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Hegel and the Consecrated State

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1. Introduction

Edmund Burke, the eighteenth-century statesmen and political theorist of conservatism, characterizes the state as "consecrated."[1] To say the state is sacred, for Burke, is to say it fills an existential need. It provides "hope and sure anchor in all storms" and "an order that keeps things fast in their place."[2] Man, who is "by his constitution a religious animal," is naked without religion, and his mind "will not endure a void."[3] Through the consecrated state, "the poorest man finds his own importance and dignity"[4]; those who administer the government will "have high and worthy notions of their function and destination," and look not "to the paltry pelf of the moment."[5] Without the consecrated state "the whole chain and continuity of the commonwealth would be broken; no one generation could link with the other; men would become little better than the flies of a summer."[6]

Burke's reasons for regarding the state as sacred are more practical than theological.[7] A state devoid of religion is insecure against the sort of turmoil revolutionary France experienced and that so frightened Burke. By seeing the state as of divine emanation and not the product

of the will of the people, nor of the king, the people are not "suffered to imagine that their will, any more than that of kings, is the standard of right and wrong."[8] Burke writes, "[W]e have consecrated the state, that no man should approach to look into its defects or corruptions but with due caution; . . . that he should approach to the faults of the state as to the wounds of a father, with pious awe and trembling solicitude." By consecrating the state, "we are taught to look with horror on those children of their country who are prompt rashly to hack that aged parent in pieces and put him into the kettle of magicians, in hopes that by their poisonous weeds and wild incantations they may regenerate the paternal constitution and renovate their father's life."[9]

There is a sense in which Hegel, too, consecrates the state. In his *Philosophy of Right*, Hegel says religion is a foundation of ethical life (*Sittlichkeit*), affording us a consciousness of immutability and of "the highest freedom and satisfaction." Possessed of religion, members of the state will respect it as the whole of which they are parts.[10] In the *Introduction to the Philosophy of History*, Hegel says religion stands "in closest connection with the principle of the State."[11] "In order to preserve the State, religion must be carried into it, in buckets and bushels."[12] It is folly, he says, "to invent [state] constitutions independently from religion"; if that is tried, the constitution would "lack a real center and remain abstract and indeterminate."[13] His point seems not merely to be Rousseau's pragmatic point that a pious people are more likely to obey the law and carry out their duties.[14] For Hegel, our commitment to the state provides us our greatest fulfillment, satisfaction, and freedom; by being a part of the state our lives have meaning as a part of something that transcends our particular existence.[15] To realize and experience this fulfillment and satisfaction requires a move that religion can facilitate. Hegel says that secular existence concerns itself largely with one's particular interests and is "relative and unjustified"; "it is justified only insofar as its principle, its universal soul, is justified, which requires consciousness of that existence as determination and existence of the essence of God. For this reason the State is based on religion."[16]

There are profound similarities here in the views of Hegel and Burke. Of course in associating the two theorists we must not discount their important differences. The most important is that Hegel, unlike Burke, is through and through a rationalist.[17] Burke is content accepting "pleasing illusions" that are shielded from the light of reason.[18] Not Hegel,

who seeks philosophically to comprehend the rational form of public laws, morality, and religion.[19] And while Burke rejects the French Revolution entirely, Hegel, while critical of the destructive tendencies of the Revolution, recognizes the positive role it played in establishing rights that are essential to a rational modern state.[20] Still, both Hegel and Burke fear the void left by those who unmask and overthrow traditions, and both see religion as an important means of preserving the state.

But what it means for the state to be consecrated, for Hegel, is different than what it means for Burke. For Hegel a consecrated state is not a state that establishes a religion, subsidizes a particular religion, or is intolerant toward atheists, and on each of these points Burke disagrees. It is tempting to characterize the rational modern state Hegel envisions in *Philosophy of Right* as a "secular consecrated state." But Hegel's position is not paradoxical. To understand it without confusion, we must recognize that when Hegel says the modern state is founded upon religion, he means that the modern state is founded upon a principle of subjectivity which is an essential feature of a true Christian religiosity. For Hegel freedom can only be made actual in the subjective will.[21] A will that lacks subjectivity, or the capacity to make an inner, reflective determination about what is right, is like the will of a child or slave, sunk in its content and unfree.[22] The modern state is possible only when its members have a subjective will, and we are free under its laws only when we inwardly comprehend their objective rationality. The principle of subjectivity also founds what Hegel refers to as the true religion of Christianity.[23] This true religion is, for Hegel, Christianity in an abstract sense that is disassociated from particular versions of Christianity that rest on views about God's person, salvation through Christ, or the authority of the Holy Scripture or particular church institutions and practices.[24] Hegel demands that religion—not in the special sense just defined of a disassociated true Christianity resting on the principle of subjectivity—must be kept separate from the state, but also that the principle of subjectivity at the heart of the true religion of Christianity is an essential feature of the modern state.

