

On the English Reform Bill

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Hegel's last publication, which appeared in the "Allgemeine Preußische Staatszeitung" in 1831 (nos. 115, 116 and 118). The printing broke off after the third instalment and the announced continuation never appeared there; a note marks the place (p. 116), and the German edition gives the remainder from the text of the Freundesverein edition. Translated from the German text of the Werke (vol. II, "Berliner Schriften"); additions in curly braces come from Hegel's manuscript.

The figures between vertical bars, e.g. [93], mark the beginning of a page of the printed edition, so that a passage can be found again in one's own copy.

In the notes, "Editors:" introduces a note by the editors of the German edition and "Hegel's footnote." one of Hegel's own.

Cross-reference: The only text in which Hegel judges a political question of the day from the concept of the state. In the *Groundlines* this belongs to the estates element (§ 301 ff.), the election of deputies (§ 308, § 311) and landed property and primogeniture (§ 305 f.); on English "positive right" see the Remark to § 3. The two drafts from his papers stand as an appendix at the end. The German text is on the German side of this edition.

On the English Reform Bill¹⁾

1) *Editors*: in: *Allgemeine preußische Staatszeitung*, 1831, Nr. 115–116, 118

The Reform Bill now before the English Parliament intends, in the first place, to bring justice and fairness into the distribution of the share which the various classes and factions of the people have in the election of the members of Parliament, by putting a greater symmetry in the place of the present {most bizarre, most shapeless}²⁾ irregularity and inequality that prevails in it. It is numbers, localities, private interests that are to be placed differently; but it is at the same time, in fact, the noble entrails, the vital principles of the constitution and condition of Great Britain into which that change penetrates. From this side the present Bill deserves particular attention, and to bring together here these higher points of view, which have been touched upon in the debates of Parliament so far, shall be the subject of this essay. That the Bill has met with such a many-voiced opposition in the House of Commons, and has passed the second reading only by the chance of *one* vote, cannot cause surprise, since it is precisely the interests of the aristocracy, powerful in the House of Commons too, that are to be attacked and reformed. If all those who are to lose privilege and weight hitherto enjoyed, partly personally, partly in the case of their constituents, were to oppose the Bill, it would at once have the majority decisively against it. Those who introduced the Bill could rely only *upon this*, that against the obstinacy of privileges the feeling of justice had now become powerful in those themselves who

2) *Editors*: Additions in curly brackets derive from Hegel's manuscript.

[84] have their advantage in those privileges, - a feeling that received great support from the impression of apprehension which the neighbouring example of France produced among the Members of Parliament concerned; the almost universal voice that has declared itself in England on the need of a reform is wont to be urged in Parliament as a most important motive. But even if the public voice of Great Britain were quite universally for reform, in the extension or restriction in which the Bill proposes it, it would still have to be permitted to examine the content of what such a voice demands, all the more since in more recent times we have not seldom experienced that its demands proved unfeasible, or disastrous in their execution, and that the general voice then turned just as vehemently against that which shortly before it had seemed vehemently to demand and to approve. The ancients, who in the democracies to which they belonged from their youth lived through a long series of experiences and at the same time applied their profound reflection to them, had other conceptions of the voice of the people than are current nowadays, more a priori.

The projected reform proceeds from the indisputable fact that the foundations according to which the share was determined that the various counties and communities of England had in the filling of Parliament have completely changed in the course of time, so that the "rights of such share" have thereby become completely divergent from the principles of the foundations themselves and contradictory to everything that in this part of a constitution is evident to the simplest common sense as just and fair. One of the most considerable opponents of the Bill, *Robert Peel*, admits that it may be easy to dilate upon the anomalies and absurdity of the English constitution, and the absurdities have been set out at length in all their details in the proceedings of Parliament

[85] and in the public papers. It may therefore suffice here to recall the chief points, namely that towns of small population, or also their magistrates - and indeed self-recruiting ones - to the exclusion of the burgesses, and even hamlets dwindled to two or three inhabitants (and these tenants), have retained the right to bestow seats in Parliament, while many flourishing towns risen in later times, of a hundred thousand inhabitants and more, are excluded from the right of such nomination, the greatest variety of other inequality being present besides between these extremes. As a proximate consequence it has resulted that the filling of a great number of seats in Parliament is in the hands of a small number of individuals (according to calculation, the majority of the House in the hands of 150 grandees), that, further, a still more considerable number of seats is venal, in part an acknowledged object of trade, so that the possession of such a seat is acquired by bribery, by formal payment of a certain sum to those entitled to vote, or altogether reduces itself, in manifold other modifications, to a monetary relation.

A similar symptom of political corruption in a people will hardly be found anywhere. Montesquieu declared *virtue*, the disinterested sense of duty towards the state, to be the principle of the democratic constitution; in the English constitution the democratic element has a considerable domain in the participation of the people in the election of the members of the House of Commons, - of the statesmen to whom falls the most important part of the power that resolves upon the most general affairs. It is no doubt a fairly concordant view of the pragmatic historians that, when in a people private interest and filthy pecuniary advantage interfere predominantly in the election of the heads of the state, such a condition is to be regarded as the forerunner of the necessary loss of its

[86] political freedom, of the downfall of its constitution and of the state itself. Over against the pride of English freedom we Germans may well adduce that, even if the former constitution of the German Empire was likewise a shapeless aggregate of particular rights, it was only the external bond of the German lands, and that the life of the state in these lands, in respect of the filling of offices and the electoral rights relating to the territories existing within them, did not have in it such an anomaly as the one mentioned, still less that selfishness penetrating all classes of the people. Even if, now, alongside the democratic element the aristocratic in England is so highly considerable a power, and purely aristocratic governments such as Venice, Genoa, Berne etc. have been reproached with finding their security and stability in sinking the people ruled by them into common sensuality and in its corruption of morals, and if it is further counted as part of freedom itself to give one's vote entirely at pleasure, whatever motive [also] determines the will, it is nevertheless to be acknowledged as a good sign of the reawakening of the moral sense in the English people that one of the feelings which have brought about the need of a reform is the repugnance against that corruption. It will likewise be acknowledged as the right way that the attempt at improvement is no longer to be based merely on the moral means of representations, exhortations, the association of single individuals in order to owe nothing to the system of corruption and to work against it, but on the alteration of institutions; the usual prejudice of inertia, which still holds fast to the old belief in the goodness of an institution even when the condition dependent on it

[87] is wholly corrupted, has in this way finally yielded. A more thoroughgoing reform has been demanded all the more since the proposals for an improvement occasioned, at the entry of each new Parliament, by the charges of bribery that had occurred remained without significant result, - since even the recently made and so highly commendable proposal to transfer the franchise taken from a borough on account of proven bribery to the town of Birmingham, and thereby to show an equitable inclination [merely] towards even a most moderate remedying of the most striking inequality, had been manoeuvred away by ministerial parliamentary tactics, especially of the minister Peel, otherwise extolled as more liberal-minded, and a great onset taken at the beginning of the session of the present Parliament had reduced itself to this, that candidates were forbidden any longer to distribute *ribbons* to the voters favourably disposed to them. The charges of bribery against a place entitled to vote, and the inquiries and the process upon them, since the members of the two Houses, who are the judges of such a crime, are in overwhelming number implicated in the system of corruption, and in the House of Commons the majority owe their seats to it, have been declared too openly and too loudly to be mere farces and even shameless procedures for any single remedies whatever to be still expected in such a way.

The ground otherwise customary in Parliament against attacks upon positive rights, which is taken from the *wisdom of the ancestors*, has not been invoked on this occasion; for with this wisdom, which is to be placed in this, that the allotment of electoral rights of the members of Parliament was measured according to the population or other importance then of the counties, towns and boroughs, the relation stands in too glaring conflict, as population, wealth, importance

[88] of the regions and of the interests have shaped themselves in more recent times. Nor has the point of view been brought up that so many individuals suffer a loss of property, a still greater multitude lose a money income; the pecuniary gain drawn from direct bribery is illegal, although all classes are involved in it by giving or receiving. The capital value that is lost on the boroughs whose franchise is to be taken away rests on the transformation, which has taken place in the course of time, of a political right into a money value, and although the acquisition at a price which is now sinking has occurred *bona fide* just as much as in the purchase of slaves, and although in the English Parliament, with new laws in such a case, much regard is otherwise paid to the preservation of real property and to compensation, when a loss arises for it, yet in the present case no claims to this, nor difficulties from this side, have been raised, however much this circumstance may be effective as a motive against the Bill in a number of Members of Parliament.

