

Homo homini civis.

The Modernity of Classical German Political Philosophy

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"I propose therefore that we enquire into the nature of justice and injustice, first as they appear in the State, and secondly in the individual, proceeding from the greater to the lesser and comparing them."¹

The following essay on the actuality of German idealist thought focuses on the specifically political conception of the human individual in the moral, social and political philosophy of Kant and the post-Kantian German idealists, placing their political thinking into the larger historical context of modern accounts of the relation between the citizen and the state. In particular, the essay draws on Kant, Fichte and Hegel for extracting a conception of selfhood that is mindful of the worth of the individual and attentive to its supra- and inter-individual existence in general and its existence in political or civil society and the state in particular. Under conditions of classical modernity – and its sustained manifestation in Kant and German idealism – the individual human being, while being liberated from traditional communal ties that previously subjected it to religious, cultural and social control, is introduced into a novel existence as independent but integrated, "free" member of a society in which the individual is at once the subject and the sovereign, the ruler and the ruled, the origin and the object. Classical German political philosophy can be seen to make an original contribution to that tradition. Contrary to the stress on individual freedom in (political) liberalism, classical German political philosophy maintains the derivative, constituted character of individuality. Contrary to the emphasis on the primacy of the social in communitarianism, classical German political philosophy defends the normative independence of the individual.

The proposed reading of classical German political philosophy, which seeks to place Kant, Fichte and Hegel in the tradition of modern republicanism, begins – after preliminary reflections on the

standing and success of classical German political philosophy – with Locke, Montesquieu and Rousseau, moves from there to the three chief representatives of classical German political philosophy² and concludes with a brief look at the democratic transformation of republican polity, as diagnosed and analyzed in Tocqueville's work on the early United States of America, and its repercussions for classical German political philosophy today. The methodological background of the proposed reading of classical German political philosophy is the close analogy drawn by Plato in the *Republic* between ethical matters pertaining to the individual and political matters concerning the city state (*polis*), in particular the prefiguration of individual character types by the corresponding forms of political governance. In a reversal of the original Platonic analogy, modern political philosophy – including classical German political philosophy –, rather than employing the constitution of the just state to ascertain that of the just soul, conceives of the state on the model of the individual and in turn reimports originally political categories – chiefly among them freedom, will and autonomy – to define and delimit the individual in its juridico-political as well as ethical constitution. The chief concern of the proposed reading is the republic configuration of the classical modern individual as a historical counter-example and systematic antidote to the late, post-classical reconfiguration – or disfiguration, as the case may be – of the sovereign, self-determined individual through representative mass democracy, consumerist mass culture and financially focused globalizing governance.

1. Classical German political philosophy

From mid- to late-nineteenth century neo-Kantianism and neo-Fichteanism through turn-of-the-century British neo-Hegelianism to recent Anglo-American retrievals of Kant and Hegel in neo-Aristotelian and neo-pragmatist contexts, the reception and effective history of Kant and the German idealists has tended to focus on epistemological and metaphysical issues, including the philosophy of mind and the theoretical foundations of volition and action. To be sure, there always have been appropriations of Kant, Fichte and Hegel for purposes of moral and political philosophy, from the Young Hegelians through the Austro-Marxists to Rawls and Habermas. But except for past and recent scholarly work in the history of philosophy devoted to Kant's ethics, Fichte's legal philosophy and Hegel's social philosophy, little attention has been paid in the further development of philosophical thought during the past two centuries to the lessons of Kantian and post-Kantian idealist thought in practical philosophy in general and in political philosophy in particular. When it comes to sustained reflection on the grounds and bounds of political association, philosophers have much more relied on early modern political thought on the social contract, from Hobbes through Locke to Rousseau, than on the original

contributions of Kant, Fichte and Hegel on the distinction between law and morality and the non-empirical foundations of public law, a certain long-standing but narrowly focused interest in Kant's program for political progress toward perpetual peace notwithstanding.

To be sure, the past and present factual inactuality of the political philosophy of Kantian and post-Kantian German idealism is not without some justification. Juridico-political thinking in Kant, Fichte and Hegel is, to a large extent, marked by the tradition of natural law (*Naturrecht*) and reflects a preoccupation with supra-positive, essentially moral standards of political life that seem removed from the exigencies of efficient government in modern, increasingly pluralist and globally situated mass-democratic states that have their sovereignty challenged – economically, financially and militarily – from within and without. Moreover, the alternative meta-political positions of liberalism and communitarianism, with their matching extreme preferences for original individuality and primary sociality, respectively, seem to leave little room for a tradition of political thought that joins the focus on individual entitlements ("rights") with that on social obligations ("duties") and that tends to view the state, rather than the pre-political individual or the praeter-political community, as the enabling condition for individual and social living and flourishing.

