Of all the parts of the System, the *Philosophy of Right* has one unique feature. It is the only part for which, throughout his entire career, Hegel published one of his few books, while giving lectures on the very same topic. This peculiarity of the *Philosophy of Right* puts a special demand on those who try to interpret it. Although the version published by the author himself should constitute the ultimate reference of his social and political doctrine, because he has worked on the topic all through his philosophical life, one must also read the lectures to gain a full knowledge of Hegel's social philosophy. However, this demand itself places the reader in an awkward position, as there are some obvious discrepancies on some crucial points between the lectures themselves, as well as between the lectures and the book. These discrepancies are particularly obvious in the first two lectures, held in Heidelberg in the winter semester 1817/1818 and the first Berlin lectures 1818/1819.

There are three possible ways of dealing with the heterogeneous complex of mature texts on the *Philosophy of Right*. The first is to ignore the discrepancies and use all the lectures as illustrations of the conceptual arguments made in the book. This works very well in many parts of Hegel's social doctrine as this is close to the way he used the book and his spoken comments in his own lectures, and the discrepancies only touch some particular moments in the theory. The second way is to emphasize the discrepancies
and try to deal with them. This lends itself to two different directions. The first one follows the path so brilliantly shown by Karl-Heinz Ilting, and is to make these discrepancies the center of the interpretation, by claiming for instance that they point to a shift in Hegel's political philosophy, one which took him from a progressive position to a reactionary one. The second direction, like that taken by Ludwig Siep, is to recognize the discrepancies but consider them more as the different steps towards the mature thought of Hegel on political matters, and to emphasize the continuity in Hegel's thought. Finally, another option is to assert the continuity in Hegel's political thought, not only despite the discrepancies, but in them as well. This is the option I will choose here on one particular point, that of the legislature. I will try to show that the lectures can be used by the reader not only as illustrations of the Grundlinien der Philosophie des Rechts, but more importantly as a challenge to the obvious reading of some of their parts.

To argue that there is no actual discrepancy between the first lectures and the book and later lectures on the subject of the legislature is not only to avoid the first possible path, but also to oppose the second. Indeed it seems to fly in the face of the obvious. As Ludwig Siep clearly expressed, one does not need to adopt the more radical Ilting thesis to recognize the different faces of the legislature in the early lectures and the book. They seem quite evident. These obvious differences seem to concentrate on two main points:

1. the extent of the legislative power;
2. the internal functioning of the assembly of estates.

The first point touches three more specific questions:

1.1. The 1817 and 1818 lectures seem to grant the legislative power the right to alter the constitution; this right seems to disappear in 1820.

1.2. The 1817 and 1818 lectures give the assembly the role of inquiring about formal complaints brought up by citizens against the administration. This becomes the monarch's role in 1820.

1.3. In 1817, each House in the assembly of estates has a right of veto against decisions arising from other powers, a right that seems to disappear in 1820.

As for the second point, it can be broken down into two major points:

2.1. In 1817, Hegel claims that at the heart of the notion of assembly is a "moment of opposition," and even that the ministry must rely on a parliamentary majority to withstand the assaults in the assembly. The 1820 model seems to reject this claim and to condemn the modern concept of parliamentary opposition, via the notion of the creation of one communal will from the entire political process.

2.2. A corollary of the 1817 doctrine is that there must exist some political parties representing the majority as opposed to the minority. This seems to be totally absent from the 1820 version and all later versions.

If we add up all these points, it seems Ludwig Siep is entitled to conclude that "Hegel's notion of the legislative power in 1817/1818 contains a parliamentary moment that seems lacking in all later texts," and that "the constitutional weight of the assembly of estates is weakened from 1819 on." Ilting took these discrepancies and heightened them into the opposition of two constitutional models: the "liberal" British and/or south-German constitutional model for the 1817/1818 versions, as opposed to the "reactionary" Prussian model from 1819 on.

I will now try to show that these discrepancies do not exist, but rather that the 1817/1818 texts are more explicit on some points than the later versions, that they present however a doctrine that remains homogenous from Heidelberg to Berlin. This in return means that the 1817/1818 lectures help us better understand some points in the 1820 book. I will try and show this point by point.

1.1. This point is not highlighted by Siep and quite correctly. The Grundlinien indeed introduces a new subdivision, "internal constitution for itself," within the part on the public law, which separates the chapters on the three arms of power from the constitution itself. This is enough to put the constitution beyond the direct intervention of any of the three political powers. Grawert contrasted this with §131 from the Wannenmann lectures: "in the notion of the State, three moments are contained: the first, the general will, partly as the constitution and the constitutional laws, partly as laws in the strict sense, i.e., the constitution itself and the legislative power." In the first Berlin lectures (1818/1819), we find a similar passage: "the legislative power not only has the constitution, but the most universal governmental affairs as an object, through which the constitution is further determined and formed." It might look like, in the early version of the doctrine, the legislative possesses a degree of intervention in the writing or
at least the altering of the constitution. This degree of intervention disappears in 1819 and thereafter. Against this reading which tends towards the accusation of weakening of the legislative power, three points can be made:

i. In 1817 as in all later versions, and indeed as in earlier texts, Hegel considers the constitution to be much more than just the founding text of the political State. In fact, the founding text is merely a reflection of the other deeper layers of "constitutions," ranging from the implicit Volkgeist, the spirit of the nation itself as the common thread of mores and social beliefs, to the overall organization of the larger community into smaller communities (regions, cities, etc.), to the properly legal and institutional rules governing these bodies and their interactions, through to the supreme text reflecting the entire body of the community and all these different communal layers into one abstract set of principles, the very text of the constitution.11 Without all the underlying constitutions, the written one is but a piece of paper; the written constitution draws its entire significance from its ability to capture the life of the community. Hegel held that conception very early,12 and in Wannenmann he came to the final formulation of this principle, in a famous quote that will not change from then on: "the first and most important question seems to be, who in a people has to make (machen) the constitution; however, the constitution is rather as the foundation in and for itself of the ethical life of a people and essentially it is not something to be considered (betrachtet) as made (gemacht) and as a subjective law."13 But if this is so, then it is rather improbable that Hegel would have given the legislature the right of direct intervention in the writing or in the altering of the constitution. In the remarks to the section on the formation of the constitution in the 1817/1818 lectures, he praises the French king Louis XVIII for having given the French the Charte that takes up "all the liberal ideas that the people had developed since the Revolution."14 And he insists that one of the most important features of that constitution is "its unchangeability": "one should rather leave the lesser good in the constitution for fear of taking away this form of the unchangeable."15

