

# BJCT

## Berlin Journal of Critical Theory

Volume 2, Number 4 (October, 2018)

---

**Civil Society or Bourgeois Society?  
An Alternative Account from Hegel to Losurdo**

*Roland Boer*

**Disputing Law: Lyotard in our Time  
A Forgotten Critic Bears Witness to Unresolvable Injustices**

*David Ingram*

**Relearning Liberation:  
Critical Methodologies for the General Crisis**

*Sarah S. Amsler and Nancy Weiss Hanrahan*

**Technique of Nearness**

*Howard Eiland*

**Books and Toys: Walter Benjamin**

*Christopher Norris*

[www.bjct.de](http://www.bjct.de)

 xenomoi

## Editors

**Amirhosein Khandizaji**  
**Wolfgang Sohst**

## Editorial Board

- C. Fred Alford**, University of Maryland.
- Amy Allen**, Pennsylvania State University.
- Andrew Arato**, The New School.
- Jay Bernstein**, The New School.
- David Berry**, University of Sussex.
- Roland Boer**, University of Newcastle.
- Geoff Boucher**, Deakin University.
- Andrew Bowie**, Royal Holloway University of London.
- Stephen Eric Bronner**, Rutgers University.
- Hauke Brunkhorst**, University of Flensburg.
- Ian Buchanan**, University of Wollongong.
- Craig Calhoun**, Berggruen Institute.
- Mary Caputi**, California State University.
- James J. Chriss**, Cleveland State University.
- Deborah Cook**, University of Windsor.
- Heiko Feldner**, Cardiff University.
- Dino Franco Felluga**, Purdue University.
- Alessandro Ferrara**, University of Rome Tor Vergata.
- Gary Genosko**, University of Ontario.
- Stefano Giacchetti**, Loyola University Chicago.
- Graeme Gilloch**, Lancaster University.
- David Held**, Durham University.
- Christopher Horrocks**, Kingston University London.
- David B. Ingram**, Loyola University Chicago.
- Martin Jay**, University of California, Berkeley.
- Hans-Herbert Koegler**, University of North Florida.
- Claudia Leeb**, Washington State University.
- Stephan Moebius**, University of Graz.
- Jeffrey T. Nealon**, Penn State University.
- William Outhwaite**, Newcastle University.
- Stefano Petrucciani**, Sapienza University of Rome.
- Max Paddison**, Durham University.
- Darrow Schecter**, University of Sussex.
- William Scheuerman**, Indiana University Bloomington.
- Simon Susen**, City, University of London.
- Fabio Vighi**, Cardiff University.
- Thomas Wheatland**, Assumption College.
- Richard Wolin**, City University of New York.

## Contents

<b>Civil Society or Bourgeois Society? An Alternative Account from Hegel to Losurdo</b>	<b>5</b>
<i>Roland Boer</i>	
<b>Disputing Law: Lyotard in our Time A Forgotten Critic Bears Witness to Unresolvable Injustices</b>	<b>33</b>
<i>David Ingram</i>	
<b>Relearning Liberation: Critical Methodologies for the General Crisis</b>	<b>55</b>
<i>Sarah S. Amsler and Nancy Weiss Hanrahan</i>	
<b>Technique of Nearness</b>	<b>75</b>
<i>Howard Eiland</i>	
<b>Books and Toys: Walter Benjamin</b>	<b>87</b>
<i>Christopher Norris</i>	



## Civil Society or Bourgeois Society? An Alternative Account from Hegel to Losurdo

Roland Boer<sup>1</sup>

**Abstract:** This article offers an alternative account of the nature of civil society. As a preliminary step, it traces a terminological shift in German, from *bürgerliche Gesellschaft* (used by Hegel, Marx and Engels) to *Zivilgesellschaft*, which was a back-translation from English into German and popularised during the struggles in Eastern Europe in the 1980s. Given that earlier usage deployed *bürgerliche Gesellschaft*, ‘bourgeois society’, I use this term in my analysis, not least because it reveals the distinct history and class basis of the term. Thus, in the first section on Hegel we find that *bürgerliche Gesellschaft* is a specific product of modern, liberal society and a capitalist market economy, a product that is riven with a basic alienation between being a citizen and a private individual. The next section deals with Marx and Engels, based on their insight in *The German Ideology*: ‘The term “*bürgerliche Gesellschaft*” emerged in the eighteenth century when property relations had already extricated themselves from the ancient and medieval community. *Bürgerliche Gesellschaft* as such only develops with the bourgeoisie.’ The third section draws upon Domenico Losurdo’s double approach, which turns on the distinction between the self-government of *bürgerliche Gesellschaft* and its governance by the state. While the former finds its true expression in the lynch mob, the latter – now using Losurdo’s Italian as *società civile* – may be seen as a theoretical precursor to the socialist state.

Proponents of civil society would have us believe that it is benign zone of human endeavour, somewhat outside the clutches of ‘the state’, where human beings may freely express political opinions, form new associations, even launch movements that may modify elements of the current political and social framework. Who would not want to support such a worthwhile project? This article begs to differ. It does so by outlin-

---

<sup>1</sup> Roland Boer is Xin Ao Distinguished Overseas Professor at Renmin University of China, Beijing, and Research Professor at the University of Newcastle, Australia. Among numerous publications, the most recent are, with Christina Petterson, *Time of Troubles: A New Economic Framework for Early Christianity* (2017), and *Stalin: From Theology to the Philosophy of Socialism in Power* (2017).

ing an alternative history of the concept and reality of what is really *bürgerliche Gesellschaft*, bourgeois society. This account has three steps. First, I explore Hegel's arguments concerning *bürgerliche Gesellschaft*, which was produced as part of the modern European bourgeois state. The reason I go back to Hegel is that he was the first to attempt a definition of the modern reality of *bürgerliche Gesellschaft*, which he sees as a zone of individuality, a war of all against all, riven with a basic alienation between citizen of the state and private individual. Second, I focus on the work of Marx and Engels, especially their primary focus on the specific history of *bürgerliche Gesellschaft*, which arose only in the European eighteenth century with the rise of the bourgeoisie to dominance. Marx particularly seeks to exacerbate the tensions already identified by Hegel, for which the only solution would be revolution. I also note a minor dimension of their work, in which *bürgerliche Gesellschaft* becomes a generic term for 'intercourse and production', found throughout history (with the result that they soon dropped the term as inadequate for such a reality). Third, I deal with Domenico Losurdo's approach, in which the ultimate or true form of *bürgerliche Gesellschaft* is the lynch mob. This happens when *bürgerliche Gesellschaft*, led by the wealthy bourgeoisie who were usually slave owners, seeks self-government, out of the clutches of 'despotic' states. However, Losurdo seeks to retrieve another sense of what may now be called *società civile*. He does so through a reading of Hegel, now focusing on Hegel's many efforts to ameliorate the tensions with which I began. The key in this case is that the state itself, through its institutions, actively governs this *società civile*. I conclude by reflecting on the implications of Losurdo's analysis.<sup>2</sup>

A word is needed concerning my use of *bürgerliche Gesellschaft* rather than the common usage of 'civil society'. It begins with the observation that the term used by Hegel and indeed all German material until relatively recently was precisely *bürgerliche Gesellschaft*, which is better

---

2 This article develops further some of the initial observations found in Roland Boer, 'Is a Socialist Civil Society Possible?' *Berlin Journal of Critical Theory* 2.1 (2018): 61-82.

