

**Hegel
and the
Philosophy
of Right
After
200 Years**

CRISIS & CRITIQUE

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AFTER 200 YEARS**

VOLUME 8/ISSUE 2, 2021

ISSN 2311-5475

Dialectical Materialism Collective

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Volume 8/Issue 2, 2021
ISSN 2311-5475

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Hegel and the Philosophy of Right After 200 Years

**Frank Ruda &
Agon Hamza**

Celebrating anniversaries is a custom known everywhere and to everybody. It can easily be extended to the celebration of anniversaries of books or even artistic, sometimes scientific but certainly political events. But in 2021 we are not dealing with an ordinary anniversary: rather a year after everyone tried to celebrate the 250th birthday of one of the most important thinkers in the history of modern philosophy without being properly able to do so due to a pandemic (sometimes, there is not only a reason, but also a virus in history), 2021 offers an occasion to celebrate, if this is the right term here, one of his achievements. 200 years after its publication, 2021 is the year of the anniversary of one of his most controversial books. The philosopher in question, as you all know, is G.W.F. Hegel and the book whose anniversary we want to salute, as you certainly know, too, is his *Outlines of the Philosophy of Right*.

Therefore, we are not only celebrating the 200th anniversary of the publication of the *Outlines of the Philosophy of Right*, but concomitantly we are analysing and discussing the relevance of Hegel after 251 years of his birth and 200 years of his most important political work.

Hegel's philosophical system in general is often, if not mostly characterized as difficult. Part of this difficulty is that it is not easy, maybe even impossible to identify within it only an ideological or political orientation - rather one always seems to find elements that point to even contradictory readings and this might be especially true in the case of the *Philosophy of Right*. For this is a book, not to forget, which brought him some of the most devastating and exaggerated: e.g. charges of being a Prussian state philosopher and /or a totalitarian thinker, to name just two of the most prominent ones (though the list is easily extendable on). But especially with regard to the *Philosophy of Right*, a book, written for teaching purposes and to appear rather late in his life, a distinction introduced by Göorgy Lukács in *The Young Hegel* between a conservative and an early revolutionary Hegel, seems to still be pertinent for its reception today. One of aspects of Hegel's book that is and was often conceived as one of its most problematic can be located in one of the notorious slogans that can be found in its preface, where Hegel infamously states: "what is rational is actual, and what is actual is rational."

How to read this claim has divided Hegel's readers now for two centuries. With this issue of *Crisis and Critique* we want to again light or, maybe even fire up the torch of rationality and we sought contributions from distinguished readers of Hegel and new voices. We are here bringing together dialectical thinkers, who are willing to discuss with us the pertinence and rational actuality of Hegel's philosophy of objective spirit in today's world and thus for today.

In his inaugural lecture at Heidelberg University in 1816, Hegel writes that to "draw Philosophy out of the solitude into which it was wandered - to do such work as this we may hope that we are called by

the higher spirit of our time.” Such is the task we have set ourselves with *Crisis and Critique*, an essential part of which is the present issue. After all, Hegel is the name of the ultimate systematic philosopher.

Berlin/Prishtina, December 2021

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Volume 8
Issue 2

The Right of the Body: Hegel on Corporeity and Law

Stefania Achella

Abstract: Recent reinterpretations of Hegel's relationship to the philosophy of nature and a new assessment of Hegel's interest for concrete and material issues have shed new light on the function of corporeity in the process of subjectification in Hegel's system. This essay aims to analyze the role of the body in the constitution of the juridical sphere in Hegel's *Outlines of Philosophy of Right*. In particular, this paper will first investigate the relationship between will and body, secondly, based on this relationship, it will explore the possibility to provide new foundations to inalienable rights; finally, it will outline a more respectful approach to the body.

Keywords: *Outlines, corporeity, will, freedom, auto-affection, embodiment, Hegel, inalienable rights.*

"An ontology which leaves nature in silence shuts itself in the incorporeal and for this very reason gives a fantastic image of man, spirit and history."¹ Although Maurice Merleau-Ponty's polemical target was above all the Cartesian tradition, this sentence, pronounced in one of his lectures at the Collège de France between 1956–57,² seems to suitably sum up the prejudice that the second half of the 20th century projected onto Hegel's philosophy.³ The disregard of nature would have led Hegel to a metaphysical and disembodied vision of the subject, of human beings, and history.

Recent attention to the role of nature in Hegel's system is revealing that this reading is to say the least partial. The recovery of the concept of life as key element in Hegel's inquiry has made it possible to retrieve the role of the natural, material, and empirical component. This allows us to reassess also the dimension of corporeity.

While transitioning from logic to the philosophy of nature, in the *Encyclopaedia* Hegel shows how, at the end of logic, the idea dies off and lets itself go into the world, finding itself in the body as a simple living being. From this point onwards it overcomes the condition "in which it is only Life, and [...] gives itself an existence as Spirit, which is the truth and the final goal of Nature and the genuine actuality of the Idea."⁴

The meaning of this passage can hardly be misunderstood: life does not have a metaphysical character, it does not remain "only life," *pure*

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1 Merleau-Ponty 1970, p. 62.

2 Cf. Deranty 2021.

3 Malabou and Butler also emphasize the explicit absence of any reference to the body in the lordship-bondage dialectic, which is also centered on the body as it is a struggle for life and death. Cf. Malabou/Butler 2011.

4 Hegel 2004, § 251.

being, but it becomes body, individualized life, and only in it can the spirit express itself.⁵ From this viewpoint, Hegelian philosophy can be taken as an ontology that, far from being detached from the natural world and from the body, rather qualifies as a *living ontology*. This amounts to saying not only that Hegel's ontology features the need for the idea to be embodied in the living, but that it is also constantly open to contingency in order to be able to understand this latter as a living organism.⁶ What is at stake is neither a fundamental ontology nor a form of naturalism, but rather a philosophy in which the subject is not an abstract and transcendent thought, but human beings who find themselves in an original correlation with other bodies, the world, Nature.

Consequently, the reflexive consciousness irrevocably loses its metaphysical primacy over corporeality, and the process of knowledge is presented as originally intertwined with the empirical and finite. There is not only a reflection on experience, but also a form of experience that the subject carries out as an embodied individual.

In such a reinterpretation, the body no longer acts merely as a neutral threshold, or as a ballast from which the subject must free itself on the path that leads to the spirit, but it rather represents the subject's possibility of knowing itself and others, of acting in the world and of creating social, political and cultural structures. As we read in the *Encyclopaedia*: "The body is the middle term by which I come together with the external world in general. So, if I want to actualise my aims, then I must make my physical body capable of carrying out this subjectivity into external objectivity."⁷ In other words, the body is the place of communication between the elements which act on me and those on which I act. This communication is possible because of a living connection defining the reciprocal interweaving. No distinction is here posited between nature and spirit; no form of primordial dualism is outlined. The background to this common framework that binds us to the world is, in fact, an ontology of constraints, bonds, and no longer of constitutive properties.

In the following pages, I will try to investigate to what extent Hegel's philosophy of right, namely the relationship between will and corporeity

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5 As Angelica Nuzzo points out, in Hegelian philosophy the body must be understood as incorporated or objective thought, because only in these terms can it oppose the dead fixation of the intellect: a soul without a body would not make sense for Hegel. Starting from the analysis of Kant's third Critique, Nuzzo shows how this requirement is already present in Kant, but Hegel makes it more inclusive, extending the dimension of thought to all living things and including mechanism and chemism as dialectical moments. See Nuzzo 2007, pp. 97–101. On the link between realization of thought and incorporation, see also Halbig 2002, pp. 126 ff.

6 I have discussed Hegel's living ontology in: Achella 2020.

7 Hegel 2007, § 408Z. For a recent and comprehensive study on this aspect, see Mowad 2019.

it features, reflects the previously outlined standpoint;⁸ in what sense re-establishing the primacy of the body can provide foundation to certain inalienable rights; and finally, how the dialectical relationship between will and body can serve to imagine a more respectful relationship with corporeity.

1. Interest in the body pervades the literary, philosophical, and scientific inquiries of the *Goethe Zeit*.⁹ As intensively as Lavater's research into physiognomy and Gall's phrenology, several figures of the *Populaerphilosophie*, polyhedral personalities such as Alexander von Humboldt, dealt with the subject of the body. What was at stake was not only retrieving the function of the body as a key element of anthropology. Previously, as is well known, a prevailing understanding of the body saw it as a passive substrate under the action of consciousness on the one hand and of the external world on the other. More importantly, the body as a living being was now credited with its own "agency"; it represented a space of action that operates both in the shaping of ideas and in the relationship with the outside world. Immanuel Kant, in fact, considers the body essential in the structuring of thoughts or in the constitution of consciousness, under the premise that thought cannot be separated from corporeality. In order to come through in its truth, the idea must shape itself into a body, that is to say, into a concrete existence. In several passages of Kant's anthropology, it is clear that every time sensations and corporeality are deprived of their power – drunkenness, dreams, fainting – consciousness is suspended or diminished. It is always the senses which awaken it, bringing subjectivity back into contact with the world and enabling thoughts to be re-established. With an anti-Cartesian move, in one of the passages of *Dreams of a Spirit-Seer*, Kant even seems to attribute to the body the power to recognize the reality of the external world: "if he [the subject, SA] falls asleep, then the sensed representation of his body is extinguished, and only the self-created representations remain against which the other chimeras were thought of as in an external relationship. Also as long as one sleeps, they must deceive the dreamer, for there is no sensation that in comparison lets him distinguish the original image from the phantom, namely, the outer from the inner."¹⁰

What is at stake is not primarily recognizing the role of sensation as a source of knowledge, but rather considering bodily sensations as an essential and active element not only in distinguishing reality from

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8 On the role of the body in Hegel's *Philosophy of Right*, cf. Nuzzo 2000; Siep 1990.

9 As is very precisely shown in the volume by Henn/Pausch 2003, the problem of the body becomes central in the literature of the 18th century. Body and soul, nature and intellect become part of a context previously dominated by metaphysics alone, and this encounter opens the space for a particular theory of human beings. On Hegel's anthropology: see Anzalone 2012, in partic. pp. 15–43.

10 Kant 2002, p. 70.

imagination (or dream), but also in building it. If the body did not come along to give consistency to sensation, experience would be deprived of its necessary solidity, and it would be lost in the flow of the internal sense. It is arguably in this sense that Kant, in his *Anthropology*, says that the body not only gives us back our thoughts, but also our whole life: “The void of sensations we perceive in ourselves arouses a horror (*horror vacui*) and, as it were, the presentiment of a slow death which is regarded as more painful than when fate suddenly cuts the thread of life.”¹¹

But whereas Kant limits his analysis to the perspective of the subject, Fichte and Hegel also recognize the body’s key contribution in the construction of intersubjective relations and in the political and juridical field.¹² Fichte was the first to make headway on this path. Within Fichte’s system, the body becomes indeed the concrete expression of formal freedom: “The person cannot be an absolutely free cause (i.e., a cause that has efficacy immediately through the will) except in the body.”¹³ It is thanks to the flesh-and-blood body that free rational subjects can achieve some given goals, transforming, for instance, a given reflexive intention into concrete action with respect to physical movement. By anchoring freedom in the body, Fichte goes further than Kant regarding the opposition between freedom and nature: a disembodied I would in practice be ineffectual, a body without an I would be in the grip of causal determinism.¹⁴

Hegel shares Fichte’s position on this point, and at the same time sees a limitation in it: Fichte’s system preserves in fact elements of Kant’s approach to the body as self-alienation. It thereby establishes a relationship of internal domination over the body where this latter remains in some way something “other.”¹⁵ This is in direct contrast to what, at least from Hegel’s point of view, should be the logical conclusion of Fichte’s starting point: a materialist and more specifically physiological understanding of freedom, namely “a holistic conception of an internally concretely free subject ‘at home’ in its various psychic and somatic

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11 Kant 2006, § 61, p. 129. However, Kant’s framework remains dualistic, whereby, while he recognizes empirical and psychophysical determinations as essential to our very being as living and embodied subjects, at the same time he seems to take them as a resistance, an obstacle, to the attainment of freedom.

12 Rush writes: “although there are faint antecedents in Kant for mutual recognition (*Anerkennung*) as an important ethical concept (e.g. the idea of a ‘Kingdom of Ends’), nowhere does Kant allow that mutual recognition between ethical agents is constitutive of ethical agency, as do Fichte and Hegel”, Rush 2007, p. 99.

13 Fichte 2000, p. 56.

14 As Bernstein states: “That Fichte, who is often regarded as the arch subjective idealist without concern for the human body, should be forwarding a radically social and material conception of human experience should, at the very least, suggest that our conception of his philosophy wildly betrays its actuality”, Bernstein 2007, p. 184.

15 Gleeson 2020, in part. pp. 41–55.

determinants or 'inner nature'.¹⁶ Fichte seems in this respect to have stopped a few steps earlier.

Moving from a radically anti-dualist perspective, Hegel identifies instead the unified bodily organism as a pre-reflective, non-propositional space. The body becomes the starting point in the construction of all forms of practical relations. It provides the way out of a philosophy otherwise condemned to solipsism and abstraction. As he makes clear in his *Anthropology*, according to Hegel, not only does the body represent the first organ of sense that helps us structure the internal dimension and provide it with content, but above all our relationship with our body constitutes the first juridical form of relationship with something external. The body is thus part of the constitution of the human capacities and functions which are necessary to experience the world and to live in it.

2. As previously mentioned, Hegel's interest in the body has a different orientation compared to what discussed by the anthropology of his time. Rejecting any form of dualism, he does not seek to understand how two supposedly different substances, one thinking substance and one extended body, can act on each other (see the experiments in physiognomy and phrenology). Hegel's premise is instead the co-extensiveness of body and soul. They are not two separate elements but constitutively intertwined and indistinguishable from each other.