ii. If this is so, however, how can this be reconciled with the passages highlighted before? The parallelism in the sentences in both the 1817 and the 1818 lectures must not necessarily be interpreted as though the "constitutional laws" were put at the same level as other "laws" (1817) or "universal affairs" (1818). First of all, great doubt must be cast on the accuracy of the notes of the 1818/1819 lectures when they recount oral explanations by Hegel on the paragraph he had dictated beforehand.16 More importantly, the parallel in §131 in 1817 rather suggests that, as the legislative power represents the universal moment in the political State, as the power where the common will of the community comes to its adequate expression as one and universal,17 it is constantly and directly construed on the basis of, or it is somehow always an interpretation of, the supreme expression of the common will, namely the constitution. In the words of the Heidelberg lectures: "the constitution precedes all the rest, that there is a legislative power, is already a moment of the constitution, and the legislative power presupposes a constitution."18 Because the laws taken by the legislature concern "universal affairs of government" (§146, p. 219), they by nature have a link to the constitution. But the interaction between legislation and constitution is one of reciprocity. Legislation presupposes constitution, but as legislation helps constitute and change the overall organization of the people, which is reflected in the constitution, then legislation indirectly changes the constitution.

iii. Hence the third point. In all lectures on the Philosophy of Right, Hegel emphasizes that there can be no direct amendment by the legislature of the constitution, but the very activity of the legislature, changing details in the expression of the common will, ends up changing the common will itself. These changes are, however, indirect and happen over time. They are in fact one example in the actual world of the interaction between substance and phenomenon, one example of the Hegelian theory of the substance. In the end this is probably what the first lectures mean: "the legislative power has the . . . universal affairs of government as an object, through which the constitution is further determined and developed."19 However, it is interesting to note that the Heidelberg lectures, which are always the more generous in details and illustrations of conceptual points, do not seem to give any State institution the power to alter a constitution that would have become obsolete when the spirit of the people had changed. All the examples summoned in 1817 to exemplify the necessary rejuvenation (Verjüngerung) of the constitution are those of monarchs (Fürsten) or political leaders (Richelieu) who saw the change in the constitution (in the first, broadest sense) of their people, and imposed institutional/constitutional rejuvenation on this basis against the aristocrats, always prepared to block changes to preserve their privileges.20 This should be a last proof that the legislature does not have a direct right to alter the constitution. Even its indirect influence on the constitution is expressed through constitutional change by the governing power.
1.2. The power of the legislative assembly to inquire about formal complaints by citizens against the administration is expressed thus in 1817: "To the affairs of the estates belong . . . , as regards the government, the registration (Annahme) and the inquiry about the conduct of public servants and government authorities." It disappears in 1818 in the first Berlin lectures. It reappears in a different place in 1820, in §295, on the government's administration. By contrasting the Wannenmann lectures to the book, Siep reads the end of the remark to §295 as though the prince had become the last institution for citizens in their quest for their rights against the administration: "Because of the immediate and personal character of [the] contact [between lower public servants and citizens], control from above can attain its end . . . only partially, and this end may also encounter obstacles in the shape of the common interest of the officials in maintaining solidarity amongst themselves in opposition to their subordinates and superiors. The need to remove such obstacles, especially in cases where the institutions in question may still be relatively imperfect in other respects also, calls for and justifies the intervention of the sovereign."

However, the two moments in §295 of the book must be differentiated carefully, and they can give a different picture. Against the tyranny of the bureaucrats, two institutions must concur. The first one is the control of the lower levels by the higher levels, which in turn are controlled by the ministers, who are responsible to the prince and the assembly. A second controlling institution is required as the lower bureaucrats can escape the gaze of their hierarchy and the administration cannot be fully trusted with properly addressing its own deficiencies. The first control downwards needs to be complemented by a control upwards. Just like with every other political institution, a syllogism must mediate between different spheres that might otherwise be in conflict. As the assembly is the mediation between the prince and the people, and this mediation requires one mediating element coming from the government (the ministers) and one from the estates (the Upper House), in the same manner here, the possible conflict between administration and people is mediated through an institutionalized process, with one element coming from the administration (formal administrative control) and one coming from the people. This is the second controlling institution: "the legal recognition (Berechtigung) accorded to communities and corporations, for this prevents subjective arbitrariness from interfering on its own account with the power entrusted to officials, and supplements from below the control which does not extend as far as individual conduct."

What does Hegel exactly mean by this Berechtigung? This is, first, the simple recognition by law of the existence as such of corporations and communities. In other words, it is the granting of specific rights to the different spheres of the community, and more specifically the right to administer themselves. If such specific rights are granted to the spheres of the community, they must be able to defend them against any denial of them. This leads necessarily to a second meaning of their "legal recognition," the recognition of a certain legal capacity of the corporations and communities to lodge official complaints against public servants. This second meaning of legal recognition seems all the more plausible if one hears the judicial aspect in the vague expression "the control from above is complemented by a control from underneath" (Grundlinien, §295). Another passage confirms this judicial meaning. In the remark to §301, of which we will talk more extensively, Hegel explicitly lists this inquisitorial function of the assembly: "an extra insight which the delegates have, first of all into the activities of those officials who are less visible to their superiors."

In which courts would these complaints be heard, though? In a way, it does not really matter. Hegel, apparently, became uninterested in the specific details of that part of his theory of administration. The lectures he gave as he was writing his book are vague on that matter and only mention "the institutions." However, as the assembly of the estates functions as a direct emanation of the corporations and a voice of their particular interests, there is nothing in all the later versions that speaks against endowing the assembly with the ultimate power to control the administration. A passage from the 1827 lectures notes how unsatisfactory it is to leave the power of decision to a judge in cases of conflict between corporations and the administration: "It is very hard to make public servants accountable as the judges on the whole share the same interest with them." This echoes a passage in the 1820 remark to §295, which describes the administration as possibly becoming an "estate closing itself up against the administered and its superiors." As the judges are indeed members of the administrative estate, they could very well be included in this indictment. The last "Berechtigung" left to the communities to uphold their rights would then be in the assembly. The control upwards would then end not with the prince but with the assembly.

The two institutions in the State where Hegel praises the publicity of deliberations are the tribunals and the assembly of the estates. When citizens or communities have to uphold their rights not against simple citizens or some other sphere of civil society, but against the arm of government
itself, it would seem logical to transform the assembly itself into a tribunal as the demand for recognition has reached a universal dimension. When a judicial procedure affects the political State, and not civil society, it seems the proper channel where it should be dealt with should be the place where the common will is formed and can be heard. This general role of the assembly of estates, as the channel for all perspectives of the common life to come together, has remained the same from 1817 to 1827.

