

From Public Opinion to Public Knowledge: Hegel's State as an Epistemic Institution*

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“You know that I always had a penchant for politics,” wrote Hegel in a letter in 1807. Although the confession was made at a time when he was forced to accept the job of editor of the *Bamberger Zeitung*, everything suggests it was sincere.¹ In fact, it seems that Hegel was politically engaged not only in his youth, but that even later, as he became professor in Heidelberg and then in Berlin, he kept dangerously close to radical student fraternities. Both his very first and his very last published writings—the anonymous translation of a pamphlet on the social and political conditions in the Pays de Vaud in 1798 and his lengthy essay on the English Reform Bill in 1831—were engaged interventions into the political affairs of the time. It is no coincidence that the *Philosophy of Right* stands out as the only part of Hegel's system that was intentionally given a separate presentation. It can also be claimed that the political dimension affects the very form of Hegel's thought, especially if one considers that, in Jena, Hegel

* The author acknowledges the project (“The Structure and Genealogy of Indifference,” J6-8263) was financially supported by the Slovenian Research Agency.

¹ This paper is a continuation of my engagement with Hegel's political philosophy, and draws on some topics already presented in other publications, especially Kobe 2013; 2014; 2015; and 2019. I would like to thank Luca Illetterati, Francesca Menegoni, Pierpaolo Cesaroni, and the participants of the seminar on Hegel's philosophy of absolute spirit at the University of Padova for their valuable suggestions and comments.

developed his conception of the concept under the influence of Spinoza's *political* philosophy.² Thus, the penchant in question not only connects Hegel as a historical person to the political events of his time, but also implies a structural affinity between political reality and philosophical knowledge.

This paper explores the said connection, presenting Hegel's state as an institution of knowledge, that is, as an epistemic, even philosophical organization. Throughout this study, special attention will be given to Hegel's novel conception of public opinion, and to the ways in which it can be transformed into public knowledge. At the end, I will try to formulate the problems of the modern state in Hegelian terms, as well as hint at some Hegel-inspired suggestions for their solution.

I

According to Hegel's official definition, "the state is the actuality of the ethical Idea" (§ 257), or alternatively, "the actuality of the concrete freedom" (§ 260).³ For the time being, the precise meaning of this definition may be left open. But it is immediately clear that Hegel uses the concept of the state in a flexible and expanded sense that goes well beyond the official institutions of a territorially enclosed community. If Hegel describes civil society as an "*external state*," as the "*state of necessity and of the understanding*" (§ 260), then obviously there is also an internal state, a state of freedom and of the reason; and if he speaks of "the *political state proper*" (§ 267), then there must be some dimension of the

² The thesis was convincingly established by Chierghin (see Chierghin 1977). For an additional corroboration of the thesis see also Kobe 2015.

³ In general, Hegel's works are cited here according to the reference edition *Gesammelte Werke* (Hegel 1968–), using the available English translations. For the sake of convenience, however, the *Elements of the Philosophy of Right* are cited by paragraph number only (where R stands for the remark added to the paragraph).

state that extends beyond the realm of politics in the commonly understood sense of the word. To emphasize this diffusion of the state in the social tissue,⁴ Hegel uses the intentionally ambiguous expression *Verfassung*, which, similar to “constitution,” refers both to the fundamental law of the state and the actual composition of the (social) body. For that reason, Hegel was in a position to provide a trivial answer to the classical question of political philosophy, which asks who should compose the constitution for a people (see § 273). Since a given community always already has a certain social constitution, and, in this sense, it cannot be without a constitution, there is no need for devising one at all. It has only to be written down, which ultimately can be done by anyone.

What is the state in this extended sense? A promising way of approaching this question is to consider how Hegel, in *The Phenomenology of Spirit*, introduced the concept of spirit. After following a series of necessarily failed attempts of the “rational self-consciousness to actualize itself,” a passage is made from the instrumental to the expressive model of actualization, that is, from activity to creativity. The subject is now supposed to make herself actual in the product, *das Werk*, created by her. At first, the new model appears quite effective. If previously the individual inevitably failed to actualize herself through her action, now, on the contrary, every attempt seems necessarily and trivially successful, since the work, whatever its nature, is in any event a manifestation of the subject. In this sense, every work is by definition “good.” For instance, if the work is mediocre, so is its author, who can no longer pretend to possess any artistic greatness. But here, too, a complication soon emerges. Once the work enters the realm of external existence, it becomes accessible to others, who give it true objectivity by way of judging it. The problem is that what the

⁴ This rootedness of the state in the actual social structures and practices is emphasized by Cesaroni, who, in this respect, deploys Hegel's expression *Verfassung im Besonderen*; see Cesaroni 2006.

others see in the work does not necessarily coincide with what I, its initial author, wanted to see in it. Moreover, their judgment is bound to differ from my own since in my interpretation I wanted to manifest *my* subjectivity, while they will want to actualize *theirs*. In this way, Hegel continues, a movement of interpretations arises that brings about a twofold consequence: on the one hand, the work becomes a *common work*, to which each subject contributes her share; on the other, it gains *independence* from any particular subject involved, thus turning into something independent.