This form of connection can also be found in the pages devoted to abstract right in the *Outlines*, where it is clear that corporeality is not only a key factor in the shaping of the subjective dimension, but also in the ethical and political sphere. Hegel sees law in its generality as a plane of abstraction, as abstract right. And, just as ideas and thoughts need an individual in order to be thought, likewise law needs the body, that is to say, the individual in its concreteness, to become effective. The dynamics is the same as that which binds the soul to the body in the *Anthropology*. While introducing the first section of the *Outlines*, Hegel feels, in fact, the need to introduce a digression on the core of the relationship between abstract right and its concretization, in the following terms: "The concept and its existence are two sides of the same thing, distinct and united, like soul and body. The body is the same life as the soul and yet both may be spoken of as lying outside one another. A soul without a body would not be a living thing, nor would a body without a soul. Hence the determinate existence [*Dasein*] of the concept is its body, while its body obeys the soul which brought it into being. [...] If the body does not match the soul, it is a poor sort of thing. The unity of determinate existence and the concept, of body and soul, is the Idea. The unity is not a mere harmony, but rather a complete interpenetration. Nothing is alive which is not in some way or other Idea. The Idea of right is freedom, and if it is to be truly understood, it

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16 Ibid., p. 54.

must be known both in its concept and in the determinate existence of that concept.”¹⁷

The fulfillment of freedom through right requires, therefore, the moment of embodiment. This is also the sign of its individuation and the only way to think of the realized idea, even in the juridical sphere. To achieve the ethical world and freedom, these need to be anchored in something concrete. Consequently freedom finds its centre of gravity in the natural existence of the subject, namely in the body.

Hegel’s account in these pages, it goes without saying, has clearly its roots in the anthropological premises, according to which Hegel radically rejects the soul–body dualism, stressing that no distinction can be made between these two features. The body is inseparable from the external world as well as from the internal one, it is part of the triad soul–body–objectivity and therefore it is a complex whole, which Hegel calls “organism” (both at individual and at political level). Furthermore, it is not by chance that for Hegel, at variance with Schelling, there is no *Welt-Seele*, for the soul must always be embodied. In order for a living being to exist, there must be a life principle (i.e., the soul), a body animated by this principle, and an external objectivity. The body represents then the pivot for the constitution not only of subjectivity but also of the spiritual world.

3. In the light of the so defined role of the body and of its nature intertwined with the external as well as with the internal world, one might still wonder what limits and possibilities does the will have to act on it?

In the *Outlines* Hegel argues that “I am alive in this organic body which is my external existence, universal in content and undivided, the real possibility of all further determined existence,”¹⁸ but, he continues, “as person, I possess my life and my body, like other things, only insofar as my will is in them.”¹⁹ Unlike animals that possess their bodies, but “they have no right to their life, because they do not will it,” human beings can even destroy themselves. This possibility is connected to the will’s act of appropriation of one’s own body. This means understanding one’s own body (existing in its immediacy) under the concept of *corpus proprium*. In this case, however, we are not dealing with the own body as presented by Husserl’s phenomenology. In the *proprium*, here, there is reference to the property, and this is the first sign of a legally regulated relationship. In appropriating its own body, the will becomes the master of its own life. As Vieillard-Baron notes, “the syllogism of the body in the philosophy of right is thus the following: will, body, life”.²⁰

.....
17 OPR, § 1, add.

18 OPR, § 47.

19 OPR, § 47.

20 Vieillard-Baron 2001, p. 116 (my transl.).

As a result, while in the field of right, in order to acquire juridical personality, the will performs an act of abstraction from what is historically and empirically determined (“the person, as something abstract, has not yet been particularized or posited as distinct in some specific way”²¹), it also must appropriate its own body. A dual process of abstraction and appropriation is therefore at stake. But in this apparently contradictory process, the body, far from assuming a negative function, plays an essential role in the realization of freedom, just as it does on the organic level in the realization of subjectivity.

This is why, as he needs to account for legal coexistence, Hegel assigns to the body a function that is not accidental but constitutive:²² the juridical appropriation of the body in the sphere of right is the first moment that makes it possible for freedom to be realized.

As Hegel makes clear in the *Outlines*, on the juridical level the human being is defined as a person capable of possessing. This definition clearly echoes the liberal mindset of Hegel’s time. But it also makes clear that the body is “the *constitutive conceptual element* of the juridical category of the person, and is by no means, for Hegel, the simple external, empirical and extrinsic correlate of an already given personal unity.”²³ Obviously, property is only the first step of right, which will find its achievement, as we know, only in the transition to the intersubjective and institutional dimension, that is, in civil society and the State.

But granted that the property is a *definiens* of human beings, a more precise analysis of it is due. First, one needs to distinguish between property and possession.

Property, Hegel explains, consists in extending my will over the thing. Therefore “my inward idea and will that something is to be mine are not enough to make it my property; to secure this end I must take possession of it. The existence which my willing thereby attains entails its capacity to be recognized by others.”²⁴ The process of property requires an act of the will on the thing. In the case of one’s own body, this can be done, for example, through training: “The training of my body in dexterity, like the education of my spirit, is likewise a more or

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21 OPR, § 49.

22 Nuzzo 2000, p. 126.

23 Ibid., p. 133 (my transl.). Angelica Nuzzo also emphasises how the model of appropriation of the subject becomes that of the relationship of appropriation of one’s own body, “the relationship to one’s own body constitutes the model of every subsequent relationship of appropriation, and, from a logical point of view, establishes the rational basis—the *Grundlage*—of every further relationship (to things and persons)” (ibid., my transl.). Appropriating an object means therefore placing one’s own soul in it (§ 44 Z). As a result, Nuzzo adds, the statement that my body is my property becomes the foundation of the statement according to which everything that is my property becomes my body, whereby property becomes “the expansion of the corporeality or physical presence of the subject into the objective world”, ibid., p. 134 (my transl.).

24 OPR, § 51.

less complete occupancy and penetration of it. It is my spirit which of all things I can make most completely my own.”²⁵ However, “actually taking possession is different from property as such because property is completed by the free will. In face of the free will, the thing retains nothing proper to itself even though in possession, as an external relation to an object, there still remains something external. The empty abstraction of a matter without properties which, when a thing is my property, is supposed to remain outside me and the property of the thing, is something which thought must overcome.”²⁶ The kind of property that can be exercised over the body, even if it is also something external, has a different nature compared to the rest of the external world, of the things that we face in the world. The body is in fact given as an immediate and natural existence, in relation to which one does not entertain the same relationship as with the world of things.

The conclusions that Hegel draws from this statement are very interesting and allow us to transition to the second question of this paper, namely how this new relationship between body and will can help us establish inalienable rights.

Granted that I cannot see myself as the “owner” of my body, I cannot alienate it; I cannot make one of my talents something external to me. This also has implications with regard to “work.” I can give away the product of my body momentarily, but if I were to give it up forever, I would lose my actual reality and the possibility to realize myself as a human being. This is why Hegel’s text allows to claim that slavery has no legal (and we might add, ontological) justification. We don’t have the right not only to own someone as a slave, but we don’t even have the right to freely make ourselves slaves: “those goods, or rather substantial characteristics, which constitute my very own person and the universal essence of my self-consciousness are inalienable and my right to them is imprescriptible.”²⁷ As an I living in a body, namely as a free being, I cannot “become stupid,” I cannot “become a pack animal.” “Slavery, serfdom, disqualification from holding property, encumbrances on property, and so forth [...] ceding to someone else full power and authority to fix and prescribe what actions are to be done,” are therefore not in the power of

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25 OPR, § 52.

26 OPR, § 52.

27 OPR, § 66. Vieillard-Baron writes in this regard: “On voit ainsi se préciser la différence entre un idéalisme constructiviste comme celui de Fichte et un idéalisme qui intègre l’empiricité dans la spéculation comme celui de Hegel, pour lequel l’Esprit objectif n’existe que dans l’habitude de la réalité morale, c’est-à-dire comme une seconde nature (§ 151), ce qui signifie qu’il n’est pas absolu. Ce n’est pas dans le champ politique que l’Esprit peut se réaliser absolument, mais dans l’art, dans la religion et dans la philosophie où il est absolument libre”, Vieillard-Baron 2001, p. 110. For Hegel it is also not possible for a father to consider his children as his property (§ 43 R). The recognition by Roman law of this faculty (for which children are slaves § 175) shows, in Hegel’s eyes, its incompleteness.

a human being. As the body is something natural that I have immediately, but which does not have the same nature as external things, I cannot exercise the same property rights over it. In the light of this account of the body as “an object of exception,” some inalienable rights, as inscribed in the will-body structure, are established with no corresponding duty.

Since the body stands for what allows me to realize my essence, that is to say, freedom, this “makes clear the contradiction in supposing that I have given into another’s possession my capacity for rights, my ethical life and religious feeling; for either I have given up what I myself did not possess, or I am giving up what, so soon as I possess it, exists in essence as mine alone and not as something external.”²⁸

The body is therefore not a thing whose property can be claimed, even if the will can exercise a right over it. This is a key element in the relation between will and body. Although I can exercise a property right on the body, this happens by virtue of a will that as such makes of this object (i.e., the body) not an object among others in the external world, but an organic instrument of a person’s will. As we read at § 48, the body becomes a *williges Organ* or a *besselltes Mittel*. I cannot do with the body what I do with other objects of which I am the owner. Since “the freedom of the subject is inseparable from his being a living organism that experiences sensations and desires through his own body [...] the person’s right to his own freedom must therefore necessarily extend also to the vital and physical aspect of the subject.”²⁹ In other words, since my body constitutes the possibility of my freedom, it is under the same type of protection which applies to the person, and therefore I may not abuse it, mutilate it, take my life or enslave myself.³⁰

The inseparability of soul and body means that any violence done to my body is considered an attack on my whole person. And therefore the power exercised by others over my body is a power exercised over me: “If another does violence to my body, he does violence to me. If my body is touched or suffers violence, then, because I feel, I am touched myself actually, here and now. This creates the distinction between personal injury and damage to my external property, for in such property my will is not actually present in this direct fashion.”³¹

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28 OPR, § 66.

29 Nuzzo 2000, p. 142.

30 Unlike Kant (*Doctrine of Law*, §§ 24–27), for whom marriage is a contract in which the contracting parties mutually authorize the use of their bodies, Hegel argues that to regard marriage as a contract is to make the body a thing, a property, a good that the other can enjoy. But if body and soul are not distinct then I cannot separate them in my legal constitution. Kant writes: “Marriage is founded upon the natural Reciprocity or intercommunity (*commercium*) of the Sexes [...] For, this natural *Commercium*—as a *usus membrorum et facultatum sexualium alteri*—is an enjoyment for which the one Person is given up to the other”, Kant 1887, §§ 24–25.

31 OPR, § 48.

But what happens when these fundamental rights are ignored? The path, Hegel writes, is not sealed. Inasmuch as it is a free will, my will cannot be constrained. In extreme cases, it can indeed pull back from the body: “As a living thing a human being may be coerced, i.e. his body or anything else external about him may be brought under the power of others; but the free will cannot be coerced at all (see § 5), except in so far as it fails to withdraw itself out of the external object in which it is held fast, or rather out of its idea of that object (see § 7). Only the will which allows itself to be coerced can in any way be coerced.”³² This amounts to saying that human beings are free to prefer death to constraint. But this final act of affirmation of freedom, by which the subject of the legal sphere, the living individual, renounces their own life, shows how the presumed superiority of the will is illusory. And it is no coincidence that, in the *Phenomenology*, the process that passes through the denial of material conditions, in the figure of the Stoic, arrives at an unhappy conscience, that is, a dim, unfinished consciousness.

Such a close relationship between will and corporeality leads to a reassessment of the foundation of right. Far from hinging upon an abstraction from all determinations, the notion of juridical person cannot but include the own body. The same applies, at a more advanced stage of the philosophy of right, to the political body. Also in this case Hegel highlights the influence of a pre-rational or feeling-based dimension.³³ Here the reference is not only and not so much to theories of sympathy, such as Adam Smith's, or other feelings which ultimately, like imagination, fall under the middle-ground control of reason. What is here at stake is more importantly the acknowledgment of the key role of the feeling of self (*Selbstgefühl*)³⁴ and *Gesinnung*.³⁵ This understanding of feeling is typical of the era encompassing Shaftesbury and Hemsterhuis, whose works Hegel read and appreciated since his youth. The ethical feeling of belonging to a state and a community is built then on a feeling that is not only a faculty of reason, but is a physical sensation, which also

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32 OPR, § 91.

33 Siep 1990, p. 203.

34 Cf. *ibid.*, p. 204. The domain of the pre-reflective dimension for Hegel, as Siep makes clear, does not end quickly but develops into the *Gesinnungen*, the modes of feeling of ethics.

35 Italo Testa analyzes the shift of the founding moment of recognition from the ethical level to the natural one linked to sexual and reproductive relations. Testa's intention is not, however, to arrive at a naturalization of the ethical relationship. “The question, rather, is whether or not—to conceive Nature in its organization adequately, and thus also Spirit as Nature that returns to itself—every form of description, and every categorial apparatus, has to be reduced to the one we utilize to describe the material properties of bodies—a first-natural naturalism, for example under a physicalist description. Hegel's answer is, in that case, ‘no,’ since his analysis is, at bottom, dictated by the need to arrive at a broader concept of Nature, capable of embracing the totality of living realities—a broad or liberal naturalism capable of embracing the various levels of organization of living beings, including those phenomena of their social organization that we can also consider as spiritual second nature”, Testa 2012, p. 25.

passes through the body. This feeling structures our being on the basis of its repetition. This is also the origin of Jensen's idea of corporations – on the model of Renaissance guilds – as a link between the individual and the state. Corporations are supposed to translate their relationship with the institution neither in the form of moral imperatives nor in that of legal obligations, but rather as *Stimmung*, or the feeling each corporation has concerning the State. As it is the case for the structuring of subjectivity in the realm of anthropology, the *Stimmung* stands for a first step toward a process of subjectification, albeit still at an unconscious level, but which will not be lost in the conceptual reworking. The *Stimmung* remains one of the first elements of predisposition to openness to otherness which can and must certainly be formed, educated, but not cancelled.