As for the passage at the end of the remark to §295, it does not give the monarch a power of control taken away from the assemblies. Here Hegel talks from a more general perspective: when the culture of a bureaucracy has developed into the ethos of a mafia, or when the bureaucracy is still in its installation, the monarch has the right to step in and redress the situation in favour of the people.27

In summary, it seems to me that Hegel did not take a constitutional right from the assembly. Rather he became uninterested in determining his conceptual model in detail. I would argue that the logical frame of the 1820 Hegelian State certainly allows the power of administrative control to be given back to the assembly.

1.3. The right of veto by the two Houses of the assembly is clearly recognized in the Heidelberg lectures in §149: "it must be a condition that each House has a veto: what must prevail, both Houses must have agreed to it, one House only and the government is not sufficient. No House can be overridden; it did not used to be like that in Germany; when the court princes and the colleges of the princes had voted, the vote of the college of cities was not necessary. This was also the case in France, where there used to be three estates and one of them could be overridden. This cannot happen under any circumstance; all estates must give their agreement and have a right of veto. Two Houses are necessary, each must have a right of veto and a decisive vote" (Hegel's emphasis).28 Such clear determination of the legislature disappears as early as 1818, in the first Berlin lectures. If there is indeed a discrepancy between the Heidelberg lectures and the Berlin lectures, one thing is certain: it cannot be interpreted as an accommodation to the reactionary mood in Prussia since it appears as early as 1818. I will now argue the seemingly impossible claim that, on this point also, there is continuity between Heidelberg and Berlin, that even the Berlin versions, and foremost the book version, somehow defend a right of veto to be given to the legislature.

My argument for a right of veto of the assembly is based on a seemingly paradoxical feature of the Hegelian polity that is expressed in this passage: the prince has an absolute power of decision and yet the Houses of Parliament have a right of veto.

The first trait of this paradox, the absolute power of decision of the monarch, is of course one of the main tenets of Hegel's political theory, one of his earliest intuitions in political philosophy and one he held throughout his entire philosophical career. An absolute power of decision is required to bring the whole, "ideal,"30 organization of the community into being as one community. This is based on the most fundamental speculative truth in Hegelian logic, namely that the Absolute is subject. The Absolute could not be absolute if it did not have the power to bring itself into actuality, and this actualization requires it to take the shape of a subject. The substance must become subject, a real subject, a person with a subjectivity. The State as an image of the Absolute spirit in the world of objectivity needs the "subjective peak" of the monarch to become a complete organization, a fully self-sufficient, well-ordered organism.31 In the final and irrevocable decision by the monarch, the indefinite hesitation between reasonable motives about possible states of the community is brought to a halt and the community actually exists as this one community. If there were no such power of personifying and gathering of the whole community into one subjective "I will," the community would miss the crucial passage into actuality. It would vacillate between the possibilities or it would be torn between different equally legitimate powers of decision.

The Heidelberg lectures, just like the first Berlin lectures, totally agree with this central tenet of Hegelian political theory, §133 reiterates the conceptual requirement that the whole take the shape of a subjectivity, in which, at
the same time, the entire organism is brought together as one and is transferred into actuality as one being: the particular affairs “must come together (zusammenlaufen) in an actual (wirklich) individual unity for the ultimate decision of will.”§32 This fundamental point is reiterated in the passage defining the princely power, in §138, a very accurate announcement of the 1820 doctrine on the prince and his role in the life of the State.

If this is so, however, the question arises of how Hegel does reconcile this theory of the absolute power of decision of the prince with the right of veto, as explicitly expressed in 1817.33 After all, even in the Heidelberg version, the law-making process as seen from the point of view of the government, leaves very little room for intervention by the assembly. The objective side of the decision to be taken is brought to the prince by the responsible ministers and the State’s council. On the basis of this, the prince formally initiates the project of a law and, when the project has been discussed, says “I will.”34 The contribution of the assembly in the law-making process, in 1817 as in 1820 and in all other versions, is not essentially to tell the government what the people or the different spheres of the community really need, or even to uphold the right of the particularity, of individuals and particular spheres, against the universalistic trend of a government solely concerned with the common good to the possible detriment of the particular. §147 of the Heidelberg lectures, which clarifies the position of the assembly within the entire legislative process, announces very precisely what §300 and §301 of the Grundlinien will repeat: the reason an assembly of estates is needed is so that “what is determined as universal will and as the rational, be determined not only in a contingent way and in itself, but also for itself, with the active participation and the self-conscious confidence of the whole body of citizens (allgemeine Bürgerschaft) and with necessity” (Hegel’s emphasis). The reference to the “contingency” or the “necessity” of rational laws being given does not mean that the government might or might not take the best decisions for the community. The Heidelberg lectures point out very clearly in the subsequent remark that it is one of the mistakes of modern political theory to believe that “the legislative power should go only to the estates, that the estates are the only rational and good and the ministers the bad . . . , that it is only from the people that excellence and good emanate.”§35 It is obvious in 1817 that, for the passage of legislation, “the State counsel and the ministry . . . are the best qualified” and “if being active for the universal depended on qualification, the ministers would be sufficient for this activity.” Rather the “contingency” and the “necessity” point to the way the government’s decisions can be accepted by the community. The people might or might not agree that the government’s decisions are what they really need, and in this contingency lies a major conceptual default as the laws are to express the common will of the common body. Hence the need to hear the voice of the people, to have them participate in the explicit formation of the common will. There exists a necessity in the law-making process when every sphere of the community has had a chance to be heard.

This is where the apparent paradox finds its solution. How could the “necessity” in the decision-making process be truly upheld if the voice of the people expressed in the assembly of estates had no real power? It would be a useless exercise that would convene the assembly only to explain to it the reasons for the government’s decisions and listen to its complaints, queries and demands, without any effectiveness. The moment of the freedom “for itself” must be institutionalized like all other moments, that of objective knowledge and that of the decision. This is why the Heidelberg lectures give the two Houses of Parliament a right of veto. However, as the framework and logic of the political State remain exactly the same from Heidelberg to Berlin, as the sphere of the political State fulfils exactly the same role, namely providing political institutions for each of the moments included in the formation and expression of the common will, then this right of veto must also be present in the Berlin versions of the Philosophy of Right. Of course this right is not explicitly listed in the book version among the other powers of the assembly. But I would argue, firstly, that it must follow from the logic of the whole political construct. Secondly, the entire chapter on the legislature and more specifically the three paragraphs that deal with the decisions by the assembly, §312–314, can be read as in fact giving the assembly this right of veto.

