified quite the close fit of “the spirit of religion” with the “spirit of liberty” that Tocqueville imagined, this process of formalization and transformation appears as an absolutely necessary and largely benign one. Without it, it is almost impossible to conceive of a liberal democracy evolving from such an unpromising starting point, namely, an intolerant theocracy predicated upon the most extreme forms of moral and religious discipline and social homogeneity. For Tocqueville, on the other hand, the thinning out of such a concrete form of ethical life signaled, potentially, the beginning of the end—not only of the integrity of a moral-religious community but of democratic and republican political life altogether. Formalization dissolves the most important ties that bind a community together, namely, its mores, habits, customs, and opinions. And this raises the specter of a triumphant (and, from Tocqueville’s perspective, disastrous) “individualism.”

Had this been the case, Democracy in America would have ended before it had barely begun. Or, rather, the story it tells would have been the familiar republican one of original virtue followed by inevitable corruption and decline, with Puritan moral uprightness substituting for neo-Roman civic virtue. The Anglo-Americans were saved from this fate, according to Tocqueville, because of their enduring religiosity and the fact that the Puritans had transplanted the all-important English habit of local government, “that prolific seed of free institutions,” to American soil. Thus, while a democratic condition sociale presented fertile ground for atomization and the spread of individualism understood as privatism, the
habits of local self-government and political liberty generated strong and overwhelmingly positive associational energies. As Tocqueville put it in volume 2 of *Democracy in America*, "the Americans have used [political] liberty to combat the individualism born of equality, and they have defeated it."45

In Tocqueville's estimation, American free institutions and political rights—made concrete in the shared business of local (township) administration—were "constant reminders to each and every citizen that he lives in society" and that he is, in myriad ways, dependent upon his fellow citizens and the institutions they share.46 The employment of this most elementary form of the art of association thus provides, in Tocqueville's view, one of the most effective antidotes to the natural tendency toward dissociation that threatens any democratic society. The point I wish to stress here is that Tocqueville saw this antidote as more or less imprinted on our cultural and political DNA, thanks to the Puritans. Indeed, one can hardly dispute the fact that "every people bears the mark of its origins." Tocqueville, however, follows up this reasonable and innocuous statement with an assertion that is as breathtaking in both its mono-causal inclusiveness and its pseudo-predictive hubris. "There is not a single opinion, habit, or law," he writes, "I might almost say not a single event, which the point of departure cannot readily explain."47 Hegel is often accused of some form of the genetic fallacy because of his evident conviction that the end is, somehow, contained in the beginning. Tocqueville, as this passage and many others attest, is, if anything, even guiltier on this score.48

Tocqueville's version of the genetic fallacy is noteworthy because it lays the groundwork of so much that is to come in *Democracy in America*. Anyone who claims that the Puritan communities admirably united the "spirit of religion" with the "spirit of liberty" (thereby facilitating the American transition to a robust democratic society, one that is able to keep *individuisme* in check) is, at the very least, guilty of radically simplifying what was, in fact, a far more complex story.

To begin with, the New England townships may well have provided the original "small schools of democracy" in America. Thankfully, by the start of the eighteenth century these were more generically Congregationalist than hardcore Puritan in character. Moreover, the townships were home to a growing number of literate men and women whose reading extended well beyond the confines of the Old Testament, where the heart of Puritan covenant theology was located.49 Many of these readers were familiar
with the proto-liberal vocabulary of Locke, the Independent and democratic ideas of the Levelers, and the republican spirit animating the work of Algernon Sydney, James Harrington, and Montesquieu. Indeed, in the minds of such readers these various theories and ideas could be mixed more or less promiscuously, with little sense of contradiction and even less need for scriptural backup. These readers did not see themselves as engaged in a perpetual struggle against Satan, a struggle that demanded the strictest possible forms of spiritual and social discipline and that took the political form of a militant Calvinism organized along hierarchical lines.

Finally, it is important to remember that these men and women were just as influenced by Enlightenment philosophy, and just as immersed in the histories of the ancient republics, as were their French contemporaries—perhaps more so. They were people for whom the world Hawthorne would resurrect in *The Scarlet Letter* was a distant and already somewhat primitive memory.

Tocqueville’s yearning to uncover religious, and not just republican, roots for political liberty is understandable, given his Catholic upbringing and the strident anticlericalism of the Jacobins and the French Revolution. He therefore sought to demonstrate to his incredulous countrymen that religion and the new social-political order stood in dire need of one another. This is the context for his idealization of the Puritan settlements, an idealization that culminates in his comparison of these communities with the open and democratic order of ancient Athens. As a piece of rhetoric, this is effective and more than a little flattering. As a piece of history, however, it is both false and misleading. It ignores the fundamental transformations effected by the end of theocratic government and the widening deployment of nonbiblical, and often decidedly secular, influences of the sort I have just mentioned. Indeed, aside from the township structure itself (an *English* rather than specifically Puritan inheritance), it seems more plausible to argue that the genesis of American democracy depended less upon a continuity with its Puritan religious past than upon an almost total overcoming of it.

If we place Tocqueville’s dubious claims about the influence of the American *point de départ* to one side, we are free to concentrate on his far more interesting ideas about the nature of *individualisme* and about the nature, extent, and effects of the art of association. It is here that his religious and
Chapter Four

Aristocratic prejudices take a back seat and where many of his enduring contributions to modern political theory are to be found.

As noted above, Tocqueville saw individualism as a more or less inevitable consequence of a democratic condition sociale. Such privatization and withdrawal into the little world of home, friends, and business associates spelled doom for a robust public sphere and the practice of self-government. Indeed, would-be tyrants would like nothing more than for a populace to turn in upon itself and pursue only narrow social and economic concerns. This had happened in France—first under Napoleon and then again, even more starkly, under his nephew, Napoleon III (a true “democratic despot”). The same narrowing of the individual citizen’s moral horizon could be observed in 1830s America as well. As we have seen, however, Tocqueville thought the Americans had successfully combated this structural tendency toward dissociation through their perfection and employment of “free institutions” (institutions libres).

What does Tocqueville mean by “free institutions,” and why did he think that they were the primary vehicles of the “art of association”?

The first of these questions is easily, and uncontroversially, answered. By “free institutions” Tocqueville meant the public-political realm of American democracy. Within this realm, the government of public affairs was divided into federal, state, county, municipal, and township levels, each with its appropriate sphere of jurisdiction and administration. Such a decentered democratic structure did not restrict popular political participation to the election of a national congress, parliament, or convention (the French model). Rather, fully aware of the potential dissociative effects of democratic equality, American lawgivers “thought it appropriate to foster political life in each portion of the territory so as to create endless opportunities for citizens to act together to remind them daily of their dependence upon one another.” “In this,” Tocqueville writes, “they acted wisely.”

Such a decentered, multilevel political realm obviously contributes to keeping the bogey of governmental centralization and usurpation of authority at bay. Yet for Tocqueville, this liberal or constitutional function is not its chief importance. The positive contribution of such a multileveled arrangement is that it draws average citizens into the consideration and management of public affairs. It is precisely such consideration and management that leads the average citizen to expand his moral horizon beyond household and business. By acting together with his fellow citizens in pub-
lic, he comes to see what Tocqueville calls “the close connection [le lien étroit] that exists between the particular interest and the general interest.”

Two points need to be emphasized here. The first is Tocqueville’s almost Rousseauian faith in the moralizing effects of political participation. The second concerns his focus on local affairs. For it is here, in the debate, deliberation, and management of township affairs that individual citizens are most effectively drawn out of their respective private spheres, becoming genuinely interested in “the public good.” At first glance, this conclusion seems to be nothing more than a mixture of sociological insight with sound common sense. It actually masks a profound theoretical innovation, however. For what Tocqueville is doing is showing how the Rousseauian republican concern with la chose publique is best approached, not through active popular sovereignty at the national level, but rather through hands-on administration of affairs at the local level. This specific departure from the French republican tradition points to another one. For it is not by juxtaposing our particular or individual will with a more general and abstract “will of the people” that we attain civic consciousness and come to practice civic virtue. Rather, it is by expanding outward from the narrow circle of our family and business affairs to the broader circles of association of the kind represented by the township that we come to see, not the abyss between particular and general interests, but rather the close connection between them.

In this regard, it would be easy to suggest that Tocqueville was primarily concerned with making the public-political world safe once again for the expression and pursuit of private interests. But that would be a mistake. Although Tocqueville, like any good liberal—and, indeed, like Hegel—thinks the pursuit of private interest is an indelible feature of the modern world, he does not think that the point of the public-political world is simply to preserve and protect that pursuit. Indeed, Tocqueville directed his most withering contempt toward such a bourgeois attitude, viewing it as a classic expression of the individualisme he so feared. The general interest is not a mere aggregate of private interests or preferences (as the utilitarians liked to think). But neither is it something essentially defined by its separation from, and opposition to, those interests (the classic republican stance of Rousseau and radical Jacobins like Robespierre).

Like Hegel, Tocqueville thinks that the reconciliation of the universal and the particular is a critical goal of political life. Such reconciliation
cannot come about, however, if one side of the equation is reduced to the other, condemning us to the choice between Adam Smith and J-J. Rousseau. Both Hegel and Tocqueville believed that the moral-political Bildung of modern citizens was achieved through expanding circles of associational ties and interests. These circles lead us from narrow family and business concerns to broader community interests and (ultimately) to concern with national affairs.62

The central idea in both Hegel and Tocqueville is that, as we progress through these ever-widening circles of associational life, we come to a fuller and more exact appreciation of the “close connection” (Tocqueville) between public and the private. This progress occurs because our very conception of what a legitimate private or public interest is has itself matured in the course of our associational life. As a consequence, “educated” citizens will reject both unmediated self-interest and abstractions like la volonté générale.63 They will view greed and antique virtue as antisocial extremes that impede the very possibility of reconciling the universal and particular, the public and private.64

It is on the matter of just how the citizen is educated by such associational experiences that Tocqueville and Hegel most sharply diverge. For Hegel, it is primarily a matter of the experience and socialization that occurs as one moves through progressively larger circles of association—from family, to trade or profession, to corporations more broadly, and finally to the state itself. Of course, this movement must be supplemented by proper interpretation of such experience and socialization. It is precisely the latter service that philosophy (supported by state-sponsored universities in Prussia) is able to provide. The educated citizen grasps his proper place in the political and social spheres through a process of deciphering and understanding the “hieroglyph of reason.” The uneducated one, although deprived of such conceptual understanding, nevertheless absorbs the laws of the land and an ethos of “my station and its duties.” It is through this ethos that the more abstract dimensions of Sittlichkeit and the “concrete universal” itself are brought down to earth.

For Tocqueville, in contrast, the apparent gap between private and public interest is bridged not so much by thought as by practice. In the townships, the jury system, and the broad associational realm of civil society, Tocqueville saw democratic self-education in action.65 Learning by doing—rather than learning though a structured socialization process as family member, burgher, and citizen—is thus the central American contribution
to the problem of democratic political education. This problem—the paradoxical problem of an education to autonomy or self-government—is, as we have seen, a problem that plagues modern political theory the moment popular sovereignty, no matter how virtual in form, becomes the underlying principle of all legitimate government. It is in free local institutions, the jury system, and civil and political associations that Tocqueville detected the “large free schools”—the grandes écoles gratuites—of democratic civic education.66 In them the people taught themselves the administration of public affairs, the law and its application, and—last but by no means least—the all-important art of association.

Did Tocqueville then stumble upon the solution to the problem of democratic education in the process of demonstrating how general and particular interests might be reconciled? In one respect, the answer is yes. Impelled, as was Hegel, to somehow bridge the dichotomies between particular and universal, homme and citoyen, Tocqueville highlighted the institutional sites and associational forms that enlisted regular and (for the most part) enthusiastic participation. By entering into the public sphere and by acting in accordance with institutional (local) forms, the Americans did not simply learn how democracy works. They also learned about the kind of civic virtues that are necessary to keep it going, which included an “enlightened” view of interests, public spirit, civic responsibility, and a respect for the rights of others. It is hardly an exaggeration to say that Tocqueville values the latter virtues of political participation—its moralizing dimension—over a more technical knowledge of the workings of democratic institutions. And, perhaps most important, this whole process of civic education evidently takes place from the bottom up rather than the top down. The Rousseauian paradox is solved.

Or is it? The American way of doing things certainly obviated the need for a great legislator to form and teach the people. And it made the country’s citizens a far more active agent in their own political education than anything either Rousseau or Hegel could have imagined. Yet it hinged, perhaps fatally, on a unique constellation of cultural factors and historical contingencies that could hardly be expected to crop up elsewhere.

Foremost among these factors was a high degree of social equality—the absence, in Tocqueville and Beaumont’s eyes, of anything approximating a class society—as well as a high degree of literacy and general enlightenment. It is thus no surprise to find Tocqueville and Beaumont’s letters home full of doubts about whether the American example of a “regulated”
democracy could or should be applied anywhere else in the world. In France, poverty, the absence of collaboration between the classes, and a pronounced lack of general education apparently made the self-education of the demos impossible. Add to this the absence of what Tocqueville called “free mœurs” in France (the habits, ideas, and opinions of a free and self-reliant people) and one might well despair of teaching any American political lessons to the volatile yet subservient French.

Yet, as the very act of writing Democracy in America attests, Tocqueville ultimately thought there were lessons to be learned and even applied. Hence the unmistakably didactic tone in both volumes of the work—a textbook if ever there was one. From Tocqueville’s warning in the preface to the first volume that democratic equality is the wave of the future to his concluding insistence that it need not result in a centralized, administrative state, the emphasis is on what can be done, not what has to be suffered. The multiple threats to be faced—individualisme and privatism, administrative despotism, political extremism, recurrent revolutions and popular unrest—are all potentially avoidable if only certain institutions, practices, and attitudes are introduced to the French.

Who will introduce them? Tocqueville’s answer is clear. They will be introduced by statesmen and political elites who have read and been persuaded by his analysis of the inevitability of a democratic social condition and its attendant dangers. Oddly enough, the bottom-up model of political (self) education is to be introduced from the top down. Constitutional reform, undertaken by the lawmakers of France, could reintroduce citizens to the habit of local self-government, thereby jump-starting the necessary change in habits, attitudes, and opinions. “In America,” Tocqueville writes, “free habits have created free institutions, in France it’s for free institutions to create the habits.” Where the majority of the public is poor and “unenlightened,” political elites abdicate their pedagogic responsibilities by supporting politics as usual. The stringent limitation of the electorate to a small fraction of the population under Guizot and Thiers manifested just such an abdication. The inevitable result, Tocqueville warns, will be renewed revolution and accelerated centralization.

Here we have the reemergence of Rousseau’s paradox, this time written in small rather than capital letters. The “more enlightened classes” must lead, and not through mere persuasion or dispersion of ideas. The political situation was too dire, and the imperative of action too immediate. The cause of reform required public-spirited and enlightened men, men ca-
pable of “great” actions for the cause of liberty in France. Tocqueville and Beaumont dreamed, in their youth, of belonging to this small and select group once they gained office and real political power. In this hope they were to be sadly disappointed, not to say disillusioned.

Tocqueville’s own brief opportunity to engage in actual constitutional reform (in 1848) was not exactly conspicuous by its success. And, as any reader of the Souvenirs knows, he came to have nothing but contempt for the very elites upon whom all hopes for reform evidently rested. The young and hopeful Tocqueville, yearning to unite theory and practice in the cause of top-down reform, gives way to the Cassandra-like Tocqueville of the post-1848 years. American lessons had failed to be learned, but not because of differences in culture and circumstances. The real culprit was a French political class that turned out to be as craven as it was self-deluded.

III. State, Civil Society, and the Public-Political Realm

Tocqueville’s entrapment in Rousseau’s paradox is not especially surprising. Indeed, it was but an echo of the problem faced by the liberal thinkers of the Enlightenment, all of whom believed that freedom and reform were two sides of the same coin. For these thinkers, as Peter Gay observed “freedoms were among the reforms to be accomplished” and “reforms were the happy consequences of freedom.” Yet “realities tore this alliance apart.” “With the overpowering presence of the illiterate masses and the absence of the habit of autonomy, freedom and reform were often incompatible.” The solution to this problem, at least for the philosophes, lay with a powerful and reform-minded monarch who would practice so-called enlightened despotism.

Tocqueville rejected the theoretical premises of the philosophes as well as their preferred instrument of reform. He could not, however, escape the same basic dilemma. Thus, in the place of “enlightened despots” he placed “enlightened statesmen” and the “enlightened [i.e., upper] classes.” “Statesmen” from the bourgeois or aristocratic class would lead the masses to a freedom they could scarce realize on their own. Tocqueville’s conviction that the people could scarcely be counted on to either educate or responsibly assert themselves is memorably conveyed by his characterization of the victorious revolutionaries of 1848 as akin to the “Vandals and Goths.”

Despite such prejudices, Tocqueville’s version of an “education to autonomy” was not entirely disingenuous. Like Mill, Tocqueville rejected all
despotisms, yet—also like Mill—he thought a “government of leading strings” was more or less unavoidable as long as the people were deficient in “virtue and intelligence.” The Americans were, in his estimation, not so deficient; the French clearly were. As Mill himself was to observe, however, “leading strings are only admissible as a means of gradually training the people to walk alone.” The very idea of regulating democracy and curbing its worst excesses (or, as Tocqueville put it, the “aberrations of the masses” born of their “savage instincts”) logically entailed a top-down approach, a political program of constitutional, institutional, and moral and educational reform. Such a program would, Tocqueville hoped, foster respect for the laws, for religion, and for the rights of individuals. Significantly, it would rely upon enlisting the people themselves in the work of public debate and administration, as well as government at the local (but not national) level. Such a program would, eventually, enable the French people to “walk alone,” to be self-reliant and self-governing as never before in their history.

The aim of the program, then, is laudable, even if some of Tocqueville’s assumptions about its ostensible beneficiaries are dubious in the extreme. The fact that this program failed to gain any traction in France does not lessen its theoretical interest. This is especially so when it comes to the thoroughgoing reconceptualization of the public-political realm Tocqueville was forced to undertake, the better to articulate the idea of a de-centered democracy and highlight the “learning by doing” aspect of his thought.

The salience of this reconceptualization has failed to be properly recognized. This is due, I think, to the strong distinction Tocqueville, like Hegel, makes between state and civil society. Subsequent commentators on Hegel and Tocqueville have drawn a similarly strong distinction between state and civil society, to the point where viewing their respective political philosophies as diametrically opposed seems only natural. Thus, if one leans left, one will be attracted to the Hegelian idea of a state whose primary duties include keeping civil society (understood as the realm of private economic interests and competition) within its proper boundaries. If one leans to the right or toward libertarianism, one will be attracted to Tocqueville’s idea that the state is itself the problem and to the idea that one of the key functions of civil society (now understood broadly, as the associational realm) is to empower private citizens to do for themselves what government often does bureaucratically and badly.
To be sure, these respective takes on Tocqueville and Hegel’s deployment of the state–civil society distinction have more than a little grounding in the texts. Yet both are blind to the continuities between the two thinkers, and to Tocqueville’s and Hegel’s use of the distinction between state and civil society to remap the public–political realm itself.

In Hegel the remapping proceeds by means of the often-overlooked distinction between the “political state” (der politische Staat) and the state in a more comprehensive sense (one that includes the “moments” of family and civil society, as well as political life and institutions).

“Civil society,” as Hegel conceives it, is not outside the state construed in the more comprehensive sense. Rather, it is a central “moment” in the development and articulation of the highly differentiated modern state. Its private and largely self-interested character is placed within the frame of a larger community life and ethos. For Hegel, it is all important that the bourgeois recognize himself also as a citizen, a member of the state. Such recognition is furthered by the transition from the sphere of the family (that of a particular form of altruism) to that of civil society (a sphere of universal egoism), and—finally—to that of the state (the sphere of a universal altruism). The Bildung facilitated by this movement brings about an identification with, and integration in, the life of the political community. In Hegel’s view, this identification promotes solidarity with all members of the community, a solidarity that cuts across corporate lines while preserving the “corporations” themselves as crucial integrating mechanisms. In this way, the distinction between public and private is effectively bridged without being in any way effaced.

In Tocqueville the remapping of the public–political realm takes a radically different form. The bridge to be constructed is not between the state—in whatever sense—and civil society. Rather, it is between the public–political realm itself and the broad sphere of associational life. Significantly, the latter includes both voluntary civil associations of the sort Americans typically identify with civil society (commercial, cultural, religious, charitable, etc.) and political associations, as well as what Tocqueville calls permanent associations (local, legally established political entities, such as townships, municipalities, and counties). It is only when we follow Tocqueville in distinguishing these three areas or levels of associational life that we can appreciate the extent of his achievement. Yes, civil society in the narrow sense—the “intellectual and moral associations of America”—has been distinguished from the government and identified as a crucial source
of civic energy and self-reliance. But associational life (or civil society in the broader sense) implicates, and is indeed a major constituent of, public-political life in general. In that sense, it belongs to what Tocqueville calls *le monde politique*.

Why is this important? It is important because once we see that associational life includes local political entities (townships, municipalities, counties), political associations (whether parties or issue based), and a virtually kaleidoscopic array of cultural, religious, intellectual and moral voluntary associations, it becomes impossible to simply and naively juxtapose “civil associations” with either political life or, indeed, with local government itself. Civil associations in the narrow sense are not replacements for, or community-minded alternatives to, public-political life (as many contemporary neo-Tocquevillians would like to think). They are, rather, *expressions* of a more fundamental associational life found in the political realm itself. As Tocqueville writes in volume 2 of *Democracy in America*:

> It is through political associations that Americans of all walks of life, all casts of mind, and all ages daily acquire a general taste for association and familiarize themselves with its use. Large numbers of people thus see and speak to one another, come to a common understanding, and inspire one another in all sorts of joint ventures. *Later, they take the lessons they learn this way and carry them over into civil life, where they put them to a thousand uses.* (emphasis mine)

The priority Tocqueville assigns to political associations in this passage is key. It is political, and not civil, associations that should be considered the “large free schools” wherein “all citizens come to learn the general theory of association.” Once learnt, this “theory” can then be applied elsewhere. The fact that “Americans of all ages, all conditions, and all minds are constantly joining together in groups” in order to achieve myriad purposes in “civil” life is a function of their freedom of political association, not vice versa. Freedom of political association is the *sine qua non* of the energetic, but largely unpolitical, civil society celebrated by Tocqueville’s contemporary American acolytes.

When we take into account the fact that it is through political associations and “free institutions” that the all important “art of association” is learned—adding to it Tocqueville’s contention that the American Constitution effectively deconstructed the European sovereign state by means of
a dispersion of power to the local, state, and federal levels—we are able to see that Tocqueville’s primary theoretical achievement inheres less in his conception of civil society than in his articulation of what a highly de-centered yet nevertheless robust public-political sphere looks like. This conception breaks radically not only with the regnant European idea of will-based sovereignty (formulated by Bodin and Hobbes and obviously operative in Rousseau and the Jacobins). It also breaks with standard liberal constitutionalist understandings of how to properly limit governmental power. The solution, in a word, was not less politics, but more—a conclusions that many of today’s neo-Tocquevillians would find embarrassing if not perverse. The genius of the American Founders resides not in their restriction of governmental power so much as their fostering political life “in every portion of the territory,” thereby creating “endless opportunities for citizens to act together and remind them daily of their dependence on one another.” Power and participation are dispersed—at least in theory—in a highly original, not to say revolutionary, way. Tocqueville’s broader conception of associational life and its political roots thus provides an unexpected bridge between the civil and the political, between “civil society” and the “state.” The latter is now reconceived as a dispersed and decentered public-political realm. This innovation underscores what we might call the “priority of the political” in Tocqueville. It also raises doubts about criticisms of the sort made by Sheldon Wolin, who contends that Tocqueville abandoned the strong, participatory conception of local democracy outline in volume 1 of Democracy in America for a largely apolitical conception of civil society that is supposedly found in volume 2. This criticism is wrongheaded because it fails to take account of just how political Tocqueville’s conception of associational life actually was.

Here, however, we come to a more tangled issue. As I observed above, Tocqueville’s emphasis on political participation by ordinary people mixes his concern for the preservation of public freedom with his desire to shape the manners and mores of a democratic people. Political participation, in his view, not only preserves public freedom, it also widens the individual citizen’s moral horizon by making him aware of his dependence upon others and upon the close connection between public and private.

The latter assertion is very attractive. We like to think that the more involved people are—in civic affairs, charitable organizations, and associational life generally—the more conscious they will be of their duties to others, and of their civic obligations generally. This Tocquevillian-Hegelian
thesis is, however, belied by the past century or more of democratic politics in the United States and other Western nations. One can be deeply involved in political and civil associations and yet retain a complete disregard for wide swaths of one’s fellow citizens. The idea that self-interest is mediated or enlightened through membership in political and civil associations rings hollow today. This does not prevent it from being used by the more greedy among us as a fig leaf over what is usually naked self-interest.

In other words, the reconciliation of particular and universal, of private and public interest, which both Hegel and Tocqueville longed for, is not forthcoming. What we have, instead, is the false reconciliation criticized by many neo-Marxist and social democratic theorists (Jürgen Habermas, for example). The appearance of an expanded, more publicly oriented horizon is trumpeted by corporations and lobbying groups. The reality of self-interest or corporate interest triumphant is not so easily concealed. Whether this always was and always will be the case, short of a radical social transformation of the sort Marx envisioned, is a moot point. Enlightened self-interest—or, as Tocqueville famously put it, self-interest “rightly understood”—is about as common as unicorns. At most it consists in the consciousness that individuals had better adhere to minimal levels of honesty and dependability, if only to bolster their chances of future success in business.

The moralizing potential of political participation—a potential that Tocqueville saw as critical—turns out to be remarkably feeble in a world in which profit, commerce, and politics are seamlessly interwoven. It is simply not the case that public goods arise from private vices, or, indeed, from expanding so-called public-private partnerships. Nor does anyone think that, as Tocqueville put it, the “rich in democracies always stand in need of the poor,” unless we understand that need in the most cynical of ways. And yet these are the legitimizing fictions of the current globalized world order, the world of an ever-elusive, and utterly bogus, “win-win” idea of justice. In this context, a bit more genuinely enlightened self-interest would actually be welcome. Even better would be acknowledgment of the fact that, when it comes to public matters, the most important virtue to be cultivated is the capacity to at least partially bracket the reflexive response of “what’s in it for me (or my group)?”

Tocqueville was not exactly unaware of this problem. Indeed, his recommendation of “self-interest, rightly understood” aside, he more or less admitted the impossibility of preserving public freedom and public spirit
by an appeal to self-interest, however the latter might be construed. In a remarkable passage from volume 2 of *Democracy in America*, he writes

An American will attend to his private interests as though he were alone in the world, yet a moment later he will dedicate himself to the public’s business as though he had forgotten them. At times he seems animated by the most selfish greed, and at other times by the most ardent patriotism. The human heart cannot be divided in this way. The inhabitants alternately exhibit a passion for well-being and a passion for liberty so strong and so similar that one can only believe that the two passions are conjoined and confounded somewhere in their souls. Indeed, Americans see their liberty as the best instrument and strongest guarantee of their well-being. They love each of the two things through the other. Hence they do not think that public affairs are none of their business.91

This portrait of an intense and somewhat schizophrenic double life—a life almost equally devoted to the pursuit of self-interest, on the one hand, and public life and an ardent patriotism, on the other—resolves itself, seemingly, in the bringing together of the two halves under the rubric of “self-interest, rightly understood.” The latter, Tocqueville implies, is capacious enough to do justice to both sides of American life, the public and the private.

Yet here too the reconciliation is only apparent. In fact, Tocqueville thought the idea of “self interest, rightly understood” was more of an *idée fixe* of the Americans than it was an accurate description of their motivation for pursuing an active public life. In book 2, chapter 8, of volume 2 of *Democracy in America*, Tocqueville observes

Americans . . . are pleased to explain nearly all their actions in terms of self-interest properly understood. They will obligingly demonstrate how enlightened love of themselves regularly leads them to help one another out and makes them ready and willing to sacrifice a portion of their time and wealth for the good of the state. On this point I believe that they often fail to do themselves justice, for one sometimes sees citizens of the United States, like citizens of other countries, yielding to the disinterested, spontaneous impulses that are part of man’s nature. But Americans seldom admit that they give in to enthusiasms of this kind. *They would rather do honor to their philosophy than to themselves*.92
Loath to acknowledge that they too are sometimes driven by disinterested motivations to engage in public life, the Americans retreat to the apparently firm rock of “self-interest, properly understood.” The expected mediation and reconciliation of universal and particular, private and public interest, takes place, Tocqueville intimates, but it is not recognized for what it is. Indeed, this is a case of méconnaissance so extreme that it threatens to uproot the very public spirit that Tocqueville so admires among the Americans.

That this was no merely conceptual muddle—that the self-misunderstanding of the Americans really did pose a threat to sustaining their intense double-life—is made clear by Tocqueville’s chapters “On the Taste for Material Well-Being in America” and “How the Taste for Material Gratification Is Combined in America with Love of Liberty and Concern about Public Affairs.” In the former chapter we read “love of [material] well-being has become the national and dominant taste. The mainstream of the human passions runs in this direction and sweeps all before it.”93 And in the latter chapter—its title notwithstanding—we read

When the taste for material gratifications develops in such a people more rapidly than enlightenment or than the habits associated with liberty, there comes a time when men are driven wild and lose nearly all sense of themselves at the sight of new goods ripe for the taking. Solely preoccupied with the need to make their fortunes, they cease to be aware of the close connection that exists between the particular fortune of each one of them and the prosperity of them all. There is no need to strip such citizens of their rights: they let those rights slip away voluntarily. Exercise of their political duties strikes them as a troublesome inconvenience that distracts them from their private business. . . . The people who think this way believe they are adhering to the doctrine of self-interest, but their idea of that doctrine is crude at best, and in order to tend to what they call their affairs, they neglect their chief affair, which is to remain their own master.94

This warning was aimed, obviously, more at the French bourgeoisie than at the American middle class. Yet Tocqueville’s clear apprehension of the latter’s goût pour des jouissances matérielles, as well as the essentially commercial bent of the American character (“It is commerce that draws the attention of the public, and fires the imagination of the crowd.”95) led him to worry about a growing materialism, one far more hospitable to
individualism and privatization than to robust participation in *institutions libres*. The bourgeois form of corruption outlined in the above passage was, as yet, a *potential* pathology in America. But the seeds were there, and they caused Tocqueville more than a little unease, as well they should have.

Today, of course, it would be hard to find a more compact or accurate description of the attitude of many in the United States toward public life and its obligations (for example, jury service) than the passage above. Fully developed capitalism has created a consumer society, a novel form of society that the United States has been exporting to the rest of the world for close to a century. The triumph of the consumer over the citizen in American consciousness is a universally recognized phenomenon, one lauded by some and detested by others. It has certainly not endeared us to the more social democratic polities of Western Europe. The resulting historical irony is one clear instance of the failure of Tocqueville’s supposed predictive powers. In our world, “the bourgeoisie” is a fading if not utterly extinct social stratum, little more than a symbol of cultural values eclipsed long ago by the middle-class pursuit of material comforts and increasingly mindless entertainment.

We cannot, of course, blame Tocqueville for failing to see the eclipse of American civic consciousness or the rise of consumer society. We can, however, fault him for failing to see more than the mere outline of the coming capitalist and industrial order. Hegel, a member of the previous generation and one hardly given to prophecy, clearly saw the writing on the wall. Tocqueville, enamored of a commercial republic that—in his eyes—retained substantial reserves of civic virtue, more or less looked away. There is, however, one startling and not much remarked upon exception. Tucked away at the end of book 2, volume 2 of *Democracy in America* is a chapter titled “How Industry Could Give Rise to an Aristocracy.” Here Tocqueville muses (all too briefly, to be sure) on the way the expanding division of labor, coupled with the surprising growth of the scale of industrial enterprise, could spawn something resembling a caste society:

As the principle of the division of labor is more thoroughly applied, the worker becomes weaker, more limited, and more dependent. The art progresses, the artisan regresses. Furthermore, as the scale of the manufacturing and capital investment increases, products improve and become cheaper, and as people begin to realize this, very wealthy and very enlightened men
move in to exploit industries that had previously belonged to ignorant or hard-pressed artisans. These men are attracted by the magnitude of the effort required and the immensity of the results to be obtained. Thus as industrial science steadily debases the class of workers, it raises the class of masters.  

In the new industrial order, “master and worker are not alike at all.” They are connected “only in the sense of being the two extreme links of a long chain.” Master and worker “each occupy a place that is made for him, which he does not leave.” “What is this,” Tocqueville asks rhetorically, “if not aristocracy?” With the Gilded Age in America a mere forty years away, Tocqueville can be credited with foreseeing the possible devolution of the United States into a class society along familiar lines. The division of labor, technology, and what is blithely and misleadingly called the entrepreneurial spirit threatened to make ordered liberty a thing of the past in the United States and a virtual impossibility in Europe. But although “the manufacturing aristocracy we see rising before our eyes is one of the harshest that has ever existed on earth,” it was also, in Tocqueville’s considered opinion, “one of the most limited and least dangerous.” History was to prove him decidedly wrong on that score.

IV. Democratic Pathologies and Their Cure

Thus far, we have seen that Tocqueville’s diagnosis of the potential pathologies of democratic societies centered on two phenomena: individualism (or privatism) and a materialism grounded in a lust for physical comforts. The third major potential pathology was the tyranny of the majority, a tyranny supported by the new “mistress of the world,” public opinion.

Tocqueville may or may not have anticipated consumer culture, but—along with Mill—he certainly anticipated what we have come to call mass culture. It is this anticipation that makes his worries about majority tyranny relevant today, despite the fact that his original concern was with the very concrete possibility of local majorities within individual states wielding undue power over state legislatures and laws.

It many respects, Tocqueville believes, it is the power that “the majority in America exercises over thought” that constitutes the real danger to liberty and independence. After reading his praise of American public spirit, local institutions, and the federal constitution’s success as a mechanism of
dispersion, it comes as a bit of a shock when Tocqueville flatly declares “I know of no country where there is in general less independence of mind and true freedom of discussion than in America.” The reason for this lack of mental independence and genuine freedom of discussion resides less in the idea that, in a democracy, “the voice of the people is the voice of God” than in the fact that the opinions, ideas, and attitudes of the people form the gateway through which all aspirants to political, cultural, and social influence must pass. The result, as Tocqueville observes, is the spread of a “courtier spirit,” a spirit that impels politicians, writers, and critics to constantly flatter their fellow citizens if they hope to achieve either recognition or power:

In America, the majority erects a formidable barrier around thought. Within the limits thus laid down, the writer is free, but woe unto him who dares venture beyond those limits. Not that he need fear an auto-da-fé, but he must face all sorts of unpleasantness and daily persecution. He has no chance of a political career, for he has offended the only power capable of opening the way to one. He is denied everything, including glory.

It may seem odd that Tocqueville, most widely known for his praise of the pluralism of American society, should indict this very same society for instituting a regime of mental slavery. But that is precisely what he does, largely because he considers mental independence to be one of the most important elements of modern liberty.

Even more oddly, Tocqueville praises unquestioned beliefs and dogmatic opinions as crucial foundations for a stable polity. In the United States—and in democratic societies generally—the absence (or decline) of traditional authorities such as lord and priest meant that each individual was thrown back upon himself when it came to making judgments about moral and political matters. The result, in the United States as least, was a kind of practical Cartesianism—that is, a cult of the supremacy of individual understanding, judgment, and conscience. The fetish of individual judgment would have driven even further into atomization and privatization, were it not for the fact that—to put it bluntly—most people find understanding and judging things for themselves more than a little exhausting. Much to our surprise, Tocqueville does not condemn such intellectual and moral laziness; rather, he actually comes close to celebrating it. Why?
The simple answer is that Tocquevillian sociology—with its focus on atomization, individualism, and a generalized democratic anomie—places far more value upon integration and endorsement of community mores, habits, and attitudes than it does on critical thinking and independence of mind. Or, to be more precise, the only thing that really bothers Tocqueville about majority tyranny in intellectual, cultural, and political matters is that it stifles potentially helpful criticism from political and cultural elites. Ordinary people, well aware of their individual fallibility, necessarily fall back upon the seeming authority of public opinion. Their doing so is not a bad thing, evidently, as long as the habits, attitudes, and ideas characteristic of public opinion are sound ones, conducive to social stability and “ordered” liberty.

Here we confront the tension between the “manly independence” Tocqueville tried to embody as both a political thinker and political actor, and his broader (and more propagandistic) faith-based commitments. Like most of his predecessors in the tradition of Western political thought, Tocqueville could not conceive a stable political society that did not reside on the firm basis of shared habits, attitudes, ideas, and beliefs. It is on this basis that institutions and laws rested, not the other way around. True, Tocqueville allowed for a good deal of pluralism of associations and interests in his portrait of the (stable) American regime, as well as a fair degree of religious pluralism (albeit within the ambit of Christianity). But the idea of anything approximating real moral pluralism—the presence of multiple and potentially incompatible religious, philosophical, and moral doctrines within a single society—would have seemed to him a recipe for (at best) institutional impotence or (at worst) anarchy and revolution.

Tocqueville’s insistence on the primacy of mores, customs, and attitudes implies, then, a relatively high degree of moral homogeneity. Without such homogeneity, mores and beliefs could hardly play the fundamental stabilizing role he assigns them. However, this broad sociological perspective—shared, as we have seen, by both Rousseau and Hegel—pales in comparison to the importance Tocqueville attributes to religion and the basic tenets of the Christian faith. These are seen as absolutely necessary supports of the ordered liberty Tocqueville thinks the Americans have achieved.