4. What is the gain of this new reading of Hegel's account? What is the potential contribution to today's debates of Hegel's outline of the will-body-freedom relationship and of his dialectical retrieval of the function of the body? First, it is worth stating that, for Hegel, the body is not simply an element to be subjugated, but the notions of body and person are closely intertwined, and with respect to other external objects the body is to be granted a certain ontological privilege.

The relationship between person and body brings us back to what Catherine Malabou and Judith Butler define as hetero-affection or auto-affection. Is the body something alien to the subject or something that is an essential part of it?

According to Malabou, the body is “the outside of the subject,” and the structure of the body-will relationship is therefore one of *hetero-affection*.³⁶ There would therefore be no auto-affection, no ipseity that pre-exists subjectivity³⁷: “Iipseity or auto-affection is not given as a necessary pre-existing structure of subjectivity. The transcendental and empirical forms of the ‘I’ are alien to each other, and the body appears as an other self within the self. No ‘I’ can ever affect or touch itself. Consciousness is an originary hetero-affected structure, always ‘out of itself.’”³⁸ This hetero-affected structure is what Malabou calls “the subject's plasticity.” The subject's structure is to be made; it is never given *a priori*. The Hegelian subject is not existing outside its own self-production. If we were to assume a radical disjunction between subjectivity and corporeality, the final moment of understanding of the absolute spirit

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36 Malabou/Butler 2011. Analysing the figure of the lordship-servitude in relation to that of the unhappy conscience, Malabou identifies two models of relationship with the body: one of attachment to the self (in which the servant forms the world through his body and recognizes himself), the other of detachment from the self (the subjugation of the body in the unhappy conscience) in function of the prevalence of a fully spiritual dimension.

37 Cf. Malabou 2013.

38 C. Malabou, *Unbind Me*, in Malabou/Butler 2011, p. 624. See also: Malabou 2005, in part. pp. 55–75.

would be the affirmation of an *impersonal instance*. This would lead to a constitution entrusted, not to the inseparable link with the self and consequently with other selves, but rather to a radical freedom from all pre-constituted forms.

This suggestive and in some passages stimulating interpretation of Hegel's text, contradicts, in my opinion, the starting premise of Hegel's account, namely that every individual life exists only insofar as it has a body, which is destined (*bestimmt*) to become its own in a process of formation and is therefore not an extraneous accident.³⁹ To this it should be added that dialectical overcoming does not imply the extraneousness of the body to the process of subjectification. As Pirmin Stekel-Wiethofer states: "while Kant evidently still thinks within the perimeter of Platonic dualism and therefore also Cartesianism, Hegel indicates that in the end 'the body' always wins. In the end, that is, it is 'my body' that decides what really gets done. Therefore it makes absolutely no sense for me to try to separate my body from me, to put it in front of me, or for me to put myself in front of it."⁴⁰

The account provided so far allows us to get to the last point of this paper, namely the possibility of a different relationship with one's own body. The possibility to act through our will on the body, but the impossibility to have full property over it, leaves a margin of openness between will and corporeality, a margin in which freedom and choice can find their space for achievement. Thanks to this non-coincidence between will and body, which would otherwise result in a form of deterministic causalism, it is also possible to imagine the possibility of action in the realm of *Bildung* and politics. Conversely, this also means that the body cannot be reduced to a thing and therefore must be protected from a disrespectful and violent use of it. As a result, Hegel's dialectical perspective helps us recover a relationship with the body, which is based on safeguard and respect for it. This latter aspect reminds us of the "law of night" to which *Antigone* appealed, demanding respect above all for her brother's body, in the name not only of the dignity of the individual, but also of that of an entire community*.

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39 As Butler writes in reaction to Malabou's position: "Of course, in Hegel, the 'body' does not appear as such, which could mean that Hegel, at least in this context, seeks to elaborate a conception of desire, life, shape, without explicit recourse to the body. We can read this as a suppression, a structural somatophobia, but it might be more productive to ask how the body is always leaving its trace, even when it operates without being named explicitly. Maybe there is something about the body that cannot be named as such, or that is always conceptualized exclusively as a determinate shape, and so mis-recognized, when it becomes 'the body'", J. Butler, *What Kind of Shape Is Hegel's Body in?* in Malabou/Butler 2011, p. 632.

40 Stekel-Wiethofer 2008, pp. 186–187.

* I would like to thank Tessa Marzotto Caotorta for her attentive translation of the text.

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Conceptual Thought as Critique: Remarks on Hegel and Marx

Andreas Arndt

Abstract: The young Marx argued that Hegel defended an uncritical view of reality by taking empirical existence to be the truth of the idea. In his reproach, Marx puts the relationship between logic and 'Realphilosophie' in Hegel's philosophy into question. According to him, Hegel subjects' society and the state to a logical schematism instead of grasping them in their own logic. In this paper, I examine Marx's reproach and argue that Hegel does by no means suggest an affirmative view of reality. In particular, his view of the dialectical method can be understood as critical, in the sense that Marx had in mind. At the same time, however, ambiguities and ambivalences remain in Hegel's work. At decisive points in the *Philosophy of Right*, and partly in the Lectures on the *Philosophy of Right*, the critical function of the dialectical method appears to be weak. Hegel's method thus remains ambiguous with regard to the possibilities and also the necessities of a critique of reality, especially with regard to the institutionalization of social and political conflicts.

Keywords: Hegel, Logic, Method, Marx Philosophy of Right, Science of Logic.

In the epilogue to the second edition of the first volume of *Capital* Marx writes:

"In its mystified form, the dialectic became the fashion in Germany, because it seemed to transfigure and glorify what exists. In its rational form it is a scandal and an abomination to the bourgeoisie and its doctrinaire spokesmen, because it includes in its positive understanding of what exists a simultaneous recognition of its negation, its inevitable destruction; because it regards every historically developed form as being in a fluid state, in motion, and therefore grasps its transient aspect as well; and because it does not let itself be impressed by anything, being in its very essence critical and revolutionary."¹

In the context of the epilogue, Marx wants to make explicit what consists the opposition of his dialectical method to that of Hegel.² This delimitation is not unambiguous and raises questions. On the one hand side, the claim is that Hegelian dialectic *seemed* to have transfigured the existing state of things; this can be understood as a dissociation from the accommodation thesis – that Hegel has rendered himself to the Prussian State – as formulated by Rudolf Haym, a thesis also popular among

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1 Marx 1982, p.103.

2 „My dialectical method is, in its foundations, not only different from the Hegelian, but exactly opposite to it.“ Marx 1982, p.102.

social democrats, and that even Marx in 1870 explicitly rejected.³ On the other hand side, Marx does not leave any doubt that Hegel has mystified the dialectic.⁴ Only in its rational shape, it is critical and revolutionary. At least, Hegel is thereby reproached to have not overseen the critical consequences of his dialectical method and to have abetted its appropriation for the purpose of transfiguring the existing things through mystification.

In relation to the *Outlines of the Philosophy of Right*, the young Marx defended the thesis that Hegel is necessarily led to the “inevitable outcome... that an *empirically existent* is *uncritically* accepted as the actual truth of the idea”⁵; his philosophy is characterized by a “necessary transforming of empirical fact into speculation and of speculation into empirical fact.”⁶ Behind this reproach lies the assumption that for Hegel “logic is not used to prove the nature of the state, but the state is used to prove the logic.”⁷ Central for the reproach of uncritical empiricism is therefore the relationship between logic and real philosophy in Hegel that Marx assumes. Following his conception, Hegel subjugates his representation of society and the state to a logical schematism instead of grasping them in their proper logic.

We will examine this thesis in what follows, whereby we will demonstrate that Hegel does not suggest an affirmative conception of the existing state of things, rather, his conception of method can be understood as critical, in the sense addressed by Marx. At the same time, obscurities and ambivalences remain. At decisive moments in the *Outlines of the Philosophy of Right* and in parts even of his lectures on the philosophy of right, Hegel reduces the critical function of his method, and remains ambiguous regarding the possibilities and necessities, if any, of a critique of the existing state of things and of the institutionalization of social and political conflicts. This will, in the following, be the object of the first part the elaborations (I.). With regard to the method developed in the *Science of Logic*, we will then show that

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3 Cf. Haym 1857, p. 359. „The Prussian state... entered into the period of restauration... The Hegelian system became the scientific abode of the spirit of the Prussian restauration.” Also, Wilhelm Liebknecht, one of the leading heads of the German social democracy assumed in 1870 in this sense, Hegel is “the discoverer and glorifier of the royal Prussian idea of the state.” He had this remark printed as remark to an essay by Frederick Engels, which angered Engels: “this ignoramus has the insolence to wish to dispatch a man like Hegel with the word “Preuss””. Karl Marx seconded: „I had written to him that if, when he wrote about Hegel, he knew nothing better than to repeat the old... muck, then he would do better to keep his mouth shut.” (MECW, Vol. 43, pp. 508 and 512).

4 Cf. Arndt 2013.

5 MECW, Vol. 3, p. 39.

6 MECW 3, p. 9. „Ordinary empirical fact has not its own but an alien spirit for its law; whereas the form of existence of the actual idea is not an actuality evolved from itself, but ordinary empirical fact.”

7 Marx 2009, p.18

the absolute idea as absolute method is at the same time the normative reference point of the comprehension [*Begreifen*] of reality, and that this comprehension therefore necessarily includes a critical relation to reality. At the same time, the relation between logic and real philosophy remains methodologically under-determined (II.). But this also holds for Marx, who underestimates the critical significance of the absolute idea and tends to level the difference between *Logic* and real philosophy. In a comparison of the method that is claimed by Marx with the conceptions of Hegel, we will therefore finally show how far and on what ground they correspond to one another (III.).

I.

According to Hegel's explanation, the *Outlines of the Philosophy of Right* are:

“An endeavor to *apprehend and present the state as something inherently rational*. As a work of philosophy, it must be as far removed as possible from any attempt to construct a *state as it ought to be*. The instruction which it may contain cannot consist in teaching the state what it ought to be; it can only show how the state, the ethical universe, should be understood.”⁸

At first glance, Hegel argues that conceptual thinking must distance itself from any critique of the existing reality of the state; what can be criticized is only an insufficient manner of conceptual thinking itself, and philosophy must indeed instruct [*belehren*] us on how to think conceptually. These two aspects, as Walter Jaeschke argues, should not be thought separately, since Hegel presupposes “a concept of reason which is twofold or also in itself differentiated into ‘self-conscious reason’ and ‘present reason.’”⁹ In the “preface” to the *Outlines of the Philosophy of Right* this doubling is compellingly expressed in the often misunderstood, and therefore infamous dictum: “*What is rational is actual and what is actual is rational.*”¹⁰

What we are dealing with here is the relationship between the *Science of the Logic*, and more precisely, of the absolute idea as the epitome of reason to reality. In contrast to the common misunderstandings that Hegel would characterize as rational, everything that exists in its being-as-it-is, one must emphatically recall that reality

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8 Hegel 2008, p. 14f.

9 Jaeschke 2014, p. 427

10 Hegel 2008, p. 14.

and actuality are not to be equated, as many interpreters have stressed.¹¹ This already follows from the *Science of Logic* where the category of reality falls into the logic of being-there and finally designates the finite and therewith still external relationship of something and other. Yet, the category of actuality [*Wirklichkeit*] falls into the logic of essence and designates a modality of the absolute in the transition to the concept. In distinction from the merely existing reality or existence, actuality is, as it says in § 142 of the *Encyclopedia* “that unity of essence and concrete existence [*Existenz*], of inner and outer, that has immediately come to be.”¹² Otherwise put, the actual is a reality if and insofar as it corresponds to the concept. Thereby it holds, and we will return to this more closely, that reality as a finite – and to this belongs also the sphere of objective spirit, the state – there cannot be a complete correspondence of the concept and the object. To this end, one reads in the logic of the concept in the section on the idea: “Finite things are finite because, and to the extent that, they do not possess the reality of their concept completely within them but are in need of other things for it – or, conversely, because they are presupposed as objects and consequently the concept is in them as an external determination.”¹³ Pirmin Stekeler-Weithofer has pointedly formulated that the concept of actuality – in the sense of the actuality of reason – encompasses in Hegel “the validity, not only of the positive validity of the moral-legal order” and should always be regarded “as the condition of development of (moral-legal) culture, that is the best possible at a time.”¹⁴

In his “preface” to the *Outlines of the Philosophy of Right*, Hegel does not explicitly draw this consequence and seems to suggest a rather affirmative attitude when he writes: “The unsophisticated heart takes the simpler line of adhering with trustful conviction to what is publicly accepted as true and then building on this firm foundation its conduct and sets position in life.”¹⁵ This “truth about *right, ethical life, and the state*” is supposedly “as old as its recognition and formulation in the in public laws and in public morality and religion”¹⁶ The common sense that confidently sticks to this is only the everyday manner of natural consciousness orienting itself in life. The “thinking spirit” wants to conceptually grasp the known truth – that is therefore not yet cognized¹⁷ – “the content, which is

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11 Cf. paradigmatically Stekeler-Weithofer 1982, pp. 282–288; Aragüés 2018, p. 217 ff.

12 Hegel 2010a, p. 211.

13 Hegel 2010b, p. 672.

14 Stekeler Weithofer 1992, pp 288.

15 Hegel 2008, p. 5.

16 Ibid.

17 Cf. the „preface“ to the *Phenomenology of Spirit*: “What is familiar and well known as such is not

already rational in itself must win the *form* of rationality.”¹⁸ Hereby we are not dealing with a mere affirmation of the existing state of things, since, as Hegel states, it is only through conceptual thought the rational content:

it may appear justified to free thinking. Such thinking does not stop at the given, whether the given be supported by the external positive authority of the state or agreement among people, or by the authority of inward feeling and the heart and by the witness of the spirit which immediately concurs with it. On the contrary, thought which is free starts out from itself and thereupon demands to know itself as united in its innermost being with the truth.”¹⁹

Birgit Sandkaulen²⁰ has clarified what difficulties are linked to Hegel's confidence in confidence. The tension between the critical attitude of thinking spirit and of the confidential conviction of natural consciousness catches the eye. If the validity of the existing state of things is only to be justified through the comprehension in free thought and does not follow from the authority of the existing state of things, then it follows that its rationality does not coincide with its mere existence. As little as each form of self-consciousness can be addressed as self-conscious reason, as little anything that is present can be addressed as rational. But this also means – as Hegel says about the concatenation of free thought – that any form of a non-comprehending [*nicht-begreifenden*] consciousness that relies on the common conviction or on the immediacy of feeling and heart, or on subjective conviction, deceives and can itself be deceived. As one must distinguish in reality, between rational actuality and mere existing state of things, one must also generally distinguish in consciousness between opinion (*doxa*) and knowledge (*epistémé*)²¹ to justify the validity of the existing state of things – and also of the trusting conviction with regard to the existing state of things – at all. Put differently: trust itself requires the justification of the concept and mistrust in the non-reflected confidence. Hegel, who precisely for

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really known.” Here Hegel certainly even adds: “In the case of cognition, the most common form of self-deception and deception of others is when one presupposes something as well known and then makes one's peace with it.” Hegel 2018, p. 20.