On the other hand, another principle of right, preeminently peculiar to England, is attacked by the Bill, namely the character of the *positive* which the English institutions of public law and private law predominantly bear. Every right and its law is indeed, in form, a positive one, ordained and posited by the supreme power of the state, to which obedience must be rendered for the very reason that it is law. But at no time more than today has the general understanding been led to the difference whether rights, even according to their *material content*, are only positive or also right and rational in and for themselves, and in no constitution is judgement so much occasioned to attend to this difference as in the English, after the peoples of the Continent have for so long let themselves be impressed by the declamations about English freedom and by the

[89] pride of the nation in its legislation. As is well known, this legislation rests through and through on particular rights, liberties, privileges, which have been granted, sold, given as presents, or wrested from kings or Parliaments on particular occasions; the *Magna Charta*, *Bill of rights*, these most important foundations of the English constitution, which were afterwards further determined by resolutions of Parliament, are concessions extorted by force or gifts of grace, pacts etc., and the rights of the state have remained standing at the private-law form of their origin and thereby at the contingency of their content. This aggregate of positive determinations, unconnected in itself, has not yet undergone the development and transformation which has been carried through in the civilised states of the Continent and in the enjoyment of which, e.g., the German lands have found themselves for a longer or shorter time.

In England the moments have hitherto been lacking which have the chief share in these progresses, as glorious as they are fortunate. Foremost among these moments stands the scientific treatment of right, which on the one hand has applied general foundations to the particular kinds and their complications and carried them through in them, and on the other hand has brought the concrete and the special back to simpler determinations; from this could arise the territorial codes and institutions of public law, predominantly composed according to general principles, of the more recent states of the Continent, in which, in regard to the content of what is just, common human sense and sound reason were permitted to have their due share. For a still more important moment in the reshaping of right is to be named, - the great sense of princes for making such principles as the best of the state, the happiness of their subjects and the general welfare, but above all the feeling of a justice that is in and for itself, the guiding star of their legislative activity,

[90] with which at the same time the proper monarchical power is joined, in order to procure for such principles entry and reality against merely positive privileges, traditional private self-interest and the unreason of the multitude. England has remained so strikingly behind the other civilised states of Europe in the institutions of true right for the simple reason that governmental power lies in the hands of those who find themselves in the possession of so many privileges contradicting a rational public law and a true legislation.

It is this relation upon which the projected Reform Bill is to have a considerable effect, - not, however, by the monarchical element of the constitution being given an extension of power; on the contrary, if the Bill is not at once to meet with general disfavour, the jealousy against the power of the Crown, no doubt the most obstinate English prejudice, must be spared, and the proposed measure owes rather a part of its popularity to the circumstance that through it that influence is seen to be weakened still further. What awakens the great interest is the apprehension on the one side, the hope on the other, that the reform of the franchise will draw other material reforms after it. The English principle of the positive, on which, as remarked, the general condition of right there rests, suffers in fact through the Bill a shock which is wholly new and unheard of in England, and instinct scents in this overthrow of the formal foundation of what exists the more far-reaching changes.

Of such prospects something has been mentioned in the course of the proceedings of Parliament, yet more in passing; the authors and friends of the Bill may partly be in the good faith that it will not lead further than it itself reaches, partly, in order not to excite the opponents more violently, let their hopes not become louder, - just as the

[91] opponents do not care to hold out as a prize of victory that for which they are apprehensive; possessing much, they have indeed much to lose. But that more has not been brought up in Parliament about this more substantial side of the reform - in this the habit has a great share, that with important subjects in this assembly the most time is always spent in declarations of the members about their personal position; they set forth their views not as men of business but as privileged individuals and orators. In England there lies open for reform a wide field, embracing the most important purposes of civil society and of the society of the state. The necessity of it begins to be felt; some of what was pointed to on this occasion may serve as an example of how much work, which elsewhere is done with, still lies ahead for England.

Among the prospects of material improvements, the hope of *savings* in the administration is raised first of all; but as often as this saving is brought up by the Opposition as absolutely necessary for the relief of the pressure and of the general misery in which the people is said to find itself, so too it is each time repeated that all efforts for it have hitherto been in vain, and that the popular hope given by the ministries and even in the speech from the throne has each time been deceived. These declamations are repeated in the same way after all the reductions of taxes made in the last fifteen years. For the final fulfilment of them, better prospects are shown in a reformed Parliament, namely in the greater independence of a greater number of its members from the ministry, on whose weakness, hard-heartedness towards the people, interest etc. the blame for a continuing excessive expenditure is laid. But if one takes into consideration the principal items of English state expenditure, there appears no great room for *saving*; the one, the interest on the enormous national debt, is not capable of any

[92] diminution; the other, the costs of the land and naval forces including pensions, is bound up most intimately not only with the political situation, in particular with the interest of the basis of English existence, trade, and with the danger of internal risings, but also with the habits and demands of the individuals devoting themselves to this estate, not to be behind the other estates in comfortable living and luxury, so that without danger nothing could here be bargained away. The accounts which the outcry over the so notorious sinecures has brought to light have shown that even a complete abolition of them, not to be effected without great injustice, would not be an important object. But one need not go into the material side, but only observe that the untiring efforts of a *Hume*, entering into the smallest detail of the finances, are as good as always without result; this cannot be ascribed solely to the corruption of the aristocracy of Parliament and to the compliance of the ministry towards it, whose support it needs and which procures for itself and its relatives the most manifold advantages through sinecures, in general lucrative posts of the administration, of the military service, of the Church and of the Court. The relatively very small number of votes which such proposals for the reduction of expenditure are wont to have on their side points to a slight belief in the possibility, or to a weak interest in such relief from the alleged general pressure, against which the Members of Parliament are indeed protected by their wealth. That faction of them which passes for independent is wont to be on the side of the ministry, and this independence shows itself at times inclined to go further than its usual conduct or the reproaches of the Opposition would suggest, on occasions when the ministry sets forth an express, closer interest in a grant of money; as, for instance, some

[93] years ago a supplement of 1000 pounds, which the ministry proposed with great interest for the so esteemed *Huskisson*, who on account of the overburdening of his meritorious business in the Board of Trade gave up a lucrative post, was rejected by a great majority; as this has also not seldom been the case with proposals for raising the appanages of royal princes, by no means generously measured out in England. In these cases, touching a personality and the feeling of propriety, passion has overcome the lukewarmness for savings otherwise shown by Parliament. - So much is doubtless evident, that no Reform Bill is able directly to remove the causes of the high taxation in England; the example of England and France could even lead to the induction that countries in which the administration of the state is placed in the approval of assemblies elected by the people are the most heavily burdened with levies; in France, where the purpose of the English Reform Bill, to extend the franchise to a more considerable number of citizens, has been carried out to a fairly large extent, the budget of that country was just now compared in French papers to a promising child that makes considerable progress daily. In order to take thorough measures to lessen the oppressive condition of the English administration of the state, one would have to intervene too deeply in the inner constitution of the particular rights; there is no power present to make, given the enormous wealth of private persons, serious arrangements towards a considerable reduction of the immense national debt. The exorbitant costs of the confused administration of justice, which make the way of the courts accessible only to the rich, - the Poor Rate, which a ministry would not be able to introduce in Ireland, where necessity as much as justice demanded it, - the application of the Church's property, which will be mentioned further, - and many other great

[94] branches of the social bond presuppose, for an alteration, other conditions in the power of the state than are contained in the Reform Bill. - In passing, the abolition in France of the tithes of the Church, of the rights of manorial lordship, of the rights of the chase was mentioned in Parliament; all this, it was said, took place under the auspices of a patriotic king and of a reformed Parliament; and the direction of the speech seems to mark the abolition of rights of that kind in itself as a deplorable overthrow of the whole constitution, besides that it had for its consequence the atrocious anarchy of that country. As is well known, in other states such rights have not only vanished without such consequences, but their abolition has been regarded as an important foundation of increased welfare and essential freedom. Some further particulars about this may therefore be adduced here.