Most importantly, though, the political thought of classical German philosophy has suffered from an evaluative bifurcation that was introduced into the notion of freedom in general and political freedom in particular through Isaiah Berlin's influential distinction between "two concepts of liberty" (1958) – a negative concept reflecting the freedom from tutelage, interference and domination inherent in the British, essentially Lockean tradition, and a positive concept of freedom involving the imposition of law and order in the Romantic or expressivist tradition.³ But Berlin's typological disjunction, which is more the essayistic product of a brilliant historian of ideas than the argumentative conclusion of a political philosopher, underestimates both the presence of more-than-negative freedom in classical liberal thought from Locke to J. St. Mill and the role that negative freedom continues to play in Kant, Fichte and Hegel as the necessary condition rather than the excluded alternative for establishing and preserving "laws of freedom" (Kant).

Placed against the historical and systematic background of the related oppositions of liberalism and communitarianism and of negative and positive freedom, the political thought of German idealist philosophy emerges as a possible third way – a genuine alternative to a seemingly complete twofold disjunction and not some strange *Sonderweg* – for joining freedom and law, individual and society, liberation and commitment, self-reliance and solidarity, entitlement and obligation in a normative assessment of the conditions and forms of life in the modern polity. With Kant tying freedom to self-

legislation, Fichte grounding self-awareness in civic sociality and Hegel linking substantial freedom to ethical life (*Sittlichkeit*), a line of thought emerges that allows to think political or civic existence as the space for the emergence and exercise of a freedom *sui generis*: a freedom that is not the freedom *from* the political realm – apolitical freedom under the shape of the self-sufficient individual or the self-enclosed community –, but the freedom *in, through* and *for* the political realm, a freedom that needs to be created and not only claimed, maintained and not only exercised, and a freedom that shapes and advances individuals beyond their particular preferences and local communities. In Kant's, Fichte's and Hegel's reflections on the relation between the individual and society freedom takes on an eminently political sense. It is a civically constituted freedom that not only conjoins the individual and society but co-constitutes the two. The individual comes to be a citizen and society comes to be civic, and this at once. No one is a citizen outside the *civitas*, and there is no *civitas* without citizens.

In their efforts to think the specifically political interdependence of the individual and society Kant, Fichte and Hegel typically resort to the imagery of the organic body. Drawing on contemporary work about the constitution of living beings ("organization"), in which constituent parts ("organs") and whole ("organism") mutually condition each other,⁴ Kant, Fichte and Hegel conceive of the polity as an entity exhibiting the phenomena of organic life, including generation, regeneration and degeneration. Earlier modern thinking about the constitution of the state, from Hobbes through Rousseau, had likened its mode of operation to the workings of a machine ("political machine", "mechanism") ingeniously construed, or at least so be to be viewed, and reflecting the human-superhuman design of a master mind responsible for its form and function.⁵

By reconceiving the body that is the polity ("body politic", *Staatskörper*) of early modern times as a living body or animal, Kant and his idealist successors can be seen to lend new meaning to the Aristotelian phrase, "political animal" (*zoon politikon*), which no longer designates the individual human being as such but the strange beast that is made up of them as much as it makes them into what they are. Once a monster risen from the sea and towering over the earth with unrivalled might ("Leviathan"), the macranthropic state – a superhuman being made up of each and all the human beings it comprises – in Kant & Co. has been framed and tamed, circumscribed and constricted by rules of its institution and constitution. For Kant, Fichte and Hegel the body politic ceases to be the instrument of absolute rule that it had been thought to be and made to be with the advent of the sovereign territorial state in post-reformatory Europe and its Westphalian order.

Contemporaneous with the tremendous political upheavals of the late eighteenth and early nineteenth centuries – from the lasting success of the American Revolution and the pathological course

of the French Revolution through the short-lived career of the Napoleonic empire to the restoration sought by the Congress of Vienna – Kant, Fichte and Hegel, each in their own way, rethink the civic relation between individual and society under a perspective on political freedom that seeks to ensure the twofold, correlated freedom of the individual as well as the state. A state fit for free individuals and individuals fit for a free state are being brought together in a conception of political life inspired by, or reminiscent of, the classical notion of the commonwealth (*res publica*), the republican state – in short, the republic.

To be sure, neither Kant nor Hegel endorse a republican form of government, not to mention its democratic variant, as exemplified by fifth-century Athens and only to be sought again on the European continent in the bourgeois revolutions of the later nineteenth and early twentieth centuries. Moreover, Fichte's occasional portrayal of a future "Republic of the Germans" (*Republik der Deutschen*) is more a national dystopia than a political ideal. But while Kant and his idealist successors do not understand themselves as advocates of republicanism and democracy, they still tend to place their normative discourse about the inner and outer constitution of the state under the concept "republic" (*Republik*). Taken in a more generic sense, which finds expression in its extension to "Plato's republic" (*Platonische Republik*),⁶ the term "republic" for Kant and his idealist successors does not denote a particular structure of statehood (*Staatsform*) but a basic mode of government (*Regierungsart*).⁷

Moreover, the structurally, or virtually, republican state of the German idealists is not defined through the political participation of its citizens, which remains limited, if not minimal as partial and representative self-governance in the federal tradition of the Imperial constitution (*Reichsverfassung*). Rather the German-idealist free state is republican in legal and ethical terms. In juridico-political terms, the German idealist republic is a state under the rule of law and of supra-positive, "natural" law at that. The fabrication and application of legal rules is to be free from arbitrariness and inequity. The republican state is a state of law (*Rechtsstaat*). In ethico-political terms, the republic of the German idealists is a state of civically minded citizens that are able to free themselves from particular interests and narrow concerns to consider and further the common good. They are to be patriots "with a cosmopolitan intent" (*in weltbürgerlicher Absicht*), to adopt Kant's title phrase for his project of a political philosophy of history.