§300 describes the different roles of each political moment in the decision-making process. Hegel applied his theory of the organism and of the syllogism to the political State.36 As the political State is the sphere where the whole organization of the community finally appears as one complete organism, it must abide by the speculative definition of the organism, that it is a syllogism of syllogisms. Each political moment (deliberation, decision, and application of the decision) defines a particular institutional power and is itself a syllogism in which the institution specifically responsible for carrying out that particular function is the mediating moment of that specific syllogism. The princely power has the moment of singularity (the prince) as
its mediating moment. The governmental power has the moment of particularity as its mediation; the government is the power to subsume the particular under the universal. The legislature has the universal moment as its mediation, the assembly. If we now look more closely at the interaction between the three powers in the specific universal moment of the legislative power, we read that the monarch has the "power of ultimate decision"; the government is "the advisory moment which has concrete knowledge and oversight of the whole; finally the element of the estates" (Grundlinien, §300). Between the specific mission of the monarch (to make the final decision), and that of the government (to know about the general matters concerning the State as a whole), there is still the need for an institution that actually speaks the universal as such. Between the function of the prince and that of the government, the universal moment, which is the specific area of the legislative power, has not yet had its genuine institutional carrier. This is the function of the assembly.

To present the matter this way, however, makes it impossible to limit the institutional part of the assembly to a mere chamber of consultation and debate. As the actual universal moment within the universal moment, the assembly must have a say in the deliberation process. This is explicitly acknowledged in §314, when Hegel talks of the Mitwissen, Mitberaten, and Mitbeschliessen (to know, deliberate, and decide in conjunction with) of the assembly with the other two political institutions. It is the basic presupposition of Hegel's logic that if a being is truly a being, or is a true being, then it must have the power to ascertain its claim to be. For Hegel, truth has the power to ascertain itself as power. Indeed, ultimately, the only real power is that of the truth.37 If the voice granted to the assembly were not a true voice, in other words an effective voice, a voice that carries institutional and political weight, it would not be a voice at all.38 But that would mean the floundering of the entire legislative power in its mediating moment, and with the breakdown of that particular syllogism, the entire circle of syllogisms would be broken.

We can look at this same argument from the terms of the syllogistic structure of the polity. There are two ways of interpreting the syllogisms of the State, which have to be combined. One way is to understand the conceptual "moments" (the universal, the singular, and the particular) as general political functions to be carried out in the State: deliberation, decision, application of the decision. In that first sense, the universal moment is more specifically carried by the actual universal moment in it, namely, the assembly of estates. This is what §301 expresses: "the element of the estates has the determination that . . . the public consciousness as the empirical universality of the views and thoughts of the many comes to existence." In this statement, it is impossible to limit the role of the assembly to a mere educational tool in which the particular points of view of the people would be educated towards the universal view of the government, even if this role is also important. Rather the multitude of views from the people that form the empirical universality of the nation actually "comes to existence," that is, gains political weight. Second, the syllogistic mediation can also be between the actual institutional bearers of the three conceptual-political functions. This institutional interpretation of the syllogism of the legislative power is formulated in the next paragraph (§302): the assembly here mediates between the particular needs of the social spheres and the singularity of the princely decision as enriched by the help of the bureaucracy. This sense of the legislative syllogism again stresses how the assembly of estates is the genuine bearer of the universal moment within the universal (legislative) moment of the political syllogism. To this mediating function must belong proper effective political power, the power to say "yes" or "no." The prince has the power to say "I will" (and consequently "I will not" for the rest). The government has the power to say "this is what the law says" and "this is what the State needs." The assembly of estates has the power to say "yes" or "no," based on what society (as opposed to the State) needs.

It is true that the word "veto" is not actually stated by Hegel, but if one reads carefully sections §312 and §313 of the 1820 book, then it is clear that the assembly is more than just a chamber of registration for government decisions. §312 is the speculative deduction of the necessity of the existence of two chambers in the assembly of estates. As such, it is, in Hegelian terms, the only necessary proof required in the exposition of these two Houses. §313, on the other hand, does not speculatively justify the two chambers, rather it shows how useful they are in the decision-making process. This, however, is in itself puzzling, as the 1820 book always avoids going into any detail once the speculative framework has been constructed. §313 makes it very clear that the voice of the assembly carries its own institutional and political weight. The first part of the paragraph associates both houses of the assembly to the deliberation as equal partners. If the voices of both Houses did not carry their own respective institutional/political power in that process, it would not make sense to talk of the "maturity of the decision" that is gained through their participation. The second argument
emphasizes this political weight of the Houses' decisions as it takes the "contingency of decisions through majority voting" very seriously. Again, if the Houses' voice had no political weight, Hegel would not have to show any concern about their possible disagreement with the government and the prince. This is even more evident in the third line of argument of this paragraph, which explicitly talks about the "weight of the (democratic element's) views."

This interpretation of the chapter on the legislature does not make much sense until it has answered the most obvious counterargument: why has Hegel not repeated in 1820 the explicit mention he made in 1817 of a right of veto. I believe one does not have to turn to a psychological explanation of accommodation on the part of a fearful philosopher to account for this change in vocabulary, or even to a shift in his doctrine. Hegel had a very acute perception of the fact that the theory of the State he was striving to expose in his book ran the danger of major misunderstanding from all sides of the political spectrum. This is because he made use of concepts and arguments that refer explicitly to the classics of political philosophy, and to the concerns and reflections expressed by his contemporaries, and yet did so in a totally innovative theory, based on a completely original speculative system. In a major study, R.-P. Horstmann has alerted us to the great impact that the negative reception of Hegel's 1817 article in the Heidelberger Papers might have had on his composition of his book. The fact for instance that such a devoted and intelligent reader as Niethammer could misread this article as a defence of tyranny over political freedom must have alerted Hegel to avoid all terms in his book that would be so emotionally charged that they would prevent the readers from taking in all the innovativeness of his speculative theory of the State. Mentioning a right of veto in the context of 1820 Germany, with such clear reference to the historical English model and to liberal theories neither of which Hegel fully condoned, was bound to lead the reader astray. This could very well be the reason why in effect he gave the assembly a right of veto without naming it as such, as one had to reconcile it with the absolute power of decision of the monarch. All throughout the Philosophy of Right, as in all his other books, Hegel had to struggle with language. He had to invent a language that would fit his innovative way of looking at old questions. He had to invent new terms, or contend with the accepted meaning of social and political notions to force a new, Hegelian, meaning. His linguistic struggle took different paths. He sometimes uses old terms with a new meaning, for instance "corporation," "estate," (Stand), "police" (Polizei), Rechtschaffenheit, Sittlichkeit, bürgerliche Gesellschaft. Sometimes he plays between the German stem and the Latin stem (Moralität/Sittlichkeit; Bürger/Bourgeois; Repräsentant/Abgeordnete; Opposition/Gegensatz). Sometimes he avoids a term that was too charged with possible misunderstanding (human rights, right of veto, the people/Volk, class, nation).

