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HEGEL AND PROGRESSIVISM

We often assert that the United States' constitutional principles began to change near the beginning of the twentieth century. This change is associated with "progressivism." It was trumpeted by publicists and authors such as Herbert Croly and John Dewey, and implemented by political leaders such as Woodrow Wilson and the two Roosevelts. Progressivism involves moving away from limited government toward the beginnings of the welfare state, increasing the regulation of business, expanding the dominance of the President over Congress, justifying direct appeals from the President to the people (leadership as opposed to statesmanship), and attacking the teaching of individual natural rights in favor of group interests, mass appeals, and some forms of (weak) collectivism.

While searching for a serious intellectual ground for this movement, scholars have alighted upon Hegel.

The influence of German political philosophy is evident [...] from the historical pedigree of the most influential progressive thinkers. Almost all of them were either educated in Germany or had as teachers those who were [...] Johns Hopkins University, founded in 1876, was established for the express reason of bringing the German educational model to the United States, and produced several prominent progressives, including Wilson, Dewey, and Frederick Jackson Turner. Among other things, American progressives took from the Germans – and especially from the German philosopher G. W. F. Hegel and his disciples – their critique of individual rights and social compact theory and their organic or "living" notion of the national state.¹

¹ R. J. Pestritto and W. J. Atto in the introduction to their *American Progressivism: A Reader*, Lexington Books 2008, p. 5–6.

My purpose is to add to the understanding of American constitutionalism by discussing the connection between Hegel and progressivism. Of course, to employ Hegel merely to discuss progressive changes in the American regime is akin to using Brahms to explain the structure and power of film scores. One might argue that Brahms and Hegel are more interesting – and from the self-levitating point of view of political philosophy more important – than what they are being used to explain. So, while I will point out elements of Hegel's intersection with progressivism, I also want to say something about his thought itself.² Hegel's thinking and its subjects are too large to be captured fully by progressivism, and progressivism is too narrow to capture fully even the politics of its time, let alone ours.

The Problem of Influence: I

Some of what I say about Hegel and modern government, therefore, will cover matters that are not exclusively or especially progressive. I will also not try to trace specific influences of the variety from Morris's lectures, to Dewey's notebooks, to Roosevelt's speeches.³ How to assess the power of such influences is a difficult matter, not least because of the just mentioned disproportions between thought and politics, and between politics generally and any particular political movement. Thought and politics cannot be reduced to each other. Satisfying our interests, expressing our virtues, and following our opinions about what is right and wrong politically have their own motive powers that are not equivalent, in the flesh, to seeking the truth. A philosophic life is never fully at home politically. Political life is irreducibly contingent, ephemeral, and imperfect.

In the case of progressivism, for example, several factors were effective other than, or in addition to, lessons learned from Hegel. Politically, we may list the wishes to respond to growing urbanization, to massive business and financial combinations, to citizens' exposure to business cycles, and to political ineffectiveness in dealing with them. Yet, on reflection, neither these problems nor the wishes and ways to respond to them are self-announcing or self-defining. By what standards, and within what conceptions, do such problems proclaim themselves as problems, and from what standpoint are solutions generated and considered to be plausible? Poverty that yesterday was acceptable, or even spiritually glorified, becomes unacceptable today. Last month's trusted public benefactors become this week's private monopolists, whose trusts need busting. Temporary victims of economics' natural

² I will limit my analysis to the *Philosophy of Right*. All references to the *Philosophy of Right* will be by paragraph number (e.g. #238), and the associated additions (e.g. #239A). Translations will be from Allen Wood's edition, G. W. F. Hegel, *Grundlinien der Philosophie des Rechts*, Hamburg 1955. The work was first published in 1821. Idem, *Elements of the Philosophy of Right*, ed. by A. W. Wood, translated by H. B. Nisbet, Cambridge University Press 1991.

³ Dewey studied at Johns Hopkins with George Sylvester Morris. Morris studied in Germany in the 1860s, and wrote *Hegel's Philosophy of the State and History* in 1887.

laws become causes of public concern with whom we deal by better grasping those laws' limits and opportunities. Salutory political circumspection in the face of private action becomes inappropriate or even despicable political lethargy.

