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Contemporary Civil Society Theory Versus Hegel's Understanding of Civil Society

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1. Introduction

1.1 Contemporary civil society theory

Although contemporary literature on civil society appears as a quite heterogeneous group of discourses, following Mcllwaine (1997) we can separate it into two broad perspectives: the Neo-Liberal approach and the Neo-Marxist approach. These two approaches have been based on what Magatti (2005) identifies as a "New-Triadic Model For Development" in which civil society has been posited as a third sector alongside with the first sector, or state, and the second sector, or Market. Advocates of this Triadic Model generally define civil society in an exclusionary way- it is neither state nor market. The model is neutral, so far as it neither really problematizes the relationship of civil society to the market nor does it allow for civil society to say what kind of state is needed, but it praises civil society as an autonomous space of positive freedom in opposition to the other two sectors. As has been pointed out by Gordenker and Weiss (1996), "although recognizing the legitimacy of each sector of society, this view tends to glorify civil society at the expense of states and markets. Individuals in civil society are portrayed as vanguards of the just society, as 'princes' and 'merchants' strive to dominate or to make profits"(19). Maybe one of the scholars who best captures the idealized essence of civil society in the contemporary literature is Fisher (1997). He says that "the optimism of the proponents of the Triadic Model derives from a general sense of goodness attributed to civil society, unencumbered and untainted by the politics of government or the greed of the market…civil society is idealized as the place in which people help others for reasons other than profit or politics."(Fisher, 1997: 442). From here, the warns of some scholars against the anti-political tendencies which commonly accompany the celebration of civil society (see, Walzer, 1995).

1.1.1 The Neo-Liberal perspective

We can find the origin of the Neo-Liberal approach in the period that runs from the late 1970s onwards and through the 1980s when -as further discussed in Section III below- a culture of deregulation and privatization was pushed forward. This culture was peppered throughout by a notion of failed state, or a decrease in the importance of the state and a belief that a liberal economy creates a condition wherein a civil society of associations autonomous from the state can flourish (Fisher, 1997). The proponents of this new

perspective see an expansive civil society as the unleashing of an entrepreneurial initiative that will work towards the stated ideal market order (MacLean, 1996). This neo-liberal approach was disseminated throughout the 1990s in a new version, named Social Responsible Capitalism, in which civil society was extolled as an emerging way of resolving the contradictions and tensions of capitalism and, in particular, its "atomizing, unequalizing, and exclusionary effect"(Howell and Pearce, 2001: 47). This new approach argued that civil society offers more and better services than the state and, at the same time, maintains the stability and reproduction of a market economy by alleviating the socioeconomic inequalities created and aggravated by the market. Civil society, in this new perspective, became an alternative regulatory means to the state and market. As Fisher (1997) eloquently states, the supporters of this perspective see civil society "as everything that governments are not: unburdened with large bureaucracies, relatively flexible and open to innovation, more effective and faster at implementing development efforts, and able to identify and respond to grass-roots needs."(442). Thus, while the (Neo)-Liberal discourse led in practice to the adoption of the New Public Management, in which the contracting-out culture was both a consequence and predominant feature, the Social Responsible Capitalism discourse has prompted partnerships and alliances based on the notions of trust and social capital.

1.1.2 The Neo-Marxist perspective

The Neo-Marxist approach, drawing mainly on Gramsci and Marx, shares with Social Responsible Capitalism the recognition of the inequalities brought in by the market and, though they recognize the state as a separated sphere of society which follows a different and autonomous logic- a logic of collective regulation of social life- they still see this as inherently subject to a bureaucratic rationality characterized by coercion and domination (Thrived et al, 1996). However, as has been pointed out by Hyden (1997), the Neo-Marxist approach differs from the previous school of thought in that it suggests that the ability of individuals to organize and participate in governance issues is related to socioeconomic status, and therefore that policymaking is usually the preserve of a select minority with resources. The advocates of this approach support the idea that only the emergence of strong social movements, capable of challenging the unmitigated power structures of society, can provide hope for a more fundamental change. A lot of literature on new social movements in the 1980s, and not least Eastern Europe literature on 'anti-politics', has been based exactly on this approach. Civil society was at all times defined as dominated by the 'Horrible-State' and consequently as the rag-bag for everything which does not belong to the state. In the 1970s writers such as Alvin Gouldener and Agnes Heller expressed a very strong anti-Leninist/ anti-statist perspective. Heller (1978) warned: "where there is a state, the public and private spheres can be unified only at the cost of tyranny. Whoever wants to avoid tyranny has to reconsider what kind of relations have to exist between state and civil society." (882). In this way, the protest of many people interrogating states and asking for an end to abuse of power in 1989 in eastern Europe, and later in other countries, was read as the battle of civil society against the Leviathan-state and its attempt to redefine a civil society's pole parallel to that of the state. As has been pointed out by Frankel (1983), people discussed the Solidarity Movement in terms of 'Civil Society' reconstituting itself, of a new 'social contract' which 'the state' had not been able to dissolve in previous decades.

The Neo-Marxist approach, as the previous one, sees in civil society the potential for making "the impossible possible by doing what governments cannot or will not"(Simmons, 1998: 87). Civil society, in this view, will not only oppose egotistic behaviour, derived from the market's logic, an ethical behavior of solidarity, but it will also prevent society from being dominated by the power of the state. The conclusive synthesis of those two approaches is best captured in one of the contemporary civil society theory's major exponents, Ernest Gellner. He refers to civil society as a "set of nongovernmental institutions, which is strong enough to counterbalance the state, and, whilst not preventing the state from fulfilling its role of keeper of peace and arbitrator between major interests, can, nevertheless, prevent the state from dominating and atomizing the rest of society" (Gellner, 1994: 5).

1.2 The 'New Triadic Model' from Habermas to Alexander through *Civil Society and Political Theory* (J.Cohen and A. Arato).

1.2.1 The Habermasian Model.

Habermas, in his work on the public sphere, attempts to deal with its many meanings by analyzing the way in which it has evolved. The public sphere was seen as an institutionally-organized space where public opinion manifested itself. Standing between the private organization of material production and private social life on the one hand, and the organizational form of the state institutions on the other hand, the early bourgeois public sphere mediated the relationship between the state and civil society without being equivalent to either.

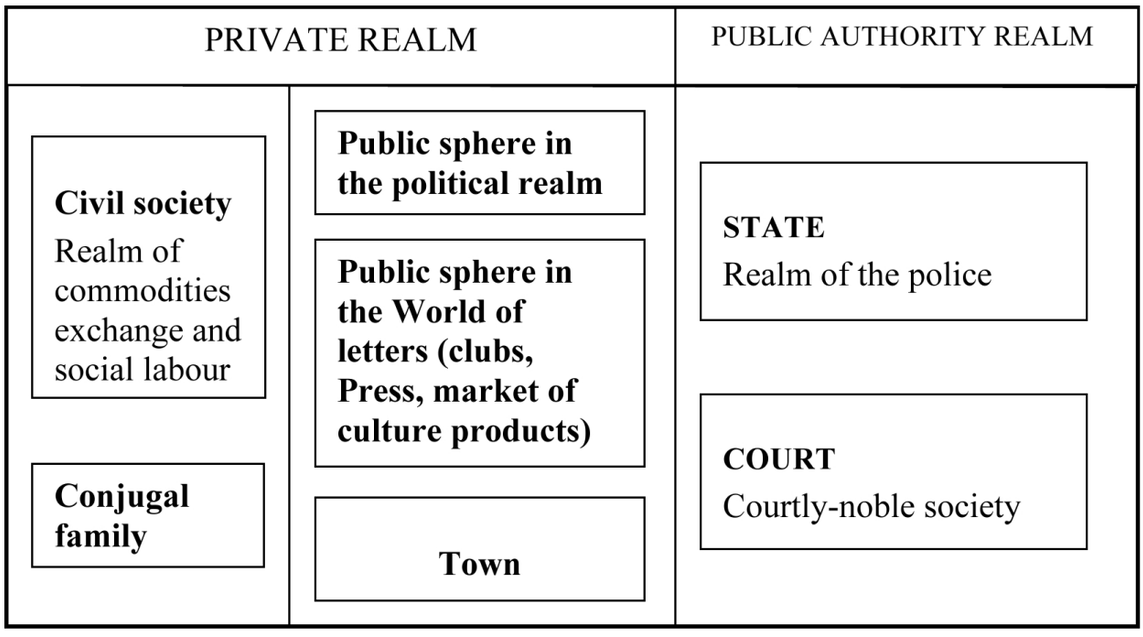


Fig. 1.

