that either sphere stood on its own. The state's task was to provide external security and a domestic environment in which market forces could organize social life. At the same time, the state's basic structure and range of action were set by the requirements of the market. Smith's break with mercantilism signaled that close public control was no longer necessary to ensure the extensive production of commodities at reasonable prices. The guilds, families, and estates that had dominated production for so long were vanishing, supplanted by more modern forms of economic organization. It would not be necessary to organize economic life through politics; the productive processes of capitalism are rooted in the market, and public activity could not conceal liberalism's preference for a "strong society" and a "weak state." As optimistic as he was, Smith had some reservations about the price that markets would extract, but he was not particularly worried about how it could be mitigated. It would take the shattering effects of the French Revolution and the new world of industrial production for the nineteenth century to generate a theory of civil society fully appropriate to modernity's economics and politics.

5

Civil Society and the State

Classical notions of civil society recognized that social life was carried on in separate spheres, but theorists did not organize their thinking around individual interests. For the most part, the Greeks and Romans situated private strivings in broader notions of citizenship. As the ancient world collapsed and Christianity directed itself toward faith and good works, medieval theorists sought to explain human actions in light of God's plan for the universe. All such efforts were suited to hierarchically organized natural economies in which economic life was constrained by other institutions and norms, production was undertaken primarily for reasons of subsistence, and personal gain was not a morally reputable guide to action.

The development of powerful markets in land, labor, and commodities undermined embedded economies and located individual interest at the heart of theory and practice. Thomas Hobbes's view that a competitive civil society had to be constituted by sovereign power anticipated the disintegration of the traditional commonwealth. John Locke identified interests with property and placed them at the center of civil society, but he knew little about markets and retained important elements of earlier traditions. The Scottish Enlightenment tried to regulate individual strivings with an innate moral sense, but Adam Smith's qualms about the market did not prevent him from expressing the period's general confidence that a social order populated by individual interest-maximizers could be organized by the "invisible hand." The coming of modernity saw liberalism detach markets from states and recognize interest as the constitutive force of civil society.

But ancient concerns about the disintegrating impact of particularism would not go away. Neither markets nor states were as developed in the rest of Europe as in France and England, and it fell to German thinkers to reconceptualize the moral content of universality in light of the French Revolution. Immanuel Kant tried to inform ethical action with reason and locate a public sphere at the heart of civil society. G. W. F. Hegel theorized

the bureaucratic state as the highest moment of freedom in an effort to supersede the economically driven chaos of bourgeois civil society. Karl Marx's critique of Hegel's theory of the state would culminate in the modern era's most powerful understanding of civil society as a problematic and undemocratic arena of egoistic competition.

Civil Society and the Ethical Commonwealth

We have seen that moral sentiments and universal benevolence rested at the heart of much Scottish Enlightenment theorizing about civil society and even played a role in explaining "the wealth of nations." But they came to grief in David Hume's devastating attack on natural law attempts to unify mental processes. Hume's assertion that reason and morality occupy different spheres and yield different sorts of understandings found expression in the famous distinction he drew between the "is" and the "ought." A strict boundary separates moral precepts rooted in "the sentiments and affections of mankind" from the truths revealed by reason.

How can the common good be conceptualized in such an environment? Hume answered that it cannot be revealed by moral reasoning and does not exist apart from the sum of individual goods. The rules by which civil society functions are not derived from the moral law of nature; they are "artifices," and civil society is nothing more than a conventional arrangement for the pursuit of private goals. Instrumental reason helps individuals identify their interests and indicates the most efficient path to satisfying them. Experience and habit replaced *a priori* morality and virtue as the criteria of truth. People can be expected to follow ethical rules only if their immediate purposes are so served. No general good links individuals in any shared enterprise broader than the mutual pursuit of interest. Civil society is constituted by the external interactions of rational seekers after individual self-interest.

Immanuel Kant was the foremost philosopher of the Enlightenment, and his response to Hume began with the ancient contention that self-interest cannot supply an acceptable grounding for human life. Kant sought to base civil society on an intrinsic sense of moral duty that unites all human beings, but he also wanted to move past the weakness and naiveté of the Scots' theory of innate moral sentiments. His central claim—that a moral life can be lived only in a civil society founded on universal categories of right that are accessible to all—hinged on his profoundly important effort to derive a universal ethic appropriate to people who are fully self-governing in moral matters.

To say that Kant was an Enlightenment thinker is to say that he dispensed with an external authority that constituted morality or instructed people about the requirements of action. The Middle Ages were over and the role of religion was increasingly confined to private matters of faith; Kant announced that humans are morally free because they can know what is right without being told. People are able to derive valid moral rules as requirements that they impose on themselves. The Scots had said much the same but failed to recognize the extent to which moral obligations clash with powerful passions, prejudices, appetites, and desires. They had made things too easy; the deep meaning of ethical action, Kant knew, is to be found in how hard it is, how fiercely we resist controlling our behavior. But all is not lost. Even as individual interest drives toward anarchy, we have powerful motives to act as we know we should. The entire thrust of Kantian ethics was to derive a stable ethical foundation for civil society by basing it on the things we know we have to do just because they are right.

But how can people who are pulled by their particular interests make moral law? If morality dictates necessary acts that are independent of what the agent wants, what is to prevent a particular individual from exempting himself from a moral rule he finds inconvenient? Kant was convinced that a "moral metaphysic" could be derived from reason and used to generate a set of principles that stand on their own because they are independent of the vagaries of experience. But he knew that he had to answer *Leviathan* if he was to replace Hobbes's attempt to derive a "purely" political and instrumental theory of civil society with something more morally defensible.[1]

Kant's "critical philosophy" argued that there is a radical difference between the natural world of what is and the moral world of what ought to be. In this it echoed Hume's contention that morality cannot be derived from the chaos and mutability of experience. But people are able to make some systematic sense of the world all the same, and they do so because they can understand and use transcendent ideas that are not derived from experience, whose objects are entirely hypothetical, and which have no empirical reality. People use reason as a speculative tool all the time, and Kant understood equality as a universal ability to share in a transcendent quality of lawfulness. Seeking to rescue reason from Hume, Kant located it in the will.[2]

Kant's great achievement resulted from his investigation of how the mind organizes the perceptions presented to it by the senses. The forms of order we use are not externally imposed; they are an aspect of the human mind as

such, a fundamental capacity we all have to structure our experience rationally, understand patterns, discover first principles, and arrive at laws. Moral laws are like laws of nature and also originate outside the realm of experience; we can understand their *a priori* quality because our "practical reason" is governed by the same patterns that allow our "pure reason" to grasp the patterns of nature. Moral freedom is a fundamental possibility of the human condition because the rational will is determined by its own inner lawfulness. Even with the powerful pull of individual interest, moral lawmaking is an intrinsic capacity of the human mind.

The advance from dependence to autonomy described humanity's maturation toward moral freedom. "*Enlightenment is man's emergence from his self-incurred immaturity,*" Kant announced. "Immaturity is the inability to use one's own understanding without the guidance of another. This immaturity is *self-incurred* if its cause is not lack of understanding, but lack of resolution and courage to use it without the guidance of another. The motto of enlightenment is therefore: *Sapere aude!* Have courage to use your *own* understanding!"[3] Universal moral categories can rescue human life from the calculus of self-interest, and every person can derive them.

Freedom is a potential for independence from the necessity of the sensible world. If the will is completely determined by its own lawfulness, it is still limited because we are not God and cannot always know what is right with complete clarity. Kant knew that we have our own desires and goals that insistently demand our attention. Private interest cannot be ignored or erased, for the human condition is marked by a continual tension between what we want to do and what we ought to do. But we have a powerful ally. Reason allows an insight into what the hypothetical perfectly rational agent would decide to do in any particular situation, and this constitutes the "ought" that must govern moral deliberations. Such deliberation is well within the capacity of all people. Moral freedom is obedience to the moral laws of practical reason that the will gives itself. These considerations led Kant to the "categorical imperative."

The guide to moral action appropriate to imperfectly rational agents, the categorical imperative supplies the only standard of judgment that a perfectly rational agent would choose: "So act that the maxim of your will could always hold at the same time as the principle giving universal law."[4] We use this standard all the time. When we ask what would happen if everyone undertook a particular course of action, we express our membership in and responsibility to the human race as a whole. Recognizing that we live in a civil society full of people whose legitimate ends are worthy of

respect *in their own right* makes one a "legislative member of a possible realm of ends." There are moral limits to the ends we may pursue, and those limits are the morally defensible ends of the people with whom we share the world.