Hegel uses various expressions to describe this new formation. He calls it a “true work,” *das wahre Werk*, as the “unity of *being and doing*, of *willing and accomplishing*” (GW 9, p. 222), thereby emphasizing that in it the subject has finally received a valid judgment regarding her subjectivity. Hegel calls it the *cause itself*, which, as a *cause*, constitutes “the permeation of actuality and individuality” (GW 9, p. 223), while, as *itself*, it stands above the mere individual’s causes “and is only a cause insofar as it is the *doing of each and all*” (GW 9, p. 227). He furthermore calls it the *universal work*, which “engenders itself through the doing of each and all as their unity and equality,” and thus also the *universal being*, even *spiritual essentiality* and *spiritual being* (GW 9, pp. 239, 239, 223, 227). Hegel then immediately proceeds to the treatment of the spirit, of course, and what was initially introduced in the context of the realization of individuality is now determined as an *ethical substance* that represents the basis for the entire further development in the *Phenomenology*. But from our point of view, it is important to note that both the cause itself and the universal being clearly suggest that, according to Hegel, we are here witnessing the emergence of the dimension of the state. *Die Sache selbst*, which is equally accessible to everyone and figures as the cause “of each and all,” is obviously — both in description and in name — an attempt to capture what in traditional political theory was called *res publica*. It is equally apparent that, here, *das allgemeine Wesen* does not stand for God, but features simply as a variant of *das gemeine Wesen* or

das Gemeinwesen, which is but another translation for *res publica* or the state. This triple conceptual connection⁵ between the true work, the ethical substance, and the state is further corroborated by the fact that, in the chapter on ethical life from the first edition of the *Encyclopedia*, Hegel does not use the term “state” at all, instead regularly deploying in its place the expression *das allgemeine Werk*, which is equated with the ethical substance: “The universal work which is the substance itself” (GW 13, p. 234).

The fact that the *Phenomenology* introduced the notion of spirit within the framework of traditional *political* theory clearly proves that Hegel’s concept of the state should be read against the background of the ethical substance. This remark is not trivial. It implies not only that in considering the state we should always bear in mind the reasons why, according to Hegel, neither abstract law nor morality are able to provide the necessary conditions for the realization of the subject’s freedom. It also suggests that in order to grasp the relationship between the state and the subject (be it individual or collective), we should rely on the model developed by Hegel with regards to the ethical substance. As we know, its fundamental armature consists of rules and institutions that happen to be effective in a certain community—those “customs and mores” that one accepts without reflection, out of habit that has become “second nature” (§ 151). Precisely because we all tend to participate in them, the “customs and mores” acquire a force of their own, hence appearing to a particular subject as something absolute, something that simply *is* “in the supreme sense of self-sufficiency” (§ 146). Confronted with this “absolute authority and power,” the subject appears completely powerless and can only accept it. However, according to Hegel, it is actually meaningless

⁵ Unfortunately, in the latest English translation of the *Phenomenology* the connection in question is blurred; the translation renders *die Sache* as the *crux of the matter* (or, alternatively, as the *fact*) and *das allgemeine Wesen* as the *universal essence*.

to speak in this context of the subject's eventual acceptance of the ethical substance, since she *always already inhabits its institutions*, and it is only on their ground and *through them that she is the subject she is*. In this sense, the subject's relation to the substance is "a relationship which is immediately even more identical than even *faith* and *trust*" (and for a Protestant, "trust" is the name for her relation to God), it is a "relationless identity" (§ 146). The substance and the subject allow for no external relation, they are the same, and the subject's acceptance of the institutions that are valid in a certain ethical community is ultimately nothing but her acceptance of herself.

Hegel's conception bears witness to the fact that a subject becomes what she is only against the backdrop of a preexisting structure. This would only be controversial if we were to suppose that the subject is her own creator. On the other hand, and contrary to first appearances, it definitely does not imply that the subject has no other choice but to fully comply with all the present norms (conformism in the ordinary sense), that she cannot act as independent and, in particular, that she cannot act against valid institutions. This is definitely possible; indeed, in Hegel's view this is precisely the way the *substance affirms itself* and proves its being alive: "Subjectivity is itself the absolute form and existent actuality of the substance" (§ 151). Customs and mores also change, as it were, and they change precisely as subjects—intentionally or unintentionally, abruptly or gradually—diverge from the accepted rules and establish new ones. It is only to the self-proclaimed guardians of tradition that such a development appears as a sign of decay of the ethical substance, whereas effectively it has to be read as proof of its vitality. Conversely, it is precisely when customs and mores are being repeated in one and the same way that we should describe them as ossified: in that case, they no longer contain any spirit or life, and they no longer form a part of the actual ethical substance, but are mere remnants of a bygone past, the value of which is now solely folkloric. In

this sense, even a rebellion against the ethical substance is a sign of its vitality, showing that the subjects consider it something worth fighting over. True death would occur only if they ceased to bother about it altogether, just as those customs and mores that no one observes anymore gradually wither away.