My purpose is to help us better understand Hegel's views on the role of religion in the state by juxtaposing his views to Burke's. There are a number of particular issues I shall address, but there is one issue I purposely avoid. Both Burke and Hegel reject the theory of the divine right of kings, according to which God plays a direct role in establishing

and legitimizing political authority (see section 2). But for each theorist there may be an indirect role played by God in establishing political authority. That is an issue I shall not address.

Instead, my focus will be on what Hegel's consecrated state looks like practically. Does the consecrated state establish religion in the state, perhaps by supporting religious education or using taxes to subsidize particular religions? (section 3). Does it tolerate all religions by granting exemptions to those whose exercise of religion conflicts with the law? Does it tolerate atheists? (sections 4 and 5).

In addition, I am concerned with how Hegel, whether like or in contrast to Burke, understands the role or function of religion in the rational modern state. I distinguish two views. One view is that religion provides a tie that binds members of a modern state, creating an ethical community with common beliefs and practices, as exists to an extent in a Jewish or Muslim state. Burke adopts this view, at least with respect to the function of the Anglican Church in England. Hegel does not (section 5). A second view is that religion, as a spiritual form of consciousness, gives to people a sense of their connection to a totality transcending their particular lives. Creating this spiritual connection to the state is an essential role for religion in Hegel's consecrated state, and clearly is for Burke as well. But where Burke thinks that commitment to religion is a stabilizing influence, Hegel worries that reverence toward God, and elevating the universal over the particular, can lead to fanaticism and destroy a state.[25] This is one reason Hegel's consecrated state looks so different from Burke's.

2. Rejection of the Theory of Divine Right

Neither Burke's nor Hegel's consecrated state is a state in which the ruler is given authority directly from God. Burke dispenses with that view early in the *Reflections*: only "exploded fanatics of slavery" maintain that "the crown is held by divine, hereditary, and indefeasible right."[26] Hegel also dismisses the theory of divine right. In his *Lectures on the Philosophy of Religion* he rejects the view that laws and the Constitution derive their authority from a divine source, for that view wrongly implies that laws of morality and right are "eternal and unchangeable." While it is correct to say that man obeys God in the act of conforming to the laws

and ruling authority, this view is one-sided, for it implies that men are to obey the laws "whatever they may be," which subjects people to the arbitrary will of the governing power.[27] Hegel is critical of the people of England under the last kings of the House of Stuart for assuming the ruler was responsible for his actions to God only and alone knows what is essential to the state. Hegel's settled view is that the laws of the state should be regarded as having a divine character, but they must also be rational; and to know what is rational is "the business of philosophy."[28] For Hegel, even if God did set in motion a process resulting in rule by a monarch, what would give that monarch legitimate authority would not be the fact that God invested him with that authority.

3. Establishment of Religion

Whether or not the consecrated state, for Burke and Hegel, is literally created by God, it is a state in which religion plays an important role. To understand that role, I begin by asking whether the two theorists envision an establishment of religion in the state.

A state can be said to establish religion when it favors religion in a certain way. It is sometimes thought to do this by exempting people of a particular religion from legal requirements that create a conflict with their religious beliefs, although such measures may signal only toleration and not an establishment of religion (see section 4). Clearer cases of establishment include granting the church authority to govern, creating a state-sanctioned church, or using state funds to inculcate religious beliefs. In the United States, the First Amendment's anti-establishment clause prohibits Congress and, by its incorporation into the Fourteenth Amendment, states, from enacting a law "respecting an establishment of religion." This means government may not endorse religion, though non-state actors remain free to express their religious commitments. That is an important distinction. When football cheerleaders at a public high school in Georgia exhibited giant banners with messages such as "Commit to the Lord," the district, fearing a First Amendment lawsuit, prohibited the signs. In response, community members began displaying their own religious signs and wearing T-shirts with passages from the Bible, resulting in more displays of religious belief at the games than ever before.[29] The First Amendment doesn't prohibit such expression of religious views by private individuals. The difference when cheerleaders bear the signs

at school events is that they act not as individuals but as representatives of a public school and therefore of the state, sending the message that the state itself is endorsing religion, and that is prohibited by the First Amendment.[30]

Burke supports the establishment of religion in England. He defended the "Test and Corporation Acts," which limited public offices to those who participated in the Anglican sacrament, even though he did not think much of the requirement and preferred replacing the sacramental test with a promise not to try to subvert the constitution of the Church of England. He felt that as the Church of England was essential to the constitution, giving dissenters access to political power could undermine the constitution.[31] Burke also supports the use of the government's prestige and resources to promote the Anglican church.[32] Hegel understands the importance of keeping the state and religion separate and in this respect his consecrated state differs fundamentally from Burke's.

