

**Should Hegelian
Political Philosophy
Jettison the Absolute?
Hegel's Political
Philosophy
Two-hundred Years
Later**

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Abstract: Since Hegel's own day, critics have claimed that Hegel's insistence on having the absolute as the linchpin of his system was the system's undoing. Habermas has argued that any such system with an absolute will go wrong, and that any attempt to rid Hegel of an absolute or water it down will only decapitate Hegel and render his systematic claims useless. Against this, it is here argued that not only is Hegel's system fundamentally anti-conservative, it attempts to establish the baselines of any social and political setup much meet to show it is aimed at the actualization of equal, maximal freedom. This has to do with Hegel's conceptions of self-conscious life and his way of combining the "I" with the "We" that preserves the determinateness of each side without collapsing the one into the other. Hegel's conception of a moral ethos (*Sittlichkeit*) is supposed to provide the concrete institutions in which freedom can be actualized, but it is here argued that Hegel's attempt fails for reasons that point forward to how a Hegelian system that still incorporates the "absolute" must go forward.

Keywords: dialectic, forms of life, Habermas, Hegel, I and We, Kant, moral ethos, political philosophy, political theory, *Sittlichkeit*

I: Hegel's disputed legacy

Hegel's legacy in political theory was contested even before it was a legacy. Almost immediately after the publication of the *Rechtsphilosophie* in 1820, Hegel's political philosophy was accused of being obscurantist and conservative if not downright reactionary. Wilhelm Traugott Krug (Kant's successor at Königsberg, and the person whom Hegel had in Jena once attacked for Krug's demand that Schelling "deduce" his pen) sniffed that he could see no discernible difference between the citizen of the Hegelian state and the subject of a despotic sultan.¹ Hegel's onetime close friend and later opponent, Heinrich Paulus, dismissed the book as an arrogant and obscurantist misuse of language and a potential support for monarchical despotism that simply ignored without cause all the republican alternatives.² That Hegel became the official philosopher of the Prussian state (a claim made by Rudolf Haym) was taken as authoritative for a long time. In French philosophy after Alexandre Kojève's famous courses on the *Phenomenology* in the 1930's, it became fashionable to look at the author of the *Phenomenology of Spirit* with its edgy dialectic of consciousness and self-consciousness, the sheer brio of its account of history, and its affinity with existentialist ideas as the real Hegel and thus

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1 See Hegel and Hoffmeister 1961, III, notes to #579, p. 430.

2 Riedel 1975, pp. 53-66.

to see the *Philosophy of Right* as the expression of a thinker turned stonily conservative in his older self. In more recent times, whatever positive use the *Philosophy of Right* might have has been seen to lie in the the emphasis on the account of struggles for recognition that have more to do with the *Phenomenology's* program.³

Behind all these criticisms lies the view that to the extent that Hegel's legacy depends on his embrace of the necessity of "the absolute," Hegel's legacy in political theory at least remains troubled. Jürgen Habermas, for example, has consistently argued that although there are many independent items in Hegel's system worthy of further independent development on their own, his deeper commitment to some kind of "absolute" nonetheless has various authoritarian and anti-democratic implications that are not mere prejudices of his own time but which follow from the reliance on the "absolute." On that view, Hegel is best read for insights later worked out to better effect by others, not for his systemic ambitions. In particular, the Hegelian emphasis on the absolute and on history as the self-articulation of the absolute has been argued to be Hegel's Achilles Heel, the real point at which the Hegelian system plunges into irretrievability for those after him.⁴ John Rawls' hugely influential critiques of the way in which all "comprehensive doctrines" have to be excluded from the decisions about how to structure deliberations on the basic principles of justice for the basic structure of society have also served to undermine any hope for any kind of Hegelian absolute in political philosophy.

II: Hegel as anti-conservative

The oldest charge against Hegel is that his later philosophy is deeply conservative, maybe even reactionary. That Hegel is not genuinely conservative in his basic thought, however, is demonstrated most clearly

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3The great exemplar of this way of taking up the *Philosophy of Right* is of course the highly regarded work of Axel Honneth, especially in Honneth 2013. See also Ruda 2011, who takes *Hegel's Philosophy of Right* in a related, although different direction.

4 Most recently, Habermas has restated his criticisms of attempts to reformulate Hegelian theory in more, as he puts it, pragmatic terms. For Habermas, this ignores the way in which the "Young Hegelians" of the mid-nineteenth century fundamentally broke with the basic terms of the Hegelian system: "But first the Young Hegelians will have to take leave of absolute spirit, dissolve the totalizing bond of the dialectical self-movement of the concept, and bring the construction of the system to a collapse in order to cognize the reciprocal relationship between historically situated reason and the freedom of the acting subjects, and in order to understand how the two *intertwine (ineinandergreifen)* symmetrically in a risky way," Habermas 2019, p. 512. All of what he calls the neo-pragmatic attempts end up, as he puts it, "decapitating" the Hegelian system such that the simultaneous attempt to hold onto to Hegel's grand systemic commitments are thus in his view doomed to failure, p. 509 Such attempts rest, he says, on "feet of clay," p. 523 n 72. As we might put it, on Habermas' view, Hegelianism without the Absolute cannot be Hegelianism of any real sort, and Hegelianism with the Absolute is simply unacceptable.

by the opening premises of the *Philosophy of Right*, which proceed from the idea that he develops in his philosophy of history that the progress to be determined in history has to do with the conceptualization of what it means to be a free agent. (The reference to the philosophy of history occurs at the end of the *Philosophy of Right*, not at the beginning of the book, but it is at the end that Hegel claims to have revealed the true grounds for where the book begins.) From a point where only “one” was free (say, a chieftain or something like that) to the long enduring stage where only “some” (ruling male royals or aristocrats) were free and finally to the modern stage where “all” (all rational agents) are free is as clear as statement of non-conservative thought as could be. One of the distinguishing features of conservative thought, as people like Corey Robin among others has argued, has to do with the kind of basic desire for some kind of clear and legible hierarchy in human life so that it seems as if by nature or by some kind of eternal law, some were meant to rule over others.⁵ As Aristotle noted, the mark of a free person is that they are not to live at the beck and call of another, and the conservative outlook is that some are indeed fit to be at the beck and call of others.⁶ Although historically the holders of the places in the formula for rule change, conservatives persistently and passionately believe that there should always be an order involving hierarchy and obedience in which some possess the authority more or less by nature to command such obedience. (Sometimes such conservatives can also be revolutionaries wanting to topple or replace what they see as an older hierarchy that has proven incapable of defending itself. Twentieth and twenty-first century authoritarian political movements offer ample examples.)