The affirmation of the structural affinity between the ethical substance and the state is not trivial, I've said. Conceiving the state against the background of the substance and the subject immediately implies that, in Hegel, the objective universality of the state and the subjective particularity of its citizens mutually condition one another. Hence Hegel's constant emphasis on *patriotism* (cf. § 268), understood not as a willingness to undertake extraordinary sacrifice, but as a *heroism of everyday disposition*, "tried and tested [...] in ordinary life," as a "volition that has become *habitual*" in considering the ethical substance as the basis of one's actions. It is on this account that Hegel's state is *essentially the people's state*. Its very existence permanently depends on its capacity for acquiring the support of its citizens, and it can never sustain itself by mere physical force. If we were to venture an initial definition, we could say that the state is the bond that holds people together.

II

However, the state does not dissolve totally into substance. The state is, to be more precise, the place where the universal ethical substance *becomes conscious of itself as universal*. Moreover, at least in the case of the modern state—and in Hegel's view, only the modern state actually conforms to the concept of the state—this self-conscious unity is established within the *regime of knowledge*, i.e., as a rational and thinking universal; and further, it includes the principle of subjective freedom as the principle of the modern world in general. "The state is the ethical spirit as knowing itself." (GW 26, p. 511)

The special relation between the modern state and knowledge is a result of two parallel developments. We have seen, on the one hand, that by definition the individual is embedded in the ethical substance: the subject acts “as a *particular* collaborator at the universal work” (GW 13, p. 234), while the substance provides him an objectively determined space for his self-actualization. However, even though having an existence of its own, and even though enjoying an independent authority over its members, in itself, the ethical substance is mute. As such, it cannot stop what I have called the movement of interpretations and pass *its* verdict, which means that the subject, too, cannot know her real value, and thus cannot actualize herself. For this reason, as the place of the universal, it has to acquire a *self-conscious* existence of its own. This is the state. Insofar as individuals are determined, according to Hegel, “to lead a universal life,” the state is “an absolute and unmoved end in itself” (§ 258) to them, since it constitutes the only place where they can actualize their determination. To capture this decisive moment of the self-consciousness of substance, Hegel claimed that, in the proper sense, sovereignty belongs solely to the state.

On the other hand, self-consciousness is a mode of knowledge. Knowledge can come in different modes, ranging from dark sentiment or premonition up to rational thought. In Hegel’s view, a similar progress is reflected in the historical development of the absolute spirit, which moves from art and religion to rational knowledge or science. All three domains belong to the realm of knowledge in general, and as modes of awareness of the absolute, all three can be considered religious (see GW 20, p. 542). There is a qualitative difference between them, however: in the historical progression, the artistic and religious modes of knowledge have now been superseded by scientific knowledge. Thus, if the ancient state was beautiful, and the mediaeval state was pious, the modern state is rational. To prevent a possible misunderstanding, let me add that this does not imply that the rational state is hostile to art

or religion. The rational nature of the modern state only means that, in public discourse, art and religion no longer feature as the privileged modes of formation of the political will. We may still admire the great masterpieces of past and present, but our knee does not bend before them anymore, as Hegel once remarked. In a similar vein, it now seems positively odd if the president of a modern state wants to justify a war by claiming he was inspired by God: this no longer counts as a valid mode of public justification. In paragraph 270, Hegel consequently engages in a long discussion countering the claims of any particular religion that its teachings be acknowledged by the state, or that—at least regarding the ultimate questions—the state should not teach and act against its basic religious truths. Against such pretension Hegel firmly asserted that “the state possesses *knowledge*,” that “the state, too, has its doctrine,” and finally, and most decisively, that “*science* is to be found on the side of the state, for it has the same element of form as the state” (§ 270R).⁶

In Hegel's view, then, the state, and the modern state in particular, is an institution of knowledge. It is an epistemocracy,

⁶ In his lectures, Hegel was even more explicit: “The state is precisely the one that has ‘the highest’ not only as something belonging to the instinct, but that knows it, only in that way the state is truly present” (GW 26, p. 512). “To an accomplished state essentially belongs consciousness, thinking. The state therefore knows, and knows it as something thought. Since the knowledge has its seat in the state, the science as such has its seat in the state, not in the church” (GW 26, pp. 1003–4). There has been a long and heated debate surrounding Hegel's theses on the end of art. It was far less frequently noticed that the exact same arguments led him to affirm the claim on *the end of religion*. The apparent return of religious faith does not refute this thesis, just as the persistence of various artistic practices does not invalidate Hegel's claim that art is dead. For a good overview of the question, see Moked 2004. In Moked's view, Hegel advocates “some sort of ‘neo-Protestantism’ or ‘second Reformation’, under which ethical life itself would become ‘the most genuine cult’” (Moked 2004, p. 106). This, however, is only another way of affirming the end of religion, since what is new in this neo-Protestant doctrine is precisely its complete (that is, Hegelian) rationality. For a similar emphasis, see Kervégan 2018b, pp. 368–69.

as Vieweg aptly put it.⁷ *The state thinks and knows*. In affirming this, Hegel obviously makes a metaphysical claim regarding the solidarity between knowledge and freedom. He also refers to the fact that the modern state is bound to treat individuals in a way that is universal, that is to say, according to laws that apply to all in the same way. But there is more.