Hegel says it is wrong for religion to hold the reins of government, as occurs in an ecclesiastical state.[33] He suggests one reason in his early essay, "The Positivity of the Christian Religion."[34] There he discusses how the teachings of Jesus became a positive faith of a sect that then gave rise to an external form, the Christian religion, and an ecclesiastical state. Its ordinances and institutions, which "hurt no one's rights while the society was still small, were made political and civil obligations which they could never in fact become."[35] Why couldn't the religious teachings adhered to by a sect become the basis for political obligations in a state? We know from his later *Rechtsphilosophie* that for Hegel the authority of a state is not based on an individual's consent to a social contract.[36] Nevertheless, if citizens are to be free in the state they must find their subjective satisfaction in the state and come to see its requirements as justified, and in this sense each individual must consent to the state.[37] But in the "Positivity" essay, Hegel explains that in an ecclesiastical state, where the church *is* the state, "unanimous acceptance of one faith" is required.[38] That requirement is paradoxical: "a contract about faith is inherently impossible" and "null and void," for "a man cannot bind himself, still less his posterity, to will to believe anything"; one has the "right to change one's convictions."[39] Churches command unanimous consent of members to their doctrine, and claim a right to exclude dissenters from their fellowship. A modern state incorporates people with particular differences, not all of whom will share faith in the same religion (see section 5). But that is precisely why the state must be granted a higher right than the church's,

to ensure no one is coerced into accepting a religion against their own convictions—something Hegel says the Catholic church has not conceded and the Protestant church only in a limited way and for certain matters only.[40] Church-based moral systems, which in an ecclesiastical state would be the basis for law and civic duties, involve principles of morality laid down by the church. The church does not leave moral principles open to critical evaluation and revision, and its law is not grounded in freedom or the "autonomy of the will."[41]

A second reason religion cannot hold the reins of government is that religion is a relation to the absolute based merely on feeling and faith; but, Hegel says, a state must be based on knowledge.[42] A state in which citizen loyalty rests on merely feelings and not reason can be dangerous, made vulnerable to the whims of fanatics.[43] Excessive religious zealousness can be expressed through revolutionary actions as well as through persecution. Hegel expresses outrage at the thought of Galileo having to abjure on his knees before his religious persecutors. Science is on the side of the state because both rest on knowledge and not faith.[44] Hegel concludes that the state, not the authority of the church, decides what counts as objective truth, and that "religion as such should not hold the reins of government."[45]

Hegel fears that the rules religion prescribes about one's active life can be destructive of the state by leading not only to persecutions but to passivity and withdrawal from ethical life. A religious ideal that prioritizes the eternal over the temporal, in demanding renunciation of the actual, is opposed to the demands of ethical life. Hegel notes that temporal love, and the temporal need to earn a living, are seen by religion as cares for worldly things that are to be renounced. What is seen from the perspective of ethical life as integrity and honesty is seen by the religious form of consciousness as unholy.[46] Hegel thinks there can be harmony between the state and the Protestant religion, though, because Protestantism does not regard man as a passive being or insist a man believe what he does not know.[47]

Hegel opposes not only an ecclesiastical modern state but partial establishments, or excessive entanglement of a modern state with religion. In "The German Constitution" he defends the principle of the independence of church and state. He says religion "has completely rent the state asunder" and he is critical in particular of the "itio in partes," or right of religious parties not to submit to a majority vote, for this can block the functioning of the state.[48] In the "Positivity" essay Hegel is critical

of states in which "baptism is not a purely ecclesiastical act whereby the child enters the church" but is also "a civil act whereby the existence of the child is made known to the state," and the church determines what rights are claimed for the child.[49] He is also critical of states in which marriage "is valid only if the ceremony is performed by an officer of the prevailing church." Where this occurs, Hegel says, "the civil state has yielded its right and its office to the church."[50]

Hegel thinks it best for the civil authorities to keep matters of faith private so that their religion doesn't get entangled with their public duties. In an ecclesiastical state, the congregation will use its property and resources for buildings, and to pay teachers and other servants, and in a single ecclesiastical state this is not a concern; it becomes one only if there are different churches. In that case, Hegel says, "if the authorities are intelligent, disinterested, and just," the state "would grant to every church according to its needs the means to worship in its own way." But he goes on to say that "a state, *as a civil state*, should have no faith at all, nor should its legislators and rulers, in their capacity as such."[51]