The essentially republican conception of the state in its specifically legal and ethical character, which unites the differently executed political philosophies of Kant, Fichte and Hegel to form a relatively coherent discourse about the civic relation between the individual and the state, is not without precedence in earlier modern political thought, which influenced and shaped Kant's, Fichte's and

Hegel's thinking about things political. In particular, the German idealists are indebted to Locke for his conception of natural, inalienable rights that bind the sovereign to the law. They are indebted to Rousseau for his conception of the supra-individual subject of the political process ("general will") and the generic personal identity of the political subject and the sovereign ("sovereignty of the people") that turns states from monarchical properties to civic institutions. And they are indebted to Montesquieu for his conception of republican solidarity ("virtue") as the spiritual, quasi-ethical basis of civically minded individual and social action.

The enterprise of addressing and assessing the politico-philosophical actuality of German idealism by way of tracing the political constitution of the individual and the constitution of the political individual, in Kant, Fichte and Hegel therefore cannot be carried through outside and in abstraction from modern European political thought in general and English and French political thought in particular. The peculiarities as well as the potential of the contributions made by Kant, Fichte and Hegel to modern political philosophy only emerge in the context and by way of contrast with earlier eighteenth century political thought and its advances toward a specifically modern and quintessentially republican understanding of the relation between the individual and the state.

2. The Incorporated Individual

In the beginning there was Locke. Hobbes had reacted to the endangerments of the post-reformatory era of religious conflicts and civil wars with a non-theological justification of absolute political power. While making political power depend on human agreement as opposed to divine covenant or dynastic entitlement, Hobbes had conceived of the contract instituting the sovereign power as essentially irrevocable and extensionally unlimited. Once put in place, stately authority, for Hobbes, was akin to the traditional divine right to rule, turning the absolutely ruled state itself, paradigmatically conceived as absolute monarchy, into a "mortall God." Yet the state so conceived and endowed with a power and authority that triumphed over each and every individual, save the monarch himself or herself, was not superhuman in origin. In fact it was the human being "writ large," an individual designed on a larger scale than any factually given individual.

Moreover, on Hobbes' account, the super-human being that is the state, in addition to being an over-dimensional human individual, itself is constituted of individual human beings. Strictly speaking, the Hobbesian state is but the sum-total of the subjects that make it up, albeit put into a shape and form that exceeds both their individual being and the sheer accumulation of their number, however large. For Hobbes, the state is the totalization of the individuals, their integration into a comprehensive whole to

which they are at once subordinated as under their absolute lord and master. The iconic expression of the relation between the state and the individual in Hobbes is the frontispiece of the original edition of the *Leviathan* with its pictorial rendition of the state as a giant towering over the earth and everything and everyone on it, a measure of might confirmed in the biblical quotation (from Job 41, 24) placed above the figure of the Leviathan declaring there to be no power over the earth that could be compared to him (*non est potestas super terram quae comparetur ei*) – and yet consisting of and constituted by its own subjects, which are shown to literally make up the body of the Leviathan in the manner of recursive individuality.

It was John Locke who in reaction to the English end of absolute monarchical power in the "Glorious Revolution" (1688), which tied the British monarchy irrevocably to civil constitution and parliamentary politics and subjected governmental rule to (some) citizens' consent, tamed and domesticated Hobbes' monstrous state by further humanizing the state monster. Rather than having human beings give up their natural, pre-political freedom in the interest of survival and security, as in Hobbes, Locke made the state subservient to the immaterial and material concerns of its subjects that remained in possession of their rights, which now were conceived as both natural and unalienable. The formal expression of the dissolution of absolute political power was the separation of the executive and the legislative power in the state, with the former vested in a king bound by constitutional law and natural right and the latter placed in the hands of a representative assembly (parliament) designed to convey, consider and conclude the claims and interests of the collective citizenry. On Locke's account, the primary function and the ultimate criterion of state governance is each individual's "property," with the latter term understood in a wide sense to include the individual's immaterial as well as material belongings, viz., life, liberty and possessions.

The pictorial, or rather metaphorical, reflex of Locke's constitutionalization of the monarchic state and of the legal entitlement of its subjects is the image of individuals undergoing "incorporation" – Locke's term – to constitute the state. Already in Hobbes the anthropomorphic conception of the absolute state had found expression in the notion of the "body politic," considered as a body of its own kind, not physically individuated through matter in motion but immaterially, politically constituted through the self-submission of originally free but endangered individuals under a contractually created terrestrial Almighty. In Locke the Hobbesian generic reference to the (quasi-)bodily status of the state is specified further by means of the juridico-political notion of incorporation, which in turns draws on the life phenomenon of the intake of nutrition and the integration of previously independent substances into a larger, encompassing whole which they sustain and maintain. Under conditions of incorporation,

self-enclosed individuals coalesce to form a non-physical but quasi-organic body of which they are the "members," parts that belong to a whole that would not be whole without them. By having the individuals assemble, associate and arrange in an original contractual situation, Locke turns each individual into a sustaining member of a larger body that is not physical but political in nature – made up not of blood and flesh but of citizen-subjects that bring into life and keep alive an entity which in turn serves to safeguard their individual properties (life, liberty, possessions).