¹⁸ Hegel 2008, p. 5.

¹⁹ Ibid.

²⁰ Sandkaulen 2014.

²¹ Cf. Fulda 2003, p.83: “On the one hand side, there now stands a consciousness that in its temporally specific biases lives. Hegel calls it natural consciousness [...], primordially caught in the opacity of the lived moment. On the other side stands the philosophy that must correct the inversions which are contained in natural consciousness. Thereby it presents itself to that natural consciousness as something inverted and wrong [...]. Thereby – like in Plato – there is the opposition of apparent knowledge, in which we usually live, and real knowledge of true philosophy.”

this reason, honors and despises public opinion,²² has not made explicit its ambivalence in this passage. Neither here, nor at another place in the *Outlines of the Philosophy of Right*, is it justified why this trust can be trusted in all cases. Even more so, the inverted case of mistrust in the validity of the existing state of things – neither on the level of common sense nor as result of free thinking – is not considered nor possible conflicts resulting from it, leading up to the question of a right to resistance against a pathologically distorted political system²³ Rather Hegel refrains from the historicity completely for the benefit of a purely ideal moment:

In any case, however, it is absolutely essential that the constitution should not be regarded as *something made*, even though it has come into being in time. It must be treated rather as something simply existent in and for itself, as divine therefore, and constant, and so as exalted above the sphere of things that are made.²⁴

Even if it holds that the objectivity of the objective spirit to which the state and the constitution belong, are not accessible to the arbitrariness of subjective action, and is the expression of a formative step of spirit which is objective vis-à-vis the individual, Hegel's testimony is not convincing. Here, as was pointed out by Birgit Sandkaulen,²⁵ the historicity of spirit is arrested, without the state being beyond historicity – since world history is ultimately inferred from the state. This historicity means in any case transformability and not persistence. Especially therefore the actuality of reason is here also always mixed with the merely existent and external to it, so that one must distinguish between the two. One could put this pointedly: the state as such is in its worldly existence, as objective spirit, can represent the concept only in a broken manner and mediated through externalities due to reasons that lie in reason itself. The representation of the eternal in it cannot abstract entirely from the real philosophical context, because it is part of the determination of the idea's being-there in actuality. By abstaining from it, Hegel's formulations create the impression that he wanted to displace the state from the realm of the finite into that of the absolute. If the constitution were absolute "simply in and for itself" [*schlechthin*] self-referential and thus "divine and constant," then it would be the absolute itself and would no longer belong to the objective and therefore finite

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22 "Public opinion therefore deserves to be as much respected as despised." Hegel 2008, p. 301.)

23 Cf. Siep 2012, p.45; 2015, pp. 46 –78.

24 Hegel 2008, p. 262.

25 Sandkaulen 2014, p. 434.

spirit. The state is only the “rational in and for itself,”²⁶ but only insofar as reason – the idea – has realized itself in it. The idea has always already become actuality in a determinate historical manner. In this sense, Hegel claims that “the constitution of any given people depends in general on the character and development of its self-consciousness. In its self-consciousness, its subjective freedom is rooted and so, therefore, is the actuality of its constitution.”²⁷ But this actuality is also supposed to be measured by how far it has realized a maximum of rationality in the frame of the objectively possible or has lagged behind. The constant or the eternal *in* the historical finitude of objective spirit is not absolute reason itself in its self-relationality, but as such it is the measure in relation (to finite) reality, wherein it only ever appears as fractured by externalities.

Hegel's formulations prove Marx right in that the handling of the method in the *Outlines of the Philosophy of Right*, which seems to transfigure the existing. However, there remains an ambivalence, which is exemplified here in view of the “trustworthy conviction” of the “unbiased mind” is to be made clear by way of example. In Hegel's view, the publicly known truth shows itself above all in religion; this, however, does not secure an affirmative, unconditional agreement of throne and altar, but in it, the individual experiences the consciousness of its freedom. It is not by chance that Hegel emphasizes in the *Encyclopedia* (1830) regarding the free spirit of the individual, that the consciousness of individual freedom has “come into the world through Christianity” and man “in religion knows its relationship to absolute spirit as such as its essence”, “has the divine spirit also as entering into the sphere of worldly existence, as the substance of the state, the family, etc.”²⁸ At the same time, Hegel emphasizes that people do not “have” the idea of freedom in this way, but they are it. “It is this wanting of freedom no longer a drive which demands its satisfaction, but the character – spirited consciousness that has become driveless being.”²⁹ If this is the basis of the trust of which Hegel speaks in the *Outlines of the Philosophy of Right*, then it arises from an internalized consciousness of freedom, which can only agree with the existing because it finds itself in it. Obviously, Hegel assumes that trust only arises when it also can be justified. But even if it should be so the case of conflict remains hidden.

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26 Hegel 2008, p. 228.

27 Ibid., p. 263.

28 GW, Vol. 20, §482, Remark.

29 Ibid.

II.

In the "Preface" to the *Outlines of the Philosophy of Right*, Hegel emphasizes right at the beginning, the special significance of the method that he takes as a guiding principle, whereby he explicitly refers to the *Science of Logic*, even if he has "omitted to bring out and demonstrate the chain of logical argument in each and every detail...in dealing with a topic which is concrete and intrinsically of so varied a character."³⁰ Marx's assumption that the *Philosophy of Right* allows conclusions to be drawn about Hegel's conception of the method is therefore correct, especially since Hegel emphasizes in this context that his treatise should be judged primarily from this point of view. Yet, what is the nature of the relation of the real science of spirit to the method of logic cannot be inferred from Hegel's remark. Marx's view seems to be that Hegel uses figures of the logic as schematism and applies them directly to real philosophical facts. The concrete and manifold nature of these facts would then only be an obstacle to overload the text by constant references to the *Logic*. However, another interpretation is possible, which is suggested by the *Science of Logic* itself.

In connection with the passage already quoted above from the section on the idea, we read: "Since the idea is the unity of concept and reality, *being* has attained the significance of *truth*; it now *is*, therefore, only what the idea is."³¹ This is doubly true: for the concept, which grasps itself here as a concept itself in pure thinking, and for the concept that refers to reality. Both are to be distinguished: only in the former case does the concept become purely self-referential and the idea consequently absolute. With respect to real objects the situation is different: "It is not that the subject matter [*der Gegenstand*], the objective and subjective world, *ought* to be in principle *congruent* with the idea; the two are themselves rather the congruent of concept and reality; a reality that does not correspond to the concept is mere *appearance*, something subjective, accidental, arbitrary, something which is not the truth."³² This is to say that actuality in any case does not go directly together with the concept,³³ even if the concept or the idea must correspond to the reality, so that "anything actual might possibly *be in truth*."³⁴ The criteria for this actual or true being, Hegel formulates negatively: "But there is no saying what anything actual might possibly *be in truth*, if its concept is not in it and its objectivity does not measure up to

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30 Hegel 2008, p. 4.

31 Hegel 2010b, p. 672

32 Ibid., p. 671.

33 It goes together with the concept only insofar as the contingent, but not contingency in its multiplicity is logically necessary (cf. Henrich 1971).

34 Hegel 2010b, p. 672.

this concept; it would be a nothing.”³⁵ With this negative formulation he wants to clarify that what is dead has no correspondence of concept and reality and thus no real being.

On the other hand, it is also true for Hegel that the logical idea is necessarily in a difference to actuality. In the *Science of Logic* he emphasizes that this is by no means a limit of the idea, but a limitation inscribed in itself: “That the idea has not perfectly fashioned their reality, that it has not completely subjugated it to the concept, the possibility of that rests on the fact that the idea itself has a *restricted content*; that, as essentially as it is the unity of the concept and reality, just as essentially it is also their difference.”³⁶ This is generally true for reality, Hegel extends his analysis to the state, which even as the worst state, according to him, is still the state.³⁷ This raises the question, under which conditions do the non-correspondence of concept and reality lead to nothingness, and under which conditions is reality more than nothing?

In his lecture on logic in 1817, Hegel states: “When one says that this state constitution is bad, its badness is something transient – it is not. But there is not state which does not have something that does not correspond the idea, even if only in an incomplete and merely abstract manner.”³⁸ Even the worst state is in some respect - insofar as it is a state at all - in correspondence to the concept; but what is a state whose objectivity is not at all commensurate with the term? In the *Science of Logic*, Hegel remarks of the context just quoted: “Wholes like the state and the church cease to exist *in concreto* when the unity of concept and their reality is dissolved.”³⁹ This dissolution of the unity of concept and in which the objectivity of the state loses its adequacy to the concept is obviously a historical moment in the cognition of the state. In his *Lecture on the Philosophy of Right* in 1818/19, Hegel distinguished between reasonable and historical necessity as two ways of looking at things, and he emphasized that “true cognition” cannot “stop at the historical viewpoint of relations of right, since for it is valid only the right of the existing, that which is valid according to its form, even if it also would be in an infinite way, the highest wrong.”⁴⁰ Here, the rational view becomes the normative instance of objection, which criticizes the existing as being contrary to reason, if it “does not correspond to the idea.”⁴¹

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35 Ibid.

36 Ibid., p. 672.

37 Cf. Ibid., p. 673.

38 G.W.F. Hegel, *Gesammelte Werke*, Vol, 23.1, p. 138. [add this to biblio and more detail maybe]

39 Hegel 2010b, p. 672.

40 .G. W.F. Hegel, *Gesammelte Werke*, Vol, 26.1, p. 234.

41 Ibid.

From this criticism it follows that a historical overturning of the existing is necessary and justified: "If thus the spirit of a people entered a higher stage, the moments of the constitution which are related to earlier stages lose their footing; they must collapse, and no power is capable of holding them."⁴² That this is not to be understood as attentism, Hegel clarifies a little later: "Everywhere, where spirit has attained a higher consciousness the struggle against such institutions is necessary."⁴³ If philosophy, as it is called in this context, transcends the historical view point, then it does not carry out a flight from the world into higher spheres, but proceeds "without regard for what is valid, for the ideas [*Vorstellungen*] of the time."⁴⁴ The point of view of reason implies a ruthless criticism of the existing, insofar as it corresponds to the general spirit in a people, i.e. its the level of education of the spirit reached under the respective circumstances as the reality of the concept. In this criticism lies an ought, because the Idea itself, as just as much theoretical as practical, demands validity in reality; in the lecture of 1821/2 it is said in this regard succinctly: "the rational ought to be effective [*soll gelten*]."⁴⁵

The critical use of the method is based on the fact that in grasping the historical reality, the existing is measured against the concept or the idea. In the transcription of the lecture from 1819/20, Hegel emphasizes that "science does not set up an ideal," but that "a certain way is based on the way of the present Spirit" is taken as a basis.⁴⁶ Critique is therefore immanent critique. But in order for a critique to be possible at all, it is not enough to direct the gaze solely to the idea as the 'eternal-true,' which, according to Hegel, is 'not abstract,' but one must evaluate it according to the fundamental difference between concept and reality, and with regard to the historical state of formation of the spirit, whether it falls short of what is objectively possible or not. Instead, when Hegel repeatedly points out that philosophy the outer form of the existing reality" with the accidental and the individual, he consequently undermines the complexity of finite reality and thus of the existence of the idea in the spirit.⁴⁷

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42 Ibid.

43 Ibid., p, 235.

44 Ibid.,

45 GW, Vol. 26.2, p. 764. Cf. also the postscript of Griesheim to the lecture of 1824/5: "The philosophical consideration aims that a legal institution is rational, that the right, the true right of man, is respected in it. A historically founded right can be rejected by philosophy as irrational. For example, slavery in India can be justified historically by the fact that these slaves, even among the Negroes these slaves [...]. This justification notwithstanding, reason must maintain that the slavery of the Negroes is a completely unlawful institution, contrary to true human and divine Right and is to be rejected." (GW, Vol. 26.3, p. 1061).

46 GW, Vol. 26.1, p. 337.

47 Cf. the lecture / (GW 26.1: p. 339): "Rational contemplation raises above it what in detail is contradictory to hold for something so important." On the whole, it is to be noted that critical consequences

III.

When Marx speaks of his method as distinct from that of Hegel, this does not happen on a common theoretical level with the *Science of Logic*, but in view of his project of a *Critique of Political Economy*. Seen from Hegel's point of view, we are thus dealing with methodological questions of a particular real science, whereby in view of the planned total scope of the project, of which *Capital* is only a part, it can be claimed, that it is largely congruent with Hegel's philosophy of the objective spirit.⁴⁸ From this level of a particular science, Marx refers to what he calls Hegel's "dialectical method," whereby on the one hand, he strongly emphasizes the contrast between the two – his "dialectical method" is "not only fundamentally different from Hegel's, but "its direct antithesis" – but on the other hand makes use of the *Logic* as a reservoir of "dialectical" figures of thought without reflecting on the conditions of the reflect the conditions of the possibility of such a use.