Kant was sure that organizing civil society around a community of ends was ethically better than constituting it according to the requirements of the market. He was equally convinced that treating people as ends in themselves is how we reconcile our particular goals with universal moral requirements. None of this should be a surprise, he said. People express their ethical concerns in real life as a set of self-imposed duties toward others that require determinate actions for no other reason than because they are right. Understanding duties in this way enables us to overcome the barbarism of using others as instruments for satisfying our private interests. Kant's civil society was a moral community that required autonomous people to subject their action to the universal ethical standards of the categorical imperative.[5]

Civil society for Kant represented a set of possibilities appropriate to civilized people, and many commentators have noted that the categorical imperative is really a set of procedures. Indeed, Kant was a formalist and an intentionalist. He insisted that moral law cannot contain any "matter" or content, originating as it does in a determinate quality of mind. Moral law can only provide a way of dealing with what our senses present to the mind.

If Kant refused to derive ethics from politics, he certainly based his politics on ethics. An ethics of duty led to a politics of rights. The law must maximize people's opportunities to make their own decisions in conditions of freedom and must enable them to live by the choices they make. Kant insisted that moral autonomy and the demands of the categorical imperative require a protected space within which people can freely determine their own action. Freedom cannot be restricted to any particular element of the population but must be generally available to all. Protected by the rule of law, rights, and civil liberties, civil society reflects the common and equal moral capacity of all its members. But one's ability to live according to the choices one has made is deeply affected by economic and social factors, and later theorists justly took Kant to task for limiting equality to the formal criteria of classical liberalism.

The Scots were too naive, Kant thought. Enlightenment demands more than universal moral precepts, and we cannot be dependent on the benevolence of others. Beneficent action is important and people engage in it all the time, but it cannot serve as the wellspring of justice or as the organizing principle of civil society. Concerned with maximizing peoples' opportuni-

ties to follow their interests, Kant looked to politics and history for signs of moral enlightenment and found them in the French Revolution. Formerly passive observers were participating in the events of the day, he thought; the people of France gave themselves the constitution they wanted, and it was no accident that they used it to organize a republic. So long as there were no predetermined political outcomes and civil liberties remained in place, Kant regarded the Revolution as the first home of a genuine public sphere organized around the universal and public use of reason. Once he became convinced that civil liberties had been compromised, he withdrew his support.

Kant's central political concern was with the principles of legitimacy, and his procedural approach dictated an emphasis on how people develop the rules by which they choose to live. As we have seen, the content of those rules was not at issue, nor were any substantive factors that might shape peoples' ability to live according to duties they had elaborated for themselves. Only the fullest measure of public deliberation, discussion, and decision can yield moral rules that approach universal validity. People have a basic right to be subjected only to laws that are capable of receiving universal assent, and this requires publicness. Maturity requires the "freedom to make *public* use of one's reason in all matters" and can come to life only in the presence of others.[6] Kant regarded critical, independent thought as the most important weapon against dogma and authoritarianism. Publicity and rights would rescue reason from experience and allow it to serve moral development:

> The *public use of man's reason must always* be free, and it alone can bring about enlightenment among men; the *private* use of reason may quite often be very narrowly restricted, however, without undue hindrance to the progress of enlightenment. By the public use of one's own reason I mean that use which anyone may make of it *as a man of learning* addressing the entire *reading public*. What I term the private use of reason is that which a person may make of it in a particular *civil* post or office with which he is entrusted.[7]

As a characteristic of the soul, inner freedom means self-government understood as independence from opinion and dogma. As a quality of public life, it requires a free sphere of thought and action that is immunized from outside interference. Always aware of the "radical evil" that lurks in the human heart, Kant knew that nature, feeling, and experience can serve morality only if integrated into a broader perspective than immediate desire. He looked to "critical reason" to bring universal moral standards to bear on particular arguments and individual experiences. It is only in public

that "the court of reason" can overcome the limitations of immediate experience and free institutions can serve enlightenment by making thought available to others. Kant's public sphere describes the processes and institutions of civil society through which thought is made public so it can be critically considered from a universal point of view.[8] It would be clear before long, however, that liberal civil society was constituted by considerably more than thought; Kant was unable to adequately theorize the influence of power because the internal operations of civil society were not sufficiently clear.

The free use of critical reason does not guarantee agreement, however—it simply provides a set of rules for debate. A public sphere protected by laws and institutions can make disagreement serve enlightenment because debate can blunt the antisocial edge of individual interest. "The means which nature employs to bring about the development of innate capacities is that of antagonism within society, in so far as this antagonism becomes in the long run the cause of a law-governed social order."[9] This "antagonism within society," largely generated in dogma and commerce, is what Kant called man's "unsocial sociability"—the contradiction between the human tendency to form civil societies and an accompanying resistance to do so. Driven by a desire to live with others and a no less powerful drive to live alone, humanity's problem is how to build a morally defensible public sphere that can serve freedom and respect autonomy.

Only the *Rechtsstaat*, the law-governed state, can reconcile individual moral autonomy with the requirements of public order. Reason requires that human relations be governed and public conflicts be settled according to the universal standards of the categorical imperative. Any rule of conduct that allows one to live in freedom and simultaneously respects the freedom of all others has the standing of "right." An ethically legitimate state will take the form of a republic based on civil liberties and the rule of law—the best form within which each individual can seek happiness and not impair others' ability to do the same. Indeed, "the highest formal condition of all other external duties is the *right* of men *under coercive public laws* by which each can be given what is due to him and secured against attack from any others." When applied in more general terms to the moral life of people in civil society, the categorical imperative requires a state. "*Right* is the restriction of each individual's freedom so that it harmonizes with the freedom of everyone else (in so far as this is possible within the terms of a general law). And *public right* is the distinctive quality of the *external laws* which makes this harmony possible." A measure of coercion is necessary for freedom.

Civil society is constituted by "a relationship among *free* men who are subject to coercive laws, while they retain their freedom within the general union with their fellows."[10] Autonomy requires obedience.

A republic respects the equality and independence of all citizens, but Kant agreed with Hobbes that it must also subject them to the coercive command of law. Civil society is founded on participation and guarantees freedom from the will of others, but egocentric man is disposed to abuse his liberty and "requires a master to break his self-will and force him to obey a universally valid will under which everyone can be free."[11] Kant expressed the equality of people as political subjects in terms that Hobbes would have understood: "no-one can coerce anyone else other than through the public law and its executor, the head of state."[12]

> All right consists solely in the restriction of the freedom of others, with the qualification that their freedom can co-exist with my freedom within the terms of a general law; and public right in a commonwealth is simply a state of affairs regulated by a real legislation which conforms to this principle and is backed up by power, and under which a whole people can live as subjects in a lawful state. This is what we call a civil state, and it is characterized by equality in the effects and counter-effects of freely-willed actions which limit one another in accordance with the general law of freedom. Thus the *birthright* of each individual in such a state (i.e. before he has performed any acts which can be judged in relation to right) is absolutely *equal* as regards his authority to coerce others to use their freedom in a way which harmonizes with his freedom.[13]

Freedom and authority describe humankind's ability to rule itself, and they take shape as a single sovereign will to which people voluntarily submit. A union of free persons under law can serve justice if individuals are treated as ethical ends, citizens are their own lawgivers, and the moral rules under which people live are public and universal. This requires equality of opportunity, the right to vote, the rule of law, the separation of powers, and a constitutional government. As a sphere of moral life,

> the civil state, regarded purely as a lawful state, is based on the following *a priori* principles:
>
> 1. The *freedom* of every member of society as a *human being*
> 2. The *equality* of each with all the others as a *subject*
> 3. The *independence* of each member of a commonwealth as a *citizen*.[14]

The three *a priori* principles of freedom, equality, and autonomy do not originate in experience or history; they are the political equivalents of the moral requirements that Kant derived from the categorical imperative. Treating other people as moral ends in their own right, understanding that they cannot be means to our ends, and becoming a "legislative member of a possible realm of ends" can constitute civil society as a republic organized around respect for freedom, equality, and independence.[15] Kant's civil society requires a liberal public sphere that can reconcile individuality with universality and antagonism with membership through the institutions of a law-governed republic.

