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## Georg Wilhelm Friedrich Hegel (1770—1831)

### **Life and Work**

Georg Wilhelm Friedrich Hegel is amongst the greatest and most influential of political philosophers. It is a mark of the significance and impact of his thought, as well as of its complexity and ambivalence that philosophers of both the Left (most famously Karl Marx and, in the 20<sup>th</sup> century, the Frankfurt School) and the Right (in a fashion, Max Stirner, and a century later, Michael Oakeshott and Carl Schmitt) are deeply indebted to Hegel as source or target, and often both at once. And many have also identified strong liberal elements in his work.

Hegel was born in Stuttgart in 1770. His father was a civil servant at the court of the Duchy of Württemberg. At the Tübinger Stift, a Protestant Seminary which he entered in 1788, he was a close friend of two outstanding fellow students, Friedrich Hölderlin (the poet) and Friedrich Schelling (the philosopher). His interest in politics and current affairs developed along with their common enthusiasm for the revolutionary events in France. After periods as a private tutor, in 1801 he followed Schelling to the University of Jena, working as a virtually unpaid tutorial assistant until 1807. Following long spells as a newspaper editor in Bamberg and as a headmaster at the Gymnasium in Nuremberg, he took up his first fully professional university post as professor in Heidelberg in 1816 at the age of 46. In 1818 he moved to take up the Philosophy chair in Berlin, Prussia, previously occupied by Fichte. He was to remain in post until his death in 1831.<sup>1</sup>

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<sup>1</sup> For full details of Hegel's life, read Terry Pinkard's biography, *Hegel* (2000).

As a philosopher Hegel is best known for his grandiloquent metaphysical system of absolute idealism.<sup>2</sup> But his work in social and political philosophy is more than just a supplement to this last great effort in philosophical system-building. He thought hard about—and wrote about—ethics in its broadest sense throughout his intellectual career. His early theological works were driven by a concern for social improvement and for finding a place for religion as a vehicle of cultural reform. In Jena he finished an earlier essay on the German Constitution and published his critical (1802—3) essay on Natural Law (*On the Scientific Ways of Treating Natural Law, Its Place in Practical Philosophy, and Its Relation to the Positive Sciences of Law*) in which he introduces criticisms of ‘individualist’ systems of normative ethics, notably Kantian ethics and social contract theories of the state. In his (unpublished) *System of Ethical Life*, and in lecture materials, the *Jena System Drafts*, he began to develop related concepts of spirit, mutual recognition and freedom which he would elaborate in the magnificent (1807) *Phenomenology of Spirit* (henceforth *Phenomenology*).<sup>3</sup> Hegel’s ethics and political philosophy are sketched in the ‘Objective Mind’ section of the (1817) *Encyclopaedia of the Philosophical Sciences* and then in much greater detail in successive drafts of the *Elements of the Philosophy of Right* (henceforth *PR*)<sup>4</sup>, his fullest and most carefully articulated text in political theory, first published in 1821 as a handbook to accompany lectures. Additional material on social and political philosophy can be found in the *Lectures on the Philosophy of World History*, the *Lectures on the History of Philosophy* (both published after his death) and various essays, notably his 1831 essay ‘On the English Reform Bill’.

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<sup>2</sup> The best modern exposition of this system is Charles Taylor, *Hegel* (1975). Two modern works which serve as excellent introductions to Hegel’s philosophy are Stephen Houlgate, *Freedom, Truth and History: An Introduction to Hegel’s Philosophy* (1991) and Frederick Beiser, *Hegel* (2005).

<sup>3</sup> Cited at paragraph (§) numbers as given in the Miller translation: G.W.H. Hegel, *Hegel’s Phenomenology of Spirit* trans. A.V. Miller (1977).

<sup>4</sup> Cited at section (§) numbers from G.W.F. Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, trans. H.B. Nisbet, (1991).

## **Hegel's Idealism**

In Hegel's system the study of social and political philosophy is the study of 'objective mind'. Hegel is an absolute idealist, which is to say, at its simplest, that the world is ultimately constituted by reason. This is an exotic metaphysical thesis, but it is not unprecedented and it is not absurd. Like all deep philosophical theses, absolute idealism is grounded in strong intuitions and good questions: If the universe is not, at bottom, mathematical, how can the equations of the physicist disclose its nature? Were the natural world not itself rational or intrinsically intelligible, how could rational creatures have knowledge of it? Absolute idealism can only be dismissed, if it can be dismissed, by careful philosophical arguments—not by guffaws or by kicking stones in the fashion of Samuel Johnson's dismissal of Berkeley's idealism. These things said, there are not many absolute idealists nowadays.