The priority of religion as a “cause which tends to maintain democracy” in the United States against an unlimited exercise of popular sovereignty is made perfectly clear by the penultimate chapter of the first volume of
Democracy in America. Here Tocqueville surveys the respective contributions of America’s peculiar circumstances (geography, lack of powerful neighbors, abundant natural resources), its laws, and “the manners and customs of the people.” It is not surprising that the last topic that garners the lion’s share of Tocqueville’s attention in this chapter, effectively providing the conclusion to the book and containing some of Tocqueville’s more heavy-handed didactic points.108

There are, Tocqueville notes, countless religious sects in America. They may have different rituals and theological bases, but “they all agree about man’s duties to his fellow man.” “Each worships God in its own way, but all preach the same morality in God’s name” (emphasis mine).109 This morality is, of course, the Christian morality. In Tocqueville’s view, this well-nigh universal subscription to the basic tenets and moral teachings of Christianity plays an absolutely central role in stabilizing and preserving the democratic republic. As Tocqueville explains:

Some Anglo-Americans profess Christian dogmas because they believe them, others because they are afraid lest they seem not to believe them. Christianity therefore reigns without impediment, by universal consent. As I said earlier, the consequence of this is that everything in the moral world is certain and settled, though the political world seems given over to controversy and experiment. Thus boundless opportunity is never what the human spirit sees before it: for all its audacity, it sometimes runs up against seemingly insurmountable barriers. Before it can innovate, it is forced to accept certain basic assumption and to mold its boldest conceptions to certain forms, and in the process it is slowed down or even brought to a halt.110 (emphasis mine)

The hegemony of the Christian religion in the United States teaches all citizens “habits of restraint” that conduce to the “tranquility of the American people.” Without the fixed and immovable points provided by Christian morality, the political world of the Americans would be dangerously untethered, prone to revolutions and the idea that “everything is permitted in the interest of society.”111 Not for nothing does Tocqueville call religion—meaning, in this case, Christianity—“the first of America’s political institutions”—la première de leurs institutions politiques. “For even if religion does not give Americans their taste for liberty, it does notably facilitate their use of that liberty.”112
Anchored in a world of shared religious beliefs and morality, American political life is more or less immune to the spread of revolutionary social or political ideas. Faith-based morality is the antidote to all forms of political radicalism. The lesson Tocqueville wants his French readers to draw could not be clearer. The revolutionary turn away from France’s Christian-Catholic roots has been a disaster, opening the floodgates to all manner of radical secular ideologies, ideologies that prevent France from escaping what seems to be a never-ending cycle of revolution and counterrevolution. When Tocqueville states, in volume 2 of *Democracy in America*, that “lawmakers in democracies and all decent and enlightened men who live in them must apply themselves unstintingly to the task of uplifting souls and keeping them intent on heaven,” he is not simply arguing for a counterbalance to the material life. He is arguing that religious belief must be present if there is to be any chance of achieving (and maintaining) “ordered liberty.” If man “has no faith, he must serve.” And if man is to be free, “he must believe.” S’il n’a pas de foi, il faut qu’il serve, et, s’il est libre, qu’il croie.

For the religiously minded, this might seem commonsensical enough. Who could complain if Tocqueville’s sociological analysis revealed religion to be a key factor in the social and political stability of early nineteenth-century America? Moreover, had he not argued that “definite and fixed” ideas about morality, God, and human nature serve as an important bulwark against majority tyranny? Religion is not the problem; rather, it is an essential part of the solution to this most characteristic of democratic dilemmas.

To this the more skeptical reader might respond as follows. Let us assume, for the sake of argument, that widespread religious belief and a shared Christian morality did indeed contribute to the stability of the early years of the Republic (an arguable assumption, but let that pass). Let us also assume—again, for the sake of argument—that this fact teaches us something about the nature and sources of social stability more generally (an idea cherished by many contemporary civil society enthusiasts). Is it plausible to argue that this historical stability, and its theoretically generalized cousin, do not come at a substantial cost to liberty itself?

Those who think the answer to this question is an unqualified “yes” would do well to ponder Tocqueville’s approving description of how a judge in Chester County, New York, refused to hear the testimony of a witness who had stated “that he did not believe in the existence of God or the
immortality of the soul.”117 Compare this supposedly edifying testament to the faith and morality of the Americans to Mill’s anger and indignation at the fact that, in 1857 at the Old Bailey in London, “two persons, on two separate occasions, were rejected as jurymen, and one of them grossly insulted by the judge and one by the counsel, because they honestly declared they had no theological belief.”118 Unquestioned and widespread belief may provide certain “fixed points” and a kind of stability. This stability comes, however, at the price of effectively disenfranchising religious, political, and cultural dissidents.

Like many in the United States today, Tocqueville did not think this was too steep a price to pay. On the contrary, he thought that unbelievers and those whom he calls “materialists” were dangerous to the moral health of society and therefore should be denied any positive legal, cultural, or political recognition. “If among the opinions of a democratic people,” Tocqueville writes, “any of those wicked theories that intimate that everything perishes with the body, you must regard those who profess such theories as natural enemies of the people.”119 Why? Because philosophies, political theories, and scientific ideas that promote disbelief in God and the immortality of the soul are dangerous and demoralizing for society at large.

Such had been the case in France, according to Tocqueville. The philosophes of the Enlightenment were read by the upper classes. As a result, “unbelief established itself first in the minds of the very people who had the most personal and pressing interest in keeping the state in order and the masses obedient.” And not only did “enlightened” aristocrats and bourgeois welcome unbelief, “in their blindness they spread it downward.”120 From there it was but a few steps to the impious and uncontrollable violence of the revolutionary mob.121 The French Revolution may have been “prepared” by “the most civilized classes of the nation.” However, it was carried out by “the most coarse and ignorant,” those who no longer had the fear of God to restrain them.122 The result, in Tocqueville’s view, was a catastrophe of world-historical proportions.

Because Tocqueville held strong opinions about such “wicked” (malfaisantes) ideas and theories, it is not surprising to find him (in The Old Regime and the Revolution) wishing that the Church and the monarchy had carried out a full-scale repression of the anti-Christian writers of the Enlightenment. Instead, “authors were persecuted only enough to make them complain, not enough to make them afraid.”123 Intolerance could not be half-hearted. Given the stakes—the demoralization of society and the
possibly violent overthrow of the *ancien régime*—effective censorship was not only called for, it was imperative. The “dangerous literature” spawned by Diderot, Helvétius, d’Holbach, and the rest should have been burned, not read.\footnote{124}

These are, of course, Burkean ideas, even though Tocqueville has seen fit to clothe them in Catholic vestments. They reveal just how fragile Tocqueville thought mores, habits, opinions, and customs were, at least in Europe. They also reveal Tocqueville’s antipathy toward the skeptical authors whom he had read at the age of sixteen, in his father’s library in the prefecture of Metz. It was these writers who infected him, for the first time, with doubt. And doubt, for Tocqueville, was to prove a personal enemy of long standing. Writing to his friend Charles Stoffels in October 1831, Tocqueville recalls the dissipation of his religious certainty in his father’s library at Metz:

> When I first began to reflect, I believed that the world was full of demonstrated truths; that is was only a matter of looking carefully in order to see them. But when I sought to apply myself to considering these objects, I perceived nothing but inextricable doubts. I cannot express to you, my dear Charles, the horrible state into which this discovery threw me. That was the unhappiest time of my life; I can only compare myself to a man who, seized by dizziness, believes he feels the floor tremble under his feet and sees the walls that surround him move; even today, I recall that period with a feeling of horror. I can say that then I fought with doubt hand to hand, and that it is rare to do so with more despair. . . . I consider this doubt to be one of the greatest miseries of our nature; I place it immediately after illness and death.\footnote{125}

That doubt is a Pascalian worm that never leaves once established is testified to by Tocqueville’s letter, some twenty-six years later to Sophie Swetchine, in which he recalls the episode at Metz in virtually identical terms:

> My life until then had developed in a setting full of faith, which hadn’t even allowed doubt to touch my soul. Then doubt entered or rather thrust itself in with unheard of violence, not merely doubt of this or that, but universal doubt. I experienced suddenly the sensation described by those who have witnessed an earthquake, when the earth was trembling beneath them, the
walls all around them, the ceiling above their heads, the furniture around them. . . . I was seized by the blackest melancholy. 126

And, again in the letter to Mme. de Swetchine, Tocqueville confessed that “from time to time these impressions of my early youth . . . take possession of me again; I then see the intellectual world spinning and I am left lost in the universal movement which overturns or shakes all the truths on which I have built my beliefs and my actions.” 127

These letters enable us to understand more deeply Tocqueville’s view of dogmatic opinions as salutary, rather than deadening (as Mill was to view them). The personal shaking of faith, combined with the very real “earthquake” of the French Revolution, produced in Tocqueville a yearning for certainty and a deeply nostalgic view of religion generally. Like Tocqueville himself, France had lost her faith, thanks to the Enlightenment and to the short-sightedness of the literate classes. 128 If only one could somehow return to a world uninfected by doubt. Paradoxically, Tocqueville thought he found in such a world in America, the “land of the future.” 129 The religiosity of the Americans, combined with the stability of their republic, confirmed Tocqueville in the opinion that a shared general faith was crucial to social stability, and that only by learning the lessons religion teaches could France ever hope to escape the periodic aftershocks of the Revolution. To paraphrase Françoise Mélonio: if the first volume of Democracy in America sought to elucidate the institutional prerequisites of an ordered democracy, the second volume sought a “religious pedagogy of the spirit of liberty.” 130

When we add these various elements together—Tocqueville’s view of the social role of religion, his insistence that a certain set of dogmatic beliefs was a good thing, his critique of the Enlightenment, and his own personal struggle with what he saw as the corrosive effects of doubt—it is hard to escape the conclusion that Tocqueville proposed to fight the political form of the tyranny of the majority with a social form of the tyranny of belief. The conformism implicit the typical American’s view that no civilized society can subsist without religion, and that “respect for religion” is “the greatest guarantee of the stability of the state and the security of the individual” yields a kind of herd mentality, albeit one with which Tocqueville is completely comfortable. 131 American middle-class mores, faith, and ideas are, in their very narrowness and uniformity, one of the most potent guarantees of social stability. 132
We see, then, how a faith-based concern with what contemporary conservatives like to call the “demoralization of society” ultimately came to overshadow Tocqueville’s more attractive concern with a “manly” form of political liberty, one not afraid of dissent or of going against the grain. This evolution, in which the fear of doubt trumps the call for independence of mind and action, is understandable in light of Tocqueville’s sociological analysis and his concern with atomization. But it also is almost predictable once we take into account Tocqueville’s personal experience of the radical isolation and debilitating uncertainty caused by doubt. This experience gave rise to a supremely sentimental view of religion in general and the Christian faith in particular.

Such sentimentalism about religion is utterly absent from both Hegel and Mill, even though Hegel would agree with Tocqueville that (on the whole) a consensus on the basic norms, customs, and attitudes is and must be one of the defining characteristics of a healthy Sittlichkeit. The contrast with Mill is more striking. These two “aristocratic liberals,” so often viewed as joined at the hip, are separated by a wide gap on the question of whether shared belief supports or undercuts liberty. As we shall see in the next chapter, this gap widens into an abyss over the question of whether dogmatic belief, together with custom and convention, is something to proudly upheld in the face of science, skepticism, and materialist theories of politics and society; or whether it is something that threatens to turn life into a stagnant pool devoid of both mental energy and real individual liberty.\textsuperscript{133}

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The extent of Tocqueville’s advocacy of the cure-all potential of religion becomes even more apparent when we turn to consider what are, in his view, the two other characteristic pathologies of modern democracy, individualisme and an ever-expanding taste for material well-being. As we have seen, Tocqueville thinks that free institutions, with their numerous channels for political participation by ordinary citizens, provide the central bulwark against the individualism that democratic equality naturally creates through its destruction of a hierarchical society, one in which everyone had their assigned place. But even here, religion has a role to play, and a considerable one at that. For it is precisely through shared belief in Christian morality that the Americans make a moral community out of atomized individuals.\textsuperscript{134}
This fact, in combination with the release of associational energies by free institutions and civil society, more than balances the otherwise contractual basis of the new republic. Knit together by their local institutions, an energetic associational life, and the moral norms of a shared Christian faith, the Americans’ restless pursuit of individual interest and uncommon destinies occurs within the solid frame of a community. Contra Hegel, who believed that the United States could hardly maintain an authentic form of ethical life because of its lack of a real state, Tocqueville demonstrates, at least to his own satisfaction, how the spirit of liberty and the spirit of religion complement one another, concretely actualizing the customs, habits, mores, and ideas—the Sittlichkeit—necessary for a genuine community.

Providing an antidote to the poison in the democratic taste for material gratification is a trickier, albeit more direct, task. Tocqueville leaves little doubt that he considers a life spent solely in the pursuit of bourgeois or middle-class comforts to be contemptible. Such a life both contributes to and manifests the destruction of public life. It prefers order to a potentially dangerous freedom and is a way of life encouraged by those who seek to monopolize public life, authority, and judgment. Tocqueville sees the American desire for material gratification as equal to, if not actually surpassing, that of the typical French bourgeois. This would be extremely worrisome were it not for the fact that the Americans marry this taste to an admirable public spirit and widespread political participation in local institutions. But such public spirit and participation is, as Tocqueville knew well, threatened by a culture fixated upon the pursuit of self-interest, commercial activity, and the ultimate goal of making a fortune.

Tocqueville thinks that it is only because the Americans are religious that clear limits are placed upon their fixation. This is why religion should be considered “first” among American political institutions and a primary contributor to the ordered maintenance of all the others. The potentially debilitating pursuit of wealth and material gratification is offset by the relatively simple means of a strictly kept Sabbath. This is no mere day of rest. It is through the suspension of commercial and industrial life and regular church worship on the Sabbath that “the American . . . escapes from his own clutches, as it were, and, freeing himself for a moment from the petty passions that agitate his life and the fleeting interests that fill it, enters all at once into an ideal world where all is great, pure and eternal.”

If the taste for material gratifications becomes excessive, “it soon leads men to believe that everything is mere matter” and to the conclusion that
there is no reason not to pursue these gratifications with “wild ardor” 
(une ardeur insensée). The Americans protect themselves from this “fatal” 
malady through their regular religious worship. Their belief prevents their 
democracy from devolving into an agitated collection of self-interested 
egoists, eager only to gorge themselves on material comforts. No wonder 
Toqueville thinks that “Christianity must be maintained at all cost in the 
breast of the new democracies.” Democracy without religion is prey to 
not only to anarchistic abuse of political freedom; it also is prey to the 
dissolution of whatever civic virtue its citizens might possess. Toqueville 
presented this thesis as the commonsense view of the average American, 
and he sought—unsuccessfully, it must be said—to convince his fellow 
French notables of its “undeniable” truth.

V. The Physiognomy of the Future

Democracy, then, has several potential pathologies in Toqueville’s view, 
including an overcentralization of power, the privatization of citizens, a 
rising tyranny of the majority, and a pervasive demoralization resulting 
from the growth of materialist values and ideologies.

The example of the United States had demonstrated to Toqueville that 
democratization need not lead inevitably to centralization. Likewise, the 
American example suggested ways by which the other potential patholo­
gies could be avoided. These included the establishment of local free insti­
tutions, the encouragement of a robust civil society and associational life, 
and—last but not least—the moralization of society through a continued 
(or resumed) adherence to religious (Christian) belief.

This is the hopeful side of Toqueville. The irresistible democratization 
of the great Western nations could be regulated and channeled by politi­
cal elites. Aided by Toqueville’s diagnosis, they will have the foresight to 
recognize such worrisome tendencies from afar, and they will have the 
courage to make the legal, institutional, and indeed moral changes neces­

cary for the worst to be avoided.

What is the worst? We have already seen the answer in the passages I 
cited at the beginning of this chapter. What should be feared, and what 
should give “enlightened” legislators and the educated classes generally a 
profound unease, was the creation of a society in which equality of con­
dition—leveling—had reached its limit, obliterating whatever pockets of 
political and personal freedom had survived the first wave of centraliza­
tion of political and administrative power. This is a society stripped of all intermediary powers and all genuinely local administration. It is a society in which rampant *individualisme* causes citizens to fall back upon themselves and to ignore public affairs almost entirely. It is a society in which the growth and concentration of industrial power leads to an ever more expansive supporting role for the state, culminating in the state’s usurpation of the directing role previously held by private individuals and corporations. Finally, it is a society in which “citizens are constantly succumbing to the control of the public administration” to the point where the very same men “who at one time or another in the past toppled a throne and rode roughshod over kings are increasingly likely to bend without resistance to the merest whims of a clerk.”

Once fully established, Tocqueville predicts, the centralized administrative state will embrace society as a whole, spreading “a fine mesh of uniform, minute, and complex rules through which not even the most original minds and most vigorous souls can poke their heads above the crowd.” The “immense tutelary power” of the state institutes a “regulated, mild, and peaceful servitude” unlike any form of domination previously known. This mild despotism does not merely concern itself with the bodies of its citizens, it penetrates their souls through its population management and regulatory zeal. In this way, Tocqueville thinks, men will be rendered utterly dependent upon the central power. In the process, they will lose the ability to “think, feel and act on their own.” Thus tamed and subjected, the citizen body also loses its capacity for moral and political judgment, making it incapable of, or exceedingly inept at, the exercise of what few civic responsibilities it retains. Having completely abdicated “the habit of managing their own affairs,” the electoral choices of citizens will be blind. “It is impossible to believe that a liberal, energetic, and wise government can ever emerge from the ballots of a nation of servants.”

Tocqueville’s anticipation of Max Weber and Michel Foucault’s respective criticisms of a bureaucratically rationalized and “disciplinary” society in the final pages of *Democracy in America* is truly stunning. Like Weber, Tocqueville firmly rejects the idea that increasing state control of the economy would lead to anything like the free association of producers envisaged by Marx. And, like Foucault, he stresses how everyday disciplines and regulations bend the soul, creating a docile and subservient (“normalized”) fulfiller of functions, rather than an individual possessed of a “manly independence” and the desire to resist. Yet it must be said that
both Weber and Foucault embody the spirit of resistance to a bureaucratized and disciplinary society more authentically than Tocqueville. Why is this the case?

The answer takes us back to Tocqueville’s attitude toward the people and what used to be called “the social question.” Like many an aristocratic landowner, Tocqueville had a fairly abstract and undifferentiated idea of the masses below him. His fear and loathing of the Parisian workers and artisans who revolted in February and June 1848—nicely captured by his recollection of what he shouted at Ampère in one of the epigraphs to this chapter—is all too typical of men of his class and position. Like his peers, Tocqueville had little knowledge of, or concern with, the struggles of the working men and women of his time. And, like many of his colleagues in the Chamber of Deputies, he found the entry of la question sociale into legislative discussion disquieting in the extreme. It seemed to be an attack on the right to property itself, an attack that would produce the “most terrifying of revolutions.”

This explains Tocqueville’s unyielding opposition to the right to work (droit au travail) pledge made by the provisional government on February 25, 1848, and to the subsequent establishment of national workshops (ateliers nationaux) as a kind of make-work program for the unemployed. It explains his dismaying tendency to label all theories and positions to the left of his “socialist.” An excerpt from the manifesto he prepared in October 1847—which he significantly reproduces in the Recollections—reveals his general thinking on this score:

The right to property is the last remnant of a destroyed aristocratic world, and alone it stands, an isolated privilege in a leveled society; when it no longer has the cover of other more doubtful and more hated rights, it is in great danger; it alone now has to face the direct and incessant impact of democratic opinions. . . . Soon the political struggle will be between the Haves and the Have-nots; property will be the great battlefield; and the main political questions will turn on the more or less profound modifications of the right of property owners that are to be made. Then we shall again see great public agitations and great political parties. Why is everybody not struck by the signs that are the harbingers of this future? Do you think it is by chance, or by some passing caprice of the human spirit, that on every side we see strange doctrines appearing, which have different names, but which all deny the right of property, or, at least, tend to limit, diminish
or weaken the exercise of that right? Who can fail to recognize in this the last symptom of the old democratic disease of the times, whose crisis is perhaps approaching?  

Insofar as Tocqueville does embody the spirit of resistance, it is, need­less to say, resistance of a peculiar and limited sort. He truly loves liberty, but the liberty he loves is hardly one in which people from all classes participate in debate and deliberation in the public realm. The mere broaching of *la question sociale*—the fact that working-class “passions” have “changed from the political to the social”—is indicative of the “coming overthrow of society.” Political participation and association may “en­large the heart” and widen the moral perspective of ordinary citizens, but when these citizens slip their leading strings and take to the street in the name of limited social reforms, Tocqueville more than blanches. Recalling the early phase of the Revolution of 1848 (well before the working-class insurrection of the June Days) Tocqueville writes

> It was an extraordinary and a terrible thing to see the whole of this huge city [Paris], full of so many riches, or rather the whole of this great nation, in the sole hands of those who owned nothing; for, thanks to the centralization, whoever reigns in Paris controls France. Consequently the terror felt by all the other classes was extreme; I do not think that it had ever been so intense at any other moment of the revolution, and the only comparison would be with the feelings of the civilized cities of the Roman world when they suddenly found themselves in the power of the Vandals or Goths.

With such an attitude, it is hardly surprising that Tocqueville thought the leftward drift of the February revolution could “only be stopped all at once, by a great conflict.” Moreover, he thought it desirable that the forces of order “seize the first opportunity to give battle” in order to defeat what he saw as the growing and dangerous ambitions of the people.

So what kind of liberty, and what kind of resistance, does Tocqueville stand for? It is a liberty that is distinctly aristocratic in tone, one that is “manly and independent” and equally scornful of the materialism of the bourgeoisie as well as the “impatience” and “recklessness” of the workers. The dilemma into which this conception thrust him—where could he find allies in preserving and protecting such liberty?—was oddly parallel to the one that Weber confronted in his 1895 inaugural lecture at Freiburg. If the
bourgeoisie were too craven and apolitical, and the workers too ignorant and inexperienced, where could one turn? Who was capable of carrying what the young Weber called “the spear of leadership”? The aristocratic or landowning classes? The class of notables or professional politicians? None of these options would do. The result is that Tocqueville wound up, much like Weber, politically isolated, predicting almost inevitable doom arising from the broad centralizing and leveling tendencies of his time.

The situation is all the odder in light of Tocqueville’s fear of a nation reduced to “a flock of timid and industrious sheep.” The contrary of such docility is self-assertion and resistance. And, as Tocqueville knew better than most, all such self-assertion and resistance, if it is to be politically meaningful, must take the form of acting together, “acting in concert.” It is only if one shares Tocqueville’s somewhat hysterical fear of the sky falling if *la question sociale* finds its way permanently into the constitution of France (or any other country) that his refusal to grant the people of Paris such freedom makes any sense. They are “unfit for liberty” precisely because they have acted for a wide-ranging set of reforms, the creation and empowerment of workers’ associations, and the establishment of a democratic and social republic. Indeed, as his outburst to Ampère and his desire to finish once and for all the movement that gave rise to the February revolution indicate, Tocqueville’s legitimist instincts remained intact. He would never be a true republican, and he could never be the friend of a people that had, apparently, lost all respect for “forms” and all deference to authority.

It is in the context of his long-held aversion to the very idea of social democracy that we should read Tocqueville’s warnings about administrative despotism and its new, mild form of tyranny. Democracy (understood as a *condition sociale* rather than as a form of government) had transformed France and the United States by the complete elimination of rank and privilege. This transformation, in and of itself, was an awesome achievement, one that inspired a kind of religious terror in Tocqueville. It is hardly an exaggeration to state that the entire sociology of *Democracy in America* turns on Tocqueville’s fundamental distinction between aristocratic and democratic societies. Everything Tocqueville has to say about atomization, individualism, the love of equality versus the love of freedom, and the rise of materialist tastes and values is cast against the backdrop provided by this fundamental distinction.

The leveling character of democratic equality was, in Tocqueville’s view, tremendous and irresistible. There was no corner of culture, of manners
and mores, or of relations between the classes that it did not touch. Yet, politically speaking, democratic equality had to be contained safely within the channels of representative democracy and established legal, constitutional, and political forms. Otherwise the rising tide would become a flood, one that would destroy not only limited government but also the “last privilege” left in society, namely, that of private ownership (of land and agriculture, industry, financial institutions, etc.).

The dystopia presented in the second volume of *Democracy in America* is thus a depiction of what will happen if a democratic people misuses its (potentially unlimited) sovereignty in order to bring about a state that provides substantive social assistance. The picture Tocqueville paints is, as I said earlier, a haunting depiction of a society bereft of genuine individual or public freedom. It is a picture of a would-be democratic people in docile submission to the very state apparatus that their social demands and desire for material well-being helped to create. Such dependence upon the state—for education, healthcare, employment assistance, even food—creates nothing less than a new, modern form of subjugation. The people, caught up in the “religion” of equality, run happily to their chains without any concern for the future of liberty.

In a word, “democratic despotism” takes the form of what we today call the welfare state—perhaps the greatest and most lasting accomplishment of the European social democratic movement in the twentieth century. Reading the concluding chapters of *Democracy in America*, we might well expect Western Europeans to have become little more than sheep who lack real property rights. Reading the rest of the work, we Americans also might take comfort and pride in the fact that our tradition of “manly self-reliance” and self-assertion has largely continued, despite the inroads the welfare state has made in the form of New Deal legislation. The facts, however, speak otherwise. The European social democracies have not reduced their citizens to the status of timid and industrious animals. “Self-reliant and self-assertive” citizens of the United States, in contrast, have been all too willing to cede a substantial portion of their liberty and privacy rights to the national security state. At the same time, a startling concentration of wealth in the top 5 percent of the population, the evisceration of the labor and union movements, and the hypercompetitiveness of the global economy have done much to reduce many citizens of the United States to “timid and industrious animals” thankful to have their current employment, no matter how insecure and unfulfilling that employment might be. Contra Tocqueville, the road to
democratic despotism may well run through the free enterprise system, at least as it currently exists in the United States. His inability to see concentration of wealth as potentially the greatest threat to liberty stands as yet one more proof of the limits to his predictive powers.

VI. Conclusion: Tocqueville, Hegel, and the Problems of Modernity

In his laudatory review of the second volume of *Democracy in America*, J. S. Mill allowed himself to make but one criticism of the work. It is, if not a fatal objection to Tocqueville's argument, a criticism that hits home nevertheless:

M. de Tocqueville . . . has, at least apparently, confounded the effects of Democracy with the effects of Civilization. He has bound up in one abstract idea the whole of the tendencies of modern commercial society, and given them one name—Democracy; thereby letting it be supposed that he ascribes to equality of condition, several of the effects naturally arising from the mere progress of national prosperity, in the form in which progress manifests itself in modern times.159

It makes a profound difference whether the pathological effects Tocqueville identifies with a democratic social condition are actually the result of broader tendencies within the modern age itself. For if it is modernity, not democracy, that promotes atomization, individualism, conformity, and materialism, then it no longer makes sense to single out mores (in the sense of habits, attitudes, and beliefs) as the crucial ingredient whose reform just might help to cure society's ills. No doubt national customs and mores are important. They clearly have some impact on the kind of political regime one winds up with, and on how that regime operates. But they have little or no impact on such quintessentially modern phenomena as secularization, industrialization, bureaucratization, and the concentration of wealth and power.

These phenomena are present everywhere in the modern world. They take on pretty much the same shape and produce pretty much the same effects, regardless of national culture and the condition of a particular people's manners and mores. Even more important, they occur across widely different political regimes. We can give Tocqueville credit for identifying
and analyzing problems that are still our problems. Having wrongly identified the cause, however, it is probable that some if not all of the cures he espoused are off target as well.

From Ferdinand Tönnies and Émile Durkheim forward, the problems Tocqueville identified have been viewed by social theorists as characteristic of modern society as such. At one level, the answer as to why Tocqueville failed to see his own sociological insight is simple. He was preoccupied with France’s inability to reach a stable political settlement after the Revolution, and with the distressing possibility that democracy and centralization might be inextricably intertwined. Hence the trip to America and Tocqueville’s delight at finding a society that seemed, at first glance, to run by itself.

Hegel, in contrast, had specifically thematized modern society as his object of analysis and thus was led to probe more deeply into the causes of atomization, individualism, and the rise of materialist values. Although he was as vehement as Tocqueville on the subject of customs and mores, he nevertheless had a vastly more expansive, indeed world-historical, outlook. This is why the fundamental distinction in Hegel’s social and political writings is not between aristocracy and democracy, but between the ancien régime and the modern age (die neue Zeit). He loathed the former and welcomed the latter, even though he was fully aware of the potential dangers and pathologies faced by modern society. One could hardly imagine Tocqueville echoing Hegel’s salute of the “glorious mental dawn” (ein herrlicher Sonnenaufgang) brought about by the Enlightenment and the French Revolution. Tocqueville was no rationalist, not even the kind sensitive to historical context.

The predictable response to this observation from his admirers would be that Tocqueville, more effectively than Hegel, had identified rationalism’s blind spots. Hence his focus on mores, customs, and beliefs as the crux, rather than on the question of how much rational content they contained. Today’s Tocquevillian also could point to Hegel’s “naïve” faith in the progress of Spirit, citing the entirety of the twentieth century as evidence of a contrary movement.

These are valid points. Hegel surveyed the entirety of the civilized past (or so he thought) and found it, on the whole, worthy of blessing. It had brought us to where we are today, conscious not just of our freedom but also of the need to finish constructing a cultural and institutional world in which this freedom becomes fully concrete. Tocqueville, on the other
hand, viewed the future with apprehension if not outright trepidation, for the reasons discussed. Neither thinker is fully right or fully wrong on this score. Our experience, though, makes it much easier to share Tocqueville’s apprehension than to share Hegel’s “optimism.”

The key question, however, is, What is the root source of Tocqueville’s apprehension? A strong case can be made that it was the primal image of popular sovereignty (in the form of the Parisian mob) unbound during the most violent phases of the French Revolution. Unlike many of his aristocratic brethren, Tocqueville welcomed the democratic revolution in general terms, primarily because he thought the elimination of rank and the recognition of human moral equality was a great step forward. Democracy, not aristocracy, had justice on its side. But he deeply feared the demos. The people’s ambition was not merely to escape oppression and domination (as Machiavelli claimed in the Discourses, book 1, chapter 5). Rather, it was to exercise or create a power that was essentially despotic in nature, a volonté générale that crushed all in its path, including that most basic guarantee of liberty, the institution of private property. The specter haunting Democracy in America and, indeed, the entirety of Tocqueville’s political thought, is the possibility of what Talmon[6] dubbed totalitarian democracy. Equality unbound, not the return or residue of hierarchy, was the greatest enemy of liberty.

This idea still has a great cachet in conservative circles. What makes it increasingly dubious, however, are the transformations in our social and economic circumstances since the 1890s. An aristocracy of manufacturers did arise in America—and in Europe—during the latter half of the nineteenth century. The corruption of the Gilded Age is legend. In more recent times, this aristocracy of manufacturers has been replaced by a similarly corrupt financial and corporate elite, one with little or no sense of solidarity with ordinary people or, indeed, the common good of their native countries (unless, of course, that common good is sophistically defined as identical with their own financial and corporate interests). The middle class is in decline and the poor must make do with a welfare program that is far less generous than its critics pretend. In short, equality is not our problem. Inequality is.

* * *

If we step back from their divergent attitudes toward the new age, we see that Hegel and Tocqueville are remarkably close in their diagnosis of the
fundamental problem of modern, postrevolutionary society. This problem is, as we have seen, “individualism,” a term of art that is shorthand for atomization and privatization, and that points to the emergence of an unstructured and in many ways incoherent society. Such a society, Hegel and Tocqueville agree, generates a high level of alienation and anomie, as well as generalized feelings of impotence and a simmering resentment among the lower classes. The only way to put an end to recurring cycles of political and social violence, in their view, was to identify effective structures and strategies of social integration. Wisely constructed and artfully deployed, such instruments could effectively reconcile the atomized particular with the (now seemingly remote and abstract) universal.

This emphasis on strategies of integration has made Hegel and Tocqueville attractive to communitarian-leaning critics of liberalism. What the modern, secular, postindustrial world clearly lacks, such critics contend, are the beliefs, practices, and integrating social and political institutions that are necessary to generate demonstrable feelings of community and solidarity. Hegel and Tocqueville, they argue, show us how such feelings might be created and given a real institutional home in the modern world. However that may be, the Hegelian and Tocquevillian “solutions” to the problem of community in the modern age come at a rather steep price, regardless of whether we are talking about their time or our own.

Hegel’s strategy for integration into modern states relies heavily upon more or less traditional corporate and class identities. Only insofar as these identities are tangible and widely recognized does the Hegelian project of integrating otherwise privatized individuals into the broader structure of the comprehensive state make any sense. The result is a kind of halfway house between the old society and the new. Where corporate identity provides one of the primary means of social integration, it is essential that the requisite groups be either recreated or preserved—subject, of course, to the principle of “the career open to talents.” The Hegelian citizen identifies more or less fully with his group, and this identification serves as the basis for his further identification with the state and its ethical life. Moral and political dissidents, eccentric individualists, and the forever unintegrated “rabble” are neither accommodated nor welcome in this vision of organic integration. Such individuals and groups reside on the margins of society, as well they must in Hegel’s view. Hence, the chief pedagogical task of the political philosopher is the cultivation of insight into, or at least belief in, the rational structure of the modern state along with its capacity
to fulfill the needs—material, social, and psychological—of the average citizen.

In Tocqueville, the strategy of integration is at once different and—on the face of it, at least—more appealing. Through participation in associational life (in the broadest sense of the term) individuals come to learn the extent of their dependence upon one another. This generates a keen sense of the close connection between the individual and the community as well as between private and public interests. As long as associational ties remain strong, the society in question will not succumb to the twin dangers of either an extreme individualism or a selfish, unpatriotic, and irreligious materialism. Best of all, the lessons of interdependence and solidarity born of the art of association are lessons ordinary people can teach themselves. Their participation in free institutions, local administration, and social and cultural associations can thus successfully stem the tide of democratic dissociation.

This all sounds wonderful. However, it presumes, as Tocqueville was at pains to point out, the existence of the “free moeurs” that a tradition of self-government and an active religious life produce. It also presumes a level of material equality not found in much of the world. There are, Tocqueville notes, rich men in America, but they are careful to conceal their riches in deference to the democratic mores entrenched all around them. As for the poor, they exist in America, but they are not nearly so numerous as in the Old World. In other words, it is only in a relatively prosperous, religious, and middle-class country that the lessons of healthy and ordered democracy can actually be learned by doing. In societies not so happily situated, these lessons must be imparted by an elite of notables in a very gradual, step-by-step pedagogical process. At no point in the process should the “students” be allowed to slip their leading strings, if only because—in their untutored state—they will be subject to “savage passions” that they are incapable of controlling. Their apprenticeship to liberty will, as a result, be a long one, guided by a political elite rather than by a single master.

Here we return to one of the hoariest of justifications for aristocratic rule: only those who can control themselves, the aristoi, are worthy of wielding political power and controlling others. Tocqueville does not think a return to outright aristocratic rule is either possible or desirable, nor would it be morally justifiable. But we should note that his primary strategy for integration—the first step in the preparation for leading a self-governing life—is a moralizing instruction in mores (by the Church or other religious
institutions) and the gradual opening of local institutions to popular political participation. By these two avenues, the people will learn what it means to be responsible, liberty-loving citizens. The \textit{demos}, in short, must be tamed before it can be fully integrated into public-political life.

I have already noted how such taming requires a surprising degree of conformity and the acceptance of a number of religious and moral dogmas. What has not been noted, at least not in theoretical terms, is Tocqueville’s surprising reliance upon a very traditional model of authority and deference to elites. Democracy may destroy most if not all of the \textit{ancien régime}, but as long as certain traditional patterns of deference hold, all is not lost.

Thus, in the middle of the chaos of 1848, Tocqueville returned home to Normandy and stood as a candidate for the National Assembly in the department of La Manche. As he records in his \textit{Recollections}, he was buoyed by the hostility of French provincials to what he called the “demagogy of Paris.” He also was buoyed by the success of an election circular he wrote, in which he made clear his strident opposition to those “who think that the Republic should not only change political institutions, but reshape society itself.” This circular made him, as he less than modestly remarks, “the most popular man in the department of La Manche and the cynosure of all eyes.” The common people recognized the scion of their provincial nobility to be a man of principle and honesty, one who possessed an ardent “anti-Revolutionary faith.” Tocqueville’s enormous success in the election—he won 110,704 votes out of an estimated 120,000—demonstrated to him just how important the old patterns of deference—at least as they were adhered to by the common people in the provinces—were to the ultimate stability of the Republic.

This puts a slightly different spin on the otherwise praiseworthy Tocquevillian theme of decentralization. It reminds us that many of the \textit{pouvoirs intermédiaires} whose eclipse Tocqueville mourned were, in fact, deeply conservative if not reactionary institutions (the local \textit{parlements} and manorial courts, for example). Breathing new life into them, or providing a modern equivalent, would not only help decentralize increasingly concentrated political power. It would help ensure victory for provincial conservatism and \textit{bon sens} over the increasingly incendiary radicalism of the métropole.