Hegel also recognizes reasons why the state should not support religious education that inculcates religious doctrine.[52] Education is an essential means by which individuals obtain freedom. In the *Rechtsphilosophie* he notes that through education individuals become capable of "being the actuality of the Idea"; they are guided by universal principles to do things as others do them rather than flaunting "their particular characteristics."[53] Education is a means of getting individuals to fit into society, not merely with respect to manners, conventions, and social virtues, but also by teaching skills and a trade so that one can participate in civil society by producing and using goods and services.[54] Of course for Hegel education should also nourish the intellect and enrich our inner life.[55] Because education is so important in the socialization process, Hegel is critical of pedagogical experiments in isolating young people.[56] Insofar as education is essential to one's capacity to become a member of society, Hegel explains, civil society has the duty and right to influence the education of children, and can compel parents to send their children to school.[57]

None of what Hegel says about education in the *Rechtsphilosophie* entails that the rational modern state should be barred from including courses in the curriculum that would present religious doctrines to students so long as this does not detract from the education needed to

produce good citizens able to fulfill their temporal duties, and so long as the means of education focuses on critical reasoning and thinking skills.[58] In the earlier "Positivity" essay, Hegel argues that every man has the right to develop his faculties, which imposes a duty on the state and parents to educate him appropriately. He observes that historically the state has believed the most natural means of fulfilling this duty is by entrusting this responsibility to the church. The result has been that this has jeopardized the young citizen's right to the "free development of his powers" insofar as the church discharges its task in a certain way.[59] A citizen when reaching maturity is at full liberty in most European states to emigrate, if the laws and institutions of his country don't suit him. This decision can be influenced by habit or fear, but those influences don't annul the possibility of free choice. However, Hegel writes, if the church educates in a way that wholly subdues reason and intellect, filling the person's imagination with terrors that reason and intellect cannot overcome, then the church has entirely taken away the "possibility of a free choice and a decision to belong" to the ecclesiastical state. "It has infringed the child's natural right to the free development of his faculties and brought him up as a slave instead of as a free citizen."[60] Hegel is critical of the "Confirmation" in Protestant states where the child renews baptismal vows at age fourteen or fifteen. The church has taken care that the child heard nothing save the church's faith, leading his "tender heart"; it declares that the intelligence of a fourteen-year-old is that of an adult, and that "his generally unintelligent repetition of the articles of faith expresses a free choice." The state, in contrast, waits until he is twenty or twenty-one to perform valid civil actions even on matters which are "dung" in comparison to eternal salvation.[61]

Hegel recognizes that "in *any* education the child's heart and imagination are affected by the force of early impressions and the power exercised by the example of those persons who are dearest to him and linked with him by elementary natural ties." But "reason is not of necessity fettered by these influences."[62] The church goes wrong when it inhibits the development of one's reason and intellect and ability to judge by one's own standards. The church, Hegel says, implants ideas and words in the imagination and memory that are so girt with terrors and put in such a "holy, inviolable, and blinding light that either they dumbfound the laws of reason and intellect by their brilliance and prevent their use, or else they prescribe to reason and intellect laws of another kind"; in

either case, "reason and intellect are deprived of freedom." If the state has sanctioned this education, as it would in the ecclesiastical state Hegel refers to in this passage, then the state "has betrayed the child's right to a free development of its mental capacities."[63]

We must recognize that Hegel is not opposing education in or the exercise of religion.[64] As rector and professor in a publicly funded Nuremberg Gymnasium, Hegel himself encouraged his pupils to keep the religious festivals of their respective churches.[65] He also provided some religious and moral instruction, though it is unlikely he inculcated the doctrines of a particular religion.[66] In his "Positivity" essay he says there are countless difficulties in bringing up children without positive faith, which he does not even discuss because "there are moral reasons why it ought to be renounced."[67] But that Hegel believed it proper to instruct students in ideas such as conscience, faith, the meaning of religion, God, and sin, does nothing to diminish Hegel's concerns about the potential of religious education to subvert the education one needs to become a citizen of a rational modern (as opposed to ecclesiastical) state. Hegel wanted a separation of church and state in the public schools. As rector when Bavaria was implementing widespread public education, Hegel complained when his public school's facilities were used for religious singing lessons; and he complains to his friend and patron Niethammer about professors having to go to church for religious instruction, reminding Niethammer of his spoken promise two years before to end the "subordination of the teaching profession to the clergy and the clerical estate."[68]