The public sphere formed an arena where criticism could be expressed, debate held, and through the exchange of views in this context, public opinion formed. This public opinion would control how civil society was organized and regulated. It would possibly also curb excesses in the realm of public authority. However, after the democratic revolutions, the

bourgeois public sphere expanded and lost its cohesion as conflicts, formerly driven back into the private realm, began to appear. Thus, new systems of action were put in place, conflicts of interest that were previously settled in the private sphere became political. State intervention increased more and more. At this point, according to Habermas, the relations originally rooted in the private realm between the public and the private spheres began to disappear. These spheres became progressively intermeshed and "a depoliticized social sphere originated that could not be subsumed under the categories of public and private from either a sociological or a legal perspective. In this intermediate sphere the sector of society that had been absorbed by the state, and the sectors of the state that had been taken over by society, intermeshed without involving any rational-critical political debate on the part of private people" (Habermas, 1989: 176). Thus "the process of the politically relevant exercise and equilibration of power now takes place directly between the private bureaucracies, special interest associations, parties, and public administration" (ibid.:176). These transformations lead Habermas to reconsider his previous analysis of 'public sphere'. This time he linked together two kinds of approaches: the interpretative sociology based on internal perspectives of a participant, so that society could be conceptualized as 'lifeworld', and the systems theory based on the external perspective of an observer, so that society could be conceptualized as 'system'. (See Figure 2.)

According to Habermas, transformations have given rise to a differentiation between the lifeworld's sphere and the system's sphere. As has been pointed out in Sales's interpretation of Habermas, "the sphere of lifeworld and the sphere of the system have themselves become quasi-autonomous subsystems in spite of their high degree of interconnection" (Sale, 1991: 305). The private sphere and public sphere became the institutional level of both lifeworld and the system. In fact, on the one hand, in the lifeworld, the private remains the family with its role of specialization and the public became the communicative network, which dominates the production of culture and public opinion. However, on the other hand, in the system, the modern state apparatus remains the public sphere with its formally organized, bureaucratically structured administration and the point where political power is institutionalized, while the private is represented by the capitalist market economy. Despite this, Habermas recognized that the dynamics of capitalist growth have brought about an increasing complexity of subsystems with a 'colonization of the lifeworld' in which the public sphere is "undermined and eroded by the administrative system" (Habermas, 1987: 2:325). Large enterprise economies and authoritarian states are seen by Habermas (1987) as systems of influence which led to a "repressive integration" with monetarization and bureaucratization (2: 391). From here the search for an escape from 'the colonization of the lifeworld', from this pessimistic turn which denounces alienation but which did not see solution to it. Habermas (1987) sees in what he calls "new frictional surfaces", which are frequently emerging across the terrain of civil society, the desire and potential for opening up opportunities for citizens' participation, and consequently the way out from the colonization of the lifeworld (357). In other words, Habermas perceives emerging civil society organizations as offering an appropriate basis within which a communicatively structured public sphere could be reinvigorated. Habermas' appraisal of Cohen and Arato's works: in 1987 Habermas saw in the work of Cohen and Arato (1986), *Civil Society and Social Theory*, an excellent piece of writing and in 1997 he described the same authors' 1992 work, *Civil Society and Political Theory,* as "the most comprehensive study on this topic" (Habermas, 1997: 367). Actually, if we look closely at Cohen and Arato's works we find an

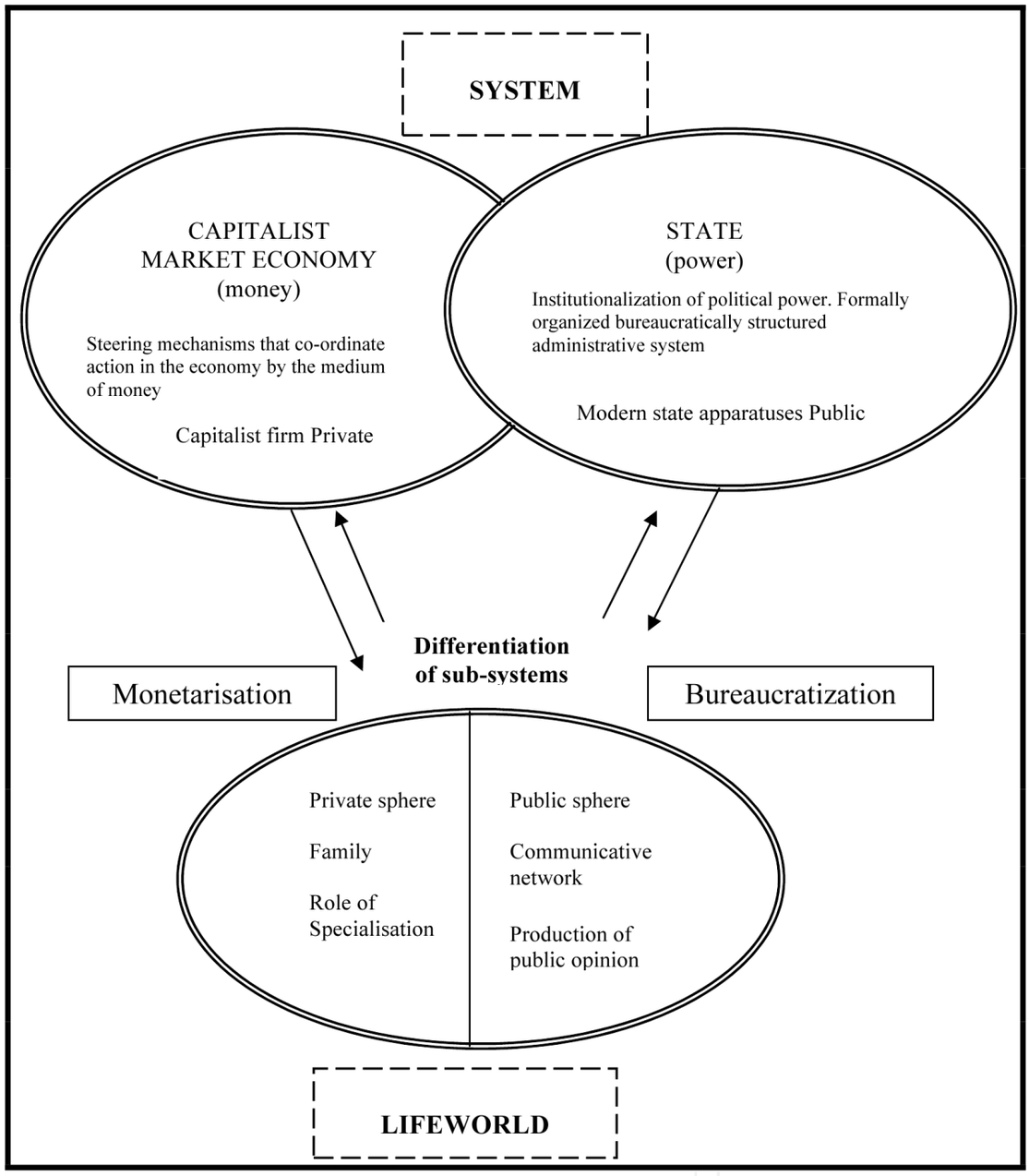


Fig. 2.