Thus, if French peasantry lacked the requisite “free \textit{mœurs}” necessary for self-government, they at least retained enough of their traditional mores to put their faith in the \textit{seigneur}. Bondage may have—happily—been
overcome, but the master still retained much of his status in the eyes of his social inferiors. This, to Tocqueville, was a healthy habit upon which the turn to an ordered democracy in France hinged. In addition to providing honest and trustworthy representatives, the old elite was—at least in the provinces—the acknowledged teacher and leader in matters of government and politics. This was as it should be, for—in the words of Mill—“the idea of a rational democracy is, not that the people themselves should govern, but that they have security for good government.” And good government was impossible without the presence of a knowledgeable and virtuous elite, most easily drawn from the old families.

I should, finally, note one of the more obvious traits linking the “statist” Hegel with his putative opposite number, Tocqueville. The driving motivation behind their respective political theories is the desire to finally have done with violent social and political conflict, at least insofar as it occurs within the confines of the nation-state. Although sensitive to the class differences underlying social and political conflict in France, England, and the German Länder, neither Hegel nor Tocqueville could have endorsed Machiavelli’s idea that, properly channeled and institutionalized, conflict can be an important source of liberty.

Both Hegel and Tocqueville expect tensions to arise within the political association, but they want to see them eased by the elaborate systems of mediation, integration, and civic Bildung they respectively endorse. Such tensions also are eased by the fact that, in both the Hegelian rational state and Tocquevillian civil society, citizens share many of the same customs, opinions, and fundamental ideas about justice and equality. In a passage that Hegel would have seconded, Tocqueville writes, “I will never agree that men form a society by the simple fact that they recognize a common ruler and submit to the same laws; a society exists only when men consider a great number of things from the same point of view, when they have the same opinions on many subjects.”

The result of this shared focus on integration and avoidance of conflict are political theories that are, at a fundamental level, curiously apolitical. This is true even in the case of Tocqueville, whose praiseworthy desire to spread political life over the entirety of the political association is undercut by his confinement of such life—at least for the majority of ordinary citizens—to matters of “local administration.” In this regard, both he and Hegel remain faithful to the mainstream of the Western tradition of political thought. This tradition was guided, from the Greeks to the
Middle Ages and up to the Renaissance, by the twin goals of concord and *homonoeia*. They were the goals of Hegel and Tocqueville as well. They both wished to see the people firmly integrated into a web of associational ties devoid of any real oppositional purpose or energy. Then, and only then, would the “age of democratic revolutions” finally come to an end.
For really I think that the poorest he that is in England has a life to live as the
greatest he; and therefor truly, sir, I think it’s clear that every man that is to live
under a government ought first by his own consent to put himself under that
government; and I do think the poorest man in England is not at all bound
in a strict sense to that government that he has not had a voice to put himself
under. . . . And I would fain know what we have fought for—for a law which
denies the people the franchise? And this is the old law of England, and that
which enslaves the people of England: that they should be bound by laws which
they have no voice at all!

Col. Thomas Rainsborough at the General Council of the Army, Putney,
October 29, 1647

Entire exclusion from a voice in the common concerns, is one thing; the con-
cession to others of a more potential voice, on the ground of greater capacity
for the management of joint interests, is another. The two things are not merely
different, they are incommensurable. Every one has a right to feel insulted by
being made a nobody, and stamped as of no account at all. No one but a fool,
and a fool of a peculiar description, feels offended by the acknowledgment that
there are others whose opinion, and even whose wish, is entitled to a greater
amount of consideration than his. To have no voice in what are partly his own
concerns, is a thing nobody willingly submits to; but when what is partly his
concern is also partly another’s, and he feels the other to understand the subject
better than himself, that the other’s opinion should be counted for more than
his own, accords with his expectations.

Mill, Considerations on Representative Government

I. Introduction

Tocqueville and John Stuart Mill are often seen as two
peas in a pod, the purveyors of an “aristocratic liberalism” that emphasized
respect for individual rights and freedoms, on the one hand, while decry-
ing the advent of mass society and the “tyranny of the democratic major-
ity” on the other. There is more than a grain of truth to this characteriza-
tion.1 There is an undeniable continuity between Tocqueville’s work and the
main themes of Mill’s writing on politics, a fact demonstrated by the most
cursory inspection of the latter’s 1835 review of volume 1 of Democracy in
America in the London and Westminster Review (October 1835) and his
subsequent review of volume 2 in the Edinburgh Review (October 1840).

Mill’s two reviews are extremely laudatory and are at least partly re-
sponsible for the widespread characterization of Tocqueville as “the new
Montesquieu.” Both contain a surprising number of lengthy excerpts from
Democracy in America. This rhetorical strategy allows Tocqueville to speak
for himself on a number of crucial topics (the coming triumph of demo-
cratic equality; the need for the education and regulation of democracy;
the importance of political participation; centralization, and others) while
enabling Mill to drive home and modify Tocqueville’s arguments in a man-
ner more suited to an English audience, one unfamiliar with developments
in political thought on the continent.

The most striking continuity concerns, of course, Tocqueville’s theme
of the “tyranny of the majority.” Both Tocqueville and Mill are sympathetic
to the idea of universal manhood suffrage, but they are also extremely
alarmed by the prospect of too much democracy, too soon. This fear arises
from a shared and not entirely inaccurate sociological model, one in which
the people are identified with the class of manual laborers (both agricul-
tural and industrial) who lack the time, the education, and the experience
to fruitfully take part in the political process.2 Yet it is precisely this class
that would be in the majority in any future French or British democracy,
and whose voice would become, as the old saying goes, “the voice of God.”
Hence, as Mill writes approvingly of Tocqueville, “no one is more opposed
than he to that species of democratic radicalism [e.g., that of the French
Revolution in 1792, or of Bentham and James Mill] which would admit
at once to the highest of political franchises untaught masses who have
not yet been experimentally proved fit even for the lowest.”3 Tocqueville
himself is even more succinct: “Universal suffrage therefore truly hands
the government of the society to the poor.”4

For both thinkers, then, democratic freedom leads, or can lead, to a
rage for equality and the destruction of any and all forms of authority (po-
itical, moral, cultural) apart from that of the majority itself.5 This is the
great potential tragedy of democracy—not the anarchy born of too much
liberty, as Plato suggested, but the political emasculation of those in society with experience, education, and judgment. Unless the transition was gradual—and, heaven knows, in France and Britain it certainly turned out that way—a vastly expanded electorate would find itself faced with decisions and judgments it was, in Tocqueville and Mill’s estimation, manifestly ill equipped to make. Unless the “enlightened classes” in both countries could find means of gradually and effectively educating their less well situated compatriots, democracy would lead nowhere good. At best, the result would be bad government by the ignorant many. At worst, it would end in their seduction and betrayal by an unscrupulous few. Here the Platonic equation of democracy with demagogy returns, as the “great strong beast” of the people is exploited by political adventurers like Lamartine (on the left) and Louis Napoleon (on the right).

How was this all-important introduction of the people to the res publica to be achieved? Mill’s answer echoes, in form if not entirely in content, Tocqueville’s. First, there had to be initiation of the hitherto excluded into the process of public debate, deliberation, and decision. Mill, like Tocqueville, thought this could best be achieved at the local level, through participation in the administration of municipal affairs. “It is a fundamental principle in his political philosophy,” Mill writes, “as it has long been in ours, that only by the habit of superintending their local interests can that diffusion of intelligence and mental activity . . . take place among the mass of a people, which can qualify them to superintend with steadiness or consistency the proceedings of their government, or to exercise any power in national affairs except by fits and starts, and as tools in the hands of others.”

Local democracy is indeed one of the “large free schools” that the people must attend in order to learn the business of self-government. They must be habituated to it by practice, just as one “learns to read or write, to ride or swim, not by merely being told how to do it, but by doing it. . . . It is only by practicing popular government on a limited scale that the people will ever learn how to exercise it on a larger.”

In addition to this all-important practical education, there had to adequate means for instilling public spirit, patriotism, and a sense of public responsibility. Again, Mill follows Tocqueville’s suggestion that these are most effectively cultivated at the local level, through the participation of ordinary citizens. “Local institutions,” Tocqueville writes, “are to liberty what elementary schools are to knowledge; they bring it with reach of the people, allow them to savor its peaceful use, and accustom them to rely on
it. Without local institutions, a nation may give itself free institutions, but it will never have free spirit."\textsuperscript{10}

These broad similarities in analysis and prescription should not, however, blind us to two interesting differences. The first concerns the salience of “free mœurs,” which the young Mill presents as less important than Tocqueville (or Rousseau or Hegel, for that matter) would have it. The second has to do with the recognition of greater authority than the people's in matters of moral and political judgment. For Tocqueville, the French Revolution had destroyed not only local powers and their authority; it also destroyed the moral authority of the Church and vested sovereign power squarely in the hands of a people newly liberated from the structures of command and obedience that had characterized the old regime. In the first wave of democratic social equality, the old patterns of authority and deference were swept away. The people had been told by Rousseau and by their new legislators that their will was always right, and they were erroneously inclined to believe it. The result was what Mill calls the false idea of democracy, the strict enactment of the will of the people through its elected representatives, whom it has reduced to mere delegates of their power and opinions.

The French Revolutionary heritage presented Tocqueville with the conundrum of how to effect or impose his prescriptions for an ordered democracy upon an unruly and no longer very Christian population. This conundrum remained even after the franchise had been dramatically, if not absurdly, tightened. In \textit{Democracy in America}, he notes that “it is not within the power of the law to revive dying beliefs” or restore lost habits. Yet in principle the path to reform—through prudent top-down legislation, encouragement of local political self-administration, stimulation of “the patriotic instinct,” and restoration of the Christian faith—remained open, if only because “every new generation born among them [the French] is fresh material for the lawmaker to mold.”\textsuperscript{11}

For Mill, in contrast, the path to reform and the restraint of “unbridled” democracy was considerably more straightforward. This is because Mill thought that the British people possessed, on the whole, a characteristic that Tocqueville had identified with the most progressive and enlightened segments of the American population. “In New England,” Tocqueville observed, “where education and liberty are the daughters of morality and religion, and where society, already old and long-established, has been able to develop its own maxims and habits, the people have become accustomed to
respecting intellectual and moral superiority, and to submitting to it without discomfort.” This deference may not be that of the peasant to the seigneur, but it is deference nonetheless—what Tocqueville would no doubt describe as a “manly and enlightened” deference.

The New Englanders have this habit, and, Mill suggests, so do the English, at least most of the time. Consistently with Locke and the “Glorious Revolution” of 1688, Mill suggests that popular sovereignty is largely residual, an insurance policy against political leaders or representatives who betray their trust and abuse their power: “This is the only purpose for which it is good to intrust power to the people.” For the rest, the English people are open—in a way the French people supposedly are not—to deference to greater wisdom and moral virtue. The problem in England is not envy and surliness when confronted with genuine (meritocratic) elites. Rather, it is finding a means to ensure that this genuine elite comes to power despite the obstruction presented by the older, decidedly non-rational, aristocratic elite. The authority of the instructed is, Mill thinks, recognized and accepted, at least by most people. The difficulty is the technical one of devising a reformed electoral system that would be prey neither to the sinister interests of the landowners and industrialists nor to the misguided choices of a prematurely enfranchised laboring class.

It is for this reason that the problem of authority in the modern age is dramatically less far-reaching in Mill than it is in Tocqueville. The latter saw an entire social world, and an entire set of values, come crashing down. The only “natural” authority left was to be found in momentary throwbacks to the ancien régime, as when the peasant showed deference to the superior virtue of his lord, perhaps by electing him to the Chamber of Deputies. For the most part, however, the “past had ceased to throw its light on the present.” France and the modern world had lost the ballast of tradition, and they were drifting toward a future fraught with new and unexpected dangers (such as administrative despotism).

In contrast, Mill thought there was enough continuity in the people’s deference to elites that the only real problem was that of transitioning from the old elite to the new. In the early essay “On the Spirit of the Age,” Mill traces how English—and, by extension, European—culture had first been guided by the Church, then by warrior kings and barons, and finally by the landed aristocracy. Each of these elites was recognized by the people of the time as legitimate—at least until times and circumstance
produced a crisis in legitimacy, usually through the rise of a more talented and energetic new elite. The England of the early nineteenth century was, in Mill’s view, one of those transitional ages in which the authority of the old elites dissipates in the face of a rising and “instructed” middle class.

Transitional ages are indeed ages with no established or universally recognized authority structures. They ultimately, however, give way to more “natural” periods in which those who have the most talent and energy are vested with political power, in addition to whatever moral and intellectual influence they already wield. In such periods, the vertigo of the transition ceases as society once again comes to possess a stabilizing ballast of unquestionable doctrines and opinions. Among the latter, one of the most crucial beliefs is that “the best government (need it be said?) must be the government of the wisest, and these must always be the few.”

Here we approach the central tension in Mill’s thought. He wants to promote government by the educated or instructed, but he does so against the backdrop of one of the most vehement antipaternalist defenses of individual liberty and social openness imaginable. It is too easy to argue, as Gertrude Himmelfarb and others have done, that there was a young conservative Mill influenced by the three Cs—Coleridge, Carlyle, and Comte—and an older, more recognizably liberal one. As we shall see, one constant in Mill’s political thought was his desire for society to progress—politically, morally, and culturally—toward greater freedom, greater social equality, and substantially enhanced mental culture.

In Mill’s view (and that of many other nineteenth-century reformers) such progress depended crucially upon amplifying the voice, and bolstering the power, of men and women who possessed a broad education and progressive ideas. It is not that Mill came to believe in a watered-down version of Plato’s philosopher-kings (although he sometimes reads as if the Republic was one of his chief inspirations). Rather, it is that he was all too aware of the sinister (that is, partial and class-bound) interests that impede both progress and reform. A knowledge elite, whose intellectual and moral authority was widely recognized, would have to gain, if not political power itself, a point d’appui from which it could spread progressive ideas for reform to both governors and governed. The success of such a trickle-down effect on politics and popular opinion depended on the susceptibility of uncorrupted ordinary citizens to what Mill considered more rational schemes of governance and representation. Mill is—in his writings,
at least—quite sanguine about the prospects of such ordinary citizens de-
ferring to the wiser and more moral among them.

Mill’s insistence upon the importance of a knowledgeable and ra-
tional elite—governing, if not in actual practice, then at least by force of
influence—places him in certain respects closer to Hegel than to Tocqueville.
He thought that democracy’s flaws, as well as the tendency for public opin-
tion to be misled or to congeal at a low intellectual level, could be counter-
acted by such opinion leaders. They constitute no vanguard party; rather,
they combine, like Mill himself, a wide knowledge of practical and difficult
subject matters (for example, political economy and colonial administration)
together with the crusading journalist’s passion for reform. Not for nothing
does Mill’s most recent biographer, Richard Reeves, dub him a “Victorian
Firebrand.” He more or less created the role of the modern public intel-
lectual as well as that of the liberal technocrat (the anachronism of the latter
term notwithstanding).

In our own day, we have become notably disenchanted with both spe-
cies. But this fact is less important than the shift away from Tocqueville’s
prescriptions for democracy’s ills that Mill was able to effect. True, Mill’s
remedies still centered on the gradual political education of the “masses,”
combined with practical yet critical reforms of the English constitution
and its (exceedingly narrow) representative system. Like Tocqueville, he
wrote as if democracy were not just inevitable, but a kind of raging river
that needed to be safely channeled if its benefits were to be realized and
its potential pathologies contained. Yet he definitively broke with Tocque-
ville’s insistence on the importance of shared belief, moral ideas, and un-
derlying habits and customs. *On Liberty* may be in the greatest tension
with Mill’s brand of liberal paternalist reform, but it is in even greater ten-
sion with Tocqueville’s emphasis on custom, convention, and free *mœurs
as the ground of any stable democracy. The tyranny of the majority was,
in Mill’s view, the new democratic form taken by one of the oldest of en-
emies: the tyranny of custom and convention.

II. The Antipaternalist Mill

I begin my treatment of Mill’s broad idea of “educative democracy” with the
more familiar Mill, the Mill of *On Liberty*. At first glance, this might seem a somewhat perverse choice for a start-
ing point. After all, is not *On Liberty* devoted to identifying and applying
“one very simple principle” that ought to “govern absolutely the dealings of society with the individual in the way of compulsion and control”? And is not Mill’s entire treatment of the boundaries to which political and social power should be subject merely an extension of the Tocquevillian theme of majority tyranny to a new domain, namely that of the social? Assuming this is the case, On Liberty would appear to have little if anything to teach us about either democracy or the civic learning processes appropriate to it. It would be little more than a brief for individual autonomy in matters of thought, expression, and lifestyle. As such, it would take its place in a long line of liberal and proto-liberal attempts to restrict political and social power to their legitimate purposes and areas of exercise.

Mill does, of course, build on this tradition. It is impossible to think of On Liberty apart from similar attempts by Locke, Constant, and Tocqueville. Yet Mill’s shift of focus from the abuse of political power to the abuse of social power in the control of individuals has far-reaching effects. Most obviously, it enables us to see society not as the power-free realm envisaged by earlier laissez-faire liberal thinkers. They thought it was the nature of the social realm—civil society—to manifest freedom in the same way that it was the nature of the state to manifest power and coercion. While hardly effacing the state–civil society distinction (it looms large in his Principles of Political Economy), Mill nevertheless regarded society as an arena in which various forms of power are indeed exercised, and exercised more or less continuously.

The most important of these (at least from the perspective of On Liberty) is the power that flows from the likings and dislikings of society when it comes to regulating individual thought and action. “Society can and does execute its own mandates,” Mill writes, “and if it issues wrong mandates instead of right, or any mandates at all in things with which it ought not to meddle, it practices a social tyranny more formidable than many kinds of political oppression since, though not usually upheld by such extreme penalties, it leaves fewer means of escape, penetrating much more deeply into the details of life, and enslaving the soul itself.” Note that the power penetrating men’s souls is no longer what Tocqueville saw as the immense tutelary power of a centralized social welfare state. It is, rather, a tyranny of custom and convention, a tyranny exercised through the manners and mores, the likings and dislikings, of society itself.

This fact goes a long way toward explaining why Tocqueville is the darling of contemporary conservatives and communitarians, while Mill cuts
a much more equivocal figure. The libertarianism of *On Liberty*, it cannot
be emphasized enough, is not one directed against the centralized struc-
tures of the modern (“rational”) state. It is a libertarianism of thought, feel-
ing, expression and lifestyle. Its greatest enemy is found in the ingrained
habits, mores, and *idées reçues* of the social status quo. This is not to say that
Mill found all such habits, mores, and received ideas immoral or unduly
constraining (an anarchistic position he explicitly repudiates). Rather, it is
to say that he sees in society itself a form of collective mind, one that has
an inveterate tendency to enforce its dictates—its likings and dislikings—
wherever and whenever it can. The embodiment of that collective mind
was not the restive laboring classes. It was, rather, the middle class, a class
that effectively set the tone and the parameters of thought and behavior in
Victorian England.

The middle classes of Victorian England could hardly be charged with
abusing popular sovereignty as a principle. On the whole, they were as
frightened of the coming democratic age as were their aristocratic peers.
They are chiefly remembered for their obsession with commerce and tech-
nical innovation, as well as a moralizing attitude toward themselves and
their social inferiors. To be sure, in matters of discipline and control, such
attitudes were selectively directed, usually toward women, children, and
the laboring classes. And, when it came to middle- and upper-class men,
hypocrisy pervaded the gap between public expression and private con-
duct. Nevertheless, there is great nostalgia for this bygone age, particularly
among social conservatives who bemoan the “demoralization” of contem-
porary society. In their eyes, the Victorian age was a time when those who
transgressed established customs, habits, and beliefs would meet, rightly,
with massive condemnation from society at large.

Had the Victorians combined a greater appreciation of political free-
dom with their strenuous moralizing, they might well have found favor
in Tocqueville’s eyes. Tocqueville, after all, managed to see in the Puritan
settlements the happy marriage of the spirit of religion with the spirit of
liberty. Mill, on the other hand, viewed any society that exercised such
moral surveillance with a genuine horror. It is one thing to have the “fixed
points” of an abstentionist morality in place, quite another to have such
points undergird a positive code of conduct that penetrated all dimen-
sions of individual and social life. Yet, as *Democracy in America* testifies in
a hundred places, it was precisely the nearly universal and notably “thick”
quality of American manners and mores that attracted Tocqueville, and
that made him think—contrary to what French experience indicated—that an ordered democracy was, in fact, possible.20

Happily, Mill was not afflicted by Tocqueville’s nostalgia for religion, nor by his personal aversion to doubt.21 Although his Enlightenment-based rationalism led him, like many others of his time, to overestimate the possibilities of scientific knowledge in politics, morals, and (even more dubiously) the study of national character, Mill was too imbued with the spirit of Socrates to ever see doubt as anything other than a (potential) guarantee of truth. Of course, he was not a skeptic. His characterization of Hume as the “prince of the dilettanti,” together with his low estimate of “merely negative” philosophy, are testaments to his faith that there is a true answer to all the important questions we have to ask, and that—aided by reason and science—humanity is on the long and winding path to their eventual discovery. Yet it is one thing to hope for the discovery of important truths through free inquiry and quite another to feel that truth has been lost through disillusionment with the idea of divine revelation. Tocqueville needed a substitute for this truth. Mill did not. His positivistically inclined views of scientific progress notwithstanding, it is this fact that make him the more modern, and indeed the more palatable, thinker.

For Mill, as for Hegel, thought begins with doubt, not with wonder and certainly not with faith. In neither instance should this stance be seen as a rote repetition of Descartes’s famous starting point. It is, rather, the result of both thinkers’ profound debt to the Greeks and to Greek philosophy. Socratic dialectic—the power of the negative—is a clear inspiration for both thinkers. It was Socrates who first deployed a form of negative rationality, one capable of dissolving the petrified husks of custom and convention. The goal was to create perplexity and (thus) to instigate thought about matters that had previously been the preserve of so-called common sense and the dogmas of the day.22 Hegel exceeds Socrates in his contempt for the standpoint of “sound common sense.” The Phenomenology is nothing other than an epic attempt to show how every form of ostensibly secure and immediate knowledge (whether of the world or the self) dissolves as a result of the gap between its own standard of epistemic authority and the actual knowledge it has produced.23

Mill’s enemy in On Liberty is not the state nor even the volonté générale. It is, rather, the all-too-human tendency to take a part of the truth for the whole, thereby reifying a particular socio-historical standpoint or set of beliefs as “the Truth” per se. The “tyranny of public opinion,” of majority
thought and feeling, is not a characteristic of democratic ages alone. Rather, a form of it can be found in nearly every age and culture, in any society that possesses a dominant outlook and more or less official narrative of self-legitimation. In its most basic form, the tyranny of the majority is the tyranny of the common sense of any culture, whether that culture be Greek, Roman, Christian, European, or American. All invest their specific outlook and table of values with an unquestioned, and seemingly unquestionable, authority. Whenever an individual in any of these societies is afflicted by doubt or what Mill ironically calls “the malady of thought,” he is likely to fall back upon what the world around him believes. And to each individual, Mill writes, “the world” means the part of it with which he comes in contact; his party, his sect, his church, his class of society: the man may be called, by comparison, almost liberal and large-minded to whom it means anything so comprehensive as his own country and his own age. Nor is his faith in this collective authority at all shaken by his being aware that other ages, countries, sects, churches, classes, and parties have thought, and even now think, the exact reverse. He devolves upon his own world the responsibility of being in the right against the dissentient worlds of other people; and it never troubles him that mere accident had decided which of these numerous worlds is the object of his reliance, and that the same causes which make him a Churchman in London, would have made him a Buddhist or Confucian in Pekin. Yet it is evident in itself . . . that ages are no more infallible than individuals.24

The inveterate human and social tendency toward dogmatic belief and the presumption of infallibility makes it hardly surprising that Socrates himself—the most virtuous man of his time and place—was tried and convicted of immorality and corrupting the youth. Nor is it surprising that Jesus of Nazareth was found guilty of blasphemy by men who “possessed in a full, or somewhat more than full measure, the religious, moral, and patriotic feelings of their time and people; the very kind of men who, in all times, our own included, have every chance of passing through life blameless and respected.”25 It is not surprising, yet Mill thinks we should be horrified nonetheless, taking momentary pause in the active assertion (or passive acceptance) of regnant beliefs and norms in religion, morals, and politics.
For both Hegel and Mill, then, the moral bedrock of shared belief—the idea that there can and must be a wide-ranging and deep-set consensus on fundamental values if a society is to be stable—was a dubious blessing. What Tocqueville saw as benign and absolutely necessity they saw as generating intolerance, crime, and tragedy on a world-historical scale. For humanity to develop, for freedom to grow, for civilization to progress, all forms of knowledge and belief had to be open to challenge from philosophers, dissidents, heretics, and skeptics. Without this intellectual openness—without full freedom of thought and expression—social stability would be purchased at the price of social stagnation. The truths upon which we base our lives would be little more than established conventions, dogmatically asserted and dogmatically defended. In Mill’s view, it is only by “keeping the lists open” that any of our most cherished beliefs are even partially warranted.

That Mill was combating the very thing Tocqueville celebrated is shown by his choice of examples in chapter 2 of On Liberty. That chapter, “Of the Liberty of Thought and Discussion,” is the heart of Mill’s argument for an open and robust public sphere. The latter should not be reduced to the robust form of civil society we find in Tocqueville. In the public sphere, agonistic debate and the demand for justification reign. Such activities transcend the deployment of associational means to accomplish a particular (social or cultural) end. To paraphrase Hannah Arendt, in the public sphere everything is political by definition. That is not so in the case of civil society, Tocqueville’s relatively more political conception notwithstanding.

In advocating complete liberty of thought and discussion Mill was not simply advocating tolerance for heretical views. Such tolerance was, to a fair degree, already available in the England of his time. The problem to be faced was not the violent persecution of dissident views, but a more or less complete indifference to the unconventional or heretical. The compact mass of public opinion and the gravitational pull of custom and convention would remain intact so long as a public culture of agonistic debate and contestation went unrealized.

In Mill’s view, “heretics”—that is, moral, cultural, and political critics and innovators—have a profoundly important social role to play. It is through the culture of argument that they help create that overall mental energy is increased and the public itself is awakened from the “deep sleep
of decided opinion.” Only a society with many gadflies can hope to escape the “mental torpor” born of the habitual acceptance of received ideas. It is the unconventional thinker and actor who stirs the pot, who keeps social life from congealing into a “stagnant pool.” Moreover, only a robust public sphere, one characterized by the ongoing clash and contestation of opinions, is capable of providing a context in which “the people” would begin to learn judgment and cultivate the ability to see a given issue from a number of different perspectives. The open society envisaged by Mill in *On Liberty* is nothing less than a decentered agora. But it is an agora that has been sufficiently “Socratized” so as to actually live up to its nominal endorsement of freedom of thought and expression.

The resulting public-political form of plurality is, then, decidedly different from the associational pluralism praised by Tocqueville. Mill is hardly against associations. Getting people to act together in order to accomplish a broad array of social purposes is always better than habitual reliance upon the state. But while educating ordinary citizens in the art of association, such groups fail to cultivate the intellectual and deliberative virtues necessary for genuinely active forms of citizenship. Civil society pluralism is characterized by like-minded individuals banding together to accomplish some shared purpose. In contrast, the spectacle of debate and deliberation in the public-political sphere makes the clash of perspectives on common issues vivid and concrete. The members of the civic “audience” do not learn merely the art of association. They learn the arts of argument, deliberation, and judgment as well, in the process acquiring a sense of the partiality of the truths presented to them by their more ideologically motivated brethren.

With this point in view—the crucial role that argument and the clash of opinion plays in stimulating mental energy and judgment among ordinary citizens—we can turn, briefly, to the formal side of Mill’s argument for complete freedom of thought and expression. The argument is well known and proceeds by showing how the suppression of speech and opinion in the name of established beliefs and ideas undermines, rather than supports, the search for truth. First, Mill makes the more or less obvious point that the suppression of any opinion, no matter how seemingly heretical, assumes infallibility and may well wind up robbing us of a truth of which we were previously unaware. We cheat ourselves of the very means by which false received opinions may be exchanged for newer, more truthful ones. Second, even assuming a particular received idea is true, banning
or suppressing its contestation invariably results in that idea being held in a rote, unimaginative way. As a result, it becomes a formula devoid of any living content, requiring a strong challenge from contrary opinions (however false) if it is to revitalize itself and avoid the fate of becoming a dead dogma.

The third possibility—by far the most common, in Mill’s view—is that the received opinion and its heretical challenger each possesses a part of the truth. Each side of the argument, every partisan position, is, by itself, radically incomplete and therefore falsifying. It is only when two or more sides of an argument are presented publicly that ordinary citizens begin to appreciate the partiality of each position. They also begin to appreciate the necessity of doing justice to all positions, the better to achieve a more truthful and comprehensive synthesis.

“Truth,” Mill writes, “in the great practical concerns of life, is so much a question of the reconciling and combining of opposites, that very few have minds sufficiently capricious and impartial to make the adjustment with an approach to correctness, and it has to be made by the rough process of a struggle between combatants fighting under hostile banners.” And, as he adds a few pages later, “It is not on the impassioned partisan, it is on the calmer and more disinterested bystander, that this collision of opinions works its salutary effect.” The greatest service rendered by an open and robust public sphere, then, is precisely this insight into the partiality of most, if not all, truths. The public nature of this contestation guarantees it a very broad audience.

Somewhat surprisingly, it turns out that the inspiration for Mill’s thought on this score was ancient Athenian democracy. Well aware of its multiple exclusions (women, metics, slaves) and its tragic tendency to not recognize one of its greatest benefactors (Socrates), Mill nevertheless hails Athens as a truly democratic society, one whose citizens had received the best of all possible political educations. In Athens, every office and honor was open to every citizen, not, as in the aristocratic Roman republic (or even the British monarchy), almost nominally, but really: while the daily working of Athenian institutions (by means of which every citizen was accustomed to hear every sort of question, public and private, discussed by the ablest men of the time, with the earnestness of purpose and fullness of preparation belonging to actual business, deliberative or judicial) formed a course of political education, the equivalent of
which modern nations have not known how to give even to those whom they educate for statesmen.33

The relative incompetence of modern Europeans, in this respect, could be traced to the moral and intellectual domination of an intolerant church (on the one hand) and the political and social domination of an aristocratic caste (on the other). For Mill, as for Hegel, European history from the beginnings of the feudal age up to the Reformation was indeed a thousand-year sleep, one in which intellectual, moral, and public life stagnated or retrogressed. The ages in which this sleep abated—the Reformation, the Enlightenment, and “the Goethian and Fichtean period” in Germany34—were relatively brief periods in which “the old mental despotism had been thrown off, and no new one had yet taken its place.”

Reversing his valuation in “The Spirit of the Age,” the mature Mill sees such transitional periods in which “the yoke of authority was broken” as more or less golden moments in what is otherwise a depressing tale of repeated repressions of intellectual and moral freedom. Attacking those, like Dr. Johnson, who believe that persecution is a purifying trial through which all genuine truth must pass, Mill notes that “history teems with instances of truth put down by persecution,” instancing Arnold of Brescia, Fra Dolcino, Savonarola, the Albigeois, the Vaudois, the Hussites, and the counter-Reformation campaigns in Spain, Italy, Flanders, and the Austrian empire.35 Where Tocqueville sees the steady progress of equality over the centuries, Mill sees persistent and successful attempts to reassert the yoke of authority and rob mankind of its mental and moral stature.

For those who view Mill as a complacent liberal touting the inevitability of progress, these pages make sobering reading. Indeed, when considering the human all-too-human tendency to either submit to or actively enforce the despotism of custom, it is not surprising that Mill thinks the social and cultural tide in most times and places runs backward. Progress toward a more just, civilized, and intellectually vibrant society is always something achieved against the odds. That is why Mill was so concerned progressive voices not be silenced (On Liberty) and that the political system—itself an obstacle to progress for centuries—be reformed in such a way that these same voices have some influence in legislation and social policy (Considerations on Representative Government).

It is the fear of stagnation and retrogression that haunts Mill’s mature works. This fear is grounded on his insight into the despotism of custom
and received opinion. Resisting the gravitational pull of custom and convention was, and is, never easy. Dogmatic tendencies are, so to speak, woven into our very social being. Despite his invocation of the “current low state of the human mind,” Mill did not despair. He thought these tendencies could be weakened and possibly contained through the right set of institutional protections and a broad cultural shift to a more active and open society. He realized, however, that such containment was made immeasurably more difficult by the influence of the Church and the aristocracy.

I will, for the moment, defer treatment of the mature Mill’s view of the aristocracy. What is striking about *On Liberty*, however, is the number of times Mill cites Christianity’s role in either persecuting or blocking the forces of progress. If anything stands in the way of the education of the people, it is intolerant moral policing by the church. Combined with the complacency, narrow-mindedness, and misplaced “philanthropy” of the middle classes, it presents a formidable obstacle to mental and moral growth as well as the cultivation of political judgment and the capacity for democratic self-government.

Historically, Christianity did indeed do much to spread the idea of human equality. Mill is in entire agreement with Hegel and Tocqueville on that score. However, its pretensions to a monopoly on Truth—about the nature of the divine and the human, morality and spiritual life, the ranking of the virtues, and the ultimate source of authority—made it one of the great retarding influences in Europe from the late medieval age to the mid-nineteenth century. In Mill’s view the Europe of that period had, by virtue of its very cultural, linguistic, and ethnic diversity, an enormous potential for mental and moral growth. But the Church’s policing of thought and expression effectively stifled this potential for centuries on end.

We are a long way from Tocqueville here, and it is worth pausing to mark the precise nature of Mill’s complaint. Chapter 2 of *On Liberty* provides us with many telling moments in this regard. Not only does Mill emphasize the “universal Church’s” leading role in successfully persecuting the heretical groups listed earlier. He also charges it with delaying any genuine spiritual reformation for many centuries. Of course, Protestants would—often, but not always—turn out to be just as intolerant and persecution-minded as their Catholic enemies, a fact Mill underlines in his introductory remarks. Yet even though the age of religious warfare and inter-sect persecution was more or less over, Mill saw the mainstream Christians of his age as providing fuel for the engines of moral repression, thereby impeding
the spread of new ideas, new practices, and new institutions in two key ways.

The first way is not peculiar to Christianity as a religious doctrine. It is the strong if not inevitable tendency of nearly all successful creeds, ethical as well as religious, to lose the best and most vital part of their substance in their very moment of triumph. As long as the struggle with other beliefs and doctrines lasts, “their meaning continues to be felt in undiminished strength.”38 Once the doctrine becomes ascendant, however, it takes its place as a hereditary creed or as a set of received ideas. The decline into a set of rigid dogmas and rote formulations begins, until the doctrine in question “almost ceases to connect itself at all with the inner life of the human being.”39 From that point on, the creed no longer contributes to mental, moral, or spiritual progress. Rather, it “incrusts and petrifies the mind,” closing it off to any and all influences that may expand, rather than narrow, a culture’s moral horizon. What was once a new truth becomes a dead dogma—a falsehood, in fact.

Mill’s point here is that the manner in which we hold our beliefs is just as critical as what we believe in. The scale and pervasiveness of Christianity’s triumph in the West—its undeniable victory over paganism, the other Abrahamic creeds, skepticism, and disbelief—makes it a prime candidate for precisely the kind of reification and sclerosis Mill outlined. For many—and particularly for the middle classes of England and America—Christianity remained in the mind as little more than a set of dead beliefs, with little or no hold on the “imagination, the feeling, or the understanding” of the faithful.40 In order to drive his point home, Mill draws our attention to the social reality of Victorian Christianity and provides a memorable depiction of the gap between professed belief and actual conduct:

By Christianity I mean here what is accounted such by all churches and sects—the maxims and precepts contained in the New Testament. These are considered sacred, and accepted as laws, by all professing Christians. Yet it is scarcely too much to say that not one Christian in a thousand guides or tests his individual conduct by reference to those laws. The standard to which he does refer it, is the custom of his nation, his class, or his religious profession. He has thus, on the one hand, a collection of ethical maxims, which he believes to have been vouchsafed to him by infallible wisdom as rules for his government; and on the other, a set of everyday judgments and practices, which go to a certain length with some of those maxims, not so
great a length with others, stand in direct opposition to some, and are, on the whole, a compromise between the Christian creed and the interests and suggestions of worldly life. To the first of these standards he gives his homage; to the other his real allegiance. All Christians believe that the blessed are the poor and humble, and those who are ill-used by the world; that it is easier for a camel to pass through the eye of a needle than for a rich man to enter the kingdom of heaven; that they should judge not, lest they be judged; . . . that they should love their neighbor as themselves . . . that if they would be perfect, they should sell all that they have and give it to the poor. They are not insincere when they say that they believe all these things. They do believe them, as people believe what they have always heard lauded and never discussed. But in the sense of that living belief which regulates conduct, they believe these doctrines just up to the point to which it is usual to act upon them.41

I quote this passage at length because the truth of its observations are at once obvious and undeniable. They powerfully illustrate the point Mill wants to make, a point that echoes Hegel’s critique of what Christianity became once it was reduced to the status of a merely “positive” religion.42

For Tocqueville, the wide gap between the Christian scripture’s teachings and the conduct of middle-class Christians is no cause for concern. If anything, it is something to be celebrated because it neuters everything in Christianity that might shake the established social order. For Tocqueville and many of his acolytes, the radical moral message contained in the Gospels matters less than Christianity’s ability to function as a kind of social glue. In this form, it makes class compromise possible and limits political action and disobedience through its inculcation of norms palatable to the middle class. The utility of the “fixed points” of morality provided by this watered-down version of Christianity is to be found in their very fixity. This utility is lost if scriptural authority is invoked to question the fairness of the established distribution of wealth (as it was by Christian socialists in the nineteenth century) or the proclivity of states to go to war for reasons that have little to do with self-defense (a point underscored by Christian pacifist movements before and during World War I).43

Tocqueville’s “American” Christianity was precisely a collection of prescribed and unquestioned norms, norms that served to limit what he saw as the wild and dangerous possibilities created by democratic freedom. In contrast, Mill measured the value of any ethical or religious doctrine by
its ability to stimulate reflection about the nature of the moral life. Such reflection dissolved the rote formulas of dogmatic belief, thereby opening the individual to a deeper appreciation of the doctrine’s essence. A “positive” religion was precisely what Hegel said it was: a form of authority rather than a way of life or a stimulus to moral self-cultivation (*Bildung*). Tocqueville worried about the demoralization of society resulting from individualism, the rise of the masses, and the secularization of social life. Mill, on the other hand, worried about the intellectual and moral stagnation of society. In his view, such stagnation was the likely by-product of the moral complacency and self-satisfaction that even Tocqueville found annoying in the Americans.44

If a creed like Christianity could incrust and petrify the mind through its near-universal acceptance it could also blind public opinion to the need to seek out other sources of wisdom and reservoirs of truth. A doctrine becomes not just deadening, but dangerous, when the majority is convinced that it has delivered the complete and final word on the conduct of life. This, of course, is what organized Christianity claims to do, and it is a claim that was widely accepted Mill’s time, not to mention our own. Yet the claim itself is deeply problematic. If one is in possession of the “Truth,” what need is there to seek out new truths, to look beyond one’s sacred books (or past one’s pews) in search of further enlightenment on any number topics crucial to the moral life?