In §270 of *Philosophy of Right* Hegel does say that "the state fulfills a duty by giving the church community [*Kirchengemeinde*], for its religious goal, every encouragement [*Vorschub*] and protection."[69] While this might imply support for state subsidies of religion (especially with Nisbet's translation of *Vorschub* as "assistance" rather than "encouragement"), in light of everything else Hegel says about the need to separate church and state, I read this passage to mean that the state should tolerate and ensure that everyone has the right to practice their religion.[70]

Hegel does, in a lengthy passage in *Philosophy of Mind* on religion and politics, speak of the view that the state and religion are "separable from one another" as "the monstrous blunder of our times."[71] I take him to mean not that religion should infiltrate the institutional structure of the state but, rather, that the Protestant Reformation produced a reli-

gious spirituality of the right sort, one that was opposed to the spiritual bondage produced by Catholicism, that historically was essential for the development of a rational modern state in which individuals could be free. Had we left to Caesar what is Caesar's and to God what is God's, the rational modern state would never have developed.[72] But while Hegel thinks religion is in this way the foundation of the state, he does not support a state establishment of religion.

4. Toleration

A state might be thought to establish religion when it grants preferential treatment to those practicing a particular religion. But in many cases such special treatment is better regarded as tolerating the free exercise of religion rather than establishing religion. In the United States, courts have granted exemptions from laws or regulations so that one may freely exercise their religion without this being seen as a violation of the First Amendment's antiestablishment clause. One condition for such an exemption is that the exercise of religion must not threaten public safety or impose an undue burden on government.[73] Courts in the United States have exempted Athabascans from game laws so they could use moose meat for religious rituals;[74] Santerians from local ordinances so they could practice animal sacrifice;[75] and have allowed parents or guardians to direct the upbringing of their children by providing them a religious education at their own expense.[76] But they have not exempted Native Americans from the required use of Social Security ID cards;[77] Sikhs from laws prohibiting the carrying of a sword in public;[78] or Mormons from laws against polygamy.[79]

Burke defended religious toleration, particularly of Catholics in Ireland, who had been denied the vote and excluded from public office, military service, and higher education.[80] One reason Burke tolerated most religions in addition to that of the Anglican Church was that he thinks they, like Anglicanism, help us avoid the dreadful ethical void he saw in France after the Revolution.[81] Burke defends all religions that are conducive to peace. But he disavows tolerance for atheists. For Burke, atheism fosters anarchy and is the "most horrid and cruel" blow to civil society: "Have as many sorts of religion as you find in your country: there is a reasonable worship in them all. The others, the infidels,

are outlaws of the constitution, not of the country, but of the human race. They are never, never to be supported, never to be tolerated."[82] As a Protestant living for a time in Catholic areas of Germany, Hegel was sensitive to claims of religious minorities.[83] He, like Burke, defends toleration of religion. In a well-known footnote to *Rph* §270 he argues that a strong state can tolerate even communities who don't recognize their duties to the state, depending on the numbers concerned. The state may exempt Quakers and Anabaptists from taking oaths and allow them to fulfill the duty to defend the state by substituting another service instead.[84] But to avoid too close an entanglement, Hegel draws limits to state exemptions for religion. He notes that the church has contrived to exempt their servants and property from the jurisdiction of the state, and sought jurisdiction in matters such as divorce proceedings and oath-taking. But he seems wary of such contrivances, insisting that religious communities are subject to the policing and supervision of the state.[85] Hegel does add that the state may not interfere with church doctrine.[86] However, in his *Lectures on the Philosophy of Religion*, he says that if religion demands that we annul our will, or reject the worldly principle, then government must proceed by force and suppress religion, as France's did when the Catholic church demanded unconditional submission to it.[87]

Recognizing the important role religion plays in the state, Hegel wants the state to tolerate religion. Does his commitment to toleration extend to atheists? It is sometimes suggested that Hegel tolerates many different religious faiths but disapproves of atheism.[88] In *Rph* §270 Hegel even says that since religion serves to integrate citizens to the state at the deepest level, "the state ought even to require all its citizens to belong to" a "religious community," though it can have no say in the content of the religion.[89] But it is unlikely that Hegel means here that atheists who are deeply integrated into the state "at the deepest level of the disposition [of citizens]," and who do not abjure their duties to the state, must form a church to be free in the state. In the same passage Hegel says that philosophical insight is the best means for integration into the state. As I shall discuss in the next section, for Hegel religion facilitates an individual's connection to something transcending his particular existence; but if atheists can conceive of such a connection through philosophical insight, they could be at home in Hegel's rational modern state though they belong to no religious community, though Hegel might think the atheist will be deficient from the perspective of the Absolute. Unlike Burke, Hegel is more fearful of religious fanaticism than of atheists.