translated as bourgeois society (a *Bürger* is literally a town-dweller, the classic location from which the European bourgeoisie arose). However, in the 1980s some of the Eastern European liberal 'dissenters' – such as Václav Havel, Bronislaw Geremek and Györgi Konrád – to the communist governments began advocating typical liberal slogans, such as freedom, pluralism and social autonomy. They saw these as opposed to the 'authoritarianism' and 'dictatorship' of the aforesaid governments. And they began to deploy the English term, 'civil society', as the focus of their endeavours. The problem they faced was that the German term in use, *bürgerliche Gesellschaft*, would betray all too clearly the source of their ideas and indeed the agenda itself. So they began using a back-translation from English, *Zivilgesellschaft*. Conveniently, the class connections with the bourgeoisie were thereby concealed, so that 'civil society' could become a benign, classless and well-nigh universal term, outside control of the state.<sup>3</sup> Further terminological shifts have sought to enhance the apparent neutrality of the term, particularly in terms of 'the public sphere' and 'the public square' – invoking the metaphor of the village square or market where one could freely express ideas on all manner of topics. Who would not want such a place, whether literally or figuratively? The apparent neutrality of *Zivilgesellschaft* has also enabled its universalisation: all social formations in time and place have 'civil societies'. As for the present context of the bourgeois state, the value of 'civil society' remains unchallenged, with efforts focused on perceived and relatively minor shortcomings so as to reshape and strengthen 'civil society', or

---

3 Jürgen Kocha, 'Civil Society from a Historical Perspective', *European Review* 12.1 (2004):65-79 (67). This shift has made it easier for left-leaning activists and thinkers to join the liberal project, for now they are able to champion 'civil society' as a way to foster progressive causes. An example may be found in debates over global environment regulation via a global 'civil society'. See Mustapha Kamal Pasha and David Blaney, 'Elusive Paradise: The Promise and Peril of Global Civil Society', *Alternatives: Global, Local, Political* 23.4 (1998):417-50; Ronaldo Munck, 'Global Civil Society: Royal Road or Slippery Path?' *Voluntas: International Journal of Voluntary and Nonprofit Organizations* 17.4 (2006):325-32.

*Zivilgesellschaft*.<sup>4</sup>As a form of resistance to this move, I consistently use *bürgerliche Gesellschaft* throughout my analysis, in order to keep in mind its origins and distinct class nature.

### Hegel: The Production of an Alienated *bürgerliche Gesellschaft*

*Bürgerliche Gesellschaft* affords a spectacle of extravagance and misery as well as of the physical and ethical corruption [*Verderbens*] common to both.<sup>5</sup>

The first step in reconsidering the narrative of *bürgerliche Gesellschaft* entails going back to Hegel, for his reformulation of the concept and reality is still largely pertinent: a modern society is split between the state and *bürgerliche Gesellschaft*.<sup>6</sup> Caught in between is the individual, who must

4 Jürgen Habermas, *Between Facts and Norms: Contribution to a Discourse Theory of Law and Democracy*, trans. William Rehg (Cambridge: MIT, 1996), 110; *Religion and Rationality: Essays on Reason, God and Modernity* (Cambridge: MIT, 2002); *The Future of Human Nature* (Cambridge: Polity, 2003), 101-15; *Between Naturalism and Religion*, trans. Ciaran Cronin (Cambridge: Polity, 2008); David Herbert, *Religion and Civil Society: Rethinking Public Religion in the Contemporary World* (Farnham: Ashgate, 2003); Mark Juergensmeyer, *Religion in Global Civil Society* (Oxford: Oxford University Press, 2005); Helen James, *Civil Society, Religion and Global Governance: Paradigms of Power and Persuasion* (London: Routledge, 2007); Joep de Hart, Paul Dekker and Loek Halman, *Religion and Civil Society in Europe* (Dordrecht: Springer, 2013); Judith Butler, Jürgen Habermas, Charles Taylor and Cornell West, *The Power of Religion in the Public Sphere*, eds. Eduardo Mendieta and Jonathan Vanantwerpen (New York: Columbia University Press, 2011). Occasionally one encounters some questioning concerning bourgeois society itself, in light of its implicit ethnocentrism and its tendency to foster conflicts and war, but these do not explore the internal dynamic of bourgeois society: Ireneusz Karolewski, 'Civil Society and its Discontents', *Polish Sociological Review* 154 (2006):167-85.

5 G.W.F. Hegel, *Elements of the Philosophy of Right*, trans. H.B. Nisbet (Cambridge: Cambridge University Press, 1820 [1991]), §185. *Grundlinien der Philosophie des Rechts*, Vol. 7, *Werke* (Frankfurt am Main: Suhrkamp, 1820 [1970]), §185.

6 The following focuses on Hegel's *Grundlinien der Philosophie des Rechts*, translated as *Elements of the Philosophy of Right* (see previous footnote). The best studies of Hegel's political and social thought are: Shlomo Avineri, *Hegel's Theory of the Modern State* (Cambridge: Cambridge University Press, 1972); Domenico Losurdo, *Hegel and the Freedom of the Moderns*, trans. Marella Mor-



negotiate the tension between being an individual in association with other individuals (*bürgerliche Gesellschaft*) and an individual subject to a given entity (the state). For Hegel, the state is an ancient and self-sufficient reality. Indeed, the state pre-exists its historical appearance, being nothing less than the Idea itself and embodiment of reason. Even really existing bad states still partake of the ideal and abstract state. Thus, it is the rational destiny of human beings to live within the state; we are citizens of a state by default and not of our own choosing or by contractual arrangement.<sup>7</sup>

By contrast, *bürgerliche Gesellschaft* is a modern invention, emerging with the bourgeois state and a capitalist market economy (and entailing a sharp separation between state and society).<sup>8</sup> It involves economics, voluntary associations, religion, education, health, the law and even the police. Hegel defines *bürgerliche Gesellschaft* as ‘an association of mem-

---

ris and Jon Morris (Durham: Duke University Press, 2004). On the latter, see more below. Well worth consulting on the alienating dimension of *bürgerliche Gesellschaft* in Hegel’s thought is Anders Bartonek, ‘Labour Against Capitalism? Hegel’s Concept of Labour in Between Civil Society and the State’, *Culture Unbound: Journal of Current Cultural Research* 6 (2014): 113-24 (115-19). Some other texts may be read with benefit, such as Charles Taylor, *Hegel and Modern Society* (Cambridge: Cambridge University Press, 1979); Zbigniew Pelczynski (ed.), *The State and Civil Society: Studies in Hegel’s Political Philosophy* (Cambridge: Cambridge University Press, 1984); Ian McNeely, ‘Hegel’s Württemberg Commentary: Intellectuals and the Construction of Civil Society in Revolutionary-Napoleonic Germany’, *Central European History* 37.3 (2010): 354-64; Jeffrey Church, ‘The Freedom of Desire: Hegel’s Response to Rousseau on the Problem of Civil Society’, *American Journal of Political Science* 54.1 (2010): 125-39. But it is best to avoid those that see Hegel as a champion of liberal ‘freedom’, such as Peter Stillman, ‘Hegel’s Civil Society: A Locus of Freedom’, *Polity* 12.4 (1980): 622-46; Frederick Neuhouser, ‘Hegel’s Social Philosophy’, in *The Cambridge Companion to Hegel and Nineteenth-Century Philosophy*, ed. Frederick Beiser (Cambridge: Cambridge University Press, 2008), 204-29.

