The Sublation of the Dualism of the “State-Civil Society”
by Marx and Hegel

Hideki Shibata

Introduction
Chapter 1. Marx’s critique of Hegel’s Philosophy of Law
Chapter 2. Dualism of the state-civil society: Marx’s materialistic state theory and Hegel’s idealistic state theory
Chapter 3. Marx’s sublation of the dualism of state and civil society
Conclusion

Introduction

Marx proceeded from the critique of law and politics to that of economics in line with the critique of religion by young Hegelians’ (Junghegelianer) and arrived at a fundamental critique of the modern world as a whole. My two former articles mostly dealt with Marx’s critique of economics (Shibata 2012; Shibata 2013), but he was not simply a significant economist. As a famous revolutionist, he always had a strong interest in politics, and we must learn why he turned from law and politics to economics in order to understand his true intention in the critique of economics.

During the Industrial Revolution, the establishment of capitalistic production in modern Europe needed to abolish the old political system and this was accomplished by civil revolution. In this process, the state no longer appeared as a moment of direct compelling force, and the non-political and non-state sphere became more of a compelling force in society. Marx understands such a change in power structure as a result of the dissolution of human morality (Sittlichkeit) in the modern world, which leads to the dualism of a state-civil society. Of course, the dualism of the state-civil society is not a theme specific to Marx. It was Hegel who started investigating this theme and was the first to try to overcome the breakdown of human morality in the modern era.

Hegel criticized the loss of human morality, and tried to sublate it by the state, which is, for him, the revival of human morality in the modern era. He thought that such morality was originally realized in poleis in ancient Greek. Then, what is the original aspect of Marx’s thought? Hegel also had a strong interest in the critique of economics and we can see some similarities with Marx in the outcome of his research (Priddat 1990). Yet Marx began
his systematic critique of Hegel with the criticism of Hegel's use of the state as a solution for the loss of human morality in modern era, and later he turned to economics. So we should be able to locate Marx's originality at the turning point from morality to economics.

In sum, the dualism of the state and civil society is an antinomy specific to the modern era, which both Marx and Hegel tried to overcome with every effort, but in different ways. The difference between materialism and idealism is also difficult to explain without discussing their efforts.

In this article, I will consider Marx's transition from the critique of right and politics to that of economics and reveal the fundamental dimension of his sublation of the state-civil society dualism.

In chapter 1, I discuss Marx's critique of Hegel, and emphasize the significance of the differences in their understanding of the state in the middle age. In chapter 2, I follow Marx's understanding of the state in the middle age, and show the limit of political liberation of humanity in the modern era. Chapter 3 explores how Marx envisages the true liberation of humanity and the role of the proletariat in that liberation.

Chapter 1. Marx's critique of Hegel's Philosophy of Law

After summarizing the significance of young Hegelians' critique of religion, Marx says, "For Germany the criticism of religion is in the main complete, and criticism of religion is the premise of all criticism," because religion is "an inverted world-consciousness" produced by humans who are "no abstract being[s] encamped outside of the world," or by the inverted world of man, the inverted state, or the inverted society. So "the struggle against religion is therefore indirectly a fight against the world of which religion is the spiritual aroma" (Marx 1975c, p. 175). The criticism against "an inverted world-consciousness" must become a criticism against the "inverted-world" as a whole, which has produced this inverted consciousness.

Marx therefore sets his own critical agenda as follows.

"The task of history, therefore, once the world beyond the truth has disappeared, is to establish the truth of this world. The immediate task of philosophy, which is at the service of history, once the holy form of human self-estrangement has been unmasked, is to unmask self-estrangement in its unholy forms. Thus the criticism of heaven turns into the criticism of the earth, the criticism of religion into the criticism of law and the criticism of theology into the criticism of politics." (Marx 1975c, p. 176)

In fact, however, the criticism of the earth, the criticism of law, and the criticism of politics in Marx mean no "practical break with modern political conditions," as is usually the case in developed countries, but rather a "critical break with the philosophical reflection
of modern political conditions or with "German philosophy of law and state," which is "the only German history which is al pari with the official modern reality" (Marx 1975c, p. 180). One unique aspect of Marx's thought is emphasized here.