From Hegel's point of view, Marx's handling of the *Science of Logic* raises the question of how the absolute idea as absolute method relates to the real science of the objective spirit. That here, due to the permanent exteriority of the idea in the finite reality, a direct correspondence or congruence cannot take place, is already the result from the quoted claims that Hegel makes in the *Science of Logic* itself. How this difference is to be understood and how to work it out methodically, on the other hand, is largely left out. A revealing formulation is to be found in the "Logic" of the *Encyclopedia*:

"everything actual, insofar as it is something true, is also the idea... The individual being is some side or other of the idea, but for this still other actualities are needed...the concept is realized only in them together and in their relation. The individual taken by itself [*für sich*] does not correspond to its concept; this limitation of its existence constitutes its *finitude* and its demise."⁴⁹

in view of the existing order are above all made explicit in the *collegia* on the philosophy of right up to 1819/20.

48 "The order obviously has to be (1) the general, abstract determinants which obtain in more or less all forms of society, but in the above-explained sense. (2) The categories which make up the inner structure of bourgeois society and on which the fundamental classes rest. Capital, wage labour, landed property. Their interrelation. Town and country. The three great social classes. Exchange between them. Circulation. Credit system (private). (3) Concentration of bourgeois society in the form of the state. Viewed in relation to itself. The 'unproductive' classes. Taxes. State debt. Public credit. The population. The colonies. Emigration. (4) The international relation of production. International division of labour. International exchange. Export and import. Rate of exchange. (5) The world market and crises." Marx 1993, p. 7 [need to add this to the biblio]

49 Hegel 2010a, p.

However, he does not explain how to comprehend reason in reality under these conditions, i.e. how to reconstruct from the external relations the moments of truth and reality. Unfortunately, there are no further explanations of this point in neither in the supplement to the *Freundesverein* edition nor in the postscripts accessible today, in which the corresponding paragraph is almost without exception skipped over.⁵⁰

The absolute method, as Hegel develops it in the *Science of Logic*, cannot simply be the method of apprehending reality, for in it the concept is itself in its pure self-reference and without any externality the object, so that in this absolute method it is at the same time subject, means and object of cognition. In the finite real sciences, on the other hand, the concept can only refer to itself externally, mediated by others, and is divided into moments of truth as mutually external realities. If the concept is realized only in them together and in their relationship, as Hegel emphasizes, and if the existent, which has the concept more or less in itself, is not deducible from the concept itself, then it requires an effort of its *own* of the concept to find it again in reality and to find the inner, conceptual and to represent the inner, conceptual connection of the fragmented realities.

The devotion to reality is inscribed in the absolute method itself - it is the „*impulse* [Trieb] to find and recognize *itself through itself in all things*”⁵¹, both theoretically and practically⁵² - so that at the end of the passage through reality, as it we can read in the *Encyclopedia* „„the logical“ is again attained, but „with the significance that it is a universality that has proven itself in the concrete content as its actuality.”⁵³ This means that the absolute method in turn is the result of this passage (which Hegel, by the way, but never fully accomplished), but it is not ad limine identical with the method therefore it is not ad limine identical with the method which tries to grasp and represent the mediation of the conceptual moments in reality. The finding oneself and recognizing presupposes first of all a searching, to which, taken for itself according to Hegel, corresponds to a deficient form of method, the "enquiry [*suchende Erkennen*]": in it "the method likewise occupies the position of an *instrument*, as a means that stands on the side of the subject, connecting it with the object. The subject in this syllogism is one extreme, the object is the other, and in conclusion the subject unites through its method with the object without however *uniting with itself*

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50 In fact, it is to be noted that the question of the relationship of the dialectical method in the *Science of Logic* to the method in the real sciences has to the method in the real sciences has so far received little attention in the Hegel-research.

51 Hegel 2010, p. 737

52 Cf. Gerhard 2015.

53 G.W.F. Hegel, GW, Vol. 19, p. 415.

there. The extremes remain diverse, because subject, method, and object are not posited as *the one identical concept*.⁵⁴ Obviously, this concerns this concerns the finite spirit, thus also the objective one, because Hegel emphasizes explicitly, that the absolute idea, thus the absolute method, is to be referred to the absolute spirit: "Art and religion" are "its different modes of apprehending itself and giving itself appropriate existence"⁵⁵, something that certainly only in philosophy is realized in the form of the concept. Below this threshold, the inner context of reality has to be reconstructed from its moments, in order to be able to identify the conceptual structures in reality. The peculiarity of the searching method in its theoretical and practical approach to reality is that here the existence of the idea in nature and in the finite mind is presupposed as an objective world and thus the real difference of subject, means and object in cognition and action. In this, this method differs from the absolute one. Hegel emphasizes that dialectics as an analytic-synthetic method⁵⁶ gets a "new foundation" in the absolute method, but otherwise "remains the same as in the preceding subject matter."⁵⁷

It is at this point that Marx, insofar as he explicitly reflects on his method, as, for example, in the epilogue to the second edition of the first volume of *Capital*, the analytical moment to the mode of research - that is, to the 'searching' cognition in the narrower sense - and the synthetic moment to the mode of representation:

Of course the method of presentation must differ in form from that of inquiry. The latter has to appropriate the material in detail, to analyse its different forms of development and to track down their inner connection. Only after this work has been done can the real movement be appropriately presented. If this is done successfully, if the life of the subject-matter is now reflected back in the ideas, then it may appear as if we have before us an a priori construction.⁵⁸

The last remark refers to Marx's demarcation from Hegel, whom he reproaches with confusing the 'ideal' reflection with the movement of the substance itself – a quid pro quo that is the basis of Hegel's mystification

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54 Hegel 2010b, p. 738.

55 Ibid., 735.

56 "This no less synthetic than analytic moment of the *judgment* through which the initial universal determines itself from within as the other of itself is to be called the dialectical moment." Hegel 2010, p. 741.

57 Ibid., p. 748.

58 Marx 1990, p.102

of dialectics.⁵⁹ To the predominantly analytically oriented mode of research, Marx therefore also ascribes an empirically-materialist function of justification as in the so-called "Methodenkapitel" of the fragmentary "Introduction" to the *Grundrisse der Kritik der politischen Ökonomie*, the first overall draft of *Capital*.

"The real subject retains its autonomous existence outside the head just as before; namely as long as the head's conduct is merely speculative, merely theoretical. Hence in the theoretical method, too, the subject, society, must always be kept in mind as presupposition."⁶⁰ In doing so, Marx, now again in agreement with Hegel, emphasizes that this subject (in the sense of the underlying, ὑποκείμενον) is an abstraction in itself:

The concrete is concrete because it is the concentration of many determinations, hence unity of the diverse. It appears in the process of thinking, therefore, as a process of concentration, as a result, not as a point of departure, even though it is the point of departure in reality and hence also the point of departure for observation [Anschauung] and conception. Along the first path the full conception was evaporated to yield an abstract determination; along the second, the abstract determinations lead towards a reproduction of the concrete by way of thought. In this way Hegel fell into the illusion of conceiving the real as the product of thought concentrating itself, probing its own depths, and unfolding itself out of itself, by itself, whereas the method of rising from the abstract to the concrete is only the way in which thought appropriates the concrete, reproduces it as the concrete in the mind.

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Marx, as is clearly evident here, identifies the Hegelian method with the absolute method, in which the concept refers only to itself, and at the same time he assumes that Hegel wants to apply this method directly to reality. In contrast, he not only offers a subject or ὑποκείμενον as an empirical-materialistic foundation, but at the same time he wants to limit the dialectic by opposing the self-reference of the concept to the view that the dialectic within the (finite) reality "does not abolish the real difference." In a longer passage on the system character of the capitalist mode of production, Marx makes it clear that the capital relation presupposes specific historical conditions to be reproduced, whereby this reproduction itself remains linked to external conditions.

What Marx sees as the consequence of the fact that his method is the exact opposite of the Hegelian one, turns out to be, on closer

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⁵⁹ Cf. concerning the reproach of mystification, extensively: Arndt 2013.

⁶⁰ Marx 1973, p. 101f.

examination as adequation with Hegel's determination of the concept in finite reality. The fact that the dialectic does not abolish the real difference here does not establish a contradiction. It is only abolished by showing that the finite has no true being, but is only a becoming, that is, in absolute spirit. For real philosophy, on the other hand, it is precisely the real difference that is decisive. Marx erroneously thinks he can bring into play against Hegel. And likewise, Hegel nowhere claims that real philosophical systems (such as the system of the capitalist mode of production) can reproduce themselves purely in a self-referential way; this is in fact only to the self-referral of the concept in pure thought. Marx succumbs throughout to the error that Hegel intended his *Science of Logic* in relation to real-philosophical facts directly to the validity.

Regardless of this, Marx proves to be a theorist who, in his references to Hegel's philosophy thinks further where it remains largely inexpressive in its implementation: in the question of a methodology of the real science of the objective spirit. This thinking-further remains insufficient insofar as Marx, in his adaptation of the dialectical method wants to sharpen its critical function in relation to Hegel, but at the same time cuts it off from its normative point of reference, namely from the absolute idea as the self-consciousness of freedom. In doing so, there is no doubt that Marx is following Hegel's program – to criticize through the comprehension of what is. He thus explains in a letter to Ferdinand Lassalle from the 22nd of February 1858: “The work I am presently concerned with is a *Critique of Economic Categories* or, if you like, a critical exposé of the system of the bourgeois economy. It is at once an exposé and, by the same token, a critique of the system.”⁶¹

That Marx thereby implicitly refers back to Hegel's conception of freedom could be shown but is not to be discussed further here.⁶²

Translated by Frank Ruda

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61 Marx 1922

62 Cf. Arndt 2019.

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Why Read Hegel Now?

Judith Butler

Abstract: Reading Hegel now introduces us to a sense of disorientation in time and space that speaks to our time. Without being able to situate ourselves in relation to a progressive history or a geopolitical location unrelated to other such locations, we ask, what time is it? And, where are we? Hegel also gives us a way to think about contemporary conflicts in such a way that our social and global interdependency can be foregrounded. By taking distance from communitarian accounts of identity informing border politics and developing a relational ethics for the present derived from Hegel's thought, we can discern the basic form of a social philosophy of nonviolence.

Keywords: Hegel, Phenomenology of Spirit, conflict, interdependency, time, nonviolence

We are asking a question: Why read Hegel now?¹ That question involves us from the start in the question of how to read him, whether he is readable at all, and under what conditions? It also involves us in trying to understand the "now" which is surely not the same "now" in which Hegel wrote more than 200 years ago. The "now" is also a philosophical and historical problem that could preoccupy us for a very long time. Let us for the moment remember that Hegel discusses this problem of "the now" in the *Phenomenology of Spirit*: the now is the same moment in which "the now" passes, and becomes a then. By the time I say "now" in order to indicate this now, I am already speaking falsely, since the now has passed by the time it is named, and the time of the name is another time altogether. We know about Hegel's Owl of Minerva. What we may not have realized is that that Owl sits on our shoulders every time we seek to capture the present moment. Philosophy itself always arrives too late on any temporal scene. But today I want to speak about the contemporary *historical* scene, and where Hegel may live within it. We understand too late, or belatedness (*nachträglichkeit*) seems to be a predicament of thinking. This suggests that we cannot anticipate what is to take place nor can we easily or adequately speak about the present. And yet, Hegel is not so useless, and perhaps not so lost to the past. Many of us of course now live with fear or anguish, or we have passed over into mourning, because we think that the conditions of democracy have been too strongly challenged or eroded from within. Is the time of democracy over, and can democracy only become a true thought on the occasion of its passing? If I suggest that this very conviction and sentiment that a time, an epoch, is over is a recurrent one, I do not mean to underestimate the enormous challenge that we face in our present lives. It is true, I

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¹This article first appeared as "Warum Jetzt Hegel Lesen" in Zeitschrift fuer Ideengeschichte, Heft XIV/2 Sommer 2020

would suggest, that the sense of temporal disorientation in which we live is very real, and that we may seek to quell the anxiety with which we live with a certain conviction: the earth is lost; democracy is over; the future is foreclosed. That form of fatalism suffers from an exaggerated sense of certainty. When we say that a time is over, we are saying that we no longer experience the same sort of confidence about living in a specific time or era that we once had. We had a felt sense, perhaps an unquestioned sense, of forward movement, and we accepted that phenomenological sense of time as one that could not be called into question or, rather, could no longer be called into question. But if some time is said to be over, if some historical time appears now to have come to an end, that means only that we have lost a confident sense of historical time because there is now a question of what time we are in. We might find that Hegel's reflections on the French revolution pose this question as one important temporal question that emerges under conditions of revolution, namely, *what time is it?*

I certainly do not want to claim that we are living in revolutionary times, but perhaps we are, without knowing it. Rather, I seek only to suggest that this unknowingness about what time it is, this disorientation, suggests that what some of us took for granted as the temporal conditions of experience seem no longer to hold in the way they once did. That may be because in various cultural encounters we find that people live with a very different sense of past, present, and future, or because what some have called "progress" was called "ruination" by others (Benjamin suggested that this was the case when we take progress to be purely technological).² It may also be the case if we thought that Nazism was a political movement of the past or that US racism was definitively overcome by the civil rights movement. We were apparently wrong to rely on a sense of time as moving forward in a straight line, with no potential for regression or reversal. Perhaps we thought that market rationality could never become the paradigm for rationality, or that an ethics of hospitality would remain uncontested within Europe. Perhaps we thought that environmental activism was strong enough to save the species and the earth. Perhaps we thought that both nationalism and possessive individualism would give way to a transnational community. What I am calling "disorientation" is at once a sense of shock, loss, defeat, and disillusionment. But it is also a situation that gives rise to a question, and even a questioning spirit: *what time is it?* Who can tell the time during these times? What language do we need now in order to tell the time, for once we understand the temporal and spatial coordinates of our experience, we may be able to orient ourselves better toward the task of social transformation and even the affirmation of life. If we feel condemned to live within these times, or we worry that the next

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² Benjamin 2006, p.393

generation will condemn us for leaving them a broken world, perhaps we can ask at least two questions: how might this sense of a broken world point to a path forward? Where and how do we come to affirm this historical life, the life we live in this historical time?