- 7 Hegel clearly goes against a contractarian notion of the state, which he argues applies only to bourgeois society.
- 8 The ancient Greek and Latin terms, *koinonia politike* and *societas civilis* had a quite different sense, designating the life of the polis or republic. See Kocha, ‘Civil Society from a Historical Perspective’.

bers as *self-sufficient individuals* [*Einzelner*].<sup>9</sup> The individual is the key, so that the association of individuals in a wider body becomes the problem. With this problem, Hegel is in his favoured mode, now in terms of the contradiction between particular and universal. He attempts to overcome this tension by borrowing a proposal popularised by the consummate mythmaker, Adam Smith.<sup>10</sup> Individual persons relate to others as individuals, but they do so only to further their own interests, which function in a way to further the interests of the whole – for which Smith’s infamous ‘invisible hand’ has become the slogan.<sup>11</sup> In other words, the actualisation of particular selfishness produces through that selfishness the universal of mutual dependence. Yet, Hegel betrays an awareness that this argument is somewhat dubious, for he struggles to find other ways to overcome the dangers of an alienated condition in *bürgerliche Gesellschaft*.<sup>12</sup> Initially, he falls back on repeating ad nauseam the same argument from the classical economists concerning the beneficence of selfishness, particularly in the treatment of economics as the satisfaction of needs, in terms of the ‘estates’ of agriculture, of trade and industry which take the particular form of corporations, and of the civil service which he calls the ‘universal’ estate.<sup>13</sup> He then explores at length the

9 Hegel, *Philosophy of Right*, §157; *Philosophie des Rechts*, §157.

10 Roland Boer and Christina Petterson, *Idols of Nations: Biblical Myth at the Origins of Capitalism* (Minneapolis: Fortress, 2014).

11 Hegel, *Philosophy of Right*, §84; *Philosophie des Rechts*, §84; Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations* (Oxford: Oxford University Press, 1776 [1979]), IV.ii.9.

12 Here we encounter the two fears that Hegel sought to overcome by means of his dialectic: first, he constantly fears alienation, which must be overcome without falling into the trap of unity; second, he fears unity and thereby revolution, which he designates as a ‘negative freedom’ that leads to the fanaticism of destruction (as in the unity of individual and state in ‘The Terror’). This ‘negative freedom’ or ‘freedom of the void’ becomes ‘in the realm of politics and religion the fanaticism of destruction’. Hegel, *Philosophy of Right*, §5; *Philosophie des Rechts*, §5. The best study of Hegel’s apprehension of revolution is by Rebecca Comay, *Mourning Sickness: Hegel and the French Revolution* (Stanford: Stanford University Press, 2011).

13 For Hegel, ‘political economy’ is the study of this dimension of bourgeois society, specifically what such economists were already and rather wishfully

legal system, the police and education, mentioning even health care and religion.<sup>14</sup>

Yet, I would like to dwell on that initial insight concerning the alienated nature of *bürgerliche Gesellschaft*. The key to this alienation is that ‘individuals, as citizens [*Bürger*] of this state, are *private persons* who have their own interest as their end [*eigenes Interesse zu ihrem Zwecke haben*].<sup>15</sup> While the state is a given entity, of which we are citizens by default, *bürgerliche Gesellschaft* is an association of private individuals, who relate to one another through self-interest. Thus, the individual is torn between being a citizen and a private individual, with the state pulling one way and private concerns in another. On a number of occasions, Hegel returns to this underlying theme, especially while elaborating on his various proposals to overcome such alienation. For instance, in his treatment of law, he writes: ‘In the administration of justice, *bürgerliche Gesellschaft*, in which the Idea has lost itself in particularity and split up into the division between inward and outward, returns to its *concept*, to the unity of the universal which has being in itself with subjective particularity’.<sup>16</sup> Once again, the apprehension concerning extreme particularity leads him to urge an underlying unity in the very exercise of particularity. But I am interested in the phrase, ‘split up into the division between inward and outward [*die Trennung des Inneren und Äußeren auseinandergegangen ist*]’, for this is precisely the perpetual problem of *bürgerliche Gesellschaft* in which the ‘Idea’ has lost itself. In other words, the threat to Hegel’s Idea is that it will be swallowed up in the basic alienation of *bürgerliche Gesellschaft*.

The most significant manifestation of this alienation appears with the family. Hegel precedes his treatment of *bürgerliche Gesellschaft* with the argument that the family provides a primary form of social co-

---

calling the ‘free market’ in which the state ‘intervenes’ from time to time. See further Boer and Petterson, *Idols of Nations*.

14 Hegel, *Philosophy of Right*, §§188-256; *Philosophie des Rechts*, §§188-256.

15 Hegel, *Philosophy of Right*, §187; *Philosophie des Rechts*, §187.

16 Hegel, *Philosophy of Right*, §229; *Philosophie des Rechts*, §229.

hesion, historically and logically prior to *bürgerliche Gesellschaft* and its various mediatory mechanisms. Yet the family fares ill before the onslaught of *bürgerliche Gesellschaft*, for it 'disintegrates' into 'the world appearance of the ethical, i.e., *bürgerliche Gesellschaft*'.<sup>17</sup> Or in more frightening detail:

But *bürgerliche Gesellschaft* tears the individual [*Individuum*] away from family ties, alienates the members of the family from one another, and recognizes them as self-sufficient persons. Furthermore, it substitutes its own soil for the external inorganic nature and paternal soil from which the individual [*der Einzelne*] gained his livelihood, and subjects the existence [*Bestehen*] of the whole family itself to dependence on *bürgerliche Gesellschaft* and to contingency.<sup>18</sup>

What is to be done? Perhaps the corporation – in the realm of 'business'<sup>19</sup> – is able to come to the rescue. Indeed, what the family is to the state, so the corporation may be to *bürgerliche Gesellschaft*, to the extent that he hopes the corporation may become the second 'ethical root' of the state, just as the family is the first such root.<sup>20</sup> Sensing that this proposal might not be enough, he adds that estates may also be able to complement the social needs of individuals, for the state has become aloof from the everyday lives of its citizens.<sup>21</sup> Corporations and estates seem to provide a surrogate for the family, which has disintegrated into the dog-eat-dog world of *bürgerliche Gesellschaft*, if not for the state which has become ever more aloof from everyday concerns.

Ultimately, these proposals for the amelioration of the war of all against all in *bürgerliche Gesellschaft*, which includes economic relations,

---

17 Hegel, *Philosophy of Right*, §181; *Philosophie des Rechts*, §181.

18 Hegel, *Philosophy of Right*, §238; *Philosophie des Rechts*, §238.

19 The in-between nature of Hegel's thought shows up here, as in many places. He partly has in mind the guild structure, but sees its dissolution into the early forms of business corporations.

20 Hegel, *Philosophy of Right*, §255; *Philosophie des Rechts*, §255.

21 Hegel, *Philosophy of Right*, §255; *Philosophie des Rechts*, §255.

are not strong enough. So Hegel resorts to the rational universal of the state as the solution to the tension between individuation and sociality.

The state is the actuality of the substantial *will*, an actuality which it possesses in the particular *self-consciousness* when this has been raised to its universality; as such, it is the rational in and for itself. This substantial unity is an absolute and unmoved end in itself, and in it, freedom enters into its highest right, just as this ultimate end possesses the highest right in relation to individuals [*die Einzelnen*], whose *highest duty* is to be members of the state.<sup>22</sup>

Again, we can see Hegel's concern over the alienation inherent in *bürgerliche Gesellschaft*. His solution is that it may be overcome through the state, which constitutes the crucial category of universality: it is the actuality of substantial will, the universality of particular self-consciousness, rationality in and for itself, unity as an absolute and unmoved end. For Hegel, the state *must* overcome the inherent dangers of *bürgerliche Gesellschaft* and achieve what the family and the corporations are ultimately unable to do – unite a people in response to the individual self-interest and struggle he sees emerging everywhere around him. How the state does so reveals the half-way house in which Hegel found himself – the fledgling forms of a bourgeois state espied elsewhere and the present reality of the absolutist 'Christian state' in his Prussian home. So we find treatments of not merely the constitution, political life, bureaucracy, and the mediating role of political and social estates, but also sovereignty (which belongs to an individual and not the people), primogeniture (as the social necessity of the family at the highest level) and even of the vital role of the monarch's will as the expression of the will of the people. Nonetheless, these are the mere mechanisms for achieving his assertion that union within the state is the content, end and unavoidable destiny of individuals.<sup>23</sup> It matters not how bad or good the state might be, for the 'state consists in the march of God in the world, and its basis is the power