5. The Function of Religion in the State

We have seen that for Burke, the consecrated state fills an existential need, giving its members a purpose as part of a "whole chain."[90] But this is particularly so for England, given its singular religious tradition, and its peoples' opinions, prejudices, and habits. On Burke's view, a consecrated state might not work in another society, such as the United States, with a tradition of religious diversity.[91] The traditions in England, shaped by its history as a consecrated state, create a tie that binds people, linking them to each other, their forefathers, and descendants.

Hegel recognizes the role religion historically played in the development of nations. He speaks of the substantial foundation of a nation as the "absolute ground of faith." "All individuals are [b]orn into the faith of their forefathers" which is something holy for them, and is their authority; "This constitutes the ground of faith that is given by historical development."[92] Here Hegel has in mind how Homer and Hesiod depicted the Greek gods in conformity with the Greek spirit, and Greek religion became part of the *Bildung* shaping Greek ethical life.[93]

But though religion may be a tie that binds members of a nation, for Hegel it is not a tie that binds members of a rational modern state. Hegel distinguishes states from nations.[94] There are stateless nations;[95] and a nation may consist of several states.[96] People of different nations, and of different religions, can be members of one state.[97] Citizens need not all practice the same religion, as Hegel makes clear in saying that the state can tolerate different religions.

Religion's function in a modern state is not to forge a particular political identity based on blood or ethnicity; it has a more universal role in addressing an existential need all citizens face. Christianity arose on the fertile soil of Rome, Hegel suggests, because life there was depraved: nothing survived the individual, and death must have been terrifying.[98] To be free, people need to recognize that they are part of a totality that transcends their ephemeral existence. This can occur with the recognition of being part of a state with a shared ethical substance, which Hegel characterizes as a "definite" as opposed to an abstract spirit. The essence of this definite unity is represented as God in religion; it has other representations in art, and is understood still in other ways through philosophy.[99]

Hegel wants us to see that objectively the state is a commitment in which we are at home and free regardless of our particular differences. But we need also a subjective conviction that the state is our

home, and that is something religion can provide.[100] For "the people," for whom this subjective conviction does not exist in the form of thought and principles—an actually existing religion may be needed to harmonize one's inner sentiments of freedom with the laws and practices of one's community.[101] Not just any religion will do, though. Here Hegel has in mind the true disassociated Christianity that is founded upon the principle of subjectivity or self-consciousness of freedom.[102] But subjective conviction needn't assume the form of religious belief or faith. Hegel says in his lecture notes on *Rph* §270 that religion is not necessary for integration into the state and that the "best means of effecting this is through philosophical insight into the essence of the state, though, in default of that, a religious frame of mind may lead to the same result."[103] In point of time, Hegel says, religion is necessary as the form of consciousness in which the absolute Idea is first apprehended (Hegel, 1971, §552, 289); but I take Hegel to mean nothing more by this than that the true form of Christianity was at one point historically necessary for the development of the modern state. In the modern state, an individual with philosophical insight but who rejects the religious form of consciousness can be at home and free.[104]

Indeed, Hegel thinks relying on religion alone and not philosophy is dangerous: those who "seek the Lord" and "assure themselves, in their uneducated opinion, that they possess everything immediately instead of undertaking the work of raising their subjectivity to cognition of the truth and knowledge of objective right and duty, can produce nothing but folly, outrage, and the destruction of all ethical relations"; or they can turn inward, which results in passivity.[105]

Hegel envisions religion endorsing the state and encouraging service to the community.[106] And he envisions the state using religion to instill into citizens trust and a disposition of ethical behavior.[107] The state cannot issue laws requiring citizens to be moral—"they would be improper, contradictory, and laughable"—and religion can produce this disposition. It can do so "through moral motives or through terrorizing the imagination and consequentially, the will."[108] That religion can "terrorize" is one reason Hegel is cautious about its excessive entanglement with the state. Nevertheless, Hegel does say the state has its foundation in religion.

But it is not paradoxical for him to defend a consecrated state while insisting church and state be separate. For Hegel, commitment to and freedom in the state requires citizens to recognize the state as the univer-

sal spirit of which they are a part, and to thereby answer the existential question of how one's existence has meaning given that it inevitably is extinguished. Understanding the state to be consecrated does just this. If philosophy can also provide reasons for seeing one's membership in the state as answering this question, in a way that satisfies atheists, then in Hegel's consecrated state, in contrast to Burke's, they, too, could be at home.