implicit adherence to Habermas' "reconstruction of historical materialism" through the distinction between the system and the lifeworld (Fine, 1997). In these authors, as well as in Habermas, both these spheres are conceptualized as limited spheres of social life and the only way of avoiding this which they recognized is a Triadic Model in which civil society becomes glorified as the only autonomous sphere of freedom ready to balance and counterbalance the other two spheres of social alienation. In proposing this Triadic Model, Cohen and Arato (1992) saw Hegel as the "precursor" of civil society theory (301) because he showed how not just self-interest relations, but also moral relations of solidarity and

conformism take place in civil society. They claimed, in their own way, how it was with the German theorist that civil society can gain a more realistic and complex understanding of the legal, institutional and cultural independence in respect to the other two spheres – state and market. By highlighting this, they pointed to the way in which Marx - in reading Hegel' s concept of civil society exclusively as the system of needs- actually misread Hegel. At the same time, they also criticized Hegel for having conceptualized a two- sphere model (market and state), rather than a three-sphere model (market- civil society- state) on which Marx's misreading of Hegel was funded. This criticism of Hegel also led them to argue against Arendt and Foucault and to appraise Parsons as Hegel's successor. Arendt saw the growing centrality of economic life as a danger to modern society because it subordinates freedom of morality, which is inspired by political praxis, to the world of necessity and consequently marking the death of politics and public life. Cohen and Arato (1992) were decisively against this view, which they saw as underestimating the value of social movements which Habermas proposed as the solution to the colonization of the lifeworld. They also criticized Foucault's view for exaggerating the "omnipresence of power and its monopoly on rational truth"(Alexander, 1993: 797). Foucault's argument was that the state, by generating rules and policies, exercises its important function of surveillance on society; such a view was seen by Cohen and Arato (1992) as reductive because it did not take into consideration the influence of social movements on the unmitigated power of the state. On the other hand, Cohen and Arato (1992) saw in Parson's *societal community* the mediation which they were looking for, a differentiated and autonomous sphere which is based on persuasion rather than money and power and which allows inclusion on the basis of institutional values and universal rights. However, they also found in Parsons the weakness of having presented the positive relationships which take place between, respectively, the societal community and the state, and the societal community and the market, without presenting the possible and obvious conflicts and tensions which usual accompany those relationships.

1.2.2 Alexander's alternative model

According to Alexander (1993), Cohen and Arato's model, following Habermas' substantive theoretical ideas, "presents a highly idealized and rationalistic understanding of good (i.e., civil) society" which failed in two principal respects (800). First, it misunderstood the discourse of civil society by limiting it to the sphere of 'voluntary action' where the conscious, the rational and the solidaristic characters prevail. This way of understanding the sphere of civil society, according to Alexander (1993), led Cohen and Arato (1992) to see the bad and irrational as the results of external political and economic manipulations and therefore civil society as the sphere of normative integration which provides the alternative to the inevitable evils of economical and political life. Second, Cohen and Arato's model misunderstood "the structure and processes which constitute the civil sphere" (Alexander, 1993: 801). According to Alexander (1993), on Piagetian grounds, Cohen and Arato (1992) argued that the individual increasingly becomes able "to engage in rational, impersonal, and altruistic moral judgments", while on general evolutionary grounds, they tried to justify how those qualities of "rationality and universal morality" characterize the modern "life world"; however, by doing thus, they failed to theorize solidarity realistically (801-802). Alexander (1993) claims that "While universalism and inclusion certainly are

institutionalized commitments in democratic (and many non - democratic) societies, primordiality and exclusion are fundamental parts of these societies as well" (802) and, later in the same paper, he adds that " national solidarities become democratic to the degree that these primordialities, and the groups that represent them, are mediated by universalistic culture, differentiated institutions, cosmopolitan interest groups, and civil interactions" (ibid). In other words, what Alexander (1993) recognized is that the 'bad' and 'irrational' - *uncivil solidarity*- are internal categories to the discourse of civil society and not necessarily the results of outside economic and politic manipulations. Cohen and Arato, according to Alexander (1993), failed to recognize the evil within civil society and they viewed the dangers to contemporary societies as emerging, exclusively from the colonization of the civil by the other two spheres, market and state, defined as domains of social alienation. As Alexander points out,

> *"In historical terms, it has often been market exchange and political bureaucracy that have promoted universal solidarity rather than the other way around…. If economic and political pressures were the only dangers to an inclusive and democratic civil society, there would be much less dangerous conflict in the world today. The emergence of an independent solitary sphere is not only the solution but also the problem, for there are internal contradictions within civil society itself." (802).*

This new way of conceptualizing the civil and the uncivil within the sphere of society, led Alexander to propose an alternative model to the one previously proposed by Cohen and Arato. The first big difference which Alexander's model makes, compared to the one postulated by Cohen and Arato, refers to the way in which Market and State are conceptualized. Whereas, for Cohen and Arato, market exclusively implies a logic of egotism and atomistic behavior, and the state is conceptualized as consisting of bureaucratic organization and power relations, thus civil society appears to be the only sphere which involves direct relations of solidarity; for Alexander, market and state are themselves spheres filled with norms and values, structured by extended solidarities and connected to norms of justice. Alexander (1997), following Walzer (1983), claims that market and state have imminent moral structures of their own - they are spheres of justice in their own right. However, these non civil spheres, which he calls 'other regimes of justification', "differ in fundamental ways from justifications by reference to the 'common good', the criteria that most approximate the criteria of civil society itself" (128). In other words, the economic and political involvements with solidarity, according to Alexander, do not necessarily refer to civil concerns, but to orientations that are specifically economic and political. In this way, Alexander comes to justify his own triadic model, which although it partially differs from that postulated by Cohen and Arato for it recognizes the market and state as moral structures filled by norms and values and not just as spheres of social alienations, as the previous one. Furthermore, it still cannot find ways to see that what it recognizes as the 'civil' within the civil society sphere is, in actual fact, the 'moral structures' in which, as it rightly noted, the determinations of the commodity-form of the market realize themselves. However, Alexander (2001) admits that it is this lack of connection between the moral structures of market and the civil values of civil society, or on the other side of the coin, between failure to achieve distinction in the economic realm and failure to sustain expectations in civil society, that an independent civil realm is continuously constructed. Alexander (2001) argues that,

> *"if you are poor, you are often thought to be irrational, dependent, and lazy, not only in the economy but in society as such. The relative asymmetry of resources that is inherent in economic life, in other words, becomes translated into projections about civil competence and incompetence. It is often difficult for actors without economic achievement or wealth to communicate effectively in the civil sphere, to receive full respect from its regulatory institutions, and to interact with others." (24).*

It is from this argument that Alexander (2001) comes to defend the idea of a civil society's sphere, independent from the market. Unsuccessful or dominated members of the capitalist economy, thanks to the existence of the independent force of civil society, become able to make claims for respect and power (ibid). Alexander (2001) says that, "On the basis of the implied universalism of solidarity in civil society, moreover, they (members of the capitalist economy) believe these claims should find response."(25). Thus, according to Alexander (2001), underprivileged actors organize social movements demanding economic justice through its networks, create voluntary organizations that demand fairness, winning concessions in face-to-face negotiations with economic institutions, forcing the state to intervene in economic life on their behalf, and so on. At this point of his argument, we can see a sort of rethinking in Alexander. In fact, he says that "while these efforts at repairs often fail, they often succeed in institutionalizing 'workers' rights'" and he adds, in the same paper that,

