

Hegel's Project of Comprehending Social Life

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Abstract: The *Philosophy of Right's* project of comprehending the social world is, in part, an empirical "science" of existing reality that, because of its thoughtful attention to "what is," has something important to teach us about how social philosophy should be carried on today. Hegel should be understood as a philosopher of the life-world who is motivated by issues of genuinely practical import and whose central undertaking is to comprehend—to disclose via concepts—mundane human life in its diverse facets, including social life. The real-worldly focus of the Philosophy of Right comes into view by examining how the complexity of a single topic within his social philosophy—private property—reflects the various, interwoven roles that social practices play in both the material and spiritual lives of their participants. Indeed, it is the hallmark of a rationally organized society that activities of material reproduction are imbued with spiritual significance, addressing humans' aspirations to realize their freedom and to be recognized by others as beings of value. The first part of the paper explores the extent to which the method of the Philosophy of Right requires empirical engagement with the world, while the second uses the example of property to show how philosophical comprehension proceeds for Hegel and what it must show if private property is to count as "comprehended."

Keywords: Hegel, *Philosophy of Right*, property, family, ethical life, philosophical method, spirit (*Geist*), Abstract Right

On the occasion of the two hundredth anniversary of the publication of Hegel's Philosophy of Right it is worth returning once more to this classic text with an eye to discovering how, beyond its indisputable historical value, it might also have something to teach us about how social philosophy should be carried on today. My thought is that there is something about the way in which Hegel's efforts to comprehend (begreifen) the social world relies on and incorporates empirical knowledge of existing social reality, without reducing itself to mere empiricism, that contemporary social philosophers would be well advised to take seriously. Émile Durkheim is one social philosopher who, more than one hundred years ago, profitably appropriated aspects of Hegel's method in social philosophy, and we, too, can benefit by revisiting his insight that understanding the existing world requires a kind of comprehension that is not "pure" but empirically conditioned. In other words, Hegel should be thought of and appropriated as a philosopher of the life-world, motivated by real issues of genuinely practical import. One might even say that his central undertaking is to comprehend—to disclose via concepts—mundane human life in its diverse facets, including the realm of objective spirit, or social life.

Hegel is sometimes thought of as an ultra-rationalist philosopher with pretensions to deduce, from pure thought alone, a comprehensive

system that encompasses reality in all its dimensions. More serious readers of Hegel know that this caricature of his philosophy distorts more than illuminates. The aim of this paper is to reveal the real-worldly focus and sources of the Philosophy of Right by examining how a single topic within his social philosophy—private property—reveals the depth of his engagement with the complexity of the everyday world. One reason Hegel's social thought remains relevant is that the concept of life, in both its biological and spiritual (geistig) meanings, constitutes an ineliminable element of his conception of spirit and of the freedom spiritual beings both aspire to and, according to Hegel, are able to achieve within the institutions in which they already participate.

Nowhere is this expanded conception of life more evident than in Hegel's conception of ethical life (Sittlichkeit). Although it is clear that ethical life is centrally concerned with human needs that have their basis in humans' biological nature—the reproduction of the species in the family, the production of the necessary means of life in civil society, and the coordination of these two spheres by the state—it is equally clear that such needs also take on deep spiritual dimensions within a rationally organized society and, in addition, that ethical life addresses human needs—for recognition, for example—that have little to do with pure nature.

Precisely in the domain of social philosophy, then, there can be no doubt that Hegel is concerned with conceptually disclosing the nature of human life in the world. Indeed, he says this explicitly and in several places: according to the Preface to the Philosophy of Right, the task of philosophy lies in comprehending the present and "what is,"¹ where this comprehending consists in "grasping what is present and actual (wirklich)."² In the Introduction, moreover, the goal of his philosophy of right is described as "recognizing in the semblance of the temporal and transient the substance that is immanent and the eternal that is present" and finding "in an infinite wealth of forms, appearances, and shapes"—in the "brightly colored outer layer in which consciousness first resides"—the core and "inner pulse" of the rational.³ Finally and most clearly, philosophy is said to be nothing other than "its time grasped in thoughts."⁴ It could not be clearer that Hegel's philosophy of right has as its object the empirical life of real human beings.

Since the issue of whether Hegel's social philosophy is motivated by a life-worldly, life-practical interest is relatively easy to settle, I will

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1 Hegel 1991, p. 21; 2004, p. 26. In some instances I have amended the English translations of quotations from the Philosophy of Right.