The state therefore *knows* what it wills, and knows it in its *universality* as something *thought*. Consequently, it acts and functions in accordance with known ends and recognized principles, [...] and it likewise acts in determinate knowledge of existing circumstances. (§ 270)

The thesis, far from being a sign of an absurd glorification of the state, thus merely summarizes the widespread conviction of modern times that the state is obliged — in spite of its sovereignty, or rather precisely because of it — to justify its actions within the universal space of reason. “Whatever is to achieve the recognition [today] no longer achieves it by force, and only to a small extent through habit and custom, but through insight and reasons” (GW 26, p. 1464). If the state was once allowed to act arbitrarily, if it could cite the *raison d'état* to ward off any further scrutiny, the modern state is rather the *état de raison*, the state of reason, which has to determine all its measures rationally, according to prescribed procedures, and seek their approval with its citizens, in “their consciousness.”

Besides being an institution of knowledge, the modern state is marked by the principle of subjective particularity. “The right of the subject’s *particularity* to find satisfaction, or—to put it differently—the right of *subjective freedom*, is the pivotal and focal point in the difference between *antiquity* and the modern

⁷ See a succinct discussion in Vieweg 2012, particularly pp. 434ff, that pays close attention to Hegel’s conception of the state as a “constitutional, cognitional, and educational democracy.”

age" (§ 124R). In the ancient world, for instance in the Greek *polis*, Hegel often notes, the individual had no independent worth against the state. His actions were immediately regarded as actions of the universal, so in a sense he had no conscience. Only with Christianity did the awareness finally emerge that an individual is free for herself, that her consciousness constitutes the center of all her activity, and that—consequently—this particular individual is the bearer of infinite value. On account of this newly discovered right of particularity, in principle the modern subject is prepared to do something only to the extent that this action follows from her convictions, that is to say, only on condition that it makes manifest her particularity. "In the process of fulfilling his duty, the individual must somehow attain his own interest and satisfaction or settle his own account, and from his situation within the state, a right must accrue to him whereby the universal cause becomes *his own particular cause*" (§ 261R). Thereby, naturally, a new problem emerges, namely, how to think the particular and the universal together in a way that the right of the state and the right of the individual would *both be given their due*. In Hegel's view, this is not a mere coincidental complication that would put additional burden on the already overloaded state. Instead, it constitutes a conceptual accomplishment, and strength, of the modern state. If actuality is indeed another name for the unity of the particular and the universal, then the states of the ancient world were in fact *inactual* and bad states:⁸ they were *bound to perish* precisely because "there was no protesting" in them. And vice versa, "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,

⁸ "The state is actual, and its actuality consists in the fact that the interest of the whole realizes itself in the particularity of the ends. Actuality is unity of universality and particularity [...]. If this unity is not present, nothing can be *actual*, even if it may be assumed to have *existence*. A bad state is one that merely exists; a sick body also exists, but it has no true reality" (GW 26, p. 1003).

while at the same time *bringing it back to substantial unity* and so preserving this unity in the principle of subjectivity itself” (§ 260). In accordance with this concept of the state, and following the widespread conviction to this effect after the triumph of the French Revolution, the state can subsist only if it allows its members a free space to indulge in their particularity.

The task is by no means easy, and in order to complete it, Hegel had to mobilize all of the conceptual resources at his disposal. Indeed, it may well be argued that Hegel developed his highly innovative conceptions of “mechanism” and “organism,” as well as the concept of the “concept” itself, precisely in an attempt to solve this *political* problem of the time. On the one hand, he had to open up a special realm that would allow individuals the rare privilege of not having to bother about the universal at all, and mind exclusively their own business. This is the sphere of *civil society*, where Hegel once again uses a very traditional name to describe a radically new concept. On the other hand, he had to find a model that would articulate the universal and the particular in a positive way, and this model basically consisted in a complex system of political mediation to be considered in greater detail in the following pages.

But before I continue, I should note that the epistemic nature of the Hegelian state and the principle of subjectivity do not oppose each other, but actually represent two sides of the same coin. To see this, one has only to consider, first, that Hegel’s conception of knowledge differs profoundly from the traditional one, which in Hegel goes under the name of understanding. If the latter is characterized, among others, by the fact that it maintains an external relation to its object, Hegel’s concept inhabits its object from within, thus involving a *subjective* dimension. And second, it has to be considered that an individual can realize his freedom only within the space of reason, that is, within the sphere of knowledge. One can pretend to the status of the subject only if one can cite universally valid reasons presenting one’s deed as an attempt to realize one’s goals. Outside this framework, there is no possible subject and

no particularity to be actualized. That is to say, in order to realize her particularity, the subject has to enter the regime of knowledge. Once inside this space of universal reasons, however, the subject is relieved of the pressure to perpetually affirm his particularity, that is, to affirm it *against* the particularity of others, since here it makes no difference anymore whether a particular reason is formulated by me or you. In fact, reason makes it possible for one to become universal without therefore losing one's particularity. And since the space of reason is also the space inhabited by the state, there is again a mutual solidarity between the state and the subject.

III

The Hegelian state is sovereign. Its sovereignty is grounded in the constitution, in which the three moments—monarchic, aristocratic, and democratic—form three powers intertwined to form a single unified whole. In this atypical tripartite division of power, the legislative power stems from the people, who take part in the formation of the political will in diverse guises and on several levels: through participation of the people's representatives in legislative power; through the publicity of its operation; and, finally, through public opinion.