Idealism in social philosophy (of the kind that Marx aimed to turn 'on its head' as stated in the 1872 Preface to *Capital*) is an altogether more robust thesis. It claims that social institutions such as families, firms, trades unions, legal systems, states and their governments, are structures of mind (or Spirit—*Geist* is Hegel's term). The social world is a system of Objective Mind (as against Subjective Mind, exemplified in the mental life of individuals), constituted by such mental entities as intentions, expectations, decisions, beliefs, values, rules, conventions and laws. In this collection, Hegel's social idealism is broached in many papers (but notably those by Terry Pinkard [2], Robert B. Pippin [3] and Stephen Houlgate [5]). Houlgate, in particular, explains Hegel's thesis of the unity of theoretical and practical spirit—thought and will—in the account that Hegel gives of his foundational value of freedom. This serves not only to link Hegel's metaphysics and epistemology to his

social philosophy but also to explain the structure of the *Philosophy of Right* as an outline of how the free will is embodied in the institutional structures of the modern rational state, as Hegel interprets it.

### **Spirit, Reason and Freedom**

Objective Mind (henceforth Spirit) has a history—indeed, for Hegel, nothing else has a history—with a distinctive theme: Reason works in history to develop patterns of rationality in the social world. Think of the history of Spirit as a mental space-time worm—‘Spirit emptied out into Time’ (*Phenomenology* ¶808)—moving from civilization to civilization, beginning in the ancient Chinese world and moving to the German (Northern European Protestant) world of Hegel’s day via spells in India, Persia, Egypt, Greece, Rome and the Europe of mediaeval Christianity, and undergoing sequential changes in the process, all driven by the motor of reason. ‘This Becoming presents a slow-moving succession of Spirits, a gallery of images, each of which, endowed with all the riches of Spirit, moves thus slowly just because the Spirit has to penetrate and digest this entire wealth of its substance’ (*Phenomenology* ¶808). Thus social worlds which are irrational, say because the citizens are faced with tragic conflicts between the norms of family life as dictated by religious beliefs and the laws of the state as commanded by the sovereign—this is the ancient world of Antigone as famously described in Chapter VI of the *Phenomenology*—must collapse and go under. Each such distinctively ‘ethical shape of Spirit has vanished and another takes its place’ (*Phenomenology* ¶475)—up to the end of history, the present day in which Hegel was writing.<sup>5</sup>

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<sup>5</sup> For an excellent recent introduction to Hegel’s *Phenomenology*, see R. Stern, *Hegel and the Phenomenology of Spirit* (2002).

The modern social world exemplified in the Prussia which Hegel describes in the *Philosophy of Right* is the product and culmination of reason at work in history, the historical dialectic which is sketched in the *Phenomenology* and described in detail in the *Lectures on the Philosophy of World History*. As Hegel puts it in the celebrated ‘*Doppelsatz*’ (double-saying) of the Preface to *PR*:

What is rational is actual;

And what is actual is rational.

The essence of this hard saying is the claim that the modern social world that Hegel describes in *PR* is rational, a structure of reason to be disclosed by the rational powers of the enquiring philosopher. This claim has been the cause of massive controversy from the time it was first published. On one reading, encouraged in modern times by Karl Popper in *The Open Society and its Enemies* (1945), it is the scandalous slogan of a timid and complacent conservatism, endorsing as necessarily rational the real social world of his contemporary Prussia—and thereby pleasing the censors and the government funders of his university chair. Most modern readers reject this uncompromising view, noticing that Hegel distinguishes the ‘real’ from the ‘actual’ by identifying the actual as those elements of the real world which are distinctively rational. On this interpretation, the *Doppelsatz* risks becoming unexceptionable but trivial—indeed a tautology—but sensitive critics argue that the relation between actuality and rationality which Hegel celebrates leaves sufficient conceptual space for the sort of social criticism and practical amelioration that can reconcile otherwise alienated citizens to their social world. The most fully developed argument to this effect is mounted in Michael Hardimon’s (1994) monograph *Hegel’s Social Philosophy: The Project of Reconciliation*. Hardimon’s 1992 article, ‘The Project of Reconciliation’ [4] is included in this volume.

On a third reading of the *Doppelsatz*, Robert Stern [1] argues that it is neither mindlessly conservative nor a content-less tautology nor yet the herald of social improvement through immanent critique. It is rather the expression of a commitment to reason, to rationalism as the proper method of comprehending the social world. It expresses a substantial claim about method in ethics which needs careful evaluation. In the paper by Benjamin R. Barber [16] it is argued, by careful use of the example of Hegel's views on the role of women in the social world, that Hegel's method involves a tension between the claims of history and rationality which cannot be resolved if institutions are demonstrated to be imperfect.