My suggestion is to look back to Hegel in order to look forward. In this way, I take issue with those who tell us that Hegel's thought, by definition, always arrives too late to be useful in the present. And yet, Hegel's philosophy gives us a way to understand how social bonds can be forged from potentially violent conflict, and in this way, he speaks to the present and our disorientation. We are not the first to ask, what, if anything, holds us together as a society? Are there social bonds that obligate us to one another? These questions presuppose that we can think of ourselves not only as self-interested individuals but as social beings whose obligations to one another exceed our communitarian alliances. Our social lives, our very status as social beings, are characterized by forms of interdependency that exceed both nation and territory. I hope to show, with the assistance of Hegel, how we might think about both sociality and nonviolence as potentials within this time, ones that may give us a way to affirm the potentials that reside within the historical time in which we live.

In *The Philosophy of Right*, we learn that every time we declare a right, we assume a certain kind of society from which that claim emerges. Even though rights claims are generally abstract, that does not mean that they exist in an abstract domain. Rather, they have been abstracted and distilled from an order of *Sittlichkeit*, the operative norms and conventions found in a given society. As Christoph Menke has persuasively argued, the kind of society presumed by rights claims belongs to a market economy: individual pursue their desires and interests, and it is on the basis of those interests that rights claims are built.³ For Menke, this process involves a “naturalization of the social” such that we rarely ask anymore what kinds of presumptions about society are being made when rights are being asserted. Are they rights that belong to self-interested individuals, considered as the basic units of society, or are there social bonds that are appropriately asserted as “rights”? Too often a social ontology of individualism is presumed to be the basis of rights claims, which entails setting aside community norms, social bonds, and forms of ethical connection that constitute our moral and political modes of belonging and participation. At worst, rights claims deny our social relations, insisting that we conceive of ourselves as those who conform with ideals of the self-interested egos at the expense of our social lives, including social forms of political mobilization and transformation.

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3 Menke 2020

Although *The Elements of Philosophy of Right* perhaps most effectively introduces the system of needs and the general conception of *Sittlichkeit*, we can see the emergence of an ontological interdependency in Hegel's *Phenomenology of Spirit* as well.⁴ One problem with the third element of right underscored by Hegel in *The Elements of Philosophy of Right* is that it assumes that we can base our practical judgments on a shared conception of social mores, conventions and norms. When, however, we live in multi-cultural and multi-lingual societies, we can no longer assume the common character of *Sittlichkeit*. Indeed, any recourse we make to *Sittlichkeit* is either parochial and limited, or involves us straightaway in a field of conflicting social values. Hegel assumed the relative stability of civil society and the family, and yet both of those domains have been reformulated and contested by demographic changes within civil society, the enfranchisement of the colonized, and the radical shifts in contemporary family and kinship in the light of new social forms of intimate association, gay and blended marriages, enduring and sequential social and intimate bonds outside of the conjugal model. If we cannot fully agree with Hegel's account of the social forms that precede and condition legal and political rights claims, can we find other resources in Hegel to give us a broader conception of sociality in which we might draw for the present.

In the *Phenomenology of Spirit*, we were and are confronted with many issues, but chief among them is the question of how the sensuous form of a knowing subject becomes increasingly aware of its own inter-relatedness with a series of sensuous objects and, eventually, with another sensuous consciousness. That single other will be duplicated in time, and at a certain point that consciousness becomes part of *Sittlichkeit*. Hegel begins, as you know, with what is called sense-certainty, trying to initiate the experience of reading by beginning with what seems most indisputable and certain – the experience of the senses, the results of indexical reference – and that is where the here, the now, the day and the night all become central actors in this unfolding set of scenes. As the certainties furnished by the senses and the most simple forms of referentiality become subject to doubt, it is important to note that neither the senses nor sensuous phenomenon nor referentiality is ever fully negated – they prove insufficient as grounds for knowledge, but they also prove to be indispensable to any future form of knowledge. As the text proceeds, and our experience of reading becomes the site where every argument is at once displayed and demonstrated, we find, for instance, that there is obduracy to the sensuous world that cannot be overcome, just as in the early theological writings, there was an obduracy and persistence of the body that could not be overcome, except in forms of self-destruction or death. In the *Phenomenology*, death

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4 Hegel 1977, Hegel 1991

becomes more central, first as a site of regeneration, as exemplified in the Bacchanalian revel (one member falls away, and another comes forward, so the dance remains infinite). But then again in Lordship and Bondage where two shapes, two animated, living, and conscious shapes become aware of their similitude, and this recognition of oneself as another, or another as oneself, becomes the basis of what is called Self-Consciousness. This means very simply that self-knowledge, understood as a condition in which one takes oneself as an object for knowledge (and we would have to add, in an Hegelian sense, a *living* object of knowledge) is social. Self-consciousness, or a reflexive form of consciousness, is never fully solitary, and it depends upon another living embodiment of consciousness, which means that *only as a social being can I begin to reflect upon myself*. The scene of the encounter is the scene of self-consciousness. We cannot say simply that there is one subject over here who is self-conscious and then another over there who is self-conscious, since neither is self-conscious without encountering the other. It is the encounter that articulates self-consciousness, which is why self-consciousness is, by definition, social. One might say that it is the emergence of sociality in the *Phenomenology of Spirit* itself. Unfortunately, after a quick experience of anger and dispossession, there seems to be a resolve to destroy the other. And it is not really possible to say that one decides to destroy the other, and the other decides to defend him or herself. What is happening with the one is happening with the other – which is why this encounter cannot be understood as a sociological or psychological description simply. We are used to thinking about one subject acting on another, and that will happen very soon, but at this moment, the life and death struggle is one in which both subjects engage since they are scandalized to find another embodied consciousness, and must destroy that other in order to regain what Hegel calls self-certainty. But it turns out that if the other can be destroyed, so too can the one, that their lives are in that sense interlinked, and that the strategy of destruction inevitably imperils them both. If one is destroyed, then one cannot have certainty in oneself, at which point we are lead to conclude that one must remain alive and social in order to achieve self-certainty and that *recognition is itself always mutual, which means that it is a feature of a social relationship*, and so not an act that one “I” can perform alone (one reason why Charles Taylor’s use of Kant to associate recognition with respect is faulty). There is also, I would suggest, an ethical valence in this encounter, namely, that my life is never my life alone, since my life belongs (a) to living processes that exceed and sustain me, and to (b) other lives, all those other animated and conscious shapes, as it were. And this means that I cannot destroy another’s life without attacking a set of living processes of which I am a part. In other words, in destroying another’s life, I destroy my own, which is not to say that I am the sole agent on the scene. It is rather to say that there is no

way as a living being fully to individuate myself from other living beings. One could say, and I have tried to say, that this idea of a living socius is a possible argument for non-violence that emerges from Hegel's text, even if Hegel himself does not follow that line of reasoning.

The subject of the *Phenomenology* does not know in advance that it is a social creature, but this recognition emerges in the aftermath of a life and death struggle. It is, in fact, in the turning away from violence that the social bond appears for the first time. Violence emerges as a distinct possibility, but recognition that violence will not work is what inaugurates the sense of an ethical imperative to find a way of keeping oneself and the other alive, regardless of the conflict between us. Hegel's account suggests that the first encounter with another self-consciousness is an angry and destructive one. Who is this other who has stolen my identity, who replicates me, and robs me of my singularity? And yet, precisely because this other is in some indeterminate sense "me" I realize that I cannot do away with this other without also doing away with myself. How then am I to proceed? At the moment that destroying the other is ruled out as a possibility, I realize that I am bound to this other, and that there is some way that my life is bound up with the other's life. On my reading of Hegel, this recognition that I am bound to the other is (a) an insight into bodily interdependency and (b) reciprocal ethical obligation.

Of course, not everyone agrees with this reading. For instance, the important analysis provided by Axel Honneth maintains that each self-consciousness recognizes the other, and that recognition should be defined as the action by which each attributes a normative status to the other.⁵ Each is treated as bearing value, and the relation becomes reciprocal on the occasion which each attributes a normative status to other that attributes value. Indeed, recognition comes to look very much like Kantian respect on Honneth's model. In the Kantian reformulation of Hegelian recognition, the reciprocity of that relation becomes transformative; each is transformed by the respect of the other. We are, each of us, changed by respect, a view confirmed by Toni Morrison's recently published essays entitle *Self-Regard*.⁶ I would understand that slightly differently. The two subjects who encounter each other are not only transformed by one another, but also formed by one another. In other words, if we ask how a subject comes into being, we see that every subject emerges from dependency, struggling with the process of differentiation. From the beginning, one cannot stand on one's own; one cannot exist without the support of the other and by implication, the social and economic network of support on which the caregiver relies. Each subject emerges as a distinct thinking and speaking being by virtue of a

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5 Honneth 1996

6 Morrison 2020

formation at once social and psychological, bound up with dependency. Sometimes that dependency is joy but other times it is psychically unmanageable. Dependency is thus fraught with ambivalence.

Thus, I share with Honneth the Hegelian view that we are the sorts of the creatures who desire recognition, and who come to understand ourselves by virtue of the social relations by which recognition is conferred and received. But our distinct status as subjects bearing individual values is the effect of a social formation, one over which we do not have individual control. That first moment of encounter in *The Phenomenology of Spirit* in which it appears as if the other has supplanted me is enraging and unexpected. The other appears first as an unexpected likeness, and instead of being happy to have some company, the subject experiences this sudden duplication of itself as a threat. How is the first self-consciousness to gain certainty of itself? To recover his singularity, his non-reproducibility, the other must be extinguished; this combative resolve is the most defensive and destructive position that emerges in the course of subject formation. But luckily, it is overcome. As in all Hegelian progression, the overcoming of murderous intention leaves its active trace: aggression survives, as does conflict, but physical destruction is no longer an option. But why? What lets us move beyond that scene of potential and reciprocal murder is the recognition not just that the other is like me and equal to me, deserving respect in the way that I do, but that our two lives are bound together. We are bound together an interdependent relationship as two living processes dependent upon the continuing life systems of nature, infrastructural systems that support life, and the very possibility of the economic reproduction of living beings. Thus, when we come to understand ourselves as social creatures we also recognize, even if belatedly, that we are already related to those with whom we negotiate the terms of recognition, and that we are each defined by that relationality. With Martin Buber, himself influenced by Hegel, we can say that we are in a living relation to one another.⁷ This insight moves beyond the dyadic structure of caregiver and infant. The caregiver who secures the life of the child must also have her life secured by a broader network of support, including paid labor. What appears in childhood as dependency is not overcome with the advent of independent individuals. It moves, rather into forms of social interdependency, a combination that might be described in Hegelian terms as both a system of needs and *Sittlichkeit*. Indeed, if my life depends on yours, and yours on mine, then this reciprocity characterizes a common condition, a form of belonging. Indeed, over and against the Kantian view, I would argue that we belong to one another prior to the act of recognition that constitutes our respective value in the eyes of each other. When we recognize each other, we take stock of a relationship that has bound us together from the outset, even

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⁷ Buber 1971

though, in the scene that Hegel describes, it seems we each were full-blown adults, independently living shapes (*Gestalten*), who just happened upon another such living form in the course of a strange journey.

Thus, there remain good reasons in our reconstruction of Hegel for not separating the struggle for recognition from the life and death struggle. One key reason is that the ethical imperative not to kill emerges precisely from the recognition that what can happen to the other can also happen to me and that we are bound together in this predicament and process called life. The social bond between us depends upon this reciprocal recognition of our living dependency, our interdependency as part of our shared life. Of course, dependency and interdependency are not always beautiful experiences. The life and death struggle survives in transmuted form in the Lordship and Bondage section of the text. The dependency of the worker on a lord who does not recognize his humanity is not finally tolerable. That worker discovers his independence in the object, but the object cannot be separated from the economy unless every worker is a radically self-sustaining individual. Here Hegel prefigures a psychoanalytic insight that dependency is both necessary and sometimes intolerable. For Freud, it is the infant who seeks to differentiate from those on which she depends at the same time that that differentiation is never fully complete. The ego psychologists imagine that differentiation as complete, but Winnicott and relational psychoanalysis more broadly disputes that possibility.⁸ The self-conscious subject who thinks it can destroy the other does not realize that its own life depends upon the continuing life of the other. The nature of life is that it generates independently living beings, but they are part of living processes that exceed their individuality. In Hegel, this is the tension between universal and particular life. In recognizing that in killing the other I may also be killed, I recognize something more than mere likeness. This is also my life over there, and that life is also in or of my life in some way. I may not have chosen to be connected with that other and, surely, I was never given a contract to sign. The bond is precontractual in the sense that no life emerges without another, and that this implication of one life in another is part of the very process we call life. Once that dependency is acknowledged, new solutions to aggression must be found that exclude the possibility of the violent destruction of the other's life. With Freud, and with Klein, I do not think that aggression can be fully overcome (Freud claimed that ambivalence was constitutive of all love relations).⁹ And Hegel understood by *Aufhebung* a process in which something was cancelled, overcome, and yet preserved. Aggression both preserves and overcomes the life and death struggle. And though it is not a word that

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8 Mitchell 1988

9 See Butler 2020

we find in Hegel, we can discern its trace in the continuing struggle of the bondsman, and the internal conflicts of the ascetic and the skeptic. An ethical imperative emerges here that is, in my view, more robust than respect. It does no less than reformulate the commandment, “Thou Shalt Not Kill”. Ethically, we are all under an obligation to find modes of expression that are not destructive, to cultivate ethical practices that acknowledge and work with aggression without allowing its conversion into violence.