As regards first the *tithes*, the oppressiveness of this levy has long been pointed out in England; apart from the particular odium which attaches to this kind of levy generally, and which in England can least of all cause surprise, when in many districts the clergyman has the tenth pot of the milk drawn, the tenth of the eggs laid daily etc., collected daily from the cowsheds, the inequity has also been censured which lies in this levy through the consequence that, the more the yield of the soil is raised by diligence, time and expense, the more the levy rises, and thus a tax is laid upon the improvement of cultivation, into which great capitals are sunk in England, instead of its being encouraged. The tithe belongs to the Church in England; in other countries, especially Protestant ones, the tithe has been, partly long ago (in the Prussian lands already more than a hundred years ago), partly recently, abolished or made redeemable without pomp and stir, as without robbery and injustice, and the oppressiveness has been taken from the revenues

[95] of the Church and a more suitable and more decent mode of collection given to them. In England, however, the nature of the original entitlement to the tithe has also otherwise received an essentially stunted and perverted turn; the destination for the subsistence of the teachers of religion and for the building and upkeep of the churches has predominantly passed over into the manner of a yield of private property; the spiritual office has taken on the character of a benefice, and its duties have been transformed into rights to revenues. Setting aside that a multitude of lucrative ecclesiastical posts, canonries, are wholly without official functions, it is only too well known how frequently it happens that English clergymen occupy themselves with anything other than the functions of their office, with hunting etc. and other idleness, consume the rich revenues of their posts in foreign countries, and transfer the official functions to a poor candidate for an alms which barely protects him against death by starvation. On the connection in which the possession of an ecclesiastical post and the drawing of its revenues stand here with the exercise of the duties of the office, together with moral conduct, an example dealt with in the courts some years ago gives a comprehensive idea. Against a clergyman named Frank, application was made in court to declare him, on account of madness, incapable of managing his property and to place it under guardianship; he had a parish with revenues of 800 pounds, besides other benefices of some 600 pounds (somewhat less than 10,000 Rtlr.); the legal action, however, was brought by his son, when the latter had come of age, in the interest of the family. The proof of the alleged insanity, publicly given over many days and through a multitude of depositions of witnesses, brought to light actions of this parson which he had, wholly undisturbed by any ecclesiastical authority, allowed himself to be guilty of in the course of

[96] years, and e.g. of such a nature that he had once in broad daylight gone through the streets and over the bridge of his town, in most indecent company, with a train of a multitude of jeering street urchins; - still far more scandalous were the man's own domestic circumstances, likewise attested by witnesses. Such shamelessness of a clergyman of the English Church had done no detriment to him in the possession of his office and in the enjoyment of the revenues of his benefices; the contempt into which the Church falls through such examples, most of all by the fact that, notwithstanding the institution of an episcopal hierarchy, it does not of itself check such depravity and its scandal, contributes its share, like the covetousness of other clergymen in collecting their tithes, towards diminishing also that respect which is demanded by the English public for the right of property of the Church. That such property, through its destination for the religious purpose, has a wholly different character from private property, which the free arbitrary will of the owners has to dispose of, - that this difference grounds a different right, and the enjoyment of this wealth is bound to duties as conditions, and that that purpose in Protestant states grounds an entitlement of the power of the state to watch jointly over the fulfilment of this purpose and of the duties bound up with the revenues, - such principles seem in England still to be wholly foreign and unknown. To remain standing at the abstract point of view of private right in this matter, however, lies too much in the advantage of the class which has the predominant influence in Parliament, is thereby connected with the ministry,

[97] which has the high and most lucrative ecclesiastical posts to bestow, and has the interest of providing through such benefices for the younger sons or brothers who, since landed property in England in general passes only to the eldest son, are left without property. The same class is also, after the Reform Bill, to retain its position in Parliament, indeed even to extend it; it is therefore very problematic whether it has anything to apprehend for its interest, with regard to the riches of the Church and its patronage.

The apprehensions about a reform of such a condition of the English Church have every reason to extend especially to its establishment in Ireland, which for several years, chiefly in the pursuit of the matter of Emancipation, which in itself concerned only the political side, has been so vehemently attacked. The goods which formerly belonged there to the Catholic Church, to which, as is known, the majority of the Irish population belongs, the churches themselves, the tithes, the obligation of the parishes to keep the church buildings in repair, to provide the utensils of divine service, also the maintenance of the sextons etc., all this has been taken from the Catholic Church by virtue of the right of conquest and made the property of the Anglican. In Germany the Thirty Years' War more than a hundred and fifty years ago, and in more recent times rational culture, have brought it about that to a country or a province, town, village, the goods belonging to the church of its population have been left, or that provision has been made in another way for the need of worship; {the religion of the prince and of the government has not confiscated the church goods of the territory which belong to another worship}. Even the Turks have for the most part left to the Christians, Armenians and Jews subjected to them their churches; while they also forbade them to repair them when they fell into decay, they yet let the permission for it be bought; but the English have taken

[98] from the Catholic population conquered by them all the churches. The Irish, whose poverty, misery and the degeneration and demoralisation arising from it are a standing theme in Parliament, admitted by all ministries, are compelled to pay their own clergymen out of the few pence which they can possess and to provide a place for divine service, but on the other hand to pay the tithes of all the produce of their lands to Anglican clergymen, in whose extensive parishes, comprising even two, three, six and more proper parish villages, there are often only very few Protestants (at times the sexton is the only one); they are compelled to pay also for the repair of the church buildings, now Anglican, for the provision of the utensils of worship etc. The enemies of Emancipation have held up chiefly also the bugbear of the reform of such a crying injustice as a probable consequence of that measure; but its friends have, on the contrary, reassured themselves and their adherents essentially by the thought that with Emancipation the demands of the Catholics would be satisfied and the establishment of the Anglican Church in Ireland would be the more secure. This relation, without example in a civilised and Christian-Protestant nation, and the positive title of right, upheld by self-interest, have held out hitherto against the religious disposition which is to be presupposed in the Anglican clergy and against the reason of the English people and its representatives; the Reform Bill does indeed put some more Irish members, among whom there can also be Catholics, into the House of Commons; against this circumstance, however, the increase contained in the same Bill of the members from that class whose interest is bound up with that condition of the Church would be likely to hold more than the balance.

The *rights of manorial lordship*, which can likewise be comprised in that apprehension of the reform extending itself to them in time, no longer go in England, and have not for a long time, as far as the bondage of the agricultural class, but they press upon the mass of it as much as serfdom, indeed press it down to a worse destitution than the serfs. In England itself, although held in incapacity to possess landed property and reduced to the estate of tenant farmers or day-labourers, it finds work partly in the wealth of England generally and in the enormous manufacture, when this is flourishing; but still more the Poor Laws, which oblige every parish to care for its poor, keep the consequences of extreme destitution away from it. In Ireland, on the other hand, the general propertylessness of the class living by the labour of agriculture does not have this protection; the descriptions of travellers as well as the statements documented by Parliament depict the general condition of the Irish tillers of the soil as so wretched that even in small and poor districts of the civilised countries of the Continent, including those backward in civilisation, examples are not easily found. The propertylessness of the class engaged in agriculture has its origin in relations and laws of the old feudal right, which, however, as it still exists in several states too, secures to the peasant attached to the soil which he has to cultivate a subsistence upon it; but since on the one side the Irish serfs indeed possess personal freedom, on the other side the manorial lords have taken the property so completely to themselves that they have declared themselves released from all obligation to provide for the subsistence of the population that cultivates the land belonging to them. According to this entitlement it happens that manorial lords, when they find a cultivation of the soil more advantageous in which they need fewer hands, expel the former cultivators, who were as good as the serfs bound to this soil for their subsistence

[100] and whose families had for centuries inhabited cabins on this soil and cultivated it, by hundreds, indeed thousands, from these cabins, which are not the property of the inhabitants, and withdraw from those already without possessions also their home and the inherited opportunity of their subsistence, - by right; this too by right, that they, in order to drive them out with certainty from the ground of those cabins and to cut off from them any delay of the departure or the creeping back under such shelter, had these cabins burnt.

This cancer of England is laid before Parliament year in, year out; how many speeches have been made about it, how many committees appointed, how many witnesses heard, how many thorough reports delivered, how many remedies proposed, which seemed either wholly insufficient or wholly impracticable! The proposed withdrawal of the surplus of the poor by colonisation would, to promise an effect, have to carry away at least a million inhabitants; how is this to be brought about? quite apart from the fact that the empty space thereby arising, if the other laws and relations remained, would soon fill up in the same way as it was filled before. An act of Parliament (*subletting act*), which was to restrict the division into small tenancies, the mode of lodging and the breeding-ground of the fertile class of beggars in Ireland, proved so little fitted to remedy the evil that, after a few years of trial, it recently had to be repealed. The moment of the transition from feudal tenure into property, for granting landed property to the agricultural class, has passed by unused; some possibility of it could be introduced by an alteration of the laws of inheritance, the introduction of the equal division of the parental property among the children, the power of seizure and sale of estates for the payment of debts, in general by a mitigation of the legal character of landed property, which draws after it unspeakable formalities and costs on alienation

[101] etc. But the English legislation on property has in these as in many other respects too far to go towards the freedom of it which it enjoys in the continental countries; all private relations have grown too deeply into these shackles. Moreover, the opening of the possibility for the class engaged in agriculture to acquire landed property, through an alteration of these laws, would be only quite insignificant in proportion to the whole; the weakness of the monarchical power has not been able to watch over that transition; parliamentary legislation remains, even after the Reform Bill, in the hands of that class which has its interest, and still more its rigid habit, in the hitherto existing system of the rights of property, and is hitherto always directed only to remedying the consequences of the system, when the distress and misery become too crying, directly, and thus by palliatives (like the *subletting act*) or moral wishes (that the Irish landowners might take up their residence in Ireland and the like).