Actual social freedom is the condition of social life wherein citizens live freely together and understand how the institutions that bind them secure this freedom. This latter understanding, Hegel believes, is charted most fully in the *Philosophy of Right* but it has its origins in Hegel's earlier writings, as we shall see.

### **Recognition in the *Phenomenology of Spirit***

Mention of freedom of the will and a common-sense grasp of social freedom as negative freedom, the condition of individual agents who are not prevented by laws or other social conditions from getting what they want, may lead us to think of freedom as an individual possession, a state which is enjoyed by individual persons. For Hegel, on the other hand, freedom is as much a social achievement as a property of individuals. There could not be a stable, persisting, social world in which one, or some, were free whilst others were not, in which one, or some, are masters and all others are slaves. History has shown us that societies which are organized in this fashion must change or perish, but in the *Phenomenology* where Hegel first publishes

the account of Spirit that he has developed, he gives us a deeper argument to explain why this must be so.

Knowledge, he concludes at the end of the first chapter, cannot be a matter of a subject's acquaintance with, or perceiving, or theorising, a world of independent objects. Consciousness, he argues, requires self-consciousness or self-understanding, and he asks in the second ('Self-consciousness') chapter: what do we understand ourselves to be? First, we take ourselves to be living, desiring, creatures but this first and most primitive conception of ourselves is incomplete and unstable, itself consumed, he tells us, in the consummation of desire for objects of consumption. We can demonstrate to ourselves that we are not just desiring creatures by distancing ourselves from the pressing urgencies of the living, desiring, self, that is, by risking our lives in challenging others to a life and death struggle (*Phenomenology* ¶¶185—8). This strange kind of self-knowledge discloses to the protagonists that they are free in the sense that they can cast off natural urges and instincts. Both are willing to give up their lives, after all. Moreover there is a strong dialectical advance in that both parties to the struggle present themselves to the other as free agents. But this, too, is partial knowledge, of its nature incomplete—brief and passing for the protagonist who does not survive, transient for the winner of the fight, the sad survivor who no longer has an opponent who can recognize him as free. So a further dialectical advance is made into the Master-Slave dialectic, when the outcome of the struggle is not death, but enslavement for the loser who clings to life. The master achieves recognition of his mastery and liberation from the need to work to satisfy his desires; the slave secures his continued existence as a living creature who exists to serve his master.

Next, in a dialectical *bouleversement* that has proved enormously influential, Hegel demonstrates that the project of mastery is a failure and that the true advance in



self-consciousness and liberation is taken by the slave. Echoing and amplifying some famous (but unacknowledged) remarks of Rousseau in the *Second Discourse on the Origins of Inequality*,<sup>6</sup> Hegel demonstrates that in becoming dependent on the work of the slave to satisfy his desires, and in seeking recognition from an inferior being whom he dominates, the master loses his freedom and fails to secure genuine recognition. Contrariwise, through the self-discipline exerted in the processes of skilled and thoughtful labour, together with the identification and recognition of his intelligent self in the products of his labour, the slave acquires a glimmering of freedom as self-knowledge that is denied to the master. The lessons of the master-slave dialectic are that one-sided recognition fails as a strategy for developing self-consciousness, that the creation of dependents cannot secure true independence, and crucially, that personal freedom necessitates relationships of equality between persons who are free.

The insights developed through this bizarre sequence of emblematic figures have been an inspiration and resource for theorists of liberation and social equality ever since: for philosophers and ideologists supporting workers in their struggle against oppressive capitalist owners of the means of production, for the leaders of colonized peoples seeking independence from imperialist domination, and for feminists striving for the equality of women against the hegemony of men. Wage slavery, colonialist exploitation, the subjection of women—all such strategies of domination and subordination—are bound to fail, or so it is claimed on the basis of Hegel's master-slave dialectic. True independence is the mutual interdependence of the “I” that is “We” and “We” that is “I” (*Phenomenology* ¶177), true recognition is

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<sup>6</sup> ‘Each became in some degree a slave even in becoming the master of other men: if rich, they stood in need of the services of others; if poor of their assistance’ J.-J. Rousseau, *A Discourse on the Origin of Inequality* (1755).

mutual recognition wherein the parties ‘recognize themselves as mutually recognizing one another’ (*Phenomenology*, ¶184), true freedom is equal liberation for all.