> *"In this situation, civil criteria might be said to have entered directly into the economic capitalist sphere. Dangerous working conditions are prohibited, discrimination in labor markets is outlawed, unemployment is controlled and humanized, and wealth itself is redistributed according to criteria that are antithetical to those of a strictly economic kind. " (25).*

Alexander (2001) claims that, in order to recognize those extraordinary achievements, the sphere of capitalism and that of civil society should be analytically separated. However, he notes that this analytical separation comports a "relative autonomy" of the civil society sphere which, though it will allow the recognition of the highly effective repairs that this sphere makes to the other social spheres. At the same time, it will manifest itself in highly destructive interpenetrations. From here, comes Alexander's claim: "civil society is a utopian ideal that has never been fully realized in any actually existing social system, and never will be." (Alexander, 2001: 22). Thus, in Alexander' model we find a better theorization of the economy, compared with Cohen and Arato's model but there is still a lack of a theorization of the state which could have helped him to resolve what he finally come to see as the utopian ideal of civil society.

In the next part of this section, we will see how, for Hegel, civil society's mediation institutions represent forms of 'relative universality' which prepare the terrain for the transition to the concrete mode of existence of the universal in modern society, which is the state. Now, whereas the state as a mediating institution- and similar to the ones placed in civil society- is not an absolute overcoming of the contradictions which derive from the development of commodity-form (and this can be the reason why Hegel introduced the notion of World History), the contemporary civil society theory does not seek a solution to 'fix' the state (actually, there is no explicit theorization of the state at all), but seeks the establishment of alternative institutions on which they can place their hopes for a state that works. However, as Van Rooy (1998) claims, the danger which Hegel acknowledged was that the civil society mediating institution -as an alternative to the state- carries with it no

guarantee of moral behavior or service for the common good; these guarantees only found their way into the ethical law of the state.

1.3 Hegelian analysis of civil society

While scholars of contemporary civil society theory come either to acknowledge civil society as the creation of a previous non-existent free space, or to extol the concept of civil society as a pure space of positive freedom in opposition to the reified economic and political functional systems, the Hegelian system definitely contrasts with those views. Nevertheless, before starting to analysis the concept of civil society as found in Hegel's *Philosophy of Right*, it is necessary to say a few words about the main reason which led Hegel to analyse this concept and his dialectical logic.

The question which constitutes the foundation of Hegel's analysis is : What makes the real rational? But what is real is, for Hegel, already rational. From a social theory point of view, Hegel was not trying to establish a rational social order (or create any alternative to the already existing one), but rather to find what makes rational the social order that is already rational and therefore real. Hegel's *Philosophy of Right* tells us that what makes the rational social order rational is '*freedom*' or self-determination. However, in Hegel this concept of self determination is an extended one. In fact, it does not mean that an entity is free when it is determined by 'itself' rather than determined by an 'other', which would automatically imply self-sufficiency, independence, and self-realization. On the contrary, Hegel's metaphysical doctrine teaches us that every being can be determined only in relation to some other. Thus, self-determination or freedom, in Hegel, means 'being-with-oneself-in-another' which, although it seems difficult to accept as rational, is proved to be real (and therefore rational) in the case of 'love', for instance, where, through an act of conscious identification with the needs and good of another, the self ceases to see the demands of the other as self-limiting. In the Philosophy of Right, however, this configuration of freedom, which seems to have a very intellectual character, assumes a more practical aspect since it is a phenomenon of the will, realized through actions of engagement with the existing world. The Philosophy of Right is divided into three sections: Abstract Right, Morality, and Ethical Life; each section is grounded on a particular form of practical freedom so that we have, respectively, a personal freedom, a moral freedom, and a social freedom. One of the main Hegelian claims is that, in the social institutions of ethical life (family, civil society, and state), freedom *is*. Therefore, those social institutions are examined by Hegel not because they provide the social conditions which make freedom possible, but because they actualize freedom by making real and secure those conditions that make it possible for their members to realize personal and moral freedom. Thus, we can say that, contrary to many scholars of contemporary civil society theory, Hegel is not in search of freedom, but he is trying to understand 'freedom'.

A second point which should be made clear, before we actually start to examine Hegel's concept of civil society, is that, in his *Philosophy of Right*, civil society is conceptualized in double relation towards the family-which is seen as something which civil society transcends- and the state-which is seen as a political sphere transcending civil society. Kainz (1974), by focusing on Hegel's dialectical logic, tries to make the Hegelian reader understand that in the *Philosophy of Right* there is a kind of continuity between what is presented as the basic theoretical principle and its practicality. He gave a very nice example when he said

that, if we call the original presupposition of a person "the thesis", the opposing viewpoint of another person "the antithesis", and the compromised agreement "the synthesis", we can think of the thesis as a starting point in life, the antithesis as some obstacles which intervene during the course of life, and finally the synthesis as a way of surviving the obstacles without being destroyed (ibid.: 1974). Keeping this configuration in mind, we can think of the *Philosophy of Right* as having the aim of presenting the three moments mentioned above: thesis, antithesis and synthesis. The thesis is presented in the introduction where Hegel analyses the moments of the will, the absolute will as a peculiarly Hegelian conception of freedom and the abstract right; the antithesis is presented in the chapter on morality where property rights, human rights and law seem to take on the aspect of universal, objective norms which are beyond the grasp of men, but to which men must submit; and finally the synthesis which is represented as the sphere of "Ethical Life" and subdivided in three conceptual moments of family, civil society, and state. Then again, within the sphere of Ethical Life, we can think of family as the moment representing the thesis, civil society as the moment representing the antithesis, and state as the moment representing the synthesis. Thus, on the base of what we have just stated, we can say that, for Hegel, "civil society" is the antithetic moment within ethical life and consequently it cannot be understood without reference to the conflicts which arises between the sphere of abstract right and that of morality. This is the second point which makes the Hegelian concept contrast with the view found in many scholars of contemporary civil society theory.

In the next pages we see that the Hegelian concept of civil society encapsulates a modern, complex and differentiated sphere of ethical life, co-existing with other spheres of right, moral, family and state. With the development of a system of needs –which respectively represents the thesis within civil society- a separation of formal process from content is generated and because of this the freedom of civil society converts all human relations into commodity relations (Riedel, 1970). In this first configuration of civil society, named 'system of needs' the efficient satisfaction of needs tends to mask the real conflict which occurs between personal and moral freedom or between abstract right and morality. However, this deals with inequality and poverty as necessary accompaniments of civil society (Hegel, PR 193). These problems become evident in the systems of welfare and rights which represent the antithesis within civil society. The function of the antithesis –in this case welfare and rights systems- is just that of the problem arising by opposing the thesis. It is then the synthesis- represented as the system of associations in civil society- which tries to discover solutions or compromises between the thesis and the antithesis. This system of associations is considered by Hegel as "the second ethical root of the state, the one placed in civil society" (Hegel, PR: 255). It is in this system of associations that, for Hegel, freedom starts to manifest a more concrete concept of practical freedom (social freedom) which, however, will assume the *form* of the absolute only in the Ethical Idea of the State.