If we put aside the fact that, according to Hegel, the members of the universal estate—which consists of the laborers of the universal, that is, in principle, of civil servants⁹—do not enter

⁹The universal estate is composed of those who “have the *universal interests of society* as their business” (§ 205), or, more precisely, those “who devote themselves to the *service of the government*” (§ 303). Although often identified (for example by Weber) with state bureaucracy in the traditional sense, I believe it should be understood in a much wider sense. In fact, if the universal state is defined by “receiving an indemnity from the state which calls upon its services” (§ 205), it should comprise the entire public sector, from the police to the teachers. We may notice that they do in fact share a similar *esprit de corps*, and are generally in favor of state intervention and social justice. Indeed, their mindset is bound to

legislative assembly as they are already included in executive power, and if we further put aside the strange circumstance that the members of the substantial estate—here, Hegel must have had in mind the landed nobility—directly form the upper house, then, we may conclude, the legislative power primarily belongs to those individuals active in civil society who elect their representatives to the lower house of the assembly. At first glance, and considering the restrictions mentioned above, Hegel’s conception of the people’s involvement in state politics agrees with what is now considered “democratic,” since, ultimately, they are all¹⁰ represented in the legislative assembly. The difference—an important one, of course—lies in the fact that Hegel vehemently opposed the model of representation prevalent now, which is built around the party system and general elections. Instead, he proposed a system in which the delegates would be selected in accordance with the immanent organization of the people (according to the *Verfassung im Besonderen*), who already at the level of civil society are organized into estates, corporations, and other associations and societies.

What are the reasons leading Hegel to adopt such a position? Due to technical (but not exclusively technical) constraints, a people can participate in the legislative assembly only through its deputies, who represent the interests of society within the state. For that reason, it is somewhat natural, Hegel thought, that

be different from the private sector since the inner logic of the former’s activities is directly opposed to that of the latter: while the members of the “business” estate work to satisfy their private interests, thereby happening to promote the universal, in the universal estate, “the private interest is satisfied through working for the universal” (§ 205). From this point of view, the public–private partnership is plainly a contradiction. One last comment: since the modern state is an epistemic institution in which the place of absolute spirit is occupied by science, scientists should be considered both as state officials and as the high priests of modern times. According to Hegel, to be a scientist is an inherently political function.

¹⁰ Well, not all. Hegel notes that this term is “entirely unspecific,” since “it excludes from the start at least children, women, etc.” (§ 301R) Why Hegel excludes women is a difficult question that would merit special treatment.

society selects its deputies “*as what it is*” (§ 308), as “*the whole, articulated into its particular circles*” (§ 308R), that is, according to the concrete structure of interests established in civil society. But more importantly, only in this way is it possible to guarantee the *actuality of political representation*. For if the deputies are selected through a process of general election, with abstract individuals addressing a mass of abstract individuals in order to obtain the largest number of abstract votes, then the conceptual connection between the representatives and the represented is *severed*: this atomistic and abstract view “involves separating civil and political life from each other and leaves political life hanging, so to speak, in the air” (§ 303R). In this model of representation, the legislative power loses its ground in society. It remains linked to it only by the formal and completely contingent act of elections, which can, often for no apparent reason, put in place this or that individual. In Hegel, on the contrary, society is supposed to select its representatives in a structured way, “*as what it is*.” For that reason, those representatives do not act *in its place*, they rather represent it by *being* society in miniature. “Thus, representation no longer means the *replacement* of one individual *by another*; on the contrary, the interest itself is *actually present* in its representatives” (§ 311R). In this sense, Hegel defends not the idea of representation, but the idea of *presentation* of the people in legislative power. And if, in supporting this idea, Hegel may seem to succumb to the fiction of a harmonious society, it is worth adding that, for him, civil society is a place of the divide which allows for social antagonism “*to develop to its full strength*” (§ 185R). In Hegel’s system, representing society thus also implies presenting its inner contradictions, “the differing interests of producers and consumers,” for instance, that “may come into collision with each other” (§ 236).¹¹

¹¹ “Thus,” Kervégan observed, “the Hegelian theory of the state is structured by the idea of representative mediation. Representation ensures a

Another way of involving the people in the work of legislative power is the *principle of publicity*, here understood primarily as publicity of the assembly's proceedings. As the representative of the people, the legislative assembly has the important role of translating actual social interests into the sphere of the political state. Contrary to expectations, however, this does not contribute significantly to the quality of the decision-making process: often, legislation would be better if it were left to the exclusive authority of the government. In this respect, the role of the people's assembly is "purely accessory" (§ 314). Its specific advantage is rather in acknowledging the principle of subjectivity, according to which, as we have seen, the state opens its activity to the subjects, informs them about it, and justifies its actions before them within the space of reason. "It is inherent in the principle of the more recent state that all of an individual's actions should be mediated by his will" (GW 26, p. 1025). At the same time, Hegel contends, publicity is also the most effective *means of education*, both for state officials and for the general public. To the former, it offers an appropriate platform to display their talent and requires them to be prepared for a rational discussion; even the "tiresome" obligation of the officials to defend their measures in front of deputies, who may not be willing to understand, usually proves to be beneficial, Hegel argues, since by trying to convince the representatives they ultimately convince the public, the supreme judge in political matters. But above all, the principle of publicity proves to be formative for those who are not directly involved in political decision-making by allowing them "to arrive for the first time at *true thoughts* and *insight* with

dynamic relationship between the people as a group of individuals (the *masses*), the people as a diversity of social and cultural interests (the *nation*) and the political people (the *state*)" (Kervégan 2018a, p. 249). Unfortunately, Hegel's theory of political representation remained largely unexplored, one of the rare exceptions being Edvard Kardelj's idea of the "pluralism of self-managed interests."