These appropriations of Hegel’s ideas should not blind us to the fact that Hegel himself was an enthusiastic supporter of burgeoning 19<sup>th</sup> century capitalism, that he believed that colonialism was an important strategy in the elimination of poverty in the industrialized world, and that the proper place for women is the home. Steven B. Smith’s article, ‘Hegel on Slavery and Domination’ [6] takes up many of these themes.

It has been a very controversial issue how far the egalitarian implications of the account of recognition given in the *Phenomenology* are developed or compromised in Hegel’s later work. Robert B. Pippin in ‘What is the Question for which Hegel’s Theory of Recognition is the Answer?’ [7] tackles this question directly. Pippin explores the point of Hegel’s doctrine of recognition in the context of a great deal of recent interpretative work on Hegel’s theory of recognition together with a modern resurgence of the claims of recognition in social philosophy.<sup>7</sup> Pippin’s article emphasizes (what many have challenged) the strong connection between the Jena-period work on recognition and the *PR* treatment of freedom as the core value of the rational state. Modern ethical life (*Sittlichkeit*), the social embodiment of freedom, just is a condition of mutual recognition and interdependence, Pippin argues. To evaluate this claim we need to study the detail of the *Philosophy of Right* with very great care.<sup>8</sup>

## **Freedom in the Modern Social World: The Philosophy of Right**

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<sup>7</sup> See, for the former, Robert R. Williams, *Hegel’s Ethics of Recognition* (1997) and, for the latter, Axel Honneth, *The Struggle for Recognition* (1995).

<sup>8</sup> For a general introduction to Hegel’s *Philosophy of Right* see Dudley Knowles, *Hegel’s Philosophy of Right* (2002).

In the *Philosophy of Right*, Hegel articulates the system of Objective Spirit which is actualized in the modern social world. In the very first section, he tells us that '[t]he subject-matter of *the philosophical science of right* is the *Idea of right*—the concept of right and its actualization' (*PR* §1). That is, he will describe the social world and its constitutive values (the 'actualization' of right) in terms of the concept—the canonical form of philosophical understanding as explained in the *System of Logic* and the *Encyclopaedia Logic*. This gives *PR* a structure which has mystified many readers. For Hegel, this rational or logical structure—of Universality, Particularity and Individuality (an obvious development of the Aristotelian concept of an *individual* substance as a *particular* instantiation of a *universal*)—has a validating or justifying power. This claim can be bracketed off if the institutions and their constitutive norms or values can be defended as having an independent cogency, which they may well have. If they do not, then the system stands or falls with one's acceptance of Hegel's metaphysics.

### **The Will**

The key thought, fully explained in the 'Introduction' to *PR* and explored in this collection in the papers by Houlgate [5], Pinkard [2] and Pippin [3] amongst others is that the social world is a structure of freedom because it fully actualizes the free will. The free will combines two elements, (i) the (universal) power of abstracting any (particular) determinate content of the will (as when one holds back from acting to satisfy a desire and considers whether this is the sort of thing one ought to be doing) and (ii) some (particular) desire which one seeks to satisfy, into (iii) a synthesis of universality and particularity when one finally decides to act (say, to satisfy this particular desire rather than that). So free agency combines the Hobbesian element of

acting from desire and the Kantian element of distancing oneself from otherwise determining desires. On Hegel's account, one acts freely when he acts to satisfy desires which he has independently validated.

How is this achieved? The basic idea is that one acts freely when he acts in accordance with values (social rules, laws or norms) that are endorsed as rational. Suppose Adam wants to eat the apple that he sees hanging from the tree. Then he reflects that the tree and its fruit belong to Bill who is the owner of it and has a right of exclusive possession to it. Since Adam endorses a regime of private property and rights of ownership as necessary for persons to be free, he acts freely when he restrains himself from taking the apple. If, on the other hand, he had (correctly) judged that the apple belonged to no-one and that he was within his rights to take it, Adam would have acted freely when he picked and ate it. These are models of free agency, as Hegel understands it. This is *positive*, as against *negative*, freedom on one understanding of the distinction drawn by Isaiah Berlin.<sup>9</sup> Hegel's careful analysis of the structure of the free will and the nature of free agency occupies the 'Introduction' to *PR*. In a most helpful paper, 'The Unity of Theoretical and Practical Spirit in Hegel's Concept of Freedom' Stephen Houlgate [5] explains how (*contra* Kant) Hegel integrates theoretical and practical reason in his account of the will. In so doing, he articulates carefully Hegel's analysis of the will and puts us in a position to see how this account illuminates the structure of *PR*.