> The greatest problem for the human species, the solution of which nature compels him to seek, is that of attaining a civil society which can administer justice universally. The highest purpose of man—i.e. the development of all natural capacities—can be fulfilled for mankind only in society, and nature intends that man should accomplish this, and indeed all his appointed ends, by his own efforts. This purpose can be fulfilled only in a society which has not only the greatest freedom, and therefore a continual antagonism among its members, but also the most precise specification and preservation of the limits of this freedom in order that it can co-exist with the freedom of others.[16]

There can be no freedom without law, no civil society without the state, and no peace without coercion. The antagonisms between people—based on their natural differences, manifested in their different interests, and exacerbated by economic competition—can assist humankind's moral growth if constrained by a state that forces free people to act in accordance with the moral duties they legislate for themselves. Kant's strong commitment to individual moral autonomy was paired with an equally strong commitment to the state, law, and obedience. A constitutional monarchy would protect civil society from democracy and despotism alike. Civil liberties could be reconciled with a political authority that administers the law impartially and universally. Despite his support for the French, Kant was adamantly opposed to revolutions. He held that the traditional right of revolution would make the people the judges in their own case and implied a return to humankind's original condition. Morality could not be served by the dissolution of civil society; only political reform and the gradual spread of republican institutions could facilitate moral progress and inaugurate an international regime of "perpetual peace." The constitutional state is a better guarantor of the moral law than any other institution because its organization recognizes the contradictory relationship between freedom and necessity.

> All right consists solely in the restriction of the freedom of others, with the qualification that their freedom can co-exist with my freedom within the terms of a general law; and public right in a commonwealth is simply a state of affairs regulated by a real legislation which conforms to this principle and is backed up by power, and under which a whole people live as subjects in a lawful state. This is what we call a civil state, and it is characterized by equality in the effects and counter-effects of freely willed actions which limit one another in accordance with the general law of freedom.[17]

Authority may be necessary for moral freedom, but Kant's notion that everyone is capable of moral judgment represented a radical break with prevailing ideas about the moral capacity of ordinary people. Even if they agreed that all people were capable of moral reasoning, earlier thinkers tended to see God as the author of all good and pictured human beings as undependable and willful subjects. Such a view had supported theories of civil society and the state from Augustine to Hobbes. Kant's contribution to modern theories of civil society consisted in his conception of a public life infused with moral purpose that is accessible to all. Civil society represents the organization of humanity into a moral realm of ends and makes it possible for people to realize ethical ends through the duties they impose on themselves. Kant's "republic of letters" might have been based on an overly optimistic view about the potential of individual action, the capacity of formal liberties, and the power of procedures, but his effort to ground a moral theory of civil society on a stronger foundation than competition and self-interest would deeply inform the work of Hegel and Marx. A powerful ethical critique of the market was present in embryonic form, and it would not be particularly difficult for subsequent thinkers to demonstrate that formal equality, republican institutions, and civil liberties were not sufficient to protect moral autonomy. Kant's formalism prevented him from probing deeply into the network of material relations that constituted civil society, and it fell to Hegel to move past Kant's separation of the subjective and objective conditions of freedom and craft a theory of civil society that was simultaneously a theory of the state.

The "Giant Broom"

An entire generation of theorists were transformed by the French Revolution's promise that civil society and the state could finally be organized on a rational basis. If social and political institutions could reflect the freedom and interest of the individual, the Revolution also marked the definitive appearance of the modern state, whose formal separation from economic processes would encourage the rapid development of civil society. As in all revolutions, construction proceeded in tandem with demolition. The emancipation of the individual required the destruction of the hierarchical and corporate structures that had shaped French life for centuries. Not all intermediate institutions disappeared, but those that were founded on birth and privilege did not survive the Revolution's "giant broom."[18]

The division of the French people into three estates was abolished on the famous night of August 4, 1789, and formally ended by decree three months later. This struck directly at the fusion of state and society that had characterized medievalism. All citizens were declared equal without distinctions of birth. All special privileges of towns, cantons, provinces, regions, and principalities were abolished. The state was no longer the personal property of the monarch, and his will was no longer the expression of sovereignty. From now on, declared the Constituent Assembly, the state would be at the service of its citizens. It would also act directly on them, since it was now the representative of the entire community and the agent of universal values. Many of the intermediate bodies that had stood between it and the individual were abolished or transformed.

The abolition of feudal privilege directly affected the fortunes of the Church. With its property, courts, assemblies, autonomous financial institutions, tithes, and the like, it had been a "state within the state" for centuries. All these privileges disappeared and the Church began its long transformation into a spiritual institution. Religious orders, teaching and charitable congregations, the Order of Malta, ancient *collèges*, hospitals, and the like disappeared. Much Church property passed to the nation, and members of the clergy were even state employees for a time.

The nobility did not have an articulated corporate expression like the Church, but it had been represented in the Estates General and provincial assemblies. It lost all its hereditary titles, coats of arms, privileges, and authority. Serfdom and personal manorial rights were ended without compensation and aristocratic courts disappeared. All formal distinctions between noble land and that of commoners were eliminated. Fiefs, customary rights, primogeniture, and other feudal privileges vanished. The Constituent Assembly's elimination of the formal distinctions between nobles and commoners paved the way for the modern state of universal citizenship and uniform laws. At the same time, it stimulated the development of a modern civil society whose roots lay in property rather than in birth

and which could be sustained by economic processes rather than by political power.

The political structure that emerged from the Revolution's early events was a weakened and decentralized one, but the logic of France's protracted emergency pushed toward centralization. The revolutionary state acted directly on its citizens at the expense of intermediate feudal institutions and ancient provincial dreams of autonomy and local control. It subjected the economy to political supervision throughout the long revolutionary crisis, but after Thermidor the centralized Jacobin structure collapsed and was replaced for a time by a liberal structure that released the economy from political guidance. But before long the Napoleonic Wars required further centralization. Bonaparte consolidated the rationalized state by organizing the relationship between the central government and local administrations, codifying a network of uniform national laws, establishing a system of primary education, promoting a single national language, and initiating a uniform system of weights and measures. Waterloo brought his dream of European empire to an end, but many of the Revolution's most far-reaching political advances remained in place. Indeed, the continuing popularity of a universal public educational system financed by a national tax, administered from Paris, and organized around a uniform curriculum testifies to the Revolution's continuing appeal. The same could be said of such institutions as a national health system and public provision of childcare. The struggle over the future of these universal and democratic legacies of the Revolution lies at the heart of contemporary European politics.

The French Revolution was a revolution for national unity as much as anything else, and abolishing the customary privileges of towns, provinces, clergy, and nobility facilitated the growth of powerful central institutions and equality before the law. The intermediate bodies that had curbed state power were swept away, and national unity was achieved through centralized administrative uniformity, a national army, hostility to local particularism, and a single market with a uniform set of customs and tariffs. The chaotic diversity of feudalism and the prerogatives of personal power were gone. Traditional local autonomy and medieval associations had long meant privilege and inequality. Democracy came with centralization, and the result was a specifically modern bifurcation of spheres. Political liberties could now be extended to an entire continent because citizenship was formally abstracted from the distribution of economic power and made a function of residence. The French Revolution was so powerful precisely because the state was no longer dependent on the wealth, status, and other "private" attributes of feudalism. The formal separation of politics from economics announced the appearance of modernity's universal state and particularistic civil society.

But the explicit separation of spheres could not hide their real interconnections. Since the French Revolution, many central concerns of modern political theory have been driven by the "real" relationship between the state and civil society. The formal separation between them has accelerated the substantive economic and social inequality of civil society, now seen as the sphere of private pleasure. But the foundations of economic exploitation appeared to lie outside the arena of politics and did not seem amenable to political solution. Civil society could freely develop as the realm of property and interest precisely because of legal and institutional barriers to political supervision. The market converted political equality into a condition of economic inequality and thus expressed the twin horns of the dilemma that gave rise to Hegel's theory of the state. The social content of the French Revolution, expressed in the sans-culottes' call for a regulated economy and the equality of conditions, would survive Thermidor and Waterloo. It would mark European politics throughout the nineteenth century and continues to shape much of the contemporary political environment.

The Revolution's immediate results, however, were legal equality and economic freedom. The destruction of old hierarchies and corporations made possible the development of the modern state and civil society. As profoundly important as they were, the Revolution's political accomplishments only established the terrain on which future democratic struggles would be conducted. Equality before the law brought a series of distinctly modern social problems into the open that could not emerge as long as they were hidden behind feudal social and political relations. Few modern thinkers understood this as clearly as Georg Wilhelm Friedrich Hegel.

The "System of Needs"

The French Revolution seemed to have completed the Reformation by making the individual the self-reliant master of his life in the profane world as well as in spirit. It signaled that free rational activity could give concrete expression to the inner freedom announced by Luther. To a whole generation of German thinkers—one of whom was Kant—the Revolution marked the appearance of human beings as the autonomous subjects of their own moral development. For the first time, it seemed, people could

become free as they organized the world according to the requirements of reason.