As I already noted, Mill thinks the best way to avoid such moral and intellectual narrow-mindedness is to realize the partiality of every doctrine or creed. Mill again takes on the case least favorable to wide acceptance of his argument, namely, Christianity’s claim to provide a comprehensive moral teaching, one fully adequate for on all spheres of life. Such a claim does not merely close us off to what other creeds and other philosophies might have to teach us. In Mill’s view, it is also palpably false. All one has to do is look at the remarkable lack of attention to civil and political life in the Gospels and early Christianity. An appreciation of the importance of the *bios politikos*, as well as the virtues underlying it, is nowhere to be found. As Augustine had argued, the question of one’s earthly governor hardly matters because our life in the *civitas terrena* is so fleeting. Everything the ancients praised—civic courage, patriotism, public freedom, the pursuit of glory and honor—was mere “smoke and it weighs nothing.”45

There are two ways of characterizing this rather large lacuna. The first—proposed, in different ways, by Machiavelli, Rousseau, Hegel, and
(more recently) Arendt—is to emphasize the otherworldliness of Christianity, its focus on the next life and the condition of one's immortal soul. This focus makes Christianity not merely apolitical in its concerns, but actively antipolitical. This first reading finds much support in Augustine's systematic attempt to demonstrate how all pagan civic virtues are rooted in nothing other than the sinful pride of fallen man.

Another way of characterizing this lack—Mill's way—is to note the compatibility of nearly everything the Gospels teach with a genuinely comprehensive moral teaching, while emphasizing just how reliant the partial morality of the Gospels is upon a preestablished web of ethical beliefs and practices. This web covers many of the dimensions of human social and political life that the Gospels do not directly address, if they address them at all. In Mill's opinion, Christianity does not need to be replaced. As a moral teaching, however, he thinks that it stands in dire need of supplementation and emendation, noting that "what little recognition that the idea of obligation to the public obtains in modern morality, is derived from Greek and Roman sources, not from Christian."46 We must draw on the wisdom of the ancients if we are to approach the problems of public life, political disagreement, and civic virtue from anything like an adequate moral standpoint.47

The problem, of course, is that the majority hardly thinks that Christianity stands in need of such supplementation and emendation. The additional fact that, in Victorian England, the set of everyday judgments and practices to which the average Christian gave his allegiance was that of a business-minded middle class only made matters worse. When Mill describes the dogmatism secreted by mass public opinion, the mass he has in mind are not the unwashed workers (the pervading horror of Tocqueville's imagination). They are, rather, the good churchgoing folk who, for the most part, earn Tocqueville's glowing approval. Mill's appropriation of Tocqueville's grand theme—the tyranny of the majority—is crucially different in this respect:

At present individuals are lost in the crowd. In politics it is almost a triviality to say that public opinion now rules the world. The only power deserving the name is that of the masses, and of the governments while they make themselves the organ of the masses. This is as true in the moral and social relations of private life as in public transactions. Those whose opinions go by the name of the public opinion, are not always the same sort of public; in
America they are the whole white population; in England, chiefly the middle class. But they are always a mass, that is to say, a collective mediocrity.\textsuperscript{48}

The view of Christianity held by this particular “collective mediocrity”—the business-minded English middle class—made the pursuit of anything for its own sake seem irrational, self-indulgent, and (probably) immoral. Similarly, the idea of fashioning a life in accord with the specific tastes, talents, energies, and interests of the individual—the Humboldtian ideal of self-development or self-cultivation—appeared to be a dangerous and wasteful detour from all that was socially recognized as praiseworthy achievement. The result is that individuals whose desires and energies find stimulation in business prosper and get rich, while those whose desires and energies are not so stimulated wither on the vine or find themselves leading lives that are not, in any meaningful sense, their own.

Lacking the courage and initiative to strike out in a nonconformist direction, such people find their mental and moral faculties stunted by daily occupations that enlist few of their powers and realize little of their potential. Indeed, as Mill notes, “he who lets the world, or his own portion of it, choose his plan of life for him has no need of any other faculty than the ape-like one of imitation.”\textsuperscript{49} Mill’s indictment of bourgeois Christian civilization in the second half of the nineteenth century stops well short of Nietzsche’s more radical critique. It should, however, be seen for what it is: an indictment of a way of life, a pattern of existence, that Tocqueville would much prefer to the individual quest for novelty or self-development.

Here we encounter yet another source of tension between Tocqueville and Mill. The tension emanates from the distinction between “\textit{individualisme}” (as Tocqueville understood it) and \textit{individuality} (of the sort promoted by Mill). Although apparently similar, the two terms designate quite distinct phenomena: the first is the tendency toward privatization and an accordingly narrow moral horizon; the latter is the achievement of something like an autonomous, self-conceived, and self-realized life. “The only freedom which deserves the name,” Mill writes, “is that of pursuing our own good in our own way.”\textsuperscript{50} A sentiment less in accord with Tocqueville’s normative sociology of integration is hard to imagine.

Mill’s assertion that individuality is of the utmost importance in an increasingly massified society is hardly a brief for atomization or anomie, as some as his critics might charge. Nor does it flow from the methodological
individualism we find in utilitarianism and in the social contract tradition. Mill was too aware of the influence of history and culture on human personality to accede to the crude egoism upon which Bentham’s “felicific calculus” rested. And, as the introductory section of On Liberty attests, he saw himself separated by a very large gap from the contractualism of the eighteenth century.

That said, there is no denying that Mill wanted to make a positive case for a certain degree of alienation, and a certain lack of integration, on the part of the individual. To us, it seems self-evident that worries about the tyranny of the majority and the increasing dominance of mass culture should promote a rethinking of the relative value of integration versus alienation. For Mill, as for Socrates and all subsequent moral individualists, the tyranny of majority thought and feeling made the ability to step back from grounding social assumptions absolutely essential. To be sure, we can hardly expect everyone to have the moral courage and independence of mind to take this step. But that, Mill and Socrates would argue, is unnecessary. What is necessary is a culture appreciative of the value of frank speech (the Greek parrhesia), to the point where it allows not just the expression of dissident ideas but the initiation of new practices and styles of life as well.

This is the context in which Mill’s praise of genius and originality (in chapter 3 of On Liberty) should be read. Mill nowhere contends that society should be a means to the happiness and self-expression of the creative few (as Nietzsche was to suggest in section 202 of Beyond Good and Evil). Nor did he believe that the average person should submit himself to hero worship of the sort promoted by his contemporary Thomas Carlyle. Overall, Mill remained remarkably loyal to the basic utilitarian ideal of the greatest good for the greatest number, even if he substantially redefined this good in terms of “the permanent interests of man as a progressive being.” He sees self-development, originality, and genius as goods in themselves. They are goods, however, that are possessed of a crucial social utility insofar as they contribute to the creation and dispersion of new ideas and new practices. We nongeniuses can all benefit from the experiments in thought, expression, and living performed by the gifted, the unorthodox, the artistic, or the eccentric. They serve to expand our horizon of possibility when it comes to the shape an individual life might take. In other words, they not only roil the waters and keep social life from congealing into a stagnant pool. The gifted and the unorthodox also provide
us with the inestimable gift of new ways to interpret ourselves and our experience.  

It cannot be said that Hegel or Tocqueville think that eccentrics or heretics have much to teach mankind. For all his emphasis on the world-historical individual and the importance of critical individual appropriation of the norms, practices, and institutions that make up the life of “objective spirit,” the overriding message of Hegel’s social and political philosophy is that real novelty is the preserve of the great and the few. The rest of us should integrate ourselves as seamlessly as possible into the differentiated structure of the modern state. Unconventional behavior and attitudes—for example, Friedrich Schlegel’s stance of romantic irony and his espousal of sexual relations outside the marriage bond—are hardly welcome.

Tocqueville, although not as hostile to Romanticism as Hegel, cannot help but see eccentric individuality—the individuality of those whose self-fashioning has the effect of challenging dominant social mores—as a symptom of privatization and anomie. Insofar as the individual is not a joiner, not an active participant in community and associational life, he or she will fall under the all-too-inclusive rubric of the new democratic affliction, individualisme. From a Tocquevillian perspective, if enough people become more concerned with their self-cultivation than with the obligations implied by their social membership, la société en poussière will be concretely realized. Democratic dissociation—the dissociation born of the elimination of social rank and the traditional little platoons (Burke) it made possible—emerges triumphant.

I am not suggesting the Mill is simply right on this score, or that Hegel and Tocqueville are simply wrong. Their views on the lessons that need to be learned by Europeans emerging from the wreckage of the ancien régime depend, to a remarkable degree, upon their respective diagnoses of the real or potential pathologies of modern society. If one sees the new age as generating unprecedented levels of individualisme and anomie, one will highlight the fundamentally social nature of the self, the moral life, and the public-political world. If, on the other hand, one sees the new age as all too successful in its imposition of a constricted range of beliefs, attitudes, and behavior, one will, like Mill, emphasize the importance of self-cultivation and individuality (in the distinctively Millian sense of the word).

The contrast I am drawing here between Hegel and Tocqueville (on the one hand) and Mill (on the other) is more one of emphasis than of incompatibility or sheer discontinuity. As I already noted, Mill was just as aware
of the social, historical, and culture constitution of the self as Hegel and Tocqueville. Similarly, Hegel and Tocqueville spent a good deal of energy emphasizing the tendencies toward massification and homogenization present in society after the French Revolution. To champion Millian individuality over atomization or *individualisme* is not necessarily to fall into the *jugement erroné* that Tocqueville so memorably described and that Hegel viewed as a deeply rooted cognitive flaw in Western philosophy and culture. It is, rather, to emphasize the fact that the social construction of the self, ethical life, and the public-political world has a downside equal to or surpassing its positive components. Appearances perhaps to the contrary, we may be suffering from too much moral and political consensus rather than from too little.

Yet however much the message of *On Liberty* grates on the ears of those who worry more about alienation and the demoralization of society, there is one aspect of Mill's argument that they should find comforting. This is Mill's somewhat surprising conclusion that an open and agonistic public realm, combined with a culture more hospitable to the expression of individuality, will eventually lead us toward a consolidation of opinion on the most controversial questions. That this conclusion is not merely a temporary reversion to the earlier standpoint of “The Spirit of the Age” (with its laudatory appreciation of epochs defined by social consensus) is clearly shown by the whole tendency of the Millian idea of progress. Although horrified by Comte's curt dismissal of free speech (we do not have free speech in mathematics, so why should we have it in morals and politics?), Mill nevertheless assumed that the attainment of (or the asymptotic approach to) the truth was the gold standard of both scientific inquiry and moral and political argument. His warnings about the partiality of virtually all truths stopped short of encompassing the truths attained by science and the ultimate standpoint of a self-consciously progressive civilization.

This may strike us as flagrant self-contradiction on the part of someone who viewed himself as a champion of diversity of opinion, but Mill had plenty of company. The Enlightenment was uniform in its assumption that, once Newton had discovered the laws that governed the natural world, a similar discovery with respect to the social and political world could not be far behind. Reason would—eventually—conquer all.

This faith took some decided knocks during the revolutionary and romantic epochs, but it survived, more or less intact, in a historicized and developmental form. Just as Hegel had assumed the Absolute would
show itself at the end of the “highway of despair,” so Mill—less metaphysi-
cally and more optimistically—assumed that something like scientific
progress could and would be made in the conduct of human affairs. His
unlimited faith in the contribution the new social sciences could make
to human welfare, combined with his rather absurd hopes for a science
of human behavior and social organization (ethology), mark him as very
much as a man of his time. Open inquiry and diversity of opinion were,
like Socratic dialectic, a means of attaining the truth about human things,
not a perpetual asking of questions for which there might well be no final
answer. To think otherwise would, in Mill’s estimation, be tantamount to
restricting the idea of progress to the technical plane. Such a restriction
would rob of its moral energy and social hope his animating idea of “the
improvement of mankind.”

From the standpoint of contemporary culture—a culture disillusioned
by two World Wars, recurrent economic crises, political repression and
violence on an unheard-of scale—this side of Mill is very hard to take
seriously. One does not have to read Horkheimer and Adorno’s Dialectic
of Enlightenment to come to the conclusion that the forward march of
mankind in moral and political, as well as technological, matters is an idea
whose time is past. For us, the avoidance of the worst, not the attainment
of better and better, has been the dominant imperative.

Yet one must not come to the mistaken conclusion that this aspect
of Mill is the faulty cornerstone upon which the entire structure of his
thought rests. Mill without the idea of progress is indeed hard to con-
ceive—he would no longer be Mill. As I have described already, however,
it is quite wrong to believe that he was overly sanguine about the prospects
for progress on the moral, intellectual, and political planes. As he writes
in Considerations on Representative Government, “we ought not forget that
there is an incessant and ever-flowing current of human affairs toward
the worse, consisting of all the follies, all the vices, all the negligences,
indolences, and supinenesses of mankind.”61 This consideration, combined
with the “present low state of the human mind,” made moral and political
progress a hope and not a fait accompli. Mill knew more about mankind’s
persistent moral stupidity than most, and he knew it more deeply.

* * *

Mill’s seeming abandonment of his conflictual theory of truth for some-
thing more scientific in inspiration is troubling in that it transforms his
conception of the public sphere from one of energy-generating debate and argument into one of implicitly ordered rational inquiry, culminating in the *telos* of Truth. There is enough of the “power of the negative” in *On Liberty*, however, to more than counter this positivistic lapse. After all, the entire argument of chapter 2—against repression of heterodox ideas from a conscious or half-conscious presumption of infallibility—is itself a model of Socratic negativity.

In pointing out that received opinion on any topic may well be wrong, and that we need what appear to be heretical ideas to set us right, Mill is arguing that we do not necessarily know what we think we know. In pointing out that, even where received opinion is correct, it is likely to decay into a dead dogma without the presence of continual challenges, Mill is arguing that the way we hold most of our genuine truths has the effect of turning them into falsehoods. Finally, in arguing that both received and heterodox opinions on any important moral or political topic probably contain merely a part of the truth and are thus in need of one another and a higher synthesis, Mill is arguing for the many-sidedness of truth—that is, for a conception of truth that emphasizes the incompleteness of any received view and for its need of new and additional fragments to bolster its claim to truthfulness.

One aspect of Mill's argument is, however, more troubling than any degree of residual positivism on his part. In the introductory remarks to *On Liberty*, Mill follows up his vehemently antipaternalist statement of the principle of liberty—“that the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. *His own good, either physical or moral, is not a sufficient warrant*” with this surprising (and, by now, somewhat notorious) paternalistic qualification:

It is, perhaps, hardly necessary to say that this doctrine is meant to apply only to human beings in the maturity of their faculties. We are not speaking of children, or of young persons below the age which the law may fix as that of manhood or womanhood. Those who are still in a state to require being taken care of by others, must be protected against their own actions as well as against external injury. *For the same reason, we may leave out of consideration those backward states of society in which the race itself may be considered as in its nonage*. . . . Despotism is a legitimate mode of government in dealing with barbarians, provided the end be their improvement,
and the means justified by actually effecting that end. Liberty, as a principle, has no application to any state of things anterior to the time when mankind have become capable of being improved by free and equal discussion. Until then, there is nothing for them but implicit obedience to an Akbar or a Charlemagne, if they are so fortunate as to find one.  

Few would quibble with the idea that children or Dark Age European forebears should be exempted from the “principle of liberty.” The problem is that Mill’s qualification deploys what is a highly elastic category of the immature and insufficiently civilized; of peoples and classes that may be treated paternalistically, indeed despotically, should the end be their improvement and the ultimate removal of leading strings. To Mill’s credit, he did not consign women to this category. To his discredit, however, he did consign those under the supposedly beneficent sway of the East India Company (his lifetime employer) to the category of those in need of leading strings. Mill also believed that the Italians and Germans stood in need of a disciplined unification, and the paternalism that implied, before they could contribute positively to public affairs. Finally, it seemed self-evident to Mill that the uneducated and largely illiterate working and peasant classes of his own and other “advanced” nations were not yet mature enough to enjoy the full benefits of the principle of liberty.  

The elasticity of Mill’s category of the immature and insufficiently civilized has made him an inviting figure for postcolonial critique. And there can be little doubt that Mill was remarkably unskeptical about the *mission civilisatrice* supposedly being carried out by the more “forward-looking” of the imperial powers of the eighteenth and nineteenth centuries. It is important to note, however, that the blatant contradiction between his antipaternalism (for the mature) and his idea of a highly active and beneficent paternalism (for the immature) is implicit in the very idea of development, an idea that was part and parcel of nineteenth-century historical consciousness and which was inseparable from all conceptions—not just Mill’s—of education, *Bildung*, and self-cultivation.  

The lesson to be drawn from this is not that the natural rights thinkers of the seventeenth and eighteenth centuries were, by and large, more consistent in their antipaternalism and assertion of human freedom. They were not. As the mere example of Locke shows, the assertion of the natural freedom and equality of mankind hardly bars the way to making more or less the same distinction between mature and immature individuals and
groups, even though the entire argument of the Two Treatises of Government is directed against paternalism in its more familiar patriarchal form.66

Even Kant’s strong and concise repudiation of paternalistic government in the essay “On the Common Saying: ‘This May Be True in Theory, but It Does Not Apply in Practice” (1793) occurs in a text that categorically denies civil disobedience, let alone revolt or revolution, in the name of the rights of man.67 The principle of obedience to established law and institutions trumps whatever insults to human dignity a paternal government— “the greatest conceivable despotism,” in Kant’s words—commits. In addition, Kant’s distinction between nature and morality allowed him, in his Anthropology, to assert the fact of natural (as opposed to cultural) differences between industrious Europeans and Africans (slavish in nature), Native Americans (weak and unindustrious), and Asians (lacking in both spirit and energy).68 Kant’s laudable opposition to the policy of European colonization must be set against his view that natural development is teleological in structure and his conviction that nature uses all manner of struggle and conflict to bring about mankind’s “progressive improvement in relation to the moral end of his existence.”69 The rights of man constitute a rational and moral principle that will achieve universal recognition only after nature has used wars, colonization, and “unsocial sociability” to make (phenomenal and natural) men realize their (noumenal and rational) essence.70

Set against these precedents, Mill’s qualification of the principle of liberty looks a bit less egregious, but only a bit. Indeed, the most galling instance of Mill’s paternalistic qualification of the principle of liberty is the one he makes vis à vis his own countrymen. Colonel Thomas Rainsborough’s explicit identification of liberty with the extension of the franchise to even the “poorest he that is in England” is, from the Millian point of view, morally correct. However, it is also—at least from Mill’s perspective—a recipe for potential disaster. I deal with the reasons why Mill thought so in the next section.

III. The Paternalist Mill: Political Education, Participation, and Representation

In his 1840 review of the second volume of Democracy in America, Mill includes a passage about the virtues of political participation that he virtually replicates twenty-one years later in a key chapter of Considerations on
Representative Government. “The main branch of the education of human beings,” Mill writes, “is their habitual employment.” Continuing,

The private money-getting occupation of almost every one, is more or less a mechanical routine; it brings but few of his faculties into action, while its exclusive pursuit tends to fasten his attention upon himself, and upon his family as an appendage of himself, making him indifferent to the public, to the more generous objects and the nobler interests, and, in his inordinate regard for his personal comforts, selfish and cowardly. Balance these tendencies by contrary ones; give him something to do for the public, whether as a vestryman, a juryman, or an elector; and in that degree, his ideas and feelings are taken out of this narrow circle. He becomes acquainted with more varied business, and a larger range of considerations. He is made to feel that besides the interests which separate him from his fellow citizens, he has interests which connect him with them; that not only the common weal is his weal, but that it partly depends on his exertions. Whatever might be the case in some other constitutions of society, the spirit of a commercial people will be, we are persuaded, essentially mean and slavish wherever public spirit is not cultivated by an extensive participation of the people in the business of government in detail.71

Here we have, appropriately enough, the Tocquevillian emphasis on the virtues cultivated through political participation. Taken out of the “narrow circle” of his own and his family’s self-interest, the ordinary citizen who is given “something to do” for the public enlarges his moral horizon, sees the “close connection” (Tocqueville) between public and private interests, and expands the range of his ideas and his experience. Yet, however closely this passage, and its twin in Representative Government, track Tocqueville's basic line of thought on the moralizing potential of political participation, a subtle but important shift has taken place.

Unlike Tocqueville, Mill stresses the intellectual, and not just the moral, effects of participation. This change in emphasis is all the more apparent in the cognate passage from Representative Government, where Mill notes that political participation transforms not just our moral being, but our intellectual world as well:

Giving him [the average person] something to do for the public, supplies, in a measure, all these deficiencies [of character and intellectual range]. If
circumstances allow the amount of public duty assigned to him to be considerable, it makes him an educated man. Notwithstanding the defects of the social system and moral ideas of antiquity, the practice of the dicastery and the ecclesia raised the intellectual standard of an average Athenian citizen far beyond anything which there is yet an example in any other mass of men, ancient or modern.72

The raising of the intellectual standard of the average citizen in Athenian democracy—a fact Mill felt sufficiently established by his friend and fellow utilitarian George Grote, the great Victorian historian of ancient Greece—invoked here is the giveaway.73 Rousseau and Tocqueville’s focus on political participation had been essentially moral in intent. Participation was seen as a crucial means for the inculcation of civic virtue, the cultivation of public spirit, and the encouragement of care for the common good. Mill, on the other hand, departs from Tocqueville’s Christian idea of public spirit, one that emphasized care for one’s neighbor and the community, not just one’s self. For Mill, the most important civic virtues are intellectual ones: judgment and largeness of mind. This shift in emphasis draws fairly strict boundaries around what appears, at first glance, to be a resounding endorsement of broad political participation.

One of the most striking things about Considerations is Mill’s insistence that the “criterion of a good form of government”—its chief point of excellence—is and must be its ability to “promote the virtue and intelligence of the people themselves.”74 This insistence is striking for its distance from the liberal tradition’s more characteristic formulae of what makes a good government. Whether it be the “preservation of lives, liberties, and properties” (Locke), the safeguarding of a wide arena of negative freedom for the individual (Constant, Berlin), or the distribution of equal rights and the guarantee of a share in basic social goods (Rawls), the liberal standard for good government has always articulated itself in opposition to the classical republican concern with the formation of character. In Considerations, Mill comes across as virtually Aristotelian in his insistence that formation of character, intellectual as well as moral, is indeed a legitimate standard, one by which we should judge between forms of political regime.

Mill is, however, obviously more Periclean than Aristotelian in his view of just who should be allowed or encouraged to participate. In the Politics, Aristotle famously recommended that the best form of polity not offer citizenship to those engaged in what he called mechanical or “banausic”
occupations: “The truth is that we cannot include as citizens all who are ‘necessary conditions’ of the state’s existence” (*Politics*, 1278a). Aristotle’s contention that those engaged in creating the conditions for the “good” or self-sufficient life of the polis should not participate in the activities of judgment and deliberation—the two chief tasks of the citizen—was extremely influential. It served as a justification for civic exclusion even in those modern free republics that saw themselves as reviving the *vivere civile*.75

Yet while Mill thought the ideally best polity should—ideally—be inclusive, his focus on the intellectual virtues, together with his almost Hegelian insistence on the importance of specialized knowledge and his fear of majority tyranny, led him to restrict, in principle, the basic functions of a large citizen body. Local public tasks—the kind performed by the juryman or the vestryman—were one thing, participation in judgment and deliberation of national public affairs another. These activities should be reserved for representatives who, ideally, come from the instructed classes. Their wider knowledge of the world and the affairs of the nation is a resource the nation can draw on, one which helps guarantee that the ship of state is steered in the right direction.

Representative government was thus the ideally best modern form of government because it was capable of combining civic inclusion with a fuller exploitation of the knowledge and talents of more broadly educated men of affairs. The “mass” could be improved—intellectually and morally—through local participation, and the elites could look after the interests of the mass (and those of the nation itself) without having to suspend their independent judgment or reduce themselves to the status of mere delegates of their constituents’ will.

Mid-nineteenth-century Britain was, however, a long way from fulfilling the circumstance requisite for the ideally best form of polity. True, it had power, wealth, empire, and an increasing pool of instructed classes to draw upon. It also had a firm national identity. What it did not have, in Mill’s estimation, was a banausic or laboring class that possessed the basic level of education necessary for them to be granted the franchise. “Educational qualification”—a certain minimal level of reading, writing, and arithmetic skill—was a principle firmly endorsed in Mill’s 1859 article “Thoughts on Parliamentary Reform” and again in *Considerations*.76

The American experience with literacy tests during the Jim Crow era makes this particular Millian idea appear more than a little dubious (although the progressive commitment to quality public education for all was seen
as a way of prequalifying the electorate in much the manner Mill sug-
gests). Americans, however, have long regarded the franchise as a right
guaranteed to all citizens, even though, for a very long time, that citizen
body did not include either women or blacks. As Richard Reeves points
out, Mill did not regard the vote as a right. He viewed it, rather, as a public
trust. This made the franchise something that had to be earned rather
than simply guaranteed.

Why did Mill think this way? I would suggest two main reasons. First,
he was horrified by the abstract prospect of what he called a false democ-

cracy, one based on majority decision and what we call “first past the post”
elections. Majority decision would put the nation in the hands of the
“uninstructed masses,” with potentially dire results. Second, he not only
viewed the franchise as a public trust, one that had to be extended with
cautions, but also as a vehicle of education or self-formation, a component
of the collective Bildung of the emerging classes. This view, so far from our
own, follows from his insistence that a good form of government must be
one that makes its citizens better, together with the associated idea (also
Aristotelian in origin) that it be viewed as a school for the intellectual and
moral improvement of its charges.

The idea of an educational or tutorial state is one that the liberal tradi-
tion has, for the most part, found intrinsically repugnant. From its origins
in Plato’s Republic and Aristotle’s Politics, the educational state—in what-
ever form—has been based on the assumption that its subjects or citizens
are, in effect, children in need of a state-sponsored instructional regime in
civic and other virtues. This assumption is repugnant because it denies—a
priori, as it were—our capacity to exercise our own moral and rational
faculties in something approximating an adult fashion. To be treated as a
pupil by the state is a clear form of paternalism. The creation of a hierar-
chical structure of authority composed of teachers and taught is incom-
mensurable with the idea of equal rights and the idea of political freedom
more generally. It seems like the most glaring of self-contradictions that
the antipaternalist Mill—the Mill of On Liberty—endorsed, a mere two
years later, precisely such an educational model of the state in Consider-
ations on Representative Government.

The extent of this contradiction—if that indeed is what it is—depends
upon the distinction between direct and indirect political education. It is
one thing to argue for the polity to be structured as a school (as Plato and,
to a lesser degree, Aristotle did), quite another to insist on the indirect
moral and intellectual effects fostered by a particular constitution or set of institutions. Mill, it should be acknowledged up front, straddles this distinction. It is for this reason that the charge of self-contradiction is, from one point of view, obvious and, from another, misguided.

Mill never argues for direct political education per se—at least not in the fashion of a Plato or Aristotle, or even in the broad republican fashion of Machiavelli. Learning by doing is, indeed, important for him, as the passage cited demonstrates. But it also is critical that average citizens—the newly or soon to be franchised mass—be taught. That is, they should be guided by the more experienced and knowledgeable. Governmental institutions certainly have more pressing business than instructing the citizenry so that they might be improved. But according to Mill, the idea that governmental institutions have little educational potential or lack a pedagogical mission is highly misleading:

The objection shows a very imperfect understanding of the function of popular institutions as a means of political instruction. It is but a poor education that associates ignorance with ignorance, and leaves them, if they care for knowledge, to grope their way to it without help, and to do without it if they do not. What is wanted is, the means of making ignorance aware of itself, and able to profit by knowledge; accustoming minds which know only routine, to set upon, and feel the value of, principles: teaching them to compare different modes of action, and learn, by the use of their reason, to distinguish the best. When we desire to have a good school, we do not eliminate the teacher. The old remark, “as the schoolmaster is, so will be the school,” is as true of the indirect schooling of grown people by public business, as of the schooling of youth in academies and colleges. A government which attempts to do everything, is aptly compared . . . to a schoolmaster who does all the pupils’ tasks for them; he may be very popular with them, but he will teach them little. A government, on the other hand, which neither does anything itself . . . nor shows any one how to do anything, is like a school in which there is no schoolmaster, but only pupil-teachers who have never themselves been taught.78

The crucial phrase in this passage is, of course, “the indirect schooling of grown people by public business.” This would seem to indicate that Mill, like Tocqueville, “officially” makes political education a form of self-education, of learning by doing. But his assertion that the people, left to ed-
ucate themselves in the ways of the political world and the virtues of public life, are nothing more than “the ignorant associating with ignorant” undercuts that idea. When we add Mill’s further insistence that every school requires a schoolmaster, we are forced to acknowledge that something more complicated—and distinctly “un-Tocquevillian”—is going on here.

The first question to be answered is, who or what is the schoolmaster? In Considerations Mill offers three candidates for the role. The first is the structure of governmental power and local administration itself. The former can be reformed—by the gradual extension of the franchise, the reduction of aristocratic power, a greater representation of growing urban areas, and the promotion of local administration—so that what had been a kind of private club becomes a bit more like one of those large free schools Tocqueville had described.

The second candidate for the role are the parliamentary representatives, their debates, and the electoral process itself. Mill repeatedly insists that the representative—ideally a member of the instructed classes, or at least someone amenable to their ideas—not be reduced to the status of a mere delegate as the result of pledges made to constituents. In Mill’s view, such an understanding of the representative system robs it of one of its most precious resources, namely, the potentially greater wisdom and largeness of view possessed by individual representatives. As he pointed out in his review of Tocqueville’s first volume, “the interest of the people is, to choose for their own rulers [sic] the most instructed and the ablest persons who can be found and, having done so, to allow them to exercise their knowledge and ability for the good of the people freely.” The public parliamentary debates of these more knowledgeable representatives are seen by Mill, as they were by Hegel, as a crucial means for enlightening the people.

The third, and in many ways the most important, candidate for the role of schoolmaster in the public-political world are the instructed classes—well-educated but independent professionals and men of letters such as Mill himself. Such individuals not only contribute to the creation and defense of a vibrant public sphere against various sinister interests. They also provide what Mill calls a point d’appui for the expression of more rational and enlarged minority opinions and ideas. As we shall see in more detail below, Mill thought this point d’appui had to be bolstered by a scheme for proportional representation that guaranteed a parliamentary voice for the intellectual class.
These three candidates for the role of public-political schoolmaster are hardly exclusive. Mill’s understanding of representative government as laid out in *Considerations* demonstrates that he sees all three working together to provide the requisite educational focus as well as the necessary leadership for an increasingly democratic political order.

The second large question to be answered is actually a dual one. Why does Mill think that the people, left to themselves, are merely “the ignorant associating with the ignorant”? And why does he think that the idea of a self-educating pupil-teacher is such a nonstarter?

The answer to the first of these questions is apparently straightforward. A class that has been excluded from the public-political sphere for the entirety of a nation’s existence—a class, moreover, that is unlettered and thus literally uneducated—cannot possibly hope to contain within it sufficient experience and intellectual resources to form coherent or farsighted political plans and opinions. The exclusive focus of wage earners on their routine economic existence will guarantee not only a lack of public knowledge and judgment, but also a strict and unvarying focus on the most short-term of interests or the most immediate of resentments.

Such Aristotelian reasoning on Mill’s part is clearly open to challenge. Greek political thought may be said to revolve around the question of whether it was the *demos* or the *aristoi* who possessed greater political judgment. Leaving aside the *Republic*, Plato’s dialogue *Protagoras* presents the issue squarely. Challenged by Socrates to demonstrate that virtue can be taught, the sophist Protagoras responds by telling a story about how the titans Epimetheus and Prometheus were charged by the gods with distributing various capacities and gifts among the entire array of newly created species, mankind included. Epimetheus convinces Prometheus to let him do the whole work of distribution himself (320d). He botches the job by distributing all the gifts to the animals with nothing remaining for man, who is left “naked, unshod, unbedded, and unarmed” (321c).

Prometheus gives man the gift of fire, which is just enough to keep human beings alive, but certainly not enough for them to flourish. The titan stands trial for his theft, but even Zeus is worried that mankind, so manifestly ill equipped to cope with the natural world, will succumb to the better equipped species surrounding and harassing him. So Zeus, the political god and the keeper of political wisdom, decides to give these scattered groups of hounded nomads the gifts of political skill (*politike techne*), a respect for others, and a sense of justice (*dike*). This will enable men to form
and preserve political communities. When asked by the messenger god Hermes how he should distribute these gifts—“Shall I distribute them as the arts were distributed—that is, on the principle that one trained doctor suffices for many laymen, and so with the other experts? Shall I distribute justice and a respect for their fellows in this way, or to all alike?”—Zeus replies, “To all, let all have their share. There could never be cities if only a few shared in these virtues” (322d).

The moral of Protagoras’s story is that political skill, a sense of justice, and respect for one’s fellows are not forms of expert knowledge reserved for the few. They are, rather, capacities that every adult citizen can develop and actively exercise. Virtually Plato’s entire corpus is devoted to refuting this democratic view of political virtue and ability, to persuading us that moral and political knowledge are forms of expert wisdom reserved for an elite. The clash between these two understandings—political virtue, skill, and justice as belonging, potentially, to us all versus moral and political knowledge as the province of a select few—echoes through the Western tradition of political philosophy down to the present day. The crucial philosophical-political point, underlined by Hannah Arendt, is that the expert knowledge view entails a hierarchy that is not just epistemological. It is, at its core, an intrinsically political one, supporting an inescapable distinction between rulers and ruled. The latter is a distinction between those who deliberate and command and those who obey and execute.80

In general, it can be said that both Hegel and Mill cleave to the expert knowledge model and to the distinction between rulers and ruled it implies.81 They also endorse the broadly Platonic view that rulers in a just or rational society must form a knowledge elite, one specifically trained to deal with administrative and policy issues in all their complexity. Unlike Plato—who, in the Republic, is remarkably unconcerned with the education of the nonguardian (productive or laboring) classes—Hegel and Mill see the political education of the people, along with their gradual integration into the public life of the nation-state, as essential. This fact accounts for their strong mutual preference for a representative constitution, even though both thinkers want to place the actual activity of governing in the hands of a professionally educated and ethical few.82

Where Mill further departs from Plato—and Hegel as well—may be seen in the reasons he gives for questioning the very idea of a good (that is, moral and wise) despotism. In the past, many have suggested that a
genuinely enlightened despotism would be the truly best form government. To this Mill responds that yes, under such a regime we would have rational administration and wise policy. We would also, however, have a completely passive citizen body, one never called upon to flex its moral and political muscles or to contribute in any spiritual way to the well-being of the polity.\textsuperscript{83} The people would, as a result, never be improved, nor could they possibly contribute to the improvement of the society at large.

Simply putting reason, intellect, and knowledge in an influential if not determining position in society is, then, not enough. Mill takes the education of the people—in the sense of their development, cultivation, and moral and intellectual \textit{Bildung}—extremely seriously, precisely because he thinks that political society at its best is an essentially formative set of institutions and practices that contribute to that most worthy of goals, the improvement of mankind. The difference between Mill’s understanding of the formative project and that of civic republicanism is found in his far greater focus on the cultivation of intellectual, and not just moral or patriotic, virtues. A representative constitution is the ideally best constitution because it can contribute mightily to the diffusion of intelligence, the stimulation of mental energy, and the cultivation of educated judgment. To put this point somewhat differently: A representative constitution is the ideally best constitution because—in Mill’s iteration, at least—it is the best equipped to provide an educational regime for improvement of the many, and not just the few.