### **The Argument of the Philosophy of Right**

The values which are engaged when agents act freely are encoded in structures of social norms. How are these (correct or valid) norms to be identified? Hegel's quite

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<sup>9</sup> Isaiah Berlin, 'Two Concepts of Liberty' in *Four Essays on Liberty* (1969).

distinctive story explains that they are constitutive of conceptions of the self with which modern agents have learned to identify. Allen Wood dubs this a *self-actualization* theory.<sup>10</sup> It specifies that agents are free when their actions are guided by a nested series of normative systems, within each of which there are a range of self-descriptions which agents recognize and endorse, and thus apply to themselves and their fellow citizens. Thus modern agents identify themselves as persons, moral subjects striving to act conscientiously, family members, economic agents belonging to a variety of social classes, subject to the rule of law and acting in association with others in the corporations to which they belong as members, and finally as patriotic citizens of a political state with a variety of possible constitutional roles. Each of these identifications is ethically potent in that they demand subscription to characteristic ethical norms. This is a *communitarian* ethic insofar as the moral norms which direct the behaviour of free persons are the norms which are actualized by or embedded within the communities they inhabit, and it is ultimately the historically formed community—Hegel’s Rational State—with which persons identify which gives them their ethical life.

In this collection I include two papers which illuminate this broad picture in different ways. In ‘Freedom and Social Categories in Hegel’s Ethics’, Terry Pinkard [2] presents Hegel’s ethics as a development as much as a strong critique of Kant’s ethics. For both philosophers the central concept of ethics is freedom, but the accounts of freedom that are given differ markedly as Pinkard explains. Hegel’s theory of the will as developed in the argument of *PR* identifies it as ‘a theory of what *are* and what *are not* the fully proper objects of the will’. Free agency is possible only in a society in which the values integral to the social categories of family, civil society and the

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<sup>10</sup> Allen W. Wood, *Hegel’s Ethical Thought* (1990).

state constitute the ethos or mores necessary for truly free agency. Only then ‘does the individual find his liberation in duty’ (*PR* §149)—as Kant, too, well might have said, but meaning something entirely different.

In ‘Hegel and Institutional Rationality’, Robert Pippin [3] identifies the locus of freedom in the institutions which comprise ethical life and determine the duties of the citizen of the rational state. As was stated in the *Doppelsatz* those institutions must be rational. But what is institutional rationality other than means-end functionality of institutions to the individuals which these institutions serve? And how does rationality secure the freedom which is distinctive of the rational state? And is it the freedom of the individuals or the freedom of the state and its constituent institutions, or both, which is in question? Pippin explores these difficult issues.

### **Abstract Right**

Thus (to follow the sequence charted in *PR*) in Part One ‘Abstract Right’ we see ourselves and others as ‘persons’, a technical term denoting the discrete atomic units of agency who are bearers of rights, making claims of right against others and recognizing the reciprocal claims on themselves that other persons make in turn. This is a primitive ethic of individual rights, traceable to Protestant claims on behalf of the integrity of the individual soul in its relations with God and the associated morality of natural rights that was developed in the fifteenth- and sixteenth centuries. Seeing ourselves as persons, we make claims of right to personal integrity, individual conscience and religious faith, and, crucially, to private property.

Two papers discuss Hegel’s distinctive and important theory of private property. It is a commonplace that Hegel justifies a regime of private property on the basis of its contribution to personal freedom. But there are many ways of

understanding this. Alan Patten in ‘Hegel’s Justification of Private Property’ [8]<sup>11</sup> argues that Hegel elaborates and defends a ‘developmental thesis to the effect that possession of some measure of private property ‘is essential for the development and maintenance of the capacities and self-understandings that make up free personality’. Peter G. Stillman in ‘Hegel’s Analysis of Property in the Philosophy of Right’ [9] carries the discussion further. Noticing that Hegel qualifies and reworks the account of private property rights that he had articulated in Abstract Right when he describes the major socio-political institutions of *Sittlichkeit* or ethical life, he considers how far the initial defence of private property is endorsed, contradicted or sensibly qualified in what follows.

As persons we freely contract with others and develop a retributive conception of punishment as the legitimate enforcement of these rights. Hegel defends a complex and idiosyncratic version of the retributive theory of punishment which is examined in two papers in this collection: Jami L. Anderson ‘Annulment Retributivism: A Hegelian Theory of Punishment’ [10] and Dudley Knowles ‘Hegel on the Justification of Punishment’ [11].<sup>12</sup> Anderson explains how Hegel’s version of retributivism differs from the famous theory propounded by Kant and argues for the superiority of Hegel’s theory. Knowles is more critical, demonstrating that Hegel’s account is a ‘near miss’ that should and could have been improved upon had Hegel adopted a ‘social contract’ mode of argument. Knowles argues that such an argument would not have compromised Hegel’s critical view of the social contract account of the actual origins of the state.