---

22 Hegel, *Philosophy of Right*, §258; *Philosophie des Rechts*, §258.

23 Hegel, *Philosophy of Right*, §258; *Philosophie des Rechts*, §258.

of reason actualizing itself as will'.<sup>24</sup>

Let me close this discussion of Hegel with two points. First, he is quite clear that *bürgerliche Gesellschaft* is a relatively new reality. The state may be a universal ideal, and its historical appearance is ancient, but *bürgerliche Gesellschaft* is a new creation, emerging only with the bourgeois state and a capitalist market economy. In other words, *bürgerliche Gesellschaft* is not a universal space that happens to open up between the private individual and the state; rather it is a distinct product of the new world order he sees emerging around him. Second, Hegel's formulations warn us to be wary of seeing *bürgerliche Gesellschaft* as the space for freedom of expression and association, if not for liberal democracy itself. Without what is now called 'civil' society ('public sphere' or 'public square' in American parlance), it is believed that people would not be able to give voice to contrary opinions, develop alternative politics, criticise the state and so on. Yet, Hegel reminds us that *bürgerliche Gesellschaft* is not only the distinctly modern product, but it is also an inescapably alienated reality, torn between the demands of the private individual and the separated and abstract entity known as the bourgeois state.

### Marx and Engels: From All-Out War to Irresolvable Alienation

*Bürgerliche Gesellschaft* as such only develops with the bourgeoisie [Die bürgerliche Gesellschaft als solche entwickelt sich erst mit der Bourgeoisie].<sup>25</sup>

I now turn to the engagement with Hegel by Marx and Engels. Careful attention to their work concerning *bürgerliche Gesellschaft* reveals a prima-

24 Hegel, *Philosophy of Right*, §258; *Philosophie des Rechts*, §258.

25 Karl Marx and Friedrich Engels, *The German Ideology: Critique of Modern German Philosophy According to Its Representatives Feuerbach, B. Bauer and Stirner, and of German Socialism According to Its Various Prophets*, in *Marx and Engels Collected Works*, Vol. 5 (Moscow: Progress Publishers, 1845-46 [1976]), 19-539 (89); Karl Marx and Friedrich Engels, *Die deutsche Ideologie. Kritik der neuesten deutschen Philosophie in ihren Repräsentanten Feuerbach, B. Bauer und Stirner und des deutschen Sozialismus in seinen verschiedenen Propheten*, in *Marx Engels Werke*, Vol. 3 (Berlin: Dietz, 1845-46 [1973]), 9-530 (36).

ry emphasis and a secondary one. While the former has a specific historical focus, the latter is more generic, yet both seek to exacerbate the tensions identified by Hegel. I focus on three works, the critique of Hegel, 'On the Jewish Question' and especially *The German Ideology*. Indeed, in the last of these works we find the insight that frames my analysis. Here Marx and Engels write:

*Bürgerliche Gesellschaft* embraces the whole material intercourse of individuals [*materiellen Verkehr der Individuen*] within a definite stage of the development of productive forces. It embraces the whole commercial and industrial life of a given stage and, insofar, transcends the state and the nation [*Nation*], though, on the other hand again, it must assert itself in its external relations as nationality [*Nationalität*] and internally must organise itself as state. The term '*bürgerliche Gesellschaft*' emerged in the eighteenth century when property relations had already extricated themselves from the ancient and medieval community. *Bürgerliche Gesellschaft* as such only develops with the bourgeoisie [*Die bürgerliche Gesellschaft als solche entwickelt sich erst mit der Bourgeoisie*]; the social organisation [*gesellschaftliche Organisation*] evolving directly out of production and intercourse, which in all ages forms the basis of the state and of the rest of the idealistic superstructure [*idealistischen Superstruktur*], has, however, always been designated by the same name.<sup>26</sup>

A number of points arise from this important passage. To begin with, economic realities are not merely part of civil society, but fundamental to it. Well after Marx and Engels, economic realities would be detached from what came to be called 'civil society', which suited both the myth of a distinct entity designated 'the economy' (for which a field of study was needed) and the desire to turn 'civil society' into a zone for political and civil activity, where one could conveniently locate the Euro-American tradition of 'human rights'. The outcome was that such rights fo-

---

26 Marx and Engels, *The German Ideology*, 89; *Die deutsche Ideologie*, 36.

cused only on civil and political rights and left out the crucial role of economic rights (such as the right to economic wellbeing and development). Second, this *bürgerliche Gesellschaft* is clearly the basis of the state, a point elaborated in 'Contribution to the Critique of Hegel's Philosophy of Law'.<sup>27</sup> Out of 'intercourse and production' arises the 'idealistic superstructure', including the state which is separated from *bürgerliche Gesellschaft*. This point is reasonably well-known, but what is often forgotten is the third point. While the state may always have been known by the same name, this is not the case with *bürgerliche Gesellschaft*. Instead, it is a relatively recent phenomenon, arising at a definite stage in the development of productive forces. More to the point, it is only when property relations and commerce as such had been extracted from their feudal forms, when 'feudal society passes into its *bürgerliche* form'.<sup>28</sup> Marx and Engels later elaborate in some detail on this point,<sup>29</sup> where it becomes clear they mean the commercial and political activities of the bourgeoisie, which – in a distinctly European form – emerged in the towns. Only then does *bürgerliche Gesellschaft* arise, in the eighteenth century. And it cannot exist without the bourgeoisie: '*Bürgerliche Gesellschaft* as such only develops with the bourgeoisie'. To make sure we have not missed the point, at times they use *Bourgeoisgesellschaft* as the equivalent.<sup>30</sup>

27 This point appears repeatedly: Karl Marx, 'Contribution to the Critique of Hegel's Philosophy of Law', in *Marx and Engels Collected Works*, vol. 3 (Moscow: Progress Publishers, 1843 [1975]), 3-129 (9, 23-24, 39-40, 79, 87, 90-91, 116); Karl Marx, 'Zur Kritik der Hegelschen Rechtsphilosophie', in *Marx Engels Gesamtausgabe*, vol. I.2 (Berlin: Dietz, 1843 [1982]), 3-137 (9, 24-25, 43-44, 88, 96, 99-100, 125-26). It is also mentioned in Karl Marx and Friedrich Engels, *The Holy Family, or Critique of Critical Criticism*, in *Marx and Engels Collected Works*, vol. 4, 5-211. (Moscow: Progress Publishers, 1845 [1975]), 5-211 (113); Karl Marx and Friedrich Engels, *Die heilige Familie oder Kritik der kritischen Kritik*, in *Marx Engels Werke*, vol. 2 (Berlin: Dietz, 1845 [1974]), 3-223 (120).

28 Marx and Engels, *The German Ideology*, 363; *Die deutsche Ideologie*, 346. Translation modified.

29 Marx and Engels, *The German Ideology*, 348-76; *Die deutsche Ideologie*, 331-60. It is also the assumed position throughout most of the 'Contribution to the Critique of Hegel's Philosophy of Law'.