regards to the condition and concept of the state and its affairs, thereby *enabling them to form more rational judgments on the latter*" (§ 315). "In such a people," where this publicity exists, "there is a completely different insight and attitude towards the state than in one where the estates have no assembly or no public one" (GW 26, p. 1463). Consequently, for Hegel, publicity is primarily an important vehicle of the formative mediation of political decision-making.

And finally, the people are involved in state affairs through *public opinion*. The latter represents yet another conceptual innovation, remarkable in that Hegel treats it as an integral part of legislative power.¹² Public opinion is thus simultaneously inside and outside, it is the part of the political state that is not part of it; and—as we will see—one of the important tasks of Hegel's theory of the state is to think its paradoxical position.

The relevance of public opinion is trivially evident, all the more so for a political theory that attempts, as Hegel's does (or Spinoza's before him), to conceptualize the state against the backdrop of the actual structure of society. "Public opinion has been a major force in all ages, and this is particularly so in our own times, in which the principle of subjective freedom has this importance, this significance" (GW 26, p. 1464). As such, the institution of public opinion performs the important task of social appeasement, even of smoothing the decision-making process. "Each individual wishes to be consulted and to be given a hearing. [...] Once he has fulfilled this responsibility and had his say [...] his subjectivity is satisfied and he will put up with a great deal" (GW 26, p. 1035). But regardless of the eventual benefits of the freedom of public speech, which, anyhow, is far less risky than an imposition of public silence, the modern state is by its very nature obliged to let people express their own political views. "In public

¹² This point was justly emphasized in Tortorella 2012, one of the very few presentations of Hegel's conception of public opinion.

opinion, the way is open for everyone to express and give effect to his objective opinions on the universal” (§ 308R).

In Hegel, public opinion is therefore not merely the prevailing standpoint of the majority, obtained, for instance, by combining the private opinions of all individuals. It is understood, rather, as the *right* of each individual to publicly express her standpoint on public affairs, and thereby influence the formation of the political will. In this sense, public opinion is a *political institution*, the people’s voice. However, while this is the reason why Hegel was justified in including it in the structure of legislative power, public opinion also introduces into the state a certain tension (since the people now gives away not one but *two* different voices), and a certain contradiction:

Formal subjective freedom, whereby individuals as such entertain and express their *own* judgments, opinions, and counsels on matters of universal concern, makes its collective appearance in what is known as public *opinion*. In the latter, the universal in and for itself, the *substantial* and the *true*, is linked with its opposite, with what is *distinct* in itself, as the *particular opinions* of the many. This existence is therefore a manifest self-contradiction, an *appearance* of cognition; in it, the essential is just as immediately present as the inessential. (§ 316)

To that extent, Hegel remarks, public opinion is “one of those phenomena that are the most difficult to conceive” (GW 26, p. 571). The paradox is that public opinion constitutes a mere assemblage with no inner cohesion, so the true and the infinitely wrong are directly mixed with one another. Hence the “ambivalence of public opinion,” and hence also the apparent tension in Hegel’s assessment that public opinion “deserves to be *respected* as well as *despised*.” Hegel’s definition is precise; the ambivalence is merely a consequence of the fact that public opinion is indeed a “manifest contradiction.” And when Hegel remarks that it contains “the essential and the inessential,” or that it constitutes “cognition as

appearance,” he is obviously referring to his *Science of Logic*. A comprehensive interpretation of public opinion in Hegel should therefore include the logical movement of essence, particularly the claim that essence and appearance (or shine) have no external relation. But since public opinion is a political phenomenon, this line of thought seems rather unpromising.¹³

For my present purpose, I will highlight the paradox of public opinion by limiting myself to two aspects. First, when attempting to determine the true nature of a subject, it is imperative to consider the subject's consciousness of herself. That does not mean that the objective aspect is not relevant—after all, for Hegel, a subject is the series of her actions; even here, however, these actions are constitutively determined by *how*, and as *what*, they are known by the subject. Without making room for the *subjective* attitude, that is, for the knowledge a subject has of herself, there can be no such thing as a subject. Now, insofar as public opinion is the people's voice, i.e., the consciousness the people have of themselves as political subjects, the same relationship applies here as well. What a people is, depends essentially on how it views itself, what position it takes in relation to the world, and what it thinks of it. This is why, trivially, a people's opinion is an essential factor of its substantive truth. Following this understanding, Hegel rejected the question of Frederick the Great as to whether it was permissible to deceive a people for their own best interests. This question—and the entire Enlightenment thinking that tried to explain religion as a plot of the priests—was simply “misplaced,” Hegel argued, as it assumed that there was something like an independent essence of a people determining its true interests, which might make it possible for deceivers to come along, secretly snatch it, and put something else in its stead. This is simply absurd. “Within the knowing of that essence in which consciousness has immediate *certainty of itself*, the notion that it

¹³ For a different approach, see Mabile 1994.

is sheer delusion is entirely out of the question” (GW 9, p. 299). Here, deception and mystification are conceptually impossible. Hegel thus answers that “it is impossible to deceive a people about its substantial basis, about the *essence* and the specific character of its spirit” (§ 317R). He adds, however, in a typically Hegelian manner, that “about the way in which this character is known to it and in which it consequently passes judgments on events, its own actions, etc.,—the people is deceived *by itself*.”