It deserves mention that Locke's reliance on the notion of the body politic, while drawing on the organic imagery of the living body and its constitutive members, does not extend the bio-political analogy to include the functional differentiation of the parts of the body politic, as carried out in the *locus classicus* for the somatico-political analogy undertaken by Menenius Agrippa and documented in Livy's *History of Rome* (Book II, Chapter 32). In an effort to appease and reconcile the plebeians revolting against patrician rule, Agrippa had resorted to the simile of the bodily organs refusing to serve any longer the apparently idle stomach, only to bring about their own emaciation and to discover in the process that it was the stomach which had provided nourishment to them all along and not vice versa.

By contrast, Locke's focus throughout is on the genuine status of each full members of the body politic as equally free but also as equally constrained by political law. Moreover, Locke goes to great length in ascertaining the conditions and the extent of the subjects' entitlement to rebel or revolt against a ruler who executes political power in violation of the natural rights of the subject-citizens. For Locke the individual, transformed from a solitary bearer of natural rights into a civically functioning member of the body politic, is and remains a member equal to the other political individuals so constituted and to be respected in his inalienable rights by the sovereign power that rules over each and all of them.

3. The Autonomous Individual

With Montesquieu the Lockean revolution in political philosophy from divine rights of monarchical rule to natural rights of political subjects and civil laws of governance moves from the local stage of post-reformatory Europe to the global theatre of universal history. For Montesquieu all monarchical rule that is not in turn ruled by law, including past and present absolute monarchy, is despotic and inimical to political freedom. Moreover, for Montesquieu, the historical origin and traditional guarantor of political freedom is not monarchical governance, including that of modern, constitutional monarchy, but republican rule, especially in its aristocratic variety as the rule of a select group in the interest of the entire republic. Montesquieu contrasts the operative principles of despotic and monarchical rule –

"fear" (*crainte*) and "honor" (*honneur*), respectively – with the republican principle of civic "virtue" (*vertu*), which instills loyalty toward the republican state into the political individual, making it transcend and control selfish interests and particular concerns in favor of the commonwealth (*res publica*).⁸

Rousseau takes up both Locke's focus on individual rights and Montesquieu's concern with the civically virtuous individual by making the politically constituted individual both the subject and the sovereign of the republic that is the state. Not only is the individual inviolable in his (or her) property and inalienable in his (or her) rights. The political individual is also the lawgiver whose will issues the very rules that govern him as well as the other citizens. To be sure, the legislative will of the political individual is not the arbitrary will of the particular human being but a will that is mindful of the commonwealth and heeds the needs of the political whole rather than partisan interest. Nor is the politically considerate will ("general will"; *volonté générale*) identical with the aggregate will of the majority or even of all members of the republican state ("will of all"; *volonté de tous*). Rather it is the normatively constrained will of the politically minded individual.⁹

For Rousseau the contractual entrance into the civil state involves the equivalent exchange of "natural freedom" (*liberté naturelle*), which is essentially physical and reflects the natural inequality among human beings, for "civil freedom" (*liberté civile*), which is essentially cultural and geared toward non-physical, "moral" equality. In the process physically obtained and held "possession" turns into legally acquired and secured "property." Rather than losing their freedom altogether, as in Hobbes' absolutist state, the citizens in Rousseau's republic retain or rather regain it under the guise of equally distributed entitlements and requirements. Rousseau also regards the establishment and acquisition of civil liberty as a condition for the possibility of "moral freedom" (*liberté morale*). The political liberation of the previously merely natural individual from the rule of the instincts and passions turns him into a "master of himself," who is obedient only to a law which he has prescribed to himself.¹⁰

Compared to Locke's liberal conception of majoritarian rule that seeks to balance individual pursuits, group interests and the common good by means of parliamentary decision procedures, Rousseau's radically republican politics of the general will may seem to allow, if not encourage, minoritarian dictates. The same move that promotes the political individual from subject to sovereign also transforms him from a particular individual to an individuation of republican virtue. Yet all is not Robespierre-in-the-making in Rousseau's political philosophy. In particular, Rousseau stresses the comparative independence of the political individual, whom he regards as an autonomous member of

the body politic with a life and a will of his own. In addition to its specifically political identity as a sovereign-subject of the virtuous republic, the individual remains a free and responsible agent of moral conduct, his individuality being the result of sentimental education as much as political pedagogy.