Mention has also been made of the *rights of the chase* as an object which could be exposed to a reform, - a point the touching of which goes to the heart of so many English Members of Parliament and of their connections; but the abuse and the evils have become too great for an alteration of the laws on this matter not to have had to be brought into agitation; in particular the increase of the affrays and murders committed by the poachers upon the park-keepers, of the loss of game which the landowners suffer in their parks, in particular of the crimes of poaching which come before the courts, yet only a small part of those which are actually committed, then of the harsh, disproportionate penalties which are set upon and imposed for unauthorised hunting - for it is the aristocracy entitled to the chase itself which made these laws and again sits in judgement in the quality of magistrates

[102] and jurors - has drawn a general attention to itself. The interest of the lovers of the chase is likewise engaged by the great extension of the right of hunting in the open territories; the son of a squire has the right of hunting, and every parson counts as a squire, so that the son can have this privilege, which the father, if he is not himself already the son of a squire, does not possess, etc. For several years a game bill for the improvement of these laws has been introduced in Parliament year after year, but none has yet had the good fortune to be carried through against the privileged interests in the chase; a bill of this kind also lies before the present Parliament. It must still be regarded as problematic to what extent the projected parliamentary reform would have to have a significant influence on this legislation - on the mitigation of the penalties, on the restriction of the personal right of hunting, above all also, in the interest of the class tilling the fields, on the right that the stags, hares, foxes be pursued with the pack of hounds and with 20, 30 and more horses and still more men on foot through the sown fields and all the open cultivated land. In many German countries the damage by game, the devastation of the fields through the chase, the eating away of the sowings and fruits by the game, formerly constituted a standing article in the grievances of the estates of the realm; up to now English freedom has not yet imposed upon itself the restriction of such rights, which the princes of Germany have long since renounced for the best of their subjects.

The sprawling rubbish-heap of English *private right*, which Englishmen themselves can bring themselves, in spite of their pride in their freedom, to call an Augean stable, would be quite capable of becoming an object of the hope of a cleansing. The little that *Robert Peel* carried through some years ago

[103] has been held to be very meritorious and accompanied by general praise. Proposals going further, which the present Lord Chancellor, *Brougham*, later made in a speech of seven hours for the improvement of justice, and which were received with great applause, have indeed occasioned the appointment of committees, but up to now have remained without further result. As much as in Germany a silent labour of several hundred years, of scientific culture, of the wisdom and love of justice of the princes has effected, the English nation has not obtained from its popular representation, and in the new Bill there are no special elements contained which would give a preponderance, in place {partly of the crude ignorance of the fox-hunters and the country squires}, partly of a culture acquired merely in society, through newspapers and parliamentary debates, partly of the skill of the jurists acquired mostly only by routine, rather to thorough insight and actual knowledge. The conditions which in Germany are set, even for a higher birth, wealth in landed property etc., for taking part in the business of government and of the state in the general and in the more special branches - theoretical study, scientific training, practical preliminary exercise and experience - are made as little in the new Bill as in the hitherto existing organisation upon the members of an assembly in whose hands the most extensive governmental and administrative power is found. {Nowhere is the prejudice so firm and unembarrassed that whoever is given an office by birth and wealth is given by them also the understanding for it, as in England.} The new Bill also contains nothing of such conditions; it likewise sanctions the principle that a free rental of ten pounds, drawn from landed property, fully qualifies for the office of judging and deciding upon the capacity for the business of government and of the administration of the state, which is in the possession of the Parliaments. The

[104] notion of examining commissions, consisting themselves of men of insight and experience, who as officials would have duties, instead of a multitude of individuals who have only the quality of the ten-pound rental, as well as [the] notion of proofs of capacity which would be demanded from the candidates for legislating and administering the state, is indeed too far removed from the unconditional sovereignty of those entitled to decide on these matters.

If now, for the material interests of rational right touched upon and for others, which have already been carried out in many civilised states of the Continent, above all in the German countries, the need in England still seems almost to slumber, it is not from experience of how little or nothing has been accomplished in this direction by the Parliaments, according to the hitherto existing manner of the rights of their composition, that the necessity of a reform is demonstrated; England will agree with the Duke of *Wellington* in what he said recently in the House of Lords, that “from the year 1688 (the year of the revolution which overthrew the Catholic-minded House of Stuart from the throne) until now, through the union of wealth, talents and manifold knowledge which represented the great interests of the kingdom, the affairs of the country have been conducted in the *best and most glorious* manner”. National pride in general keeps the English from studying and getting to know the advances which other nations have made in the development of the institutions of right; the pomp and noise of the formal freedom to discuss the affairs of the state in Parliament and in other assemblies of all classes and estates, and to decide upon them in the former, as well as the unconditional entitlement to do so, hinders them from, or does not lead them to, penetrating in the stillness of reflection into the essence of legislation and government (among few European nations prevails such a developed facility of ratiocination in the sense of their prejudices and so

[105] little depth of principles; glory and wealth make it superfluous to go back to the foundations of the existing rights, to which, among the peoples who feel the pressure of them, external distress and the need of reason awakened by it drive them.

We return to the more formal points of view which connect more immediately with the Reform Bill before us. A point of view of great importance, which is also emphasised by the opponents of the Bill, is that in Parliament the various great interests of the nation are to be represented, and what changes this representation would now undergo through the Bill before us.

The views on this seem to differ, in that the Duke of Wellington declares that, according to the Bill in question, the greater mass of the electors would consist of shopkeepers; thereby the commercial interest would seem to gain advantages; yet the view is general, and is made very much of in its favour, that landed property and the agricultural interest will not only lose nothing of their influence but, since the draft assigns from the hitherto existing franchises that are to be abolished only 25 members to the great towns or the commercial interest, but to the counties or landed property, including smaller towns, where also for the most part the influence of the landowner prevails, the remaining 81, will rather receive a relative extension. It is especially remarkable in this respect that a number of merchants, and indeed the first bankers of London, who stand in connection with the East India Company and the Bank of England, have declared themselves against the Bill, - and for the reason that this measure, while it intends to support the representation of the kingdom on the great basis of property and to extend this basis, would in its

[106] practical effect close *main avenues* by means of which the monetary, commercial, shipping and colonial interests, together with all other interests in the whole country and in all foreign possessions to the most distant points, were hitherto represented in Parliament.

These *main avenues* are the boroughs and small towns in which a seat in Parliament is directly to be bought. Hitherto it could be provided for with certainty, by way of the ordinary trade in seats in Parliament, that bank directors, likewise directors of the East India Company, were to be found in Parliament, just as the great plantation owners in the West Indian islands and other merchants who dominate such great branches of trade likewise provide themselves with such places, in order to look after their own interests and those of their association, which are at the same time, to be sure, so important for the general interest of England. From the last Parliament the bank director Manning, who had sat in it for many years, was excluded for the reason that his competitor proved the use of bribery at his election. That the various great interests of the nation should be represented in its great council is a point of view peculiar to England, which in its own way also lay at the foundation of the constitution of the older estates of the Empire and of the realm in all the monarchies of Europe, and which still forms, for example in the Swedish constitution, the basis of the deputation to the Diet. It is opposed to the modern principle according to which only the abstract will of individuals as such is to be represented, and although in England too the subjective arbitrary will of the barons and of the others privileged to vote makes up the basis of the filling of the places, and the representation of the interests themselves is thereby left to chance, it nevertheless counts as so important a moment that the most respected bankers are not ashamed to enter into the corruption of the sale of seats in Parliament

[107] and to complain, in a public declaration to Parliament, that by the Bill those great interests are to be cut off from this way, not exposed to chance, of being represented in Parliament by bribery. Moral motives give way to so important a point of view, but it is the defect of a constitution that it leaves to chance what is necessary and compels it to be obtained by way of corruption, which morality condemns. The interests, as they are organically distinguished into the estates - in the example of Sweden cited, into the estates of the nobility, the clergy, the burghers of the towns and the peasants -, no longer, it is true, fully correspond to the present condition of most states, now that, as in England, the other interests mentioned have become powerful; this defect, however, would be easily removed if the earlier basis of the inner public law were again understood, namely that the real foundations of the life of the state, as they are actually distinguished and as their distinct content must be essentially taken into account in government and administration, should also be consciously and expressly brought out and recognised, and that, where they are to be spoken of and decided upon, they themselves should be allowed to speak, without this being left to chance. *Napoleon*, in a constitution which he gave to the Kingdom of Italy, divided the entitlement to representation according to the classes of Possidenti, Dotti, Merchanti in the sense of that point of view.