30 Marx and Engels, *The German Ideology*, 213, 250; *Die deutsche Ideologie*, 194, 233.



The insights drawn from Hegel should be clear, as also the challenges to Hegel's formulations of state and *bürgerliche Gesellschaft*,<sup>31</sup> but I stress here the specificity and historical emergence of *bürgerliche Gesellschaft*. Given its dependence on the bourgeoisie, it can only be described as 'bourgeois society'.<sup>32</sup> Indeed, in a whole chapter devoted to the topic, '*Die Gesellschaft als bürgerliche Gesellschaft*', this sense of the term is elaborated in some detail.<sup>33</sup> At the same time, in the notes that were later collated and became *The German Ideology*, Marx and Engels sometimes suggest that *bürgerliche Gesellschaft* has a somewhat longer history. This sense of the term is enabled by its repeated definition as commerce and industry, production and intercourse, which would come to mean the material means of production.<sup>34</sup> In this light, one can see how they could make the move to propose that all the various historical forms of such intercourse and production constitute the 'true focus and theatre of all history'.<sup>35</sup> How are we to square this observation with my earlier focus on the specific production of *bürgerliche Gesellschaft* in the eighteenth century and with the rise to prominence of the bourgeoisie? One answer would be that Marx and Engels were not necessarily consistent, especially if we remember that the text itself is really a collection of notes and observations. On this matter, it is worth noting an editorial difference between MEW and MECW. The former ensures that the text concerning the appearance of *bürgerliche Gesellschaft* in the eighteenth century immediately follows the one I have been discussing

---

31 See also the 9<sup>th</sup> and 10<sup>th</sup> theses on Feuerbach: Karl Marx, 'Theses on Feuerbach [original version]', in *Marx and Engels Collected Works*, Vol. 5 (Moscow: Progress Publishers, 1845 [1976]), 3-5 (5); Karl Marx, 'Thesen über Feuerbach [original version]'. In *Marx Engels Werke*, Vol. 3 (Berlin: Dietz, 1845 [1973]), 5-7.

32 The majority of references assume a similar specific historical emergence: Marx and Engels, *The German Ideology*, 90, 181, 241, 284, 402, 415-16, 430, 512; *Die deutsche Ideologie*, 62, 164, 223, 265, 386, 400-1, 415, 501.

33 Marx and Engels, *The German Ideology*, 348-76; *Die deutsche Ideologie*, 331-60.

34 Marx and Engels, *The German Ideology*, 42; *Die deutsche Ideologie*, 28.

35 Marx and Engels, *The German Ideology*, 50; *Die deutsche Ideologie*, 36. A few other uses of *bürgerliche Gesellschaft* assume such a longer perspective: Marx and Engels, *The German Ideology*, 42, 53, 342; *Die deutsche Ideologie*, 28, 36, 325.

(where a longer history emerges and the term seems to be broadened). It is as though the editors sought through this arrangement to clarify the term in its specificity. By contrast, MECW separates the two paragraphs by almost 40 pages. Even more, MECW inconsistently translates *bürgerliche Gesellschaft* as 'bourgeois society' when the specific historical sense is supposed to be meant, and as 'civil society' when the longer historical meaning appears. I write 'inconsistent', since in the clearest statement of the specific emergence of *bürgerliche Gesellschaft* in the eighteenth century, MECW translates the term as 'civil society'. I suggest this less a mistake than an implicit awareness that the specific sense dominates.

However, I would go a step further and point out that Marx and Engels are struggling with the terminology of *bürgerliche Gesellschaft* itself. They drew the term from Hegel, for whom it is clear that *bürgerliche Gesellschaft* is a distinctly new product with the rise of the bourgeois state and a capitalist market economy. But Marx and Engels are already beginning to develop the rough outlines of dialectical and historical materialism, with its focus on 'intercourse and production' as the main focus of analysis. For now, *bürgerliche Gesellschaft* has to serve as the term to describe this reality, but it will soon enough turn out to be inadequate. In making this point, I go against a tendency to favour the more general meaning, which then enables one to chart a path all the way to *Capital*, which becomes an implicit analysis of *bürgerliche Gesellschaft*. The risk of such a move is to provide the term with a more neutral sense, enabling one to universalise it and feed into current liberal usage of 'civil society'.

Let us remain with the specificity of *bürgerliche Gesellschaft* and ask how Marx and Engels understand the term. Here I turn to focus on the critique of Hegel<sup>36</sup> and 'On the Jewish Question', where Marx in particular sharpens Hegel's focus on the inherent alienation of *bürgerliche Gesellschaft*. Thus, it is constituted by a *bellum omnium contra omnes*, in

---

36 The best critical assessment of Marx's intense engagement with Hegel is by David Leopold, *The Young Karl Marx: German Philosophy, Modern Politics, and Human Flourishing* (Cambridge: Cambridge University Press, 2007) 17-99. For a useful study of Marx's theoretical path to the study on Hegel, Andrew Chitty, 'The Basis of the State in the Marx of 1842', in *The New Hegelians: Pol-*

which individuals are driven by egoism, pursuing their own interests at the expense of all others.<sup>37</sup> As Marx puts it in relation to religion in the bourgeois state, which he saw emerging already in the United States: 'Religion has become the spirit of *bürgerlichen Gesellschaft*, of the sphere of egoism, of *bellum omnium contra omnes*. It is no longer the essence of *community*, but the essence of *difference*'.<sup>38</sup> Hegel had already made an allusion to this phrase, *bellum omnium contra omnes*, with his 'field of conflict in which the private interest of each individual comes up against that of everyone else'.<sup>39</sup> It had been made famous by Hobbes, albeit with one crucial difference. For Hobbes, this war of all against all was characteristic of the 'state of nature', before civilisation and the state.<sup>40</sup> Crucially, Hegel appropriated the term to speak not of the state of nature but of *bürgerliche Gesellschaft*. As we saw earlier, this is precisely what concerned Hegel so much about the new developments in the bourgeois state, even though in many respects he was describing a reality that was still to come, caught as he was in the ambivalent situation of the late Prussian absolutist state.<sup>41</sup> Yet, Hegel explored all manner of paths in order to ameliorate this agenda for mutual destruction, settling in the end on the universal of the state as the guarantee and agent of cohesion and order. At this point in his work, Marx pursues another angle: in his decisive shift of focus to *bürgerliche Gesellschaft* he seeks to enhance the contradictions and antagonisms.

In the midst of this all-out war, one alienation, one antagonistic contra-

---

*itics and Philosophy in the Hegelian School*, ed. Douglas Moggach (Cambridge: Cambridge University Press, 2006), 220-41.

37 Marx, 'Contribution to the Critique of Hegel's Philosophy of Law', 42; 'Zur Kritik der Hegelschen Rechtsphilosophie', 45.

38 Karl Marx, 'On the Jewish Question'. in *Marx and Engels Collected Works*, vol. 3 (Moscow: Progress Publishers, 1844 [1975]), 146-74 (155); Karl Marx, 'Zur Judenfrage', in *Marx Engels Gesamtausgabe*, vol. I. 2 (Berlin: Dietz, 1844 [1982]), 138-69 (150).

39 Hegel, *Philosophy of Right*, §289; *Philosophie des Rechts*, §289.

40 Thomas Hobbes, *Leviathan* (Indianapolis: Hackett, 1651 [1994]), 77.

41 Marx makes exactly this point: 'Contribution to the Critique of Hegel's Philosophy of Law', 95; 'Zur Kritik der Hegelschen Rechtsphilosophie', 105.

diction stands out: the internal split between the private individual and the citizen of the state. Given my discussion of Hegel's identification of this alienation, it should be no surprise that Marx deals with the same question in his critique of Hegel's *Philosophy of Right*. But Marx's enhances the contradiction: state and *bürgerliche Gesellschaft* are two hostile armies, with the former being the ultimate collective entity, of which one is a citizen, while the latter is the realm of pure individual egoism. The individual is thereby split between being a *Staatsbürger* and a *Privatmann*, a citizen of a particular state and a private individual.<sup>42</sup> For Marx, Hegel's attempted resolution through the abstract and ideal state is no solution at all, for the basic alienation is exacerbated. The same alienation appears in 'On the Jewish Question', where Marx responds to Bruno Bauer's suggestion that political emancipation would be possible only if everyone gave up their specific religious identity (for such identity constitutes a false universal). Marx argues that this type of emancipation only exacerbates the primary alienation of citizen and individual, of the 'division of the human being into a *private person* and a *public person* [*öffentlichen und in den Privatmenschen*]'.<sup>43</sup> Although Marx would propose the somewhat utopian image of overcoming such alienation through real political emancipation, the point I stress here is the profound split between the private, individualistic bourgeois and the abstract moral *Staatsbürger*.<sup>44</sup> Under the dispensation of *bürgerliche Gesellschaft* in its hostile opposition to the bourgeois state, this alienation, this antagonistic contradiction, is irresolvable.