This brings me to the other aspect, according to which public opinion is precisely that—an *opinion*. Speaking about it, Hegel cannot resist the wordplay offered by the “speculative nature” of German language: opinion (*die Meinung*) is something that is primarily mine (*das Meinige*). My opinion is an immediate manifestation of my particularity. I am not obliged to provide any reasons for it, it is enough that *I* stand for it, and however extravagant and arbitrary its content may be, my self possesses the sovereign authority to accept or reject it as it pleases. The extravagance of my opinion, the fact that it differs from the opinions of others, Hegel points out, may even speak in its favor, since, in this way, my particularity expresses itself even more starkly. In addition, as the opinions of a particular subject are ultimately held together merely by her arbitrary will, they are in principle indifferent to one another. More precisely, even if singular opinions are connected by universally valid reasons, within the regime of opinion this represents a contingent circumstance, so that an opinion, even if it happens to conform to the facts, essentially remains a mere arrangement. As such, it remains forever outside the realm of universal validity, outside knowledge, and outside the true. So, while public opinion may indeed contain the substantial essence of a people, it still remains in the regime of opinion, where the essential is directly blended with the unessential, the true with the false, and, what is worse, where the true is present in such a way that even what is serious is not taken seriously.

Consequently, the decisive political task is to mediate this messy arrangement called public opinion so as to transform it into the true voice of the people. The basic formal requirement to this effect, according to Hegel, is to distance oneself: “No one can achieve anything great, unless he is able to despise public opinion, that is, as he hears it here and there” (GW 26, p. 1035). It is important to note that Hegel did not oppose public opinion as such, but only the idea that politicians should follow public opinion as it happens to manifest itself “here and there.” That aside, his general idea is rather clear. Since the state is an institution of knowledge, and the state thinks and knows, the entire political constitution should be considered “a system of mediation” designed to formulate the people’s voice. The laws adopted in the assembly by the representatives and enacted by the government, with the monarch at the top, therefore *are* public knowledge. The state as conceived by Hegel is nothing but a vast organism constantly producing public knowledge—knowledge that includes the endeavor to actualize itself, thereby also determining its subject.

But since the distinction between public reason and public opinion is strictly parallel to the difference between the people united within a state and this same people considered as a mere crowd of isolated individuals—and since only a radical break and no gradual transformation of opinion into knowledge seems to be possible, as has been aptly described in the Preface to the *Phenomenology*—it follows that public opinion, while it definitely may become more or less enlightened, is bound to *remain an opinion*, and hence distinct from public knowledge.

Public opinion is the inorganic way how, what a people wants and means, makes itself known. What is to be actual in a state, must work itself out in an organic way, and this is the case with the constitution. (GW 26, p. 1464)

In this respect, public opinion is “cognition as appearance” that cannot be converted into public cognition—its function is

rather to constitute a term in the complex “syllogism of power” that mediates and thereby also transforms singular elements of the state organism.¹⁴

The other mode of eventual transition from public opinion to public knowledge relates to the mediating role of a statesman or political leader. In his first published writing, Hegel already observed that sometimes “the nation can be represented in such an incomplete manner that it may be unable to get its voice heard in parliament” (GW 2, p. 470), and he expressed his fascination with Pitt, the English Prime Minister at the time, who was able to fulfill the people’s will in direct defiance of its manifestations.¹⁵ In Hegel’s view, this is the characteristic of great historic personalities, who distinguish themselves by their capacity to feel the pulse of the age, and by their efficiency to materialize what constitutes the true tendency of the time. Because these “world-historic men” often act violently and tell the people what it is that they want, Hegel was once again accused of supporting state despotism. However, while it is true that, in Hegel’s view, a people usually stands for that part of the citizenry “*which does not know what it wants*” (§ 301R), he equally affirmed that one needed “a deep insight” in order to know what one wants. Indeed, this may very well constitute the hardest task the subject is confronted with for it concerns his true identity. “The greatest that a man can achieve,” commented Hegel accordingly, “is to know what he wants” (GW 26, p. 560). In addition, the intervention of great men

¹⁴ “It is one of the most important insights of logic that a specific moment which, when it stands in opposition, has the position of an extreme, loses this quality and becomes an *organic* moment by being simultaneously a *mean*” (§ 302R). For a detailed assessment of this subject, even applied to the political, see Ross 2008.

¹⁵ For a closer exposition of Hegel’s earliest political views, see Avineri 1972, p. 7. Regarding the role of the statesman as the interpreter of public opinion: “The most difficult is to discern what a people really wants, what it believes it wants is irrelevant, only a great person surmises its true will, brings it to the consciousness” (GW 26, pp. 1465–66).

is *exceptional* in Hegel, and enters only where there is *no* effective system of mediation in place to transform public opinion into public knowledge. “The constitution is essentially the system of mediation” (§ 302A). It is only when the distance between public opinion and public knowledge has grown too wide, that is, when the state is not able to think and know any longer, that a special interpreter of the people’s will is called for.