To say that the problems and solutions are not self-announcing, however, is not to say that they are based on fantasy, or on conceptions that must be altogether new. Within a notion of freedom, equality, and constitutionalism similar to Madison's and Hamilton's, for example, someone at the close of the nineteenth century could well have worried legitimately about huge disparities in wealth, monopolistic restrictions to freedom and competition, and the assimilation of immigrants. Indeed, it is sometimes hard to distinguish differences among liberal-republican responses to these facts, more immediate responses based on interest, and responses grounded on new "progressive" thoughts.

To the degree that new constitutional thoughts are important, moreover, we could hardly attribute them solely to Hegel, and to British and American Hegelians. We would need at least to consider the influence of Darwin and Marx (not to speak of lesser thinkers), remembering as well the tie between Marx and Hegel. We would also need to consider how a new or partially new frame for understanding politics is influenced by thinkers not only immediately but also indirectly, through the way they are taught or grasped socially, artistically, and economically. Social Darwinism and the aesthetic Nietzscheanism of, say, the Stefan George circle have political-intellectual effects different from the effects that Darwin and Nietzsche hoped to have had. Moreover, policy or institutional changes that we might associate with Hegel, or with a constitutionalist response to the facts progressives thought they faced may, in fact, have less to do with either of these than with the effects of the condition of American equality that Tocqueville discussed. Perhaps it is generally true, as Plato suggests in his *Republic*, that regimes and principles of justice have their own momentum and direction. Of course, these very changes can provide sympathetic access to certain thinkers, or slow the reception of others.

The Problem of Influence: II

These tangled connections might seem to be impenetrable. Many thinkers and much choice and action mingle in a disordered forest. Yet, a step back shows that the influence of thinkers on political life is, indeed, often significant and direct. The founding period of the United States is the obvious and remarkable example, and we can discern in it the importance and even dominance of Locke and Montesquieu, whatever the other factors.

The influence of such thinkers, moreover, comes not only from the power of their immediate rhetoric and practice, but also from their highlighting or summarizing truths or partial truths. This, indeed, is the major source of the effect of their arguments. Locke uncovers natural rights, and the associated human character and

political institutions, in a manner that attracts those who follow him, and he shows how these truths can form or organize economic concerns, opinions about justice, and intellectual discoveries, even though these always remain somewhat independent of political control. Such visible uncovering of natural truths, moreover, can increase their causal power by connecting them directly to human freedom and education, and by insinuating them attractively, and more or less coherently, into human actions and intentions, even the actions of those who are no longer directly influenced by thought. This coherence can also enable those of us who look back to see what was, and is, happening. Rousseau, for example, uncovers and inspires us to the romantic, and makes coherent, visible, and more easily choosable many practical and intellectual phenomena that we can organize under romanticism's banner. But he does not invent these phenomena or, even, the phenomenon of the romantic. Nor, surely, is his thought the only cause of love, or the only significant thinking about it. The central philosophers uncover the grounds, alternatives, and coherence that make sense of the phenomena of everyday life. They are therefore able to enhance the immediate power of these grounds and this coherence, the standards and guidelines that we wittingly or unwittingly experience and seek in our actions and thoughts. By bringing things out and bringing them together in their brilliant and impressive way, they sometimes seem to have invented altogether new passions, forms of character, purposes, and institutions.

It is especially in this way that we may understand Hegel's link to the progressives. Hegel influenced several German, British, and American thinkers directly, and they, in turn, influenced their students, both scholars and political officials. This is plain in Great Britain, where the famous or famously overeducated British civil servants of the late 19th through at least the mid-20th century were products of the education put in place by British Hegelians such as T.H. Green. But, as we said, many factors other than Hegel's thought are also at work in establishing progressivism or recommending that we act progressively, and some "progressive" policies are prudent responses to changed circumstances, from a founding, constitutionalist, standpoint. The basic connection between Hegel and progressivism is that his thought shows what is coherent and, arguably, true in these factors, in our being subject to, noticing, experiencing, and responding to them freely. In addition to, and connected with, his more direct influences, Hegel therefore enables many subsequent "progressive" actions to be chosen or developed, or to attain added strength, because he brings them, or the truths and links that underlie them, to the fore. Obviously, he is not responsible for each action that results from his having argued as he did, or for every distortion of his thought.