Marx and Engels have certainly raised the stakes concerning *bürgerliche Gesellschaft*. Despite an occasional tendency to generalise the term before they move away from it for a focus on economic and social realities, their emphasis is on the specificity of the term in relation to the rise of the bourgeoisie and capitalist market economies. In this situation, Marx in particular stresses two features: the war of all against all, based on

---

42 Marx, 'Contribution to the Critique of Hegel's Philosophy of Law', 77-78; 'Zur Kritik der Hegelschen Rechtsphilosophie', 86-87.

43 Marx, 'On the Jewish Question', 155; 'Zur Judenfrage', 150.

44 Marx, 'On the Jewish Question', 167-68; 'Zur Judenfrage', 161-63.

the pure egoism of *bürgerliche Gesellschaft*; the contradiction between the citizen of a state and the private individual, which is exacerbated under the conditions of the bourgeois state. Rather than seeking to ameliorate the tensions Marx (and Engels) inherited from Hegel, they push them even further. This emphasis would lead to an emphasis on class struggle, as well as the inherent contradictions between means and relations of production, which can be resolved only through revolution. As far as *bürgerliche Gesellschaft* is concerned, it has become a zone that is even more conflicted, threatening at any moment to tear itself apart.

### Losurdo: Between Lynch Mob and Progressive State

The third step of my argument turns to Domenico Losurdo, particularly two works, one on Hegel and the other on liberalism.<sup>45</sup> These works evince an intriguing bifurcation of paths concerning *bürgerliche Gesellschaft*, which is '*società civile*' in the original Italian and consistently translated in the English text as 'civil society'. The first path follows Marx's exacerbation of the antagonistic contradictions at the heart of *bürgerliche Gesellschaft*, for which the necessary outcome is the lynch mob. The second emphasises the many ways in which Hegel seeks to ameliorate the tensions of *bürgerliche Gesellschaft*, so much so that at times the 'ethical community' found therein may be seen in some ways as progressive. While the second may be somewhat of a surprise, coming from this resolute critic of liberalism and the bourgeois state (although it makes sense of his defence of Hegel), it turns on a crucial distinction: the lynch mob appears when *bürgerliche Gesellschaft* takes governance into its own hands, becoming the 'self-governance of civil society'; but when this *società civile* is subject to the universal of the state, one may well find that its more progressive dimensions come to the fore. I examine both tendencies in what follows, closing by asking what type of state Losurdo may mean. To indicate the differences between the two understandings, I use *bürgerliche Gesellschaft* for the first sense and *società civile* for the second.

---

45 Losurdo, *Hegel and the Freedom of the Moderns*; Domenico Losurdo, *Liberalism: A Counter-History*, trans. Gregory Elliott (London: Verso, 2011).

The key to the self-governance of *bürgerliche Gesellschaft* is the development of the category of state 'interference' within the ideology and practice and liberalism. But what type of 'interference'? Those who first developed this category were slave-owners, who were not only the most eloquent champions of liberalism but also those who resisted most strongly state measures to limit their excesses. Indeed, the prime ideologues of liberalism were found in the context of three revolutions: the revolution of the Dutch against Philip II of Spain (1655-1648), the Glorious Revolution in England (1688) and the American Revolution (1765-83). In a Dutch context, Hugo Grotius suggested that the exercise of liberty entailed the right, by a man of good learning and culture, to exercise power over ourselves or over others, as in the case of a father over his children or a lord over his slave.<sup>46</sup> Indeed, a person could freely and rationally choose to give up this liberty and become a slave, for slavery was no great burden.<sup>47</sup> In England, John Stuart Mill opined in *On Liberty* that 'despotism is a legitimate mode of government in dealing with barbarians', for liberty is only for 'human beings in the maturity of their faculties'.<sup>48</sup> Not to be outdone, John Locke stated that in a colony such as Carolina every free man should have 'absolute power and authority over his negro slaves, of what opinion or religion soever',<sup>49</sup> for slaves 'cannot ... be considered as any part of civil society, the chief end whereof is the preservation of property'.<sup>50</sup> Further, the statement in the American declaration of independence that 'all men are created equal' was written by a slave-owner, as also was the constitution of the United States. Thus, 'all men' was an exclusive universal, in which slaves and 'inferior folk' did

---

46 Hugo Grotius, *The Rights of War and Peace*, trans. John Clarke, ed. Richard Tuck, 3 vols (Indianapolis: Liberty Fund, 1625 [2005]), I.1.5.

47 Grotius, *The Rights of War and Peace*, I.3.8.

48 John Stuart Mill, 'On Liberty', in *The Collected Works of John Stuart Mill*, vol. 18, (Toronto: University of Toronto Press, 1859 [1977]), 213-30 (224).

49 John Locke, *Political Essays*, ed. Mark Goldie (Cambridge: Cambridge University Press, 1997), 180.

50 John Locke, *Two Treatises of Government and A Letter Concerning Toleration*, ed. Ian Shapiro (New Haven: Yale University Press, 1691 [2003]), 136.

not count.<sup>51</sup> These ideologues regarded a liberal and tolerant society as ‘the community of the free and its dictatorship over peoples unworthy of liberty’.<sup>52</sup> But they were adamant that such liberalism excluded the slavery abolitionists, who were invariably found in governments that sought to ‘interfere’ in the exercise of this ‘liberty’.

The ideal form for such liberals was self-governance, after throwing off the annoyance of state and indeed church, which were denounced – without any irony – as ‘despotism’.<sup>53</sup> What was the outcome of this desire for and enactment of the self-government of ‘the community of free’? It was nothing less than the lynch mob, which included violence and threats of violence against anyone who entertained opposition to slavery.<sup>54</sup> Here the hegemony exercised by the bourgeois and liberal slave owners filtered throughout society. Lynching gangs began to appear in the 1820s and 1830s, which may be seen not so much as forerunners of the typical drug gangs of cities in the United States, but as analogous to the pogroms enacted by the ‘Black One Hundreds’ of Tsarist Russia or the ‘Blackshirts’ of Italian fascism and ‘Brownshirts’ of German Nazism. Lynching may have appeared regularly when the southern states actually had some power, but it became even more ferocious after their defeat. The guerrilla warfare of the Ku Klux Klan and its systemic lynchings rose to a new height precisely after 1865, defining the dis-emancipation of liberalism for almost a century.<sup>55</sup> To capture the sheer brutality of this self-government of *bürgerliche Gesellschaft*, Losurdo quotes the following description:

---

51 Or, as Hegel already put it somewhat earlier. ‘The expression “the many” (*oi polloi*) denotes empirical universality more accurately than the usual term “all.” For if it is said to be obvious that the term “all” excludes from the start at least children, women, etc., it is by the same token even more obvious that the entirely specific expression “all” ought not to be used with reference to something else which is entirely unspecific’. Hegel, *Philosophy of Right*, §301; *Philosophie des Rechts*, §301.