With his distinction between the two capacities of the individual – an extra-political identity as a human being (*homme*) endowed with a particular interest (*intérêt particulier*) and a political identity as citizen (*citoyen*) with a common interest (*intérêt commun*)¹¹ – Rousseau has formulated a genuinely modern, complex conception of the individual, specifically different from the ancient conception of political liberty and its associated vision of civic republicanism, which had defined the human being exclusively through his political role and function, reducing the human being to the citizen and leaving little room for personal freedom in the arrangements and choices of private life sought and cherished in modern times. In attributing to the individual a twofold body – one private and particular, one public and communal – Rousseau seeks to reconcile and combine ancient and modern liberty, private individualism and political republicanism.

4. The Generated Individual

Rousseau's lasting legacy to Kant's political philosophy, which is both a philosophy of political history and a philosophy of political law, was the notion of the human being as essentially free, viz., as free from instinctual tutelage and left to its own designs and developments that enables the human being, individually and collectively, to be of his (or her) own making and destines it to become his (or her) own master.¹² Rousseau had termed the basic human condition of openness for self-induced change, which could be change for the better but risked to be change for the worse, "perfectibility" (*perfectibilité*), thereby indicating the potential, even the calling of the human being for incremental improvement.¹³

Under the twin influence of Rousseau's cultural critique of political inequality in the second *Discourse* and Rousseau's philosophical foundation of a republican polity in *On the Social Contract*, Kant gave his political philosophy the form of a natural history of human freedom gradually leading human development from legal and political anarchy to the rule of law and the establishment of republican self-governance. Kant's decisive addition to the prior accounts of the politicized individual in Locke and Rousseau was the strict separation between the individual and the species level of human development, especially of human self-perfection. For Kant human progress, in particular progress toward civil rights and political freedom, does not occur at the level of the individual, within a given individual's life span, but is to be regarded as a spatially and temporally extended development at the

level of the human species (*genus; Gattung*), involving different regions of the earth and extended periods of time as well as numerous retardations and relapses.¹⁴

On Kant's analysis, the human species is the subject of political progress in the twofold sense of being the target of such comprehensive change and agent, albeit not a conscious and much less a self-conscious agent of political progress but an agent manifesting the secret designs of a teleological process, which Kant attributes to a providentially conceived "Nature." In Kant the secret agent of history – of juridico-political history, to be precise – is supra-individual, but it is not superhuman. Rather the super-subject of the history of legal and political freedom is human nature generically embodied and teleologically conceived. The particular propensity adduced by Kant as the clandestine conductor of human development is the human being's "unsocial sociability" (*ungesellige Geselligkeit*),¹⁵ a dual disposition that has the human beings flee as much as seek each others' company – flee them in order to be able to live by their own individual designs and desires, and seek them in order to socially enlarge and enhance their limited individual faculties and forces.¹⁶

Unlike Aristotle (and an entire tradition of political thought following him), which regarded the human being as being naturally social, to the point of being naturally state-building or "political," Kant considers the human as originally both asocial and social and views the interplay and interference of human asociality and human sociality as the mechanism – not to call it, the cunning – behind human political development, which results from inventive compromises sought and found between the two equally ineliminable tendencies in human conduct. Under conditions of each individual's asocial, even anti-social selfishness, rightfully supposed by everyone in everyone else on the basis of his (or her) own selfish self-experience, combined with the equally undeniable mutual dependence of human beings on each other, human beings are contrived to invent and implement modes of living together that balance the need for individual independence with the countervailing need for mutual support. The perfect expression of the sought after equilibrium of individual and society, to be reached over the course of human history, is the legally regulated plurality of individuals that is "civil society" (*bürgerliche Gesellschaft*),¹⁷ first to be realized at a regional level, in a territorial state of republican constitution if not governance, and eventually as a league of (nation) states that is to achieve the cosmopolitan scope of human history.¹⁸

5. The Derived Individual

Kant's portrayal of the origin of human society in general and of political society in particular combines Rousseau's nostalgic vision of self-sufficient individual existence in the "state of nature" (*état de*

nature) with Locke's liberal conception of the political or civil society as the defender of incorporated individuality. As in both prior philosophers, the individual in Kant occurs in a twofold guise, as the pre- and extra-political, natural individual and as the socially constituted, political individual. Kant also shares with Locke and Rousseau the notion of the continued independence of the politicized individual, who is an integral part of the body politic, yet not a mere function of the whole but one of its constituent "members" without which the body that is the state ("republic") could neither arise nor last.

Kant's heir-apparent, Johann Gottlieb Fichte, went farther yet in tying individuality to sociality in general and political individuality to political socialization in particular. For Fichte there is no pre-social and, for that matter, pre-political human existence. Based on his post-Kantian account of self-constitutive I-hood ("pure I", "absolute I": *reines Ich, absolutes Ich*), Fichte regards individuality as systematically secondary to supra- or rather pre-individual, absolute subjectivity ("subject-object") and its proto-social manifestation as undifferentiated ego mass (*Masse des Bestimmbaren*).¹⁹ The individual, natural as well as political, is derived from some pre-individual ground, alternatively figured as absolute I, We and absolute community.