2 Hegel 1991, p. 20; 2004, p. 24.

3 Hegel 1991, pp. 20, 21; 2004, pp. 25, 26.

4 Hegel 1991, p. 21; 2004, p. 26.

focus here on the more interesting question of what it means for Hegel to disclose or comprehend human life in the world. In the first half of the paper, I explore the extent to which the method of the philosophy of right requires engagement with the existing world. In the second, using the example of the institution of private property I show how philosophical comprehension proceeds in Hegel, and what must be shown by it if private property is to count as "comprehended."

There is no question that Hegel's treatment of ethical life aims to be scientific in a strict and systematic sense. It would be absurd to deny the rigorous scientific pretensions of the Philosophy of Right, but it would be equally absurd (although many readers do so) to understand Hegel's science as an undertaking of pure thought, operating exclusively in the realm of pure reason and consisting in nothing but conceptual deductions—as, for instance, the method of his Logic is often understood. Yet even in the most abstract part of the Philosophy of Right—the introduction, where the abstract concept of the free will is articulated—Hegel insists that readers unfamiliar with his whole system can nevertheless follow and appreciate the rigor of the course of his argument since—as far as the starting point of the Philosophy of Right is concerned)the three moments of the abstract concept of the free will)—"it is possible to form an idea (Vorstellen) of them by consulting the self-consciousness of any individual."⁵Hegel's approach in the Philosophy of Right is that of a speculative science, but, as he emphasizes repeatedly, this method consists in an "immanent progression"⁶ that is far from being a mere application of the forms of thought deduced in the Logic to a given material in the domain of the social. This immanent progression mirrors that of the Logic, but in order to comprehend social life philosophically, it is not necessary to appeal to concepts or claims from that part of his system. In other words, those readers of the Philosophy of Right who aspire to comprehend its rigorous, necessary progression need no further methodological instruction from preceding parts of the system.

I would like to go even further and claim that Hegel's science of right is in part an empirical science, or, to put the point more cautiously, that it cannot fulfill its task as a science without appeal to experience—to the real constitution of the present world. This, too, Hegel affirms explicitly, insofar as he emphasizes the role of empirical representation (Vorstellung) in the Philosophy of Right's argument, for example, in asserting that the conceptual dimension of its method requires "a second thing," namely, a "looking around" in the existing world⁷ in order to seek, in this case, social practices that correspond to, or embody, the various

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5 Hegel 1991, §4.

6 Hegel 1991, §31.

7 Hegel 1991, §2.

configurations of the guiding concept of the philosophy of right (practical freedom). This is one reason that Hegel also claims that philosophy can accomplish its work only once "actuality (Wirklichkeit) has gone through its formative process and attained its completed state."⁸

That Hegel's social philosophy is concerned with real human life is evident from the fact that its method has two inseparable aspects—first, the conceptual development of the Idea of freedom, and second, the finding of freedom-realizing practices in the real world—that stand in a dialectical relation to each other. It would not be entirely mistaken to claim that the method of the Philosophy of Right requires a melding of two perspectives that bears certain similarities to John Rawls's method of reflective equilibrium.⁹ This feature of its method Hegel calls "raising representation (Vorstellung) to the form of the concept,"¹⁰ which he also describes as a process in which a pre-existing content, already rational in itself (an sich) is given a rational form.¹¹

I cannot explore in detail here the conceptual development that the concept of freedom undergoes in the course of the Philosophy of Right. This I have tried to do elsewhere.¹² One could, without too much distortion, describe the Philosophy of Right as a hermeneutic endeavor that has much in common with interpretation in general, and not least with interpretation in the aesthetic realm. (One might even think of Kant's conception of reflective judgment as holding the key to understanding the sort of interpretation Hegel takes systematic philosophizing to consist in.) The Philosophy of Right proceeds hermeneutically, attempting to present the initially bewildering diversity of modern European social life as an organic unity whose guiding concept is practical freedom (in its various conceptions). The dialectical aspect of this hermeneutic procedure consists in the fact that a not yet fully determinate concept of freedom guides the apprehension of the real, while, in turn, and precisely through this, this guiding concept gains ever more determinacy.

Describing the unity at issue here as organic is meant to point to an aspect of the method of the Philosophy of Right that differs from Kant's conception of aesthetic interpretation. For to present the social order as rational is to show how its specialized domains perform complementary functions that, working together, realize practical freedom in its various guises. That is, the hallmark of both ethical and purely biological life is the functionally specialized coordination of parts. A living being is for Hegel

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8 Hegel 1991, p. 23; 2004, p. 28.