Modern persons, Hegel insists, are ineluctably individualists, ‘separate persons’ as Rawls claims, governed by rights which operate as ‘side-constraints’ in

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<sup>11</sup> Incorporated into Alan. Patten, *Hegel’s Idea of Freedom* (1999).

<sup>12</sup> Incorporated into Dudley Knowles, *Hegel and the Philosophy of Right* (2002).

the fashion described by Robert Nozick (*pace* the modern communitarian who says such a person is a fiction). But Hegel differs from this style of contemporary liberalism in insisting that this minimal self-ascription cannot represent the whole truth about our moral personality since an ethics of personal rights would be impoverished to the point of contradiction. Persons would claim enforceable rights but would be unable to establish a stable system of just rights enforcement. A state of nature regime of rights enforcement would descend into a nightmare of revenge and vendetta in the way John Locke describes in the *Second Treatise of Government*.

### **Morality**

We are persons, but more than persons. In the following chapter, Morality (*Moralität*), Hegel explores the possibility that we might establish a set of moral norms to which all might subscribe on the basis of an understanding of ourselves as moral subjects. This of course was Kant's project and throughout this chapter Hegel stalks Kant, gathering insights concerning the nature of human agency but finally rejecting Kant's moral psychology (with its dichotomy of (autonomous) duty and heteronomous) self-interest or inclination) and Kant's normative ethics (with its employment of the Categorical Imperative as the definitive test of any proposed moral principle). 'From this point of view, no immanent theory of duties is possible' (*PR* §135), Hegel concludes.

It would be a mistake to dismiss Hegel's critique of Morality (capitalized because Hegel employs it as a technical term) as entirely negative. A crucial insight which he endorses is the '*right of the subjective will* [which] is that whatever it is to recognize as valid should be *perceived* by it *as good*' (*PR* §132). If we take this as the claim that neither priests nor princes can just dictate to us how we should behave (as



Kant equally insisted), that norms of conduct should be properly understood and endorsed by all those to whom they apply, we can see Hegel as accepting a crucial thesis of modern liberalism in its broadest sense. It is a matter of very great dispute how far Hegel respects this important right in the details of the argument to follow. It is also important that one recognizes that this right is entirely formal. It does not tell us what the good is. It does not deliver ‘an immanent theory of duties’. For that we have to investigate Ethical Life (*Sittlichkeit*), Hegel’s distinctive name for the actual norms of the Rational State, i.e. the community he inhabits.

In this collection we include four papers discussing the Morality section of the *Philosophy of Right* since Hegel’s unique brand of social and political philosophy is quite unintelligible unless we see that it is founded on the rejection of a prescriptive normative ethic, and in particular, the ethics of the *Sollen*, the ‘ought-to be’, adopted by Kant. Alan W. Wood’s ‘The Emptiness of the Moral Will’ [12]<sup>13</sup> examines the charge Hegel brought against Kant to the effect that his normative ethics was empty viz. impotent in the matter of delivering concrete moral judgements appropriate for specific cases. Wood argues that the real source of Hegel’s criticism of Kant is his rejection of Kant’s moral psychology. In *Hegel’s Ethical Thought* (and in his 1999 *Kant’s Ethical Thought*) Wood carefully investigates Hegel’s claim that the categorical imperative cannot yield an immanent doctrine of duties. Kenneth Westphal’s paper, ‘Kant, Hegel and Determining our Duties’ [13] takes a careful look at the issues involved, stressing the continuities between Kant and his vigorous opponent. In ‘Hegel’s Theory of Moral Action, its Place in his System and the “Highest” Right of the Subject’, [14]<sup>14</sup> David Rose summarizes much good modern work (by Charles Taylor, Michael Quante and Kenneth Westphal *inter alia*) on the

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<sup>13</sup> Incorporated into Wood’s *Hegel’s Ethical Thought* (1990).

<sup>14</sup> Incorporated into David Rose, *Hegel’s Philosophy of Right* (2007).

philosophy of action which underpins Hegel's own account of our moral psychology and explains how this in turn grounds Hegel's endorsement of true moral conscience. This enterprise is carried further in Frederick Neuhouser's article 'Ethical Life and the Demands of Conscience' [15]<sup>15</sup>. Neuhouser opens up the question of how far Hegel's endorsement of the rights of the true conscience in the Morality chapter is actualized or compromised by his description of the institutions of ethical life.