Like Kant, Ludwig van Beethoven, Johann Gottlieb Fichte, Friedrich Schelling, and many others in his generation, Hegel recognized the Revolution as the dawn of a new era. But he was equally convinced that Kant had gone too far in his attempt to rescue reason from Hume—and this meant, paradoxically, that he had not been able to go far enough. His critique of Kant was founded on the claim that separating essence from appearance made ultimate reality opaque to human understanding and weakened reason's ability to contribute to freedom. Hegel began with Aristotle's conviction that reality is intelligible, that reason can discover the real nature of things, and that freedom is summarized in our ability to order the world in accordance with our intentions.

Completed just before the Battle of Jena forced Hegel to flee the university town with the manuscript in 1806, *The Phenomenology of Mind* attempted to do away with Kantian dualism and asserted that ultimate reality—*Geist*—is manifested in all its phenomenological appearances and can be understood by human reason in its progress through each of them. Aristotle's teleology had treated *logos* as a fixed given, but Hegel viewed *Geist* as unfolding in all its manifestations and hence as discoverable in history. No universal can exist as an abstraction on its own, independent of the particularities that make it up. Spirit, another way of understanding *Geist*, is conscious activity. Kant was wrong, Hegel announced. The essence of things can become manifest in the world. Reason does not exist *a priori*; it can only be realized in practice, as the summation of the real, sensual interactions of which human history is made.

This critique of Kant's "introversion" led Hegel to deny that the categorical imperative can furnish universal moral rules. All it can do is provide a standard for choosing between alternatives whose origins are external to the choosing will. Relegating ethics to the inner legislation of moral duty had left it without any concrete referent in the real world of social relations. The Kantian claim that nothing can be known "in its essence" limited reason's power and ended with the suggestion that the heart can know things that the mind cannot grasp; "this self-styled 'philosophy' has expressly stated that 'truth itself cannot be known,' that that only is true which each individual allows to rise out of his heart, emotion, and inspiration, about ethical institutions, especially about the state, the government, and its constitution." The discovery of universal principles is the ultimate human achievement, and reason is what gives us knowledge of them. But Kant had denied

the emancipatory possibilities of the mind and settled for less than he should have. The "quintessence of shallow thinking," Hegel insisted, "is to base philosophic science not on the development of thought and the concept but on immediate sense-perception and the play of fancy."[19]

Kant's abstract "formalism" led him to separate the moral absolute from concrete reality through his claim that morality cannot be translated into empirical reality. He had preserved the individual and an ethic, but he had no way of bringing the subjective and objective conditions of freedom together. Hegel was not willing to leave truth to chance by accepting Kant's implication that all authentic convictions have equal moral weight. He proposed to develop a metaphysics of absolute knowledge that fused essence and appearance. Freedom is not given by a "natural" structure of the self as Kant had claimed, but is created only in interaction with other individuals. The will can be independent of internal desire and external circumstance only in relation to other wills. We are not born free, Hegel suggested. We become free, and we do so as we become conscious of our history as social beings.

Knowledge lies in Spirit, and reason enables us to discover it as we decipher the meaning of a history we have made. Humanity's progress through the Enlightenment and the French Revolution to "the moral life of the Spirit" is *Geist*'s passage from consciousness through self-consciousness, reason, spirit, and religion to Absolute Knowledge. *Geist* comes to self-consciousness through the culmination of humankind's self-expression in history—through art, religion, and philosophy. Freedom has always existed. It is a matter of how we come to know it, and this is the purpose of reason. It can free us from the contingent and the false, for "it is only as thinking intelligence that the will is genuinely a will and free."[20] Freedom enables man to "be himself" as he becomes the conscious subject of his own history.

The world-historic importance of the French Revolution was that it raised freedom to the principal and conscious aim of society and state for the first time.[21] This breakthrough in thought was paralleled by a breakthrough in action. It is now possible for us to organize our lives on the basis of our reason in conditions of freedom. "The right of individuals to be subjectively destined to freedom is fulfilled when they belong to an actual ethical order, because their conviction of their freedom finds its truth in such an objective order, and it is in an ethical order that they are actually in possession of their own essence or their own inner universality. When a father inquired about the best method of educating his son in ethical conduct, a Pythagorean replied: 'Make him a citizen of a state with good laws.'"[22]

Freedom demands that human beings be able to act in accordance with the requirements of reason. For the first time in history, our ability to shape civil society now lies in our ability to apply the results of free thought to the conditions of our lives. Hegel announced the birth of the human being as the conscious subject of his own history, and in so doing he transcended Kant's categorical imperative. Freedom is a structure of interactions in the world in which the self-determination of each is a condition of the self-determination of others. Human history is the domain in which freedom comes into being as the summation of all practical relations. Its emancipatory content is to be found in the structures of human history.

Hegel's conception of freedom stands at the beginning of all modern theories that consider civil society apart from the state. It was he who first elaborated modernity as distinct spheres and put an end to earlier theoretical trends in the process. The three spheres of social life—the family, civil society, and the state—are different structures of ethical development, separate and related moments of freedom in which individual self-determination is realized in larger ethical communities within which free persons make moral choices. If *Geist* is revealed in history, freedom passes through the different historical moments of social life.

The family constitutes ethical life in its "natural" phase but must conceal it behind the screen of immediate personal relations and express it as a set of domestic duties. Its ethical limitations cannot be separated from its private purpose. It tends to suppress differences between its members because it is structured by love, altruism, and a concern for the whole. In case of conflict, the needs of others and of the whole must trump those of the individual. Each member must be ready to sacrifice for every other member; no family can exist for long if its members are driven by self-interest. If the basis of its ethical life is mutual self-sacrifice, family morality "consists in a feeling, a consciousness, and a will, not limited to individual personality and interest, but embracing the common interests of the members generally."[23] The minimal condition of ethical life is family unity, but it is impermanent and dissolves as children reach maturity, differentiate themselves from their parents, and go out into the world to acquire property and form new families. Their subjectivity is soon expressed as the ownership of external things. Property becomes a condition of identity and freedom even as it dissolves the family by transforming its children into competing self-interested proprietors.[24]

Civil society is the "negation" of the essential but limited ethical moment of the family.[25] If the family is constituted by renunciation and unity, civil society is ethical life in competition and particularity. Its inhabitants act with their own interests in mind, are concerned with the satisfaction of their individual needs, and are continually driven to treat others as means to their own end. But if it violates the conditions of ethical life, civil society's mutual selfishness can still form the basis of an ethical association. "In civil society each member is his own end, everything else is nothing to him. But except in contact with others he cannot attain the whole compass of his ends, and therefore these others are means to the end of the particular member."[26] Where the family unites its members on the basis of their commonalities, civil society divides its members on the basis of their differences. Individuals are compelled to behave selfishly and instrumentally toward each other, but they cannot help satisfying each other's needs, advancing their mutual interests, and constructing a set of durable social relations. "In the course of the actual attainment of selfish ends . . . there is formed a system of complete interdependence, wherein the livelihood, happiness, and legal status of one man is interwoven with the livelihood, happiness, and rights of all. On this system, individual happiness, etc., depend, and only in this connected system are they actualized and secured."[27] Hegel knew his Adam Smith. The invisible hand can turn selfishness into enlightenment and transform egoists into self-conscious and respected members of civil society; "by a dialectical advance, subjective self-seeking turns into the mediation of the particular through the universal, with the result that each man in earning, producing, and enjoying on his own account is *eo ipso* producing and earning for the enjoyment of everyone else."[28]

Hegel's civil society preserves the ethical moment of the family as it transcends it. It is a higher sphere of ethical life because it can accommodate the differences that proved fatal to family life and is the unique creation of a modernity shaped by individuality and competition. "Civil society," he observed, "is the [stage of] difference which intervenes between the family and the state."[29] His was the first systematic effort to theorize a competitive sphere of self-interest in radical distinction from the state.

His standpoint was that of the isolated individual of the early nineteenth century who, emancipated from the "political" entanglements of feudalism, became "civil" in the modern—that is, economic—sense of the term. "The concrete person, who is himself the object of his particular aims, is, as a totality of wants and a mixture of caprice and physical necessity, *one* principle of civil society. But the particular person is essentially so *related* to other particular persons, that each establishes himself and finds satisfaction by means of the others and at the same time purely and simply by means of the

form of universality, the second principle here."[30] Inhabited by economic man, constituted by private concerns, and organized by the market, civil society thrives because modernity is free from the particularisms, privileges, and inequalities of medievalism. For the first time, a person can pursue his own interests and act for his own sake. A network of social relations standing apart from the state and rooted in individual interests, civil society links self-serving individuals to one another in an autonomous chain of social connections.[31] It is a sphere of moral freedom and individual interests. The progress of Spirit has become manifest in civil society as surely as it had in the family.