52 Losurdo, *Liberalism*, 248.

53 Losurdo, *Liberalism*, 39.

54 Losurdo, *Liberalism*, 102, 146.

55 Losurdo, *Liberalism*, 341-42.

Notices of lynchings were printed in local papers, and extra cars added to trains for spectators from miles around, sometimes thousands of them. Schoolchildren might get a day off school to attend the lynching. The spectacle could include castration, skinning, roasting, hanging, and shooting. Souvenirs for purchasers might include fingers, toes, teeth and bones, even genitals of the victim, as well as picture postcards of the event.<sup>56</sup>

The dispossession, if not attempted genocide, of indigenous peoples in North America was equally brutal.<sup>57</sup> Indeed, the mythical image of the 'Wild West', which forms a constitutive feature of United States culture, may be seen as the utopian and paradisaical expression of this self-government. Here the term *bürgerliche Gesellschaft* is entirely apposite, for it is the exercise of the champions of liberalism, who were nothing less than the 'urbane' big property owners. They were more than keen to set aside the 'interference' of the state, which they saw as 'despotism', so they could assert their untrammelled freedom. Or, as Losurdo puts it, the 'self-government of civil society' is 'hegemonized by the bourgeoisie'.<sup>58</sup>

At the same time, Losurdo reveals another dimension of what I will call – now using his Italian terminology – *società civile*. The championing of *società civile* can also, argues Losurdo, have a distinctly revolutionary edge, leading to the constitutional state and the liberal rule of law (even after the Glorious Revolution in England and American independence). Here is a tension between emancipation and dis-emancipation, even if these movements came down decisively on the latter.<sup>59</sup> This small window opens out to a somewhat different view of *società civile*, now embodied in the treatment of Hegel.

I focus on three aspects that indicate Losurdo's distinct emphasis. To begin with, Hegel suggests that in *società civile* the 'inalienable rights' that

---

56 Losurdo, *Liberalism*, 337-38, quoting C. vann Woodward.

57 Losurdo, *Liberalism*, 39-40.

58 Losurdo, *Liberalism*, 279.

59 Losurdo, *Liberalism*, 308-9.



one finds in the state of nature are not extinguished.<sup>60</sup> Hegel, argues Losurdo, is somewhat torn: true, the state of nature entails *bellum omnium contra omnes*, but it also means that in *società civile* we find the right to life, to work and to well-being, so much so that a poor person has the right to seek alleviation from poverty, even if Hegel later realises that ‘civil-bourgeois society’, that is *bürgerliche Gesellschaft*, is unable to provide such rights.<sup>61</sup>

Further, Losurdo makes a virtue out of the varying mediating institutions, as well as the ‘ethical communities’, which facilitate intersections and interactions between the state and *società civile*. The necessary bureaucracy is the most obvious example, but he stresses the role of a parliament (especially the Lower House) as the place where the various trade guilds, community organisations and all forms of ‘corporations’ can find expression within the mechanisms of the state.<sup>62</sup> Even more, he reads the role of ‘intellectual-philosophers’ not so much as state functionaries but as engaged intellectuals, who not only draw nigh to the plyers of crafts, but are also far from the aloof ‘monks’ who look with disdain on the world around them.<sup>63</sup>

The most telling example – and one to which Losurdo devotes considerable attention – concerns compulsory education, which Hegel frames in terms of the ‘right’ and ‘duty’ of *società civile* that parents be obliged to send their children to school.<sup>64</sup> Against the opposition of the churches, who saw here a loss of their feudal monopoly, as well as liberal capitalists who insisted on the ‘freedom’ of parents to decide whether or not their children should be educated or sent to factories, the point here is that compulsory education, including the duty of parents, is sanctioned by a state. Education is, of course, a crucial socialising mechanism in which children learn to become part of social life, the professional community and political life.

---

60 Losurdo, *Hegel and the Freedom of the Moderns*, 62, 186.

61 Losurdo, *Hegel and the Freedom of the Moderns*, 132-33, 160, 166, 177-78.

62 Losurdo, *Hegel and the Freedom of the Moderns*, 143.

63 Losurdo, *Hegel and the Freedom of the Moderns*, 140, 143-44.

64 Losurdo, *Hegel and the Freedom of the Moderns*, 72-75, 205-22.

What are to make of this apparent bifurcation in Losurdo's treatment? He is under no illusion that Hegel speaks of a bourgeois state formation, with its attendant *bürgerliche Gesellschaft*. Yet, Hegel is not a liberal of the sort we met earlier, those who sought all manner of means to dispense with state 'intervention' and foster the self-government of *bürgerliche Gesellschaft*. Nor is Hegel one who longs nostalgically for a lost golden age that exists only in the mythical imagination. This 'development of particularity' is absolutely necessary,<sup>65</sup> revealing the socio-economic conditions that produce exploitation, wealth and poverty – a point that would be taken up by Marx and Engels in their own way. In fact, this line of Losurdo's thought may be seen as an effort to develop the more general (and minor) sense of *bürgerliche Gesellschaft* found in the work of Marx and Engels.<sup>66</sup> As 'intercourse and production', this form becomes the site of class struggle and eventual communist revolution. The largely unanswered question – apart from a few brief and rather utopian images – in Marx and Engels is what happens after a revolution, when one actually has power and needs to begin the construction of socialism?

For Losurdo, Hegel may well provide part of an answer, although the answer needs to be mediated through a revolutionary experience. In short, a *società civile* that meets Hegel's demands is one that is not under self-government, but one under the governance of the state. Here crucial rights can be guaranteed, especially the right to economic wellbeing; here institutions can facilitate manifold connections between state and *società civile*; here engaged intellectuals can ply worthwhile trades; and here crucial programs such as universal literacy and education, let alone minority nationalities policies and poverty alleviation, can be enacted. Losurdo does not have in mind Hegel's idealised or abstract state, for which Marx's criticisms are entirely apposite, but rather the centrality of progressive political institutions under a rather different state formation.

---

65 Losurdo, *Hegel and the Freedom of the Moderns*, 148, 157-58, 188-89.

66 Losurdo, *Liberalism*, 320-22.

### Conclusion: State and Civil Society?

Is Losurdo's potential solution through the second meaning of *società civile* workable? Let me first retrace briefly the steps of my argument. I began by stressing the alienated condition of *bürgerliche Gesellschaft* in Hegel's work, for which all efforts at amelioration run the risk of failure, so much so that the state becomes the bulwark of social cohesion. In Marx and Engels, we found a double approach to *bürgerliche Gesellschaft*. The major position focused in the specific historical emergence of *bürgerliche Gesellschaft* in the eighteenth century, concomitant with the rise to dominance of the bourgeoisie. The minor position generalised the term in light of a resolute focus on 'intercourse and production', so much so that the term *bürgerliche Gesellschaft* became inadequate for their later work. Both, however, led to an exacerbation of antagonistic contradictions, which would need a communist revolution to overcome. With Losurdo, the bifurcation opened up even further, between what I have called *bürgerliche Gesellschaft* and *società civile*. This distinction is most clearly revealed in the opposition between the self-government of *bürgerliche Gesellschaft* (embodied above all in liberalism and its necessary other of slavery) and the governance of *società civile* by the state. For the latter, Losurdo seeks a reading of Hegel that espies the contours of how such governance of *società civile* may work. However, I suggest that in the same way Hegel wrote of a form of the state that was not yet fully in existence (especially in Prussia), Losurdo writes of a form of the state that is still unfolding (not in Italy but for a time in the Soviet Union and now in China). In other words, he wishes to recalibrate the relations between state and *società civile* in light of the socialist state in the transition period of socialism, which is a necessarily long stage in the process of socialist construction.<sup>67</sup> The question that remains, for me at least, is whether the very distinction itself is workable in such a context, for the way the socialist state has de-

---

<sup>67</sup> Although at times the picture that emerges from his reading of Hegel looks more like a social democratic approach that has made its peace with capitalist market economy.

veloped is through a thorough enmeshment of state and society so that it is difficult to speak of a separation at all. In this situation, any notion even of a *società civile* withers away.