I believe Hegel in 1820 avoided using terms that sounded too close to a liberal political philosophy. Indeed his own views are very close to those of the liberals of the time from Britain, France and Germany. But they would be misunderstood if they were just simply equated with a conceptual justification of liberal theory, as they are based on an absolutely original speculative method. Many of Hegel's political concepts are homonyms of liberal concepts, but very often they have a different meaning because of their speculative substance. It is my strong belief that Hegel's State, although it has many traits that make it very similar to the liberal State, is a unique theoretical achievement which stands alone in the tradition of modern political theory. Indeed I believe there is still much profit to be gained in studying this theory in current debates on the modern liberal State. I believe the logic of the Hegelian State can offer a valuable alternative in the discussion between liberals, communitarians, and republicans.

2.1. In 1817, Hegel's model for the political connection between the government and the assembly seemed to draw heavily on the historical English model and the conceptual model of the separation of powers. In §149 and §156 and their remarks, the division of roles in the legislative process clearly separates the functions of the ministry and of the Parliament. The ministry has to prepare the content of the project of laws and the Parliament gives them imprimatur, or not. This positive division of political tasks has its necessary negative corollaries. The ministry does not have an active part in the final decision about the law it has prepared, it can only try and defend it, the "Estates must only have the right to bring their wishes for a project of law to the Ministry."

The consequence of this division of tasks is that the Ministry cannot implement its plans in case the assembly is consistently opposed to it, since this implementation requires the assembly's approval. Therefore, there must be parliamentary support for the ministry for the State to function at all in its legislative aspect, the crucial aspect of determining the universal. However, Hegel's State, at least in 1817 is decidedly liberal and Hegel does not conceive of the assembly as a mere chamber of registration of the government's decisions. This is why the first consequence of the division of legislative
labor is linked to a second one, the necessary existence of a moment of opposition within the assembly of estates. In both §149 and §156, Hegel argues that it belongs to the very notion of an assembly of estates that it contains this moment of opposition. Like in England, "if the ministry no longer has the majority in important matters, then the ministry must be changed."§46

Such necessity of a moment of opposition is a conceptual one: "An assembly of estates can only be considered as being effectively (wirklich) active if it contains an opposition."§47 However, it must be understood in two different ways, and this twofold theoretical justification gives it a very different outlook to traditional theories of legislative power. Firstly, the "moment of opposition" is opposition between the government as a whole and the whole assembly. This is because "if the assembly of Estates was speaking with one voice (einemütig) for the government on essential matters (im wesentlichen), it would have reached its determination and purpose."§48 However close this looks to a traditional conception of the legislature, in fact this first moment of opposition is a conceptual necessity in the determination of the assembly only because of the functional separation of the political institutions within the legislative moment. Institutional conflict is indeed inherent in Hegel's 1817 State, but only because each power is granted a specific function that only it is suited to fulfill. Such a conflict, as it is purely based on the logic of the institutions and their necessary differentiation, is very different from a conflict of interests or the conflict arising from institutions checking and balancing each others' powers.§49

The second meaning of the "moment of opposition" develops the functional nature of institutional conflict. Indeed, "if the assembly of Estates speaks with one voice against the government, then the government must either break down or be dissolved: as this brings about the destruction of the State, the government, as the power, must chase away the assembly of Estates."§50 The institutional conflict between government and parliament demands that the parliament contains an opposition within itself, so that mediation, which is at the heart of the political State, can be salvaged and institutionalized. Again, this is a purely functional justification. On the one hand, it is necessary that the assembly be viewed as opposed to the government as it does something the government requires and yet cannot perform itself. On the other hand, this "moment of opposition" cannot remain in such abstract form lest it destroys the political integration of conflicting powers. The internalization of the oppositional moment within the assembly is a conceptual requirement of the rational State based on the contradictory yet necessary rules of functional separation of powers (in Hegel's speculative vocabulary, the moment of difference) and institutional integration (the moment of unity). The point where these two principles strike a balance, in other words, where the political State functions fully, is when the executive power is supported by a majority in Parliament. Parliamentarianism is one expression, in the institutional field, of the logic of the concept.

This functional/institutional logic works exactly in the same manner in the Grundlinien. In 1820, Hegel emphasizes just as strongly as three years before that the legislative process is one of mediation between the three political powers, where the two conflicting yet necessary moments of separation and integration are united through parliamentary labor. The first moment is again the conceptual/functional opposition of government and assembly, as is expressly stated in §302 and its remark: the prime position of the government to the assembly is one of "opposition" (Gegensatz) or "conflict" (Widerstreit).§51 However, if this opposition remained a pure confrontation, i.e., "unmediated" opposition, then "the State (would be) close to destruction." This relates to the need for the second moment, that of mediation: the Estates must be seen as a "mediating organ" (§302); "it is only through their mediating function that the Estates display their organic quality, i.e., their incorporation in the totality" (ibid. remark). In other words, it is only through this mediating process that the Estates display their rationality within the rational State. This, in turn, means that the first, abstract, opposition between government and assembly is revealed in its truth as a mere appearance (ein Schein), and is internalized within the assembly itself. §304 translates this conceptual/functional imperative of mediation into the political/institutional requirement of parliamentary opposition. The first figure of this translation is the opposition between two Houses within Parliament, with one House taking the mediating role and the other the oppositional role. This division of Parliament demanded by the necessity of institutional integration is tied, both in 1817 and 1820, as regards the composition of each House, to the division of society into different spheres of activities and to the political meaning of such economic/social division.§52 This, however, leads directly to the notion of political parties.