In the earlier parliamentary debates on proposed, very partial reforms, a chief argument against them, which is also put forward at present, was always that in the hitherto existing composition of Parliament all great interests are represented, that it is things, not individuals as such, that are to have the opportunity to speak and to make themselves felt. Into this moment there seems to enter that

[108] - for it is not more closely elaborated - which the Duke of Wellington in his last speech lays upon the heart of the House of Lords as a point that has hitherto been overlooked by it as by the House of Commons, namely that what is to be created is a *legislative assembly* and not a *corporation of those entitled to vote*, a House of Commons and not a new system for the constituents. If it were a matter not of rights of voting entitlement and of who the constituents are to be, but of the result that a legislative assembly and a House of Commons be constituted, then it could indeed be said that such a House of Commons has already been constituted according to the hitherto existing right of representation, - and indeed the Duke, in the course of the speech, cites the testimony of a friend of the Reform Bill that the present House of Commons is of such a character that no better could be elected. And in fact there lies in the Reform Bill itself no further guarantee that one elected according to it, with violation of the hitherto existing positive rights, will be superior.

These rights the Duke in his speech equates with the right by virtue of which his seat in the House of Lords may be taken from him as little as his estates in Yorkshire from the minister, Earl *Grey*. The Bill does indeed contain the new principle that the privileged right of election is no longer placed in the same category as the actual right of property. On this side it is to be acknowledged as correct, what the opponents of the Bill reproach it with, that by virtue of its new principle itself it is absolutely inconsistent in itself. A reproach touching more closely upon persons lies in the statement that the boundary line, according to which privileged smaller towns are to be left the right of election, has been drawn in the Bill with premeditation in such a way that the Duke of Bedford, brother of Lord John Russell, who introduced the Bill into the House of Commons, should have his boroughs left untouched. The Bill is in fact a mixture of the old privileges and of the general

[109] principle of the equal entitlement of all citizens - with the external limitation of a ground rent of 10 pounds - to vote on those by whom they are to be represented. In that it has thus taken up into itself the contradiction of positive right and of the general principle of thought, it places what stems merely from the soil of the old feudal right in the far more glaring light of inconsistency than when all entitlements together still stood upon one and the same ground of positive right.

This principle by itself does indeed open up an infinity of claims, to which, in the first instance, the parliamentary power may well set limits; carried through in its consequence, it would be more a revolution than a mere reform. That such further claims, however, will not soon be raised with particular energy is attested by the, as it seems, very general satisfaction of the middle and lower classes of the three kingdoms with the Bill. The so-called practical sense of the British nation, that is, the sense directed to gain, subsistence, wealth, seems as yet to have been little seized by the needs of the material rights cited above; still less is anything to be effected with it by wholly formal principles of abstract equality; the fanaticism of such principles is more alien to this sense. This practical sense, it is true, is itself placed in immediate loss, in that a great multitude loses the gain of bribery through the raising of the condition of the quality of elector from 40 shillings to five times that. If this higher class³⁾ has hitherto drawn a real advantage from its voting, it does not lose it. Only just now a member elected by the town of Liverpool

3) *Hegel's footnote.* Recently in the House of Lords this higher class, of the 10 pound rent, has been given the name of *Paupers*.

[110] has been excluded from Parliament because the acceptance of bribery by the electors has been proved; the electors in this town are very numerous, and since it is very rich, it would be to be presumed that among those bribed there were also many well-to-do persons. Further, just as well as the great landowners knew how to put forward hundreds and thousands of their propertyless tenants as owners of a free ground rent of 40 shillings, so well will this peculiar way of procuring votes also adapt itself to the new census and will let those dependent men mask themselves as holders of a ground rent of ten pounds. No less will the carousing of several weeks and the intoxication in which the unleashed wildness of the English rabble received the invitation and the payment to let itself go, let itself be deprived of that enjoyment, notwithstanding the raising of the conditional rent. At the last election but one to Parliament it was stated that in the populous county of York 80,000 pounds sterling (about 560,000 Reichsthaler) were spent on the election of a landowner there, Beaumont⁴⁾; if it has been brought forward in parliamentary debates that the costs of elections are by now becoming all too great, the question is how the people will look upon the fact that the rich want to make savings at its expense. How this side of a real advantage [will] shape itself, what new combinations will be invented by the untiring speculation of the agents occupied with the trade in seats in Parliament, is still undetermined; it would be too early to want to build conjectures upon the change that is going on in this interest.

4) *Hegel's footnote.* In one of the last sittings of Parliament the expense of the election at Liverpool mentioned just before has been stated as 120,000 pounds sterling (over 800,000 Reichsthaler).

A higher interest, however, the right of voting itself seems

III to offer, in that it of itself arouses the desire and the demand for a more general conferring of it. According to experience, however, the exercise of the right of voting does not show itself so attractive as to occasion powerful claims and movements arising from them. There seems rather to prevail among those entitled to vote a great indifference towards it, notwithstanding the interest of bribery bound up with it; from the numerous class of those who lose it in particular through the raising of the electoral census, or for whom it is very much weakened in that their votes are thrown into the general mass of those entitled in the county, no petitions have yet come forth against the Bill so disadvantageous to them. The objections, on the other hand, have been raised by those for whom the certainty or probability of obtaining a seat in Parliament is diminished or wholly lost. By an Act of Parliament a year ago, through the raising of the rent required for the right of voting in Ireland, a number of 200,000 individuals had their right of election taken from them, without their having raised a complaint about this loss of their vocation to take part in the affairs of state and government. According to all circumstances the electors see in their right a quality which benefits chiefly those who wish to be elected to Parliament, and in favour of whose own discretion, arbitrary will and interest everything that lies in that right of co-governing and co-legislating is renounced. - The main business at an election, for which the candidates engage agents who are acquainted with the localities and personalities as well as with the manner of treating them, is the seeking out and bringing in of those entitled to vote, just as much as determining them in favour of their patrons, in particular by bribery; the great landowners have the crowds of their tenants, a part of whom, as remarked before, have just been travestied into momentary holders of the requisite ground rent,

[112] driven together. *Brougham* at a previous election described humorously a scene where they were made to bivouac in yards by fires, with pudding and porter, and, to withdraw them from the influence of the opponents, were shut up in them until the moment when they have to cast their obedient vote. This indifference towards the right of voting and its exercise contrasts in the highest degree with the fact that in it lies the right of the people to take part in the public affairs, the highest interests of the state and of government, and that the exercise of it is a high duty, since the constituting of an essential part of the power of the state, the assembly of representatives, rests upon it, indeed since this right and its exercise in the French style is the act of the sovereignty of the people, and indeed even the only one. From such indifference towards this right the accusation of political dullness or depravity of a people can easily be drawn, as from the habit of bribery in the exercise of it. This harsh view, however, must be softened when one considers what must contribute to such lukewarmness; it is obviously the feeling of the actual insignificance of the single vote among the many thousands that concur in an election. Of about 658 who are at present to be elected into the English House of Commons, or of 430 members who are to be elected into the French Chamber (the change which these numbers will shortly undergo is of no matter here), it is *one* member that is to be nominated, - among such a number already a very inconsiderable fraction; but the single vote is a fraction smaller still by as much as it is 100 or 1000 votes that concur in it. If the number of electors to be produced by the new French electoral law is estimated at 200,000, but the number of members to be elected accordingly is assumed in round sum at 450, then the single electoral vote turns out to be the two-hundred-thousandth part of the whole electoral power

[113] and the ninety-millionth part of the one of the three branches of the power which gives laws.