Fichte takes great pains to reconstruct the constitution of individuality out of sociality. In particular, he depicts the primal scene of a human being with only potential practical rationality (will) undergoing a call or solicitation (*Aufforderung*) by an already rationally willing and acting individual, which initiates the emergence of self-conscious practical individuality in the socially nascent individual. On Fichte's account, a human individual emerges as such only among the likes of himself or herself (*seinesgleichen*). The practical parity between the soliciting and the solicited individual finds original expression in the mutuality of "recognition" (*Anerkennung*) between the two individuals by means of which they regard and treat each other as free individual beings that are to conduct themselves toward each other in consideration of the other's equal freedom.²⁰

In a further step Fichte extends the reciprocity of recognition among the two individuals involved in the primary scene of social initiation into practical rationality to a plurality of free and recognized-to-be-free individuals. According to Fichte, the principle of the continued mutual recognition in inter-individual relations is the concept of "right" (*Recht*) and its codification as the "law of right" (*Rechtsgesetz*), according to which everyone is to limit the use of his (or her) freedom by the conception of everyone else's freedom.²¹ The formal framework for assuring the rule of right and law is the state, which Fichte regards chiefly as a "state of right" (*Staat des Rechts*).²² It deserves mention that, unlike Kant, who subordinates the sphere of right and its political institution and preservation to the categorical imperative, Fichte maintains a strict separation between unconditional ethical obligation

and the development of juridico-political principles and practices governed by prudence and shaped by history.

6. The Formed Individual

In Hegel's integrated moral social, legal and political philosophy Kant's project of a political philosophy of history as the natural-cultural history of freedom and Fichte's two-tiered deduction of individuality from sociality and of sociality from civility are taken up into a systematically grounded, historically informed and developmentally structured account of the individual, interindividual and supra-individual actualization of freedom. The almost exclusive focus, to be found in left and right Hegelians alike, on Hegel's quasi-religious defense of the state as the "actual God" (*wirklicher Gott*) and the "earthly divine" (*irdisches Göttliches*)²³ tends to obscure that the state in Hegel is at once an end and a means – the worldly end of all human endeavors and the enabling medium for each such endeavor. Rather than submerging the individual into the state, or even having the latter suppress the former, Hegel has the state generate and guarantee the individual in its personal, social and political existence.

In particular, Hegel considers the individual worthy of that name not the object of natural occurrence or social chance but the result of "formation" (*Bildung*) and "work" (*Arbeit*) that turns a private person and his particular preferences into a public *persona* and its civic identity.²⁴ The ontological transition from the particular to the universal and from the merely private to the manifestly political is not to be seen as a curtailment of the individual. Rather Hegel considers the individual's socio-political formation as a process that enriches the continued private existence of the individual with civic functions and that lend meaning and purpose to an otherwise perhaps thoroughly productive but ultimately pointless social existence.

Hegel conveys the continued social validity of pre- and extra-political life by subsuming the state, along with the other forms of social life, under the concept of "ethical life" (*Sittlichkeit*), thereby distinguishing as much as linking the private and the political, the personal and the public. Notoriously, Hegel differentiates human sociality into its natural, or quasi-natural, basis in the family, its artificial but equally essential sundering in the economic and professional spheres of civil society (*bürgerliche Gesellschaft*) and its reintegration in the complexly differentiated and systematically unified whole of the state (*Staat*).

By delegating the pursuits of needs and interests to an intermediate and transitional stage of social life, positioned between the natural and the political, Hegel has liberated the state, which is now

the "political state" (*politischer Staat*)²⁵ in an eminent sense, from the organization and oversight of business and commerce and freed it for the specifically political task of maintaining the peace within and without and lending a final orientation and an ultimate purpose to individual occupations in the "state of peace" (*Staat des Friedens*). On Hegel's assessment, the political constitution of the state involves the formation and function of politically charged individuals, chiefly among them the state officials (*Staatsdiener*), that serve the interests of the political whole and constitute the core of the state's middling estate (*Mittelstand*), located between the social opposites of the laboring and the landed parts of the citizenry and serving to integrate and unite the multiform modes of manual, industrial and agrarian productivity.²⁶ Moreover, Hegel recognizes the need for a symbolic expression of the state's political identity through a figurehead provided by a hereditary monarchy limited by a constitution and checked by a representative legislative body.

But Hegel's pointed politization of the individual, which includes treating the state as an individual in its own right,²⁷ also leaves room, and even creates space, for the unfolding and flourishing of the individual in its particularity and privacy. Hegel explicitly rejects the dissolution of the individual into the state that he finds in the ancient world, especially in classical Greek political life, and epitomized in Plato's *Republic*, as incompatible with the modern sense of personal freedom and the intrinsic value of the particular individual. Under conditions of political modernity, freedom must be twofold – private and public, subjective and substantial, particular and universal, civically social and the eminently political.