For the moment, let us draw the final consequence from the now established fact that the logic and function of parliamentarianism remains the same from 1817 to 1820. As there must be, by conceptual necessity, an opposition between assembly and government, and this opposition must be
internalized by the assembly itself, thus creating opposing Houses of Parliament and opposing political parties, the Grundlinien themselves make room for the need for parliamentary support of the executive and, conversely, for parliamentary change, as necessary features of the political process.

Of course, this is nowhere as explicitly stated as in the first lectures. However, several passages in the Grundlinien point to the notion of parliamentary change and parliamentary support of the executive. First, the control of Parliament over the ministry is explicitly acknowledged in the case of individual ministers. It is indeed an obvious requisite in the notion of ministerial responsibility (§284). The remark to §304 develops this notion from the point of view of the judging instance, namely the assembly of estates, as the notion of “public censorship” (öffentlichere Zensur). §315 can be read within the same context. It describes the publicity of parliamentary debate as providing the opportunity for the public opinion to be educated and learn to appreciate “the talents and virtues and know-how of the State authorities.” This apparently idyllic passage can be read negatively, as one wonders what would happen if those talents and virtues “to be applied even before the ministers start to their functions and to the plans they intend to submit” (§301, remark) were lacking. No doubt the Houses of Parliament would then cease to be chambers of education and the stage for ministerial brilliance, and would turn into the organs of “public censorship.”

Not only are individual ministers subject to the scrutiny of Parliament, but the ministry as a whole. Indeed, the very reason for the existence of two Houses is so that the opposition between the executive and the Estates falls between the Houses, or the Estates, themselves. But this second meaning of opposition, parliamentary opposition, loses its meaning if the first, functional opposition, were to disappear. In most cases, that first opposition will be neutralized by the games of parliamentary opposition, but it must remain as a structural possibility. There must remain the possibility that both Houses turn against the government, in which case a new balance must be found between opposition and integration. §313 of the Grundlinien describes this very shift from the derived, intraparlamentary opposition to structural opposition. In the case of derived opposition, the opposition is reduced to a Schein as it is neutralized in the conflict between Houses. However, the neutralization can itself become neutralized, and the entire assembly oppose the government. This shift corresponds exactly to the one mentioned in Wannenmann: “If the ministry no longer has the majority on important matters, then it must be replaced.” Indeed such matters must be of great importance since the otherwise conservative Upper House, whose function is specifically to absorb opposition from the Estates, thinks it has to renounce this function for its other function, namely representing the Estates’ interests. In this case, as Wannenmann puts it, “the ministry must fall.” I believe §313 of the Grundlinien must be read with great attention because, if we put it into the entire context of the chapter on the legislature, it is the basis for the recognition of the Houses’ right of veto and a very modern-looking view of parliamentary alternance.

2.2. It is much easier to accept all the above once we realize that Hegel greatly minimizes the seriousness of a change of ministry through shifts of parliamentary support.

The important remark to §302 states that if the opposition of parliament and ministry “is not just superficial but actually takes on a substantial character, the State is close to destruction.” Here Hegel certainly fears the example of the events in France after 1789. However, such opposition, as we have noted, is a structural possibility. This double nature of the moment of opposition, that it is both necessary as a possibility and yet to be prevented as a danger, is expressed in the Logic’s terms: it must have an Erscheinung, but this Erscheinung must remain a Schein. What Hegel has in mind with this becomes clear in the next lines: “the sign that the conflict is not of this kind (a real conflict between government and assembly) is evident if the matters in dispute are not the essential elements of the political organism but more specialized and trivial things, and if the passion with which even this content is associated consists of party rivalry (Parteischutz) over merely subjective interests such as the higher offices of State.” This corresponds exactly to Hegel’s teaching in 1817. In §156 of the Heidelberg lectures, Hegel had developed an original theory of parliamentarianism, whereby the necessity of party politics, within the moment of parliamentary opposition, is not needed primarily, in the usual logic of the liberal State, so that the interests of the particular spheres are represented and safeguarded; rather it serves to reconcile the particular interests of those working for the common good with the universally defined demands of that work. In other words, it unites the particularity of the representatives with the universal. In Hegel’s words it promotes “political virtue”: “An assembly of Estates can only be considered as being effectively (wirklich) active if it contains an opposition, i.e., if the interest of the universal becomes at the same time an interest of the particularity within the assembly itself and, on the basis of the constitution, an interest of ambition for the ministerial places.
... This paragraph contains the political virtue as opposed to moral or religious virtue.\textsuperscript{55} This is the last and perhaps most puzzling feature of Hegel's theory of legislative power. Not only does Hegel clearly express the need for the emergence of political parties in the process of legislative labor,\textsuperscript{56} but the justification for this is of an entirely original kind. Political parties do indeed serve to represent the different interests of civil society, as this diversity is the very place where they originate.\textsuperscript{57} This is clearly expressed in Wannemann, and it is a clear consequence of the division of parliament in two Houses and the direct link of this to the social division as we noted in the point above.\textsuperscript{58} However, their principal function is to involve individual subjectivity in the objective process of determining the universal.

The main requirement is that... the particular interest flows into the interest of universality. In a big, well-formed State, this is an important point: that the interest of the particular has developed fully and it is only in smaller States that republican constitution can exist, where everything depends on moral integrity. In bigger States, it is not possible to trust moral or religious motives; this is why opposition is justified as such when ambition and the race for the best places appears.\textsuperscript{59}

In formal terms, virtue for Hegel is the particular will of a universally shared system of beliefs and values.\textsuperscript{60} "Political virtue" is different from "moral virtue" as its universal telos is merely the politically good, not the good in itself.\textsuperscript{61} Therefore, a person with political virtue can be considered immoral from a different perspective, for instance a moral or a religious one. According to Hegel, it is wrong, misplaced, and naive to dream of a modern State run by morally pure individuals. All the public should expect are individuals totally dedicated to the public cause. The best way to achieve this is to reward their particularity as it is sacrificed for the universal. Ambition and selfish interest are acceptable, even desirable, as they ensure the total dedication to the public service. Political parties are thus primarily formed out of considerations of personal careers and not out of ideological differences.