Even in its most simplified form, Hegel’s philosophy of history commits itself to the view that appeal to such natural or eternal hierarchy is irrational and thus indefensible. Nobody by nature exercises that kind of authority over others. It is not that Hegel thought that this principle was in fact held by all people or was even completely recognized as such in his own time. He thought it was actual – *wirklich*, in his arcane terminology – in the dynamics of modern life in that it was what was really at work in the revolutions of the eighteenth century and what he confidently predicted would be the consolidations of such a radical egalitarianism of freedom in the nineteenth century. It is also not that he thought that there would be no need for hierarchies of various sorts – he was no anarchist of any stripe – but only that any such hierarchy had to be justified by an appeal to reason, not to a natural law of any sort mandating that authority. (In a rather characteristically overconfident hermeneutical move for himself, he also took this to be the basic principle of Protestant Christianity.)

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5 Robin 2018

6 Aristotle 1941, 1367a.

All of that is fine and good, but it also raises the thorny issue of how much of what Hegel says we are to take at face value. For example, fully in keeping with everything else he says in his system Hegel asserts: “Descent affords no ground for granting or denying freedom and domination to human beings. The human is in itself rational; herein lies the possibility of equal right for all men and the nothingness of a rigid distinction between races which have rights and those which have none.”⁷ Nowadays no rational person would deny what Hegel says there, but in saying what he did (in the 1820's), Hegel was not only out of step with his time, he was for the most part in fact way ahead of it. Yet that very same quote is then followed immediately by some rather painful exercises on Hegel's part that express the crudest forms of racism (as do many other passages in his work). Given those passages, the claim that Hegel held racist opinions is hardly even a matter up for debate. It gets worse: Hegel also held views that would be unqualifiedly labeled dreadfully sexist nowadays. But how much bound up are those views, which he clearly held, with the commitments of the “system” (which he clearly held)? Where do we draw the line? This is a more especially tendentious question for an age in which issues about the role of colonialism and racism in Western thought and practice have come more to the forefront of our debates.

It has long been a temptation in doing the history of philosophy to simply snip out such views from the text, claim that they do not follow from the system, and add that the author was simply misled by the prejudices of his time (but that he can be corrected so as to be fully in keeping with the our own views). However, that just amounts to dogmatically assuming our own views to be correct. This lends credence to the idea that what many have long seen a kind of progressive or even revolutionary potential in Hegel's system can only be realized by exorcising the specter of what holds Hegelianism back, namely, the reliance on the Absolute. That must be thrown overboard. Does it?

III: Forms of life

In the preface to the *Philosophy of Right*, Hegel famously disavowed philosophy's making moral pronouncements on how the world ought to be and on how it only comes on the scene in historical retrospect when a “shape of life” has grown old. Philosophy, he says, is only its own time grasped in thoughts. By that, he does not mean that philosophy is the study of trends or that it provides a kind of snapshot of its own times. It studies its own time in terms of its past (how it came to be), what

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7 Hegel 1969c., §393. Hegel adds: “From descent, however, no reason can be derived for the entitlement or non-entitlement of men to freedom and dominion. Man is rational in himself (*an sich*); therein lies the possibility of the equality of rights of all people – the nullity of a rigid distinction into entitled and rightless human kinds.”

the basic commitments of its current life are, and what are the relevant possibilities open for settlements about putting its commitments into practice. When a shape of life has grown old, its commitments are now relatively clear to itself even if it is still up for grabs how to actualize them, and it may be becoming clear that the old commitments have to be jettisoned if the more basic ones are to be kept alive. That is, its own times includes its past, its present absorptions, and its view of its ultimate shape to come (including perhaps its own disappearance).

Crucial to Hegel's formulation is his term, "shape of life" (*Gestalt des Lebens*), which could also be rendered as "form of life."⁸ In the *Phenomenology*, Hegel speaks of "shapes of consciousness," and "shapes of *Geist*, spirit," and in the transition from the chapters under the title "Reason" to those under the title, "Spirit", he says that "these shapes [of spirit] distinguish themselves from the preceding as a result that they are real spirits, genuine actualities, and, instead of being shapes only of consciousness, they are shapes of a world."⁹ This is part of Hegel's view that agency itself is social and not just in the anodyne sense that we learn the language we do from our linguistic surroundings, that we exhibit cultural modes we learn from those around us, and so on. It is the deeper view that our status as self-conscious rational agents (or "subjects") itself necessarily depends on our social involvement, on our "form of life."

Hegel sets up the argument for this point in the often commented upon passages in §§5-7 of the *Philosophy of Right*. (The argument moves, roughly put, from the introduction of the concept of self-consciousness in §5, the discussion of the content of self-consciousness in §6, and the unity of self-consciousness and its content in §7.) All consciousness is self-consciousness in that the concept of what one is doing – in the concept of action as such – implies that one is aware of what one is doing, whether that is solving a mathematical equation, making dinner, or crossing the street. Self-consciousness need not be reflective self-consciousness, although it always has the potentiality to be reflective. As Sartre pointed out more succinctly, this emerges when one is asked what one is doing, and one replies something like "hanging a picture." In doing what one does to hang the picture, one is not thinking over and over again to oneself, "I am hanging a picture, I am hanging a picture,..." but that emerges often when one is incited to reflect on what one is doing (as when somebody asks you: "What are you doing?"). This conception of self-consciousness is captured by Kant's claim in §16 of his "Transcendental Deduction" in the opening sentence that the "I think must be able to accompany all my representations for otherwise something would be represented in me

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8 One has to acknowledge that doing so would thus present difficulties for a translator to distinguish Hegel's use of "Form" from his use of "Gestalt"). Hegel uses "*Lebensform*" twice in his writings, both in the *Spirit of Christianity*, Hegel 1969d, pp. 395, 403.