This interpretation makes it sound like Mill, in \textit{Considerations} and elsewhere, is primarily concerned with “lifting people up,” as we would say today. Why else would he present a properly structured representative constitution as a kind of “great free school”? The truth, however, is that Mill’s preference for a representative constitution—one with a universal but highly graduated form of suffrage—was not the result of philanthropic do-goodism. Nor was it rooted in a desire to recognize those who had been previously unrecognized (the imperative that drove Rousseau and Hegel). The main reason he advocated a structured, top-down (and, to a smaller degree, bottom-up) version of political education was that he feared the prospect of a majority tyranny exercised by the uneducated and inexperienced laboring masses. It is \textit{this} fear that stands behind Mill’s often contorted attempts at restricting, graduating, or multiplying the suffrage. Only through a constitutionally grounded structure of public-political
education could the working classes ascend the ladder to full exercise of their political (as opposed to merely civil) rights.

The specter of a looming working-class tyranny of the majority apparently pulls Mill back in the direction of Tocqueville, whose own fears of a working-class tyranny are well documented. The crucial difference is that although Tocqueville was at best ambivalent about the 1848 revolution, Mill viewed the Parisian working class as one of the most progressive political forces in the world. And, in marked contrast with Tocqueville’s often contemptuous attitude, he also professed great admiration for many of their leaders.84

Mill looked to France and to its revolutionary politics for manifestations of political energy and will, the like of which could not be found in England.85 Although he distanced himself early on from the philosophic radicalism of his father and of Bentham, his political radicalism as a pamphleteer, as a public intellectual, and (later) as a member of Parliament was apparent on any number of fronts, including his views on the Irish situation, French politics, and the emancipation of women. It is this radicalism, combined with his admiration for a revolutionary people (and not merely its leaders) that makes his insistence on a “school with a schoolmaster” more than a little frustrating. For it is clear that Mill was not only capable of placing his trust in the political instincts and abilities of ordinary people. He was even able to see them, on occasion, as perhaps the most important vehicle of some of his fondest political hopes.86

Despite his genuine enthusiasm for *le peuple* at such world-historical moments—an enthusiasm at great variance with both Hegel and Tocqueville—Mill’s tendency to place intellectual ability and professional competence on a plane well above that of the people led him to support two ideas for political reform that, in hindsight, look more than a little dubious. The first was his hearty endorsement of the distinction the French political writer Charles Duveyrier drew between political administration and a political public, with pride of place going to the former. This distinction accounts for many of the less-than-democratic recommendations Mill makes in *Considerations on Representative Government*. The second idea was Thomas Hare’s proposal for proportional representation, a proposal that included a complicated scheme of plural voting (the granting of
more votes to the better educated, more experienced, or more propertied
groups in society, an assignment ostensibly based more on merit than on
family heritage or mere wealth).

In his 1846 review of Duveyrier’s *Lettres Politiques*, Mill makes an ob-
servation that, at first glance, takes the antipopulist edge off his Tocquevil-
lian worries about the tyranny of the majority: “It is not the uncontrolled
ascendency of popular power, but of any power, which is formidable.
There is no one power in society . . . of which the influences do not be-
come mischievous as soon as it reigns uncontrolled.”87 To this basic insight
of liberal constitutionalism and the doctrine of countervailing powers all
might well give their assent. Yet Mill sees the remedy for this ever-present
danger not in the *agon* of public debate (as *On Liberty* suggests), nor in
the encouragement of civil society pluralism (Tocqueville), nor even in
the Montesquieuian doctrine of checks and balances (as modified and im-
plemented by the American founders). Rather, he sees it, in true Hegelian
fashion, in the creation and empowerment of a class of professionally edu-
cated administrators whose interest is aligned with that of the nation and
not with any set of private or particular interests.

The defects to which the government of numbers, whether in the pure
American, or in the mixed English form, is most liable, are precisely those
of a public, as compared with an administration. Want of appreciation of
distant objects and remote consequences; where an object is desired, want
both of an adequate sense of practical difficulties, and of the sagacity neces-
sary for eluding them; disregard of traditions, and of maxims sanctioned
by experience; an undervaluing of the importance of fixed rules, when im-
mediate purposes require a departure from them—these are among the ac-
knowledged dangers of popular government; and there is the still greater,
though less recognized, danger, of being ruled by a spirit of suspicious and
intolerant mediocrity.88

Mill thought these defects could be corrected by reforming the upper
house (whether in Parliament or the French Chamber of Deputies) into
a body more approximating the Roman Senate, and by creating a new
aristocracy of the sort suggested by Duveyrier. As with Hegel, this would
be an aristocracy of trained and highly educated civil servants who have
risen to their station though their own ability, dedication to the common
good, and principled subscription to the idea of *la carrière ouverte aux*
Such reforms, together with the limitation of the more popular representative body to a critical and checking (rather than legislative or policymaking) role, would concentrate foresight, expertise, and the reason of the nation in exactly the precincts of governmental administration and legislative authorship where it was needed most.

Mill carries Duveyrier’s primary suggestions for reform bodily into Considerations. It is an understatement to say that his adoption of these suggestions do not exactly enhance the democratic or participatory dimensions of that work. “The deficiencies of a democratic assembly, which represents the general public,” Mill writes, “are the deficiencies of the public itself, want of special training and of knowledge.” These deficiencies can be cured by reforming the representative branch into a people’s chamber, the latter being a “Chamber of Statesmen” that will be a council that includes “all living public men who have passed through important political offices or employment.”

“In its [the council’s] hands the power of holding the people back would be vested in those most competent, and those who would be generally most inclined to lead them forward in any right course.”

A cabinet-sized commission of legislation made up of legal and constitutional specialists would author the laws and bills proposed to the parliament, which would “solely have the power to accept or reject it.” “The Commission,” Mill writes, “would only embody the element of intelligence” in the construction of the laws, while parliament “would represent that of will.” The representative body would retain the power of enacting laws, but it would lose much if not all of its role in drafting them. This change should hardly be mourned, Mill thinks, because it is not the proper role of a representative body to write the laws so much as it is to enable public debate about proposed bills and policies.

If a representative assembly is ill suited to the specialized task of drafting legislation, Mill thinks it even more ill equipped to carry out the broader business of administration. “Every branch of public administration is a skilled business, which has its own peculiar principles and traditional rules, many of them not even known, in any effectual way, except to those who have at some time had a hand in carrying out the business, and none of them likely to be duly appreciated by persons not practically acquainted with the department.” The experience and prejudices Mill gained as senior administrator at East India House are here clearly on display. As a “skilled business,” public administration cannot be carried out rationally or effectively by a collection of more or less amateur job seekers.
A corps of trained administrators is just as much a check on popular, party, or factional abuse of governmental power as is the consistent application of the principle of decentralization. Summing up his case for the limitation of national representative bodies to the tasks of debate, criticism, and oversight, Mill writes

Nothing but the restriction of the function of representative bodies within these rational limits will enable the benefits of popular control to be enjoyed in conjunction with the no less important requisites (growing ever more important as human affairs increase in scale and in complexity) of skilled legislation and administration. There are no means of combining these benefits except by separating the functions which guarantee the one from those which essentially require the other; by disjoining the office of control and criticism from the actual conduct of affairs, and devolving the former on the representatives of the Many, while securing for the latter, under strict responsibility to the nation, the acquired knowledge and practiced intelligence of a specially trained and experienced Few.96 (emphasis mine)

In creating the pattern for subsequent progressive ideas of “good government” (and, somewhat later, liberal technocracy), Mill has well and truly limited the power of the people.

But what about the role of local representative bodies themselves? It is here that one would expect Mill to supplement his Platonic-Hegelian understanding of government as a specialized business dependent upon expert wisdom with the more Tocquevillian view expressed in his reviews of Democracy in America. However, Mill, though emphasizing how participation builds both political understanding and public spirit, nevertheless makes a point of subordinating local self-government to two pedagogical bodies that exclude ordinary citizens.

The first of these consists of “the very best minds of the locality.” If participation in local political life is beneficial chiefly for its educational effects, that is so because it brings “inferior minds into contact with superior, a contact which in the ordinary course of life is altogether exceptional, and the want of which contributes more than anything else to keep the generality of mankind on one level of contented ignorance.”97 Moreover, for political participation at the local level to have any real educational impact—that is, for it to concretely raise the level of intelligence and public
spirit in ordinary citizens—it is critically important that the center maintain regular contact with the periphery. This is true even when we assume, as does Mill, that the center leaves the details of local administration to those on the ground in each city or town. “Power may be localized,” Mill writes, “but knowledge, to be most useful, must be centralized; there must be somewhere a focus at which all its scattered rays are collected.”98 Here, indeed, Tocquevillian localism has been made to bow down before the authority of the instructed.

* * *

In a letter to London lawyer Thomas Hare from March 1859 (the year On Liberty was published), Mill writes:

You appear to me to have exactly, and for the first time, solved the difficulty [sic] of popular representation—and, by so doing, to have raised up the cloud of gloom and uncertainty which hung over the futurity of representative government and therefore of civilization. That you are right in theory I never could have doubted, and as to practice, having begun with a great natural distrust of what seemed a very complicated set of arrangements, I ended by being convinced that the plan is workable. . . . I shall henceforth be a zealous apostle [of Hare’s plan]. I am as sanguine as you are yourself respecting the moral and political effects of it, which would far transcend anything that is apparent at first sight.99

The plan Mill was so enthusiastic about, and for which he did indeed become a “zealous apostle” (in Considerations, if not in his later years) was the scheme for proportional representation Hare presented in The Machinery of Representation (1857). Hare proposed a radical reform to the British system, one that would eliminate local electoral divisions and create a national electorate. Voters included in this electorate would be able to vote for a number of candidates nationally, and in order of preference. Every candidate standing for Parliament who received the adequate number of votes for election would be seated. The votes of those electors who had preferred one of the losing candidates would then be apportioned to their second choice and—if he too fell short of the requisite tally—to his third and fourth choices, and so on. The process would be repeated until all the seats in Parliament were filled.
For those of us used to a “first past the post” electoral system, Hare’s proposal does indeed seem to demand “a very complicated set of arrangements.” But what caught Mill’s eye was less the idea of nationalizing elections or plural voting than the idea of assigning a different number of votes to different sectors of the electorate. If the electoral system could be so arranged that members of the educated or the relatively educated classes (professionals, intellectuals, etc.) had, as individual voters, several votes at their disposal rather than just one, then the possibility of securing an adequate representation of a crucial minority—the educated and progressive portion of the British electorate—would be extraordinarily enhanced.

Mill set out the rationale and justification for just such a system in his 1859 essay “Thoughts on Parliamentary Reform”:

There is a wide interval between refusing votes to the great majority, and acknowledging in each individual among them a right to have his vote counted for exactly as much as the vote of the most highly educated person in the community; with the further addition that, under the name of equality, it would in reality count for vastly more, as long as the uneducated so greatly outnumber the educated. There is no such thing in morals as a right to power over others; and the electoral suffrage is that power. When all have votes, it will be both just in principle and necessary in fact, that some mode be adopted of giving greater weight to the suffrage of the more educated voter; some means by which the more intrinsically valuable member of society, the one who is more capable, more competent for the general affairs of life, and possesses more of the knowledge applicable to the management of the affairs of the community, should, as far as practicable, be singled out, and allowed a superiority of influence proportioned to his higher qualifications.100

The average American reader will balk at Mill’s reasoning in this passage. Not only is he strenuously advocating the abandonment of the one-man, one-vote principle; he also is advocating a principle of distributive justice in electoral matters that draws upon Aristotle’s idea that “to equals go equal shares, to unequals unequal” (Nicomachean Ethics, 1131a–1131b). Yet, as Mill will write in Considerations, “entire exclusion from a voice in the common concerns, is one thing; the concession to others of a more potential voice, on the ground of greater capacity for the management, is another. The two things are not merely different, they are incommensurable.”101
principle that everyone ought to have a voice does not in any way entail the principle that everyone should have an equal voice.¹⁰²

What seems to us a form of stacking the electoral deck was, to Mill, hardly a subterfuge designed to give the intellectuals power. It was, rather, a way of ensuring that one important segment of society—the progressive segment—would have some rather than no voice in public affairs. The fate of any minority in an electoral system that cleaves to the one-man, one-vote majoritarian principle is that it will wind up with no voice whatsoever. Hare’s idea of plural and proportional voting appealed to Mill because it seemingly ensured that, no matter how far the franchise was extended, the “instructed” would have some voice amid the mass of the uninstructed and their partisan representatives.

Plural voting, with additional votes being granted to the more educated, could thus constitute an important point d’appui for minority views in Parliament. It simultaneously avoided what Mill, following Tocqueville, thought was the inevitable consequence of US-style elections. At the very least, plural voting aligned with proportional representation would open the possibility that the “mediocre majority” would be introduced, at regular intervals, to views other than their own. And this, in turn, would make rational progress in public-political affairs something more than a pious hope or an empty phrase. Through Hare’s scheme, Mill concludes, “a democratic people would be provided with what in any other way it would almost certainly miss—leaders of a higher grade of intellect and character than themselves.”¹⁰³

Taken as a whole, then, plural voting—and its accompaniment, a “universal but graduated suffrage”—would ensure that national political affairs would have an irreducibly educative dimension. Parliamentary politics and debate would not contribute to the improvement of the people unless there were some “schoolmasters” mixed in with the place-holders and party men, unless the minority voice of the instructed classes were heard above the din of clashing interests and party rivalries. In short, the worth of representative government resided not on its implicit recognition of human equality or its ability to give the major interests in society some voice in public affairs. Rather, the worth of representative government was to be measured largely by the degree to which it fulfilled its pedagogical mission. The success of this mission hinged on whether representative government had the courage to repudiate the “false” democratic principle
of simple majority rule and the related reduction of representation to mere delegation.

IV. Conclusion

Mill’s theory of representative government reveals a theorist attempting to slow down the inevitable movement toward a mass majoritarian democracy. He presents a series of proposals that he thought would increase the energy and intelligence of the democratic public and simultaneously promote a high degree of rational administration and governmental competence at the center. For this educational scheme to work, the rational and competent center had to have the power and opportunity to set the tone for what happened in the more distant localities. This is not to say that Mill advocated a Potemkin form of local administration. He is a genuine champion of the decentralization of power and grassroots involvement in local affairs.

That said, Mill’s liberal version of a quasi-tutelary, educational democracy contains some pretty odd features. A nonlegislating representative branch, an electoral process that is the very opposite of one man, one vote, and a version of local autonomy that remains dependent on the center for guidance—all these combine to produce a picture of a representative government far removed from what most people today imagine when they think of representative democracy. For us, equal civil rights and equality under law demand equal political rights; for Mill—and, indeed, for many of his predecessors, starting with Cromwell’s son-in-law (and Rainsborough’s opponent) Henry Ireton at Putney—the relation was far more elastic. True, unlike many of his contemporaries, Mill viewed universal suffrage and the inclusion of the working classes in public-political affairs as the ultimate goal. Yet a government of leading strings, indirectly applied, would have to remain the order of the day for the foreseeable future.

In taking up Aristotle’s principle of distributive justice—to equals go equal shares, to unequals go unequal—and then applying it to the question of political participation and political rights, Mill stumbled badly. Even though he worked tirelessly for opening up the political process to representatives of the working class, there can be little doubt that he assumed that the majority would always speak with one voice, that of an unreflective public opinion, unless it was somehow educated to do otherwise.

This assumption was, of course, borrowed from Tocqueville, whose family trauma during the French Revolution endowed him with a perma-
nent distrust of popular sovereignty and anything that remotely smacked of the volonté générale. It had the effect of making Mill more fearful of a government dominated by manual laborers than he had any right to be, at least in England. E. P. Thompson’s classic *The Making of the English Working Class* notwithstanding, the working class in England was never revolutionary, nor was it inclined to assert itself in quite the forceful way Mill, schooled by Tocqueville, imagined it would. All of Mill’s institutional proposals for diluting the popular in popular government make little or no sense unless we take seriously his fear that the uneducated working class might be prematurely invested with the public trust of the franchise.

In *On Liberty* Mill had made a great point of saying that a government of leading strings was permissible only so long as a people remained in its political, social, or cultural nonage. Yet it is hard to see how his pedagogical configuration of representative government leads to, let alone achieves, the ideal of autonomy or self-government. His insistence on the specialized nature of both legislation and administration yields a form of technocratic liberalism *avant la lettre*, albeit one that takes the development of public spirit and civic virtue quite seriously. Yet however steadfastly representative institutions work to improve a citizen body in these respects, the fact remains that the kind of representative government Mill advocates severely circumscribes the ordinary citizen’s field of action.

Indeed, if government is as specialized a business as Mill says it is, it is hard to see how the people’s “improvement,” no matter how impressive, would yield much of a direct effect on the political realm itself. Apparently the most we can hope for from representative government is that it produces (or is capable of producing) the “rational democracy” Mill championed in his review of Tocqueville’s first volume. For the young Mill, as for the Mill of *Considerations*, a rational democracy entails “not that the people themselves govern, but that they have security for good government.” But this means that representative government, conceived as an educative structure, winds up producing a set of virtues that rarely, if ever, manifest themselves in positive action. The real test of enlightened citizenship turns out to be the ability and willingness to recognize one’s moral and intellectual superiors, deferentially submitting one’s own judgment to that of more instructed and experienced classes.

In saying this, I am not implying that Mill was an aristocratic liberal who cared not a whit about expanding the inclusiveness of the public realm. If nothing else, his parliamentary career shows him repeatedly pushing for
greater representation of the working class and for a (graduated) expansion of the franchise.\textsuperscript{105} He cared not only about how to stave off the prospect of an unenlightened tyranny of the majority, but also—crucially—about how to enlighten the majority. The best and most efficient way of doing so, short of creating a system for universal public education, was to familiarize ordinary citizens with the idea of a societal interest beyond selfish class interests. Political participation, increasing literacy, transparency of debate, and expansion of the franchise would enable members of the working class to fully exploit the “large free schools” a genuine representative system would create.

To say it again, the result of this introduction to, and education in, public-political affairs would not be anything like the literal self-government implied by the “of the people, by the people, and for the people” construction found in Lincoln’s Gettysburg Address. Nevertheless, in Mill’s view such education would ensure that the ever-expanding voting public would make wiser choices, and support more enlightened and progressive policies, than they otherwise might. The collective mediocrity need not be a slave to its selfish and short-sighted interests or a pawn of the unscrupulous ambitions of the established political class. Civic education with an emphasis on this (limited) exercise of judgment is, as any observer of the American political scene for the past fifty years can attest, not exactly irrelevant. Indeed, we may well find ourselves wishing—after yet another bad choice—that such education could in fact achieve what Mill hoped it would: a more informed and a more progressive electorate.
In 1972, at a Toronto conference dedicated to her work, Michael Gerstein asked Hannah Arendt the following question: “As someone who is or feels himself to be a political actor, how would you instruct me? Or wouldn’t you instruct me at all?” Arendt’s response is worth quoting in full:

No, I wouldn’t instruct you, and I would think that this would be presumptuous of me. I think that you should be instructed when you sit together with your peers around a table and exchange opinions. And then, somehow, out of this should come an instruction: not for you personally, but how the group should act. And I think that every other road of the theoretician who tells his students what to think and how to act is—my God! These are adults! We are not in the nursery! Real political action comes out as a group act. And you join that group or you don’t. And whatever you do on your own you are really not an actor—you are an anarchist.¹

Arendt’s response is directed at those who consider themselves, or would like to consider themselves, political actors. And, as is well known, for Arendt political action had to be something more than mere voting. It had to be some form of what she called “the sharing of words and deeds in the public realm”—that is, the sharing of some citizens’ diverse opinions on an issue of common concern, a sharing that generates debate, deliberation and decision about what to do, following it up with the acting in concert necessary to make that decision publicly concrete.

It scarce needs pointing out that most contemporary citizens of the advanced Western democracies are not political actors in quite this sense. It
is hard enough motivating people to vote, let alone to engage in shared action in the public realm. Yet even though Arendt's response is directed at a sizeable fraction of the citizen body (those who desire to become participants in government), her words have relevance for citizens everywhere, as well as those who would presume to instruct them. The message is simple. Citizens are adults, and politics is not a nursery in which they are to be instructed and molded in accordance with a singular (philosophical or ideological) vision of civic virtue.

Suffice it to say that this simple message goes against the grain of the four political thinkers I have considered in this volume. For Rousseau, Hegel, Tocqueville, and Mill, instruction is not only a legitimate activity in the public sphere. It also is an absolutely necessary one. Without civic education—without the enlightenment brought about by institutions, laws, and the guidance provided by political thinkers and elites—citizens will be incapable of attaining the kind of maturity that Arendt presupposes. The gap between the stance of Arendt—the political thinker who demurs from instructing anybody—and the thinkers in this volume is quite wide. It can be only partially bridged by historical contextualization; that is, by pointing out that Rousseau, Hegel, Tocqueville, and Mill were writing in a period when citizenship itself—the holding of political as well as civil rights—was just beginning to extend to a broad number of people.

In the introduction to this book I said that a good deal of political education is, and must be, indirect. Institutions, fundamental laws, political culture, participation, and the experience (or knowledge) of injustice in society all have a role to play in that education. So too, I would argue, does acquaintance with the thought of those who interpret political experience and the world of politics itself differently from ourselves. All real education, and not just political education, involves such a moment of defamiliarization. We have to come up against something different, something that departs from our everyday presuppositions and automatic patterns of response, if we are to learn anything. This is especially the case with political phenomena. The thinkers in the Western canon of political thought—including, of course, Rousseau, Hegel, Tocqueville, and Mill—provide us with that experience. Their thought is recognizably political, and in that sense familiar. Their varied conceptions of what the political is, however, depart, often radically, from our own commonsense thoughts on the matter.

The thinkers I have examined in this volume do not merely challenge our received ideas about the nature of popular sovereignty (Rousseau), the
connection of the constitutional state to ethical life (Hegel), the relation of equality to liberty (Tocqueville), and the relation of public opinion to individuality (Mill). They also enrich and extend our own rather limited ideas of what democratic politics is, what it can be, and what issues it should address. This enrichment occurs even when these thinkers make arguments that are less than democratic in tone or substance.

In this sense, Rousseau, Hegel, Tocqueville, and Mill are all educators. They instruct us about politics—about the nature of political power, participation, the state, law, and the sources of justice and injustice—by challenging our ingrained prejudices. Yet they desired to do much more. They wanted—through institutional design, the altering of our self-understanding, and the trickle-down influence of their ideas—to lay hands on the people (the “students”) themselves. They desired, in other words, to instruct the people in precisely the manner Arendt abjures.

Of course, this pedagogical intent was hugely presumptuous. It should be noted, however, that all great political theory shares this presumption, as well as the either vague or explicit tutorial conception of the state that goes along with it. It is rare indeed for a political thinker of the first rank to impose upon himself or herself the kind of limit Arendt does. What Sheldon Wolin once described as “epic” political theory always and everywhere transgresses this limit. All the great thinkers of the Western canon considered themselves to be either teachers of an elite group of political actors or of the people themselves. They considered their reading public, no matter how small it might have been, to be a body of students in search of enlightenment. This is true even of a thinker such as Machiavelli, a theorist who feigns subservience to his superiors the better to get them to do what he wants them to do. The lowly Machiavellian adviser is actually always instructing—and molding—his princely pupil in a particular way.

In the preceding chapters I have offered a variety of criticisms of this pedagogical self-understanding of the political theorist. The dissonance between the goal of adult civic autonomy and the means to get there is inescapable in the work of Rousseau, Hegel, Tocqueville, and Mill. This fact is due largely to the growing inclusiveness of the political realm in the period in which they wrote. As more and more people crowded into the public sphere, the “sharing of words and deeds” (Arendt) seemed far less important than the acquisition of basic political knowledge and competence. To repeat my previous formulation the people had to be brought up to speed lest disaster ensue.
The task seems as urgent today as it did in the late eighteenth through the mid-nineteenth centuries. Civic maturity of the kind Arendt forthrightly stipulates appears to be in short supply today, even in our supposedly enlightened democracy. Why is this the case and what, if anything, can be done about it?

The first observation to be made is that, in the United States at least, “the people” were never as enlightened as a thinker like Tocqueville made them out to be. True, Jacksonian America must have looked pretty good in comparison with the wretched poverty endured by many millions in the Old World. Yet nativism, racism, and biblical literalism (Tocqueville’s Puritans) were present even then and were growing as social and political forces. These plagues are still with us and show little sign of disappearing anytime soon. Similarly, the literacy Tocqueville thought universal may have been widespread, but (again) only in comparison with France and much of the Old World. Illiteracy also flourished in Jacksonian America, and—truth be told—has never come close to being eradicated in our “enlightened” republic.

Indeed, with the more massive scale of our nation today, it could be argued plausibly that illiteracy (or its functional equivalent) is more widespread than ever. A US Department of Education study in 2008 revealed that 41–44 percent of the US adult population ranked at the lowest level of literate competence, and the bottom quintile was functionally illiterate. Poverty also has flourished, and in a way that would have astonished Tocqueville. We now have a permanent underclass, one that is anything but autonomous. Finally and perhaps most dammingly, the gap between the rich and everyone else has never been greater. The minimal solidarity between social groups necessary for democratic government has evaporated.

Illiteracy, prejudice, poverty, and rising inequality all play a role in stunting, if not exactly eradicating, our political competence and effectiveness as citizens. Even if we assume that the United States once had a political culture as enlightened, active, and mature as Tocqueville described, we would be forced to acknowledge that that inheritance has been squandered.

To this charge one might respond that Tocqueville grossly exaggerated our earlier virtues, rendering any comparison groundless. Besides, none of us believes that educational levels or literacy should be a determining factor in the granting of political rights (as Mill did).
Tocqueville did indeed exaggerate our virtues. And it goes without saying that all citizens, no matter what their level of literacy or education, should be secure in their constitutionally guaranteed political rights. The problem comes when we combine these structural features of contemporary American democracy with a public and media culture bent on infantilization and increasingly narrow niche marketing. The former is intent on making us dumber than we in fact are, and the latter more or less seals us in echo chambers with those who share our opinions. The Habermasian notion that, in a democratic culture, the force of the better argument should be the normative criterion of public debate and decision is praiseworthy as an ideal. It has exactly zero influence, however, even as an ideal in contemporary American political culture. Loudness—not logic, evidence, or the better argument—is what matters today. And loudness—who has the bigger megaphone? who gets the most media attention?—is something that can be purchased. “Dialogue” does not really exist. And we cannot be educated or improved by something that has effectively vanished.

By the standards of other Western democracies, our political system looks hopelessly corrupt (because of the role money and lobbying play in it) and our public-political culture looks cartoonish (for more or less obvious reasons). The descent of American democracy from the enlightened, participatory, and self-governing polity Tocqueville thought he encountered in 1830 has accelerated rapidly in recent decades. In the United States “the citizen” was long ago replaced by “the consumer” as the chief category of analysis. This is as true in politics as it is in economics. We have thus managed to reverse the Hegelian story of development while ironically confirming the Rousseauian one. We have become decreasingly autonomous as a citizen body, and markedly less adult, with the passage of time.

Does that mean it is now time for a renewed civic education, one imposed from the top down or drummed in by our educational institutions? Of course not. Aside from being “un-American,” such a prescription would only further the process of infantilization. That is why I think hope for the future hinges on two things. First, decreasing if not eliminating the gigantic role money plays in our politics (a widely shared wish). Second, taking education itself far more seriously than we currently do. We need to see the latter not just as a vehicle to basic literacy and (thus) possible employment, but as essential to democracy itself.
When it comes to education, the United States (number 17 in overall educational performance) will never rival a country like Finland (number 1). A host of reasons militate against it, including the relative sizes of our populations, differences in culture, and the absence of anything like a nationally accepted educational curriculum. However that may be, we can, obviously, do better. The point is that viewing our population in labor-market terms alone—the truly skilled, the employable, the semi-employable, and the hard-core unemployed—undermines our national commitment to universal literacy and even the semblance of equal educational opportunity: Why worry about literacy rates when multinational employers can find suitable job candidates from all over the world? Moreover, many people in this country think that working to improve schools among the poor or relatively deprived is equivalent to throwing good money after bad. Because our democracy runs on money rather than civic literacy or civic virtue, we face the additional problem of generating a national consensus about the need to improve education for all citizens. The sinister interests of today are better served by an ill-informed, and often dubiously literate, electorate.

The turn away from the public concerns of a representative democracy to those of an economic polity—that is, a polity in which economic criteria, interests, and imperatives largely guide policy and legislation—has its mirror image in various sociological theories of elite rule. Such theories—coming on the scene in the wake of Max Weber’s work on bureaucratization and fully fleshed out in the work of Roberto Michels and Vilfredo Pareto—have a certain plausibility. The more complicated and interconnected things become, the more specialized knowledge is needed to keep the system going and avoiding crisis. There may in fact be no “iron law of oligarchy” (Michels), but the unavoidable centralization and bureaucratization of political power deprives electoral politics of much of its previous content and potency. No matter how combative our party rhetoric may be, what we, as voters, are really asked to do is to choose between respective slates of experts and technocrats. The Democrats have theirs, as do the Republicans. The focus on the leader and presidential politics is more than a little anachronistic, an aftereffect of the mistaken view that the US presidency bestows powers akin to kingship.

More disturbing than sociological theories of elite rule are political theories that argue that the Enlightenment, as well as democracies aiming at full enfranchisement, were always on the wrong path. For some on the right, this
wrong path leads to the idolization of scientific knowledge (on the one hand) and to the “necessarily” futile attempt to enlighten the masses (on the other).

This is the standpoint of Leo Strauss and some of his followers. As a thumbnail description of the contemporary United States, it is not entirely off the mark. The humanities have never had less status in the academy or elsewhere, and our scheme for universal public education seems to have faltered badly. The point is that Strauss thought the very project of mass enlightenment—that is, the spread of educational opportunity at both the secondary and university levels—was an intrinsically flawed one.

Why would anyone think that? In his essay “Liberal Education and Responsibility” Strauss makes the case that the attempt to make the demos less demotic necessarily undermines, if not destroys, those pockets of culture where true liberal education of a gentlemen class—a class, if you will, of natural leaders—can take place. What Strauss has in mind when he writes about a gentleman class is akin to, but not identical with, the landowning aristocracy (who sent their sons to Cambridge and Oxford) in Britain as well as the white Anglo-Saxon Protestant elite (who sent their sons to Harvard, Yale, and Princeton) in the United States. The “rule of the gentlemen”—the rule, that is, not of a scientific or technocratic elite, but a social elite born of wealth, privilege, and access to the best possible liberal education—would result, in Strauss’s view, in the most moderate type of political regime possible in an age of mass politics. To bolster his case, he cites relevant passages not just from the classics, but from Locke, the Federalist, and—perhaps surprising, perhaps not—John Stuart Mill.

This preference for “rule of the gentlemen” is often traced by Strauss’s critics back to an inveterate snobbery. “The masses are revolting” as the old joke goes. And indeed, from the Straussian perspective, the benighted masses will never know what true virtue or excellence is. This is due, in part, to the fact that the democratic public education they have received has taken a decisive turn away from the forthright moral judgments needed, in Strauss’s view, for the cultivation of either virtuous excellence or genuine civic virtue (hence Strauss’s shrill and often misleading critique of “social science positivism” in “What Is Political Philosophy?” and other essays and books). In addition, Strauss argues that any attempt to broaden liberal education has the effect of diluting it, dumbing it down for those he thinks largely incapable of culture.

There is indeed snobbery here, some of it laughable. It is a safe bet that anyone who ventilates about “virtue” and “excellence” today possesses
neither. But Strauss also has a more serious reason to prefer the “rule of the gentlemen”—that is, for an “ennobled” representative system. That reason emerges from his experience as a Jewish refugee from Hitler’s Germany, a refugee who first found haven in England (which he admired greatly) and then the United States (where he taught at the University of Chicago for many years). Hitler, of course, came to power not by democratic means (the National Socialist party was polling only 18 percent in 1930, a figure which rose to 43.9 percent in 1934, a year after Hitler was appointed chancellor by President Hindenburg), but by the machinations of conservative German politicians (notably Franz von Papen and Alfred Hugenberg) in league with some prominent German businessmen and industrialists. The politicians thought they could control Hitler as chancellor, a hope that was rapidly dashed. What followed was effectively a coup, with the outlawing of opposition parties and the consolidation, after Hindenburg’s death, of the offices of president and chancellor. During a carefully managed plebiscite in August 1934, the German people approved the merger of the two offices with a staggering 90 percent of the vote.9

I have taken this short detour into the Nazizeit because the myth that Hitler was, in fact, a democratically elected leader is a strong and persistent one. Needless to say, had his election really been democratic, it would have been a dark day for democracy. Yet Strauss implies that it was the demos who propelled Hitler to power, thanks in large part to an inclusive franchise. This pseudo-fact, combined with Hitler’s later undoubted popularity with the German people, made Strauss admire England’s stability, a stability he thought guaranteed by the “ancient constitution,” the tone set by the gentry, and an extremely gradual acceptance of the principle of one man, one vote (occurring, late enough, in 1948). It is also made him admire the “gentlemen” who we refer to as the American Founders. They, and their sociological descendants (the WASP elite, presumably), provided American democracy with a tone and stability akin to that achieved by England.

So, there appear to be plausible if not entirely factual reasons for preferring the rule of the gentlemen to the rule of the demos. The fact that the US Constitution goes out of its way to prevent the emergence of anything like an overweening popular will also appears to support Strauss’s assumptions about the political and sociological conditions of any stable (moderate) government.

The obvious response to such an analysis is that no sociological group—whether it be the gentlemen, the demos, or some other, more definite sub-
set of the populace—is born with a greater capacity than another for virtue, moderation, culture, or intellectual achievement. Nor is it plausible to argue that in the days of the “gentleman C” we were better and more moderately governed by a “natural” (class-based) elite. The WASP elite was one whose sociological position seemed to make them fitter candidates for culture than many of their less fortunately situated peers. All they needed, Strauss thought, was the right teachers to guide them.

If we fast-forward to the present, the idea of the “rule of the gentlemen” looks thinner and even more dubious. It is impossible to single out any group, or any set of universities, that will provide either the “material” or the formation necessary to create and preserve such an elite. Even if it were possible, we should be taken aback by the Straussian-Platonic assumption that the vast majority of citizens should be viewed as childlike creatures doomed to be dominated by their demotic passions. True, consumer culture often makes it look that way. It is not, however, capitalism and the consumer culture it has spawned that Strauss rails against, but rather mass democracy and mass democratic education. These were the things that Strauss thought needed fixing. They stood in need of a “democratic” aristocracy, one that could ennoble an American democracy that had fallen prey to social science relativism and the rise of the hoi polloi.

The last thing Rousseau, Hegel, Tocqueville, and even Mill wanted was to “ennoble” a rapidly changing (and ever more inclusive) public-political realm. Rousseau worried about the people’s strength of will; while Hegel worried about their ability to understand just how great an achievement the modern constitutional state was. Tocqueville acknowledged the ability of the people to teach themselves, but only under fairly specific circumstances. Without these circumstances—without the stability, mœurs, and relative wealth he encountered in the American republic—a different, more top-down approach had to be taken. Yet even in the case of Tocqueville (a genuine, and not a pseudo-aristocrat), the goal was stable self-government, that is, a politically mature people who were capable of ruling themselves. And, despite Strauss’s enlistment of Mill in his cause, it is beyond question that Mill wanted nothing to do with a return to a more traditionally aristocratic form of government.

Mill had nothing but contempt for the sociological stratum Strauss nostalgically invokes with his praise of “the gentlemen.” Certainly, Mill wanted to improve the electorate, to make it worthy of the franchise through education and exposure to the progressive ideas of the better educated. But
improvement in political competence is a long way from “ennoblement” and the effective disenfranchisement upon which it rests. The former presumes an increasingly democratic political structure and is based on the assumption that—overall—this is a good thing. The latter presumes that the *demos* will always and everywhere be demotic, and that there is nothing that can be done to cultivate their virtues (supposing they had any). Hence the recourse to a spurious elite to rule in their stead.

As I have argued in this volume, the idea of an education to autonomy is paradoxical, if not exactly impossible or incoherent. Again, every parent embarks on a version of this project for his or her children. To use a Straussian word in a decidedly non-Straussian way, the goal—autonomy—is noble, even if the means Rousseau, Hegel, Tocqueville, and Mill recommend are often dubious. These thinkers truly wanted to be teachers of the people in the tradition of the *Aufklärer* (see chapter 2). They *did not* want to be teachers of princes or the gentry. It was above all that slippery entity, “the people,” that was the primary object of their political and theoretical attention. This despite the fact that they were writing at a time when illiteracy was widespread and their reading public was a highly restricted one.

In the valedictory address Hegel gave upon graduating from the Stuttgart Gymnasium in 1788, he offered a comparison of the German peoples with the Turks. No one will be surprised that he saw the former as superior to the latter, but the reason he gave for their superiority is striking. It is not race, religion, culture, or even ethnicity. It is, rather, the fact that the Turkish state has ignored the education of its subjects. In the German states, however, education was not only attended to but also in the process of expansion. On the one hand we have despotism, illiteracy, and a certain degree of military barbarity; on the other, we have law, science, the arts, and enlightenment. “So great,” Hegel concludes, “is the influence education thus has on the whole welfare of a state!”

We may not like the orientalist nature of Hegel’s comparison, but we have to admit that—even as a boy of eighteen—he got something profoundly right. A state that no longer really cares about the education of its citizens is a state that is either treating its citizens as subjects to be ruled or—worse—as simple raw material. This time, however, the “material” is not being formed politically and educationally to be a body of citizens with a certain level of civic competence (the shared goal of the “teachers of the people” I have considered here). Rather, the material is being formed into one huge mass of potential laborers—some highly skilled and edu-
cated, a large number literate and competent, and a larger number still employable only for physical labor or jobs in what is euphemistically described as the service economy.