The individual hardly pictures to himself the insignificance of his effectiveness in these numbers, but has none the less the definite feeling of this quantitative unimportance of his vote, and the quantitative, the number of votes, is here alone what is practical and decisive. The qualitative lofty points of view of freedom, of the duty of exercising the right of sovereignty, of the share in the universal affairs of the state, may well be brought forward against the slackness; common sense likes to keep to what is effective; and when the commonplace is put before the individual, that if *everyone* thought so slackly, the continuance of the state and still more freedom would come into danger, he must just as much recall the principle upon which his duty, the whole right of his freedom, is built, - namely that he should let himself be determined not by the consideration of what others do but only by his own will, and that his individual arbitrary will is the last and precisely the sovereign thing that belongs to him and is accorded to him. - Besides, this influence, so insignificant in itself, is restricted to persons and becomes infinitely more insignificant still in that it does not relate to the *matter*, this being rather expressly excluded. Only in the democratic constitution of France of the year I under Robespierre, which was accepted by the whole people, but, to be sure, all the less came to any execution, was it ordained that the laws on public affairs too should be laid before the individual citizens for decision. - The electors, further, are not even principals who would have to give instructions to their deputy; the cahiers which the members of the National Assembly had received with them on their

[114] mission were at once laid aside and forgotten by both parties, and it counts as one of the most essential constitutional principles in England and France that the elected members are as sovereign in their votings as their electors are in theirs. Both have in their deliberations and resolutions on public affairs not the character of officials and share with the king, what is sanctioned for him, that they bear no responsibility for the fulfilment of their duties.

In consequence of the feeling of the insignificance that obtains in the influence of the individual and of the sovereign arbitrary will attached to this right, experience teaches that the electoral assemblies are in general not numerously attended; the numbers which one sometimes finds given in the public papers of those entitled to vote and of those actually voting at the election show themselves, even in France, for the agitated times of the last years of the government of Charles X, as usually very divergent from one another; at the most recent election, held at the centre of political interest, in Paris, where there seems to have been no lack of zeal on the part of the parties to summon those entitled to vote to cast their votes, of about 1,850 persons entitled to vote it is stated that some 600 did not appear. It might be interesting in this respect to learn also from other circles, where the right of voting is conferred upon all citizens and concerns an interest much closer to them - for example from electoral assemblies for the election of the town councillors in the Prussian state -, the average ratio of those entitled to vote to those actually voting. - In earlier periods of the French Revolution the zeal and conduct of the Jacobins in the electoral assemblies made it distasteful, indeed dangerous, for the quiet and upright citizens to make use of the right of voting, and the faction alone held

[115] the field. - If the great political bodies which at present decide on the entitlement to vote believe that they are fulfilling a duty of high justice in extending the external conditions of this authorisation and conferring it upon a greater number, it may escape their consideration that they thereby diminish the influence of the individual, weaken his idea of its importance and thereby his interest in exercising this right, quite apart from how any power of the state at all comes to dispose over this right of the citizens, to take into consideration in doing so 50 or 100 francs or so many pounds sterling and to alter this right according to such magnitudes - a right which, according to its determination, has been assumed as sovereign, original, inalienable, in general as the opposite of being something that can be conferred or taken away.

As the common sense of the English people, standing in such good repute, lets the individuals feel the insignificance of their influence on the affairs of state through their single vote, so the same common sense also gives the correct feeling of its {ignorance in general and of the} slight capacity to judge the talents, knowledge of business, skill and cultivation of mind required for high offices of state; should 40 shillings or 10 pounds of ground rent or 200 francs of direct taxes, with the additional centimes counted in or not, seem to it to contain so great an accession of capacity? The strictness of the French Chambers in excluding the point of view of other capacity against that which is supposed to lie in the 200 fr. with [or] without the additional centimes, and in ascribing it only to the members of the Institute, is characteristic enough; the formalism of respect for the 200 fr. has overcome the respect for the capacity and good will of prefectural and judicial councillors, physicians, advocates etc., who do not pay so much in taxes. - Moreover the voters know

[116] that by virtue of their sovereign right they are relieved of letting a judgment or even an examination of the candidates who offer themselves precede, and that they have to decide without anything of the kind. It is therefore no wonder that in England the individuals in great number - and it would remain to be seen whether it is not the majority - need to be incited by the candidates to the trouble of voting, which is of little importance to them, and that for such trouble, which benefits the candidates, they let themselves be compensated by them with ribbons, roast meat and beer and some guineas. The French, newer in this political career, to be sure also pressed by the most important interests of a condition not yet more deeply consolidated, rather brought into innermost danger, have not yet fallen so much upon this kind of compensation; but in that they have been aroused to take matters and their share in them more seriously, they have compensated themselves and procured right for themselves for the insignificance of the individual share of their sovereignty in public affairs, through a share taken by themselves also in matters, in insurrections, clubs, associations etc.⁵⁾

⁵⁾ *Editors:* Here the printing in the *Allgemeine preußische Staatszeitung* breaks off. The announced continuation did not appear. The remaining text follows W.

The peculiarity touched on before of a power in England which is supposed to be subordinate, and whose members at the same time decide on the total affairs of the state without instruction, without responsibility, without being officials, establishes a relation to the monarchical part of the constitution; it is to be mentioned what influence the Reform Bill may have on this relation and on the governmental power in general. For this consideration it is first to be recalled, as the nearest consequence of the peculiarity mentioned, that in England by virtue of it the

[117] monarchical power and the governmental power are very different from one another. To the monarchical power belong the principal branches of the highest power of the state, above all those which concern the relation to other states, the power to decide on war and peace, the disposition over the army, the appointment of the ministers - yet it has become etiquette that the monarch directly appoints only the president of the ministerial council and that he composes the rest of the cabinet -, the appointment of the army commanders and officers, of the ambassadors etc. Now since to Parliament belongs the sovereign decision on the budget (including even the sum for the sustenance of the king and his family), that is, on the total extent of the means of making war and peace, of having an army, ambassadors etc., and a ministry can thereby only govern, that is, exist, in so far as it conforms to the views and the will of Parliament, the share of the monarch in the governmental power is more illusory than real, and the substance of it is to be found in Parliament. It is well known that *Sieyès*, who had the great reputation of deep insight into the organisation of free constitutions, in his plan, which he was finally able to draw forth from his portfolio at the transition from the directorial constitution to the consular, so that France might now be set in the enjoyment of this result of experience and of thorough reflection, placed at the head of the state a chief to whom would fall the pomp of representation outwards and the appointment of the supreme council of state and of the responsible ministers as well as of the further subordinate officials, so that the supreme governmental power was to be entrusted to that council of state, while the *Proclamateur-électeur* was to have no share in it. One knows the soldierly judgement of Napoleon, who felt himself made master and ruler, on this project of such a chief, in whom he saw only the role of a *cochon à l'engrais de quelques millions*, which no man of any talent and some honour would find himself

[118] inclined to take on. It was overlooked in this project (and here perhaps honestly, what in others has been arranged with full consciousness and complete intention) that the appointment of the persons of the ministry and of the other officials of the executive power is in itself something formal and powerless, and in substance falls to where the governmental power effectively resides. This we see in England in Parliament; if in the manifold monarchical constitutions whose creation we have lived to see the formal separation of the governmental power, as the executive, from a *merely* legislative and judicial power is pronounced, and the former is even set forth with pomp and distinction, then the filling of the ministry has always become the centre of contestation and of struggle - notwithstanding the right of this filling unconditionally ascribed to the Crown - and the so-called merely legislative power has carried off the victory; so too under the newest constitution of France, in the daily political and other interpellations and contestations, the tendency is not to be mistaken to compel the ministry to transfer the headquarters of the government into the Chamber of Deputies, where it itself has been brought to the point of having to engage with its subordinate officials in public contestations.