Notes

1. Burke, 1887, 3:353–354.
2. Burke, 1999, 4:2.15.
3. Burke, 1887, 3:351.
4. Burke, 1887, 3:362.
5. Burke, 1887, 3:353–354.
6. Burke, 1887, 3:357.
7. McConnell, 1995, 400.
8. Burke, 1887, 3:355.
9. Burke, 1887, 3:358–359.
10. *Rph* §§270, 292, 303.
11. Hegel, 1997, 64.
12. Hegel, 1997, 65.
13. Hegel, 1997, 65–66. Cf. *TW* 16, 236, and Hegel, 1971, §552.
14. Hegel, 1997, 64; see Rousseau, 1987, 164.
15. See Tunick, 1992, chap. 3.
16. *TW* 12:70; cf. Hegel, 1997, 64.
17. See Suter, 1971; and Franco, 1999, 127.
18. Burke, 1887, 332–333.
19. *Rph* Preface, 11. (Page numbers for *Rph* refer to Hegel 1991.)
20. Suter, 1971, 72; Riedel, 1984; Ritter, 1984.
21. *Rph* §106. Cf. Tunick, 1992, 71–72, 83–84.
22. *Rph* §26.
23. Hegel, 1971, §552, 283, referring to a religion with a "genuine content" involving the idea of a divine spirit indwelling in self-consciousness (283) that is discerned by philosophy (285).
24. Jaeschke, 1981, 141–143.
25. Hegel, 1997, 64–65.
26. Burke, 1887, 3:265.
27. *TW* 16, 237. Cf. *Rph* §281A; Yack, 1980, 710–711; Avineri, 1972, 187.
28. *TW* 16, 238.

29. Brown, 2009.
30. See *Lee v. Weisman*, 505 U.S. 577 (1992); and *Edwards v. Aguillard*, 482 U.S. 578 (1987).
31. "Speech on the Acts of Uniformity, Feb. 6, 1772"; discussed in McConnell, 1995, 408, 416–418.
32. This is at least the position taken by McConnell, 1995, 412, 438. He relies largely on Burke's "Letter to William Burgh" of February 9, 1775, and "Speech on Dormant Claims of the Church," February 17, 1772.
33. *Rph* §270; cf. *TW* 16:242–243; Avineri, 1972, 17–18.
34. Hegel, 1948. While this is an early work in which Hegel has not yet developed his mature political philosophy (cf. Ormiston, 2004), I agree with Avineri that Hegel's views on the relationship between religion and the state remain stable between the early and late periods (see Avineri, 1972, 30–32). On the stability of Hegel's political philosophy generally over time see Tunick, 1992, 92–93.
35. Hegel, 1948, 86–87.
36. *Rph* §§75, 258.
37. See *Rph* §§106–107, 118, 132, 260, on the "right of subjectivity."
38. Hegel, 1948, 118.
39. Hegel, 1948, 118–121, 123–124; Hegel, 1986, 14, 27; cf. Avineri, 31.
40. Hegel, 1948, 112–113.
41. Hegel, 1948, 135.
42. *Rph* §270, 299.
43. *Rph* §§5, 270 (293, 304).
44. *Rph* §270, 300 n.
45. *Rph* §270, 301, 304.
46. *TW* 16, 239–240.
47. *TW* 16, 241; cf. Dickey, 1987.
48. Hegel, "The German Constitution," in Hegel, 1964, 193; cf. 189–193 generally.
49. Hegel, 1948, 109.
50. Hegel, 1948, 109.
51. Hegel, 1948, 111–112, my emphasis.
52. See Avineri, 1972, 29–30, drawing on Hegel, 1948, 115, 133–134. Hegel does think it important, though, to make the historical or philosophical study of religion a part of a Gymnasium curriculum.
53. *Rph* §187, 225–226.
54. *Rph* §§192–198.
55. MacKenzie, 1971, 160–161, 164, 169; translating Hegel's first and third Gymnasium addresses.
56. *Rph* §153.

57. *Rph* §239. This passage occurs in the section "civil society" prior to Hegel's introduction of the state, and so Hegel says "society" may compel parents; but this happens through enforcement of state laws.

58. MacKenzie, 1971, 175: "Education to independence demands that young people should be accustomed early to consult their own sense of propriety and their own reason"—from Hegel's third Gymnasium address.