### **Ethical Life**

The English Idealist, F.H. Bradley (1846—1924), described the subject of ethics as 'My Station and Its Duties' in *Ethical Studies* (1876). This gives a clear sense to the difficult term 'Ethical Life'. Our duties are furnished by our ethical location (our station in life) in actual communities of sentiment fashioned in history. If this sounds like subjection rather than freedom, Hegel emphasizes that the opposite is the case. 'A binding duty can appear as a *limitation* . . . the individual however finds his *liberation* in duty' (*PR* §149). Rather than constrain us, we shall find that our duties make us free: once we understand and endorse the requirements of duty, we find our natural desires tamed and controlled. We understand that the institutions of ethical life, including family life, civil society and most notably the state, enable us to realize personal capacities that would otherwise fail to find an adequate expression.

Thus when we understand the nature of life in the modern nuclear family, (the first element of ethical life that Hegel studies) —a life grounded in mutual love but structured by duties to parents, spouse and children—we will agree that only in this form of domesticity can the human capacity for love and long-term commitment be adequately realized. There is much truth in Hegel's account, but modern readers may

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<sup>15</sup> This anticipates the argument of Frederick Neuhouser, *Foundations of Hegel's Social Theory: Actualizing Freedom* (2000).

find it dated and ethically unacceptable—not least in respect of Hegel’s description of the role of women. Hegel’s writings are a good target for feminists, but a focus on the passages where Hegel insultingly compares women to plants and tells us that ‘when women are in charge of government, the state is in danger’ (*PR* §166A) will miss the nuances of his position. In ‘Spirit’s Phoenix and History’s Owl or the Incoherence of Dialectics in Hegel’s Account of Women’, [16] Benjamin R. Barber carefully reviews the issues and draws some strong critical conclusions concerning Hegel’s methodology as well as his account of a woman’s place in both the family and society at large.

In the second element of ethical life, Civil Society (a curiously abstracted construction, gathering together the major non-political institutions of the modern state) Hegel explains how economic, legal, and administrative structures enable ‘concrete persons’ (chiefly male family members) to satisfy the particular self-interest of themselves and their families. Guided mainly by the writings of British economists, notably Smith and Ricardo, Hegel developed strong and interesting views (which curiously Marx never discusses directly) on how the capitalism of his day is a liberating force, how the ever more productive forces released by rapid industrialization enable humans to satisfy their increasingly sophisticated demands, and how social classes form in the different segments (agricultural, business, and bureaucratic) of economic life.

The administration of law protects the citizens’ rights, enforces contracts, and corrects the deficiencies of state of nature punishment systems, as these were explained in Abstract Right. Two further elements of Civil Society are the ‘Police’, all those social agencies designed to provide coercive, regulative and infrastructural support to the system of production, including public education services, and the

‘Corporations’, a strange confection of mediaeval guilds, employers’ associations, and trades unions. All these institutions effect in their fashion a transformation of self-interest into a common will as individuals associate together to serve their particular purposes more efficiently. But one problem of modern social life obdurately resists solution. He portrays poverty as a deforming scar on the face of modern civilization caused not so much by idleness and stupidity as by the structural problems of market capitalism when, for example, markets collapse or technological change makes ancient skills redundant. The state is evidently necessary to fashion remedies. Alexander Kaufman discusses Hegel’s treatment of the problems of pauperisation in ‘Community and Indigence: A Hegelian Perspective on Aid to the Poor’ [17] although he fails to mention Hegel’s curious view that colonisation is a policy option to which the modern state may resort (*PR* §§246—8).

### **The State**

Hegel speaks of the state in two senses. In the first, the Rational State, we are to understand the modern system of social freedom which wraps up in a harmonious construction all the normative systems encountered in the modern world. Thus the Rational State is the integration of the ethical demands of personal rights, moral subjectivity, family life, civil society and the political institutions of the state. These ethical demands are harmonious in the sense that individuals can recognize and respect moral rules which derive from all these sources without finding themselves in circumstances of tragic conflict wherein rules conflict and the complex identity of the modern self is torn apart. If there are conflicts they will be resolved by ordering principles, most conspicuously by obeying the laws of the state. Since the State is Rational there will be no modern Antigones, no moral rebels.

To paraphrase *PR* §260: ‘The state is the actuality of concrete freedom. As members of it, persons should be able to develop all their capacities and satisfy all the interests they have as individuals, as family members and as members of civil society. But they should not and do not live as private persons alone. They recognize their universality, their ties with others. And these ties bind them to serve a common purpose, a universal end which they freely acknowledge as they perform the duties incumbent on them in their particular stations in life, as determined ultimately by the state.’