Civil society is a moment in freedom, but it is a limited and dangerous moment because it drives toward making itself the only determination for human beings. Acutely aware of the enormous power of market relations, Hegel knew that the appearance of bourgeois civil society was changing the world. "Civil society is . . . the tremendous power which draws men into itself and claims from them that they work for it, owe everything to it, and do everything by its means."[32] The political revolution in France and the economic transformation unleashed in England were altering the social fabric of the human condition as such. Civil society is "the system of needs," and Hegel had no doubt that it was organized by the market. The end of the embedded economy marked the appearance of the totalizing commodity form:

> Originally the family is the subjective unit whose function it is to provide for the individual on his particular side by giving him either the means and the skill necessary to enable him to earn his living out of the resources of society, or else subsistence and maintenance in the event of his suffering a disability. But civil society tears the individual from his family ties, estranges the members of the family from one another, and recognizes them as self-subsistent persons. Further, for the paternal soil and the external inorganic resources of nature from which the individual formerly derived his livelihood, it substitutes its own soil and subjects the permanent existence of even the entire family to dependence on itself and to contingency. Thus the individual becomes a son of civil society which has as many claims upon him as he has rights against it.[33]

But civil society's totalizing power is also its fatal flaw. Any particular demand can be satisfied in the short run, but civil society constantly generates new ones. Its infinite multiplication of needs gives rise to the poverty that paralyzes it. Civil society constantly breeds inequality, and Hegel's discovery that poverty is the great problem it poses but cannot solve precipitated his

turn toward the state. Civil society's paradoxical motion leads it from choice, self-interest, and autonomy to isolation, dependence, and subservience. Civil society creates "want and destitution" as part of its normal operation.[34] There is nothing natural about it, Adam Smith notwithstanding: "the need for greater comfort does not exactly arise within you directly; it is suggested to you by those who hope to make a profit from its creation."[35] Hegel was familiar with English and Scottish political economy, and his famous words about the inevitability of pauperism were rooted in the discovery that civil society produces fatal extremes of wealth and poverty:

> When the standard of living of a large mass of people falls below a certain subsistence level—a level regulated automatically as the one necessary for a member of the society—and when there is a consequent loss of the sense of right and wrong, of honesty and the self-respect which makes a man insist on maintaining himself by his own work and effort, the result is the creation of a rabble of paupers. At the same time this brings with it, at the other end of the social scale, conditions which greatly facilitate the concentration of disproportionate wealth in a few hands.[36]

The "system of needs" is a state of mutual dependence. The individual's work can no longer guarantee him that his needs will be met. In the end, civil society is an alienated, unfree, and unjust sphere, for a power alien to the individual and over which he has no control determines whether his needs will be fulfilled. Transformed into the negation of freedom by its own dynamic, civil society generates a uniquely dangerous mass of politicized and alienated poor people; "a rabble is created only when there is joined to poverty a disposition of mind, an inner indignation against the rich, against society, against the government, etc." Earlier social orders had been able to defend themselves with arguments drawn from God or nature, but the French Revolution had closed that path. "Against nature man can claim no right, but once society is established, poverty immediately takes the form of a wrong done to one class by another. The important question of how poverty is to be abolished is one of the most disturbing problems which agitate modern society."[37] Poverty in Hegel's civil society moved social theory past the political accomplishments of the French Revolution:

> When the masses begin to decline into poverty, (a) the burden of maintaining them at their ordinary standard of living might be directly laid on the wealthier classes, or they might receive the means of livelihood directly from other public sources of wealth (e.g. from the endowments of rich

hospitals, monasteries, and other foundations). In either case, however, the needy would receive subsistence directly, not by means of their work, and this would violate the principle of civil society and the feeling of individual independence and self-respect in its individual members. (b) As an alternative, they might be given subsistence indirectly through being given work, i.e. the opportunity to work. In this event the volume of production would be increased, but the evil consists precisely in an excess of production and in the lack of a proportionate number of consumers who are themselves also producers, and thus it is simply intensified by both of the methods (*a*) and (*b*) by which it is sought to alleviate it. It hence becomes apparent that despite an excess of wealth civil society is not rich enough, i.e. its own resources are insufficient to check excessive poverty and the creation of a penurious rabble.[38]

Civil society's inability to fully overcome the natural inequality of savagery limits its ethical potential. Its basis in particularity and egoism undermines the formal possibilities of liberty. As long as a general anarchy of interests prevails, excessive wealth will go hand in hand with excessive poverty. They culminate in what Hegel called "barbarism," a condition that exacerbates all the defects of nature and is the living negation of freedom. "Men are made unequal by nature, where inequality is in its element, and in civil society the right of particularity is so far from annulling this natural inequality that it produces it out of mind and raises it to an inequality of skill and resources, and even to one of moral and intellectual attainment."[39] Civil society cannot overcome nature because freedom requires more than liberation from the constraints of feudalism. Civil society cannot provide people with a self-determined ethical whole because its economic relations negate the possibilities of freedom in history. The anarchy of a sphere of self-serving proprietors cannot produce integration, rationality, universality, and freedom. A higher ethical category must be found from outside the market-driven logic of civil society.

Hegel's "state" is the ethical sphere of universality and integration that completes civil society's necessity and particularity. It is the final realization of Spirit in history because it is founded on freedom instead of coercion.[40] Its strength rests not on force but on its ability to organize rights, freedom, and welfare into a coherent whole that serves freedom because it is not driven by interest, "nor is its fundamental essence the unconditional protection and guarantee of the life and property of members of the public as individuals. On the contrary, it is that higher unity which even lays claim to this very life and property and demands its sacrifice."[41] The state is an ethical category because it reconciles civil society's antagonisms and embraces humankind's universal concerns in the broadest sense of the term.[42]

Individuals can be fully self-actualized and concretely free only if they are devoted to ends that are broader than their own immediate interests—indeed, beyond *anyone's* immediate interests. But civil society's pauperism makes this impossible, and the rational unity of Hegel's state is the locus of humanity's highest collective ends. It provides meaning because it harmonizes particular interests and completes the march of Spirit in history. It acts on individuals not through coercion or law but because it fulfills our rational nature on the highest level of our social connections to others. As the completion of the ethical moments of the family and civil society, then, the state fulfills because it stands apart. Its logic is different from that of civil society and its generality carries with it the objective requirements of moral progress. "If the state is confused with civil society, and if its specific end is laid down as the security and protection of property and personal freedom, then the interest of the individuals as such becomes the ultimate end of their association, and it follows that membership of the state is something optional. But the state's relation to the individual is quite different from this. Since the state is mind objectified, it is only as one of its members that the individual himself has objectivity, genuine individuality, and an ethical life. Unification pure and simple is the true content and aim of the individual, and the individual's destiny is the living of a universal life."[43] The individual is fulfilled in the state because it makes possible "the rational life of self-conscious freedom, the system of the ethical world."[44]

The state is more than a mechanism for keeping the peace, promoting the prince's interests, or protecting natural rights. It is not an artifice or convention but arises out of the very logic of civil society. The infinite multiplication of needs and the variety of ways in which individuals seek their own satisfaction "give rise to factors which are a common interest, and when one man occupies himself with these his work is at the same time done for all. The situation is productive too of contrivances and organizations which may be of use to the community as a whole. These universal activities and organizations of general utility call for the oversight and care of the public authority."[45] The universality of the state is the culmination of humanity's ethical development precisely because it stands as the living negation of civil society's antagonistic chaos. The elements of modernity that make for free and rational association must be liberated from private interests and submitted to an organizing power that stands above civil society's competition and antagonism. The state is an "independent and autonomous power" in

which "the individuals are mere moments" in "the march of God in the world."[46] Its task of transcendence is the realization of a higher order of justice than that made possible by individual exchange:

> The differing interests of producers and consumers may come into collision with each other; and although a fair balance between them on the whole may be brought about automatically, still their adjustment also requires a control which stands above both and is consciously undertaken. The right to the exercise of such control in a single case (e.g. in the fixing of the prices of the commonest necessaries of life) depends on the fact that, by being publicly exposed for sale, goods in absolutely universal daily demand are offered not so much to an individual as such but rather to a universal purchaser, the public; and thus both the defense of the public's right not to be defrauded, and also the management of goods inspection, may lie, as a common concern, with a public authority.[47]

The ethical moment of the state is prepared in the family and civil society, but a gulf separates the endless needs and private rights of individuals from the universal interests of the broader ethical community.[48] The state rescues humankind by transforming civil society's dependence into interdependence. Its preservation of universality fulfills the ethical potential of civil society's individualism, guarantees autonomy, and safeguards freedom. "In contrast with the spheres of private rights and private welfare (the family and civil society), the state is from one point of view an external necessity and their higher authority; its nature is such that their laws and interests are subordinate to it and dependent on it. On the other hand, however, it is the end immanent within them, and its strength lies in the unity of its own universal end and aim with the particular interest of individuals, in the fact that individuals have duties to the state in proportion as they have rights against it."[49] The state makes the egoistic individual of civil society fit for civilization.