The theme of interdependency becomes explicit in the Lordship and Bondage section of *The Phenomenology of Spirit*. I will not reconstruct that encounter in detail, but I draw attention to that section because indirectly it introduces an economic dimension to social life and, as we know, provides one model for Marx as he seeks to understand exploitation and hold out hope for emancipation. Hegel’s Lordship and Bondage describes a feudal relation, and yet some aspects of the analysis anticipate Marx’s account of alienated labor within industrial societies. You will remember that the bondsman is treated as an object and yet finds himself working on an object. Is he the same kind of object as the one on which he works? In the process of working on the object, the bondsman sees the effects of his own labor on the object, and his self-consciousness emerges in the course of making that recognition. It was doubtless terrible to be an object, and yet only by existing outside himself in external form was he able to see himself, and to recognize that he is something other than the object that he sees. His object bears a human trace. As a body that labors, the body also bears the trace of the object, a shape among shapes in the phenomenal world. It is tempting to resort to an anthropocentric reading and to claim “ah, the object is now nothing more than an extension of the subject, a projection of the subject, and whatever is deemed valuable in the object is the result of human labor. But the object is more than the repository or expression of human freedom or labor. The human dependency on the object is insuperable, for the object can be nourishment or it can be the stuff from which shelter is made, or shoes, or machines that let us breathe or, indeed, the entire infrastructural apparatus without which human life cannot be sustained. Self-consciousness is only possible *within an object world*, and without objects, none of us could know ourselves as humans. They are not our opposite, but our supports, the conditions of our existence. The slave emerges from enslavement within a social world of objects, and if he seeks to rid himself of the object-world, or his/her own status as a body in the world, that denial cannot be sustained. Asceticism has its allure, especially for a subject who comes to experience his separateness from the object as a terrifying freedom.

Hegel tells us that this fear and trembling coincides with the recognition that the bondsman is free or, rather, that his labour can and has become the means through which he can achieve his independence

from the Lord and even know himself as a free and independent consciousness. But does the bondsman, in breaking free of the Lord, break of free of all social interdependency? Or does he break free only from a form of dependency that is exploitative. After all, his labor is extracted under a condition of unfreedom. Similarly, the Lord does not know what to do upon seeing clearly his own dependency on the bondsman. The bondman feeds the lord, builds his shelter, surrounds him with a world of objects. He finds that whereas the bondsman was earlier chained to the Lord, and the object, the Lord is now chained to the bondsman for whatever goods he requires to live. This form of economic dependency is wretched and exploitative. But that does not mean that interdependency can, or should be, replaced by independence or radical individualism. It means that the system of needs, foregrounded in Hegel's *Philosophy of Right*, has to be thought in terms of a sustaining *Sittlichkeit*, a set of norms, conventions, and practices that sustain a shared mode of life.

The future is hardly clear once the reader moves past "The Struggle for Recognition" and "The Life and Death Struggle," once the bondsman frees himself from the Lord, and the Lord sinks into a defeated recognition of his own dependency on those who labour for him. But a few principles emerge from these famous philosophical scenes. At the end of the Life and Death Struggle, we come to understand the imperative not to kill. Further, that proscription does not simply apply to an individual ethics. Rather, now what is called for is a *social organization* for our lives that reflects and honors this living interdependency, this set of interdependent lives – one no longer organized by violence or exploitation. And though individuals, groups, and nations can and do destroy one another, can it be also said that at such moments they are destroying themselves, not only making themselves into candidates for destruction, but increasing the possibility of a reciprocal act of destruction. One could make a causal argument: one form of violence leads to another. But Hegel's point is different: as social creatures, we are to some extent defined by our social bonds: any attack on that bond is an attack on the self. And any attack on oneself or another is an attack on that social bond. This insight resonates with Hobbes but finally runs counter to his conclusions.

The Hobbesian wager is that if I seek to destroy the other, the other may, seeing signs of my intention, decide it is better to destroy me first. We each calculate the risks to ourselves in doing violence to one another. The operative mode of reasoning is instrumental, and probabilistic. And yet, if we belong to societies in which we seek to sustain the lives of everyone who is, or should be, part of that society, then we embrace a principle of equality on the basis of this insight into interdependency. Further, we support social services as public goods worthy of support, including health care, environmental regulations that guarantee clean water and eliminate toxic waste. It follows as well that we would oppose

all forms of economic exploitation in the name of our shared life together, the life in which we share as interdependent beings.

This view runs counter to the calculating individual of classical liberal theory, of which Hobbes is but one representative. But this view in favor of social welfare and public goods also runs counter to the neoliberal modes of governance that would outsource all public goods to the market in its limitless drive toward the full privatization of those goods and entitlements that were once defined as central features of social democracy. Hegel's perspective allows us to accept the differentiated character of society without embracing fascist notions of social unity or classical liberal notions of radical individualism. And yet, Hegel's philosophy depends upon the idea of the people as a unified nation, and a political form of strong national state power. In a time in which national sovereignty is challenged by transregional and global processes of immigration, security, and financialization, what use is Hegel for us now?

You have been kind to listen to my readings of Hegel's *Phenomenology*, but I can already anticipate a series of critical questions you may have: who belongs to this society? Who is permitted entry? And who is stopped at the border or pushed back into conditions of precarity and dispossession? Hegel cannot give us the answer we need, but perhaps we can draw from his work to reconfigure this time of mass immigration and increasing hostility toward the rights of migrants, the human rights of those who seek sanctuary and asylum or the chance to secure a livelihood that would let them emerge from poverty or escape from famine or war.

In the final part of this paper, I propose to turn to Hegel's discussion of criminality, also in *The Phenomenology*, to ask about the powers of exclusion that allow the nation-state to seal its borders and establish itself as a closed unity. Finally, I will return to the question of whether potential for affirming the historical time in which we live can be found in Hegel, suggesting that the time of his text and the time of our lives are not the same time, but that the encounter between them is disorienting. Whether or not this disorientation is productive will be yours to decide, but I wish to suggest that reading our time through a book from another time allows for a disorientating perspective that we may rightly call *critical*. At the same time, it makes possible a new orientation in which we might affirm the social values against the threat of their destruction.

On the face of it, Hegel's idea of culture or *Sittlichkeit* seems conservative, if not reactionary. After all, it refers to the collection of customs, conventions, practices, and norms that govern and direct conduct. *Sittlichkeit* takes a different form in the *Phenomenology* than in *The Philosophy of Right*. It includes, for instance, the unconscious ways that those very conventions, practices, and norms are reproduced in everyday life. Hegel gives the example of Oedipus who did not know

the father in the man he slew. He writes, “the son does not recognize the father in the man who has wronged him and whom he slays, nor his mother in the queen whom he makes his wife. In this way, a power which shuns the light of day ensnares the ethical self-consciousness, a power that breaks forth only after the deed is done, and seizes the doer in the act. “(E238) And yet, this truth – and the interdiction against killing – makes itself felt as the city becomes afflicted by a plague. The guilt that follows is the unconscious operation of that interdiction. And law then emerges as a way to codify that interdiction. But *Sittlichkeit* is more than law; it is the customs (*Sitten*), norms, and practices in which law is embedded. For our contemporary purposes, we could say that *Sittlichkeit* names the implicit or unconscious power of culture articulated in action and conduct and whose organizing principles and aims are generally revealed only in the aftermath of action and through its consequences. This is an instance of that *Nachträglichkeit* with which we began. *Sittlichkeit* names the power of cultural norms, for instance, to act upon us, to form us quite without our knowing. So before there is any question of whether or not we are conforming to the demands of culture or following certain culturally stipulated rules, we are in the midst of a matrix of norms and rules that we never chose and whose power over us is only partially articulable at any given time. In the section on “the ethical order” or *Sittlichkeit*, Hegel remarks that it is in and through speech that any of us come into existence, and that speech is that kind of action that establishes the singular “I” in the world. But this speech always, he argues, “comes as such into existence, so that it exists for others....Language...alone expresses the “I”, the “I” itself... its manifesting is also at once the externalization and vanishing of *this* particular “I”...(it is an infection, heard or perceived, [and so passes into the lives of others...]) ***its vanishing is its abiding...***” Here we understand that any assertion of identity is a statement made to and for others, and that its actual or potential addressee is part of the assertion itself. No one asserts an identity to the air, unless that air is thought to arrive as breath for another to take in. In other words, even our most self-referential and monologic linguistic actions are for others, operating in a grammar that is shared, indicating the desire to be heard or understood, to vocalize, or reach another. Every statement of identity implies the other, takes place within a scene of address, and so moves toward a social world that exceeds identity.

Under conditions of multi-lingualism, translation is the only possible way for language to reach pass national and territorial border, or for the nation itself to commit to its internal heterogeneity. Translation is a practice that seeks to bridge the divide between one language and another, but also to accept the overlapping and evolving spheres of *Sittlichkeit*. As important as hospitality is as an ethics and a political practice, it holds onto the idea of the host and the guest.

A truly multi-lingual and multi-cultural community is one in which that very heterogeneity defines the socius. If there is no way to recognize another without a language that facilitates and mediates that recognition, and one feels recognized only in and through the language that one speaks, then some new sense of recognition has to be found in the midst of translation itself. This does not mean that everyone is separated by their separate language; rather, languages in the plural are important to the emerging sense of society that is now permanently transformed by immigration, displacement, and multi-lingualism. Translation becomes then both the means and the end of reciprocal recognition. Translation cannot be a one-way street, assimilating foreign languages to the national or dominant language. Translating a work, or a conversation, into a language can transform that language that now houses the foreign as part of itself; the distinction between what is foreign and what belongs transforms in the course of translation itself. And translation brings out those elements in language that resonate with another, a sphere of affinity that renews languages and leads to new coinage, new syntax, and new poetry. As important as it is to preserve German, it is equally important to release German into its contemporary life so that it may live in history, transformed by its contact with other languages, indebted to the foreign and the foreigner.

Hegel was right that the process of recognition transforms those who are recognized. We are recognized for what we are and the language we speak, but in the course of being recognized, we are also transformed by that very process: we become different, and we start to belong, through an intimate translation, to a broader community, one that is defined not by its national border nor, indeed, by its national language. Hegel would disagree with me here, for sure. But perhaps by reading Hegel now it becomes possible to think about the practice of translation within a multi-lingual world as a contemporary practice of recognition. I depart from Hegel, but that means he is a point of departure for what I think, but also a thinker I had to leave in order to continue to think on my own terms. What I take from Hegel still are his insights into the encounter with difference, the potential aggression, the interdiction against violence, the condition and ideal of interdependency, and the challenge to think beyond the nation state and its closed borders. Hegel helps to orient me in times like these where I do not know how to tell the time, or to establish a clear spatial and temporal orientation within the political world. He shows us how the potential to commit violence is averted through the affirmation that one life is bound up with another life, and that neither subjugation nor exclusion work as a strategy to restore a notion of national unity that is already gone. The heterogeneity that has taken its place establishes us at the edge of translation where the boundaries of language are porous, and the chance to become transformed by what is foreign is

promising.¹⁰ It does not destroy the language we speak, but animates its worldliness. Yes, we are individuals, but we do not have to follow a form of individualism which leads to anomie and isolation. In our differences, we can, and do come together, to preserve the very conditions of livable life: the environment, medical care, freedoms of movement and expression, economic equality and a rejection of exploitation and sustained precarity. The lines we draw to differentiate us from others may appear at first to be the condition of survival. But those we exclude through drawing such a line are among those upon whom we depend, in their absence, to build what we call our identity. Beyond identity is the possibility of a reciprocal transformation, one that accepts the hostility, the challenge of translation, the possibility of a mutual recognition that is transforming and enlivening. There we find no simple harmony among us, but a struggle worth continuing to keep each other alive for a life transformed and transformative, alive with the sense of a social and natural world on which we depend and which we must safeguard. The closed border defines those inside by those who have been refused, but those considered foreigners within constitute an internally refused population, a population treated as refuse. Hegel exposes the impossibility of this strategy of negation that is mistaken about how best to preserve life. For it is only through the contact with what is unexpected, disturbing, and promising, that we come to see, hopefully not too late, the social bonds that, without our knowing, claim us ethically. These are the bonds that, for better or worse, let us live, and live on, in a sense that is truly alive.

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¹⁰ Adorno 1992, pp.287-291

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Volume 8
Issue 2

“Beyond the Sphere of All Manufactured Things”: Reflections on Hegel’s Idea of the State

Peter E. Gordon

Abstract: This essay offers a brief comment on Hegel's *Philosophy of Right*, with special emphasis on Hegel's claim that we must regard the state as divine and its constitution as "beyond the sphere of all manufactured things." This conception of the state is contrasted with social contract theorists and, more specifically, with the so-called "maker's knowledge" principle as it was formulated by thinkers such as Hobbes, Vico, and Marx. The paper argues that Marx's particular version of this principle offers a welcome alternative Hegel's metaphysical conception of the state as "divine."

Keywords: Hegel, Marx, Hobbes, Vico, constitution, state, maker's knowledge, political philosophy

In the *Philosophy of Right*, Hegel writes that our political institutions are endowed with "absolute authority and majesty."¹ The state does not appear with all of its imperfections, rather, it is portrayed as the highest manifestation of spirit, or *Geist*. Because Hegel is chiefly interested in rational analysis and not in merely empirical description, he thinks it should be possible for us to examine the state as a thoroughly realized and rational structure, without troubling ourselves to an excessive degree with any of the deficiencies that have afflicted the various states as they are known to us through history. Just as even "the ugliest man" is nonetheless "a human being," so too any empirical state is nonetheless the embodiment of divine purpose: "The state consists in the march of God in the world, and its basis is the power of reason actualizing itself as will. In considering the Idea of the state, we must not have any particular states or particular institutions in mind; instead we should consider the Idea, this actual God, in its own right [*für sich*]."²

On the special occasion of the 200th anniversary of Hegel's *Philosophy of Right* it may seem inappropriate of me to begin on a skeptical note. But anyone who reads this landmark text in the history of philosophy today cannot avoid a simple question: how are we to understand, let alone accept as valid, its fundamental and unmistakable commitment to such an extravagant metaphysics? It is this metaphysical theme above all others that tests the limits of understanding Hegel's philosophy today. And this is the case not only for the interpretation of his political philosophy. Consider, for instance, the fundamental idea of epistemic and metaphysical closure that appears in the well-known concluding section of the *Phenomenology*, "Absolute Knowing," where we learn that once *Geist* has passed through the agonies of its own

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¹ Hegel, *Elements of the Philosophy of Right*. Allen W. Wood, ed. H.B. Nisbet, trans. (Cambridge University Press, 1991), §258; p. 277. All quotations are to this edition, hereafter abbreviated as PR.