The "most consistent, richest and final formulation" of "German philosophy of law and state" is Hegel's philosophy of law. So the immediate object of Marx's criticism of law and politics is Hegel's philosophy of law. The "German thought-image of the modern state," especially that of Hegel, "disregards real man... only because and insofar as the modern state itself disregards real man, or satisfies the whole of man only in imagination," and "the abstraction and conceit of its thought always kept in step with the one-sidedness and stumpiness of its reality" (Marx 1975c, p. 181).

Marx describes two tasks in the criticism of Hegel's philosophy of law: "both a critical analysis of the modern state and of the reality connected with it, and the resolute negation of the whole German political and legal consciousness as practised hitherto" (Marx 1975c, p. 181). The second task is accomplished by a series of critiques of speculative reason and the inversion of German philosophy, ending with Thesis on Feuerbach. The first task has been intensively discussed in some articles in Deutsch-Französischer Jahrbücher, especially On the Jewish Question (Marx 1975b), but after that Marx turned to research civil society itself, which builds the natural foundation of the modern state. Therefore, Marx's political articles have not received much attention, but for Marx as a revolutionary thinker, politics and state are the supreme problem, and he never did complete his work as a great economist.

Marx imposed upon himself the task of criticizing Hegel's philosophy of law and foresaw the inevitable path of the criticism as follows: "Even as the resolute opponent of the previous form of German political consciousness the criticism of speculative philosophy of law turns, not towards itself, but towards problems which can only be solved by one means—practice" (Marx 1975c, p. 181).

The point of Marx's criticism against Hegel's speculative philosophy is the inversion of subject and predicate, which he has borrowed from Feuerbach: "The important thing is that Hegel at all times makes the Idea the subject and makes the proper and actual subject, like 'political sentiment,' the predicate" (Marx 1975a, p. 11). This type of criticism dominates Marx's critique of Hegel's philosophy of law, and, in 1845, becomes the foundation of the disclosure of "the mystery of speculative construction" in Holy Family (Marx and Engels 1976). "Family and civil society are the premises of the state; they are the genuinely active elements, but in speculative philosophy things are inverted. When the idea is made the subject, however, the real subjects, namely, civil society, family, 'circumstances, caprice, etc.' became unreal objective elements of the idea with a changed significance" (Marx 1975a, p. 8). According to Hegel, these ideas are absorbed and integrated into the superior idea of the state. He recognizes in the real world the disjunction of family or civil society and the state, but the contradiction in the real world is sublated in the world of ideas. As for
Marx, this sublation is devious. The contradiction in the real world does not cease to exist. Marx calls Hegel's way of idealization "logical, pantheistic mysticism" (Marx 1975a, p. 7). This mysticism makes the idea the subject that produces family, civil society, and state in the real world. "What is therefore being treated here is not the political idea, but the abstract idea in the political element" (Marx 1975a, p. 12). The abstract idea needs not be a political idea absolutely, but it can produce anything, even outside politics, freely. By making such an abstract idea the subject, Hegel can be said to have failed to clarify "the specific idea of the political constitution" (Marx 1975a, p. 12), or the specific, intrinsic logics of the political constitution, because "an explanation which does not provide the differentia specifica is no explanation" (Marx 1975a, p. 12). Marx counterposes his theory of state against Hegel's speculative theory as follows:

"The truly philosophical criticism of the present state constitution not only shows up contradictions as existing; it explains them, it comprehends their genesis, their necessity. It considers them in their specific significance. But comprehending does not consist, as Hegel imagines, in recognising the features of the logical concept everywhere, but in grasping the specific logic of the specific subject." (Marx 1975a, p. 91)

Marx's task in Contribution to the Critique of Hegel's Philosophy of Law is to disclose the true aspects of state-civil society and family, which are covered up by "logical, pantheistic mysticism," and to describe them with a method that grasps the specific logic of the specific subject. Hegel's contradiction appears in his theory of legislative power, especially the portion that deals with the parliamentary system, and the points of Marx's criticism are as follows.