9 Hegel and Pinkard 2018, ¶440.

which could not be thought at all, and that is equivalent to saying that the representation would be impossible, or at least would be nothing to me.”¹⁰

What it does not do is provide any content to such thinking (and to willing).¹¹ It does provide a view of freedom as the ability to “step back” and choose among all the options, but that is an empty freedom since on its own it does not say anything about how the choice is to be made. For that to be the case, self-consciousness requires something that seems to be completely external to self-consciousness – “external” in the sense that it does not follow from the concept of self-consciousness taken apart on its own. Or, as Kant himself put it, “But I can think whatever I please, provided only that I do not contradict myself, that is, provided my concept is a possible thought.”¹² This is the “form of self-consciousness” which, taken alone, is purely formal, that is, empty. As Hegel puts it, “No new content is produced, but yet this form is a huge difference. It is on this distinction that all of the distinction in world history rests.”¹³

At least for consciousness of objects, Kant had a quick answer about where the external content came from: the pure intuitions of space and time, which themselves were not concepts at all. Hegel, as is well known, thought that there could be no pure intuitions, and he did so for reasons which we can pass over here. However, unlike Fichte (who simply posited the Not-I to provide the externality, modeling it on the way in which perceptual content forces itself upon you), Hegel worked out that self-consciousness must start with content that follows (or seems to follow) from what it means to be a self-conscious life, and for which he substituted the term, *Geist*. In the *Phenomenology*, self-consciousness is first introduced as the concept of infinity comes to be explicit in the examinations of “consciousness” where the “understanding” is driven to develop an at first inchoate sense of the infinite whole within which the various discrete elements of consciousness take their sense.¹⁴ This whole is that is the case, that is, the world itself

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10 Kant 1929, B131.

11 As Hegel puts it in his usual overly polemical manner, “Those who regard thinking as a particular and distinct *faculty*, divorced from the will as an equally distinct *faculty*, and who in addition even consider that thing is prejudicial to the will – especially the good will – show from the very outset that they are totally ignorant of the nature of the will.” PR, §5.

12 Kant, CPR, bxxvii. We should add that this is the key meaning of “external” in the Hegelian context: B is external to A if it does not follow logically from A. This should prevent the Hegelian concept of externality from being confused with Cartesian ideas of “external to the mind” or from more common-sense ideas of a thing’s being external to one’s body.

13 Hegel, (Hegel 1969e), p. 40.

14 In the Hegel and Pinkard 2018, Hegel notes in ¶163 “As infinity is finally an object for consciousness, and consciousness is aware of it as *what it is*, so is consciousness *self-consciousness*.” It is this that explains the kinds of antinomies that have been piling up in the “Consciousness” chapter; as Hegel puts it elsewhere, “This is correct insofar as the point of view of the understanding [*das Verständige*] is not something ultimate but far more something finite instead, and, more specifically, something of the sort that, pushed to the extreme, turns over into its opposite.” (My underlining) Hegel 1969a, §80, vol. 8, p. 172.

taken as a whole beyond which is nothing. Self-consciousness must therefore come to its content at first as purely external to itself: "This content may further be given by nature, or generated by the concept of spirit,"¹⁵ and it must come to terms with this content, make it into something that, where that is possible, itself follows from the concept of self-conscious life. This means that self-conscious life is always operating with some kind of a view, however inchoate at first, of some kind of comprehensive conception of the whole – the "infinite" – in which self-conscious life moves and operates, a whole which he took to calling the Absolute. This was what, for example, all religious conceptions propose to do for self-conscious life, and it was what Hegel also took the goal of philosophy to provide (and after writing the *Phenomenology*, he added art to that role).

The *Philosophy of Right* is labeled as the *Grundlinien* of the modern concept of "Recht" ("Right") in general – that is, of morality and ethics and law all taken together as one system of "Right." The *Grundlinien* are the conceptual baselines of a system of such "Right", that is, what is conceptually at stake in all the various contested settlements being proposed and worked out in the post-1815 European world. They are baselines a bit in the sense in which the lines drawn on, say, a tennis court establish the baselines for play without determining all the elements that go into the play. Hegel's strong thesis is that such baselines are to be developed in terms of how self-conscious life as understood in the modern terms of the equality of far-reaching freedom is to actualize itself. Since self-consciousness has to take its content from something external to self-consciousness ("nature or spirit," as he says), this content must be social, coming from some other self-consciousness external to the first one. On this interpretation of what Hegel is saying, this reliance on the externality of another self-conscious life (which becomes reciprocal reliance) constitutes *Geist* itself.¹⁶

IV: Spirit as the manifestation of self-conscious life

The baseline for such modern developments is that of the equality of wide ranging system of freedom as the starting point for all discussion of "the right," *das Recht*. However, as Hegel notes, this already presupposes

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15 Hegel 1991), §6.

16 In the rush of passages near the conclusion of the *Phenomenology*, Hegel begins his wrap up of what has gone on in the book by contrasting the "shapes of spirit" (the forms of self-conscious life) that have been discussed as the place "where it [spirit] knows itself not only as it is in itself, or according to its absolute content, and not only as it is for itself according to its contentless form, or according to the aspect of self-consciousness. Rather, it knows itself as it is in and for itself." ((Hegel and Pinkard 2018), ¶1794). This alludes to the idea that in the vast area of contingency that is history, "contentless form" (i.e., self-consciousness) has appropriated that external content into its own set of comprehensive conceptions (i.e., of the Absolute) which it is now ready to comprehend as manifesting a kind of logic to itself that was not heretofore apparent.