1.3.1 The 'Social Institution' of ethical life: Civil society

Social freedom, as we anticipated earlier, is, for Hegel, the type of practical freedom which characterizes ethical life. This kind of freedom is said to be the most difficult to understand because it is not just expressed by 'laws and social institutions' which bring about and maintain the social conditions necessary for individuals to realize themselves (objective freedom); it also refers to a 'subjective disposition' (a certain frame of mind) on the part of

the individuals toward the principles (social norms) embodied in those laws and institutions (subjective freedom). Hegel's claim is that the mere fact that individuals conform to the requirements of rational laws and institutions is not sufficient to ensure that someone's actions can be said to come from his own will (they might remain external- as involuntary actions- to their own wills). Hegel says:

> *"The objective sphere of ethics, which takes the place of the abstract good, is substance made concrete by subjectivity as infinite form." (PR: 144).*

In other words, for Hegel, participating in social institutions or following the laws does not necessarily imply subjective free activity and freedom cannot be fully actualized.

In Hegel, the 'subjective disposition' of an individual is often characterized as an 'attitude of trust' predicated upon a *relation of unity* between individuals and their social institutions. This relation of unity consists in the individuals' perception of their social institutions as undifferentiated from themselves, and thus that those institutions cease, for them, to be 'an other'. Hegel clearly states that social institutions and laws,

> *"are not something alien to the subject. On the contrary, the subject bears spiritual witness to them as to its own essence, in which it has its self-awareness and lives as in its element which is not distinct from itself … Faith and trust arise with the emergence of reflection, and they presuppose representations and distinctions. " (PR, 147).*

So it seems that, for Hegel, trust (faith, conviction) is possible only if individuals see themselves as undifferentiated from their social institutions and that they can achieve social freedom only at the expense of their ability to distance themselves reflectively from social norms. The example about the distinction between believing in pagan religion and being a pagan, which Hegel mentions in paragraph 147 of the same quotation but which I haven't reported here, seems to highlight exactly this point. However, this last claim would have applied only if Hegel did not go further to explain how socially free individuals are conscious of their undifferentiated unity with their social institutions. According to Hegel, individuals are conscious, in regard to what we have just said, insofar as they view their social institutions as: their end (or will), their essence (or identity), and the product of their own activity.

The undifferentiated unity of *will* is particularly evident in Hegel's understanding of family – this is because, in Hegel's words, family (not discussed here) is "the immediate or *natural* ethical spirit" (PR: 157). As a member of family, in fact, an individual stands in a conscious relationship with the social institution in question and develops a conception of what is good for the family and an ability to operate effectively by considerations relating to that good, even when doing so conflicts with the particular interest he/she has as a separate individual. Thus, we recognize the major factor which will lead us to realize one of the most significant differences between Hegel's line of thought and that found in Rousseau: if the family member wills a course of action in accord with his/her understanding of what is good for his/her family, then in what sense is that will also, at the same time, a particular will? For Hegel, as opposed to Rousseau, a particular will is not necessary an egoistic one which tends only toward particular advantage, but an interest which a person has as a separate individual, unattached to others through obligations or sentiments. For Hegel, a particular will is a distinctive one, a will which possesses a determinate content (an end or a set of ends) that is not shared by all human wills and that therefore marks it as qualitatively

distinct from other human wills. Defined in this way, the particular will, for Hegel, is not necessarily egoistic (as it appears to be in Rousseau) and it also can be a universal will insofar as it is consciously directed at the good of a certain social whole. From an ethical perspective Hegel claims, "the will is present as the will of spirit and has a substantial content which is in conformity with itself." (PR: 151, addition) This is really the achievement of ethical life compared with the two previous moments of abstract right and morality where, respectively, "particularity is not yet that of the concept" and "self-consciousness is not yet spiritual consciousness" (ibid.).

More complicated to grasp is the undifferentiated unity of *essences*. Individuals, according to Hegel, regard the universal interest of their social institutions as their final end. In other words, social participation in those institutions is said to assume, for individuals, an intrinsic value which goes far beyond the merely instrumental value those institutions have as means for the achievement of their members' private ends. Participating in social institutions is thus regarded by social members as activities through which they establish their own 'identities' as determinate individuals. However, what social members regard as their own identities is not social institutions themselves but the particular roles or positions they occupy within them (Williams, 1997). Those identities, in Hegel's view, are, first of all, self-conscious identities and this implies that individuals develop a conscious understanding of who they are either from a subjective point of view or from an objective one. Individuals' conceptions of 'who they are' is not just confirmed by their self-conception but also by their social world and therefore based on a objective existence. Following Hegel's interpretation, social roles can be said to be constitutive of the identity of a social member in two respects. First, social roles furnish social members with the projects and final ends which are, for Hegel, 'absolute' and 'unconditioned' with the idea of an individual's moral duty (for example, to take the ends I have as a parent as absolute is to see myself as having an obligation to realize them and this obligatory character of the ends is linked to the fact that I regard my social roles as making up the substance of who I am). Second, individuals, by performing their social roles, and performing them well, secure the esteem of others and their self-esteem as well. To use Hegelian language, we can say that social members achieve *recognition or honour* (respect) from their fellow social members. Thus, it seems that identities which individuals develop through their social participation are merely subjective (moral duty and self-esteem) and therefore perceived to be more a theoretical stance to the world than a practical one. Nevertheless, this claim is false if we think that social members give objective existence to their conceptions of themselves by actually pursuing and realizing the practical projects implied by their self-conceptions.

Beyond the *subjective disposition*- as discussed so far- on the part of social members that their social institutions constitute a 'home', these must really be homes for their participants. In other words, they must enable their members to realize their true essence, namely practical freedom or universality. In Hegel's own view, social institutions must be rational. But as we saw earlier, for Hegel, social institutions are real and therefore rational. Thus, how does he demonstrate that what he assumes to be true is really true? He does this by answering two basic questions: first, why are social institutions in place? And second, what does that institution as a whole require in order to realize its essential end? The first question has already been answered –either implicitly or explicitly- and it should be clear by now that in the social institutions of ethical life freedom is actualized for their social members. As for the second question, which becomes more relevant here, Hegel tries to answer this by

discussing the concept of '*mutual dependence*' between the whole and its constitutive parts. In order to make clear this concept we can focus on the similarities which exist between a biological organism and a social organism in terms of the relationship between the organism as a whole and its parts and Hegel picks up exactly not just on these similarities but also on their differences. In order to carry out a variety of complex functions aimed at realizing its objective, the social organism, like the biological one, normally relies on the cooperation of differentiated, highly specialized components. In biological organisms, as in social organisms, this specialization typically takes the form of a network of functional sub-systems, each of which operate with a significant degree of autonomy, even though all are ultimately subordinated to the aim of the whole and dependent on its proper functioning. Thus the relation between the organism and its parts can be characterized as one of *mutual dependence.* This relation between the whole and its parts can be considered as one feature of the 'interpenetrating unity' of particularity and universality that Hegel equates with the concept of *rationality* or *actuality.* This last point is clearly made by Hegel when he defines the state by saying that:

> *"The state is an organism" (PR: 269).*

> *"The state is actual, and its 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; the latter appears to be self-sufficient, although it is sustained and supported only by the whole. If this unity is not present, nothing can be actual, even if it may be assumed to have existence. A bad state is one which merely exists; a sick body also exists, but it has not true reality. A hand which has been cut off still looks like a hand and exists, but it has not actuality." (PR: 270)*

Nevertheless, it is worth noting that there is a big difference between a biological organism and a social organism and it consists in the fact that in the latter the parts which constitute the organism as a whole, are discrete units of subjectivity, as we saw earlier. By taking this into consideration we do not think of the whole as a merely *material entity* but rather as a *spiritual entity.* Indeed, only if the whole is assumed to be a spiritual unity, it is possible to think of its social members as individuals capable of willingly overriding their private interests for the sake of universal ends and "recognizing actuality as *constituents* of their acting by recognizing it in their acts" (Gillian Rose,1995: 204, emphasis added, quoted in Fine,1997). Social institutions can therefore be thought of as working for the achievement of both material reproduction and the formation of conscious agents of social reproduction who are free as persons and moral subjects. This is the reason behind the Hegelian claims that social institutions "constitute the inner necessity of freedom" and that " true actuality is necessary: what is actual is necessary in itself" (PR: 270).