The best way to discover the newly apparent elements and coherence of elements that link Hegel to the progressives is to trace his novel thought about right or justice, in the *Philosophy of Right*. Hegel thinks of this work as "natural right and political science in outline," i.e. he gives a traditional alternative title to his radical

book.⁴ A notion of natural right, in turn, is the heart of the American regime that the progressives sought to change. As we will see, much of what makes sense in the progressives can be anchored in Hegel's new understanding of right. Not all of progressivism can be, however, and we will also point out important differences.

Individual Right

The first way that Hegel revolutionizes thinking about natural right (and in a manner linked to the progressives), is to argue that individual right is inherently substantive, not abstract. The starting point of his political and moral thinking is each of us in his infinite personality. This means that each one can see himself apart from any engagement, and then go on to see himself as having tied himself to his engagements freely. This might suggest, contrary to what I just said, that our rights are in fact completely devoid of content. Both I and any particular outside activity, however, prove to be both unstable and unstatable if either of the separate halves is fully pressed or absolutized. They are in truth two halves of a whole.

Whatever the will has decided to choose [...] it can likewise relinquish [...]. But with this possibility of proceeding in turn beyond any other content which it may substitute for the previous one, and so on *ad infinitum*, it does not escape from finitude, because every such content is different from the form...and therefore finite; and the opposite of determinacy – namely indeterminacy, indecision, or abstraction – is only the other, equally one-sided moment. (#16)

Neither my abstract personality and its rights nor my arbitrary interests but, rather, my concrete singularity or individuality is the first subject of justice.

Every apparent whole (such as the union of abstract will and arbitrary content) proves to be unstable, unfixable if chosen and impermanent when it is considered. It is part of another whole, which is, in turn, part of still another whole and so on and on until we reach *the* whole. The movement from part to whole to part to whole is Hegel's famous dialectic, which is how the reason or logic in things manifests itself to us when we seek to understand, and how the reason in things forms our will and freedom, that is, how it manifests itself in, and defines, the imperfections and gathering points that spur us on when freely recognized.

Property

The partialness of the person, of subjectivity, means that the realm that makes up the rights that belong to us as persons, the realm of what Hegel calls abstract right, cannot, in fact, stand on its own. Therefore, a politics whose justice and institutions

⁴ Consider the title pages in Hoffmeister's edition.

are based simply on abstract right cannot stand on its own. The liberal natural rights understanding is insufficient, both practically and theoretically, because liberal natural rights are not independent truths. Liberal politics is a vital core of right, but it is destined to be overcome or subsumed.

I will now elaborate Hegel's argument in order to set the stage for comparing it to progressivism, so that we can see how it provides coherence to progressivism and, also, shows some of progressivism's limits. Property is the first stage of abstract or natural right, as it is in Locke. Property, as Hegel understands it, is the free human forming of material, such that ownership is not actually attached to the material. From the point of view that melds property with the body, such detachment is remarkable. When we consider it, indeed, we see that it is precisely this detachment that constitutes the forming of material things by my own immateriality. Property, however, is only a first stage in this forming, because right also implies, is defined by, and tends toward the recognition of free human forming itself. It is not only that we can make material things freely our own, but also that we can treat and deal with ourselves in this freedom. This happens when we contract with each other, because a contract fixes and establishes not so much something that I own as my free ownership itself, and my possibility of disposing of what is mine. While we can own what is not human, we can contract only with other men.

When we make contracts, however, we are still recognizing our freedom as serving our interests. We have not yet achieved the free establishing of our own will, our recognition of the objective course of our will, our freedom in all things. At the level of property and contract, our actual recognition of free humanity, as such, apart from specific interests, occurs when we punish criminals who violate us in our property. For when we punish them we are acknowledging them in their freedom simply, acknowledging them in a possibility of infinite action, but one carried out negatively. We punish criminals in their possibility of choice, not as animals enslaved to need.

