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Part II. Hegel's Interdisciplinary Concept of the Will

4. Rousseau and Hegel on the Universal Will

Freedom and the Will

Until now, we have discussed “the Will” as if it were something which pertained inherently to an individual. But it would seem that if a group of people resolved to act together with a common motive, then it would be reasonable to talk about a common Will shared by everyone in that group. When that group is the entire community, as when the nation as a whole determines itself to act towards some end, it would be reasonable to refer to the “Universal Will.” In that context, a “particular Will” would be the shared Will of some group of people, whether a formal collective decision-making group or a more informal group.

Looked at in this way, the term “Universal Will” seems to be a metaphor. But this appearance is merely the result of the fact that in both the historical record and in my explanation we *began from the individual*. We have already touched on Hegel's criticism of Fichte for mistakenly trying to reconstruct an understanding of the whole society beginning from the Ego. It is more true to say that the individual is an instance of the whole than to say that the whole is the sum of all the individuals.

Hegel has already said that “that which is free is the Will. Will without Freedom is an empty word” (1821, §4 Addition). The Will is self-determination, the realisation of Freedom. It is not difficult to see that an individual's Will is best understood as an *instance* of the Freedom of the whole. The individual Will is something distinct from the Universal Will, while the Universal Will exists only in and through the collaboration of many individual Wills.

In the *Logic*, Hegel had already introduced us to this way of understanding *all* concepts. What is universal is instantiated in many individual subjects; the individual Will is a part of the Universal Will, even though each individual Will may be different and distinctive.

The problem of determination and realisation of the Universal Will is not merely a theoretical problem but a *practical* problem. Both Rousseau and Hegel developed their ideas about the Universal Will as participants in the struggle to realise Freedom in Europe. The problem of realisation of the Universal Will is the problem of the formation of a State. A person becomes free by building a State.

According to Hegel, “The State in and by itself is the actualisation of Freedom” (1821, §258 Addition). As Hegel saw it, a State which failed to express the Universal Will and which suppressed freedom does not deserve the name of “state.”

The problem Rousseau and Hegel both addressed is how an individual could be free whilst living in mutual dependence with thousands of other human beings. They agreed that the key to freedom in a large community is the moral education of the people and the formation of a general Will, i.e., a State, by means of which the citizens formulate laws binding on them all.

The chief difference between Rousseau and Hegel on this question was that Rousseau sought a *direct* relation between citizens and the State, whereas Hegel argued that citizens' relation to the State must be *mediated* by civil and political associations embedded in their own lives in which they could benefit from direct participation. Both opposed elections based on universal suffrage.

Rousseau on the general Will

Rousseau (1762) understood the modern state in terms of a "social contract."

The social contract is based on a foundation myth, according to which, when people could no longer maintain themselves in the state of nature, they joined together as equal citizens in a social contract.

Each of us puts his person and all his power in common under the supreme direction of the general Will, and, in our corporate capacity, we receive each member as an indivisible part of the whole.

Rousseau, 1762, Book 6

As a result of this contract, the citizens form a single body which acts according to a general Will. However, the general Will is an *ideal*.

The general Will is always right and tends to the public advantage; but it does not follow that the deliberations of the people are always equally correct. Our Will is always for our own good, but we do not always see what that is; the people is never corrupted, but it is often deceived, and on such occasions only does it *seem* to Will what is bad.

1762, Book 2, Chapter 3

For a variety of reasons, when the citizens seek to determine the general Will, they may be mistaken. A central question is then, what conditions cause the people to err when they seek to determine the general Will?

The general Will differs in principle from an individual Will, but an individual should always ask himself: "What is the common good?" not what is good for me, in determining their own Will.

Majority voting may be a means of determining the general Will, but it is only a method and may be *fallible*. The first condition for the people to be able to correctly determine the general Will is that the people are well informed so that they can understand what is for the common good.

Secondly, Rousseau believed that if there were no communication between individuals, each would tend to produce the same conception of the general Will. And thus: "Each citizen should think only his own thoughts" (Book 1, Chapter 3). So there must be no factions, or at least no faction should be so great that its particular Will should have excessive weight in determining the general Will.

In Rousseau's words:

If, when the people, being furnished with adequate information, held its deliberations, the citizens had no communication one with another, the grand total of the small differences would always give the general Will, and the decision would always be good.

1762, Book 1, Chapter 2

There is often a great deal of difference between the Will of all and the general Will; the latter considers only the common interest, while the former takes private interest into account, and is no more than a sum of particular Wills: but take away from these same Wills the pluses and minuses that cancel one another and the general Will remains as the sum of the differences.