Alongside this mass of the potentially employable is a growing reservoir of what the British call redundant workers—workers whose jobs have disappeared as a result of technological innovation and the endless pursuit of the “lean and mean” corporate structure. The motto of our society is less “every citizen has rights and dignity” than it is “everyone is replaceable.” This shift has involved nothing less than a structural transformation in our social ontology—a transformation in the way we view ourselves, our fellow citizens, and the millions of competitors for the limited number of jobs that a global economy spawns. Increasingly, we are all aware of our potential redundancy, our potential economic—and thus political—superfluousness.

Toward the end of *The Human Condition*, Hannah Arendt wrote as follows:

The last stage of the laboring society, the society of jobholders, demands of its members a sheer automatic functioning, as though individual life had actually been submerged in the overall life process of the species and the only active decision still required of the individual were to let go, so to speak, to abandon his individuality, the still individually sensed pain and trouble of living, and acquiesce in a dazed, “tranquilized,” functional type of behavior.11

She wrote those words in 1958, and much has changed since then. The “society of jobholders” is still with us, and doubtless it fully eclipses the world of the citizen. The primary difference between Arendt’s time and our own is that, while “functional behavior” may still be required, it is a behavior that can no longer be performed in a “dazed” or “tranquilized” way. Aside from the super-rich, all of us are much too anxious about our future and the continuation of our employment for that. And besides, our employers demand more—or else.

Ours is a world from which the aspiration to autonomy, whether as an individual or as a body of equal citizens, has effectively disappeared. It is a world that is infantilizing in numerous ways; a world that threatens all of us with redundancy. It is a world, finally, that neither Rousseau nor Hegel, Tocqueville nor Mill, would ever have wanted to see. That is because it is
a world in which their greatest fears—social corruption, the dominance of the spirit of the market over everything else, privatism, and widespread conformity—have become the most palpable of all palpable realities. And it is here that an unexpected—and quite un-Platonic—commonality emerges from these four very different thinkers. If Rousseau, Hegel, Tocqueville, and Mill were agreed upon anything, it was that vast differentials in wealth have been, and will be, the most potent source of moral and political corruption in our world. This is a lesson that is well worth learning, and well worth relearning, again and again.
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CHAPTER ONE

1. For a skeptical historical account of how the ideas of popular sovereignty and “self-evident” human equality came to replace the idea of the divine right of kings and the (equally dogmatic) assumption of human inequality, see Edmund S. Morgan, Inventing the People: The Rise of Popular Sovereignty in England and America (New York: W. W. Norton, 1988). As Morgan suggests in his introduction, “Government requires make-believe. Make believe the king is divine, make believe that he can do no wrong or make believe that the voice of the people is the voice of God. Make believe that the people have a voice or make believe that the representatives of the people are the people. . . Make believe that all men are equal or make believe that they are not” (13). I will not go as far as Morgan vis à vis the category of “the people” in this study. I do, however, find his skepticism refreshing.


5. This particular story is set out in its classic form by Antoine-Nicholas de Condorcet in his Outlines of an Historical View of the Progress of the Human Mind, translated anonymously (Chicago: G. Langer, 2009), a work composed while Condorcet awaited execution by the Committee of Public Safety for his overly liberal views.

6. See Plato, Republic, 431c.

7. The capacity for political self-education is enormously enhanced by a basic public education that provides for real literacy and acquaintance with a certain minimal amount of historical knowledge. At times in its history, the United States seemed committed to this goal. It is, sadly, no longer so committed. See the conclusion to this volume.

8. See Isaiah Berlin, Four Essays on Liberty (New York: Oxford University Press,

10. This is the point of continuity between Rousseau’s *Social Contract* and his *Émile*. I will have more to say about this in chapter 2.

11. I say “somewhat” because the idea that Hegel’s *Philosophy of Right* is little more than a justification for the postreform Prussian state has been effectively demolished by a broad range of recent scholarship.

12. Tocqueville’s warning toward the end of volume 1 of *Democracy in America* that “anyone who, after reading this book, concludes that my goal in writing it was to suggest that every people whose social state is democratic ought to mimic the mores of the Americans is guilty of a serious error” (*Democracy in America*, translated by Arthur Goldhammer [New York: Library of America, 2004], 364; hereafter cited as *DA*) needs to be taken with a grain of salt. Of course, it would be futile for Frenchmen to mimic specifically American mores. On the other hand, the development of a parallel (French) set of “free mœurs” was one of Tocqueville’s greatest hopes. It scarce needs to be added that the French people’s failure to develop mores consonant with an “ordered liberty” was one of his gravest disappointments.


14. One long-lived and unfortunate notion in post-Enlightenment democratic discourse is the idea that democratic deliberation, which starts out as the expression of opinion, is actually the search for the practical and moral *truth* of the matter. Although rhetoric based on this idea enabled nineteenth-century liberals to defend deliberative politics from charges of epistemological and moral baselessness, such rhetoric also opened deliberative politics to the kind of critique first mounted by Carl Schmitt in *The Crisis of Parliamentary Democracy* (1927). In that work, Schmitt noted what had become obvious to everyone: the justification and grounding of liberal parliamentary discourse as a search for truth was simply not credible. Subsequent attempts at updating the basic argument and justification (for example, that of Jürgen Habermas) stand or fall with how persuasive one finds the idea that the products of “unconstrained” or “distortion-free” communication have, or ought to have, the status of truth. See Carl Schmitt, *The Crisis of Parliamentary Democracy*, translated by Ellen Kennedy (Cambridge: MIT Press, 1988), 4–8.

15. I should note here that this study does not take up the topic of democratic education as it has been recently debated among a number of Rawlsian and anti-Rawlsian political theorists. For an overview of this debate, see the essays in *Nomos XLIII: Moral and Political Education*, edited by Stephen Macedo and Yael Tamir (New York: New York University Press, 2002), and Amy Gutmann’s study, *Democratic Education* (Princeton, NJ: Princeton University Press, 1999). The contemporary debates addressed in these works center on such issues as school choice, value education in public schools, education and the separation of church and state, racial integration, and the evolving nature of civic virtue in a multicultural society.


CHAPTER TWO

1. The Dutch legal theorist Hugo Grotius effectively transformed traditional natural law (understood as something given by God or built into the cosmic order of things) into the more familiar (modern and rationalist) idea of a universal set of norms and rights available to unaided human insight and reason. See Hugo Grotius, The Laws of War and Peace, edited by Richard Tuck (Indianapolis, IN: Liberty Fund, 2005). As Alexander Passerin d’Entrèves points out [in his Natural Law (New Brunswick, NJ: Transaction, 2009), 50–63], this reformulation—which helped give birth to both Jefferson’s “self-evident” truths and the French Revolutionary Rights of Man—effectively eliminated the need for a divine foundation for natural law. All that modern natural law and natural rights doctrines presupposed was a law-governed nature (“law” being understood in both the physical and moral senses) and the (very remote) God of the Deists. The difference between ancient and medieval approaches to natural law (on the one hand) and modern ones (on the other) is frequently cast in terms of a distinction between full-bodied doctrines of natural law based on transhuman authority, and modern doctrines of natural rights. Modern doctrines hold that there are rights that all human beings can be said to possess qua human beings, rights that transcend all “merely” positive law. Such doctrines had a clear influence on both Kant and Fichte, and even (many would argue) upon Rousseau. See Ernest Barker, introduction to Otto Gierke’s Natural Law and the Theory of Society: 1500 to 1800 (Cambridge: Cambridge University Press, 1950), xiii.

2. The question of Rousseau’s relation to the “law of nature” (la loi naturelle) is a complex one. On the one hand, commentators like C. E. Vaughan are right to emphasize Rousseau’s break with natural law as it was traditionally conceived (namely, as something written into the hearts or reason of all men and women in the “state of nature”). If we see this break as total (as Vaughan does), we will arrive at a picture of Rousseau as a strict conventionalist à la Hobbes. On the other hand, if one takes account of passages such as the following, from Letter VI of Rousseau’s Lettres écrites de la montagne, it becomes very hard to characterize the break as total: “Mais par cette condition de la liberté, qui en renferme d’autres, toutes sortes d’engagements ne sont pas valides, même devant les tribunaux humains. Ainsi, pour déterminer celui-ci, l’on doit expliquer la nature; on doit en trouver l’usage et la fin; on doit prouver qu’il est convenable à des hommes, et qu’il n’a rien de contre aux lois naturelles. Car il n’est pas plus permis d’enfreindre les lois naturelles par le Contrat social, qu’il n’est permis d’enfreindre les lois positives par les contrats des particuliers; et ce n’est que par ces lois même qu’existe la liberté qui donne force à l’engagement.” Robert Derathé cites this passage and others the better to partially refute Vaughan’s reading. See Robert Derathé, Jean-Jacques Rousseau et la science politique de son temps (Paris: J. Vrin, 1995), 155–60.
3. Neither Hobbes nor Locke—nor Rousseau, for that matter—posited an agreement or contract between rulers and ruled, governors and governed. They all go out of their way to repudiate such an understanding of the pact of association that creates a civil or political body. For Hobbes, sovereign political authority is a free gift that individuals seeking to escape the state of nature bestow upon one or some of their number. For Locke, individuals who seek to escape the inconveniences of the state of nature—which, contra Hobbes, has a moral law to govern it and is characterized by a basic community of mankind—agree to form a civil society and then proceed to choose a form of government (monarchy, aristocracy, republic) by way of majority decision. They then entrust political power to certain agents, on the understanding that this trust is betrayed if these individuals use their power for any purpose other than the preservation of lives, liberties, and property. Finally, the social contract or pact of association in Rousseau is an agreement between the individual and the newly created corporate body—or, as Rousseau puts it, between every individual as a particular person or subject and the corporate body (city, state, or people) of which he is now a part. Members of the government are mere magistrates, appointed and dismissed according to their capacity to fairly and competently administer the laws, which themselves are the emanations of the corporate or general will. For a comprehensive treatment of what Rousseau owes (and does not owe) to both Hobbes and Locke, see Derathé, Jean-Jacques Rousseau, passim.

4. See Immanuel Kant, “On the Common Saying: “This May Be True in Theory, but It Does Not Apply in Practice,”” in Kant’s Political Writings, edited by Hans Reiss (Cambridge: Cambridge University Press, 1970) [hereafter cited as KPW], 79: “But we by no means assume that this contract (contractus originarius or pactum sociale), based on a coalition of wills of all private individuals in a nation to form a common, public will for the purposes of rightful legislation, actually exists as a fact, for it cannot possibly be so. . . . It is in fact merely an idea of reason, which nonetheless has undoubted practical reality; for it can oblige every legislator to frame his laws in such a way that they could have been produced by the united will of a whole nation.”

5. See, for example, Robert Nozick, Anarchy, State, and Utopia (New York: Basic Books, 2013).

6. Kant, the theorist primarily responsible for turning social contract theory into an idea of Reason (or what Rawls calls a “device of representation”), goes even further by stating explicitly that the people do not and cannot have a right to rebel. To recognize such a right would, in Kant’s view, effectively destroy the existing constitution and the ground of all legality. Once made, this move could, in principle, be repeated again and again as new dissatisfaction arise. A “state of complete lawlessness” would then result. See KPW, 81–85.

7. Of course, Lockean language has an enduring place in the American political vernacular, which still relies on such notions as “God-given rights” and the purportedly prepolitical character of private property rights. John Dunn, whose path-breaking Political Thought of John Locke: An Historical Account of the Argument of the “Two Treatises of Government” (Cambridge: Cambridge University Press, 1968) did much to foreground the Calvinist Locke, later admitted his chagrin at the sheer staying power
of a vocabulary so mired in premodern theological assumptions. See his essay in *Inter-

8. For a sustained argument to the contrary, see James Miller, *Rousseau: Dreamer

2006).


11. See Ernst Cassirer, *The Question of Jean-Jacques Rousseau*, translated and
edited by Peter Gay (Bloomington: Indiana University Press, 1963), 62: “For its [the
state’s] essential task, the point of departure and the basis of all government, is [ac-
ccording to Rousseau] the task of education.” Of course, Rousseau makes a crucial
distinction between the political association—or state or people—and the particular
form of government it chooses (democratic, aristocratic, monarchic). The government
is merely the administrative and executive body charged with enforcing the laws that
the political association itself—the sovereign body—has made.

York: John Wiley, 1962) [hereafter cited as Vaughan], 1:180, where Rousseau unmask
basically Lockeian form of contract as a ruse of the rich and propertied.

Frederick Wilkins (Madison: University of Wisconsin Press, 1986), 14–15 [hereafter
cited as *PW*]. In his introduction to his edition of Rousseau’s *Political Writings*, vol. 1,
Vaughan argues that the gap between the idiom of book 1 of the *Social Contract*
and that of subsequent chapters is, in part, the result of a shift in topic (p. 31). Rousseau
seems to move from the consideration of universal principles of right applicable in all
times and places to the more Montesquieuian task of specifying the institutions and
circumstances that favor the realization of a society based on the general will. I think
there is some truth to this assertion, an assertion reiterated by Patrick Riley in his
*Will and Political Legitimacy* (Cambridge, MA: Harvard University Press, 1982). As I
argue below, however, I also think it conceals one of the central aporias of Rousseau’s
political thought.

14. I have chosen to employ the hybrid term “civic republicanism,” rather than
“civic humanism” or “republicanism,” throughout this chapter. I do so because Rous-
seau’s thought is sufficiently different from that of the Renaissance figures typically
identified with the tradition of civic humanism (Guicciardini and Machiavelli, for
example). To call him a civic humanist would have run the risk of demodernizing
him and (to an extent) depoliticizing him. On the other hand, the term “republican”
is too generic and—in the American context, at least—more than likely to result in
misunderstandings. “Civic republican” is meant to avoid both the specificity of “civic
humanism” and the undifferentiated generality of “republicanism.”

15. As I discuss below, much of the apparent contradiction between Rousseau’s
account of “natural man” (a prelinguistic and premoral brute, albeit a peaceful one)
and his account of the “naturally independent” individuals who come together—using
language and reason—to form a political association is the result of his deployment
of a distinction originally made by Pufendorf between man stripped of all his social

16. The fact that the formation of political communities hinges upon developed social relations is made perfectly clear in Rousseau’s *Discourse on the Origin and Foundations of Inequality among Men*. In the second half of that essay, Rousseau offers an account of not one but two transitions. The first transition is from man’s solitary, nomadic, and primitive condition to a social condition characterized by fixed domiciles, social interaction, a developing division of labor, and the emergence of something approximating private property (namely, the hardly secure “right” of the first occupant of a piece of land). In Rousseau’s conjectural reconstruction, an increase in settled population and a decrease in available arable land leads to a competition for the necessities of life, necessities that the more industrious and clever have gradually monopolized. At this relatively late stage of societal development, the Hobbesian “war of all against all” comes into being. Anxious to protect their nascent private property from the “brigandage of the poor,” those with greater possessions (the rich) propose the formation of a political society, one that will protect—through fixed rules and the force of all—the lives and properties of each associate. The credulous poor “run to their chains,” agreeing to join a political body that gives legal and protected status to private property. Their consent legitimizes substantial and concrete material inequality, an inequality that grounds all subsequent moral (that is, artificial and hierarchical) inequality.

The second transition examined by Rousseau is the one by which a political society characterized by law, limited government, and the consent of all devolves into despotism. Members appointed to administer and execute the “fixed rules” come, over time, to view their power not as a limited and conditional grant from the people, but rather as their property. The ordinary people, increasingly preoccupied by private and economic affairs, allow this, having little time for or interest in public matters. The civic abdication of ordinary people (the weak) thus enables usurpation of political power by their governors (the powerful). This usurpation sets the stage for the emergence of monarchical regimes, which soon become hereditary in character. After a period of predictable corruption and moral decline, monarchies devolve into tyrannies in which all are subject to the arbitrary rule of the despot. There are, then, three main stages in the progress of moral inequality, according to Rousseau. First, the creation of the rich and the poor; second, the emergence of the (politically) powerful and the weak; and third, the appearance of a despotic master for all. This final stage produces a decidedly unnatural form of slavish equality among the despot’s subjects, thereby closing the circle that started long ago with naturally equal and independent beings in the state of nature.

17. To avoid confusion here: I am not arguing that, behind Rousseau’s contractualist rhetoric there lurks what Alfred Cobban has called an “organic” theory of the political association, one that sees it as developing naturally from rudimentary social forms. Rousseau, like Hobbes and the modern tradition generally, views political society as *artificial*, as the product of will and not nature. See Alfred Cobban, *Rousseau’s Theory of the Modern State*, rev. ed. (London: Archon Books, 1968), 69–70.
18. For obvious reasons, the usual distinction between a “horizontal” contract (or pact of association) and a “vertical” contract (between a people and its government) does not apply to Rousseau. A vertical contract would give the governors as a body an interest distinct from that of the people, whose laws they administer. And that, in turn, would effectively destroy the general interest upon which the just society of the Social Contract rests.

19. Vaughan, 2:53; PW, 44. If the “effect” did not somehow become the “cause”—that is, if a people lacked the social consciousness and morality of the common good created by the Lawgiver’s institutions—they would fail to identify correct political principles. This would condemn them to some form of the “false” contract and ultimately doom them to traveling the road to despotism Rousseau traces in the second Discourse. See note 16, above.


21. Locke finessed this problem by sneaking the “law of nature” (God’s law) and the “moral community of mankind” into the “state of nature,” thereby making it possible for human beings to reason, communicate, and morally identify with one another—all before anything like a coherent particular society, let alone a political association, existed.

22. This partial acceptance helps reproduce the contractualist idiom in French revolutionary thought and provides a basis for Hegel to criticize both Rousseau and the Jacobins for proceeding according to what he calls liberal or atomist principles.

23. See Vaughan, 1: 141–44.

24. As Rousseau observed in the Discourse on Inequality, “The philosophers who have examined the foundations of society have all felt the necessity of going back to the state of Nature, but none of them have reached it. Some have not hesitated to ascribe to Man in that state the notion of just and unjust, without bothering to show that he had to have this notion, or even that it would have been useful to him . . . [others] continually speaking of need, greed, oppression, desires, and pride, transferred to the state of nature ideas they had taken from society; They spoke of Savage man and depicted Civil man.” See “Discourse on the Origin and Foundations of Inequality among Men” in Jean-Jacques Rousseau, The Discourses and Other Political Writings, edited by Victor Gourevich (New York: Cambridge University Press, 2010), 132 [hereafter cited as DPW].


27. This statement needs to be qualified in the manner suggested by Derathé. What Rousseau is specifically denying is that “natural” (or “savage” or “primitive”) man—man as he is from the “hand of nature” or “the hand of God”—is outfitted, from the very beginning, with enough reason and moral sense to be aware of anything like a “law of nature.” Rousseau breaks with this line of thought, and thus with the traditional idea of natural law, by pointing out (in the Discourse on Inequality) that “natural man”
must first develop his capacities for reason, language, and judgment. Man must “grow into” these faculties, and such development depends on the invention of language and the creation of at least a rudimentary form of social existence. As Rousseau makes very clear, such development is an eons-long process in the prehistory of humanity. The “law of nature” ceases to be an anachronistic projection of philosophers and priests only when men, having formed themselves into political associations and given themselves positive laws, begin (as a result) to have the idea of principles of justice and morality that transcend their particular society. See Derathé, Jean-Jacques Rousseau, 163–65. See also Jean-Jacques Rousseau, Émile; or, On Education, translated by Alan Bloom (New York: Basic Books, 1979), 89: “Of all the faculties of man, reason . . . is the one that develops with the most difficulty and the latest.”

29. Vaughan 2:50; PW, 40.
30. Vaughan 2:50–51; PW, 40–41.
31. Kant transformed this notion of self-legislation or autonomy into a strictly moral idea. In the formula of the Groundwork, as rational beings we have the capacity to give ourselves universal laws that can—and, in Kant’s view, clearly ought to—determine our conduct as individuals. It is interesting to see how the young Hegel, in his “Positivity of the Christian Religion” essay, took up the Kantian formula of autonomy and self-consciously returned it to the original political (and explicitly republican) context of the ancient Greeks and Romans. See G. W. F. Hegel, Early Theological Writings, translated by T. M. Knox (Philadelphia: University of Pennsylvania Press, 1975), 154–55.
32. Kant’s rejection of paternalist forms of government is indeed quite strong. See Kant, KPW, 54–55 and 74–75. I should note, however, that he immediately qualifies (if not totally effaces) the practical impact of this rejection by first insisting that the process of a people’s enlightenment is indeed a slow and gradual one (p. 58) and secondly by insisting that there is not, nor can there be, any right to resist a paternalistic despot (p. 81).
33. See Rousseau’s description of his idea of the governor of a child in comparison with the idea of a mere preceptor in Émile, 51–52.
34. See Rousseau’s statement in bk. 1 of Émile: “Good social institutions are those which best know how to denature man, to take his absolute existence from him in order to give him a relative one and transport the I into a common unity” (Émile, 40).
37. Compare Plato, Republic, 420b–d.
38. Not even the liberal tradition is free of it. Locke’s famous description (in the Essay Concerning Human Understanding, bk. 2, chap. 1) of the mind as a sheet of “white paper” ready to be written on paves the way for the associationist psychology of Bentham and the utilitarians, whose program for reform rested upon conditioning people to prefer certain pleasures over others. The “blank slate” metaphor is, in its own way, as much of an invitation to political oppression as the “raw material” metaphor.
39. The most notorious instance is to be found in Josef Goebbels’s 1933 letter to Wilhelm Furtwängler: “Politics, it too is an art, perhaps the most elevated art and the greatest that exists, and we—who give form to modern German politics—we feel ourselves like artists to whom have been conferred the high responsibility of forming, beginning with the brute masses, the solid and complete image of the people. The mission of the artist is not only to unify, but goes much further. He is obliged to create, to give form and to eliminate what is sick, to open the way to what is healthy.” The Nazis, obviously, were not Platonists, but the mixture of Platonic tropes with the vulgar Nietzscheanism of the “sick” and the “healthy” in this passage is truly stunning. The letter appeared in the April 11, 1933, issue of the *Lokal Anzeiger* and is reprinted in Hildegard Brenner, *Die Kunstpolitik des Nationalsozialismus* (Reinbeck bei Hamburg: Rowolt, 1963), 178–80.

40. The “state as a work of art” trope that I am ascribing to Plato and Platonic political thought was seen by Jacob Burckhardt as originating with Italian political thought in the Renaissance. See Burckhardt, *The Civilization of the Renaissance in Italy* (New York: Random House, 1954), 50–71.


42. Machiavelli, *Discorsi*, bk. 1, chap. 17, 139: “Dove la è corrotta, le leggi beno ordinate non givano, se già le non sono mosse da uno che con una extrema forza le faccia osservare, tanto che la materia diventi bouno” Machiavelli, CWO, 240.

43. Machiavelli, *Discorsi*, bk. 1, chap. 18, 142; CWO, 243.

44. Machiavelli, *Discorsi* in *Opere*, bk. 1, chap. 11, 124; CWO, 225.


46. Ibid.

47. Schiller, writing about the priority of *aesthetic* education over political education, also found himself irresistibly drawn to the same metaphors. See Friedrich Schiller, *On the Aesthetic Education of Man*, edited and translated by Elizabeth M. Wilkinson and L. A. Willoughby (Oxford, UK: Oxford University Press), 19–21 (fourth letter). Schiller’s Kantianism led him to distinguish between how the artist or artisan approaches his material and how the pedagogic or political artist approaches his: “The statesman-artist must approach his material with a quite different kind of respect from that which the maker of Beauty feigns towards his.”

48. See Vaughan, 1:183; *DPW*, 175, where Rousseau advocates beginning a political society by first “purging the threshing floor and setting aside all the old materials [les vieux matériaux] . . . in order afterwards to erect a good Building.”

49. Vaughan, 2:54; *PW*, 46.


51. Vaughan, 2:54; *PW*, 46.

52. See also Rousseau, *Discourse on the Origin and Foundations of Inequality among Men* [DPW, 175]: “Nascent government had no constant and regular form. . . . Despite all the labors of the wisest Lawgivers, the Political state always remained imperfect because it was almost a product of chance and because, having begun badly, time
revealed its flaws and suggested remedies but could never repair the vices of the Constitution; it was constantly being patched, whereas the thing to do would have been to begin by purging the threshing floor and setting aside all the old materials, as Lycurgus did in Sparta, in order to afterwards erect a good Building.” Rousseau goes beyond Machiavelli here. The latter at least allowed the possibility of an imperfect constitution perfecting itself over time, as happened in the case of the Roman republic. See Machiavelli, CWO, bk. 1, chaps. 2 and 3.

53. Vaughan, 2:56; PW, 47. Rousseau’s negative verdict on Peter the Great can be seen as a not-so-subtle dig at Voltaire and his Histoire de l’empire Russie sous Pierre le Grand (vol. 1 published in 1759; vol. 2 in 1763). Voltaire’s study is a generally positive account of this archetypal enlightened despot, whom Voltaire credits with civilizing the Russians despite his occasionally barbaric personal habits. See Peter Gay, Voltaire’s Politics: The Poet as Realist (New Haven, CT: Yale University Press, 1988), 181–83. Rousseau’s general attitude toward the philosophes is nicely summed up by Judith Shklar, who notes that, from Rousseau’s point of view, the philosophes’ “faith in progress, benevolent despots, and enlightened self-interest could only worsen conditions... since change means degeneration.” See Shklar, Men and Citizens: A Study of Rousseau’s Social Theory (New York: Cambridge University Press, 1985), 98.


55. Vaughan, 2:60; PW, 53.

56. In the Geneva MS of the Social Contract, Rousseau writes, “the state is limited to a single town, at the very most” (Vaughan, 1:489–90).


59. Vaughan, 2:52; PW, 42–43.

60. Ibid.

61. Vaughan, 2:51; PW, 41.


63. Vaughan, 1:250; DPE, 142.

64. See Émile, 120: “Take an opposite route with your pupil. Let him always believe he is the master, and let it always be you who are. There is no subjection so perfect as that which keeps the appearance of freedom.”

65. The criticisms of Rousseau’s idea of popular sovereignty and the general will made by Hegel, Tocqueville, and Mill (not to mention numerous more contemporary critics, like Isaiah Berlin and J. L. Talmon) all center on the idea that popular sovereignty and the general will invariably wind up as the domination of a minority by the majority. In Rousseauian terms, this reduces to the postulate that a genuine general
will is impossible and that it is the will of all—that is, the mere aggregation of many individual wills—that always and everywhere triumphs, in the form of a simple majority. That simple majority then claims to represent the corporate will as such—which, in Rousseau’s estimation, it has absolutely no right to do. The result is domination of one faction of the people by another, larger and more numerous, faction.

66. Vaughan, 2:72; PW, 71.
68. Vaughan, 2:88; PW, 92.
69. Vaughan, 2:91; PW, 97: “The vital force of political life lies in the sovereign authority. The legislative power is the heart of the state and the executive power is the brain, which gives movement to its members. The brain may become paralyzed and the individual still lives . . . but as soon as the heart stops functioning, the animal is dead.”
70. Vaughan, 2:92; PW, 98.
73. It is important to remember that such assemblies are, in Rousseau’s understanding, periodic. In his chapter on Rousseau in The Rise of Totalitarian Democracy, Talmon stumbles badly by stating that “there is nothing that Rousseau insists upon more than the active and ceaseless participation of the people and of every citizen in the affairs of the State” (p. 47). In *Men and Citizens*, Shklar errs in the opposite direction when she insists that, in Rousseau’s political thought, “the sovereign does very little” (p. 181).
74. Vaughan, 2:95; PW, 102.
75. Of course, many of us do not think this way. Nothing is more common today than identifying what is good for a group or faction with what is good for all.
76. Vaughan, 2:102; PW, 111.
78. Vaughan, 2:105; PW, 117.
80. Ibid. (emphasis mine).
82. My interpretation of Rousseau on voting procedures is indebted to Hannah Arendt’s in *On Revolution*, 78.
84. For the “too political” charge, see Berlin, Freedom and Its Betrayal. The basic critique traces back to Benjamin Constant’s 1819 lecture at the Athénée Royal, “The Liberty of the Ancients Compared to That of the Moderns.” See Benjamin Constant: Political Writings, edited by Biancamaria Fontana (Cambridge: Cambridge University Press, 1988), esp. 310–13.


86. In Jean-Jacques Rousseau: The Politics of the Ordinary (Thousand Oaks, CA: Sage, 1994), Tracy Strong makes the argument that “will is for Rousseau a state of being, not an action” (99). Understood in this way, the general will is something other than its actions, a spirit that inheres in the political community as long as particular interests do not utterly dissipate it. Or, to put it another way, the general will exists not only when the people express their sovereign power, but also when they think of themselves as citizens of a shared political body (one with a life and will of its own) first, and as particular individuals with particular wills and interests second. Arthur M. Melzer, in his admirable study The Natural Goodness of Man (Chicago: University of Chicago Press, 1990), argues that the interest in the common good each individual possesses is inseparable from self-interest, and that—as a result—what appears to be an almost metaphysical gap is in fact a continuum. See Melzer, 163–65.

87. This is even the case in such self-consciously postmetaphysical thinkers as Habermas and Rawls, both of whom assume that there is a mode of discourse—“distortion-free communication” in the case of Habermas, “public reason” in the case of Rawls—that is able to contain the divisive effects of pluralism and orient a social body toward what Habermas calls a “rationally grounded will consensus.”

88. Vaughan, 2:63–64; PW, 58.

89. Vaughan, 2:122; PW, 140.


92. Vaughan 2:122; PW, 140.

93. Ibid.

94. Ibid.

95. Vaughan 2:123; PW, 141. The French Revolution took Rousseau’s advice. See Charles Walton’s important study, Policing Public Opinion in the French Revolution: The Culture of Calumny and the Problem of Free Speech (New York: Oxford University Press, 2009), esp. 193–225. The project of cultivating “public spirit” and republican mœurs was central to all the educational projects of the day, as was the censorship of articles and pamphlets in which criticism veered toward what the government saw as calumny. The “free press” ushered in by the Revolution was thus subject to both censorship and a fairly severe regulatory regime. As Patrice Higonnet observes, the Jacobins “could not see that honest men of good faith might consider a political problem in different ways” (Higonnet, Goodness beyond Virtue, 70). Keith Michael Baker points out that Rousseau’s use of “opinion” in the civil religion chapter and “public opinion” elsewhere is more social than political. That is to say, Rousseau sees “public opinion” as one com-
ponent of the manners and mores of a people. The robust political sense of “public opinion” with which we are familiar came on the scene only later, with the French Revolution. See Keith Michael Baker, “Public Opinion as Political Invention” in his *Inventing the French Revolution* (New York: Cambridge University Press, 1990), 186–87.


97. Ibid., chap. 12, 127; CWO, 228.


100. Vaughan 2:129; PW, 148.

101. In his recent book, *Civil Religion* (Cambridge: Cambridge University Press, 2014), Ronald Beiner argues that the impossibility of a post-Christian civil religion was clear to Rousseau and that—as a result—he was much closer to the liberal conception of the separation of church and state than is commonly acknowledged. I would like to think this interpretation is correct, but I have my doubts.

102. Robespierre gave his “Report on the Relations between Religious and Moral Ideas and Republican Principles” to the French Revolutionary Convention on May 7, 1793. The decree he proposed makes interesting reading. Article 1 states that “The French People recognize the existence of the Supreme Being, and the immortality of the soul.” Article 2 states that “the best way of worshiping the Supreme Being is to do one’s duties as a man.” Article 3 outlines the “most important” of these duties: “to detest bad faith and despotism, to punish tyrants and traitors, to assist the unfortunate, to respect the weak, to defend the oppressed, to do all the good one can do to one’s neighbor, and to behave with justice towards all men.” Subsequent articles call for periodic civil religious festivals of the kind Rousseau evidently favored. See J. M. Thompson, *Robespierre* (New York: Howard Fertig, 1968), 2:182–84.


104. It was the denial of the doctrine of original sin in *Émile* that led the archbishop of Paris, Christophe de Beaumont, to proscribe the work in his pastoral letter of August 28, 1762.

105. See Vaughan, 1:195; DPW, 187.


107. Hence the well-known “statue of Glaucus” analogy in the preface to the *Discourse on Inequality*.


109. This is not to deny Rousseau’s faith, a faith memorably expressed in the “Profession of faith of the Savoyard Vicar” found in bk. 4 of *Émile*. The god presented there, however, is more or less the god of the deists, a first mover who is necessary for matter to be pushed into motion. The order and rationality of the natural realm is attributable to God, but this god does not actively intervene in human history. See *Émile*, 266–94.
110. This claim may seem counterintuitive in light of Rousseau’s equation of the hand of nature with the hand of God in the second *Discourse*. We must remember, however, the fundamentally unorthodox project of the second *Discourse*—namely, to *set aside* the idea that God had created man with the capacity for moral knowledge and understanding and to offer a speculative anthropology in which divine guidance and divine law play absolutely no part. The radical nature of this project is evident in Rousseau’s contention that society and civilization itself are the result of a series of absolute contingencies.

111. *DPW*, 144. As Derathé puts it, Rousseau’s entire argument in the second *Discourse* tends “à ruiner l’idée traditionnelle de loi naturelle” (Derathé, *Jean-Jacques Rousseau*, 164). See note 2 above for the complicated character of Rousseau’s relationship to the natural law tradition.


113. The notion that Hobbes thought man was violent, aggressive, or evil by nature is both remarkably widespread and remarkably mistaken. For Hobbes, man in the state of nature is diffident, but to be diffident is by no means the same as being violent or aggressive. It is the fact that men in a precivil (“natural”) condition are forced to make individual threat assessments and follow up with preemptive action that brings about the famous *bellum omnium contra omnes*. Similarly, the idea that Rousseau sentimentally thought man was good by nature, overlooking all the evidence to the contrary, is also off-base. Natural man is “good” only in the sense of being completely innocent and premoral. The terms *good* and *evil* do not really apply to him at all. Rousseau’s clarity about this issue reveals the charge of naïveté to be ideologically or theologically motivated.

114. Vaughan, 1149–50; *DPW*, 141.

115. Vaughan, 1:150; *DPW*, 141.


117. This is not to deny that Rousseau is often seen as trafficking in what Herbert Lüthy called “the eternal myth of Paradise Lost.” See Herbert Lüthy, *From Calvin to Rousseau: Tradition and Modernity in Social-Political Thought from the Reformation to the French Revolution*, translated by Salvator Attanasio (New York: Basic Books, 1970), 251.

118. I should point out that when I use the phrase “the collective exercise of the general will” I am not implying the existence of some macro-subject, “the people,” with a single collective will that somehow hovers over the individual wills. The “general will,” is, as Rousseau tells us, something found in *individual citizens*, agents who are capable of distinguishing between public and private interests and also of self-consciously willing the former. Rousseau’s critics have a tendency to reify the general will into some
kind of transindividual entity. A reification of this sort rests on the presumption that, in Rousseau’s view, “the people” constitute not just a single body, but a single subject.

119. Starobinski actually distinguishes a four-stage process, beginning with the occasional and contingent collaboration of primitive men with each other for the purpose of hunting or some other activity. For clarity’s sake, I have left out this first stage, in which savage or nascent man still lives in “la dispersion primitive.” See Jean Starobinski, “Du discours de l’inégalité au Contrat Social” in Études sur le Contrat Social de Jean-Jacques Rousseau, 100–101.

120. Vaughan 1:174; DPW, 166.
121. Vaughan 1:172; DPW, 164.
122. Ibid.
123. Vaughan, 1:175–76; DPW, 167 (emphasis mine).
125. Kant was repelled by Rousseau’s nostalgia for a “Arcadian, pastoral existence.” Such a condition, he wrote, would leave “all man’s excellent natural capacities” undeveloped. Further, it would deprive human history of whatever meaning it has by demonizing progress. Kant thinks that *amour propre*—in the form of “unsocial sociability”—is indeed the motor of civilization, but one that redeems itself by making the development of all distinctively human capacities and achievements possible. See Kant, KPW, 44–45.
126. Vaughan, 1:169; DPW, 164 (Rousseau’s emphasis).
127. In the famous phrase from the Social Contract, no one should be so wealthy as to be able to purchase another human being, and no one so poor as to have to sell himself.
128. See Higonnet, Goodness beyond Virtue, 77–79.
130. As Lucio Colletti points out, the canard of Rousseau’s primitivism has been remarkably long-lived, even though it has been refuted time and again. See Colletti, “Rousseau as Critic of ‘Civil Society’” in From Rousseau to Lenin (New York: Monthly Review Press, 1974), 149.
133. Vaughan, 1:181; DPW, 172.
134. Vaughan, 1:181; DPW, 173.
135. Ibid.
136. Locke, Second Treatise, sec. 87.
137. Vaughan, 1:179; DPW, 171.
138. Vaughan, 1:190, 194; DPW, 182, 185–86.
139. Ibid. See the parallel passage in Émile, bk. 1, 83–84.
140. Émile, 85: “Dependence upon men, since it is without order, engenders all the vices, and by it, master and slave are mutually corrupted.”
141. Vaughan 1:179; DPW, 170.
143. Émile, 215–19.
144. All Rousseau’s talk about a child’s “natural dispositions” and a pedagogy based on “the method of nature” may be seen as instances of his tendency to impute somewhat different meanings to the same word depending on context (specifically, the educational context of Émile versus the speculative anthropological one in the second Discourse). This was a tendency Rousseau was well aware of, one that he juxtaposed explicitly to a strict and consistent definition of terms. In an important footnote in book 2 of Émile, he draws our attention to it, claiming that the paradoxes and self-contradictions that seem to arise from his apparently fast and loose deployment of terms (“nature,” “state of nature,” etc.) are actually the result of the fact that “it is impossible in a long work always to give the same meanings to the same words.”