Morality

This discussion of criminals or "wrong" completes Hegel's analysis of the logic and movement of rights that occurs once we begin to step along the path of seeing ourselves in terms of our infinite freedom. If there were no more to say than this, however, it would be difficult to justify his notion that rights have stability and completion only substantively, and not when limited to questions of property, contract and crime. As Hegel sees it, to punish criminals is, in fact, not to complete moral and political reason, because to punish criminals out of implicit respect for their freedom is to see that freedom negatively. In punishing, we negate their own negativity, but we do not thereby establish our own free action in all its actual power. In owning, contracting, and punishing, freedom has not been chosen for its

own sake, for the sake of its own power. Our fuller freedom, the truer expression of the idea of freedom, is the positive actualizing of what is reasoning or universal in us. It is forming things, or, at least, the possibility of forming things, by our free choice because we are free. For freedom or will truly to unfold and be itself, therefore, it cannot simply be negative and a matter of punishing, but must also actualize itself positively. It can do this by willing what is positively good.

Such will and freedom are the substance of what we think of as morality. Morality seeks to shape my choices through my recognizing what is universal, and therefore, free and reasoning in me. I no longer act as a willing and rational being merely because this is what I am, but, now, because I understand that this is what I am. In this way morality makes me “good” and makes my choices good. Thus, for our abstract rights to be fully free, for them to be components of our positively actualized and recognized freedom, they must be universalized and chosen morally. Indeed, they must be universalized morally if they are to endure at all, because merely negative rights cannot satisfy and complete the practical reason and will that are their motive force. (Hegel offers powerful examples throughout the *Philosophy of Right* of the dissatisfaction, contradiction, and irresolution that occur at each stage that pretends to be, but is not in fact, the full actualizing or conceptualizing of right.)⁵ We must come to choose our rights as good and, indeed, see ourselves as choosing these goods simply because they are good, and because we are able to choose what is good simply because it is good. We must choose our rights because we recognize ourselves as able to choose what is good, and not only because they serve our interests. If we fail to do this we fail to choose our own freedom and reason, fail to recognize and actualize ourselves as free. Morality is, therefore, not an add-on to abstract right. Rather, right belongs to morality; it is part of moral choice. There is no stable abstract right without morality; abstract right points to morality as completing, stabilizing, and actualizing the freedom in which abstract right is grounded, but which it only imperfectly encapsulates. Morality is thus a truer or more complete component of freedom than are the abstract, or as we might call them from Hobbes onward, natural rights.

Morality's Limits

The attempt to be moral, our self-consciousness about our ability freely to choose what is good because it is good and because we are free to choose it, does not yet complete Hegel's discussion. Moral self-knowledge cannot itself tell us what is good substantively, and until we know this, disjunctions necessarily exist between the will to do good and what is actually good. These disjunctions motivate us toward a freedom and right that is still more whole and complete than what moral

⁵ Consider, for example, his discussion of hypocrisy and his remarkably prescient analysis of our current form of intellectual irony, i.e. non-Socratic irony, in #140, and the addition to it.

impulse alone can offer. Merely filling our interests according to rules of property, contract, and criminality, and then recognizing our ability freely to choose what is good because it is good, still leaves too much tension, or even contradiction, between our interests and our moral capacity, between our particularity and our universality. For these tensions to be overcome, and for us to will what actually is good because it is good, we must come subjectively to choose and recognize ourselves and our interests as part of an objective, universal form that permeates these interests, and does not merely float above or alongside them. Otherwise, free choice and particular interests fly apart, and I am not able fully to choose myself as rational and free.