A deep insight is needed in order to know what is truly contained in public opinion. When, for instance, there is general discontent in a people, it can be assumed that there is a need that must be taken care for; but if one asks public opinion about it, it may very well happen that exactly the opposite is suggested and proposed. Besides, no statesman, or anyone who achieves something true, may expect gratitude. But the true prevails. (GW 26, p. 572)

The political appearance of the many (now often referred to as populism), and the need for strong leaders are symptoms of the failure of public thinking.

IV

Hegel was definitely not a democrat in the contemporary meaning of the word.¹⁶ Indeed, he considered such a political system profoundly flawed as it confused the state with civil society. If we think of a system as composed of independent individuals who may freely dispose with everything that is theirs, and if we further conceive of the political community as a mere arrangement of such isolated atoms, then, Hegel argued, we destroy the

¹⁶ We should, in general, show less enthusiasm and far more restraint in using this notion. For a long time, and also in Hegel, democracy referred mainly to the “classical democracy,” which was “totalizing if not (as is often said) totalitarian,” “non-representative,” and “exclusive” (see Kervégan 2018a, p. 249).

state as a sovereign place of the universal and reduce citizens to mere private persons. This effacement of the political goes hand in hand with the privatization of the public, which in turn corresponds to the regime of opinion. These phenomena are strictly parallel and indeed share the same inner form. Just as a private person can freely use her property as she sees fit without having to give any reason for it—the proprietor has the right to *uti, frui et abuti*—so too can she freely adopt her opinions without really having to justify them in the space of reason. And to push the analogy even further, the dominations of opinion and market exchange find their completely congruent political expression in so-called free elections. This is the moment when the social bond is temporarily dissolved and the whole of society is almost physically transformed into a mere heap of isolated atoms, it is “split up into individual atomic units which are merely assembled for a moment to perform a temporary act and have no further cohesion” (§ 308).

Liberal-democratic political institutions were no doubt introduced on grounds that seem compelling at first sight. Secret balloting, for instance, was meant to protect voters from external pressure; the general addition of discrete voices was explicitly designed by Rousseau to provide for the most undistorted manifestation of the general will; the party system was proposed in order to structure the political landscape. But for various reasons, in part because of the relative insignificance of a singular vote, the final result is, Hegel notes, that “an institution of this kind achieves the opposite of its intended purpose, and the election comes under the control of a few people, of a faction, and hence of that particular and contingent interest which it was specifically designed to neutralize” (§ 311R).

This conversion was, at least in part, produced by contingent causes. It is hard to deny, however, that the developments in question followed certain tendencies that are, as Hegel demonstrated, built into the very presuppositions of modern democracy. In fact,

since in Hegel's view power can be legitimately exercised over free subjects only within the space of reason, the present demise of the state and the retreat of rational knowledge go hand in hand. Cut off from its embeddedness in reason, the state is reduced to a coordinator of interests. And if, thus, the existing state is structured according to the logic of civil society, the matrix of which is market exchange, then it is hardly surprising that politics is also organized as a business activity, in which the citizen is treated as a customer. If politicians systematically consecrate opinion, then one is hardly entitled to preach about selling votes, since opinion is by definition a matter of personal arbitrary will. In fact, there is such a structural analogy between the free market and the free world that in the political practices of today the very notion of corruption is becoming increasingly inapplicable. This should remind us of how fragile the conceptual foundations of the institutions of liberal democracy actually are. For a long time, they were widely accepted in spite of their obvious deficiencies, simply on the assumption that they still enabled the most efficient translation of social interest into the political decision-making process. Today, with the sharp legitimation crisis of democracy, they do not enjoy this privilege any longer.

Here, I cannot provide a more detailed Hegelian diagnosis of the political crisis of our times. But I can nevertheless conclude with a hint at Hegel's reaction. To put it very briefly, he would continue to keep faith in reason. True, he would have been positively astonished that philosophy—rational knowledge, basically—lost its undisputed privilege in the realm of public discourse, or that the defenders of idiosyncratic systems and religious teachings could be paid serious attention at all. For this state of affairs, he would have partially blamed the apparent deficiencies in really existing reason, and he would have been very attentive to the transformations that big data and self-executing algorithms have introduced into the very form of modern knowledge. But, in general, he would have read this as a merely temporary relapse.

Just as phrenology — in spite of all its manifest errors, which, seen from the usual standpoint, represent a huge step back — was still understood as a necessary move, and therefore yet another advance in the progress of reason, so could the present politics of knowledge be seen as nothing but a transitory setback in the otherwise steady progress of the absolute spirit. Hegel would have been certain that this situation cannot last. “For the actuality is mightier than dry understanding and therefore destroys its patchwork [Lattenwerk], since it is the concept that lives in the actuality” (GW 26, p. 1010). And against all odds, Hegel would have called for patience, patience of the concept and the perseverance of the will.

The great revolution has happened, the rest is to be left to time, God has time enough, what is to happen will happen. (GW 26, p. 765)

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