1) Hegel has presupposed the separation of civil society and the political state (a modern condition), and expanded it as a necessary element of the idea, as absolute rational truth. He has presented the political state in the form of the separation of the various powers. The actual, active state is designated as body, and the bureaucracy as mind, endowed with knowledge above the materialism of civil society. He has counterposed the intrinsically and actually general aspect of the state with the particular interests and needs of civil society. In short, he presents everywhere the conflict between civil society and the state.
2) Hegel counterposes civil society as civil estate with the political state.
3) Hegel characterizes the estate elements of the legislature as the mere political formalism of civil society. He describes this as a relationship of reflection in which civil society is reflected onto the state, and does not affect the essence of the state. But according to Marx, a relationship of reflection is the highest form of identity between
essentially different things.
On the other hand:
1) Hegel does not want to allow civil society to appear in its self-constitution as a legislative element either as a mere, undifferentiated mass or as a multitude dissolved into its atoms. He wants no separation between civil and political life.
2) He forgets that what is in question is a relationship of reflection, and makes the civil estates as such political estates, but, again, only in terms of legislative power, so that their activity is itself proof of the separation.

He makes the estates out to be the expression of the separation; but at the same time, the estates are supposed to be representative of an identity that is not there. Hegel is aware of the separation of civil society and the political state, but he wants the unity of the state to be expressed within the state, and this to be accomplished by the estates of civil society, which also form the estates of legislative society (Marx 1975a, pp. 73-4).

In sum, “Hegel wants the medieval-estates system, but in the modern sense of the legislature, and he wants the modern legislature, but in the body of the medieval-estates system! This is the worst kind of syncretism” (Marx 1975a, p. 95). In such a way, Hegel systematized the harmony and fusion of the modern era and the middle age in order to sublate said dualism.²] Marx, who had the same goal, had to exceed Hegel’s understanding of the true relation between social life and political life in the middle age, which Hegel had designated as the place to sublate the modern contradiction, and the significance and limits of this dualism.

Chapter 2. Dualism of the state-civil society: Marx’s materialistic state theory and Hegel’s idealistic state theory

What was the relation between social life and political life in the feudalistic middle age? Identity, or substantial [really-existing] identity, which is not reflective identity in modern age, is the true relation between them. “The character of the old civil society was directly political, that is to say, the elements of civil life, for example, property, or the family, or the mode of labour, were raised to the level of elements of political life in the form of seigniory, estates, and corporation” (Marx 1975b, p. 165). “The material content of the state is given by its form; every private sphere has a political character or is a political sphere” (Marx

²] “Estates” (Stände) refers to the original medieval and feudalistic parliament, which was actually a bargaining place between monarch and his subordinates (nobility, clergy, merchants, and so on) and had no modern legislative power. Hegel wants to interpret the modern society as a kind of medieval estate society, including bureaucracy, as one estate and tries to establish a formal harmony through estates, which he identifies with the modern parliament.
That is, middle-age "organisation of national life did not raise property or labour to the level of social elements; on the contrary, it completed their separation from the state as a whole and constituted them as discrete societies within society" (Marx 1975b, p. 165). These "discrete societies" are characteristic of the middle age, and this quality emerges in the estate.

"Not only is the estate based on the separation of society as the prevailing law; it separates the human being from his general essence, it turns him into an animal that is directly identical with its function. The Middle Ages are the animal history of human society, its zoology." (Marx 1975a, p. 81)

Marx calls the system, which includes not the universality of humanity, but the discrimination and separation of human from human, "the animal history of human society, its zoology." The human being forming the foundation of systems of the middle ages is an "unfree man" forming "the constitution of private property," and comprising "the democracy of unfreedom—estrangement carried to completion" (Marx 1975a, p. 32). The state that is founded by such humans is also unfree, as long as human beings are unfree: "The unity of the state, and also the consciousness, will and activity of this unity, the general power of the state, are likewise bound to appear as the particular affair of a ruler isolated from the people, and of his servants" (Marx 1975b, p. 166). "The highest social dignities, are the dignities of certain bodies predestined by birth" (Marx 1975a, p. 106). "The secret of the nobility" that builds the ruling hierarchy "is zoology" (Marx 1975a, p. 106).

Then what was truth of the bourgeois revolution that dismantled the middle-age system, or "the political revolution which overthrew this sovereign power and raised state affairs to become affairs of the people, which constituted the political state as a matter of general concern, that is, as a real state" (Marx 1975b, p. 166)? On the one hand, the revolution "abolished the political character of civil society" and "broke up civil society into its simple component parts" and, on the other hand, "set free the political spirit, which had been, as it were, split up, partitioned and dispersed in the various blind alleys of feudal society... gathered the dispersed parts of the political spirit, freed it from its intermixture with civil life, and established it as the sphere of the community, the general concern of the nation, ideally independent of those particular elements of civil life" (Marx 1975b, p. 166).