1.3.2 The complexity of civil society: Reconciling two viewpoints

Bearing these preliminary considerations in mind, we should now turn to see how, for Hegel, these apply to one of the social institutions of Ethical Life -Civil Society. In other words, we should try to understand how freedom is actualized in civil society. In the latter institution of ethical life, individuals are joined together in what Hegel calls "formal universality" and are said to have merely external relations both to one another and to the economic order as a whole. In fact, Hegel defines civil society as:

> *"an association of members as self-sufficient individuals in what is therefore a formal universality, occasioned by their needs and by the legal constitution as a means of security for persons and property, and by an external order for their particular and common interests." (PR: 157).*

Civil society, from this perspective, represents the moment of difference or atomism because those who participate in this sphere are said to do so as separate independent individuals who work and trade in order to satisfy their own particular needs, especially those that derive from their status as natural beings. In modern Civil Society, production and exchange are market-regulated and this means that, while there are rules (Law of the Market) that in fact govern the apparently independent activities of economic agents and unite them into a coherent system of production and exchange, the operation of those rules remains external to both the wills and consciousness of the individuals involved. This point is made clear in Hegel's critical discussion of the science of political economy (PR: 189). He considers political economy as the science of understanding because within it "the simple principles of the thing" are discovered but, at the same time, he also points out the limits of this discipline (ibid.). According to Hegel, what political economy does not recognize is that the articulation between objective freedom and subjective freedom within the system of needs is defective and, therefore, must develop into more concrete and 'higher' forms of mediations which obtain in the estates, corporations, and the state. In the system of needs, the relations which members of civil society have to other individuals, and to the economic order in general, are external in the sense that, as economic agents, they need be, and actually are, motivated only by their own private ends rather than by the ends of other participants in civil society or by the collective end that they in fact, but unwillingly, bring about. In this market-regulated society individuals' relations to others and to society itself appear in themselves as primarily of instrumental value, since they serve as the means of achieving a set of ends they have independent of their association with others in the whole: universality here becomes a means for the existence and maintenance of individuals rather than an end in itself (PR). However, as Fine & Vazquez (2004) have correctly point out, "this *(system of needs)* is *also* the dimension *of civil society* in which the right of subjective freedom becomes more than a formality" (7, emphasis added). Thus, from one side, the system of needs is presented as a sphere where universality is not an end in itself and, from the other side, it is appraised to be the place where subjective freedom is enhanced. This 'apparently' divergent thoughts led many commentators to support the idea that civil society embodies, in Hegel's view, both the positive and negative aspects of freedom (for a wider discussion see Kainz, 1977). We believe it is just an 'apparent' divergence in thought, otherwise, as has been pointed out by Fine & Vazquez (2004), we are going to make what Hegel has recognized as the Kantian mistake, so named in consideration of a "moment of ethical life, subjective freedom, as its principle" (4). Hegel elegantly teaches us that this difference consists just in viewpoints. In fact, he says that

> *"there are always only two possible viewpoints in the ethical realm: either one starts from substantiality, or one proceeds atomistically and moves upward from the basis of individuality. This latter viewpoint excludes spirit, because it leads only to an aggregation, whereas spirit is not something individual but the unity of individual and the universal." (PR: 156, addition).*

And it is exactly at these two viewpoints that now we turn, trying also to demonstrate how these are always present in the Hegelian analysis of civil society.

1.3.3 The system of needs

Proceeding atomistically and moving upward from the basis of individuality, what we find in the first configuration of civil society, named the system of needs, is a 'lack of *unity*' or simply what many Hegelian scholars have defined as the separation of formal process from content. Hegel's discussions of poverty and alienation, crisis of production, and so on within civil society are rightly seen as the problems generated by this separation. For instance, Riedel (1970) eloquently said that "the freedom of civil society, because of this separation from all contents, threatened to trivialize life and convert all human relations into commodity relations"(X). In chapter two of "Capital", Marx shows that the exchange of commodities can only take place through the conscious and voluntary action of their possessors. He says:

> *"In order that these objects may enter into relation with each other as commodities, their guardians must place themselves in relation to one another, as persons whose will resides in those objects, and must behave in such a way that each does not appropriate the commodity of the other, and alienate his own, except through an act to which both parties consent. The guardians must, therefore, recognize each other as owners of private property." (Marx, 1976).*

Fine (1997) claims that civil society becomes the moment of liberation of plurality for the particular person but also of conflicting interests among similar persons. Persons in civil society become related to each other exclusively because they are dependent on them (PR: 183). Hegel describes civil society as "ethical life split into its extremes and lost" (PR: 184) that in the complexity "affords a spectacle of extravagance and misery as well as of the physical and ethical corruption common to both" (PR: 185). In civil society everyone is given the possibility and opportunity of satisfying their needs, but whether individuals find satisfaction depends on factors such as talent, ability, effort, fortune. It is thus understandable how the system of need -intended as the first Hegelian representation of civil society- is a sphere of inequality. It is exactly this problem of inequalities that shows the limitations of civil society. In fact, it is because of its ethos of universal self-seeking and exploitation that a contrast between wealth and poverty is generated. Inequality produces a potentially antagonistic social situation and threatens a return to the Master/Slave relationship. This is what Williams (1997) calls the 'deficient' relationship of the process of recognition. In fact, what happens in the master/slave relationship is that the master is recognized by the slave but not vice versa. This process, which at first seems to confirm a victory for the master because it has won the recognition of the slave, results later in a condition where the winner loses. In fact, the slave accepts the status imposed on him by the master and it becomes a commodity or property of the master. This means that the recognition that the slave gives to the master is uncertain and unstable, and the master understands that his recognition is unreliable. But, the master depends on such recognition. Thus in this way, the master goes against himself and misses the opportunity to achieve his goal which is 'achieving *recognition*' from the slave.

Inequalities and poverty represent the danger of civil society. The emergence of poverty is an inevitable accompaniment of civil society. For Hegel "The origin of poverty is generally a consequence of civil society, and on the whole it arises necessarily out of it" (PR: 244, editorial notes). The reasons why this happens can be related to two main factors. First, as we have discussed previously, civil society encourages self-sufficient individualism and the pursuit of private interests. Thus, as has been pointed out by Hegel, it legitimates an

'atomistic principle in which each individual fends merely for himself and does not concern himself with a common social good' (PR). This atomistic principle abandons the individual to contingency. Second, as Williams (1997) noted, while the market promotes the production of large quantities of goods, it does not guarantee their rational distribution. The latter requires not just that enough goods be present to satisfy the material needs of society overall but that those goods are distributed so that the material needs of each individual are met.

Let us leave now, for a moment, the atomistic viewpoint and consider the aspect of substantiality. According to Hegel, although members of civil society work in order to achieve their own private ends, their work takes place within a system of social cooperation marked by a division of labor. From here originates the Hegelian claim that civil society is " a system of all around interdependence" (PR: 183). Labor becomes an activity which serves not only as a highly efficient means of satisfying material needs, it also becomes an activity that is informed by a kind of recognition of the subjectivity of others. Fine (1995) claims: "Labour in the Philosophy of Right is a process of objectification of subjectivity and actualisation of subjective freedom as ethical universal freedom. It is a mediating activity which is a formative relation not only for the working subject, but also for the objects which acquire value and their appropriateness for consumption through the mediating activity of labour" (59). The dependence between fellow members, which labor produces, forces individuals to step out of their merely particular points of view and to adopt a universal perspective. It is exactly in this respect that Hegel regards labor as a source of *education* in service of moral action. Individuals develop through labour the ability to discern, and determine one's activity in accord with, objectives of one's fellow beings. In other words, they develop within individuals a subjective capacity without which moral action would be impossible. Hegel claims:

> *"Although particularity and universality have become separated in civil society, they are nevertheless bound up with and conditioned by each other. Although each appears to do precisely the opposite of the other and imagines that it can exist only by keeping the other at a distance, each nevertheless has the other as its condition…" (PR: 184, addition).*

However, Labor does not provide a final resolution either to the atomistic principle of civil society –in fact, labor, intended either as a source of education or as source of mediation between particularity and universality, relies on the state- or to the irrational distribution of goods which it produces. Let us return again to the atomistic viewpoint in order to see how it contrasts with the substantial one.