59. Hegel, 1948, 114.

60. Hegel, 1948, 115.

61. Hegel, 1948, 106–107.

62. Hegel, 1948, 115 (my italics).

63. Hegel, 1948, 116.

64. Hegel, 1997, 65: "man must be educated to religion."

65. MacKenzie, 1971, 31, 42–43, 170.

66. Ibid. In Hegel, 1986, prepared for instruction of Gymnasium students, Hegel's references to religion are limited. He emphasizes that religion must be chosen (14, 27) and that cognition of God is not above Reason (53).

67. Hegel, 1948, 116.

68. Hegel, 1984, 194–195, 210 (Letter 146, February 20, 1809; and Letter 156, May 11, 1810).

69. *Rph* §270, 295 (my translation).

70. See Hegel, 1948, 127, 129.

71. Hegel, 1971, §552, 284.

72. Hegel, 1971, §552, 286; cf. 287. Jaeschke argues that Hegel shifts his view on the relation of religion and state between *Rph* (1821) and *Philosophy of Mind* (1827), a position I address later in note 104.

73. See *Sherbert v. Verner*, 374 U.S. 398 (1963).

74. *Frank v. Alaska*, 604 P. 2d 1068 (1979).

75. *Lukumi Babalu Aye v. Hialeah*, 508 U.S. 520 (1993).

76. *Pierce v. Society of Sisters*, 268 U.S. 510 (1925); *Wisconsin v. Yoder*, 406 U.S. 205 (1972).

77. *Bowen v. Roy*, 476 U.S. 693 (1986).

78. *People v. Singh*, 516 N.Y.S. 2d 412 (1987).

79. *Potter v. Murray City*, 760 F. 2d 1065 (1985), 1070; cf. *Reynolds v. U.S.*, 98 U.S. 145 (1878).

80. "Letter to Langrishe" (January 3, 1792), in Burke, 1999, vol. 4; "Speech on a Bill for Relief of Protestant Dissenters" (March 17, 1773), in Burke, 1887, 7:29; "Tract Relative to the Laws against Popery in Ireland," in Burke 1887, 6:299; cf. McConnell, 1995, 402–403, 410–412.

81. "Letter to Richard Burke," in Burke, 1887, 6:395.

82. "Bill for Relief," in Burke, 1887, 7:36–37; cf. McConnell, 1995, 453–456.

83. See Hegel, 1984, 196.

84. *Rph* §270, 295 and n.

85. *Rph* §270, 296.

86. *Rph* §270, 296–297. Cf. Hegel, 1948, 104.

87. *TW* 16, 241–242.

88. Knowles, 2002, 321. However, a few scholars read Hegel as himself an atheist, see Hegel, 1988, 21–22, 29; and Solomon, 1983, 582.

89. *Rph* §270, 295.

90. Burke, 1887, 3:108.

91. McConnell, 1995, 424–425.

92. Hegel, 1988, 195–196.

93. Hegel, 1988, 195–196. Hegel has doubts that the modern Germans have a similar shared Paideia to draw from; see "Is Judaea, Then, the Teutons' Fatherland?," Hegel, 1948, 149; and Avineri, 1972, 22.

94. *Rph* §344.

95. Hegel, 1988, 195, n. 180.

96. *Rph* §270, 295; *Rph* §209; Avineri, 1972, 46; and Tunick, 2001.

97. Hegel, 1983, 247–248; and Tunick, 2001.

98. Avineri, 1972, 26, citing Hegel, 1948, 157.

99. Hegel, 1997, 66.

100. Cf. *TW* 16, 243 ("das Innere, welches gerade der Boden der Religion ist").

101. *TW* 16, 244–245.

102. Jaeschke, 1981, 144.

103. *Rph* §270A, 303, cited in Jaeschke, 1981, 131. Cf. *TW* 16, 242; and Knowles, 2002, 321.

104. Jaeschke argues that Hegel alters his views on the relation between state and religion between the 1821 publication of *Rph* and *Philosophy of Mind* (1827). In 1821 Hegel sees religion and state as separate; in 1827 he emphasizes the substantial connection between religion and ethical life (132). But even if Jaeschke is right that Hegel shifts his view, this does not undermine my position that Hegel rejects an establishment of religion. Nor does it affect my view that for Hegel an atheist can be at home in the modern state. For Jaeschke, Hegel's final view is that both the state and the true version of Christianity are founded on one concept: subjectivity, or the self-consciousness of freedom (137, 141). Jaeschke recognizes that the state's Christian character does not depend on "the internality of a religious faith. This subjectivity is only accessible to the speculative philosophy of right" (142). Insofar as atheists can adopt the principle of subjectivity by drawing on speculative philosophy, they can be at home in the state.

105. *Rph* §270, 294ff.

106. *Rph* §270, 294ff.

107. Hegel, 1948, 121.

108. Hegel, 1948, 98.