Moral freedom as the will simply to be good tends to abstract itself from any connection to particular actions and institutions, all of which seem imperfect to it. Morality tends to an abstract righteousness. Indeed, the resultant passivity or isolation is but a short step from its twin, the destruction of all difference in the name of universal purity. So, if moral universality and individual abstract rights do not effectively interpenetrate, then what is rational and universal will not actually place itself in things and organize them. Moral reason is not the final stage of human freedom, because it is empty universality; when the abstract moral impulse is treated as the last word it can become nihilistic precisely because it seems to be necessarily at odds with the world of actual interests. If our freedom knows no step beyond the moral universal, even in so remarkable a form as Kant's, let alone in some doctrines of the French Revolution, we will not actually and freely be choosing and being ourselves throughout a range of articulated determinations. But, it is precisely this articulating that is the substance of our letting reason go to work in things, letting it form things, seeing our own freedom, will, and reason objectively outside ourselves, and yet choosing them subjectively as ourselves. For this articulation to occur, not only the abstract right of property, but also the structures and processes by which I hold property, must be elevated to matters of moral choice. My moral freedom, choosing my actions as and because I recognize that I am a free, universal, rational, being must be able to satisfy my interests and welfare.

Love and Civil Society

Fortunately – or inevitably – the fact of interpenetration, the actualizing of the concept, to use Hegel's terms, occurs in the ethical world, the concrete institutions of family, civil society and the state, and our duties within them. What this means for the question of progressivism's attempted reform or overcoming of America's founding principles is that abstract right, individual natural right, can exist and can express freedom only together with, only within, a defined set of institutions. A use of our rights that actually is free and universal must shape, see, and satisfy itself within concrete practices and institutions, and not in any old thing under the sun. Unlike mere morality, ethical life is "intensely actual."

Love in the family is a good example of the interpenetration of individual and general that Hegel has in mind, and it also is a good example of the pressing dialectical movement that arises from, or even defines, the incompleteness of anything that merely appears to be whole. Love makes intelligible what it means to say that one finds oneself only in the eyes and life of another, and, therefore, only together with another, although one is never simply that other. Love also makes clear what it means to say that a new whole, here the child, issues who both is and is not us, in whom we both do and do not see ourselves, and whose own adult freedom demonstrates both the goal and dissolution of the family. Hegel's criticism of Kant's insistence that marriage is only a contract for sex, an opinion that ignores the substantive freedom and essential dignity of married life, makes evident his concern about the limits of a teaching about morality and rights that somehow overlooks the free individuality that issues from their genuine link.

An adult child leaves the family and enters civil society, which serves his particular economic needs. Yet each of us serves his needs and acts economically only as part of a universal rational system of law, police, division of labor, and money, and only within substantive professions and communities that provide the general education and general attention to welfare that allow each of us to be and see ourselves as the individuals we are. We are individuals only as concrete instances of what is general and universal, and what is universal is only insofar as it is freely and concretely chosen by individuals (or implied by their choice), and recognized by them. This means that individual rights have substance and existence only within concrete kinds of general or universal institutions (as my family, profession, and country are both general in relation to me and particular in relation to other families, professions, and countries) which, therefore, must be protected and supported as institutions. The various professions and communities, the many "corporations," are, for Hegel, as vital an element of civil society as the economic market. The restless creative destruction that is the characteristic movement of robust capitalism is not part of Hegelian rationalism. Moreover, because the expansion of desire in civil society is infinite, "deprivation and want are likewise boundless, and this confused situation can be restored to harmony only through the forcible intervention of the state." (#185A) Once we leave the family, we become "*son[s] of civil society*" (#238), which therefore becomes responsible not just for the security of our person and property but also for securing our livelihood and welfare, our training in overcoming vice if our poverty gives rise to this, and our education "in so far as this has a bearing on [our] capacity to become members of society," especially if our parents do not see to this. "Society has a right" "to compel parents to send their children to school." (#239A)

Civil society, through the public authority of the police power, is also responsible for providing public utilities, i.e. "means and arrangements which may be of use to the community," that deal with "aspects of common interest in which the business of *one* is at the same time carried out on behalf of *all*." (#235) Society

should, in addition, regulate markets where the “differing interests of consumers and producers” may fail “automatically” to re-establish a correct relationship between them. Inspecting commodities, ensuring that the public is not cheated, and regulating the value of common necessities, are all justified by the fact that some commodities are so universally used that they are offered not to individuals as such but to individuals “in a universal sense,” i.e. to the public. (#236)