a historical development away from all naturalistic hierarchical conceptions, especially that involving slavery, and in the *Philosophy of Right* he makes specific reference to the famous section in his own *Phenomenology* as having paved the way for that. In that section of the *Phenomenology*, Hegel begins straightforwardly with life as self-conscious life – the genus of life as for-itself, as he puts it – which different self-conscious lives exhibit in what they do. There is no life as a genus without there being living things, and living things are living in the way they manifest the (species) nature of life itself. The relation between the genus (self-conscious life) and actual agents is that of manifestation. (As Hegel bluntly puts it: “The determinateness of spirit is consequently that of manifestation.”¹⁷) Life *shows* itself in living beings, and the living beings *manifest* life. Without living beings, there is no “life,” but likewise living beings are living only by manifesting or exhibiting what it is to be alive. Self-conscious life, as a genus, thus “shows itself” in the activities of individuals, and these individuals manifest the nature of that self-conscious life. In crucial passages in the *Phenomenology*, Hegel sharpens this by claiming that language is the very existence of spirit – of self-conscious life itself.¹⁸ Speakers of a language manifest the language in their utterances, and the language shows itself in its speakers. This is not the model of language as a system of rules which are then applied by speakers – it is not couched in the language of rule and subsumption under the rule. Nor is it the language of the *Baumeister*, that of foundation and structure built on top of the foundation with various beams holding it all together. Rather, it is the language of expression – of showing itself and manifesting something.

However, in the way that Hegel presents this at first in the *Phenomenology*, this is carried out at first only from the “standpoint of consciousness,” that of seeing all things in terms of objects available to a perceiving, thinking subject. As such other agents present themselves to each other, as self-sufficient agents, that is, independent others with their own point of view, this standpoint complicates itself. The first-person standpoint in the singular has, from the standpoint of consciousness, no plural first-person analogue except as a collection of such first-person singular standpoints. There can be no “we” except as a collection of various “I’s.” As Hegel stages the encounter between such agents, he stages it at first in terms of a genuine first-plural (a genuine “we”) as when one gives as one’s reason for drinking water the fact that this is the kind of thing “we” self-conscious lives do. The refusal of at least one of the various first-person singular agents to be fully determined by what

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17 Hegel 1969c., §383.

18 Among several places in the *Phenomenology* where Hegel makes such a claim, this is one of them: “Wir sehen hiermit wieder die *Sprache* als das Dasein des Geistes,” Hegel and Pinkard 2018, ¶652. For the crucial role this plays in Hegel’s developmental account of *Geist*, see Kern 2019, 2020.

“we” typically do, however, sets the stage for a struggle for recognition. If neither the “I” can be fully swamped or subsumed under the “we,” and the “we” cannot be fully determinate on its own apart from the mere collectivity of individual “I’s”, then a struggle over who determines the “we” – who as an individual speaks (or is taken to speak) for the whole – becomes logically required.¹⁹

That language – in the Hegelian formula of the existence of spirit – is paradigmatic for the existence of a genuine first-person plural – steps into the background. It is still there, but what now counts is what “I” say, and the shared communicative structure of agency, as Habermas would put it, is thereby obscured and, in Hegel’s own terms, thereby rendered “untrue.” The demand that others structure their lives by what “I” say is the structure of domination and servitude (*Herrschaft und Knechtschaft*). When the first-person plural is taken over by a singular “I” (or the collective of a ruling class formed by the shared interests of an additive collection of “I’s”), agency – in terms of the paradigm of language as the existence of spirit – is realized in a way that is at odds with itself. From a viewpoint that is developed later in the *Phenomenology*, it is in fact a distorted version of plural apperception, of a knowledge, so to speak, of “we think” possibly accompanying all our representations.

Hegel famously says in introducing his discussion of mastery and servitude that it will lead to “The *I* that is *we* and the *we* that is *I*.”²⁰ But that section does not fully deliver on that promise. It leads to an inadequate, additive conception of the “We” – not merely as a summation of various individual apperceptions, as in the statements “We are waiting for a bus” or “By accident, we all were wearing white shirts,” but as a pretended plural apperception in which one or some claim to speak for the authority of the whole as if the whole has authorized them specifically to speak for what the whole licenses. The “master” (either as an individual, a collection of elders, a class, and so on) claims to speak with the authority of the whole, but that authority is imposed by force (and sustained by what Marx will later call ideology). Some claim to speak for all by virtue of nature or divine command or some other comprehension of the Absolute.

By way of the titles Hegel chose for that chapter, this first actualization of the conditions of agency as “The *I* that is *we* and the *we* that is *I*” succeeds in actualizing agency, but fails to provide a grasp of the Absolute that will turn out to be unable to survive submission to collective reflection and the actualization of that conception in history.

19 In the *Philosophy of Right*, Hegel puts it this way: “The earlier and false appearance is associated with the spirit which has not gone beyond the point of view of its consciousness; the dialectic of the concept and of the as yet only immediate consciousness of freedom gives rise at this stage to the *struggle for recognition* and the relationship of *lordship* and *servitude*,” Hegel 1991, §57, p. 87.

20 Hegel and Pinkard 2018, ¶177.

The full and adequate realization of “The / that is we and the we that is /” does not happen until the last section much later in the book (the section on “beautiful souls”) in which the second-person address comes to prominence through a confession on the part of two agents who acknowledge that the way in which they took their acts of conscience to be invisible to all but themselves as individuals is in fact unsustainable both theoretically and existentially. They do not come to this conclusion discursively but instead, as Hegel puts it, “intuit” themselves in each other – they see, as it were, that the singular self-consciousness which they had taken to imply that each was metaphysically cut off from the other in their acts of conscience was in fact false. This shows, Hegel says, “the power of spirit over its determinate concept,”²¹ that is, the capacity of this kind of self-conscious life to go beyond the way in which it has historically specifically actualized itself in determinate institutional and self-reflective ways (“its determinate concept”), which is in turn “a reciprocal recognition which is absolute spirit.”²²

This way of looking at Hegel’s line of thought brings into view how the move is being made. We begin with a form of life (more specifically, a self-conscious form of life) that is manifested in various ways of thinking and acting.²³ As this form of life is actualized through the activities of its members (human agents), the issue of how in contested cases involving the individuals concerned, such conflicts are to be resolved in the terms of that form of life. Someone has to speak from the standpoint of the whole (the Absolute), and the most immediate way of resolving such conflicts is for one person or class of people to seize the position (by force and threats of death) of occupying that position in social space – I and I alone speak with the authority of the whole behind me – which leads to a flawed and distorted version of the shared form of life. This is not overcome until there is a recognition on the part of each that there is a certain moral equality among all the members, and that is first reached not so much by a discursive argument but by a kind of existential breakthrough in which each sees that the content of their own self-consciousness must incorporate the full externality of the others but nonetheless as subjects in their own right.²⁴ Only then is the promise of

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21 Hegel and Pinkard 2018, ¶1670.