> The state is the actuality of concrete freedom. But concrete freedom consists in this, that personal individuality and its particular interests not only achieve their complete development and gain explicit recognition for their right (as they do in the sphere of the family and civil society) but, for one thing, they also pass over of their own accord into the interest of the universal, and, for another thing, they know and will the universal; they even recognize it as their own substantive mind; they take it as their end and aim and are active in its pursuit. The result is that the universal does not prevail or achieve completion except along with particular interests and through the cooperation of particular knowing and willing; and individuals likewise do not live as private persons for their own ends alone, but in the very act of willing these they will the universal in the light of the universal, and their activity is consciously aimed at none but the universal end.[50]

In the family, reason was hidden behind feeling and sentiment; in civil society, it appeared as an instrument of individual self-interest. Only in the state does reason become conscious of itself and serve human liberation by making it possible for us to structure our action in accordance with our understanding of the common good. Hegel was confident that he had made Kant's ethics real because he had made them social; now a person "has rights as he has duties, and duties insofar as he has rights."[51] The state is the morally indispensable environment in which the individual can find freedom in conscious association with others. It provided Hegel with the social context that could ground Kant's subjective sense of moral duty and make humanity's moral life a true end in itself. "What the service of the state really requires is that men shall forgo the selfish and capricious satisfaction of their subjective ends; by this very sacrifice they acquire the right to find their satisfaction in, but only in, the dutiful discharge of their public functions. In this fact, so far as public business is concerned, there lies the link between universal and particular interests which constitutes both the concept of the state and its inner stability."[52] Only conscious public duty makes it possible for individual interest and egoism to serve universality and freedom. The state is the objective and necessary ethical sphere that is independent of all subjective wants, the inclusive sphere of conscious choice that transcends the family's biologic accident and civil society's arbitrary self-interest. Its universality allows it to guarantee freedom of personhood, moral subjectivity, family life, and social action. It preserves the family and civil society as it transcends them in commonality and universality. Civil society is made whole in the state.

Hegel's important contributions to theories of civil society allowed him to conceive it in radically different terms than his predecessors because of the presence of a market-constituted economic order composed of independent persons and their interests understood as distinct from the state. People are "bourgeois" in this civil society because they are oriented toward their private interests; but even if its logic is different, the state cannot exist apart from civil society. Hegel's World Spirit came to rest in the reactionary Prussian bureaucracy, but *The Philosophy of Right* was remarkably far-sighted for having been written in 1821. The nineteenth-century economic explosion lay in the future, and Hegel was not able to mount a

comprehensive critique of existing social relations. It was enough for him to understand how the market distorts the moral potential of individual needs. The reconciliation of these interests lay in a universal structure that could attenuate the destructiveness of civil society's market processes. The full force of Hegel's insight that egoism and particularity cannot constitute freedom could not yet rest on a solid analysis of industrial production. Providing such a grounding fell to Karl Marx, and he developed it as he came to terms with Hegel's theory of civil society and the state.

The Politics of Social Revolution

It was Marx's critique of Hegel's theory of civil society and the state that led him to the 1848 *Communist Manifesto.* He began with the standard notion of a civil society organized around individual interest but soon encountered the limits of Hegel's attempt to theorize the state apart from the "system of needs." Even if civil society was constituted by necessity, competition, the division of labor, property, class, pauperism, and the like, Hegel had never brought political economy to bear on the production of social life. Marx came to understand Hegel's weakness early in his career, and his criticism yielded a materialist orientation that owed much to its statist roots even as it became grounded in the material processes of civil society.

Marx was not alone. European social theorists were beginning to raise "the social question" in light of the French Revolution's evident failure to eliminate economic inequality, and the wide variety of approaches testified to the newness and importance of the problem. The assorted socialists, communists, democrats, republicans, and anarchists who comprised the pre-Marxian left disagreed about much, but they were all trying to understand a new set of social problems and economic forces that seemed impervious to political solution.[53] Marx himself came to theoretical maturity during the 1840s, a period of rapid industrialization and political conflict that saw him reject Hegel's state as a false universal and move toward a materialist critique of social conditions.[54] Where the *Philosophy of Right* terminated in the Prussian state, Marx's criticism of Hegel would take him to the negation of civil society.

His early activity as a radical-democratic journalist quickly got him in trouble with the Prussian censors, and his first encounters with the state led him to question Hegel's hope that a selfless bureaucracy could articulate the public good. Arbitrary censorship and economic regulations favoring the already powerful made it impossible to conceptualize state power independently of civil society. Social "position" was supplanting "character" and "science" in a divided and backward Germany, and the bureaucracy was becoming the weapon of "one party against another" instead of serving as "a law of the state promulgated for all its citizens."[55] Much of Marx's early development was driven by his growing suspicion that the state could not do the job that Hegel had assigned it.

He decided that Hegel failed to understand the "real" relation between the state and civil society. "Family and civil society are the premises of the state; they are the genuinely active elements, but in speculative philosophy things are inverted."[56] Hegel's idealism had led him toward the integrative principle of the state, but Marx had learned an important lesson from his confrontation with the Prussian censors. "In the bureaucracy," he concluded, "the identity of state interest and particular private aim is established in such a way that *the state interest* becomes a *particular* private aim over against other private aims."[57] Civil society's network of particular material interests structured the state and seriously compromised its ability to serve as mankind's "ethical whole." The bureaucratic state could not be the agent of the universal ethical community. Marx's move to a materialist analysis would change theories of the state and civil society forever.

The occasion for his reconsideration was a dispute that had broken out within the German Left. The French Revolution had extended legal emancipation to the German areas administered by French law. The gains made by German Jews had been repealed after Waterloo, but by the early 1840s demands for equality were being raised in all the large towns of the Rhineland. In the course of the ensuing debate Bruno Bauer, a prominent Young Hegelian, staked out what seemed to be the most radical position on the matter: religious belief itself was the most important obstacle to progress. The problems faced by German Jews could not be resolved with political equality. Only emancipation from *all* religion could protect German democracy from feudal reaction.

Marx suggested that Bauer was missing the forest for the trees and hence could not penetrate deeply enough to solve "the Jewish question." Driving religion out of politics would not eliminate economic and political inequality. It was clear to Marx that the criticism of the German state had to be broadened because the problem with the state was deeper than its arbitrariness and authoritarianism. There was something fundamentally wrong with all statist approaches to civil society. Freedom of religion was important but insufficient. "The division of the human being into a *public man*

and a *private man*, the *displacement* of religion from the state into civil society, this is not a stage of political emancipation but its completion; this emancipation therefore neither abolishes the *real* religiousness of man, nor strives to do so."[58] Underneath its apparent radicalism, Bauer's critique did not go far enough.

Marx's crucial discovery that civil society itself had to be democratized deepened Hegel's revelation of its totalizing power. Separating private affairs from politics freed the state from civil society, but it simultaneously liberated civil society from the state. If public life now functions independently of property, class, religion, and the like, it is no less true that property, class, and religion can develop independently of political influences. Their hold over human beings has not been weakened by their formal separation from politics; on the contrary, emptying civil society of direct political content has strengthened both spheres' motive forces. "The consummation of the Christian state is the state which acknowledges itself as a state and disregards the religion of its members. The emancipation of the state from religion is not the emancipation of the real man from religion."[59] Indeed, the separation of Church and state in America was the indispensable condition for its citizens' unprecedented political freedom and their equally unprecedented subordination to religion.

As powerful as it was, then, the French Revolution had not touched the foundations of bourgeois civil society. The "rights of man" encouraged people to pursue their private interest in isolation from, and in opposition to, all other competing members of civil society. "The right of man to liberty is based not on the association of man with man, but on the separation of man from man. It is the *right* of this separation, the right of the *restricted* individual, withdrawn into himself."[60] Given the power of newly liberated civil society's pull toward private interest, the political revolution meant that "the *state* can free itself from a restriction without man being *really* free of this restriction, that the state can be a free *state* without man being a *free man*."[61] Equality before the law, a secular political order, the right of divorce, and other political liberties were enormous accomplishments. But the limits of a formally democratic state only highlighted the importance of democratizing the civil society on which it rested.