Thus, in book 1 of Émile, Rousseau underlines the vagueness of the word nature. He then attempts to “settle on a meaning” that is clearer and more precise. He draws an analogy between a plant whose “natural inclination” for vertical growth has been obstructed and a man whose inclinations have been diverted from their original developmental path by artificial habits. Rousseau states that, in both instances, the “natural” returns once the offending obstacle or habit is removed. He then goes on to observe that “education is certainly only habit,” further noting the perplexity that although some people retain their education others apparently forget theirs. The garble that results—what is the relationship between our habits and our natural inclinations? what is the impact of education on these inclinations? can habits and natural inclinations be mixed, or are they somehow incommensurable?—can be avoided, Rousseau states, “if the name nature were limited to habits conformable to nature” (Émile, 39). To be sure, this rescues the idea of an “education according to nature” from apparent self-contradiction. It does so, however, by presuming an ostensibly clear and self-evident distinction between habits that are conformable to nature and habits that are not. Rousseau concludes by emphasizing that the operative distinction for him is not between natural inclinations and habit or education, but between natural inclinations and corruption: “Before this corruption they [our inclinations] are what I call in us nature.”

Rousseau’s shift from a structuring distinction between the primitively natural and the social (in the Discourse on Inequality) to one between the natural and the corrupt (in Émile) marks what I am calling the metaphorical displacement of the word nature in his text. The natural versus social rhetoric of Émile—apparently continuous with the rhetoric of the second Discourse—works only because Rousseau has brought these terms into a closer, more dialectical proximity. Where there was once a gap or even an abyss (natural versus social man), there is now an organic relationship of rot or decay. A person or people whose inclinations were previously natural (and thus good) is subsequently animated by inclinations that have been corrupted or perverted. Instead of the caesura between the natural and the social state presented in the second Discourse, we now have a relationship predicated upon the underlying identity of a subject who
has been corrupted. In Émile, society is no longer the radical other of nature. It is nature—Man—corrupted.

145. See Émile, 120: “He ought not make a step without your having foreseen it; he ought not to open his mouth without your knowing what he is going to say.”

146. The failure to make this distinction lies at the heart of Fichte’s criticism of Rousseau in the fifth of his 1794 Jena lectures, The Vocation of the Scholar. Although dismissive of Voltaire’s idea that Rousseau wants to return men to a primitive state of nature, Fichte nevertheless gives strong voice to what he views as the moral imperative for human beings to develop their faculties, cultures, and societies as far as possible. For Fichte, as for both Kant and Hegel, there is no doubt that whatever integration and wholeness humanity can achieve lies in the future. For Rousseau, the future is precisely the danger.


149. Vaughan, 2:61; PW, 54.


151. Vaughan, 2:307; PW, 278.


154. Condorcet, Historical View of the Human Mind, 354–55. Compare Edmund Burke’s defense of prejudice in his Reflections on the Revolution in France, edited by J. G. A. Pocock (Indianapolis: Hackett, 1987), 76: “You see, sir, that in this enlightened age I am bold enough to confess that we are generally men of untaught feelings, that, instead of casting away our old prejudices, we cherish them to a very considerable degree, and, to take more shame to ourselves, we cherish them because they are prejudices, and the longer they have lasted, and the more generally they have prevailed, the more we cherish them.” For a more contemporary rehabilitation of prejudice, see Hans-Georg Gadamer, Truth and Method, translation revised by Joel Weinsheimer and Donald G. Marshall (New York: Continuum, 2003), 277–306.


156. Vaughan, 2:330; PW, 308.


158. Vaughan, 2:317; PW, 291.

159. In the second of Rousseau’s Lettres morales, he states that “the luxury of the
cities brings misery, hunger, despair to the countryside; if some men are happier, the human race is more to be pitied for it.” See Rousseau on Philosophy, Morality, and Religion, edited by Christopher Kelly (Lebanon, NH: Dartmouth University Press, 2007), 79.


161. In citing Plato and Machiavelli as the chief theoretical influences in this regard, I do not mean to discount the profound effect that Plutarch’s writings had on the young Rousseau.


163. Vaughan, 2:323; PW, 299.


165. Ibid.


168. Ibid.

169. Ibid.


174. Ibid.

175. Vaughan, 2:434; PW, 171.


177. See chapter 4 of this volume.


180. Vaughan, 2:442; PW, 182.


182. Vaughan, 2:441; PW, 180.

183. Vaughan, 2:443; PW, 183.


185. Rousseau returns to the topic of civic equality in chapter 13 of Considérations, proposing a scheme whereby burghers could be gradually ennobled and serfs “distinguished by their good conduct” granted manumission (but only up to a certain number each year).

186. Vaughan, 2:450; PW, 192.


188. I have intentionally left out Rousseau’s more technical recommendations for revising the Polish constitution, largely because they concern criteria for selection and promotion of various segments of the nobility to the provincial diets and to the (national) senate. Rousseau also recommends curbing the power of the king to the point where he resembles a constitutional monarch and making sure that kingship is elective rather than hereditary. In addition, he advocates disbanding the standing army and replacing it with a citizens’ militia, as well as the cultivation of Polish economic self-
sufficiency and the elimination of the *liberum veto* (a parliamentary device meant to encourage unanimity but, in practice, one that made it possible for a single member to halt any and all legislative or administrative action).

189. See Rousseau, *PW*, 293.

190. This criticism has been repeatedly made by liberal critics of Rousseau, from Constant to the present.

191. Vaughan, 2:103; *PW*, 114.


194. In *The Social Problem in the Philosophy of Rousseau*, John Charvet suggests that the opposition between nature and society in Rousseau—along with its attendant paradoxes—can be overcome if we see that Rousseau intends *Emile*’s education to be one that produces a “new man,” one “supremely fitted for citizenship” (39). This allows Rousseau (and us) to dispense with the necessity of a civic education that proceeds through the radical denaturalization of citizens-to-be. However, such a solution to the nature/society conundrum presumes that the type of education Emile receives can be generalized to the population at large—an unlikely possibility.


**Chapter Three**


2. There is an important distinction to be made between the German idealist or romantic conceptions of *Bildung* and the formative project of civic republicanism. *Bildung* emerged as an ideal of self-cultivation in the work of Goethe, Schiller, and Fichte. Goethe’s *Wilhelm Meister’s Apprenticeship* (1795–96) was the paradigmatic *Bildungsroman*, establishing the framework for much that was to follow, from Hegel’s *Phenomenology* (1807) to Thomas Mann’s *Magic Mountain* (1924). Fichte’s 1794 lectures on the vocation of the scholar presented the self-cultivation of both individual and species as a *moral* imperative, while Schiller’s *Letters on the Aesthetic Education of Man* (1794–95) presented the cultivation of an aesthetic sensibility as the necessary
preface to moral and political education. The essential difference between Bildung and the formative project of republicanism is that the former is always viewed as a form of self-cultivation (even in its collective versions—that is, the self-education of a community or humanity). Republicanism, on the other hand, tends to rely on a political artist of character, a “great lawgiver” who imposes civic form on more or less passive matter (see chapter 2 of this volume). For the influence of Bildung on Hegel, see Terry Pinkard’s *Hegel: A Biography* (Cambridge: Cambridge University Press, 2000), 49–51. For a discussion of Bildung in Fichte, Goethe, and Schiller, see W. H. Bruford, *Culture and Society in Classical Weimar, 1775–1806* (Cambridge: Cambridge University Press, 1962), 236–90.

3. Condorcet’s paean to the rise of the scientific method, Reason, and the efforts of Enlightenment “publicists” is typical: “At last man could proclaim aloud his right, which had so long been ignored, to submit all opinions to his own reason and to use in the search for truth the only instrument for its recognition that he has been given. Every man learned with a sort of pride that nature had not forever condemned him to base his beliefs on the opinions of others; the superstitions of antiquity and the abasement of reason before the transports of supernatural religion disappeared from society as from philosophy.” See Condorcet: *Selected Writings*, edited by Keith Michael Baker (Indianapolis: Bobbs-Merrill, 1976), 228. In *Was ist Aufklärung?,* Kant was careful to make a distinction between living in an “enlightened age” (*aufklärten Zeitalter*) and an “age of enlightenment” (*Zeitalter der Aufklärung*). Kant thought that it was premature to dub his age an enlightened one, even though Condorcet and many others had no doubt that it was. Johann Gottfried von Herder’s “This, too, a Philosophy of History” is an important exception to the overall tendency of Enlightenment thinkers to give short shrift to the concept of development, even though Herder himself is most often viewed as a counter-Enlightenment, protoromantic thinker. Nevertheless, his influence on Hegel was considerable. See Herder, *Philosophical Writings*, edited by Michael Forrester (Cambridge: Cambridge University Press, 2008).


5. Hegel, *Vernunft in der Geschichte*, edited by Johannes Hoffmeister (Berlin: Akademie-Verlag Berlin, 1966), 55 [hereafter cited as VG], and Hegel, *The Philosophy of History*, translated by J. Sibree (Mineola: Dover, 1956), 17 [hereafter cited as PH]. The basic idea is that the people, institutions, and things that either a Kantian or utilitarian individualism encourages us to see as “other” and (hence) as limitations of our individual freedom, are—if they are indeed rational and progressive—the vehicles of our freedom and self-actualization. Seeing them this way transforms our experience of them and of ourselves. Admittedly, in Hegel the idea of “being with oneself in an other” can take some pretty odd forms, including the idea that we are most free when
we are performing our social duties. See VG, 96; PH, 29. Also PR, sec. 149. See Wood's discussion in Hegel's Ethical Thought, 49–50.


7. See PR, sec. 57, for one's right to one's own body and to a free status, secs. 44–49 for the right to private property, and sec. 66 for one's right to one's own moral life and freedom of conscience. Parallel observations are to be found in secs. 137 (freedom of conscience), 270 (freedom of religious confession), and 206 (freedom to choose a profession).

8. Taylor, Hegel, 383–87; see also Taylor, Hegel and Modern Society, 89–95.


11. See John Locke, Two Treatises of Government, edited by Peter Laslett (Cambridge: Cambridge University Press, 1988) secs. 4–8 (pp. 269–72), 87–91 (pp. 323–27), and 95–99 (pp. 330–33).

12. See, for example, the first paragraph of Paine's Common Sense in Thomas Paine, Political Writings, edited by Bruce Kuklick (New York: Cambridge University Press, 1989), 3: "Some writers have so confounded society with government as to leave little or no distinction between them; whereas they are not only different, but have different origins. Society is produced by our wants and governments by our wickedness; the former promotes our happiness positively by uniting our affections, the latter negatively by restraining our vices. The one encourages intercourse, the other creates distinctions. The first is a patron, the last a punisher."


15. This fact alone makes it impossible for the Philosophy of Right to be cast as the apotheosis of the existent Prussian state (King Friedrich William III had reneged on his promise to provide a written constitution). The Prussia Hegel delineates in the Philosophy of Right is an idealized one, including representative assemblies as well as a constitution and an emphasis on the rule of law. This, of course, was not the Prussia that emerged after 1819, when the period of conservative reaction to von Stein's and
Hardenberg’s reforms undid many of the things Hegel had admired in “liberal” (post-1806) Prussia.


20. In “On the Proceedings of the Württemberg Estates,” Hegel writes of the French Revolution and the following twenty-five years as “possibly the richest that world history has had, and for us the most instructive, because it is to them that our world and our ideas belong” (Knox, 282).

21. See Kant, *Political Writings*, 81: “It thus follows that all resistance against the supreme legislative power, all incitement of the subjects to violent expressions of discontent, all defiance which breaks out into rebellion, is the greatest and most punishable crime in a commonwealth, for it destroys its very foundations. This prohibition is *absolute.*” Much ink has been spilled trying to explain the relation of this Hobbesian statement to Kant’s expression of a “sympathy which borders on enthusiasm” for the French Revolution in *The Conflict of the Faculties* (1798; see Kant, *Political Writings*, 182).

22. Of course, the later Fichte was to abandon the “abstractly rationalist” approach. In 1809 we find him contrasting the German idea of education and the “art of the state” with the “abstract” French-Latin one. Although there is much in Fichte’s critique of a strictly rationalist approach to the construction of a new constitution that Hegel would have agreed with, the fact that Fichte codes the difference between an abstractly rationalist constitution and a genuinely rational one in terms of a difference in national character (French versus German) would have appeared both dangerous and superficial to Hegel. See Johann Gottlieb Fichte, *Addresses to the German Nation*, edited by George Armstrong Kelly (New York: Harper and Row, 1968), 87–102.

23. In terms of Hegel’s own system, the *Logic* always comes first, with the self-moving structure of the concept setting the stage for everything that follows.

24. This characterization is from Heinrich Heine’s friend, the German-Jewish journalist Ludwig Börne. Quoted in Gooch, *Germany and the French Revolution*, 295.


27. For a summary of von Stein’s and Hardenberg’s respective reform programs, see Levinger, *Enlightened Nationalism*, 41–96. A briefer summary may be found in Terry Pinkard’s *Hegel*, 420–25.

28. For a discussion of the Le Chapelier Law and its political consequences, see Rosanvallon, *Demands of Liberty*.

30. PR, 11.


32. It is important to note here that—from a very early stage in his intellectual development—Hegel rejected Enlightenment or quasi-Platonic ideas of the authority of philosophy over the people. See, in this regard, his comments on G. E. Schulze in a Notizenblatt published in March 1802 in the Kritisches Journal der Philosophie (a journal Hegel coedited with Schelling). Hegel writes that Schulz would make the philosopher into an authority who “would hold the office of Pastoral Duty for the People’s Reason [das Amt der Seelsorge für die Vernunft des Volks] and [philosophy] would have taken the duty upon itself to construct for the people a constitutional philosophy and to administer the People’s Reason.” See G. W. F. Hegel, Jenaer Schriften 1801–1807 [Werke 2], edited by Eva Moldenhauer and Karl Marcus Michel (Frankfurt-am-Main: Suhrkamp, 1970), 273.

33. The critique of external authority or “positivity” has a long lineage in Hegel’s thought. See, for example, his early essay “The Positivity of the Christian Religion” in Early Theological Writings, esp. 69–104.

34. Knox, 281.


36. I incline toward the latter view, as the rest of this chapter will indicate.

37. PH, 447.

38. Hegel’s principle that “nothing in a state constitution shall be deemed valid that has not yet been sanctioned by the law of reason” (Knox, 281) stands in direct opposition to the Burkean appeal to tradition, customary rights, and privileges and could well be described as the credo of political rationalism, broadly construed. See Knox, 248–49 and 281–83. See Pelczynski’s lengthy introduction to Knox, 28–29. Also see J.-F. Suter, “Burke, Hegel, and the French Revolution,” in Pelczynski, Hegel’s Political Philosophy, 52–72.

39. The latter is the skeletal narrative of both the Phenomenology of Mind and the Philosophy of History. I will have more to say about it below.


41. See Wood’s discussion in Hegel’s Ethical Theory, 22–30; also Pelczynski’s in “Hegelian Conception of the State,” 1–29.

42. See, in this regard, PR, sec. 273.

43. Of course, in the introduction to the Philosophy of History, Hegel explicitly embraces both teleology and theodicy. See VG, 41–42; PH, 13–15.

44. PR, 12 and 20.

46. As Hegel makes clear in VG, the essence of Spirit is freedom and the “story” of world history is that of the gradual embodiment of what initially is a “mere” idea into worldly laws, institutions, and practices.

47. I should note that in PR Hegel fudges (for fairly obvious political reasons) on the question of a written constitution, calling alternatively for a rational written public code, and (then) warning against viewing the constitution as an artifact, as something made. See also PR, secs. 211–18; sec. 273.

48. PR, 21.

49. Ibid., 23 (emphasis mine). See also Knox, 145, for a striking prefiguration in Die Verfassung Deutschlands.

50. See, for example, Herbert Marcuse’s classic 1941 work Reason and Revolution (Amherst, NY: Humanity Books, 1999).

51. Engels is often castigated for his positivistic account of Marx’s “science.” But his speech at Marx’s burial at Highgate Cemetery on March 17, 1883 accurately captures Marx’s stated ambition to be the theorist who “discovered” the “laws” of human social development in history.

52. Taking into account his historical context, we can perhaps forgive Tocqueville for holding this view. The American Civil war, and the vast increase in Federal power that accompanied it—to say nothing of similar development in order to cope with the Great Depression, WWII, the Cold War and “the war on Terror”—has rendered this particular picture of the American regime fanciful, at best.

53. VG, 80; PH, 21.

54. PR, sec. 324 and addition, and sec. 333. See also Knox, 143–44.

55. See Schmitt, Concept of the Political, 26–27. Here Schmitt introduces his famous “friend–enemy” distinction as the criterion of the political, subsequently arguing that the “we” of a political community is defined by the presence of some existentially threatening “other.”

56. For a survey of the influence of the master–slave dialectic on subsequent continental theorists, see the texts collected in Hegel’s Dialectic of Desire and Recognition, edited by John O’Neil (Albany: State University of New York Press, 1995).


59. Kojève, ILH, 172. See also Robert R. Williams, Hegel’s Ethics of Recognition (Berkeley: University of California Press, 1997), 59–68. Williams provides a cogent list of caveats to Kojève’s reading.

60. Because Kojeve refers to this dialectic as one between “masters and slaves,” I will follow his usage in this section.

61. It was this focus on the consciousness of freedom—and upon cultural Bildung—that led Marx to characterize Hegel’s view of things as “upside down.”
64. *PhS*, para. 186.
66. *PhS*, para. 179 and 182.
67. Ibid., para. 180 and 186.
68. Ibid., para. 187.
69. Ibid.
70. Kojève, *ILH*, 169; *IRH*, 41.
71. A dramatic representation of this possibility is the mutual murder of Eteocles and Polyneices in Sophocles's *Antigone*, a play that exerted a strong influence upon both the young and the mature Hegel.
72. *PhS*, para. 188–89. Thus, it is only when Priam comes to Achilles's camp that a moment of genuinely human recognition occurs. The combat itself, in which Hector is killed, is a struggle between two egos intent upon reducing the other to a corpse, that is, a mere thing.
73. Kojève, *ILH*, 170; *IRH*, 41. See also 43: “Man was born and History began with the first Fight that ended in the appearance of a Master and a Slave. That is to say that Man—at his origin—is always either Master or Slave; and that true Man can exist only where there is a Master and a Slave. . . . And universal history, the history of the interaction between men and their interaction with Nature, is the history of the interaction between warlike Masters and working Slaves. Consequently, History stops at the moment when the difference, the opposition between Master and Slave, disappears.”
74. Of course, Rousseau also held that natural man is, in the state of nature, more like a solitary beast than a man. See chapter 2 of this volume.
75. Kojève, *ILH*, 172; *IRH*, 44.
76. *PhS*, para. 190.
77. Ibid.
78. Ibid., para. 191–92.
79. Ibid., para. 192.
82. Kojève, *ILH*, 178; *IRH*, 51.
85. *PhS*, para. 194.
86. For a critique of this conflation—a conflation that has important and largely negative consequences for the entire Hegelian-Marxist tradition—see Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1958).
88. Ibid., para. 196.
91. Kojève, *ILH*, 175; *IRH*, 47.
92. The idea goes back to Rousseau’s *Discourse on Inequality* and has an interesting subsequent iteration in Fichte’s “Vocation of the Scholar.” See *The Popular Works of Johann Gottlieb Fichte* (Bristol, UK: Thoemmes Press, 1999), 1:167–68.
95. Kojève, *ILH*, 182; *IRH*, 55.
98. Hegel views the Crusades as one clumsily literal attempt to do just that.
102. *PH*, 342.
103. Arendt’s political conception of freedom—which she articulates in contrast to the “freedom of the will” paradigm laid down by the Western philosophical tradition and Christianity—works out many of the same insights as Hegel, although she would have demurred from any such comparison. See Hannah Arendt, “What Is Freedom?” in Arendt, *Between Past and Future* (New York: Penguin Books, 1977), 143–72.
105. One reason this fact has been obscured is the Marxist critique of Hegel (in particular) and idealism (in general). The “evasion” of the economic question in Hegel was thought to be tantamount to an evasion of politics—at least, politics as Marx and the Marxists understood it. As a broad range of work starting in the 1970s has shown, however, Hegel hardly evaded economic questions and was exceedingly sensitive to the ways nascent capitalism could undermine social solidarity and an inclusive (pluralist) account of the public good.
106. Taylor (1975) is an important exception to this rule.
107. *VG*, 112: “Das Göttliche des Staats ist die Idee, wie sie auf Erden vorhanden ist”; see also *PH*, 39. This observation receives an even more notorious formulation in sec. 258 of the *Philosophy of Right*, where Hegel writes “Es ist der Gang Gottes in der Welt, daß der Staat ist,” a statement often translated as “The State is the march of God through the world.”
108. To be clear, there is much in the *Philosophy of History* that is indeed a gross manifestation of European prejudice. If one starts, however, as Hegel does, with a conception of the political that is Greek in origin and argues that only civilizations charac-
terized by the presence of a state will be considered within the realm of world history, the exclusion of vast tracts of geography and culture becomes more comprehensible, albeit hardly more forgivable.

109. VG, 54; PH, 17.
110. VG, 110–11; PH, 38–39.
111. Locke, Second Treatise, secs. 4–8. I borrow the phrase “transcendentally invested” from Lucio Colletti’s essay “Rousseau as Critic of ‘Civil Society,”’ 150.
114. This, I would suggest, is how we should read the following passage from VG, 122; PH, 74: “The relations of the individual to that Spirit is that he appropriates to himself this substantial existence; that it becomes his character and capability, enabling him to have a definite place in the world—to be something. For he finds the being of the people to which he belongs an already established, firm world—objectively present to him, with which he has to incorporate himself.”
115. VG, 112; PH, 33–34.
116. PR, sec. 318.
117. See, for example, VG, 140–41; PH, 46.
118. See, for example, VG, 125; PH, 50.
119. Thus, for example, Hegel (VG, 96–97; PH, 29) says early on that, within the sphere of private life in a particular community, the question of conflicting interpretations of rights and duties is one raised only by troublemakers and moral masturbators. World-historical individuals, on the other hand, act out those “momentous collisions between existing, acknowledged duties, laws, and rights, and those contingencies which are adverse to this fixed system; which assail and even destroy its foundations and existence.”
120. See also Machiavelli’s famous observation in the Discourses that the conflict between the plebs and the Senate in ancient Rome was actually one of the foremost causes of liberty.
121. See VG, 149–50; PH, 54–55. See also Shklar, Freedom and Independence, 7.
122. See Rousseau, Discourse on the Origin and Foundations of Inequality among Men, part 2.
123. VG, 146–47; PH, 46.
124. Ibid.
125. VG, 143–44; PH, 46–47.
126. See Colletti, “Rousseau as Critic,” 153; see also Shklar, Men and Citizens, 10–12, 47–57.
127. VG, 117; PH, 40–41.
129. Hegel’s relation to Rousseau is, to put it mildly, complex. On the one hand, he borrows much from the second Discourse in the course of framing the struggle for recognition. On the other, he is intent on questioning the idea of a general will, at least as it is articulated by Rousseau. See PhS, para. 588–89.

131. VG, 35; PH, 55.

132. Ibid.


134. The “naïvely optimistic” characterization may apply to a figure like Condorcet, but it hardly applies to a major thinker like Kant, as the comparison of the former’s *Historical View of the Human Mind* with the latter’s *Idea for a Universal History With a Cosmopolitan Purpose* bears out.

135. This can be seen as a radicalization of Kant’s idea of humanity’s “unsocial sociability,” an idea Hegel transfers from the realm of nature to that of spirit and from the individual to the civilizational.

136. VG, 80; PH, 21.


138. VG, 35; PH, 73.

139. VG, 183; PH, 79.


141. VG, 218; PH, 93.

142. VG, 214; PH, 91.

143. VG, 218; PH, 93, 95.

144. VG, 228; PH, 96.

145. VG, 234; PH, 99.

146. VG, 242–43; PH, 103–4.

147. Ibid.

148. Ibid.


150. VG, 244; PH, 105.


152. Whether it makes sense, normatively or otherwise, to treat humanity as this kind of historical macro-subject is another issue that, for the moment, I will not take up.


154. VPW, 270; PH, 113.

155. VPW, 288, 249; PH, 131, 139.

156. VPW, 298; PH, 127.

157. VPW, 357; PH, 161.
158. VPW, 275; PH, 116.
159. VPW, 299; PH, 124.
160. VPW, 289; PH, 123.
161. VPW, 298; PH, 138.
162. VPW, 378; PH, 148.
163. VPW, 372; PH, 145.
164. Ibid.
165. VPW, 372; PH, 147.
166. VPW, 378; PH, 148.
167. See Tibebu, Hegel and the Third World.
168. VPW, 378; PH, 175.
169. VPW, 529; PH, 223.
170. VPW, 557; PH, 239. The basic portrait of the Greeks owes much to Schiller, On the Aesthetic Education of Man, 31–43.
171. VPW, 529; PH, 239.
172. VPW, 600; PH, 251.
173. VPW, 625; PH, 260.
174. VPW, 627; PH, 261.
176. VPW, 606; PH, 253.
177. PhS, para. 446–63.
178. VPW, 646; PH, 270.
179. Ibid.
181. PR, sec. 185.
182. VPW, 665; PH, 284.
183. VPW, 668; PH, 287.
184. I find myself in total agreement with Shklar on this issue. See her Freedom and Independence, 13.
185. VPW, 67; PH, 289.
186. VPW, 716; PH, 317. See also PhS, para. 480. Legal personhood may be an advance on Stoic individualism, but it remains fundamentally abstract.
188. Hegel, Early Theological Writings, 157. See also PhS, para. 480–81.
189. VPW, 733; PH, 323.
190. Ibid.
192. VPW, 736; PH, 325.
193. VPW, 741; PH, 328–29. See also Hegel, Early Theological Writings, 212–17.
194. VPW, 746–47; PH, 335. See also PR, sec. 270, addition, where Hegel speaks of the “momentous transition from the inner to the outer, that incorporation of reason
into reality which the whole of world history has worked to achieve. Through this work, educated humanity has actualized and become conscious of rational existence, political institutions, and laws."

195. *VPW*, 826; *PH*, 379: “Thus the Church took the place of Conscience: it put men in leading strings like children.”


199. *VPW*, 812; *PH*, 370.

200. *VPW*, 816; *PH*, 373.

201. *VPW*, 860; *PH*, 399: “The monarchical principle . . . implies a supreme authority, but it is an authority over persons possessing no independent power to support their individual caprice; for the supremacy implied in monarchy is essentially a power emanating from a political body, and is pledged to the furtherance of that equitable purpose on which the constitution of a state is based. Feudal sovereignty is a polyarchy: we see nothing but Lords and Serfs; in Monarchy, on the contrary, there is one Lord and no Serf, for servitude is abrogated by it, and in it Right and Law are recognized; it is the source of real freedom.”


203. *VPW*, 879; *PH*, 413.

204. *VPW*, 880; *PH*, 415.

205. *VPW*, 881; *PH*, 416.


207. *VPW*, 888; *PH*, 422.

208. See *PR*, sec. 270.

209. *VPW*, 900; *PH*, 428. See also *PR*, sec. 272 and addition. Here Hegel makes plain his opposition to the usual interpretation of Montesquieu’s doctrine of the separation of powers.


211. *VPW*, 900; *PH*, 428.

212. *VPW*, 901; *PH*, 429.

213. *VPW*, 903; *PH*, 430.

214. *VPW*, 914; *PH*, 439.


216. *VPW*, 915–16; *PH*, 440, 443.


218. *VPW*, 921; *PH*, 442.

219. *VPW*, 925; *PH*, 446.

220. *VPW*, 926; *PH*, 447.

221. *PhS*, para. 584 and 588.

222. Ibid., para. 589–90.
223. VPW, 927; PH, 449.
224. VPW, 928; PH, 449.
225. VPW, 929; PH, 449. See also Hannah Arendt’s parallel analysis in On Revolution, chap. 2.

227. VPW, 929–30; PH, 450; PhS, para. 588–89.
229. VPW, 930–31; PH, 552; PhS, para. 591–92.
230. See Riley’s discussion in his Will and Political Legitimacy, 98–124.
231. PR, sec. 258. See also PR, sec. 156.

232. As Shlomo Avineri notes, “the problem is twofold: firstly, how does one prevent the government, which claims to stand for the general will, from imposing itself on the citizens; and, secondly, how does one prevent the people from directly imposing their unstructured control over the government?” (Hegel’s Theory of the Modern State, 83).

233. See PR, sec. 261, addition, where Hegel contrasts the unity of the universal and the particular—their reconciliation—in the modern state with their identity in the ancient republics.


238. PR, sec. 156.


240. Ibid., sec. 258.

241. Aristotle, Politics, 1280b.

242. PR, sec. 273, addition.

243. PR, sec. 261, addition.

244. PR, secs. 264, 265.

245. See Avineri, Hegel’s Theory of the Modern State, 102.

246. See Pelczynski’s analysis in “Hegelian Conception of the State,” 7–8 and 16–17.

247. Ibid., 7.

248. Ibid., 8.

249. PR, sec. 187.

250. PR, sec. 151, addition. See also Rousseau, On the Social Contract, bk. 1, chap. 8. Hegel’s position is at once close to, and divergent from, Kant’s. The latter saw a “taming” of men over time but strictly proscribed anything resembling “mechanical habituation” when it came to the attainment of morality. See Kelly, Idealism, Politics, and History, 116–17.
251. PR, sec. 153. See also my essay “Tocqueville and Civil Society” in Villa, Public Freedom.


253. Thus, in PR, sec. 257, Hegel cites custom as the “immediate existence” of the “substantial will of the community,” locating its “mediate” or mediated existence in the “self-consciousness of the individual.”

254. The speculative principle underlying this formulation is in PR, 270: “The state is actual, and actuality consists in the fact that the interest of the whole realizes itself through the particular ends. Actuality is always the unity of universality and particularity, the resolution of universality into particularity.”

255. PR, sec. 261, addition.

256. Ibid., secs. 177, 178–79.


258. PR, sec. 182.

259. The state–society distinction, while familiar, is a bit misleading if identified with Hegel’s state–civil society distinction. The reason is that Hegel’s conception of civil society includes public legal and regulatory agencies—the police and the courts—responsible for the protection of contractual rights and the welfare of individuals.

260. PR, sec. 182.

261. Ibid., sec. 187, addition; and sec. 192.

262. Ibid., secs. 187 and 199. See also PhS, para. 494–95.

263. As Hegel puts it in PR, sec. 238, “civil society tears the individual away from family ties, alienates the members of the family from one another, and recognizes them as self-sufficient persons.”

264. Ibid., sec. 184.

265. Ibid., sec. 244.

266. Ibid., sec. 245.

267. See PR, secs. 236–45.

268. Ibid., PR, sec. 236.

269. I should point out that Hegel’s use of “civil society” (bürgerliche Gesellschaft) refers to the system of needs (the market or economic sphere), while Tocqueville’s use of société civile refers to the associational realm proper. The fact that English translations render both the German and French terms as civil society serves to generate a certain amount of confusion in any comparative discussion of Hegel and Tocqueville. See my essay “Tocqueville and Civil Society” in Villa, Public Freedom, 27–48.

270. For the shortcomings, see chapter 3. For background on Hegel’s corporatism, see G. Heiman, “The Sources and Significance of Hegel’s Corporate Doctrine,” inPelczynski, Hegel's Political Philosophy, 111–35.

271. See Sheehan, German History, chaps. 7 and 8. Also David Blackbourn, The

272. See Knox, 263.
273. PR, sec. 204.
274. Ibid., sec. 201, addition.
275. Ibid., secs. 203, 204, 205, and 294.
276. Ibid., sec. 207, addition.
277. Ibid., sec. 207. See also Knox, 262.
278. For a limited defense of Hegel’s insistence on the need for estate membership (as a ground of meaningful differentiation in modern polities), see Taylor, Hegel, 415.
279. There are, of course, significant differences between the later Hegel’s approach to the nature of associational life and the stance taken in the early Die Verfassung Deutschlands. The latter proposes a centralized but in some ways minimal state and celebrates the “unregimented spirit” of a free people.
280. See Knox, 163–64.
281. PR, sec. 290.
282. Hegel’s concern with overcentralized government goes back to the 1801–2 essay Die Verfassung Deutschlands, where he makes some of his most critical comments about hypercentralized government and its debilitating effect on the people, their freedom, and their capacity to govern themselves, at least in local matters. See Knox, 161–62. Hegel’s fear of revolution from below is somewhat balanced by his lifelong opposition to all forms of traditional (family and status-based) aristocratic or oligarchic government. This opposition—often expressed in very vehement terms—runs from his earliest publication in 1798 (a translation of Jean-Jacques Cart’s Confidential Letters about political affairs in Berne) through his last (“The English Reform Bill” essay of 1831). See Knox, 311: “Nowhere more than in England is the prejudice so fixed and so naive that if birth and wealth give a man office, they also give him brains.”
283. Ibid., sec. 302 and addition.
284. See Pelczynski’s introduction to Knox: The real purpose of the estates is to “enlighten the government about the nation’s attitudes and desires and at the same time, to be enlightened by the government about the state’s requirements” (84).
285. Hegel repeatedly calls the assumption that an assembly of estates is, or must be, in a contentious or oppositional relationship to the government a “mistake” and a “highly dangerous prejudice” (PR, sec. 302).
286. Ibid., sec. 301. See also the quite similar passage in Hegel’s article on the “Proceedings of the Estates Assembly in the Kingdom of Württemberg” regarding the “will of the people”: “This is a great word, and the representatives of the people should take the greatest care not to profane it or use it light-heartedly . . . To say ‘he knows what his will is’ is one of the most difficult, and hence most noble, things one can say of a man. People’s representatives must not be picked at random, but rather one should choose the wisest from among the people, since not everyone knows, as it is his duty to know, what one’s true and real will is, i.e., what is good for one.”
287. VG, 144; PH, 48; Knox, 250.
290. See VG, 138–39; PH, 43–44. One place where Hegel thinks antagonism has a place in the political process is in the lower house of the assembly of estates itself. There should be something like an opposition party there, in order to ensure that the assembly itself does not turn into a mere clump.
291. In this regard, see Taylor’s characterization of the role of the assembly of estates (*Hegel*, 443): “The role of the Estates is to achieve the essential goal of the Hegelian state, to unite private individuals to public power, to make the former identify with and participate in this power.” As mediating organ, the estates foster this identification with public power.
292. The obvious case in point here is the substantial or agricultural estate, whose general disposition Hegel characterizes as one of “an immediate ethical life based on the family relationship and on trust” (*PR*, sec. 203).
293. See also Montesquieu, *The Spirit of the Laws*, bk. 11, chap. 6: “The great advantage of representatives is their capacity for discussing public affairs. For this the people collectively is extremely unfit.” See also the discussion of Mill in chapter 5 of this volume.
294. Hegel’s essay “Proceedings of the Württemberg Estates,” while harshly critical of the reactionary politics of the “old estates” of Württemberg, nevertheless outlines a more robust role for an assembly of estates in a liberalized constitutional monarchy. The difference between his stance in this essay and the one he takes in the *Philosophy of Right* is the result of the fact that Hegel was on the side of the monarch (who had proposed a new liberal constitution) in the case of Württemberg, but was a bit too far to the left in the case of Prussia, where a constitution had been promised by the king, but never delivered. See Knox, 275–81, 282, 293.
296. See Hegel’s January 22, 1808, letter to Niethammer on the importance of publicity for “the dialogue of the government with its own people” (*Hegel: The Letters*, 157).
297. *PR*, sec. 308. See also Hegel’s 1831 essay “The English Reform Bill,” in which he criticizes the English for making far too much of their own freedom of discussion. “The pomp and display of the formal freedom to discuss public business in parliament and other assemblies of all classes and groups . . . prevents the English from or at least does not encourage quiet reflection on and penetration into the essence of legislation and government” (Knox, 311–12).
298. *PR*, sec. 308. From his early fragment “On the Recent Domestic Affairs of Württemberg” (1798), with its invocation of an “unenlightened multitude,” to his later essay on the Württemberg Estates (1817), with its complaints about the “usual lack of understanding of the so-called people when it comes to speaking about public affairs,” Hegel repeatedly questions the capacity of ordinary people when it comes to political knowledge and political judgment.
300. Ibid.
301. Ibid., sec. 166.
302. Taylor sets this problem up in terms of a society based on “meaningful differentiation” (Hegel) and one based on an ideology or practice of “universal and total participation” (Rousseau, Marx, and various Communist societies). Suffice it to say that one can value political participation more than Hegel does without endorsing anything like a society of “universal and total participation.” See Taylor, *Hegel*, 414.

303. One finds a far more “Tocquevillian” emphasis in *Die Verfassung Deutschlands*, where the young Hegel is at pains to limit central governmental power and uphold individual liberty and a fair degree of local autonomy. All of this occurs, however, in the context of a larger argument about the absolute necessity of a real central government if Germany is ever to be a state again.