22 Hegel and Pinkard 2018, ¶1670.

23 There is a deeper issue here about whether invoking something like a “form of life” is intrinsically at odds with what Hegel is trying to do since it cannot adequately measure up to the crucially developmental aspect of Hegel’s thought. This is the subject of an important paper, Alznauer 2016. The presentation of “form of life” presented here does not fall under what Alznauer calls quasi-transcendental arguments and does justice to the developmental dimensions of Hegel’s thought.

24 How do certain people or classes manage to present themselves as embodying in their own selves the authority of the whole? This would be the Hegelian version of what Marx called ideology. The master who forces his competitor into servitude by threat of violent death will need some kind of legitimation to sustain his entitlement – something like the gods have willed it, the race goes to

the chapter on self-consciousness fulfilled: “The unity of its oppositions in their complete freedom and self-sufficiency, namely, in the oppositions of the various self-consciousnesses existing for themselves.”²⁵

V: The institutionalization of moral ethos

On this view, one of the primary drivers of the dialectic is the unification of what seem to be two very different conceptions into an “Idea”—the “complete freedom and self-sufficiency” of the individuals united with the apperceptive “We” of social self-conscious life. This unification must also avoid reducing one to the other (that is, into being only a version of the other) or to be discarded as some kind of illusion.²⁶ Any such reduction leads to the kinds of antinomies discussed in the *Phenomenology* itself. The history of forms of life will then be the history of how such ground-level oppositions are comprehensively treated in different forms of life, and one of the basic distinctions will be what absolute commitments are manifested in it, even where these absolute commitments may not be fully discursively present as fully formed judgments to the members of that form of life.

In that light, the distinction between the two opening sections of the *Philosophy of Right* can be put into view. The first two – abstract right and morality – form the baselines of the modern European form of life, but Hegel does not present either of them institutionally. They are simply the necessary (and abstract) characteristics of that agency that manifest that form of life. It is only in the section on moral ethos (*Sittlichkeit*) that an institutional structure appears.²⁷ These are the practice-based institutional shapes that make abstract right and morality actual (real, *wirklich*). Abstract right and morality are the baselines for holding together the singular “I” of agency and the demands of the “We” (either

the faster, those and only those of noble blood deserve to rule, everybody is better off when I and not others run things, true merit is disclosed in battle... the list of possible ideologies is virtually endless. Moreover, each new ideology which serves to legitimate such rule does so in the name of the some comprehensive view of the whole and is not a matter of pretense but something that must claim to be the expression of a true view of things.

25 Hegel and Pinkard 2018, ¶177

26 Hegel's succinct statement of this is in Hegel 1991, §57: “This antinomy rests, as do all antinomies, on the formal thought that separates and holds fast to both moments of an Idea, taking each on its own (*jedes für sich*) so that both are not commensurate with the Idea and are asserted in their untruth.”

27 The term of art that has been adopted in Anglophone literature to translate *Sittlichkeit* is “ethical life.” That is fine as far as it goes, but it conceals the appeal to mores in the German *Sitte*. On the whole, it is probably better to stick with “ethical life” in order to provide continuity in the literature on Hegel, but here I shall be ignoring my own warning.

as “universal self-consciousness” or, more developed, as “reason”), but they do so only abstractly. If the “Idea” of freedom is that of activity that is commensurate with one’s nature as a free, rational agent, then abstract right and morality are both specifications of that Idea (of the singular and universal), but they cannot provide any real content to that.

There is one way of interpreting Hegel’s conclusion about moral ethos and his argument for it that is particularly suggestive for our own times, but which, I think, falsifies his argument. In its barest outlines, it has roughly the following shape. The picture is largely Humean: reason on its own is inert vis-à-vis motivation and is also incapable of providing any content for action. Actions are natural events involving bodies in motion. Reasons and norms are not part of the causal order and thus, if reasons or norms are to play any role in action, they must be linked up with some natural events such as psychological attitudes. On that view, moral ethos (*Sittlichkeit*) would then be something like a system of rules towards which we develop dispositions to put them into practice. The rules tell us what we ought to do, the psychology explains what we in fact do, and the two come together only in the habituation brought on by education to have desires to act according to the rules.²⁸

This is not, however, Hegel’s view. Hegel’s text is full of examples where the reasons themselves are motivating or where reason is said to generate content for willing. For the sphere of *Sittlichkeit*, he also does not seem to accept the sharp is/ought distinction at work in that simple version of the Humean model. Nonetheless, Hegel does admit the antinomy between freedom and nature into the *Philosophy of Right* but claims that it is sublated in the true Idea of freedom and that this is where *Geist* as “manifestation” plays its role.²⁹ The moral ethos shows itself in the activities of individuals, who in turn manifest the ethos in their particular acts in much the same way that a language shows itself in the activities of the speakers who manifest it. This itself is part of the way in which Hegel takes the model of self-conscious life as “the concept” which is manifesting itself. Living creatures act on purposes, and self-conscious living creatures can act on purposes as purposes.³⁰ The role that ethical principles and norms play in self-conscious life is that kind of thing for Hegel. When he says that “laws and principles have no immediate life or validity in themselves. The activity puts them into operation ... has its source in the needs, impulses, inclinations and passions of man,”³¹ he is

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28 This is, by and large, the Sellarsian picture of action as found in Sellars 1968 and which has been substantively and subtly reworked to explain Hegel’s conception of action in Brandom 2019.