Hegel notes that with the development of the understanding, which increases with the development of the productive powers, it becomes possible to increase the satisfaction of needs either from a quantitative or qualitative point of view. This repeating process of production of commodities and knowledge over time results in an extension of the division of labor and specialization of roles. Hegel says:

> *"On the one hand, as the association of human beings through their needs is universalized, and with it the ways in which means of satisfying these needs are devised and made available, the accumulation of wealth increases; for the greatest profit is derived from this twofold universality. But on the other hand, the specialization and limitation of particular work also increase, as do likewise the dependence and want of the class which is tied to such work; this in turn leads to an inability to feel and enjoy the wider freedoms, and particularly the spiritual advantages, of civil society." (PR: 243)*

Mass production creates a new problem, namely surplus production which represents an excess of what can be consumed in a given domestic market. When a surplus of goods is produced, workers are laid off, creating unemployment. Now, the surplus is what everyone '*wants*', as Hegel makes clear in the above quotation, but what happens is that when wealth accumulates in one sector of society, poverty, need, and misery are created in another sector. Avineri (1972) claims that civil society becomes an essentially zero sum equation in which poverty in one sphere is the price that society pays for wealth in another. Hegel acknowledges that if individuals are to be free in the market they must be able to know that the true end of civil society's mass production capacity is not the creation and accumulation of wealth per se but the assurance of each individual that his/her needs will be met. Individuals, for Hegel, need commonly affirmed social structures such as *estates* in order to achieve this.

1.3.4 The system of justice: Welfare and rights

Hegel claims that those "particular spheres of needs" (*estates*) which are generated from the movement of the market are, first of all, "systems of differences", and here the term 'differences' necessarily implies inequalities in terms of resources and skills of individuals (PR: 207). However, he praises those social structures because they provide individuals of different social and economic groups with political representation of their interests and allow them to express their wills voluntarily. Through this function of political representation, those estates reconcile the private ends of individuals with the common good and provide individuals with opportunities for making subjective choices. Thus, according to Hegel, it is within estates that, for the first time, universality and particularity come to coexist in a relatively self-conscious manner. He distinguishes three kinds of estates: the substantial or imminent estate, the trade and industry estate, and the universal estate. Those three estates, according to Hegel, reproduce once again the three logical moments of the concept because they "are determined in accordance with the concept"(PR: 202). Indeed, we can think of the substantial estate as the thesis moment, the trade and industry estate as the antithesis moment, and finally the universal estate as the synthesis moment. Consequently, it is exactly in the universal estate- constituted by the state bureaucracy, civil servants and the members of government in general- that the particular interests of its participants come to converge with the interests of society as a whole. It is precisely to the universal estate that Hegel refers when he says:

> *"The proper conceptual definition of the Estates should therefore be sought in the fact that, in them, the subjective moment of universal freedom – the personal insight and personal will of that sphere which has been described in this work as civil society – comes into existence in relation to the state" (PR: 301).*

This placing of the importance of estates in their ability to strength the political representation of individuals reveals, however, the Hegelian understanding of the intervention of the state in the market as a necessity (Fine & Vazquez, 2004). Following this consideration, it can be said that, for Hegel, freedom can be realized simply by virtue of the fact that rational laws and institutions are in place (as long as the state is there forcing individuals to respect laws and contracts). But, as we said earlier, laws and institutions, for Hegel, do not constitute the necessary preconditions for individuals to realize themselves, or at least they do not represent the only ones. If the laws and principles embodied in those

social institutions do not acquire what Hegel calls 'an existence in self consciousness befitting of freedom', they can never secure the full freedom for the individual. It is exactly this view that generates the contrast between Hegel and the social contract theory. Indeed, as Fine & Vazquez (2004) have eloquently stated, from the perspective of social contract theory, "the formation of objective law appears as a product of the rational will. For Hegel, by contrast, the transformation of subjective right into objective law is a social process."(8). Nevertheless, Hegel did not fail to recognize that this state's intervention does not provide a final resolution to the problem of irrational distribution of goods, produced through the market. In fact, he says:

> *"to maintain the increasingly impoverished mass at its normal standard of living, the livelihood of the needy would be ensured without the mediation of work; this would be contrary to the principle of civil society and the feeling of self- sufficiency and honour among its individual members" (PR: 245).*

As has been pointed out by Williams (1997) in his interpretation of Hegel, direct welfare could lead to scorn for the ethos of self-sufficiency and when this happens the result is *rabble*. Indeed, although for Hegel it is the absence of welfare that in first place leads to rabble, in his 1819 lectures, Hegel expanded the concept of rabble to that of 'rabble mentality'. According to Hegel, in civil society, the poor are deprived of work and property and the resources to meet their needs; but, since in civil society recognition is bound up with work and property, the poor are in effect denied recognition, and suffer rejection. We assist in a kind of spiritual death of same individuals (the poor) who are denied recognition and are also excluded from civil society while they live in the midst of it. According to Hegel,

> *'Poverty is not only indigence in externals; it is also joined to moral degradation. The poor are subject to yet another cleavage, namely a cleavage of heart and mind between them and civil society. The poor man feels himself excluded and shunned, scorned, by everyone. This exclusion necessarily gives rise to an inner indignation. He is conscious of himself as infinite and free, and so there arises the demand that his determinate external existence should correspond to this consciousness. In civil society it is not a merely natural need and distress against which the poor man must struggle. The poor man is opposed not only by nature, by mere being, but also by my will. The poor man feels as if he were related to an arbitrary will, to human contingency, and in the last analysis, what makes him indignant is that he is put into this state of division through sheer arbitrariness' (PR: 244, editorial notes1 rephrased).*

Self-consciousness appears to be driven to the extreme point where it no longer has any rights, and where freedom no longer has any determinate existence. In this situation, where the existence of freedom becomes something wholly contingent, inner indignation is necessary. Because the individual's freedom has no determinate existence, the recognition of universal freedom disappears (Williams, 1997). Williams (1997) states that,

> *'It would not be surprising that the poor do not recognise the legitimacy of the laws and rules of civil society. On the one hand, the poor do not have rights in civil society because recognition is a condition of having rights, and they are not recognized by that society. On the other hand, since the poor are not recognized by civil society, neither do they recognise the society that excludes them' (248).*

It is worth noting here how this view contrasts with what we really find in Hegel. In fact, for Hegel, as we saw early, the poor is 'conscious of himself as infinite and free' and this means

that he has right is civil society, while for Williams the poor does not have rights in civil society. Hegel believes that the poor individual has the right to invoke the right of distress. In fact, Hegel in this regard says:

> *'Life, as the totality of ends, has a right in opposition to abstract right. If, for example, it can be preserved by stealing a loaf, this certainly constitutes an infringement of someone's property, but it would be wrong to regard such an action as a common theft. If someone whose life is in danger were not allowed to take measures to save himself, he would be destined to forfeit all his rights, and since he would be deprived of life, his entire freedom would be negated… But the only thing necessary is to live now, the future is not absolute, and it remains exposed to contingency' (PR: 127, addition).*