9 Rawls 1999, pp. 18-19, 42-5.

10 Hegel 1991, §2.

11 Hegel 1991, p. 11; 2004, p. 14.

12 Neuhauser 2017, pp. 16-36.

(as for Aristotle) a being that "is to be regarded as acting in accordance with ends,"¹³ and whose constitution is determined by the requirements of such acting. Since Hegel's conception of practical freedom in its most extended sense coincides with the concept of the good, one could say that rational social life is functionally ordered with respect to the good. That is, functions can be ascribed both to the various domains of the social world and to this world as a whole, which, in line with Kant's idea of purposiveness without a purpose, would be out of place in interpreting works of art. In this respect, the method of the Philosophy of Right is closer to (though not identical with) that of a biologist trying to understand the nature of a living thing than to that of a critic engaged in interpreting a work of art. For this reason it is conceptually, if not strictly linguistically, correct that Hegel's concept of Sittlichkeit is standardly translated into English as "ethical life."

The functionally-organized nature of a living being differs, however, from that of a spiritual being, such as human society, in that in the latter case functions serve not only the ends of biological life, but also the realization of practical freedom—or, what ultimately amounts to the same, the realization of the good, which is defined as uniting human well-being (Wohl), including the biologically necessary, with freedom. This means that the main task of the kind of interpretation undertaken by the Philosophy of Right—conceptually disclosing human life in the social world—is to grasp the various activities of social life as simultaneously serving both the ends of biological life and those of freedom. In the domain of the social, then, philosophical comprehension consists in grasping institutions as systematically ordered—that is, as constituted, both internally and in their relations to one another, according to the requirements of their overriding end. Rational spiritual (or social) life unites the realization of freedom with the achievement of ends that have their basis in human beings' animal nature. The criterion of a rational social life would be, then, that all life activities of social members are expressions of their freedom, and all activities they regard as expressions of their freedom are also ways of participating in life. Only in this way, one could say, is animal life elevated to freedom and the spiritual given a vital content. Expressed in Kantian terms, the goal of a rational social life is to harmonize the realm of freedom with the realm of necessity.

In the realm of the social, then, philosophical comprehension resembles biological knowledge insofar as it includes moments of both evaluation and explanation. Expressed in the language of analytic philosophy, philosophical comprehension is both descriptive (or explanatory) and normative. More precisely, Hegelian social philosophy seeks to show both how a given society functions (with respect to the ends of freedom) and how it ought to be—or, since "is"

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13 Hegel [1830] 2004, §360.

and "ought" are inseparable in such comprehension—how its mode of functioning realizes the good. For this reason the tasks of explanation and justification coincide in the Philosophy of Right. That might sound as if there could then be no gap at all between the good and "what is"—between completed actuality and the merely existent. We know, however, that this is not the case for Hegel (at least not in the realm of the spiritual), as is evident from the fact that the social order depicted by the Philosophy of Right was nowhere to be found in the world during Hegel's lifetime—and nowhere thereafter—in precisely the form in which he describes it there. So there is, after all, a small distance between, as it were, ideal and reality (and it is precisely this distance that can orient our efforts to make existing societies better by bringing them more in line with their "concept"). Hegel famously rejects any talk of "ideals" in practical philosophy, but he does so only because he understands "ideal" in the sense of "empty ideal"—as a construction of pure reason that stands over and against the real, similarly to Plato's idea of the true state as it is normally interpreted. If one rejects this construal of "ideal," however, one might say that the Philosophy of Right's goal is to uncover and systematize, rather than prescribe, the ideals of existing societies, by which is meant the immanent ideals of such societies—their understanding of the rational purposes that spiritually animate real social life. Hegel means nothing else when he describes the goal of his project as finding the inner (rational) pulse of "what is." (And this, very generally understood, is akin to the goal John Rawls pursues with his method of "reflective equilibrium," even if it differs from Hegel's method in many important respects).

In the remaining pages I would like to show more concretely how philosophical comprehension proceeds in Hegel, using an example of a real institution of the modern social world—private property—and, by doing so, to shed more light on my hitherto rather abstract remarks on his method. The two interconnected questions to be answered here are: "To what extent is private property to be understood as a realization of practical freedom?" and "How is private property interwoven with other rational institutions which, as a whole, realize the good?"