29 This occurs in the discussion of the absolute wrongness of slavery in Hegel 1991, §57.

30 “However, because the impulse is not a known purpose, the animal does not yet know its purpose as a purpose.”; Hegel 1969b, §360; Hegel and Miller 2004, p. 389.

31 Hegel 1975, p. 70.

adverting to the conception that the animating ideals and principles of the moral ethos play a highly similar role to the way any living creature manifests its species in its activities. The rabbit tries to hide from the predator because that is what rabbits do as part of their makeup, and in doing so, the rabbit manifests the species, and the species shows itself in the activities of the rabbit. We explain the rabbit's behavior in that way. Likewise, we explain much ethical activity that way – “he did it because it was right,” such that its rightness constitutes part of the explanation of the behavior, and the normativity at work there is that of self-conscious life manifesting itself.

The role of the institutions in *Sittlichkeit* is thus not to provide the naturalistic push that would otherwise be somehow lacking in abstract right or morality. It is rather like the kind of knowledge that is involved in speaking a language. The individual speaker makes the universal concrete, not by just applying a rule but by being the active participant in the way the language shows itself. The practice is thereby a “concrete universal.” Hegel's own terminology of “actuality” is appropriate for this. A made-up language, for example, that nobody spoke would in Hegel's sense not be an actual language. It might have various syntactical rules and such, but it never appears in anybody's practice. The individual shape and style that speakers give to language as they manifest it in speech would be missing. It would be like an abstract rule of morality that nobody ever actually followed or even tried to follow.³²

VI: Why the state cannot be a universal institution

If this is right, then it raises some troubling questions for Hegel's conception of the state as such as a concrete universal, similar to the troubles that the young Marx raised in his initial critique of the *Philosophy of Right*, but it also points to a very common way of misunderstanding Hegel's conception of the relation between the state and morality.

The state is the unity of all that came before. It gives the particular legal flesh to the bare bone abstractions of abstract right, and it brings all the participants in family life and civil society into the universality of citizenship. Now, Hegel is clear that the state is not something existing apart from the individuals – “Only when it is present in consciousness, knowing itself an an existent object, is it the state”³³ – but for Hegel that does not detract in any way from its universality and its claim to be the institutional point that is fully entitled to speak through its representatives in the name of the whole. Just as the spokesperson for,

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32 Something like this thesis about the relation between “abstract right” and “morality” is one of the key theses of Kervégan, Ginsburg, and Shuster 2018

33 Hegel 1991, §258, Zusatz. p. 279

say, a modern corporation can release a statement to the press that says that XYZ, inc. holds the following position on the matter at hand, etc., and even though not all employees or for that matter, even high level executives might agree with that, the spokesperson is still the voice of the whole, normative for the others even when they disagree. In like fashion, the state is the voice of the whole, period. Or at least it is supposed to be, not just in theory, but in actuality.

Neither morality nor abstract right require institutional specification like this since there is no one institution that as a concrete universal embodies either of those. Abstract right requires fleshing out since merely having a right, for example to property does not tell you what exactly you have to do to buy either an automobile or a house, and morality needs fleshing out in terms of shared practices since many moral duties (such as, but not exclusively, those involving wide obligations) do not on their face give sufficiently concrete guidance. Moreover, morality as purely universal – extending to all humanity and not just to one’s own group while also making a claim on the inwardness of all individuals³⁴ – cuts across all the particular institutions. For there to be a universal claim on everyone that goes beyond the limited claims of family and clan and goes beyond the more general but still limited claims of civil society, Hegel seems to think, there must therefore be an institution that on its own manifests the togetherness of all the members of society in the way that makes the abstract moral claims real.

How then can the state as a particular institution (or Hegel, speaking for the state) claim such a universal status? He acknowledges that the state is indeed in each of its instances something singular, standing over and against individuals and groups.³⁵ But it also is supposed to be the universal binding voice that takes priority over other limited attempts to speak for the whole, and Hegel makes it clear that it can do this in actuality only when the individual agents self-consciously (although not necessarily completely reflectively) appropriate that universal voice into their own lives so that the interests of the state become their interests as self-conscious lives.³⁶ How can the state claim

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34 This is why Hegel calls Socrates the inventor and not the discoverer of morality: “It is then in Socrates that, at the beginning of the Peloponnesian War, the principle of inwardness, of the absolute independence of thought in itself, came to be freely expressed. He taught that man has to find and cognize in himself what is right and good, and that this right and good is universal by its nature. Socrates is famous as a moral teacher; but rather he is the *inventor* of morality. The Greeks had moral ethos (*Sittlichkeit*); but which moral virtues, duties, etc., there were, Socrates wished to instruct them,” Hegel 1969g, v 12, pp. 328-329

35 “In relation to the spheres of civil law [*Privatrecht*] and private welfare, the spheres of the family and civil society, the state is on the one hand an *external* necessity and the higher power to whose nature their laws and interests are subordinate and on which they depend,” Hegel 1991, §260, p. 283.

36 “But on the other hand, it is their immanent end, and its strength consists in the unity of its universal and ultimate end with the particular interest of individuals, in the fact that they have duties towards the state to the same extent as they also have rights,” Hegel 1991, §260, p. 283.

that? Why is the state simply not another master in relation to which we are all its servants?

The state is sovereign over its own doings in an analogous way that animal life is sovereign over of its doings, at least in the sense that it is the animal as a whole that governs the organs, which in turn are each necessary to fulfill the functions they provide for maintaining the kind of organic unity that is the state.³⁷ On that view, each of the various areas of the state (legislative, executive, etc.) has to be the right kind of organ to do the job required of it. These various functions are, of course, staffed by individuals. These individuals are, so Hegel thinks, not to be taken in terms of their individual personalities but only in terms of their “universal and objective qualities” (as for example in their educational level and talents).³⁸ Thus, in terms of Hegel’s *Logic*, the individuals staffing these crucial state functions are not to be taken as *Einzelne* (singular individuals, as “who” they individually are) but as particulars (picked out by thing like definite descriptions, such as “the expert in tax law”).³⁹ It is these particular qualities of individuals (“ability, skill, and character,” to use Hegel’s description) that make them embodiments of the universal (and which mean that although as *Einzelne*, they are irreducible and non-replaceable people, as *Besondere* – particular – they are replaceable by equally able, skilled, people of character). However, another condition is that they must be also be ethically minded. A hard-nosed agent of the secret police with no scruples about torture may have the necessary prerequisites (“ability, skill, and character”) to keep the institution of the secret police functioning smoothly, but there should be no such institution in the proper state.⁴⁰ The “ability, skill, character” of the universal estate is to be firmly looked to moral values as they have taken shape in the moral ethos of the relevant state.