Although morality and philanthropy are useful in dealing with several of these issues, moral and philanthropic provision is inevitably contingent and, therefore, cannot replace either the duty or the effectiveness of public action. It is not through public action directly, however, but rather through the family and professional and other communities, that Hegel expects the requisite education, and the means to secure our own welfare, normally to be provided. Economic regulation and public provision, moreover, are intended to regulate markets and to counter the possibility of immiseration due to specialization and dependence, but they are not meant to take the place of, or unduly restrict, the expansion of industry, the growing satisfaction of needs, and the increasing “*accumulation of wealth*” that is the characteristic unrestricted activity of civil society. (#243) The state or country is a greater whole than civil society, but it is not meant to replace it in its own sphere, and the police functions in civil society are not meant to replace healthy families and corporations. Hegel finds institutions such as the *Republic’s* abolition of the family and its forced assignment of jobs to be faulty precisely because they do not liberate and respect subjective freedom and choice. In general, Hegelian civil society is much more a private than a public world, but not the private world of naked individuals.

Politics and the State

Civil society as a whole, however, is still not a place where we concretely choose what is universally good because it is universally good. From where, after all, do free and just laws arise? Choosing what is universally good because it is universally good, and because we recognize ourselves as choosing it for this reason, occurs in the state, by which Hegel means something of what we mean by a country or a country’s way of life: it is the mind or spirit of the nation, especially as we consider it to be politically formed and politically active. The state is structured and organized by the constitution, and the constitution has three elements: the sovereign, the executive, and the legislative. The law is universal, execution is particular, and sovereign (e.g. monarchical) decision in foreign affairs, and in activating laws and their execution, actualizes the state’s composite individuality.

These three constitutional elements deal with civil society and the family when they require universal laws in order to be themselves. In this sense, the state shapes or rationalizes their activities and, in turn, receives strength from individuals who recognize that they reach their own ends only within the country. We are truly

and completely ourselves, truly a union of interest and moral good, of universal and particular, in patriotic devotion, and when we perform our civic duties and obey the laws. The constitutional elements or forms do not delay and check, moreover, as if the main thing we need from government is that it leave us alone. Rather, the three powers work together concretely, while generating the energy caused by their separation. New laws and practices, indeed, will do more than deal with new circumstances. They will also change the active meaning of the constitution (and its elements), which is always living, because it is part of a living state.

Insofar as each citizen is politically active beyond merely obeying the law or serving patriotically, he properly enjoys this political activity not as an isolated individual, but through his family, community, and corporation, as these are politically organized into various "estates" divided between two chambers: one for large landholders, the other for the professions and occupations of civil society. We all express ourselves in a public opinion that is sometimes intelligently, and often unintelligently, formed by a press that is largely free, and by the ample publicity we receive about legislative deliberations. Our representatives are not bound by our opinion or by the opinion of those of us who vote, however, because their job is to represent what we ultimately know is good for us, not our passing whims and interests. In any event, the true source of political activity is not the legislature, but the sovereign or, indeed, the ministers and civil servants who, in fact, devise the laws and see to their execution. Nonetheless, we are, in the ways just discussed, all involved in choosing the laws and, of course, in obeying them. Each of us, therefore, recognizes the law as universally good and as our own. Each is thus conscious of his activities and interests as belonging to and actualizing what is substantively good, and comprehensively ethical. Abstract rights are validated within the concrete forms of legal action that are the rational frameworks that shape the activities that serve my education and satisfaction, and that of my family and profession. The state is not my servant, nor am I the servant of monarchs or aristocrats. The state is the organic whole of which my activity and satisfaction comprise a vital part.