### Bibliography

- Avineri, Shlomo. *Hegel's Theory of the Modern State*. Cambridge: Cambridge University Press, 1972.
- Bartonek, Anders. 'Labour Against Capitalism? Hegel's Concept of Labour in Between Civil Society and the State'. *Culture Unbound: Journal of Current Cultural Research* 6 (2014): 113-24.
- Boer, Roland. 'Is a Socialist Civil Society Possible?' *Berlin Journal of Critical Theory* 2.1 (2018): 61-82.
- Boer, Roland, and Christina Petterson. *Idols of Nations: Biblical Myth at the Origins of Capitalism*. Minneapolis: Fortress, 2014.
- Butler, Judith, Jürgen Habermas, Charles Taylor, and Cornell West. *The Power of Religion in the Public Sphere*. Edited by Eduardo Mendieta and Jonathan Vanantwerpen. New York: Columbia University Press, 2011.
- Chitty, Andrew. 'The Basis of the State in the Marx of 1842'. In *The New Hegelians: Politics and Philosophy in the Hegelian School*, edited by Douglas Moggach. Cambridge: Cambridge University Press, 2006, 220-41.
- Church, Jeffrey. 'The Freedom of Desire: Hegel's Response to Rousseau on the Problem of Civil Society'. *American Journal of Political Science* 54.1 (2010): 125-39.
- Comay, Rebecca. *Mourning Sickness: Hegel and the French Revolution*. Stanford: Stanford University Press, 2011.
- Grotius, Hugo. *The Rights of War and Peace*. Translated by John Clarke. 3 vols. Indianapolis: Liberty Fund, 1625 [2005].
- Habermas, Jürgen. *Between Facts and Norms: Contribution to a Discourse Theory of Law and Democracy*. Translated by William Rehg. Cambridge: MIT, 1996.
- . *Religion and Rationality: Essays on Reason, God and Modernity*. Cambridge: MIT, 2002.

- 
- . *The Future of Human Nature*. Cambridge: Polity, 2003.
- . *Between Naturalism and Religion*. Translated by Ciaran Cronin. Cambridge: Polity, 2008.
- Hart, Joep de, Paul Dekker, and Loek Halman. *Religion and Civil Society in Europe*. Dordrecht: Springer, 2013.
- Hegel, Georg Wilhelm Friedrich. *Elements of the Philosophy of Right*. Translated by H. B. Nisbet. Cambridge: Cambridge University Press, 1820 [1991].
- . *Grundlinien der Philosophie des Rechts*. Vol. 7, *Werke*. Frankfurt am Main: Suhrkamp, 1820 [1970].
- Herbert, David. *Religion and Civil Society: Rethinking Public Religion in the Contemporary World*. Farnham: Ashgate, 2003.
- Hobbes, Thomas. *Leviathan*. Indianapolis: Hackett, 1651 [1994].
- James, Helen. *Civil Society, Religion and Global Governance: Paradigms of Power and Persuasion*. London: Routledge, 2007.
- Juergensmeyer, Mark. *Religion in Global Civil Society*. Oxford: Oxford University Press, 2005.
- Karolewski, Ireneusz. 'Civil Society and its Discontents'. *Polish Sociological Review* 154 (2006): 167-85.
- Kocha, Jürgen. 'Civil Society from a Historical Perspective'. *European Review* 12.1 (2004): 65-79.
- Leopold, David. *The Young Karl Marx: German Philosophy, Modern Politics, and Human Flourishing*. Cambridge: Cambridge University Press, 2007.
- Locke, John. *Political Essays*. Edited by Mark Goldie. Cambridge: Cambridge University Press, 1997.
- . *Two Treatises of Government and A Letter Concerning Toleration*. Edited by Ian Shapiro. New Haven: Yale University Press, 1691 [2003].
- Losurdo, Domenico. *Hegel and the Freedom of the Moderns*. Translated by Marella Morris and Jon Morris. Durham: Duke University Press, 2004.
- . *Liberalism: A Counter-History*. Translated by Gregory Elliott. London: Verso, 2011.
- Marx, Karl. 'Contribution to the Critique of Hegel's Philosophy of Law'. In *Marx and Engels Collected Works*, Vol. 3. Moscow: Progress Publishers, 1843 [1975], 3-129.

- 
- . ‘Zur Kritik der Hegelschen Rechtsphilosophie’. In *Marx Engels Gesamtausgabe*, Vol. I.2. Berlin: Dietz, 1843 [1982], 3-137.
  - . ‘On the Jewish Question’. In *Marx and Engels Collected Works*, Vol. 3. Moscow: Progress Publishers, 1844 [1975], 146-74.
  - . ‘Zur Judenfrage’. In *Marx Engels Gesamtausgabe*, Vol. I.2. Berlin: Dietz, 1844 [1982], 138-69.
  - . ‘Theses on Feuerbach [original version]’. In *Marx and Engels Collected Works*, Vol. 5. Moscow: Progress Publishers, 1845 [1976], 3-5.
  - . ‘Thesen über Feuerbach [original version]’. In *Marx Engels Werke*, Vol. 3. Berlin: Dietz, 1845 [1973], 5-7.
- Marx, Karl, and Friedrich Engels. *The German Ideology: Critique of Modern German Philosophy According to Its Representatives Feuerbach, B. Bauer and Stirner, and of German Socialism According to Its Various Prophets*. In *Marx and Engels Collected Works*, Vol. 5. Moscow: Progress Publishers, 1845-46 [1976], 19-539.
- . *Die deutsche Ideologie. Kritik der neuesten deutschen Philosophie in ihren Repräsentanten Feuerbach, B. Bauer und Stirner und des deutschen Sozialismus in seinen verschiedenen Propheten*. In *Marx Engels Werke*, Vol. 3. Berlin: Dietz, 1845-46 [1973], 9-530.
  - . *The Holy Family, or Critique of Critical Criticism*. In *Marx and Engels Collected Works*, Vol. 4. Moscow: Progress Publishers, 1845 [1975], 5-211.
  - . *Die heilige Familie oder Kritik der kritischen Kritik*. In *Marx Engels Werke*, Vol. 2. Berlin: Dietz, 1845 [1974], 3-223.
- McNeely, Ian. ‘Hegel’s Württemberg Commentary: Intellectuals and the Construction of Civil Society in Revolutionary-Napoleonic Germany’. *Central European History* 37.3 (2010): 354-64.
- Mill, John Stuart. ‘On Liberty’. In *The Collected Works of John Stuart Mill*, Vol. 18, edited by J.M. Robson. Toronto: University of Toronto Press, 1859 [1977], 213-30.
- Munck, Ronaldo. ‘Global Civil Society: Royal Road or Slippery Path?’ *Voluntas: International Journal of Voluntary and Nonprofit Organizations* 17.4 (2006), 325-32.
- Neuhouser, Frederick. ‘Hegel’s Social Philosophy’. In *The Cambridge*

- 
- Companion to Hegel and Nineteenth-Century Philosophy*, edited by Frederick Beiser. Cambridge: Cambridge University Press, 2008, 204-29.
- Pasha, Mustapha Kamal, and David Blaney. 'Elusive Paradise: The Promise and Peril of Global Civil Society'. *Alternatives: Global, Local, Political* 23.4 (1998), 417-50.
- Pelczynski, Zbigniew. *The State and Civil Society: Studies in Hegel's Political Philosophy*. Cambridge: Cambridge University Press, 1984.
- Smith, Adam. *An Inquiry into the Nature and Causes of the Wealth of Nations*. Oxford: Oxford University Press, 1776 [1979].
- Stillman, Peter. 'Hegel's Civil Society: A Locus of Freedom'. *Polity* 12.4 (1980): 622-46.
- Taylor, Charles. *Hegel and Modern Society*. Cambridge: Cambridge University Press, 1979.