The second sense of the term ‘state’ denotes the ‘political state proper’ or the ‘strictly political state’ (*PR* §267). This is a political system with a constitution that Hegel describes in some detail. His presentation of it disobeys the logical principles which he himself advanced as constituting the rational structure of all reality. At its head is a monarchy which has a symbolic personal role, dotting the “i”s and crossing the “t”s (*PR* §280A), yet also has formidable and decisive political powers. The second element of the constitution is the executive, a civil service owing allegiance to the monarch who appoints the senior ministers. The third element is the legislative power. The Legislature includes the monarch and the executive oversees its operations, but, in addition, there are two Estates (roughly assemblies): one a collection of wealthy landowners qualified by birth and representing the agricultural class, the other appointed from the corporations (and not elected by universal suffrage) which represents the business class. Altogether the constitution of the political state is a ramshackle, boded edifice.

Is Hegel a liberal or a conservative political theorist? Many believe that Hegel’s political position shifts from an early radicalism to a later conservatism. There are biographical reasons for accepting this view since Hegel felt forced to

accommodate his published views to the critical eye of the reactionary censor in 1820, prior to publication in 1821. There are textual grounds for believing that he compromised his political-philosophical beliefs, as reported by K.-H. Ilting in his (1974) edition of Hegel's *Vorlesungen über Rechtsphilosophie*. Others insist that Hegel was always a liberal (or, less plausibly, always a conservative). But the sensible reader will not take a position on the general question without the most careful evaluation of Hegel's writings. In 'Hegel and Liberalism' [18] Paul Franco conducts a careful discussion of Hegel's place on the liberal/radical to conservative/communitarianism spectrum that takes into account the best modern work.<sup>16</sup>

A crucial site for investigating these questions is Hegel's treatment of patriotism—the cast of mind of the typical citizen of the modern state. Is the citizen of the rational state a docile creature, unreflective and contented, willing to wave patriotic flags and to fight for the state as soon as asked? Or can the patriotic citizen be politically alert and reflective, prepared to question the philosophical credentials of the claim to authority made by the modern state and the legitimacy of both its constitution and the policies it enacts?

In the article, 'Hegel on Political Sentiment', Joseph J. O'Malley [19] opens up two questions: first, O'Malley challenges K.-H. Ilting's position, concluding that there are no significant (and compromising) political differences between Hegel's views as reported from his 1818—19 lectures and the 1921 published text. But, secondly, putting to one side these biographical and bibliographical issues, we can consider directly whether or not the distinctive political disposition of *patriotism* as Hegel describes it in *PR* §§ 268—70 requires or occludes a reflective, philosophically

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<sup>16</sup> Franco's views are further elaborated in his (1999) *Hegel's Philosophy of Freedom*.

grounded, comprehension by just about all citizens of the rational basis of the duties with which they comply. If this compliance is habitual and uncomprehending (in the way of the *hoi polloi* of Plato's Republic who believe the myth that they are fashioned from base metal) Hegel's description of the mind-set of the typical citizen fails to meet the condition set by the right of subjective freedom as explained at *PR* §132.

These are the conclusions that it is safe to draw: Hegel's philosophical method commits him to a unique style of conservatism. 'When philosophy paints its grey in grey, then has a shape of life grown old. By philosophy's grey in grey it cannot be rejuvenated but only understood. The owl of Minerva spreads its wings only with the falling of the dusk' (*PR*, Preface). We cannot tell the world how it ought to be; we are locked into the ethical world we inhabit and seek to comprehend. But this doesn't bar all change. The reality of the world in its fine detail may not reflect the ethical principles which underlie it, so there is space for an immanent critique. Furthermore, the grounding principles of liberalism—doctrines of human rights, the right of the subjective will, as well as associated concrete political freedoms (freedom of conscience and worship, freedom of the press, freedom to find one's own career path, amongst many others)—are all entrenched *within* Hegel's Rational State. They are not moral luxuries or indulgencies, they cannot be rejected; they are as much a feature of the modern political world as Hegel (mistakenly) takes a constitutional monarchy to be. In these respects Hegel is a liberal, but this is not the whole story since there are many critical questions the reader can target at the detail of Hegel's political settlement.

The modern rational state is one state amongst others. Hegel is a stern critic of Kant's cosmopolitan stance as James Bohman describes in 'Hegel's Political Anti-Cosmopolitanism' [19]. Hence in the modern world, as we all know too well, states

may find themselves at war. Hegel says this 'should not be regarded as an absolute evil' (*PR* §324) since good may come of it. It may quicken otherwise dormant and degenerating sentiments of patriotism. Some have found Hegel's views on war abhorrent. Others insist that when a full and properly nuanced account is given this should be acceptable to sophisticated non-pacifists.

*Dudley Knowles*