The first question is relatively easy to answer, especially if one limits oneself to only one of the three forms of practical freedom, the freedom of the person as treated in Abstract Right. The simple answer is that private property (Eigentum) is a necessary part of a rational society because it allows individuals to give expression to—or, to use Hegel's term, to realize—the abstract (but not therefore unimportant) conception of freedom that underlies Abstract Right.

The specific kind of freedom associated with personhood consists in the will's setting of its own ends, based on its ability to choose from

among various given drives¹⁴ which of them will determine its actions. (Hegel calls the freedom realized in the institution of property that of free, arbitrary choice (Willkür)¹⁵ or that of the resolving, or "deciding" (beschließende), will.¹⁶) Persons are characterized by given drives and desires that can motivate them to act, but what makes them persons is that their wills are not determined by these drives and desires. Rather, persons have the capacity to reject some of their desires and pursue others. Self-determination means in this case deciding which of one's given drives, and in what ways, one wants to satisfy. According to this conception of freedom, a will is self-determined when it decides which ends it wants to pursue, where it is of no consequence what reasons it has for so deciding.

The rationality of private property, then, lies in the fact that it creates a social realm in which persons are granted the possibility of giving objective existence to their "abstract freedom" by acting in the world. This objective existence consists in the person's having at her disposal a part of the social world in which her will enjoys unlimited sovereignty—as long as such actions are compatible with her own personhood and that of all other persons—and from which the actions of other wills are excluded. This exclusionary and (nearly¹⁷) unrestricted sovereignty, intimately connected with the freedom of choice that characterizes the person, has an important consequence for how such freedom must be realized in the world, namely: in relation to will-less things (Sachen), which themselves do not impose normative limitations on persons' freedom. Abstract Right determines the limits of the respective spheres of abstract freedom by ascribing rights to persons that grant them the freedom to do as they please with those things that constitute their property.¹⁸ Thus, personal freedom is realized when persons inhabit a world that guarantees them a private sphere of action within which they can pursue, unhindered by others, the ends they have posited as their own.

In this respect Hegel's justification of private property differs little from Kant's. The great difference between the two is that Hegel goes farther and examines what roles private property also plays in the concrete social life of its owners and how such roles give it a still deeper rational content beyond merely being the external sphere in which the choosing freedom of persons is realized. In other words, the final word

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14 Hegel 1991, §34.

15 Hegel 1991, §§ 75,81.

16 Hegel 1991, §39.

17 "Nearly" because actions that violate the personhood of any persons are prohibited.

18 Hegel 1991, §40.

on the rationality of private property is not pronounced in Abstract Right. Rather, private property reappears in later parts of the Philosophy of Right, most notably in its treatments of the family and civil society. This means that in a well-organized society, private property is important for not only the realization of personal freedom but also that of "social freedom,"¹⁹ the type of freedom appropriate to the domain of ethical life. Showing that in the context of ethical institutions private property plays other freedom-realizing roles than simply that of Abstract Right is an important part of Hegel's project of presenting an already existing society as systematically rational.

The final topic of this paper, then, is expressed by the question: what further aspects of rationality does private property acquire in concrete social (or ethical) life in the modern state, especially in the family and civil society? Let us begin with the family, where the concept of the person (and property) does not disappear, but takes on an expanded significance. From the very beginning of his treatment of the family, Hegel makes it clear that the concept of the person is in deep tension with the kind of intra-family relations that constitute the very rationality of the family: the point of family life is to gain a "self-consciousness [of one's] individuality" by participating in a "substantial unity" whose essential character is that members do not conceive of themselves as independent individuals: in family life one experiences oneself "not as an independent person, but as a member" of an ethical whole.²⁰ This point is most clearly expressed in Hegel's assertion that the starting point of marriage is "a free consent of persons [...] to constitute a single person [and] to give up their [...] individual personhood within this unity."²¹ (In this respect the modern family, based on the free consent of those who marry, ascribes some value to the freedom of personhood, even if such freedom is not the highest end of family life). The family as a whole, then, constitutes a single person whose point is to supersede (aufheben) the independent personhood of its individual members (at least within the framework of the family).²²

This has the consequence that property within the family is not private property in the strictest sense—the property of an individual—but common property, which, recognized as such in the world, testifies to the actuality of the family and to the nature of the relations among its members: "the family, as a person, has its external reality in property," but the only type of property that gives adequate expression to the true, "substantial" nature of the family, is property that takes the form of an

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19 Neuhausser 2003, chs. 1, 2, 4, and 5.