Thus, the state will be able to speak with the voice of the whole because the people staffing the state will be trained and acculturated into speaking (as far as humanly possible) from the standpoint of the universal (the whole). Their education will be technically empowering (they will be experts), and they themselves will also acquire the right cultural formation to make them suitable to exercising the proper judgment. To put

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37 See (Hegel 1991), §269, p. 278.

38 Thus Hegel says, “The particular functions and activities of the state belong to it as its own essential moments, and the individuals who perform and implement them are associated with them not by virtue of their immediate personalities, but only by virtue of their universal and objective qualities. Consequently, the link between these functions and particular personalities as such is external and contingent in character,” Hegel 1991, §277, p. 314.

39 In the Zusatz to §277, Hegel says “Ability, skill, and character are particularities of an individual, who must be trained and educated (*gebildet*) for a particular occupation,” Hegel 1991, p. 314.

40 See the nice discussion of functions and ethical norms in Neuhausser, “The Normativity of Forms of Life,” in Allen, 2018 #4778, pp. 59-74.

Hegel's point completely anachronistically, they will be the people educated at the best universities serving as enlightened technocrats of sorts but still maintaining their subscriptions to the opera and symphony orchestra. Moreover, this will be a meritocracy which, because it will be drawn from the middle class, will be guided by the other right institutions, and, in Hegel's own terms, "the institutions which prevent this class from adopting the isolated position of an aristocracy and from using its education and skill as arbitrary means of domination are the sovereign, who acts upon it from above, and the rights of the corporations, which act upon it from below."⁴¹ It will thus be a well-meaning, efficient, meritocracy that will be generally incapable of doing things in a way that is self-serving to people like itself.

No such state exists or ever has existed. The rise of twenty-first century capitalist meritocracy throws even further doubt on Hegel's optimism about how such self-serving arrangements cannot happen. Now, in Hegel's defense, the true Hegelian might reply that to the extent that they do so, this only means that the existing states are not fully actual states, that is, they are defective versions of the state.⁴² They would be defective in their being at odds with their concept (and Hegel even admits in one place that the very principle of the state is itself necessarily one-sided and thus ultimately not completely satisfactory).⁴³ The state that in fact corresponds to its concept would be thus not existent but only aspirational. However, the idea that the state as Hegel proposes it is never actual but only aspirational would, on Hegel's own terms, be an odd conclusion for him to reach.

To think that a state run by those with the right "ability, skill, character" is universal in its nature is a misjudgment, but not simply an empirical miscalculation on Hegel's part no just just an overestimation of anything like the existing culture. After all, the moral ethos, *Sittlichkeit*, of which he

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41 Hegel, 1991 #735. §277, p. 335.

42 "If this unity is not present, nothing can be actual, even if it may be assumed to have existence [*Existenz*]. A bad state is one which merely exists; a sick body also exists, but it has no true reality. A hand which has been cut off still looks like a hand and exists, but it has no actuality." Hegel 1991, §270, p. 302, Zusatz. Hegel might also say that the pernicious form of capitalist meritocracy in present circumstances has to do with the abolition of the corporations, which in his mind were necessary to provide a brake on such meritocratic tendencies (as a kind of "I told you so").

43 In the lectures on the philosophy of art, Hegel states: "Now, at a higher level, the life of the state, as a whole, does form a perfect totality in itself: monarch, government, law-courts, the military, organization of civil society, and associations, etc., rights and duties, aims and their satisfaction, the prescribed modes of action, duty-performance, whereby this political whole brings about and retains its stable reality—this entire organism is rounded off and completely perfected in a genuine state. But the principle itself, the actualization of which is the life of the state and wherein man seeks his satisfaction, is still once again one-sided and inherently abstract, no matter in how many ways it may be articulated without and within. It is only the rational freedom of the will which is explicit here; it is only in the state—and once again only this individual state—and therefore again in a particular sphere of existence and the isolated reality of this sphere, that freedom is actual. Thus man feels too that the rights and obligations in these regions and their mundane and, once more, finite mode of existence are insufficient; he feels that both in their objective character, and also in their relation to the subject, they need a still higher confirmation and sanction," Hegel 1988, p. 99

speaks is not the lifeworld nor is it just culture. The idea of a “lifeworld” is that of an independent standard of evaluation that has to do with the way an organism is naturally fitted to certain kinds of values and activities. As such, it is said to be able to become alienated, distorted, or even “colonized” by non-lifeworld demands and values, but against which it is supposed to function as the standard by which, for example, distortions are said to be distortions.⁴⁴ “Lifeworld,” like “culture,” used in this way is primarily a descriptive-evaluative term put to use as a version of the idea that some evaluations of life forms involve statements of fact about them (as about how some plants need such and such nutrients to flourish or why humans need some virtue like courage to flourish). Hegel’s own concern is not with that kind of lifeworld but with the logic to be found in a form of life (or “shape” of life). This logic *shows* itself in matters like culture or the existent lifeworld, but it is not the same as those conceptions. *Sittlichkeit* as moral ethos is not just culture, since a culture can be, on Hegel’s terms, at odds with morality, and the lifeworld of a person in a culture where just about everything has been fully marketized will involve attitudes and aspects of culture that may run deep but also be logically at odds with themselves. The colonized capitalist lifeworld just would be the lifeworld of a fully marketized culture, where most of the colonials, as it were, have fully internalized their own colonization. The Hegelian question for that would be whether there is something about that social and political world that is itself self-undermining on its terms, something beyond that lifeworld that leads the members to posit alternative futures for themselves and not something in contradiction to some externally fixed element of human needs or human nature.