Thus, state politics, which was the task of the estate in the middle ages, became the general concern. But what happened to civil society then? Civil society had thrown off "the bonds which restrained the egoistic spirit of civil society," or "the political yoke," and the society, as a result, broke up into units of "its basic element—man, but man as he really formed its basis—egoistic man" (Marx 1975b, p. 166). As just described,
“The political revolution resolves civil life into its component parts, without revolutionising these components themselves or subjecting them to criticism. It regards civil society, the world of needs, labour, private interests, civil law, as the basis of its existence, as a precondition not requiring further substantiation and therefore as its natural basis.” (Marx 1975b, p. 167)

That is to say, “the completion of the idealism of the state was at the same time the completion of the materialism of civil society” (Marx 1975b, p. 166).

The sublation of the dualism of the “state-civil society” is a truly modern product created by the political revolution. Marx emphasizes the modernity of it: “The abstraction of the state as such belongs only to modern times, because the abstraction of private life belongs only to modern time. The abstraction of the political state is a modern product” (Marx 1975a, p. 32). The modern world could be simply described as “abstract dualism,” as opposed to the “realistic dualism” of the Middle Ages. This unique antinomy of the modern age, or the “state-civil society” relation, now brings everywhere in every system and institution dualism. Everything has a double meaning: the dualism of abstract ideas and constructive existence.

The significance of this dualism can be seen by focusing on the theory of parliament, which stands at the center of the theory of bureaucracy and legislative power developed by Hegel. In Hegel’s theory of state, family, or the ethical mind in its natural state, is the starting point for the development into statehood, and civil society appears as the antithesis of family. Hegel has clearly revealed the essence and limit of civil society by studying theoretical and practical aspects of a developed country: Great Britain (Smith and Ricard).

Civil society’s principal characteristic is “the mediation of need and one man’s satisfaction through his work and the satisfaction of the needs of all others— the System of Needs,” (Hegel 1990, p. 68) by which “a system of complete interdependence” (Hegel 1990, p. 67) is formed. As the principle of civil society is not harmony but dissociation, so arbitrariness and accidents, such as “disparities of individual resources and ability” (Hegel 1990, p. 71), are inevitable in civil society. Civil society has a serious problem besides “disparities,” that is, “excessive poverty and the creation of a penurious rabble” (Hegel 1990, p. 81). The resolution of this problem is outside of the self-movement of civil society or against its principles (Cf. Hegel 1990, § 245). Hegel therefore plans to sublate the contradiction in civil society through the characteristics of the state in civil society: “public authority” and “corporation” (Cf. Hegel 1990, § 230). At the same time, the state offers bureaucracy as an instance of civil society in the state. In the end, in Hegel’s theory of state, the civil society is sublated to the state, which is now the realization (energeia) of the idea of ethical mind contained directly and naturally in family.

The secret of Hegel’s sublation is in how his corporation theory and his bureaucracy theory are connected to each other. Marx thoroughly analyzes this connection: “The
corporations are the materialism of the bureaucracy, and the bureaucracy is the spiritualism of the corporations. The corporation is the bureaucracy of civil society; bureaucracy is the corporation of the state" (Marx 1975a, p. 45). The transition from materialism to spiritualism has its cause in the inversion of materialism in civil society, and it establishes the identity of materialism and spiritualism, although the identity is nonexistent, imaginary. The spiritualism of bureaucracy is a "state formalism" of civil society depending on a "hierarchy of knowledge," and "because the bureaucracy turns its 'formal' objectives into its content," it should come into "conflict everywhere with 'real' objectives" (Marx 1975a, pp. 45–6). This spiritualism is also "crass materialism, the materialism of passive obedience, of faith in authority, of the mechanism of fixed and formalistic behavior, and of fixed principles, views, and traditions" (Marx 1975a, p. 47). The bureaucracy is contrary to Hegel's expectation: it is no guardian of universal matters. The state formalism renders universal matters bureaucratic work: "In the case of the individual bureaucrat, the state objective turns into his private objective, into a chasing after higher posts, the making of a career" (Marx 1975a, p. 47).