1762, Book 1, Chapter 3

Sovereignty belongs to the *citizens assembled*, and it cannot be represented by delegates. Rousseau held that laws have to be made by direct democracy and not by the deliberation of delegates.

The English people believes itself to be free; it is gravely mistaken; it is free only during the election of Members of Parliament; as soon as they are elected, it is enslaved, it is nothing.

1762, Book 3, Chapter 15

The general Will must always be expressed in terms of universal laws and not policies in relation to this or that contingency. Generals or civil servants are all responsible to determining policies in their respective domains, but must do so governed by the general Will, which alone is sovereign.

So his vision of a democratic republic entailed periodic assemblies of the people who voted directly on laws as *citizens*, rather than as private individuals. Elections can be used to appoint administrators, but not to make laws.

Both Rousseau and Hegel were aware that their ideals were impractical in large states. Both favoured smaller republics. In his later writings, Rousseau advocated for federations as preferable to large states which would make the assembly of citizens impracticable. In Hegel's time, the German Federation was composed of just 38 component states, each with an average population of about 600,000 – less than the population of Paris at the time. And his concept was geared to this reality. In 1871, the Paris Commune reasoned in the same way and did not advocate for the whole of France to form a commune, but rather expected other cities to take control of their own local communes.

Why Hegel opposed general elections

Hegel argues consistently for highly mediated forms of representation and against universal suffrage. He makes a powerful argument against universal suffrage.

As for popular suffrage, it may be further remarked that especially in large states it leads inevitably to electoral indifference, since the casting of a single vote is of no significance where there is a multitude of electors. Even if a voting qualification is highly valued and esteemed by those who are entitled to it, they still do not enter the polling booth. Thus the result of an institution of this kind is more likely to be the opposite of what was intended; election actually falls into the power of a few, of a caucus, and so of the particular and contingent interest which is precisely what was to have been neutralised.

1821, §311n.

According to Hegel, the deputies in the Legislature should represent the various real interest groups in society and should give each equal weight. The electorate must not be seen as an agglomeration of individual atoms (op. cit. §311).

Universal suffrage, on the contrary, requires every individual to cast their vote privately, as an isolated atom. Hegel believed that the public must be educated in national affairs, and he saw the assemblies of the Estates* as a means of achieving this. Political discussion “at his fireside with his wife and his friends” can never be better than “building castles in the sky.” Participation in assemblies is essential for the political education of the masses.

Here Rousseau and Hegel are at odds. Rousseau wanted the citizens to be well-informed, but then “think for themselves.” Hegel ridiculed this idea of “thinking for yourself.” The whole point of education was to introduce people to all the most powerful ideas in the world and then encourage people to “rethink” them, to *appropriate* ideas and make them their own.

Hegel understood that the truth is concrete. In order to understand a problem and all its diverse aspects a person needs to have personal experience with the issue. The overwhelming majority of the citizens do not have practical experience in making laws but they do have a concrete knowledge of the affairs of their own life. The citizens make complex and rational decisions in those organisations immediately concerned with their everyday life. In Hegel’s day these included the guilds in which artisans and merchants regulated their own trade, in municipal corporations and in civil society organisations such as the courts, regulatory authorities and local voluntary associations. In the case of the rural community, Hegel believed that only the landed aristocracy was able to rise to the level of political participation.

Hegel wrote 200 years ago, but we all know that seeing the world through the TV screen, or what is much the same thing, gossip, does not well prepare people for participation in the political process. The essential feature of Hegel’s idea of the citizens’ role in the drafting of laws was that it should be mediated through their participation in these civil society forms of organisation.

Rousseau was opposed outright to “factions,” but in lieu of political parties, Hegel proposed the Estates. Here, as ever, Hegel was turning an existing form of association to his purpose. Each of the estates had their own internal means of determining policy, and each estate was to be given an equal say in the Legislature. Here again Hegel opts not for the untrammelled voice of each individual citizen, but for the considered, mediated voice of a particular section of the citizenry.

“Public opinion” is the name given to “individuals ... in their having and expressing their own private judgments, opinions, and recommendations on affairs of state” (op. cit. §316). Public opinion is therefore “a repository of genuine needs and correct tendencies of common life,” but “infected by all the accidents of opinion, by its ignorance and perversity, by its mistakes and falsity

* Hegel recognised three estates: the Agricultural Estate who were represented by their aristocratic landowners; the Business Estate, who were represented via the Guilds, and the Universal Estate, that is, the civil servants.

of judgment,” and Hegel quotes Goethe: ‘the masses are respectable hands at fighting, but miserable hands at judging’.