The ultimate ground for this is Hegel's belief in the objective nature of the State's needs, on the one hand, and consequently the Schein nature of parliamentary change within that substantial life. This is clearly expressed at the end of §302: The true nature of parliamentary opposition, and hence the true dividing line between parties, is about "objects" which "are not the essential elements of the State organism." This point is repeated in a particularly striking way in the 1825 lectures:

The rational State, on the basis of its absolute strength as a good approximation of a functioning organism, is basically indifferent to the everyday quarrels of political life. Such quarrels are indispensable in that they ensure that the subjectivities running the objective machine are totally dedicated to it, but the conflicts of subjectivities vying to govern the machine should not affect the machine itself. The constitution, at all the different levels of its meaning, either is out of reach of direct interference from the legislative, or it expresses objective, imperative needs which any executive and legislative must address. Again, a passage from the 1825 lectures makes this point strikingly:

What is effectively to be done in a constitution are only the further determinations for the application of the law to what is present and this is actually very little. There reigns a great illusion here, everyone believes this (i.e., the legislative activity) is something big, but almost everything is already there; there are only very few details left to determine. One can find this amazing, but it is all really just details, and on top of that they only belong to specialists as they concern special affairs. When a code is present, as is required in any well formed State,... there is very little to decide.\textsuperscript{62}

In the end we understand better how it was possible that Hegel gave both Houses of Parliament a right of veto and defended a seemingly modern view of parliamentarianism, when at the same time he emphasised the executive and princely moments so strongly, even in 1817. All of this was possible because the power games of subjectivity merely reinforce the objective matters and cannot endanger the sovereignty of the whole.

In conclusion, we can meditate on the multiple aspects of Hegel's achievement as they have been highlighted here. First, it must be repeated that these features of Hegel's political theory are quite unexpected and in fact some of them have not been clearly noticed before. This is because the
compromising the deontological neutrality of the modern State and its axiological plurality, while on the other hand his theory of recognition avoids the abstract nature of classical, liberal citizenship, without dividing along lines that are ultimately nonideological, that there is in fact an implicit consequences of the 1820 model can be made explicit now through a comparison with the Heidelberg and Berlin lectures, once the Ilting thesis has been refuted and the continuity between the book and the lectures has been established. Second, against all attempts to reject Hegel’s State as a logical mysticism and a metaphysical mystification, the conceptual justifications of its different features have been shown once more to be easily formulated in functional or structural terms, and integrated in the style of a contemporary discourse on political philosophy. This means that Hegel’s language does not represent an insurmountable obstacle for someone claiming that Hegel’s political model has some relevance in current debates, and it means also that his speculative language cannot be a good enough reason to deny the meaning of such a claim. As always, Hegel’s thought suffers from the bad impression made by his speculative language on modern readers, which hides his originality and relevance. Third, it must be noted how prophetic such a theory of parliamentarianism, quite unheard of in its own time and up until now, would become, even though it appeared dated for just the next generation. Hegel’s notion of political parties differs in many ways from the commonly accepted notion, namely that political parties represent society’s diverse social and economic interests. However, his claims that party politics do not affect the State’s life substantially, that parties are divided along lines that are ultimately nonideological, that there is in fact an objective nature of the State which transcends ideological options, and that everyday politics have more to do with personal careers than profound political questions, all of this rings amazingly contemporary for citizens of a Western country today. Here as in many other aspects, Hegel’s sharp political judgement can appear uncannily fresh. Finally, Hegel’s State, on the particular question of legislative power appears at the same time, very close to, and very different from, the modern liberal State. It is very similar in many of its particular features and yet very different from the theoretical motives behind each of them. This, I believe, could be said of many of the other features of his rational State. I believe a contemporary theory of the modern State inspired by Hegel’s philosophy of functional integration and multilayered mediation, could be a viable alternative in the discussion between republicans, liberals, and communitarians. His theory of representation avoids the abstract nature of classical, liberal citizenship, without compromising the deontological neutrality of the modern State and its axiological plurality, while on the other hand his theory of recognition helps formulate a powerful critique of a procedural conception of social and political integration. All this, however, will have to be addressed in a further discussion.

NOTES

1. Karl-Heinz Ilting made this claim for the first time in his groundbreaking edition of all the lectures on Philosophy of Right known in 1973: Hegel, The Philosophy of Right: Vorlesungen über Rechtsphilosophie (1818–1831), ed. K-H Ilting (Stuttgart–Canstatt: Frommann-Holzboog, 1974) in four volumes; further quoted as “Ilting” (the volume number is in Roman and the page number in Arabic numerals).

For the next ten years, he then defended his thesis in several articles and in particular in the preface to his concurrent edition of the Wannenmann manuscript (called the Wannenmann manuscript in reference to the student who wrote the notes: Hegel: Die Philosophie des Rechts–Die Machtwesen Wannenmann (Heidelberg 1817/1818) and Homeyer (1818/1819), ed. K-H Ilting (Stuttgart: Klett-Cotta, 1983), quoted as “Wa, Ilting.”


I quote the German text of the Philosophy of Right from the edition by Eva Moldenhauer and Karl Markus Michel (Frankfurt am Main: Suhrkamp, 1986); quoted as “Grundlinien.”

I quote the English translation by H. B. Nisbet, ed. Allen Wood (Cambridge: Cambridge University Press, 1991); quoted as “Nisbet.”

I quote the 1820 lectures from the edition by Dieter Henrich: Philosophie des Rechts–Die Vorlesung von 1819/1820 in einer Nachschrift (Frankfurt am Main: Suhrkamp, 1983); quoted as: “Henrich.”

Other texts by Hegel are generally quoted in the above-mentioned Moldenhauer/Michel edition (as MM), with the first number referring to the volume and the second to the page number.


3. I will often refer to the Grundlinien to differentiate the book from the lectures.

4. Ilting makes this claim explicitly in the introduction to the 1822 lectures; see Ilting III, pp. 48–49. Later on he recognised the possible difficulty in this claim, but his emphasis, in the introduction and notes to Wannenmann, on the role of the Mittelstand in the formation of a rational constitution, gives the same impression; see Wa, Ilting pp. 26, 33, 342–43. The point is very clearly made by Rolf Grawert, in his important contribution “Verfassungsfrage und Gesetzgebung in Preußen,” in Hegels Rechtsphilosophie im Zusammenhang der europäischen Verfassungsgeschichte, ed. H.-C. Lucas and O. Poggeler (Stuttgart: Frommann-Holzboog, 1986), pp. 296–97 and pp. 302–03.


French versions of liberalism at the time, see more particularly Ilting’s introduction to his Wannenmann edition; Wa, Ilting, p. 19.


2. See for instance this definition of the constitution in 1805/1806, based on a typical play on words: “the universal will is the will of All and Each, but as will it is simply this Self, the deed of the universal is a One: the universal will must recapture itself in this One. At first it has to constitute itself as universal out of the will of the individuals (Er hat sich erst aus dem Willen der Einzelnen zu konstituieren als allgemein), so that the latter appears as the principle and element, but conversely it is the First and the essence”; pp. 263.