A relation to the governmental power lying in Parliament is had in the first place by what the opponents of the Reform Bill adduce in favour of the boroughs, through the possession of which many seats in Parliament depend on individuals or families, namely that by means of this circumstance the most distinguished statesmen of England have found the way into Parliament and from there into the ministry. It will indeed happen that a distinguished

[119] thorough talent often becomes known sooner to private friendship and is in the case of being able to arrive only through individual magnanimity at the place due to it, which, for lack of fortune and family connection, it would otherwise perhaps not attain from the mass of the citizens of a town or county. But such examples can be ascribed to the realm of contingencies, where one probability can easily be set against another, a possible advantage against a possible disadvantage. - Related to this is another alleged consequence of greater importance, to which the Duke of Wellington drew attention, who indeed has not the repute of an orator, because he lacks the fluent, hours-long entertaining garrulity, so rich in self-ostentation, by which many members of Parliament have attained so great a reputation for eloquence, but whose speeches, despite the brokenness of the sentences, for which he is reproached, do not lack a content and points of view hitting the essence of the matter. He expresses, namely, the apprehension that in the place of those men to whom the conduct of the public interest is now entrusted in Parliament quite other men will step, and asks on another occasion whether the shopkeepers, of whom, as stated earlier, the greater mass of the electors will according to his view consist as a result of the new Bill, are the people who are to elect the members for the great council of the nation, which has to decide on domestic and foreign affairs, on the interests of agriculture, of the colonies and of manufactures. - The Duke speaks from the observation of the English Parliament, in which above the mass of incapable and ignorant members, with the varnish of the usual prejudices and of a culture drawn from conversation, often not even provided with this, there stands a number of talented men devoting themselves wholly to political activity and to the interest of the state. To the greater part

[120] of these, too, a seat in Parliament is secured, partly by their own wealth and the influence which they themselves or their family possess in a borough, town or county, partly by the influence of the ministry and then of their party friends.

To this class there attaches itself a multitude of men who make political activity the business of their lives, whether they do so out of fondness for it and are of independent means, or hold public posts which they have obtained through connexion with parliamentary influence; but even where they have obtained them otherwise, they cannot, both by their official position and by their general inner calling, refrain from attaching themselves to the political class and to a party of it. Where service of the state is not bound up with other conditions, e.g. completed scholarly studies, state examinations, courses of practical preparation and the like, the individual must incorporate himself into that class; he has to win an importance for himself in it, is borne by its influence, just as conversely his own is added to its. Rare anomalies are individuals isolated from this connexion, such as e.g. *Hunt*, who come into Parliament, but there do not fail to cut a strange figure.

A chief element of the power of this coherence - whose other bonds, family connexions, politicising and speechifying at banquets etc., the endless political correspondence extending to all parts of the earth, also the common roving about on country seats, horse races, fox hunts etc., are admittedly not disturbed -, namely the disposition over a multitude of parliamentary seats, does indeed undergo through the Reform Bill a considerable modification, which may well have the effect touched on by the Duke, that many other individuals step into the place of those who belong to the present circle of those devoting themselves to the interest of the government of the state, but

[121] which is also apt to bring with it the consequence that the uniformity of maxims and considerations which is present in that class and makes up the understanding of Parliament undergoes a disturbance. It is true that it does not seem that e.g. Hunt, however isolated he stands, goes beyond the usual categories of the oppression of the people through taxes, sinecures etc., but the way into Parliament may through the reform become open to ideas which are opposed to the interests of that class and therefore have also not yet entered their heads, - ideas which make up the foundations of a real freedom and concern the relations touched on above of church property, church organisation, spiritual duties, then the manorial and the other bizarre rights and restrictions of property stemming from the feudal relationship, and other masses of the chaos of the English laws, - ideas which in France, mixed with many further abstractions and bound up with the well-known acts of violence, have in Germany, in more unmixed form, long since become firm principles of inner conviction and of public opinion and have brought about the actual, peaceful, gradual, lawful remodelling of those relations of right, so that here one has already advanced far with the institutions of real freedom, is already finished with the most essential of them and in the enjoyment of them, while the governmental power of Parliament has hardly yet been seriously reminded of them and England would in fact have to fear the greatest convulsions of its social and state bond from the urgent demands of those principles and from a demanded rapid actualization of them. As enormous as the contrast within England is between immense wealth and utterly helpless poverty, so great, and perhaps still greater, is that which obtains between the privileges of its aristocracy and in general the institutions of its positive right on the one hand, and on the other the relations of right and laws as they have been reshaped in the more civilised

[122] states of the Continent, and the principles which, in so far as they are grounded on universal reason, cannot for ever remain foreign, as hitherto, to the English understanding either. - The *novi homines*, of whom the Duke of Wellington is apprehensive that they will press into the place of the statesmen hitherto, may at the same time find in these principles the strongest support for ambition and for the attainment of popularity. Because in England it cannot be the case that these principles are taken up by the governmental power, which up to now is in the hands of that privileged class, and actualized from it, the men of these principles would have to enter only as an opposition against the government, against the existing order of things, and the principles themselves not in their concrete practical truth and application as in Germany, but in the dangerous shape of French abstraction. The antithesis of the *hommes d'état* and the *hommes à principes*, which in France at the beginning of the Revolution set in at once quite sharply and in England has as yet gained no foothold, may well be initiated by the opening of a broader way to parliamentary seats; the new class can gain a foothold all the more easily since the principles themselves as such are of a simple nature, and therefore can be grasped quickly even by ignorance and, with some facility of talent (because on account of their universality they in any case lay claim to suffice for everything) as well as with some energy of character and of ambition, suffice for a requisite eloquence attacking everything, and exercise a dazzling effect on the reason of the multitude, which is at the same time equally inexperienced in this, whereas the knowledge, experience and routine of business of the *hommes d'état* are not so easily acquired, though they are equally necessary for the application and introduction of the rational principles into actual life.

By such a new element, however, not only would that class be disturbed whose coherence has the affairs of state in its hands, but it is the governmental power that could be shifted out of its rut. It lies, as has been remarked, in Parliament; however much it is divided into parties and with however great vehemence these confront one another, so little are they factions; they stand within the same general interest, and a change of ministry has hitherto had significant consequences more outwardly, with regard to war and peace, than inwardly. The monarchical principle, on the other hand, no longer has much to lose in England. The departure of the Wellington ministry was, as is well known, occasioned by the minority in which it found itself over the regulation of the King's Civil List that was to be undertaken, - an occasion which is of particular interest in that it concerned one of the few elements that are still left in England of the monarchical principle. The remainder of the demesne estates, which nevertheless had the character of family property, of private property of the royal family, just as much as the estates of the ducal, comital, baronial etc. families in England, had been ceded in the last century to the Treasury and, as compensation, a sum corresponding to the yield had been fixed, included among the rest of the budget to be granted annually by the House of Commons. This demesne property, the slender remainder of the earlier great fortune of the crown, which had been so much weakened by extravagance, chiefly by the need to buy troops and the assistance of barons in civil wars, had not undergone a separation of what was to remain family property from what was to be applied to general purposes of state. If now the quality of family and private property which belonged to one part of that remainder of fortune had already been altered, at least in form, by its conversion from landed property into a settlement sum included in the annual parliamentary

[12.4] budget, there nevertheless remained a form of monarchical influence, though subject to the ministerial council, on this small part of the annual British state expenditure. Through the separation recently ordained by Parliament of a part, which is placed at the disposal of the King for himself and his family, and the handing over of the other part, already hitherto applied to purposes of state, to parliamentary disposition, this remnant also of royal-monarchical disposition is abolished. It cannot be overlooked here that the majority which was significant enough against a monarchical element to induce the Wellington ministry to resign was, on the second reading of the Reform Bill, which is directed against aristocratic prerogatives, as is well known, only of *one* vote.

As characteristic of the position of the monarchical element may be regarded the reproach made to the ministry, as with the Catholic Emancipation Bill so also in the proceedings on the Reform Bill, namely that it let the King's approval given to this measure become public. What is at issue here is not the exercise of a monarchical plenitude of power {or of a so-called coup d'état}; what is found improper is only the authority or the influence which the personal view of the King might exert. As much as on the one hand a delicacy is thereby asserted, of not wishing to be placed, in the proceedings on the Bill, in the embarrassment of contradicting the will of the monarch, so much does it lie in it that Parliament, also with regard to the initiative which belongs to the monarchical element, the crown, wants to have to do only with a ministry dependent on it and incorporated in it, and actually only with its own members, since the ministers can make the proposal of a Bill only in this quality, just as indeed also the right of confirmation or rejection of a Bill adopted by both Houses, which belongs to the King as the third branch of the

[125] legislative power, becomes in so far more merely illusory as the cabinet is again the same ministry incorporated in Parliament. Earl *Grey* has declared in response to that reproach that in the introduction of the Bill by the ministry the royal assent is already contained of itself, but has deflected the blame for the express narration that it has the King's approval only by saying that this mention had proceeded not from the ministers but from elsewhere.