304. In his book *Hegel’s Phenomenology*, Terry Pinkard argues that Hegel sees European culture as characterized by a “self-undermining skepticism,” one that dissolves all particular historical iterations of normative authority, with the possible exception of Hegel’s own brand of synthetic rationalism (pp. 7–10). There is much truth to this characterization. But Hegel did not seek to foster anything like dissolvent rationality in the average citizen. That way lay nihilism and fragmentation.

305. *PR*, sec. 268.

306. “Substance” and “substantial” are terms of art for Hegel, which he uses to denote (a) the nature of prereflective ethical life (such as he finds in ancient China and—at a higher level—in ancient Greece) and (b) the *ethical content* of a particular people’s culture or form of life. In the latter sense, *Sittlichkeit* can be rendered as “ethical substance.” Thus, Hegel can write of the rule of the “substantial” in premodern societies, while simultaneously alerting us to the “substantial” (nonformal) character of ethical life in the modern state, in which individuals know themselves to be free. See, in this regard, sec. 514 of Hegel’s *Philosophy of Spirit*. See also Taylor’s discussion in *Hegel*, 379–80.


308. Hegel seems to be following Montesquieu in this regard. See *Spirit of the Laws*, bk. 9.

309. This is not to say the Hegelian citizen is entirely passive. Rather, the ethical imperative that rules in the sphere of Hegel’s “concrete ethics” is to “bring about what already is”—that is, to act in such a way that one upholds the norms, obligations, institutions, and practices of one’s society. In the case of ancient Athens, this would entail active participation in the city-state’s democratic institutions, the upholding of an entire (democratic) way of life. Yet it is clear that in the modern, “rational” state, “bringing about what already is” demands more of an identification with one’s social position and its duties than it does active political participation. Hegel’s mature position on the issue of political participation is markedly different from the one he staked out in *Die Verfassung Deutschlands*. In that unpublished essay, he wrote, “A mechanical hierarchy, highly intellectual and devoted to noble ends, evinces no confidence whatever in its citizens and can thus expect nothing from them. . . . How dull and spiritless a life is engendered in a modern state where everything is regulated from the top downwards, where nothing with any general implications is left to the management and execution of interested parties of the people. . . . We also regard that people as fortunate to which the state gives a free hand in subordinate activities, just as we regard a public authority
as infinitely strong if it can be supported by the free and unregimented spirit of its people” (Knox, 163–64). One wonders how much practical difference there is between a “mechanical hierarchy” of the type Hegel criticizes and an “organic hierarchy.” The latter, upheld by the mature Hegel, makes room for popular influence on legislation but deprives ordinary citizens of direct suffrage and the capacity to initiate any political action beyond affairs of the most local kind.

310. As Taylor puts it, “The sittlich is what has to do with a community in which the good is realized in a public or common life” (Hegel, 431).

311. See Hegel, “The English Reform Bill” in Knox, 318, where he pays the English people the backhanded compliment that they recognize “their general ignorance” when it comes to public affairs and the choice of men suited to carry them out. One point that Hegel is consistently at pains to stress is that—in modern society—only one estate can really devote itself full-time to public affairs: the universal or bureaucratic class. A related point is that different estates have different relationships to public life and to public authority more generally.

312. See Pelczynski, “Hegelian Conception of the State,” 22.

313. In his introduction to Knox, Pelczynski states that Hegel was “not opposed to democracy in any sense” (77). This seems hard to credit, in the face of Hegel’s opposition to all schemes for manhood suffrage and to direct electoral rights. In the end, he wanted a certain degree of popular (or “third estate”) influence on government, but he shied away from democracy because he thought that most ordinary people of his time had neither public experience nor (as a result) the requisite degree of public spirit to make them into effective upholders of das Allgemeine. See Knox, 261.

314. For a comprehensive analysis, see Dominique Janicaud, Hegel et le destin de la Grèce (Paris: J. Vrin, 1975). The key text is PhS, para. 446–55 on the ethical order.

315. “There surely cannot be a greater public spectacle on earth,” Hegel writes, “than that of a monarch’s adding to the public authority, which ab initio is entirely in his hands, another foundation, indeed the foundation, by bringing his people into it as an essentially effective ingredient” (Knox, 251).

316. PR, sec. 290, addition.

317. Hegel’s analysis in “The English Reform Bill” is surprisingly acute on these issues. See Knox, 318–19.


319. For a concise placement of the Enlightenment position in the tradition of practical reason, see Taylor, Hegel, 376–72. For a more detailed analysis, see Lewis P. Hinchman, Hegel’s Critique of the Enlightenment (Miami: University Press of Florida, 1984).


321. Ibid., 27.

322. Arendt and Habermas have made the most systematic, and influential, critiques of Hegel and Marx in this respect. See Jürgen Habermas, The Theory of Commu-


325. It could be argued that Kant’s “Copernican Revolution,” with its repudiation of all external or transcendent authorities, beat Hegel to the punch here. Kant’s revolution, however, was insufficiently radical in that the critical framework could not accommodate the historicity and sociality of either reason or freedom.


327. One exception to this rule would be the thought of Theodor Adorno, who saw in the Hegelian idea of “the identity of identity and difference” the encapsulation of Hegel’s tendency to obliterate the particular (the individual) in the name of the universal (the state, society, or world history). As the thinker of nonidentity—of the irreducible gap between the concept or name and the particular thing or person it represents—Adorno’s entire project might well be characterized as fundamentally Kantian in nature, despite his obvious (and fully owned up to) reliance upon a non-totalizing version of Hegel’s dialectic and his many criticisms of Kant. See Adorno, Minima Moralia, 16–18. Also Adorno, History and Freedom: Lectures 1964–65, translated by Rodney Livingstone (Cambridge, UK: Polity Press, 2008), 41–48.

328. In Hegel’s case, there is of course an underlying metaphysical bias. His conception of the Absolute as the identity of identity and difference, subject and object, thought and being entailed a unified system of oppositions, one in which “every part exists only in relation to the whole,” and “every individual entity has meaning and significance only in its relation to the totality.” These characterizations are found in Hegel’s early essay, “Differenz des Fichteshen und Schellingschen Systems,” in Hegel, Jenaer Schriften 1801–1807, 21. In the “Württemberg Estates” essay we find the political consequence of this bias, with Hegel railing against the principle of direct male suffrage. This principle, in his view, turns electoral assemblies into “unordered inorganic aggregates.” “The people as a whole is dissolved into a heap” as the result of such “atomistic” (French) principles, whereas “a living interrelationship exists only in an articulated whole whose parts themselves form particular subordinate spheres” (that is, the estates and corporations). See Knox, 262–63.


330. PhS, preface, para. 11–12.

CHAPTER FOUR

1. See, in this regard, Blackbourn, The Long Nineteenth Century, chaps. 1–3; and Sheehan, German History, chaps. 4, 5, and 8.


7. DA, 6–7.


9. With respect to the invocation of Providence, it is interesting to compare Hegel’s metaphorical usage with Tocqueville’s more literal deployment. It is also interesting to compare them both with what de Maistre has to say in chapter 2 of his *Considerations on France* (“Reflections on the Ways of Providence in the French Revolution”). There de Maistre argues that the Revolution, however evil and bloody in character, was necessary to preserve the integrity of the realm against multiple enemies. Thus, “the crimes of the French [revolutionary] tyrants became the instruments of Providence,” securing the integrity of the sacred realm of France by waging war in the name of the indivisibility of the Republic. “All the monsters of the Revolution have, apparently, labored only for the monarchy” (Joseph de Maistre, *Considerations on France* [New York: Cambridge University Press, 1994], 15–19).


12. See Beaumont’s observation that “What are called providential laws are nothing but closely examined, general, logical, durable, perceptible, and intelligible causes. . . . Thus, for an individual the impressions of infancy are a general cause that dominates his entire existence; in the same way, the education of a people, its point of departure, influences its whole future.” Gustave de Beaumont, quoted in Drescher, *Dilemmas of Democracy*, 28.


14. *Œuvres*, 843–47; DA, 824–26. See also DA, 820–21, on the need to transfer the “lesser affairs” of local administration to the people affected by it.

15. *Œuvres*, 848; DA, 829.


17. *Émile*: “Let him always believe he is the master, and let it always be you who are. . . . He ought not to make a step without your having foreseen it; he ought not to open his mouth without your knowing what he is going to say” (20).

18. See Tocqueville’s diary note on his conversation with Josiah Quincy, president
of Harvard (September 1831): “The greatest care of a good government should be to habituate people, little by little, to doing without it.” (cited in George Wilson Pierson, *Tocqueville in America* [Baltimore: Johns Hopkins University Press, 1996], 382)

19. Tocqueville to Beaumont, February 27, 1858. As Pierson points out, both Tocqueville and Beaumont initially saw their hoped-for political pedagogy undermined by the extreme differences—in environment, circumstances, and culture—separating France from America (see Pierson, *Tocqueville in America*, 120–25). Tocqueville himself was to warn against reading *DA* as a brief for transferring American laws and mores to France. Nevertheless, he did think that some version of “free mœurs” could be, and indeed had to be, cultivated among the French. For the warning, see Tocqueville, *Œuvres*, 2:366; *DA*, 364.


21. See CWO 1:217–25; Rousseau, *Social Contract*, bk. 2, chaps. 6–8. The grip of the “great legislator” figure on the imaginations of civic republican thinkers was so overwhelming that even the young Hegel posited a Theseus figure as the possible vehicle to a more unified Germany. See Knox, 100–101.

22. Both of these points were made emphatically by Benjamin Constant in his rightly famous 1819 speech at the Athénée Royal: “The Liberty of the Ancients Compared to That of the Moderns” (Constant, *Political Writings*, edited by Biancamaria Fontana [New York: Cambridge University Press, 1988]), 309–28. It should be noted that Constant too recognized the need for what he called the “moral education of citizens” if the French were to break with their nostalgic republicanism (with its reliance upon Greek and Roman models) and come to preserve and defend “modern liberty,” that is, the largely negative liberty of the individual. The fact that the antipaternalist Constant felt compelled to turn in this direction at the conclusion of his speech is more paradoxical than Tocqueville’s recourse to much the same solution.


24. See Pocock’s discussion of the role of military discipline and civil religion in *ibid.*


26. This is not to deny the enormous impact *Democracy in America* had on Mill’s political thought, a fact plainly evident in Mill’s reviews of volumes 1 (1835) and 2 (1840) in *The Westminster Review*, and in chapter 1 of *On Liberty*.


32. See ORR, 87–88: “The desire to enrich oneself at any price, the preference for business, the love of profit, the search for material pleasure and comfort are therefore the most widespread desires. These desires spread easily among all classes, even among those previously most distant from them, and if nothing stops them they soon succeed in demoralizing and degrading the entire nation. . . . Only [public political] freedom can tear people from the worship of Mammon, and the petty daily concerns of their personal affairs and teach them to always see and feel the nation above and beside them; only freedom can substitute higher and stronger passions for the love of material well-being.” Tocqueville’s contempt for the materialist values of the European bourgeoisie is nowhere more vehemently or compactly expressed.

33. Ibid., 83.


35. Œuvres, 34–36; DA, 36–38.

36. Œuvres, 34; DA, 36.

37. Œuvres, 40; DA, 41.

38. Œuvres, 35, 38; DA, 39, 37. For a contemporary historical appraisal of just how false Tocqueville’s claim is, see Malcolm Gaskill, Between Two Worlds: How the English Became Americans (New York: Basic Books, 2014), 64.

39. Œuvres, 44; DA, 45.


41. See Richard Tuck’s discussion in his Hobbes (Oxford, UK: Oxford University Press, 1989), 51–64. I should note that Tocqueville shared Burke’s contempt for the kinds of theoretical abstraction built into such a project, viewing it as the perennial temptation of thinkers and littérateurs who had little concrete experience in politics. The desire to “substitute basic and simple principles, derived from reason and natural law, for the complicated and traditional customs which ruled the society of their times” (ORR, 196) was the idée fixe of the theoretical mind. This desire was harmless enough when confined to intellectual circles. In Tocqueville’s view, however, it exerted an “extraordinary and terrible influence” when it “descend[ed] to the crowd” during the French Revolution.

42. See chapter 3 of this book.


45. Œuvres 2:617; DA, 591.

46. Œuvres 2:620; DA, 593.

47. Œuvres 1:31; DA, 33.

48. Tocqueville’s rhetoric is, on this score, over the top, as the following passage from vol. 1, chap. 2 of DA attests: “Go back in time. Examine the babe when still in its mother’s arms. See the external world reflected for the first time in the still dark
mirror of his intelligence. Contemplate the first models that make an impression on him. Listen to the words that first awaken his dormant powers of thought. Take note, finally, of the first battles he is obliged to fight. Only then will you understand where the prejudices, habits, and passions that will dominate his life come from. In a manner of speaking, the whole man already lies swaddled in his cradle. Something analogous happens with nations. . . . If we could trace societies back to their elements and examine the earliest records of their history, I have no doubt that we would discover the first cause of their prejudices, habits, and dominant passions, indeed, of every aspect of what has been called the national character.” See Tocqueville, Oeuvres, 2:29; DA, 31.


51. As George Armstrong Kelly notes in his Politics and Religious Consciousness in America (New Brunswick, NJ: Transaction, 1984), by 1787 the men who became the Founders had “dismissed the theological doctrines of depravity, conversion, and election; at least they denied they played any part in the concerns of the profane order. They remained prudent about the millennium, as was appropriate to their preservative politics, a politics that was Lockean and anti-Augustinian” (75). See also Michael Walzer, The Revolution of the Saints (Cambridge, MA: Harvard University Press, 1965), 160–71.

52. The Debate on the Constitution, incorporating both the Federalist and Anti-Federalist papers, has numerous references to both ancient Rome and Athens, and none at all to the Puritans, Cotton Mather, or John Calvin. The Quakers are considered insofar as they had been the object of discrimination and persecution. See The Debate of the Constitution: Part One: September 1787 to February 1788; Federalist and Anti-Federalist Speeches, Articles, and Letters during the Struggle over Ratification, edited by Bernard Bailyn (New York: Library of America, 1993). See also Bailyn, Ideological Origins of the American Revolution, chaps. 2 and 3.


55. See ORR, 195–208.

56. Oeuvres, 2:44; DA, 46.

57. If Tocqueville really was concerned simply with delineating a key influence on the later course of US history (as Beaumont claimed in a letter home), my critique would be off base. But the rhetoric of DA is unmistakable in its desire to place this influence in a unique and privileged position. The supposed continuity of development of American political culture from its Puritan origins signals Tocqueville’s reliance upon a certain providential reasoning, one distinct from teleology yet just as keen to efface
the specter of overdetermination and contingency. Hence the radical simplification of the story.


59. (Euvres, 2:617–18; DA, 591.

60. (Euvres, 2:618; DA, 592.

61. Perhaps it is not surprising that it is this aspect of Tocqueville that Sheldon Wolin sees as genuinely political, as opposed to his more “culturalist” fixation on mœurs—the “habits, opinions, usages, and beliefs” of a people [DA, 336]. See Sheldon S. Wolin, Tocqueville between Two Worlds: The Making of a Political and Theoretical Life (Princeton, NJ: Princeton University Press, 2001), 207–17.

62. Or, as Hegel would put it, from the sphere of particular altruism (the family) to the sphere of universal egoism (civil society) and, finally, to the sphere of universal altruism or community concern (the state).


64. In the Phenomenology, Hegel suggested that modern man is condemned to oscillate between these two extremes. The Philosophy of Right is more optimistic—or anodyne—on this score.

65. With regard to local institutions and the townships, Tocqueville writes, “It is at the local level that the strength of a free people lies. Local institutions are to liberty what elementary schools are to knowledge; they bring it within reach of the people, allow them to savor its peaceful use, and accustom them to rely on it. Without local institutions, a nation may give itself free government, but it will not have free spirit” (DA, 68). With regard to participation of ordinary citizens on juries, he notes that “the jury is incredibly useful in shaping the people’s judgment and augmenting their natural enlightenment. It should be seen as a free school, and one that is always open, to which each juror comes to learn about his rights, and where he enters into daily contact with the best educated, most enlightened members of the upper classes and receives practical instruction in the law” (DA, 316).

66. (Euvres 2:631; DA, 606.

67. See Françoise Mélonio, Tocqueville and the French, translated by Beth G. Raps (Charlottesville: University of Virginia Press, 1998). As Mélonio notes, “Tocqueville did not believe measured evolution toward democracy possible except under the direction of the enlightened classes. The ‘public,’ coextensive in theory with the community of the French people, in fact was limited to the elites. If a new political science was needed for a brand-new world, it was for use by ‘the more powerful, the most intelligent, and the most moral classes of the nation,’ by those ‘virtuous and peaceful individuals whose pure morality, quiet habits, opulence, and talents fit them to be the leaders of their fellow men’” (25). Both characterizations are taken from Tocqueville’s introduction to volume 1 of DA.

68. I say “reintroduce” because Tocqueville believed, plausibly or not, that the medieval French towns were self-governing in approximately the same way the American townships were. See Tocqueville, ORR, 125–27.

70. One should never forget the fact that electorate under the July Monarchy comprised a mere 241,000 voters of demonstrated means out of a population of more than 30 million. Rarely, if ever, was a narrower class rule of the bourgeoisie achieved.

71. Indeed, Tocqueville more or less repeats the problem of an “enlightened” people as articulated by Rousseau in bk. 2, chap. 6, of *The Social Contract*, while giving it his own aristocratic liberal twist: “Hence it is as difficult to conceive of a society in which everyone is highly enlightened as of a state in which every citizen is wealthy; the two difficulties are related. I am perfectly willing to concede that most citizens very sincerely want what is good for their country. Taking this one step further, I would go so far as to add that in general the lower classes of society seem to me less likely than the upper classes to adulterate this desire with considerations of personal interest. What the lower classes invariably lack to one degree or another, however, is the art of judging the means to the end they sincerely wish to achieve” (*DA* 1:226).


73. See, in this regard, Tocqueville’s speech to the Chamber of Deputies on January 29, 1848, in which he decries the “degradation of public mores” that will lead to revolution and pleads to his fellow deputies to change not laws, but “the spirit of the government, for . . . it is the spirit that is leading you to the abyss” [*Recollections*, 14–15].


75. Œuvres, 2:617–18; *DA*, 591.

76. Tocqueville, *Recollections*, 72. As both William H. Sewell and T. J. Clark note, the trope of “the people as barbarians” was a fairly common one in 1848, deployed by the bourgeois press to rally opposition to their former allies in the revolutions of 1789 and 1830. Thus the *Courier français*: “The capital trembled at seeing these determined, silent hordes who needed nothing but their own impulsion to overturn without combat the very bases of society.” See William H. Sewall Jr., *Work and Revolution in France: The Language of Labor from the Old Regime to 1848* (Cambridge: Cambridge University Press, 1980), 270–71; and T. J. Clark, *The Absolute Bourgeois: Artists and Politics in France, 1848–1851* (Greenwich: New York Graphic Society, 1973). Clark is especially good on the profoundly ambivalent attitude of the Parisian bourgeoisie toward “the people.” The latter were seen as both the embodiment of courage, honesty, and simple piety and the “new barbarians” waiting to overthrow the respectable (bourgeois) order of things.


78. Ibid., 214.


81. Œuvres, 2:633–34; *DA*, 608 (emphasis mine).


85. See, for example, David Brooks’s June 7, 2016, column in *The New York Times*, “Let’s Have a Better Culture War.” Brooks champions civil society *moralization* as the antidote to what he perceives as our current over politicization. Yet despite his reputation among conservative ideologues, Tocqueville saw things quite differently.


87. The qualification here is crucial. As Hannah Arendt was to point out in *On Revolution*, the Founders’ failure to incorporate the level of the township into the Constitution meant that, for ordinary citizens, the opportunity to participate in political debate and decision was severely curtailed.

88. See Aulard, *Christianity and the French Revolution*.


91. *Œuvres*, 2:655; *DA*, 631–32. In vol. 1 of *DA*, Tocqueville had been even more vehement about the importance of political life to the Americans: “It is difficult to say what place political concerns occupy in the lives of Americans. For them, to take an interest in and talk about the government of society is *life’s most important activity*, and, in a way, it’s only pleasure.” Moreover, “if, by contrast, an American were reduced to minding only his own business, *half of his life would have been stolen from him*. He would feel as though an immense void had hollowed out his days, and become incredibly unhappy” (279; emphasis mine).


96. Drescher’s *Dilemmas of Democracy* is an important exception to the rule.


98. Ibid.

99. Tocqueville’s 1835 journey to England, after the publication of the first volume of *DA*, no doubt planted the seed of this chapter in his mind. It took, however, a fair amount of time for the seed to germinate, as Drescher points out (*Dilemmas of Democracy*, 76–85). However much he was horrified by his visit to Manchester (the “new Hades”) in early July 1835, he nevertheless viewed it as an exception to prevailing (apparently more egalitarian) patterns of development. The evolution of Tocqueville’s views in this regard continued through the actual composition of the second volume of *DA*, a work that generally isolates the process of democratization from that of industrialization. In the end—that is, by the time he came to write the second part of vol. 2—Tocqueville realized that he could no longer keep these processes entirely separate. Industrialization would necessarily affect the providential road to equality of condition in ways he had not initially foreseen.
The contemporary US distribution of wealth—in which 84 percent of the wealth is concentrated in the top 20 percent of the population, with a staggering 40 percent controlled by the top 1 percent—makes a mockery of Tocqueville’s characterization of America as the land of “equality of condition” incarnate. It also makes his fear of “too much equality” ironic at best.

As many have noted, the chapter that follows “On the Principal Causes That Tend to Maintain the Democratic Republic in the United States” has a somewhat peculiar relation to the rest of vol. 1. This chapter—“Some Considerations concerning the Present State and Probably Future of the Three Races That Inhabit the Territory of the United States”—contains some of Tocqueville’s most moving prose. His depiction of the condition and probable fate of the native Americans, as well as the profound difficulties the United States will face in overcoming the legacy of slavery, are more than penetrating. Yet, structurally speaking, the chapter has the feel of an extended appendix, which makes the prior chapter, “On the Principle Causes,” the effective planned conclusion to the work. That Tocqueville chose to effectively end his work with an extended consideration of the role of religion in stabilizing American political life is clearly significant.

In *The Fragility of Freedom: Tocqueville on Religion, Democracy, and the American Future* (Chicago: University of Chicago Press, 1995), Joshua Mitchell goes much further, arguing that Tocqueville viewed religion and shared belief not only as a precondition for social stability, but as a necessary and permanent feature of any democracy that wishes to be an “ordered” one.

119. *Œuvres*, 2:657; *DA*, 635.
120. *O RR*, 207.

123. *ORR*, 205.
124. One should remember, in this regard, that the publication of Rousseau’s *Social Contract* and *Émile* in spring 1762 was followed swiftly by official condemnation by the Parlement of Paris and the Genevan authorities. Tocqueville no doubt thought that Rousseau was unjustly persecuted. After all, Jean-Jacques was just as hostile to the mainstream Enlightenment as Tocqueville later came to be. The real danger lay elsewhere, with the materialists, of whom d’Holbach and Helvétius were representative. *They*, Tocqueville thought, not Rousseau, should have been suppressed.

127. Ibid.

132. See, in this regard, the following passage from vol. 2, chap. 21 of *DA*: “Hence no matter how the powers of a democratic society are organized, and no matter what weight is assigned to each of them, it will always be very difficult to believe what the masses reject and to profess what they condemn. *This does wonders for the stability of belief*” (758; emphasis mine).

134. As Tocqueville observes in the second chapter of vol. 2 of *DA*, 489, “it is easy to see that no society can prosper without such [dogmatic] beliefs, or, rather, that none can survive that way, for without common ideas, there is no common action, and without common action, men may still exist, but they will not constitute a social body.”
135. In many respects, Tocqueville could be called the first communitarian, since his project was to show how liberal democratic institutions could be stable only when they rested upon broad social consensus on morality, belief, and the primary ends of both public and private life.

136. Thus, Hobbes recommends absolute sovereignty not only because it alone can effectively end the *bellum omnium contra omnes*, but also because it provides the surest and most direct path to commodious living.


139. *Œuvres*, 2:660; DA, 637. For some reason, Goldhammer leaves the word “breast” out of his translation of Tocqueville’s phrase “*dans le sein des démocraties nouvelles*.”

140. ORR, 206: “I stop the first American I meet . . . and ask him if he thinks religion is useful for the stability of law and the good order of society; he immediately responds that a civilized society, but above all a free society, cannot subsist without religion.” What Tocqueville would have made of the decidedly secular democracies of contemporary Western Europe and Scandinavia is anybody’s guess. In a similar vein, one wonders what he would have made of an American society that remains religious (certainly in comparison to Europe) yet which has utterly succumbed to the lures of privatism and materialism (in the nonphilosophical sense of the word).


144. *Œuvres*, 2:839; DA, 821.


149. Ibid., 13. It is more than ironic that Tocqueville, after deploying this kind of rhetoric, came to blame the hysterical fear of socialism among the French bourgeoisie for paving the way to the dictatorship of Napoleon III.

150. See William H. Sewell’s characterization of how the workers’ corporations, through their many marches and processions ordered by trade, “took symbolic possession of the streets of the capital, seizing the revolution’s traditional public space” (Sewell, *Work and Revolution in France*, 262).


154. As I note below, both Tocqueville and Weber painted themselves into a theoretical corner by their shared insistence that neither the aristocracy, nor the bourgeoisie, nor the working class were equipped for the task of political judgment, let alone political leadership. See, in this regard, the young Weber’s inaugural address at Freiberg, *Der Nationalstaat und die Volkswirtschaftspolitik* in Weber, *Gesammelte politische Schriften*, 23–25; *Max Weber: Political Writings*, edited by Peter Lassman and Ronald Spiers (Cambridge: Cambridge University Press, 1994), 26–28.


156. In retrospect, the reforms looks tame enough. They include aid for the sick and injured, pensions for the widows and orphans of workers, shorter hours, regulations of working conditions, and a modest increase in the daily wage. See Sewell, 256–57. The rhetoric of the Parisian workers far outstripped their concrete proposals, and it was to this rhetoric that Tocqueville, rhetorically, directed his attention.

157. For all his theoretical desire to expand the arena of political life, it should be remembered that Tocqueville was not exactly liberal or democratic on the question of manhood suffrage. In fact, he opposed it more or less consistently. As Alan S. Kahan notes in his *Aristocratic Liberalism: The Social and Political Thought of Jacob Burckhardt, Alexis de Tocqueville, and John Stuart Mill* (New Brunswick, NJ: Transaction Publishers, 1992): “Tocqueville opposed every concrete proposal made to reform suffrage during the July Monarchy. His own ideas were limited to the elimination of a few corrupt ‘rotten boroughs’ and increasing the suffrage by a few local notables. . . . This despite the fact that he predicted revolution in January 1848 because the regime was too narrowly based on one class, the bourgeoisie. The paradox is unresolvable” (92).


163. Hence the contemporary concern with the decline in what our social scientists call our “social capital,” which is generated by trust relationships within civil society.


165. Ibid., 88–89.

166. See Sewell, 271, for the effect the April 23, 1848, election for the National As-
sembly. Tocqueville’s triumph was echoed throughout the provinces, with predictably negative consequences for the slate proposed by the workers and artisans in Paris.


170. In *Aristocratic Liberalism* Kahan maintains that Tocqueville thought “local government was a necessary educational tool to fit people for national affairs” (115). Yet because Tocqueville was disinclined to substantially widen the franchise, it is doubtful that he intended ordinary people to take part in national affairs in any meaningful way.

**Chapter Five**


2. See Robson, ed., *Collected Works of John Stuart Mill*. Vol. 19, *Essays on Politics and Society, Part 2*, 473: “That it [the suffrage] should be thus widely expanded, is, as we have seen, absolutely necessary to an enlarged and elevated conception of good government. Yet in this state of things, the majority of voters, in most countries, and emphatically in this, would be manual labourers; and the twofold danger, that of too low as standard of political intelligence, and that of class legislation, would still exist, in a very perilous degree.”

3. Robson, ed., *Collected Works of John Stuart Mill*, 18:159. Moreover, basic education was, in Mill’s view, the *sine qua non* of political participation: “I regard it as wholly inadmissible that any person should participate in the suffrage without being able to read, write, and, I will add, perform the common operations of arithmetic” (Mill, cited in F. W. Garforth, *Educative Democracy: John Stuart Mill on Education in Society* [Oxford, UK: Oxford University Press, 1980]), 23.


6. Tocqueville, *Œuvres*, 2:222–23; *DA*, 225–26: “How easy or hard it is for people to live without working therefore sets a necessary limit to their intellectual progress. In some countries that limit is a long way from being reached; in others, it is not so far off. But in order for there to be no limit, the people would need to be free of worries about their material needs, in which case they would no long be the people. Hence it is as difficult to conceive of a society in which everyone is highly enlightened as of a state in which every citizen is wealthy.” See also Robson, ed., *Collected Works of John Stuart Mill*, 18:79: “When the governing body, whether it consist of the many or of a privileged class, is so numerous, that the large majority of it do not and cannot make the practice of government the main occupation of their lives, it is utterly impossible that there should be wisdom, foresight, and caution in the governing body itself.”

7. The “beast” characterization is from Plato, *Republic*, 493b. With respect to modern demagogy, see Tocqueville’s description of Lamartine in the *Recollections*, 108: “I do not think I ever met in the world of ambitious egoists in which I lived any mind so untroubled by thought of the public good as his.”
9. Ibid., 18:63.
16. I borrow the phrase from F. W. Garforth.
19. Ibid., 18:220.
20. See my description of the contrast between Tocqueville and Mill on the issue of atheists testifying before, or appealing to, courts of law in the preceding chapter.
21. It is interesting to compare how Tocqueville responded to his own loss of faith with the young Mill’s response to his mental crisis and loss of faith in his father’s and Bentham’s utilitarianism. Tocqueville yearned for a lost certainty and the cushion of shared belief. Mill, on the other hand, began a long and arduous campaign of personal and eclectic Bildung, one that involved romantic poetry, French politics, and German philosophy.
22. See my treatment of these matters in *Socratic Citizenship*, chaps. 1 and 2.
25. Ibid., 18:236.
28. Ibid., 18:250.
29. Ibid., 18:267.
30. As Mill writes in the essay “Considerations on Representative Government” (in Robson, ed., *Collected Works of John Stuart Mill*, 19:411): “the practice of the dicas-tery and the ecclesia [assembly] raised the intelligence of an average Athenian citizen far beyond anything of which there is yet an example in any other mass of men, an- cient or modern.” It did this by providing the audience-participants in the Assembly with the agonistic spectacle of speech and argument by the most notable speakers and political figures of the day.
32. Ibid., 18:257.
33. Robson, ed., *Collected Works of John Stuart Mill*. Vol. 11, *Essays on Philosophy and the Classics*, 324 (in Mill’s review of George Grote’s *History of Greece*, which origi-nally appeared in the Oct. 1853 issue of the *Edinburgh Review*). Grote was especially keen to emphasize the importance of the large jury panels the Athenians called dikas-
teries. As much or more than participation in the assembly, regular participation in this institution provided training in, and opportunity for, judgment. See George Grote, *A History of Greece from the Time of Solon to 403 B.C.*, edited by J. M. Mitchell and M. O. B. Caspari (London: Routledge, 2001), 402–7. See also Moses Finley, *Democracy Ancient and Modern* (New Brunswick, NJ: Rutgers University Press, 1985), 13–32, which places equal emphasis upon participation in the assembly and the dikasteries. Finley’s description of the basic features of Athenian democracy ends, appropriately enough, by citing Mill’s remarks on the importance of participation (see note 30). For those skeptical that the Athenian democratic model loomed as large in Mill’s imagination as maintained here, see Nadia Urbinati’s *Mill on Democracy: From the Athenian Polis to Representative Government* (Chicago: University of Chicago Press, 2002).

35. Ibid., 18:238.
36. Ibid.
37. Ibid., 18:222: “Those who first broke the yoke of what called itself the Universal Church, were in general as little willing to permit difference of religious opinion as that church itself.”
38. Ibid., 18:247.
39. Ibid., 18:248.
40. Ibid.
47. Ibid., 18:255–57.
48. Ibid., 18:268.
49. Ibid., 18:262.
50. Ibid., 18:226.
51. Ibid., 18:269.
52. Ibid., 18:224.
53. Ibid., 18:267.
54. PR, additions to secs. 135 and 164.
57. Despite enormous differences, it makes sense to see Socrates, Mill, Nietzsche,
and Foucault on one side of this debate and Hegel, Tocqueville, Taylor, and Habermas on the other.


60. See Mandelbaum, *History, Man, and Reason*, for an account of the evolution from a static to a more developmental conception of reason and truth.


62. For a fuller treatment of the Socratic dimension of Mill’s thought, see Villa, *Socratic Citizenship*, chap. 2.


65. See Mill’s essay on Bentham for his remarks about the Italians and Germans.


67. Immanuel Kant, “On the Common Saying: ‘This May Be True in Theory, but It Does Not Apply in Practice,’” in *KWP*, 72. Kant’s enthusiasm for the French Revolution, and his insistence that law-breaking in the name of creating a new constitution was both morally wrong and practically self-immolating are two aspects of his thought that many have struggled to reconcile or excuse. For Mill’s quite different view, see his remarks in his review “Alison’s History of the French Revolution” in Robson, ed., *Collected Works of John Stuart Mill*, 20:119: “A political convulsion is a fearful thing: granted. Nobody can be assured beforehand what course it will take: we grant that too. What then? No one ought ever to do any thing which has any tendency to bring on a convulsion: is that the principle?”


69. The key text in this regard is Kant’s “Idea for a Universal History with Cosmopolitan Intent,” which argues that we are driven to suppose that nature is using war, antagonism, and human selfishness in order to develop man’s full range of talents. This will promote an advanced level of civilization—not just scientifically and technologically speaking, but morally as well. It will then become increasingly evident that wars are an absurdly costly and immoral way to resolve differences. This realization will, in turn, lead to the ascendency of republican government and the rule of law and (finally) to a federation of nations. The “highest purpose of nature” is, according to Kant, a “universal cosmopolitan existence” in which the “barbarous freedom of established states” is left on the ash heap of history. See *KWP*, 41–53. For Kant’s disapproval of European colonization practices, see the essay “Perpetual Peace” in *KWP*, 106. For an unhappy corollary of his view that nature is driving mankind toward the full development of human faculties and, ultimately, toward morality and freedom, see his now notorious remark about the Tahitian people in his review of J. G. Herder’s *Ideas for the Philosophy of the History of Humanity*, in *Kant, Anthropology, History, and Education*, 142.
77. Reeves, *John Stuart Mill*, 315. Reeves quotes an 1859 letter from Mill to George Cornewall Lewis: “There will never be honest or self-restraining government unless every individual participant feels himself a trustee for all his fellow citizens, and for posterity. Certainly no Athenian voter thought otherwise.”
81. See Hegel, *PH*, 44, 48. Tocqueville is much less explicit on this score and has a reputation for being antibureaucratic and in favor of local democracy. Yet, as I argued in chapter 4, this seemingly more democratic stance actually conceals a top-down understanding of national affairs and political education (at least in its nonlocal dimensions).
82. The parallel between Hegel and Mill on this score is rather remarkable. In *John Stuart Mill: A Biography* (Cambridge: Cambridge University Press, 2004), Nicolas Capaldi makes several intriguing comparisons between Mill and Hegel but fails to note their shared conviction that the reins of government should be in the hands of educated professionals.
86. See the very interesting letter Mill wrote to his father from Paris in the aftermath of the July 1830 revolution, in which he describes the attitudes of the participants he had spoken with: “I have not perceived the slightest tinge of fanfaromnade in their language or their sentiments. I have not heard one word of self-applause, nor boasting about the dévouement of the people of Paris, nor any credit taken to themselves for having preserved order or avoided excesses; it does not seem to occur to them at all that they have done anything extraordinary. They had but one idea, that of fighting for their legal rights, and the observance of the legal rights of others followed as an immediate corollary. The inconceivable purity and singleness of purpose, almost amounting to naïveté, which they all show in speaking of these events, has given me a greater love for them than I thought myself capable of feeling for so large a collection of human beings.” Mill to his father, August 20, 1830 (Robson, ed., *Collected Works of John Stuart Mill*, Vol. 12, *The Earlier Letters 1812–1848, Part 1*, 55).
88. Ibid., 20:307.
89. Ibid., 20:311–12.
91. Ibid.
92. Ibid. Mill attempts to vitiate the antidemocratic nature of this proposal by stating “The council to whom the task of rectifying the people’s mistakes would not represent a class believed to be opposed to their interest, but would consist of their own natural leaders in the path to progress.”
93. Ibid., 19:430.
94. Ibid., 19:432: “Instead of the function of governing [and drafting legislation], for which it is radically unfit, the proper office of a representative assembly is to watch and control the government; to throw the light of publicity on its acts; to compel a full exposition and justification of all of them which any one considers questionable.”
95. Ibid., 19:425.
96. Ibid., 19:433–34 (emphasis mine).
97. Ibid., 19:539.
98. Ibid., 19:544.
101. Ibid., 19:474.
102. Ibid., 19:473.
103. Ibid., 19:460.

CHAPTER SIX
3. For ample and depressing evidence of this fact, see Rogers Smith, Civic Ideals: Conflicting Visions of Citizenship in U.S. History (New Haven, CT: Yale University Press, 1997).
7. For the latter, see C. Wright Mills, The Power Elite (New York: Oxford University Press, 1956).


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