3. Wa, p. 189. See the explanation of that section: “All constitutions are the internal developments of the spirit of the people, the foundation, where it expresses its self-consciousness”; Wa, p. 190.

4. Ibid., p. 190.

5. Ibid., p. 191.

6. Ilting himself notes this for instance in Wa, Ilting, p. 33. See also Ilting I, pp. 225, 260.


8. Wa, §146, p. 220.

9. All the other versions agree on that point. See Wa, Ilting, p. 275 (1818 lectures); Henrich, p. 259 (1820 lectures); Ilting III, p. 788 (1823 lectures); Ilting IV, pp. 696–97 (1824 lectures).

10. Domenico Losurdo convincingly argues that Hegel, both theoretically in his political writings and hermeneutically in his reading of history, consistently defended the view that the rational in history and (therefore) in the State is always achieved by strong heads of State fighting against the reaction of aristocracies defending their privileges; Losurdo, Hegel et les Libéraux, trans. F. Mortier (Paris: PUF, 1982).


15. Henrich, p. 258.


17. Which is a new confirmation of Hegel’s fundamental belief that the monarch and its people are natural political allies, and that they both have to contend with the median powers in the State, the aristocracy, the lawyers, etc.


20. It is implicitly already there, it is existent but not yet expressed as such, for itself; the implicit, already working, organisation has not been duplicated and reunited in an outer, explicit figuration or expression.


22. Grundlinien, p. 463; Nisbet, p. 335.


24. Wa, p. 218.


27. Which is a new confirmation of Hegel’s fundamental belief that the monarch and its people are natural political allies, and that they both have to contend with the median powers in the State, the aristocracy, the lawyers, etc.


29. Wa, Ilting, p. 275.

30. It is implicitly already there, it is existent but not yet expressed as such, for itself; the implicit, already working, organisation has not been duplicated and reunited in an outer, explicit figuration or expression.


32. Wa, §133, p. 187. The remark explains it in no uncertain terms, using the recent French history as a counterexample: “it seems something superfluous that a supreme power, this subjective unity, reunite all powers, when each single power does its share, it seems that the universal exists by itself. All the constitutions of the French contained this mistake that they lacked the peak (Spize), the subjective unity. . . . Powers standing next to one another, where none is the peak of the pyramid have this necessary consequence that one of the powers always raises itself over the others and stands over them.” The rest of the remark is a brilliant analysis of the turmoil of French events in the last 25 years.

33. Raymond Plant has already shown that the princely decision can be absolute and yet that there is “a check on the power of the crown,” on the basis of the “ideality” of each particular power in the State, including the prince’s. However, he has stopped short of putting this checking power into the hands of the assembly and merely given it to “the council in the state.” Hegel: An Introduction (Oxford: Basil Blackwell, 1983), p. 174.

34. Wa, §140, p. 205: “The other moment included in the princely power is a place of counsel, which brings to the monarch the universal, the content and the motives, the objective side of the thing to decide, etc.”

35. Wa, pp. 221–22.


37. The seemingly pre-Nietzschean phrase of the “truth that lies in power” (Die Verfassung Deutschlands) only makes Hegelian sense when combined with the reverse phrase of the power that lies with the truth. See Michael Theunissen, “Begriff und Realität—Hegels Aufhebung des metaphysischen Wahrheitsbegriffs,” in Seminar: Dialektik in der Philosophie Hegels, ed. R-P Horstmann (Frankfurt am Main: Suhrkamp, 1980), pp. 324–59.

38. For this notion of “institutional expression,” see S. Avineri, Hegel’s Theory of the Modern State, p. 163, and also Hardimon, Hegel’s Social Philosophy, pp. 218, 223.


42. The replacement of the Volk in earlier versions (in the first Enzyklopädie, for instance) by the State in the mature theory has been frequently highlighted by Ilting. See for instance "Zur Genese der Hegelschen Rechtsphilosophie," Philosophische Rundschau, 1983, pp. 177–79.

43. JF Kervégan shows how close Hegel’s philosophy was to that of the Prussian Reformers of his time, and at the same time radically different in its speculative ambition, see Hegel,

44. Wa, p. 226.
45. Ibid.
46. Wa, p. 241: “The ministry must have the majority, which is in the concept of the ministry, otherwise it is not the ministry. If the ministry has the minority in general (im Allgemeinen), in the place of the ministry another ministry must be introduced, which can only hold for as long as it has the majority in general.”
47. Wa, p. 240.
48. Ibid.
49. See Hardimon, Hegel’s Social Philosophy, p. 217.
50. Ibid.
51. See also §304, which mentions “the possibility of hostile opposition (feindliche Entgegensetzung).”
52. This is, of course, one of the crucial points of Hegel’s political construct, and one of its most endearing features. The separation of Society and State is itself mediated both socially and institutionally/politically, thereby giving one of the cruxes of the modern political world, namely the differentiation and yet necessary correlation of the socioeconomic and political spheres, a most powerful solution. See Kervegan, Hegel, Carl Schmitt, pp. 262-320.
54. Wa, p. 226.
55. Ibid., p. 240.
56. This in itself is, of course, not a commonly accepted reading. See, for instance, the introduction to the Hegel-Archiv edition of the Wannenmann manuscript, in which Otto Poggeler lists Hegel’s inability to foresee the rise of the modern parties as one of the failures of his political theory, Wa, XLVII.
57. Shlomo Avineri was very close to recognising this aspect of Hegel’s theory of parliamentarianism when he showed that Hegel’s distrust of direct suffrage would be vindicated in later years by the “the emergence of the modern party (which) fulfilled the mediating role Hegel assigned to corporations.” Hegel’s Theory of the Modern State, pp. 162-63.
58. The Grundlinien, §312, which deduces the necessary division of Parliament into two Houses, refers specifically to the division of Parliament along socioeconomic lines, a division which is developed in §304-308.
60. Grundlinien, §156, p. 298.
61. Of course, this opposition itself could appear rather non-Hegelian. Hegel claims that there is no such thing as the “good in itself,” if by that we mean a good outside the consideration of its actual realization, and the State is the most powerful instance for ethical realization. However, the difference between perspectives of what is good is itself Hegelian.
63. Iiting IV, p. 698. This was already announced in the 1822 lectures, Iiting III, p. 799. See also Philosophy of History: “the legal system, the court system, the constitution, the spirit of the State are so firm in themselves that all there is left to decide is only for the momentary..."