The peculiar division which could be brought into Parliament by the new men would therefore not be the struggle with which each of the several French constitutions began every time, over whether the governmental power should really belong to the King and his ministry, to which side it was expressly assigned; in the condition of English state administration it has long been decided what in France always first required a decisive authentic interpretation through insurrections and acts of violence of the insurgent people. The innovation of the Reform Bill can therefore affect only the effective governmental power, which is established in Parliament; this suffers, according to the hitherto existing condition, only superficial fluctuations which appear as changes of ministries, no true division through principles; a new ministry belongs to the same class of interests and of statesmen to which the preceding one belonged. {The requisite preponderant strength which it needs as a party it gains partly through the number of members who count as independent and who on the whole place themselves on the side of every ministry, in the feeling that a government must exist, partly however through the influence which it is able to exercise on the filling of a number of parliamentary seats.} Even if now the so-called interest of agriculture seems to have declared that it will find

[126] its account in the mode of election to be newly introduced, and a large part of the hitherto existing patronages of parliamentary seats and of the combinations of their venality retains its standing, it cannot be otherwise than that the class hitherto ruling in Parliament, which offers every ministry a ready material for the hitherto existing system of the social condition, suffers a modification through the introduction of new people and heterogeneous principles. The Reform Bill by itself impairs the hitherto existing basis of this system, namely the principle of merely positive right, which secures to the privileges, whatever relation they may have to the rights of real freedom, their possession. If claims of a new kind, which have hitherto made themselves heard hardly in unconscious stammering and more in the indeterminate fear of them than in actual demand, come to be discussed in Parliament, the opposition changes its character; the parties receive another object than merely the taking possession of the ministry.

If we take up this character of an opposition, different from the hitherto existing one, in its extreme, as it appears in France, it is marked most eloquently in the astonishment which {recently there} in France is made known at every change of ministry over the fact that the individuals who pass from the opposition into the ministry now conduct themselves approximately according to the same maxims as the ousted predecessors; one reads naively in French opposition papers complaints that so many distinguished individuals, in passing through ministerial functions, have become unfaithful to the left side to which they formerly belonged, and turn back, i.e. that, if they earlier did indeed admit in abstracto that there is to be a government, they have now learned what governing really is, and that something further belongs to it than principles. These consist there, as is well known, in the general notions of freedom, equality,

[127] the people, its sovereignty etc. State legislation is for the men of principles essentially more or less exhausted with the *Droits de l'homme et du citoyen* composed by *Lafayette* and prefixed to the earlier French constitutions; a further determinate legislation, an organisation of the powers of state and of the authorities of administration, as of the subordination of the people to these public authorities, is indeed admitted as necessary and set up. But against the operation of the institutions, which are public order and actual freedom, recourse is had to those universalities, through which, according to what they demand for freedom, the fundamental law is already contradictory in itself. Obedience to the laws is admitted as necessary, but demanded by the authorities, i.e. by individuals, it appears contrary to freedom; the authority to command, the difference of this authority, of commanding and obeying in general, is against equality; a multitude of human beings can give itself the title of people, and rightly, for the people is this indeterminate multitude; but from it the authorities and officials, in general the members belonging to the organised power of the state, are distinguished, and they thereby appear in the wrong of having stepped out of equality and of standing over against the people, which is in the infinite advantage of being recognised as the sovereign will. This is the extreme of contradictions in whose circle a nation is tossed about that these formal categories have seized. The members of the English Parliament of the hitherto existing system and the English in general have more of a practical sense of the state and have a notion of what government and governing are, - whereby it lies at the same time in the character of their constitution that the government intervenes hardly at all in the particular spheres of social life, in the administration of the counties, towns etc., in church and school affairs, also in other common

[128] affairs such as road-building. This freer {more concrete} condition of civil life can increase the probability that the formal principles of freedom will not so soon find, among that class which stands above the lower class, in England indeed extremely numerous and most open to that formalism, the entry which the opponents of the Reform Bill show in threatening proximity.

Should the Bill, however, more through its principle than through its provisions, open the way into Parliament, thus into the centre of the governmental power, to the principles opposed to the hitherto existing system, so that they could appear there with greater significance than the radical reformers hitherto were able to gain, the struggle would threaten to become the more dangerous in that between the interests of the positive privileges and the demands of the more real freedom no middle, higher power would stand to restrain and mediate them, because the monarchical element here is without the power through which other states were able to owe to it the transition from the earlier legislation founded only on positive right into one based on the principles of real freedom, and indeed a transition kept pure of convulsion, violence and robbery. The other power would be the people, and an opposition which, built on a ground hitherto foreign to the existence of Parliament, felt itself in Parliament not a match for the opposing party, could be seduced into seeking its strength in the people and then bringing about, instead of a reform, a revolution.⁶⁾

6) Editors: cf. also *Zwei Entwürfe zur Reformbill-Schrift*, pp. 553 ff., and *Notizen und Aphorismen* No. 30 ff., pp. 567 f.

Appendix: Two Drafts for the Reform Bill Essay¹⁾

¹⁾ Editors: cf. also *Notizen und Aphorismen* No. 30 ff., pp. 567 f.

Two drafts from Hegel's papers, printed among the fragments in the Werke (vol. II, pp. 553 ff.). The second draft carries the argument further than the printed essay, whose publication broke off in the newspaper.

[1831]

I.

The English rabble commits *excès tout nets*, in the sense of a particular interest of the particular substance - destroying steam engines, -

the French, from a general political motive, July days, December disturbances, trial of the ministers, Feb. churches, conspiracy of the Carlists, - carries out in its own way what belongs to the government.

One says in defence or at least in excuse: "The people has done that." One must not forget how irritated [it is]; it is in the wrong against the law, but from a just principle, - has afterwards returned again to calm. If, on the contrary, the government revolted against the law from just such a political motive, let plunder happen [etc.], would one excuse it likewise [?]. Crying out about the worst tyranny.

The English people is the least political; political life quite weak. Selling of the vote, like the Roman people in the last times of the Republic. The emperors gave it, like the party heads, drinks and gifts of money and only spared it the trouble, for the money it received, of shouting in the market-place, of letting itself be cudgelled and murdered, of laying about it. Its interest was in the one situation as in the other corn and money and *circenses*, and this was satisfied in both.

Freedom - for money - and to give my vote to the highest bidder.

2.

but for the formation of such a centre the boroughs indispensable - many dependent on the Minist[ry].

α) a more recent main maxim, that the Minist[ry] [has] no influence -, not only against the clumsy, external fraud; - but officials - against this newspapers.

β) King has to appoint the Min[isters] - even a point of honour, - only *one*, who then forms the Minist[ry]. This Minist. knows how to procure the Major[ity] - see below α.).

Lesser shading of the parties. In main maxim the same aristocracy; never so far as the present Reform Bill from the previous one, - but throws open door and gate [to] extremes, quite other differences, the democratic extreme.

Reduction of the King to a victory-*proclamateur* - *électeur*. Government becomes problematic, King unaccountable.

The way, already become a highway, that the assembly seizes the government entirely for itself, to compel the King to dismiss the Minist.

Louis XVI. - Jacobins - only then completely ruined; - also now in Paris headquarters transferred into the Chamber of Deputies in France. It is not that there is no government - in the *Comité de salut public*, - but what kind?²⁾

2) *Hegel's footnote*. [In the margin:] In England not the guarantee - differences of laws and ordinances - illusory anyway - but openly Parl[iament] is administration

It is held against the minister that he said that the King has given his consent to the Reform Bill. Influence thereby improper; - Lords, Dukes may have influence, patrimonies³⁾.

3) *Hegel's footnote*. [In the margin:] Counterweight, to outweigh the disadvantage - so many untalented, ignorant, crude - This disadvantage not removed in the projected system.

No. 93 Staatszeitung [1831], Lord Wellington: "In the place of those men to whom the care for the public interest in Parliament is now entrusted, quite different ones would step, and he could not look on this without concern."

In France always *novi homines* - in the most recent revolution *Odilon, Baude* etc., - ministers, without [being] statesmen, *hommes d'Etat*, of the Chambers. Nothing easier than *principes*, - not beyond these, always the universal, thereby always driven to governing. Only the governing changes when they are ministers, - in England not (except perhaps the savings).

The same practical concrete sense already among members of Parliament of the opposition - not abstract theories.

The hounding for the Minist. gives such interests to those who always have the universal in their heads (unconsciously?).

Political economy [has] made progress, the abstract freedom of trade-

- everything done, i.e. the government [has] given up [interfering,] yet inconsistently; - compelled to care for the poor (in England a branch of state administration).

- comes under cover from another side, in a more dreadful manner, more hideous shape, to which it [the government has] let it come: extreme distress, fury and brutality of this distress, like the whole Irish population.

Thereby before Rel[igion] - moral culture, reading and writing, all the habits of discipline.