Where Hegel theorized the state as freedom from the antagonisms of civil society, Marx's materialism led him to criticize the state as part of a more general criticism of civil society. As important an advance as political emancipation had been, a regime based on the protection of individual rights was not a sufficient condition for emancipation. "The sole bond holding them together," Marx said of civil society's individuals, "is natural necessity, need and private interest, the preservation of their property and their egoistic selves."[62] After all was said and done, the Revolution had established civil society as the basis of an entire social order and self-serving individuals as the basis of civil society. "Political emancipation was at the same time the emancipation of civil society from politics, from having even the *semblance* of a universal content. Feudal society was resolved into its basic element—*man*, but man as he really formed its basis—*egoistic* man. This *man*, the member of civil society, is thus the basis, the precondition, of the *political* state. He is recognized as such by this state in the rights of man."[63]

A liberated civil society killed Hegel's hope that the state could provide a universal ethical category. Limiting emancipation to political freedom and legal equality did not go far enough. "Hence man was not freed from religion, he received freedom of religion. He was not freed from property, he received freedom of property. He was not freed from the egoism of business, he received freedom to engage in business."[64] Hegel had correctly grasped the problem but, paradoxically, his statism was too weak for the task at hand. The rule of law and the moral state could not eliminate pauperism because the market processes of civil society that give rise to inequality are beyond direct political remedy. Marx concluded that Hegel's state was a false universal. "None of the so-called rights of man, therefore, go beyond egoistic man, beyond man as a member of civil society, that is, an individual drawn into himself, into the confines of his private interests and private caprice, and separated from the community."[65]

Marx's whole approach would be built on the important difference that separates "the radical revolution" which aims at "*general human* emancipation" from "the partial, the merely *political* revolution, the revolution which leaves the pillars of the house standing."[66] His crucial contribution was to make civil society itself the object of democratic activity. Liberation demands a comprehensive criticism and transformation of *all* existing relationships. Equality before the law and political revolution were yielding to social democracy and the transformation of civil society.

What is the agent of this "real, human emancipation"? Earlier democratic transformations had been led by a section of the population whose advanced position made it the embodiment of civil society's social relations. "No class of civil society can play this role," Marx observed, "without arousing a moment of enthusiasm in itself and in the masses, a moment in which it fraternizes and merges with society in general, becomes confused with it

and is perceived and acknowledged as its *general representative*, a moment in which its demands and rights are truly the rights and demands of society itself; a moment in which it is truly the social head and the social heart. Only in the name of the general rights of society can a particular class lay claim to domination."[67] The bourgeoisie had been able to lead the struggle against feudalism because its demands for liberty and protection had acquired a general force across the entire social order. It had defended a young and still-vulnerable bourgeois civil society against the *ancien régime*, but Marx was beginning to call the very foundations of that civil society into question. The struggle for "human emancipation" could be led only by that section of the population whose conditions placed it in opposition to the entire existing order. Where should one look to find an agent of German emancipation?

> In the formation of a class with *radical* chains, a class of civil society which is not a class of civil society, an estate which is the dissolution of all estates, a sphere which has a universal character by its universal suffering and claims no *particular right* because no *particular wrong* but *wrong generally* is perpetrated against it; which can no longer invoke a *historical* but only a *human* title; which does not stand in any one-sided antithesis to the consequences but in an all-round antithesis to the premises of the German state; a sphere, finally, which cannot emancipate itself without emancipating itself from all other spheres of society and thereby emancipating all other spheres of society, which, in a word, is the *complete loss* of man and hence can win itself only through the *complete rewinning of man*. This entire dissolution of society as a particular estate is the *proletariat*.[68]

Hegel had looked to the state to integrate civil society from the outside. Marx looked at the constitutive processes of civil society itself and found the universal class there. History's emancipatory class is the propertyless proletariat, the living negation of civil society even though its labor is the foundation upon which the entire social order rests. Its appearance as the agent of emancipation signifies that democratizing bourgeois civil society is the same as abolishing it. "By proclaiming the *dissolution of the hitherto existing world order* the proletariat merely states the *secret of its own existence*, for it is in fact the dissolution of that world order. By demanding the *negation of private property*, the proletariat merely raises to the rank of a *principle of society* what society has made the principle of the *proletariat*, what, without its own cooperation, is already incorporated in it as the negative result of society."[69] The proletarian revolution is the negation of civil society and the consequent liberation of humanity, even if it was not yet clear what this might mean.

Marx's understanding of agency was dramatically different from that of his contemporaries on the European Left. The proletariat was no longer the largest, poorest, or most hard-working section of the population. It was lack of property that made the proletariat the subversive agent without whom civil society cannot exist. Marx would later define it more precisely as the class that sells its labor power, but for the moment its universality lay in its negation of civil society: "the emancipation of the workers contains universal human emancipation—and it contains this, because the whole of human servitude is involved in the relation of the worker to production, and all relations of servitude are but modifications and consequences of this relation."[70] Every social relation can be understood in relation to the proletariat's situation in civil society, the "real" grounding of history.[71]

By the time Marx and Engels wrote *The Communist Manifesto* in 1848, Marx had gone well beyond earlier theories. The criticism of Hegel's state had become the criticism of bourgeois civil society. "Merely political" emancipation had yielded to social revolution. This is what Marx meant in the "Tenth Thesis on Feuerbach" when he observed that "the standpoint of the old materialism is *civil* society; the standpoint of the new is *human* society, or associated humanity."[72] As powerful and comprehensive as the French Revolution had been, its demolition of feudalism was a precursor to a far more radical social revolution that would transform civil society *and* the state. "The condition for the emancipation of the working class is the abolition of all classes, just as the condition for the emancipation of the third estate, of the bourgeois order, was the abolition of all estates and all orders. The working class, in the course of its development, will substitute for the old civil society an association which will exclude classes and their antagonism, and there will be no more political power properly so-called, since political power is precisely the official recognition of antagonism in civil society."[73]

Marx's orientation toward concrete social conditions had been pulling him toward political economy since his earliest criticisms of Hegel. The more convinced he became that the state could not be comprehended apart from the material organization of civil society, the more important it was to understand the mediations between them. In one of his few instances of self-investigation, Marx connected his misgivings about Hegel to the appearance of *Capital*. "The first work which I undertook to dispel the doubts

assailing me was a critical re-examination of the Hegelian philosophy of law. . . . My inquiries led me to the conclusion that neither legal relations nor political forms could be comprehended whether by themselves or on the basis of a so-called general development of the human mind, but that on the contrary they originate in the material conditions of life, the totality of which Hegel, following the example of English and French thinkers of the eighteenth century, embraces within the term 'civil society'; that the anatomy of this civil society, however, has to be sought in political economy."[74] His earlier theoretical critique of Hegel had to be supplemented by concrete investigation.

Capital is Marx's definitive analysis of the social relations of bourgeois civil society. It begins by identifying the point of departure and "dominant moment" of capitalism as resting in production. Classical political economy had treated production, consumption, distribution, and exchange as separate processes, but Marx was convinced that any social order could be understood as a "mode of production." The chaos of the market made it appear that civil society was shaped by a variety of unrelated economic processes. Marx's insight meant that all social relations were moments of production, no matter how independent they seemed.[75] "But in bourgeois society the commodity form of the product of labor—or the value form of the commodity—is the economic cell form."[76] The commodity form stands at the center of capitalism as a productive system, and *Capital* began at the beginning. "The wealth of those societies in which the capitalist mode of production prevails, presents itself as 'an immense accumulation of commodities,' its unit being a single commodity. Our investigation must therefore begin with the analysis of a commodity."[77]

If they are the "cell form" of civil society, commodities are more than simple articles of commerce. They are produced by people in historically defined circumstances, and they embody a specific set of social relations. To analyze a commodity is to uncover the social relations congealed in it, and Marx's celebrated discussion of the "fetishism of commodities" unmasked their social character. *Capital* revealed that a specific set of social relations are changing hands when commodities are being exchanged. The market mystifies these relations, and Marx set out to reveal what was hidden by the separation of the state from civil society.