Thus, Hegel agreed that the people must be engaged in creating laws, but not each citizen directly relating to the State. It was in their guilds and Estates that the citizens participated in the political process. But members of the Legislature, having real connections with the people, made decisions in deliberation with each other, not as mandated delegates.

Hegel on Civil Disobedience

Hegel believed that an individual subject does not have the resources to determine what is right, so that the State is required to enact laws. So it follows that Hegel believed that every subject has to obey the law. He is hardly on his own in that belief. But it is a fact that all social progress has happened thanks to people breaking custom and the law. So what did Hegel have to say about civil disobedience?

Hegel’s demand of obedience to law is not absolute. As the form of life develops, customs and laws prove to be inadequate. Contradictions arise when an apparent Right turns out to be wrong (or vice versa), a social crisis results, and the customs and laws have to be changed. If moral subjects meekly deferred to law and custom no crisis would ever arise; the community would stagnate and become hidebound by antiquated laws and customs.

In fact, when custom or law come into conflict with the social practices which have grown up within them, people do object, and knowingly violate customs and laws and insist on their being right and the relevant law being wrong. In other words, law develops by means of either civil disobedience or post facto defence of their actions by people who unwittingly committed a wrong. But Hegel did not sanction civil disobedience; it was the courts and public authorities (which Hegel saw as parts of civil society), which had the responsibility to react to contradictions and act appropriately.

However, according to Hegel, the subject who defies a law with the intention of stimulating a change in the law must accept responsibility for all the consequences of their act, including their own punishment under law so long as this punishment does not threaten their existence.

However, Hegel allows for further situations in which it is right to break the law. Firstly, the “right of distress”:

In extreme danger and in conflict with the rightful property of someone else, this life may claim (as a right, not a mercy) a right of distress, because in such a situation there is on the one hand an infinite injury to a man’s existence and the consequent loss of rights altogether, and on the other hand only an injury to a single restricted embodiment of freedom, ...

op. cit. §127

So for example, under Scottish law, a starving person had a right to steal a sheep to forestall their own death or that of their family. Likewise, according to Hegel (PR §127n.), a debtor has the right to retain their tools, etc., needed to earn a living, and cannot be denied these by a creditor.

Secondly, Hegel held that a slave has no duty under the law at all and:

It is in the nature of the case that a slave has an absolute right to free himself and that if anyone has prostituted his ethical life by hiring himself to thief and murder, this is an absolute nullity and everyone has a warrant to repudiate this contract.

op. cit. §66 Addition

So in a situation in which an absolute wrong is mandated by law, that is, the law violates human rights, then that law has no force over the moral subject, who has not only the right but the obligation to repudiate the supposed obligation.

The Right of Heroes

Hegel was an ardent admirer of Napoleon, and he introduced the category of 'hero' into his social theory, having Napoleon in mind. He recognized that sweeping changes like the abolition of feudal relics in Germany and the introduction of the *Code Napoleon* could only be made by heroes – individuals who act as instruments of "History." Such figures enjoyed a "higher right," to sweep away old institutions and create new ones. These heroes would necessarily, by the lights of their own community, do wrong, even evil and would generally not be thanked by posterity either. Hegel talks about the role of heroes in founding new states out of a state of nature, but

Once the state has been founded, there can no longer be any heroes.

They come on the scene only in uncivilised conditions.

op. cit. §93 Addition

But Hegel believed that a constitutional monarchy with a market economy was the highest possible form of Right. The leap to a higher form of State cannot be achieved by the gradual evolution of the existing laws and customs, but only by "rightful" coercion and the sweeping aside of the old laws.

This cannot be achieved by an individual subject.

Conclusion

First Rousseau and then Hegel determined that the problem of the freedom of the Will could only be resolved by the construction of a good State. Rather than the abstract rules of Kant's moral philosophy, Rousseau and Hegel held that practical forms of association had to be built so that the citizens could actually create the laws *together* which constituted the universal Will.

Until now, the problem of the Will has arisen through the reflections of theologians and philosophers. Hegel made a commendable effort to understand how the individual Will arose out of the aimless striving of inanimate nature. But his ideas were entirely speculative. He did not even have access to Darwin's theory of evolution or the knowledge of the microstructure of plants and animals, which later became known to us through the microscope.

By the 1930s, however, Science had made gigantic leaps forward in understanding how the human psyche and intellect worked and a number of very powerful theories of Sociology were being developed to scientifically understand the problems which Hegel and Rousseau had just begun to tackle.

In the succeeding Chapters, I will deal with the findings of Psychology and Sociology, which now pose the problem of the Will in a concrete scientific form. It is important to understand, however, how the problems confronted by

present-day Psychology and Social Theory have been prepared by the thousand years of thinking which went before.

References

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