There is thus good reason to think that the ethical function of the state – providing an institutional actualization of a properly universal point of view – is not provided by the institution of the state itself but may in fact require something more like a democratic moral ethos – including the institution of the state but alongside other practices such as a Habermasian free-flowing communication, a more class oriented political understanding, a way of reorienting political power, all of which would be followed by a complete redrawing of the baselines of family and civil society, and so on. It would not even be the nation-state that Hegel ended up sketching out and which he clearly seemed to think was the best end-point of modern ethical and political development, but instead a bounded political arrangement that used the universal principles of morality in guiding its own more bounded decisions. At that point, the state would look more like the institution that is required to make the final call

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⁴⁴ Juliet Floyd characterizes the lifeworld as “is an actual, embedded, meaningful environment for a living being (a human or other kind of animal). It forms a kind of subject matter, an unfolding field of meaning that may be directly illuminated and described.” She contrasts this with Wittgenstein’s conception of a form of life (*Lebensform*) in ways that harmonize with Hegel’s own conception of a “form” or “shape” of life (*Gestalt des Lebens*), although that comparison is not part of her argument. See Floyd 2021

on policies when finite reasoning (the province of what Hegel calls “the understanding”) runs out and some policy must be made and enforced. In those conditions, there may even be good reasons for sidelining the absolute as a “comprehensive” concept in daily politics but not in political philosophy. Providing that would take us far beyond Hegel’s *Philosophy of Right* while still remaining very generally within the trajectory it marks out.

VII: decapitated Hegel?

There is another aspect about Hegel’s own conception of agency in play here. Hegel had a confidence that one side as the monarch on one side and the other side as the estates together with the corporations would keep the “universal class” of state bureaucrats from styling themselves as a new aristocracy or the state into becoming the champion of the ruling class. That confidence had to do with two of Hegel’s basic ideas: First, we cannot think that the world is one in which it is impossible for people to be ethical (what he conceived as reason in history); and, second, that agency is not, as Hume and his descendants think, an additive mixture of inert reason and driving passion. While it is true that desire and passion are required for action to occur, it is not true, as we earlier noted, that reason is inert in this matter. The key category is that of self-conscious life (that is, *Geist*) which is driven by that life’s needs. “Norms” are as much part of self-conscious life as are the passions. The idea that norms have no place in the natural world and must be therefore made actual only by being transferred into dispositions and attitudes is not the Hegelian view.

The second point has to do with the complicated historical story Hegel had to tell about the passions and their connection with reason. He spoke of “the common ground, the underlying substance, the system of right. And the same applies to the world order in general; its ingredients are the passions on the one hand and reason on the other,”⁴⁵ and in that view, he had a rather contentious story to tell about the development of self-conscious life as thinking of itself as so embedded in the natural world such that the most basic desires for independence, status and the like were taken to be unmovable norms and of how the development of self-conscious life was to move away from that to a view of an interconnection among people that was more rational. Slavery, so he thought, appeared at a certain point in human history when we had not yet reshaped our emotional lives, so it had its place in a world where wrong was right, *Unrecht Recht*.⁴⁶ The world that made slavery “right and legal” was such that the desire to dominate others was given full license to play itself

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45 Hegel 1975, p. 72.

46 Hegel 1991, §57, p. 126.

out. Slavery now is unacceptable because the world itself could not prevent self-conscious life from altering its own economies of desire and evaluation. That much counts as progress.

What was driving that development, he says at different places was the Idea, the comprehensive conception of the world and our place in it and the way that comprehensive conception developed itself and changed in its content. That a radical political equality consistent with a maximal system of legally and culturally shaped freedom is indeed possible in the natural world would have to be the result, not the starting point nor the transcendental condition of such development. The ability to imagine that in concrete terms is a function of the Idea, of what kind of conception of the absolute is itself comprehensible to us and how that Idea of the unity of subjectivity and developed. Doing without the absolute would mean ceasing to think of progressing at all, and without it, we would have no reason therefore to think that the world itself permits the achievement of reasonable ends. That Hegel's supposition about how the so-called "universal class" would be prevented from developing into a new form of aristocracy has been proven wrong in the rise of the new capitalist meritocracies and the continued oppression of working people as its result. The institutions in which Hegel put his trust to keep the moral ethos in place were not the right ones, and they did not as a matter of logic (his or anyone else's) follow from the Idea of the moral ethos.

Is this a "decapitated" version of Hegel, as Habermas claims?⁴⁷ I do not think so, although it is certainly a slimmed down version, having set itself on a more analytical and existential diet as of late, and having shed its bulk of nineteenth century overgrowth along the way. The baselines tell us about how "our time grasped in thought" understands itself not only as grasping where one is but also as laying out the options for future settlements about the tensions of one's own day. The scaffolding he erects does not hold the structure up but is there for already socialized, finite agents to move about, reconstruct and build new things upon the old structure or, if need be, to assist in a fully renovative reconstruction that leaves the old structure almost unrecognizable. Although reason works its way in history, it does so, as Hegel says, as the mole working silently underground, moving zigzag on its path, in the dark with the absolute throwing some light along the way as much as it can.⁴⁸

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47 Habermas 2019, p. 509.

48 Against Hegel in this regard, Habermas says: "Practical reason does not go to court in the tumult of historical contingency in the sovereign manner of a dialectically far reaching absolute spirit, but, as Marx says, as a mole – namely in the mode of the fallibly cognitive, socially cognitive and political-moral learning processes of the socialized subjects themselves," Habermas 2019, p. 555. However, Marx almost certainly got the image of the mole silently working underground from Hegel himself, as Habermas himself would know, as when Hegel says: "We have to listen to spirit's urging – when the mole burrows on within – and to give it actuality; its urgings are an absolutely necessary progress, which expresses nothing but the nature of the spirit itself and lives in all of us," Hegel 1969f, p. 462, vol. 20. In that regard, the "absolute" works in favor of Habermas' own idea of fallible subjects working out their destiny.

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