The true foundation of Hegel's sublation of civil society to the state is his theory of the estate, which enables the sublation, premising the dualism of state and civil society. As for Marx, "only the separation of the civil and political estates expresses the true relationship of modern civil and political society" (Marx 1975a, p. 72), but Hegel established an imaginary identity. As for Hegel, civil society is divided into three sections: "(a) the substantial or immediate [agricultural] class; (b) the reflecting or formal [business] class; and finally, (c) the universal class [the class of civil servants]" (Hegel 1990, p. 71). We must first take notice that the bureaucracy, defined by Hegel as the class of civil servants, is defined by Hegel as both the estate of civil society and the political estate. This is the secret of Hegel's sublation. Starting from bureaucracy, the substantial class—the landed nobility constituting the upper house of the assembly and the formal class constituting the lower house—has its political functions. In this way, Hegel establishes the estates, in which the dualism of state and civil society gains a new identity in the modern era, although it is an imaginary one. But Marx's task is to disclose the modern abstract dualism of the modern state. The particularity of this dualism appears more clearly in the representative constitution than in the estates.

"The representative constitution is a great advance, since it is the frank, undistorted, consistent expression of the modern condition of the state. It is an unconcealed contradiction" (Marx 1975a, p. 75). Although the representative constitution is the disclosure of the contradiction, it cannot sublate the modern dualism of state and civil society. "The participation of civil society in the political state through delegates that is the expression of their separation and of their merely dualistic unity" (Marx 1975a, p. 119), for the separation and dualism of state and civil society makes it impossible for all to "share in the legislative power. The political state is a phenomenon separated from civil society. On
the one hand, civil society would abandon itself if all were legislators; on the other, the political state, which confronts civil society, can bear it only in a form appropriate to the scale of the political state” (Marx 1975a, p. 119).

The estates, or parliament, thus become a key part of the representative constitution. What, then, is the role of estates in the modern dualism of state and civil society? 2) “On the one side are placed, always as identical, state and government; on the other, the nation, resolved into particular spheres and individuals. The estates stand between the two as a mediating organ” (Marx 1975a, p. 67). The estates are “a particular sphere” where “the transaction between state and civil society” takes place and they are “the synthesis between state and civil society” as “a symbolic representation” (Marx 1975a, p. 67). At the same time, they are “the posited contradiction of the state and civil society within the state,” or “the demand for the resolution of this contradiction” (Marx 1975a, p. 67). But as long as they are the demand for resolution, the contradiction of the dualism of the state and civil society will never be resolved. Instead, in them, “all the contradictions of the organisations of the modern state coalesce. The estates are the ‘mediators’ in all directions, because in all respects they are ‘hybrids’” (Marx 1975a, p. 69).

The estates are, as opposition, “the nation over against the government, but the nation in miniature,” and, as conservative, “the government over against the nation, but the government amplified” (Marx 1975a, p. 69). This is the reason the estates, the coalesced representation of contradiction, “are themselves a part of the executive over against the nation, but in such a way as to have at the same time the significance of being the nation over against the executive” (Marx 1975a, p. 69). The nation in estates mostly “attains existence as a notion, as a fantasy, an illusion, a representation,” so such a nation inevitably “straightway finds itself, as a particular power, cut off from the real nation” (Marx 1975a, p. 70). That is, the estates, or the represented and imaginary nation they comprise, sublate “the real antithesis between nation and government,” but “here the nation is displayed in just the way it must be displayed in the organism under consideration, so as not to have a clear-cut” (Marx 1975a, pp. 69–70). This sublation is therefore imaginary.

2) Among Marxists, arguments about the essence of parliament in modern states have been mostly superficial. In particular, the view that the parliament is the greatest means for the masses to express their interests is far from Marx’s view. As this article will argue, the mass-interest in parliament is abstract and political, and the fundamental interests that originate in the life process are expressed only in political form, lacking their essential contents. So some Marxists disgrace representative democracy: “We must also note that Engels is most explicit in calling universal suffrage as well an instrument of bourgeois rule... The petty-bourgeois democrats, such as our Socialist-Revolutionaries and Mensheviks, and also their twin brothers, all the social-chauvinists and opportunists of Western Europe... share, and instill into the minds of the people, the false notion that universal suffrage ‘in the present-day state’ is really capable of revealing the will of the majority of the working people and of securing its realisation” (Lenin 1975, p. 247).