Civil Service and Foreign Affairs

The group whose profession it is to do nothing but consider what is universal and implement it is the civil service. The civil service is the middle or mediating class that brings the parts together into a whole. It is the country's most obviously rational political element. Members of the civil service may, of course, need help from the people to ascertain circumstances, and guidance from the higher ranks to act properly and acceptably. As such, however, the civil service acts rationally. In accord with its universal and rational station, membership in it is to be open to all and its members are paid. Its particular origins, its sustenance, and its ends, therefore, all become universal. Nonetheless, it does not stand for the country as a country, the

state as a state in its active singularity. As we said, Hegel finds this unity in the sovereign's activity, most visibly in foreign affairs. The state's singularity, however, as is true of all other particularity, is imperfect. The state is ultimately moved by the very insufficiency of its own individuality, impelled by the reason that it cannot be itself by being insular, by being itself simply. Its insufficiency means, for example, that if the courage shown by soldiers in war is for the sake of something too selfish and particular it will not be fully satisfactory. The universality that we find in foreign affairs, however, the international law that governs war and commerce, is itself insufficient because it is too formal or abstract; it fails to interweave properly the state's interests and its devotion to something beyond itself. This difficulty exists even, or especially, because sovereign states are and ought to be free to reject the obligations that international law places before them.

The state is the active whole within which we are organic parts, but of what is it, as an individual, itself truly a part? Neither the pursuit of interest nor of international morality weds the singularity of the state concretely to a principle that shapes its substance, and in which it is embedded. The true marriage of particular and general in foreign affairs comes through political world history, one of the ways (in addition to, and linked with, art, religion, and philosophy) that reason or spirit exists in its own element, and is fully actualized. A dominant state expresses or carries outside itself not only selfish interest or abstract rules, but a set of principles or institutions that shape the world, yet shape it only imperfectly, restlessly, insufficiently, or partially. Hence, there is the movement, in ordered sequence or stages, of Oriental despotism, the Greek and Roman principles of ethical beauty and abstract universality and, finally, the Germanic world, which carries and completes the political institutions and principles that we have just been discussing. Political history and foreign affairs are not incidental to justice and understanding, but a necessary and crucial part of them. Fame goes to the Caesars who express the deeds of the nation that for one and only one moment has an "*epoch-making role*," enjoying an "absolute right" with regard to other nations because it is the "bearer of the present stage of the world spirit's development." (#347) Ultimately, indeed, when this development is completed, even the humblest citizen is able to stand in the ranks of the world spirit no less proudly, although less self-consciously, than Hegel himself.

Hegel and Progressivism

I will now briefly collect the elements of this account that also belong to the differences between the progressives' understanding of American constitutionalism and that of the founders. I will leave the question of history and foreign affairs to the end, but will otherwise work backwards, because in the Hegelian circle or whole one ought to be able to start from anywhere, and reach the same place.

First is the civil service, understood to be wiser than the people and more purely just than they are. Civil servants are the ones who seek to be beyond interest, and to do only what is rational. As we said, higher-ups in or above the civil service need the people to tell them the details of what their subordinates are doing, and civil servants need help in gathering facts. Nonetheless, it is only the civil servants who in their tasks and responsibilities seek to be beyond any interest, and to do only what is rational. Such a civil service is quite literally the ideal toward which progressive reforms marched, and to some degree marched successfully. The Hegelian civil service is more radical than our own, however, because the public service is not only ministerial to the business affairs of civil society, but a truer and more comprehensive expression of the universal dignity and purpose of the state. Although the intended dispassion of our own civil service points in this direction, its bureaucratic fairness is meant, on the whole, to be subordinate to the real action, which is economic action.

A second important connection between Hegel's account and the ideals and modes of analysis of progressivism is the notion of a living constitution, more British in design than American, where the different branches are not checks but connected parts of a whole, where the constitution is less a frame of forms in which deliberation is tied to delay and more a mechanism for collective will, judgment, and implementation, and where the distinctions of government by the one, few, or many are not especially relevant. Government is meant to be neither monolithic nor arbitrary, and for this freedom to be achieved, legislative representation and executive implementation, and not merely sovereign action and decision, are necessary. But, above all, the constitution is intended to advance the country's singular and united action in a manner that is both objectively valid and ultimately acceptable to subjective individual choice. Such a conception sounds, and is, more Wilsonian than Madisonian.