Though Hegel considers it possible for the poor to invoke the right of distress, he also acknowledges the fact that poverty gives rise to a 'permanent right of distress' which changes the right to property, which he considers as the 'right to right'. *Thus, how to avoid this*? The 'administration of justice'(not fully discussed here), in Hegel's view, seems to address precisely this issue. Laws, the court, for instance, are conceptualized by Hegel as important moments of the presence of a more concrete universality within civil society. For it is within them that the 'right' comes into a concrete existence. He explains, in fact, that "the objective actuality of right" refers not only to the fact that the right is known as "right in itself", but it also refers to the fact that the right is posited in those moments (laws, court) which give to the right an objective existence or "universal valid*ity*" (PR: 210- 211, emphasis added). In this way, Hegel claims that it is "through the administration of justice *that* infringements of property or personality are annulled." (PR: 230). There are, however, two significant limitations to the administration of justice. First the individual's universal interest is defended as against his merely personal interests. This limitation is acknowledged by Hegel as "relative union" (PR. 229). Second, as has been pointed out by Peddle (2000), "because the actuality of the union of universal and particular ends occurs only in single cases of infringement of the law, justice is not a thoroughgoing unity of universal and particular rights" (10). Hegel recognizes that guaranteeing the 'undisturbed security' of person and property -although necessary in order to prevent the 'rabble mentality' from degenerating into an infringement of property and personality's right- does not "secure the livelihood and welfare of individuals" (PR: 230). From here, a further and more concrete mediation is needed.

1.3.5 The system of associations

One conclusion which we can draw at this stage of our study is that civil society intended as a 'system of needs' or as a 'system of welfare and rights' does not always actualize social freedom in all its forms. This conclusion is also shared by Fine and Vazquez (2004) when they say that "in the tension between concept and existence subjective freedom is *sometimes* enhanced *and sometime*s denied" (13, emphasis added). However Hegel shows us that civil society in its fully rational forms also includes certain groups, named *corporations*, where members partially shed the perspective of independent individuals and acquire bonds of solidarity with the fellow members of their trade or estate. Within corporations the individual mission is seen as a value *per se* rather than being instrumental to satisfying other interests, for example maximizing profit. Individuals who take part in a corporation are said to derive direct satisfaction from moral conformity to the mission which, in turn, produces

an awareness of being part of a wider ethical whole and not just an isolated individual. Hegel states that in the corporation "the *selfish* end which pursues its own particular interest comprehends and expresses itself at the same time as a universal end" and consequently the social member's interest becomes "no wider in scope than the end inherent in the trade which is the corporation's proper business and interest"(PR: 251). It is in accordance with this claim that the corporation is then said to have "the right to assume the role of a second family for its members", although this role must take place "under the supervision of the public authority" (PR: 252). *But, what exactly does it mean that a corporation assumes the role of a second family for its members?* One of the answer to this question could be that, as in the family, the individual finds the source of moral authority within their own consciences rather than in something external to him and this, in turn, determines the individual's moral freedom, so likewise does the individual in a corporation. Put in this way, moral freedom appears to be something exclusively internal to the individual and therefore it may not initially be clear how the corporation could be implicated in its relation. However, according to Hegel, the corporation fosters the freedom of moral subjects in three respects. First, corporations educate members ethically by encouraging the formation of shared ethical goals that are internalised by individuals. Second, they provide individuals with political representation; the particular interests of social members are collectively shaped and channeled into the state. By channeling these interests into the state, corporations give them their universal character. Related to this second function is the third: corporations secure individuals' welfare. The first function refers to the formation of an individual as a moral subject, while the second and third functions contribute to the successful realisation of the individual's moral subjectivity once the individual has been constituted as a moral subject. It is exactly by understanding these last two functions of corporations that the demands of moral subjectivity can be reconciled with the social cooperation (or social solidarity) of individuals within a corporation. For Hegel, in fact, the ability of the individual to act successfully within their own understanding of the 'good' does not necessarily rely on the need to place clearly defined limits on the authority of the institution (such as the state) to be in authority over its members (citizens)- the latter claim is very familiar among contemporary political philosophers (see Rawls, 1971). On the contrary, the solution for Hegel is to make the goodness and rationality which is embodied in laws and ethical norms transparent to individuals so that they can be achieved without violating the ideal of moral subjects whose actions are determined only by their own understanding of the good. However, this difference between Hegel and the contemporary political philosophy does not bring to light the greatest intuition of Hegel -grounded in the Enlightenment- which was to recognise that moral subjectivity is not just a disposition of mind which allows individuals to discern reflectively what is good from what is evil- intuition which was originated by Socrates and later advanced by Christianity with the idea that the content of ethical norms comes from an extra-human being (God). Instead, for Hegel the moral authority, which enables individuals to know "what right and duty are", is within the individual (as Socrates saw it) and, at the same time, proceeding from the individual and not from an extra human being entity (as the Enlightenment recognised it, especially Kant's idea of moral authority) (PR: 137, remark). *But, if Hegel's idea was just that of bringing together the thoughts of Socrates and Kant, to what extent can we define his idea as an intuitive one?* The Hegelian intuition was that if an individual is to be able to accept the demands of morality -which imply doing duties: diminishing one's private good for the good of others- ethical

norms must incorporate consideration of human well-being. In other words, doing a duty must be the source of a particular sense of satisfaction for the individual who does it. Furthermore, Hegel claims that "*well-being* is not a good without right. Similarly, right is not the good without *well-being*" (PR: 130). A conclusion which Hegel draws from all this is that moral subjects can recognise as good only what unified right and well-being in a way that the personal freedom of all is reconciled with the well-being of each individual. Accordingly, we can say that corporations -in order to reconcile the well being of each individual with the personal freedom of all- need to unify right and well-being. Thus, it is within the corporation that the two moments determined in the system of justice, named welfare and rights, are concretely united. However, this "ethical union present in corporate life is subject to competition among the various corporations comprising civil society, it is not therefore sufficient to ethical life" (Paddle, 2000: 12). From here the Hegelian claim that the ethical union of civil society within corporate life requires "the supervision of the public authority" (PR: 252). Indeed, Hegel was perfectly aware of the fact that corporations are the concrete form in which the "particular spheres of needs" develop themselves. Therefore "the corporation, of course, must come under the higher supervision of the state, for it would otherwise become ossified and set in its ways, and decline into a miserable guild system" (PR: 255, addition). In other words, without the supervision of the state, the welfare secured through corporations is no longer a right and it would be "grounded only on contingency rather than on a foundation which is *stable* and *legitimate* in and for itself." (PR: 303, remark). In the absence of unity between welfare and right, individuals would no longer recognize their corporations as their 'good'.

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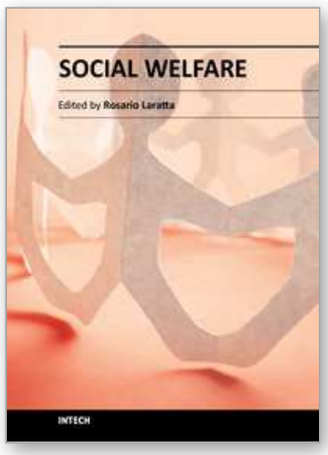
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"Social Welfare" offers, for the first time, a wide-ranging, internationally-focused selection of cutting-edge work from leading academics. Its interdisciplinary approach and comparative perspective promote examination of the most pressing social welfare issues of the day. The book aims to clarify some of the ambiguity around the term, discuss the pros and cons of privatization, present a range of social welfare paradoxes and innovations, and establish a clear set of economic frameworks with which to understand the conditions under which the change in social welfare can be obtained.

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