20 Hegel 1991, §158.

21 Hegel 1991, §162.

22 Hegel 1991, §163.

enduring fund of family assets or resources (Vermögen).²³ That in the family property becomes a Vermögen—which in German connotes not only wealth but a power or capacity to do something—means that it no longer has merely the significance of being a sphere in which persons have the right to act arbitrarily. Beyond this, property in the family acquires a significance in relation to the life-world of its members; it is woven into their real life in that, as a Vermögen, it exists to serve the ends of a commonly-lived life where (instead of arbitrary ends) the satisfaction of its participants' needs²⁴ plays a central role. Moreover, a Vermögen, in contrast to the mere property (Eigentum) of Abstract Right, has the significance of being something enduring that exists not only for the purpose of satisfying today's needs or desires but future ones as well. This gives property in the family yet another meaning, that of providing for an indefinite future, which can be seen as another outward confirmation of the family's true (substantial) nature.

In relation to my remarks above concerning the method of the Philosophy of Right, it is important to note that in order to provide the kind of interpretation of social life described above—in this case, an interpretation of the rational mission of the family—Hegel appeals to empirical facts of a certain kind. Just as Durkheim does later with respect to the relationship between criminal law and types of social solidarity, Hegel looks to the positive laws of his time²⁵ for clues as to what meaning the modern social world itself ascribes to the family. In this case, it is existing inheritance laws that provide support for Hegel's understanding of the rational point of the family: Although civil society regards the husband as the head of the family, the property that he acquires and manages there is, in the event of his death, treated by existing laws not as his personal property but as a common property to which every family member has a right.²⁶ In this respect—in restricting the free choice of the bequeathing husband—modern inheritance law differs from that of the Romans in that it establishes the widow's right to inherit the family's Vermögen.

Let us now turn briefly to the role of property in civil society. My assertion above that the full meaning of property can be revealed only when we examine its roles in the family and in civil society is confirmed by Hegel's remark in connection with family property: "In what that Vermögen consists and what the true manner of securing it is comes to

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23 Hegel 1991, §169.

24 Hegel 1991, §171.

25 Hegel 1991, §172; for details on the history of inheritance law, see Beckert 2013, pp. 23-36.

26 Hegel 1991, §§170-1, 178, 180.

light in the sphere of civil society."²⁷ The most important (but not only²⁸) respect in which property acquires a more complex meaning in civil society concerns the labor of the family's father. The need to acquire a Vermögen as a provision for the family implies (typically) that the father must make himself into a productive member of civil society—of the so-called "system of needs"—in a way that corresponds not only to the requirements of civil society but also to the need to acquire a permanent, reliable Vermögen for his family, namely, in the lifelong pursuit of a specific productive activity. Through his labor, the father acquires the Vermögen necessary for the family's ends, and at the same time he gains a socially recognized identity not only as an upright, productive member of civil society in general, but also (in fortunate cases) as a particular individual—as a skilled shoemaker, for example, or an honest, quality-conscious merchant. It is precisely in this property-acquiring activity that the values of free personhood reappear, albeit at a "higher level" than in Abstract Right: both the modern expectation that one choose one's own occupation and the fact that property acquired through work also serves to realize certain particular, arbitrary ends (of the husband or family) confirm in an objective, recognized way the important, though limited, value of personal freedom—which explains why Hegel calls the "concrete person"—"a totality of needs and a mixture of natural necessity and free choice (Willkür)"—"one principle" of civil society.²⁹ The systematic character of a well-organized society shows itself in, among other things, the fact that (for the husband) productive activity in civil society unites free personhood with particular identities—as husband and father and as someone who carries out a specific occupation—which can be won only through participation in social life (in the family and civil society).

With these reflections, I hope to have indicated how Hegel's project of comprehending the existing social world as rational—as a coherent whole that systematically realizes the complex requirements of practical freedom—depends on an engagement with the empirical world, without which a philosophical, fully determined knowledge of the good would be impossible. It is my contention that only a similar engagement of thought with empirical reality can enable contemporary social theory to succeed in the dual task of comprehending what is and discovering how that reality can be brought closer to the ideals that animate it.

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27 Hegel 1991, §§170.

28 Corporations, too, play a role in securing the worker's and his family's Vermögen (Hegel 1991, §253).

29 Hegel 1991, §§182.

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