A third link is the notion that representation involves deputies from substantive wholes, and that universal law and activity treat individual interests only within such wholes. There is a localism in Hegel, and elements of communitarianism that, while hardly in tune with all of progressivism, fit elements of certain thinkers, such as Dewey. It is not merely that social life, welfare, and much education are tied to the family and civil society. It is that political representation itself is based on structures that formally (and not merely informally, as do, say, interest groups) reflect the organization of civil society. Neither individuals, political parties or pressure groups but, rather, "corporations" are the ground of legislative representation.

A fourth connection is the argument that the intelligibility and existence of rights cannot finally be stated or seen apart from moral freedom and duty, or apart from concrete life within the family, business, the professions, and trades. Ultimately, indeed, rights cannot exist without state action. Our abstract rights are but a first step; they are rooted in a substantive individuality to whose full unfolding they contribute but for whose concrete expression they cannot substitute. The state

is responsible not only for economic regulation but also for securing the qualities and characteristics that are necessary for active life in civil society – education and relief from poverty, for example – when the family and other institutions fail. Some of this emphasis on social groups is more communitarian than progressive, but it is also progressive, for many progressives believed that groups such as labor unions had significant functions and meaning. And, in general, progressives understood equal opportunity not just as something to be advanced by securing equal rights, but as something to be formed and secured by substantive economic and social interventions.

A fifth link is the sense that, ultimately, there need be no conflict between the moral and political good and science or knowledge. The state in Hegel is consonant with art, religion, and philosophy, ultimately completed by them, not, at the end of the day, challenged by them, properly understood. The emblematic civil servant is the professor, perhaps even the professor of philosophy. For progressives generally, administrative or bureaucratic rationality can and should supplant political friction and partisanship in the service of the common good.

A sixth important connection is in the conduct and purpose of international affairs, and the link to the progress that is the nominal heart of progressivism. Hegel is chief among the thinkers from whom the notion arises that the meaning and purpose of human activity is historically cumulative, and that world progress is aided, or even brought about, by war and international politics. Hegel's discussion of foreign affairs in the *Philosophy of Right* – namely manly activity for the sake of universal principles – nicely combines Theodore Roosevelt and Woodrow Wilson.

Hegel is also the primary figure among thinkers who argue that there are such significant, coherent, and linked orders of constraint and impulsion throughout the process of human action that we can speak of historical stages, worlds, or realms. It would take us outside our task to develop his argument about historical necessity and contingency beyond the points that we have already mentioned.⁶ (Such a discussion would, among other matters, involve an analysis of his view of the influence of thinkers, an analysis that is connected, but surely not identical, to the argument with which I began.) For our discussion here, the point is that a notion is general among progressives that our current stage is different from the founders' stage, and that we have in many ways outgrown the institutions that may have been sensible for them. This notion is more immediately Darwinian and Marxist than Hegelian, but it is at root Hegelian. Hegel is the hard core of all later and intellectually softer thinking about politics and morality in terms of stages that progress on the way to an actualized ideal.

⁶ Consider, for example, Hegel's remarks about the "progressive development" of constitutions in the addition to #298.

Hegel Against Progressivism

I will conclude by reminding us of elements in Hegel's unfolding of political science and natural right that do not rest easy with progressivism, or with other elements of our contemporary political opinions.

Hegel is less democratic than the progressives were, or than we are today. Initiatives and referenda would horrify him. Basing politics on individuals as voters who are separated from concrete ties would frighten him; so too would political interests that see no justice in rising above immediate favors and concerns to a truly public point of view. Political – or intellectual – pandering to ignorant public opinion and pretending to lead it, or actually “leading” it, would sicken him. The weakening of the family as women take their place in the universal worlds of civil society, business, the professions, and civil service would strike him as regressive, substituting pale abstraction for concrete excellence. Excessive reliance on the judiciary, a relatively minor entity in the civil service, would worry him. Relativism, intellectual irony, rootlessness, and narrow-minded tribalism would all disturb him. None of these things would surprise him, however, because he had already, in various writings, analyzed them with a precision and cogency that it would be difficult to match and, perhaps, impossible to surpass. In general, Hegel is too tough-minded to have wanted to father progressivism or any other ism, and he would see our departures from Hegelian rationality as the unfortunate products of our shallow contingency.