On Hegel's balanced view of the reciprocal political relation between individual and civil society, the state is the sole secure condition for obtaining particular ends and personal well-being, while in turn being tied to the individuals for achieving and maintaining its "effectiveness" (*Wirksamkeit*).²⁸ In an analogy that harkens to the episode from Roman republican history cited earlier as preserved by Livy, Hegel likens the role of the individual to the status of the stomach in a living body, which at once maintains its independence and is elevated, in fact "sacrificed" (*sakrifiziert*), by being made to go over into the whole. Hegel returns to the religious metaphor of sacrifice – this time by drawing not on the Latin term but the corresponding German word –, in his account of military life, in which the specifically modern form of bravery (*Tapferkeit*) is said to no longer consist in extraordinary acts of "personal courage" but in being prepared to give oneself over (*Aufopferung*) to service for the state, thereby performing the integration of the individual into the universal (*Einordnung in das Allgemeine*).²⁹

The counterpart of Hegel's organicist conception of civic individuality is his political critique of the inorganic collectivity called by him variously "people" (*Volk*), "*hoi polloi*" or, more tellingly, if less flatteringly, "rabble" (*Pöbel*).³⁰ Hegel shares the contemporary distrust in the political maturity of the populace that does not know what it wants and is unfit to rule itself and share in the governance of the state. For Hegel, popular political participation takes place through "delegated individuals" in selective legislative chambers.³¹ In an analogous move, Hegel critiques the populist medium of public opinion (*öffentliche Meinung*; 471) for its lack of reflection ("mediation"; *Vermittlung*) in the process of political deliberation and decision making.³² By contrast, Hegel's political state, ostensibly a constitutional monarchy, takes on the traits of a republic of civically minded or, in Hegel's somewhat antiquated phrase, "patriotic" individuals who place their personal freedom in the service of the public good, and this not because they are constrained to do so but out of their "political mindedness" (*politische Gesinnung*).³³

7. The Democratized Individual

Fichte's integration of the philosophy of right into a political philosophy of history had narrowed human political progress to the rule of law and dissociated legal equality from civic or political freedom, in effect advocating a return to authoritarian politics, albeit based on the authority of reason. Hegel's distinction of civil society and the political state had assured the personal freedom of the individual at the price of its separation from political freedom, in effect identifying the latter with supra-individual state authority. With Alexis de Tocqueville's political portrayal of the early United States of America a form of governance came into view that was not only republican in nature but democratic in its operation, involving the active participation of the political individual in representative self-governance at the local, state and federal level. Almost two and a half millennia after the Athenian experiment with popular rule, the name, "democracy," came to be reused not only as the designation for the deficient governance by the many, and by the many poor at that, but for a "democratic republic," and a republican democracy marked by widespread political participation of an increasingly wealthy populace.

Yet Tocqueville not only noticed the political liberation of an entire population but keenly perceived the new forms of political life emerging among the citizens of the burgeoning United States. In particular, he noted the effects of radical, pervasive equality on the shape of civic life, which made individuals not only equally free but freely equal and to that extent less individualistic than in traditional, pre-democratic society marked by distinction and rank. As a result, the democratic

individual he encountered in the town halls and in the market places of the American federal republic seemed small to Tocqueville, free and equal but also less significant and less remarkable due to the sameness of everyone with everyone else. Tocqueville also noticed the reverse of individual diminution in the state's increasing power in ruling over and administering to the multitude of equal individuals, in effect foreshadowing the benign Leviathan that is the modern mass-democratic state:

"In a democratic community individuals are very powerless; but the State which represents them all, and contains them all in its grasp, is very powerful."³⁴

Tocqueville's perceptive portrayal of the mixed blessings of participatory mass democracy lends a surprising actuality to the roughly contemporary politico-philosophical counterculture of German idealism with its dual commitment to personal and to political freedom, to particular individuality and to civic responsibility. At the descriptive level, the political philosophy of Kant, Fichte and Hegel demonstrates the compatibility and even the mutual requirement of individual pursuits and common concerns. The former are as much the enabling material conditions of the latter, as the latter are the enabling formal conditions of the former. At the normative level, classical German political philosophy exhibits the practical need and the theoretical justification for a complementary, mutually enhancing cultivation of the free, self-determined individual and the free, self-determined civic whole ("state"). No free state ("republic") without free citizens, and vice versa.

In their specific approaches, the politico-philosophical thinking of Kant, Fichte and Hegel each adds a distinctive perspective to the theoretically claimed and practically called-for co-presence of the privately personal individual and the politically public individual in modern society. Kant's political philosophy of history focuses on the cosmopolitan, supranational project of civically ordered freedom at the intra-state and the inter-state levels. Fichte's political philosophy of right emphasizes the essential role of civic freedom for the emergence of free individuality. Hegel's political philosophy of ethical life adds a final focus reaching beyond the division of labor in modern society and the multiple purposes served by civil society to the singular and supreme end intended by the political state.

Almost two hundred years after the idealist speculations of Kant, Fichte and Hegel and the timely-untimely meditations of Tocqueville the normative accounts of the classical German political philosophers and the descriptive assessments of the French political theorist merge to form the image of a political (counter-)culture and its cultivated (counter-)politics that seeks to fortify individuals against losing their personal freedom – and along with it their personal dignity – in conspicuous consumption and greedy commerce, and against abandoning their political freedom – and along with it

their political dignity – in deferred and delegated decision processes under the tutelage of appointed bureaucrats and elected party officials.