> Since the producers do not come into social contact with each other until they exchange their products, the specific social character of each producer's labor does not show itself except in the act of exchange. In other words, the labor of the individual asserts itself as a part of the labor of society, only by means of the relations which the act of exchange establishes directly between the products, and indirectly, through them, between the producers. To the latter, therefore, the relations connecting the labor of one individual with the rest appear, not as direct social relations between individuals at work, but as what they really are, material relations between persons and social relations between things.[78]

If commodities embody social relations and the market creates and organizes class relations, it does so according to the logic of wage labor, commodity production and exchange, profit maximization, and capital accumulation. Ferguson, Smith, and Hegel had sensed how powerful the market could be, but Marx demonstrated how it continually drives toward the endless multiplication of human needs that Hegel had identified as civil society's Achilles' heel. Its apparent simplicity masks its unprecedented totalizing power. The commodity form penetrates into every nook and cranny of civil society:

> This sphere that we are deserting, within whose boundaries the sale and purchase of labor-power goes on, is in fact a very Eden of the innate rights of man. There alone rule Freedom, Equality, Property and Bentham. Freedom, because both buyer and seller of a commodity, say of labor-power, are constrained only by their own free will. They contract as free agents, and the agreement they come to is, but the form in which they give legal expression to their common will. Equality, because each enters into relation with the others, as with a simple owner of commodities, and they exchange equivalent for equivalent. Property, because each disposes only of what is his own. And Bentham, because each looks only to himself. The only force that brings them together and puts them in relation with each other, is the selfishness, the gain and the private interests of each. Each looks to himself only, and no one troubles himself about the rest, and just because they do so, do they all, in accordance with the preestablished harmony of all things, or under the auspices of an all-shrewd providence, work together to their mutual advantage, for the common weal and in the interest of all.[79]

Marx's early criticism of Hegel had demonstrated that the state is shaped by civil society rather than the other way around. Social transformation and the abolition of civil society marked the path to "human emancipation," but it was not clear how the proletariat could accomplish its task. If the material processes of civil society are dominant and the state is little more than an epiphenomenon, was there any role for politics in "real, practical" emancipation?

The formal separation between state and civil society had permitted the rapid development of markets and the accompanying democratizing of the political order. But Marx knew that, as important as the distinction was, it was more apparent than real. Capital ruled politically as well as economically, and *Capital*'s account of enclosures, the factory laws, colonization, and the like left little doubt that state activity had been an indispensable condition for the expansion of civil society. The state may be an illusory community, but Marx appreciated the importance of politics very early in his career: "every class which is aiming at domination, even when its domination, as is the case with the proletariat, leads to the abolition of the old form of society in its entirety and of domination in general, must first conquer political power in order to represent its interest as the general interest, which in the first moment it is forced to do."[80] Nor was such a focus limited to a theory of revolution. Every effort to democratize civil society, from imposing democratic supervision on its market processes to abolishing or severely curtailing them, would require the application of state power. But the state itself had to be democratized, for the structure of political power expresses the way civil society is organized.

The formal separation of state and civil society and Marx's materialist criticism of Hegel notwithstanding, the struggle to abolish civil society would necessarily assume a political form. "Since the state is the form in which the individuals of a ruling class assert their common interests, and in which the whole civil society of an epoch is epitomized, it follows that all common institutions are set up with the help of the state and are given a political form."[81] Marxism has always privileged political action in the effort to democratize civil society, an orientation it has shared with most of the Left for a long time. Their different historic trajectories explain why liberalism and socialism conceive of the relationship between the state and civil society in such different ways, a dispute that lies behind much contemporary theory and practice.

The political revolutions that accompanied the transition to capitalism generally broke out after more or less finished forms of bourgeois civil society had slowly developed within the structures of feudalism. Wage labor, production for exchange, and the accumulation of capital had largely supplanted medieval property and production for use prior to feudalism's final political crises. This is why the fundamental task of bourgeois revolutions was breaking the political supremacy of the aristocracy. Since the basic structures of market relations were largely in place before political power passed to the bourgeoisie itself, its "open" and political revolution did little more than adjust a political structure to a largely transformed civil society.

The transition to socialism differs markedly from that of its predecessors because the foundations of the socialist order are absent from bourgeois society and cannot be generated within the boundaries of private property. Marx always held that the social relations of a classless society do not and cannot grow up spontaneously within capitalist social relations but develop only as part of the democratization of civil society itself. The use of state power was central to his theory of revolution because he saw it as the indispensable condition for a transformation of civil society that begins before the social and material conditions for its completion are in place. Hegel had located the active motor, the "real home," the positive moment of historical development in the state. Marx located the active motor, the "real home," the positive moment of bourgeois development in civil society. This is why he ended with the seizure and use of state power as the precondition to social revolution. Its apparent "victory" was the proletarian revolution's beginning:

> The first step in the revolution by the working class, is to raise the proletariat to the position of ruling class, to win the battle of democracy.
>
> The working class will use its political supremacy to wrest, by degrees, all capital from the bourgeoisie, to centralize all instruments of production in the hands of the State, i.e., of the proletariat organized as the ruling class; and to increase the total of productive forces as rapidly as possible.
>
> Of course, in the beginning, this cannot be effected except by means of despotic inroads on the rights of property, and on the conditions of bourgeois production; by means of measures, therefore, which appear economically insufficient and untenable, but which, in the course of the movement, outstrip themselves, necessitate further inroads upon the old social order, and are unavoidable as a means of entirely revolutionizing the mode of production.[82]

Bourgeois theories of revolution and democracy had developed as rights-based theories of weak government, suspicion of politics, and the conviction that the operations of the market were the surest guarantees of democracy, freedom, and equality in civil society. But Marx revealed civil society as a sphere of compulsion and reserved a central role to a powerful political apparatus to lead the attack on its social relations. Reducing the thrust of the commodity form would require state action in such areas as banking, labor, agriculture, communications, transportation, and education. A series of state interventions in civil society expressed the immediate political goals of

the workers' movement and established the minimal conditions for its further development.[83] So would the more dramatic "abolition of the bourgeois relations of production, an abolition that can be effected only by a revolution."[84] The "ultimate results" of the workers' revolution may be social transformation, but its "immediate goal" is the seizure and use of state power. "Revolution in general—the *overthrow* of the existing power and *dissolution* of the old relationships—is a *political* act. But *socialism* cannot be realized without *revolution.* It needs this *political* act insofar as it needs *destruction* and *dissolution.* But where its *organizing activity* begins, where its *proper object,* its *soul,* comes to the fore—there socialism throws off the *political* cloak."[85] The connection between the politics of social revolution and the transformation of civil society revealed the contradictory imperatives of Marx's project:

> When, in the course of development, class distinctions have disappeared, and all production has been concentrated in the hands of a vast association of the whole nation, the public power will lose its political character. Political power, properly so called, is merely the organized power of one class for oppressing another. If the proletariat during its contest with the bourgeoisie is compelled, by the force of circumstances, to organize itself as a class, if, by means of a revolution, it makes itself the ruling class, and, as such, sweeps away by force the old conditions of production, then it will, along with these conditions, have swept away the conditions for the existence of class antagonisms and of classes generally, and will thereby have abolished its own supremacy as a class.
>
> In place of the old bourgeois society, with its classes and class antagonisms, we shall have an association, in which the free development of each is the condition for the free development of all.[86]

The "when" of this summary statement has proved enormously difficult. Marx knew that his project was a difficult one. Using the state as a tool to mitigate the damage inflicted by the market might hold matters in abeyance for the short run, but a deep contradiction lies at the heart of his view that civil society could be democratized by using state power against the market. It has always been unclear just how this could be accomplished, and the history of twentieth-century communism furnishes precious little positive guidance. If the state would eventually "wither away" with the transformation of civil society, as Engels famously claimed, how would this happen in the absence of individual interests and the rights that protect them? It was one thing to use the category of civil society as an analytic instrument for the study of capitalism. But Marxism is a theory of communism as much as a critique of capitalism, and it has been difficult to conceptualize the relation between state and society because it is never easy to discern a future that one imagines to be dramatically different from the present. Marx's vision of communism was limited because he never specified just what "human emancipation" meant. It is clear that the communist free association of producers is incompatible with civil society's alienation, powerlessness, and necessity. But "merely political" emancipation had allowed for the expression of civil society's multitudinous interests, and social revolution seemed to imply that such interests would no longer drive individual action or social structure. This has not been a crushing problem for Marxism understood as a critique of capitalism, but it remains central to a more ambitious project that has yet to adequately theorize a proletarian state or a post-bourgeois society, much less organize them.

Fratricidal children of the Enlightenment, Marxism and liberalism share modernity's theoretical differentiation between the state and civil society while retaining a sense of their connections. Marx accepted Hegel's desire to overcome the distinction and took his distance from liberal claims that a sharp distinction between the two spheres is a condition of freedom. He also brought one strand of modern theory to a temporary close. If civil society was constituted by economic processes and markets, it would not survive a socialist revolution. It was one thing to conceptualize a state that would moderate the effects of capitalism while preserving its basic structure and respecting civil society as a system of needs. But if abolishing inequality, poverty, and necessity required social revolution, then a powerful proletarian state had to act directly on a civil society by which it was no longer effectively constrained. In the end, abolishing civil society would imply much more than abolishing the market that lay at its core. The implications of this dilemma are at the heart of all contemporary politics—and not just those of the Left. But if "human emancipation" was not the issue, then civil society could be theorized as a mediating sphere of organization and association whose goal was to temper state power even as it left the market untouched and inequality unaddressed. It is to this second strand of modern thought that we now turn.