The republican intent behind the classical German political philosophers and Tocqueville alike calls for a strong and influential middle class – already identified by Aristotle as the strategic center and unifying element in the polity. But the political danger of modern egalitarian society does not spring from the much-bemoaned decline of the bourgeoisie, once the social bearer and promoter of material, scientific and artistic culture, but from the early demise of a citizenry that emerged only fairly late as a shaping political factor in the modern world and that is about to vanish again in the face of economic preferences and pressures as well as religious revivals and reinvigorations, both of which revert free citizens to willing victims of manipulation and superstition.

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- ¹ Plato, *The Republic*, Book II, 369a (trans. B. Jowett).
- ² On Schelling's contribution to classical German political philosophy, see Günter Zöller, "'Hierarchie'. Schelling über Staat und Kirche in den Stuttgarter Privatvorlesungen," forthcoming in *Natur und Anthropologie. Zum 200. Jubiläum von Schellings Stuttgarter Privatvorlesungen*, ed. Lore Hühn (Tübingen: Mohr Siebeck).
- ³ See Isaiah Berlin, *Four Essays on Liberty* (Oxford: Oxford University Press, 1990).
- ⁴ *The locus classicus* for a philosophical account of the living organism is Kant's *Critique of the Power of Judgment*, specifically its second part, "Critique of the Power of Teleological Judgment."
- ⁵ See Jean-Jacques Rousseau, *Du Contrat social*, Livre I, Chap. 7.
- ⁶ AA 3:247/4:201.
- ⁷ On the distinction, see AA 6:338-342.
- ⁸ See Montesquieu, *De l'esprit des lois*, Première Partie, Livre troisième.
- ⁹ See Rousseau, *Du contrat social*, Livre II, Chap. 2.
- ¹⁰ See Rousseau, *Du contrat social*, Livre I, Chap. 8.
- ¹¹ See Rousseau, *Du contrat social*, Livre I, Chap. 7.
- ¹² On the Platonic conception of self-rule in Kant, see Günter Zöller, "Autocracy. The Psycho-Politics of Self-Rule in Plato and Kant," in *Relations of the Self*, ed. Edmondo Balsamão Pires, Burkhard Nonnenmacher und Stefan Büttner-von Stülpnagel (Coimbra: Coimbra University Press, 2010), 385-404.
- ¹³ See Jean Jacques Rousseau, *Discours sur l'origine de l'inégalité parmi les hommes*, Première Partie.
- ¹⁴ See AA 8:23. On Kant's generic conception of human progress, see Günter Zöller, "Die Bestimmung der Bestimmung des Menschen bei Mendelssohn und Kant," in *Kant und die Berliner Aufklärung. Akten des 9. Internationalen Kant-Kongresses (26. bis 31. März 2000 in Berlin)*, ed. Volker Gerhardt, Rolf-Peter Horstmann and Ralph Schumacher (Berlin/New York: Walter de Gruyter, 2001), vol. 4, 476-489.
- ¹⁵ AA 8:20.
- ¹⁶ On Kant's account of cultural and specifically political anthropogenesis, see Günter Zöller, "Kant's Political Anthropology," in *Kant Yearbook 3* (2011), 131-161 and id., "Between Rousseau and Freud. Kant on Cultural Uneasiness," forthcoming in *Rethinking Kant*, vol. 3, ed. Oliver Thorndike (Newcastle upon Tyne: Cambridge Scholars Publishing, 2012).
- ¹⁷ AA 8:22.
- ¹⁸ See AA 8:24ff.
- ¹⁹ On Fichte's transcendental philosophy of human sociality, see Günter Zöller, *Fichte's Transcendental Philosophy. The Original Duplicity of Intelligence and Will* (Cambridge: Cambridge University Press, 1998).
- ²⁰ See Johann Gottlieb Fichte, *Grundlage des Naturrechts*, §§ 1-3.
- ²¹ See Fichte, *Grundlage des Naturrechts*, §§ 4-7.
- ²² On Fichte's philosophy of law and right, see *Der Staat als Mittel zum Zweck. Fichte über Freiheit, Recht und Gesetz*, ed. Günter Zöller (Baden-Baden: Nomos, 2011).
- ²³ Georg Wilhelm Friedrich Hegel, *Grundlinien der Philosophie des Rechts*, §§ 258 and 272 (*Zusatz*).
- ²⁴ See Hegel, *Grundlinien*, §§ 187 and 196.
- ²⁵ Hegel, *Grundlinien*, § 267.
- ²⁶ See Hegel, *Grundlinien*, §§ 294f. and 297.
- ²⁷ See Hegel, *Grundlinien*, § 321.
- ²⁸ Hegel, *Grundlinien*, § 277.
- ²⁹ See Hegel, *Grundlinien*, §§ 269 (*Zusatz*), 278 and 328.

³⁰ Hegel, *Grundlinien* § 301.

³¹ See Hegel, *Grundlinien*, §§ 308-313.

³² See Hegel, *Grundlinien*, §§ 317-319.

³³ Hegel, *Grundlinien*, § 268.

³⁴ Alexis de Tocqueville, *De la démocratie en Amérique*, vol. 2, Ch. XII.