² PR § 258, p. 279.

development it finally achieves its *Vollendung* or completion.³ Such grandiose statements of metaphysical closure may strike us as an embarrassment that we would prefer to ignore. So it is hardly surprising that a great many of the most accomplished scholars who have written brilliantly about Hegel's philosophy today have done so turning down the volume on its most emphatic claim. Much like other contributions in modern philosophy that have adopted the chastened sensibility of a so-called "post-metaphysical thinking" (to borrow a phrase from Habermas), the very best scholarship on Hegel's philosophy today is written in the historically self-conscious idiom of an era that lacks the credulity of the past. Its interpretative approach is not metaphysical but deflationary. The idea of "Spirit" undergoes a reverse alchemy, feudal gold is spun into reliable lead, and spirit turns out to signify little more than the ongoing and collective practice of human reasoning itself.⁴

It is this line of interpretation that I have found most instructive, and it has served as the most reliable guide into the thicket of Hegel's philosophy. But we might still ask whether such a deflationary reading best conveys Hegel's own intentions. After all, when reading Hegel's political philosophy (or *any* works of philosophy) we can pursue two very different strategies of interpretation. On the first strategy we seek to bring past thinkers up to date as if we were refurbishing an old chair: the outmoded or embarrassing parts are replaced with new components that we now find rationally defensible and more comfortable to current needs. We pursue this first strategy in the name of "interpretive charity." But we can also read a work of philosophy in a second and rather different fashion. According to this second strategy, we seek to understand past philosophers on their own terms, honoring what we take to have been their most likely meanings even if we no longer find those meanings worthy of defense. We look upon the outmoded parts not as embarrassments but as provocations: they signal to us that this thinker did not merely think in advance all the things we think now, and they encourage us to imagine that perhaps they have something different to say. This, too, is an instance of interpretative charity, though it is charity of a rather different sort. After all, it is also charitable to recognize that philosophers may have views that are uniquely their own rather than expecting that they subscribe to views that are essentially the same as ours.⁵

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3 See, e.g., the concluding paragraph, where we are told that spirit reaches its *completion* and fully comprehends what it truly is: „Indem seine Vollendung darin besteht, das, was *er ist*, seine Substanz, vollkommen zu *wissen*, so ist dies Wissen sein *In-sich-gehen*, in welchem er sein Dasein verläßt und seine Gestalt der Erinnerung übergibt.“ Hegel, *Die Phänomenologie des Geistes*, §808; quote from 592. This image of closure strikes me as incompatible with the deflationary interpretations of Hegel's philosophy described below.

4 I have in mind the superb interpretative studies of Hegel in the Anglophone world by accomplished scholars such as Robert Pippin, Terry Pinkard, Frederick Neuhouser, and Robert Brandom.

5 On this second kind of interpretive charity, see the excellent essay by Yitzhak Y. Melamed, "Chari-

My own understanding of Hegel is not deflationary. Provoked if not even a bit embarrassed by his metaphysics, I nonetheless feel I must take him as his word when he declares that the state is “the march of God in the world.” In what follows, I want to explore some of the implications of Hegel’s claim that we should regard the state as the highest manifestation of the divine on earth. The claim may very well strike us as intolerable if we pause even for a moment to consider the extraordinary violence that states have visited both upon one another and upon stateless populations across the globe. But even if we disregard all questions of inter-state warfare and persecution we should still find the claim provocative, not least when we examine his remarks on the nature and genesis of political constitutions (§273). I wish to use those remarks to explore some of the further implications of Hegel’s metaphysics and to explain why the chasm between Hegel’s time and our own may be nearly insuperable.

The passage in question is one in which Hegel lays out his various objections to the tradition of social contract theory, a political theory that sees the state as a thoroughly human artifact, a compact or “covenant” that was brought into being *ex nihilo* at a particular time and place through a discrete act of collective decision.⁶ For the social contract theorist, a constitution is neither sacred nor natural; it is little more than a formalization and elaboration of the procedures to which all signatories of the contract must agree if the state they have made will endure into the future. Citizens may continue to dispute specific matters of policy, but even in the midst of their disagreement they must leave intact the basic procedural structure of the constitution as the stable groundwork for any and all political deliberations. Despite this stability the constitution is seen as a thoroughly *human* institution: *it is something made and not given*.

In §273 of the *Philosophy of Right* Hegel responds to this contractualist principle with a pointed question:

[W]ho is to draw up the constitution? This question seems clear enough, but closer inspection at once shows that it is nonsensical. For it presupposes that no constitution as yet exists, so that only an atomistic *aggregate* of individuals is present. How such an

table Interpretations and the Political Domestication of Spinoza, or, Benedict in the Land of the Secular Imagination,” in Laerke et al. eds. *Philosophy and its History* (Oxford University Press, 2012): 258-277. For a critical perspective on Melamed’s argument, see Eric Schliesser, “Interpreting Spinoza: Critical Essays (Review)” *British Journal for the History of Philosophy* 19, 4 (2011): 822-826. For general remarks on the methodological challenges of interpreting past philosophers, see Martin Jay, “Impudent Claims and Loathsome Questions: Intellectual History as Judgment of the Past,” in Jay, *Genesis and Validity: The Theory and Practice of Intellectual History*. (Penn Press, 2022), 28-33.

6 For an excellent explanation of Hegel’s critique of social contract theory and a defense of Hegel’s characterization of the state as divine, see Frederick Neuhouser, *Foundations of Hegel’s Social Theory: Actualizing Freedom* (Cambridge, Mass: Harvard University Press, 200), esp. Ch. 6, “Hegel’s Social Theory and Methodological Atomism,” pp.175-224.

aggregate could arrive at a constitution, whether by its own devices or with outside help, through altruism (*Güte*), thought, or force, would have to be left to it to decide, for the concept is not applicable to an aggregate.⁷

Hegel poses this question in order to demonstrate that the contractualist theory of the state involves a bad and infinite regress. The legitimacy of any constitution depends upon some prior norms of legitimacy that preexist its founding. There must have been a unified body that had already agreed upon its unifying principles, or it would not yet have been a unified body at all; it would simply be the “aggregate” as it existed in the pre-political state of nature. It follows that any normatively binding political arrangement must presuppose one that came before it. “But if the above question presupposes that a constitution is already present, *to draw up* a constitution can only mean to change it, and the very fact that a constitution is presupposed at once implies that this change could take place only in a constitutional manner.”⁸ This line of reasoning moves Hegel to conclude that the contractualist idea of an *initial* or *founding* constitution is incoherent. Rather, a certain structure of obligation or constitutionality must be understood as antecedent to our current political situation. In a very important sense a constitution is therefore something that is *given and not made*. Now, for Hegel, to say that the constitution has a given or non-artifactual character is just to say that the constitution should be seen not as human but *divine*:

But it is at any rate utterly essential that the constitution should *not* be regarded as *something made*, even if it does have an origin in time. *On the contrary, it is quite simply that which has being in and for itself, and should therefore be regarded as divine and enduring, and as exalted above the sphere of all manufactured things.*⁹

Needless to say, this conclusion will strike many readers as unwarranted. But permit me to entertain a charitable interpretation. It is plausible to think that our fundamental agreement upon matters of constitutional procedure must always be antecedent to our particular debates over policy. At least in this sense, we can understand why Hegel might insist that we must *not* think of constitutions as things that are simply “made” in the same way that other more everyday things are made, such as tables, or chairs, or even particular laws. The above passage seems to be motivated by a rather straightforward intuition: If we really believed that the

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7 PR § 273, p.311-312.

8 PR § 273, p.311-312.

9 PR § 273, p.312. My emphasis on the last sentence.

constitution were a mere artifact in this rather banal sense of “making,” we would always feel tempted at any moment in our political deliberations to declare the constitution null and void, and we would be plunged back into a pre-political state of nature where no rules would retain their validity. A state that could not inspire us with a more durable sense of obligation to its basic constitutional procedures could not be a state at all.

This intuition goes at least part of the way toward explaining what Hegel may have meant. Still, this explanation is not entirely satisfactory. When Hegel tells us that the state should be seen as divine and exalted above the sphere of all manufactured things he has in mind a far deeper and more significant insight into the nature of constitutional agreement. He means to say that we must regard the constitution not as an accidental but essential feature of the state (unlike, say, a particular law that is made by an act of legislature). But no essential feature of the state can be understood as something that was brought into being through the will of particular individuals at a discrete moment in time. If the state truly is “the march of God in the world,” then its essential features must be justified before the court of reason or spirit, and it cannot suffice to report facts about their empirical origin. Hegel's point, in other words, is that political philosophy must concern itself primarily with questions of rational validity and not with questions of mere genesis. This is why he appears to find it irrelevant that the constitution has its origins in time. Social contract theorists, he suggests, are looking at the state in the wrong way: they wish to ground its validity with reference to facts about its origin rather than exploring its intrinsically rational structure. It is in this sense that Hegel wants to say that constitutions are divine and should be exalted above the sphere of all manufactured things.

Hegel's claim is nonetheless puzzling and raises a number of questions. Before raising any further objections however, I wish to note that it contrasts rather sharply with what is known as the principle of “maker's knowledge.” This principle asserts that because the human or political world was made by human beings, it follows that human beings can know it; or, more accurately, they can rediscover everything about it that they put there in the first place. In this respect the humanly-made world should be distinguished from the world of nature. The natural world, because it was made by God, can only be fully known by God alone. The human world was made by human beings, so we are the ones who can best understand its essential character. The maker's knowledge principle was given its canonical formulation by Giambattista Vico in his *La Scienza Nuova*, where he writes that

this civil world has certainly been made by men. Hence, these principles can be discovered, because they must be discovered, within the modifications of our own human mind. [...] The following must induce wonder in anyone who reflects upon it: all the

philosophers have so studiously pursued science of the natural world (since God made it, only God has science of the natural world) and have given no care to meditating upon this world of nations—that is, the civil world—about which, since men have made it, men can pursue science.¹⁰

The theme of maker’s knowledge as articulated by Vico suggests that political philosophy can proceed by means of an analogy: just as nature can be known by God because God made it, so too the human or “civil” world can be known by human beings because it was made by them. For Vico this analogy serves as the warrant for a “new science” that will investigate not the mysterious principles of nature but the far less mysterious principles that underwrite the cultural and political world. These principles are intelligible to the human mind because we were the ones who fashioned them.

In his remark that we should see the constitution as “exalted above the sphere of all manufactured things,” Hegel does not mention Vico (whose name appears nowhere in the *Philosophy of Right*). Nor does he specify which philosopher in the social contract tradition he has in mind. But it seems plausible to understand the remark as a rejoinder to Thomas Hobbes, who endorses a standard version of the maker’s knowledge principle in the famous opening lines of *Leviathan*:

NATURE (the art whereby God hath made and governs the world) is by the art of man, as in many other things, so in this also imitated, that it can make an artificial animal. For seeing life is but a motion of limbs, the beginning whereof is in some principal part within, why may we not say that all automata (engines that move themselves by springs and wheels as doth a watch) have an artificial life? For what is the heart, but a spring; and the nerves, but so many strings; and the joints, but so many wheels, giving motion to the whole body, such as was intended by the Artificer? Art goes yet further, imitating that rational and most excellent work of Nature, man. For by art is created that great LEVIATHAN called a COMMONWEALTH, or STATE (in Latin, CIVITAS), which is but an artificial man, though of greater stature and strength than the natural for whose protection and defense it was intended; and in which the sovereignty is an artificial soul, as giving life and motion to the whole body [...]

Hobbes anticipates Vico in drawing out an analogy between divine and human creation. Just as God has created nature, humanity has

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10 Giambattista Vico, *The New Science*, Jason Taylor and Robert Miner, eds and trans. (New Haven: Yale University Press, 2020); quote from §331.

likewise created the state as an “artificial man.” Hobbes pursues this analogy as far as it can go.¹¹ He lists all of the various constituent parts of the state (magistrates, and so forth) which resemble the various natural organs of the human being as these were created by God. Among these organs are “the pacts and covenants, by which the parts of this body politic were at first made, set together, and united.” Even the original covenant by which the state was founded is analogous to “that fiat, or the Let us make man, [that was] pronounced by God in the Creation.”¹²

Although Hobbes was by no means the first theorist in the social contract tradition he nonetheless provides us with a helpful illustration of its basic themes. For the contractualist the state is *non-natural*, an artifact that is willed into being against the background of natural and non-artifactual conditions. Hobbes describes the state of nature as a condition that is wholly lacking in normative orientation. Incidentally, this is one of the major points of disagreement between Hobbes and Locke, who, unlike his predecessor, wants to insist that certain normative commitments are still binding in the state of nature. Unlike Locke, Hobbes is a thoroughgoing non-normativist about pre-political humanity: there are no rules for human conduct other than the rule of absolute self-preservation that inheres in the state of nature itself. In all other respects the state of nature is one that lacks all standards or measure: it even lacks a common standard of time. In the state of nature we are portrayed as purely atomistic and violent creatures who look upon one another as mere competitors for life and feel unconstrained by any further bonds of solidarity or obligation. Whether this state of nature ever actually obtained is irrelevant to Hobbes’ argument. The state of nature is logically presupposed once one says that Leviathan is a purely human construction that grants us safety and moral obligation only by lifting us free of our pre-political existence. Hobbes therefore describes Leviathan as an “artificial man.”

With this insight into the purely artificial character of the state, Hobbes joins Vico and a long line of thinkers who have endorsed the maker’s knowledge principle. For Hobbes this principle has important implications for how he thinks about both the purposes and limits of sovereignty. In the state of nature human beings are overwhelmed with mortal fear for their lives; they therefore fashion Leviathan and surrender themselves to its absolute power for the purposes of their own security. Seen from one perspective, the authority of the state they have created is absolute. Seen from another perspective, however, the authority of the state is conditional upon its continuing to fulfill the basic purposes for which it was initially made. Insofar as citizens have created Leviathan

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11 On Hobbes and maker’s knowledge, see the superb discussion by Victoria Kahn “Hobbes and Maker’s Knowledge” in her recent book, *The Trouble with Literature* (Oxford, 2020).

12 “Introduction” in Hobbes, *Leviathan*, 9-10.

only for their own protection, they can rescind the compact if Leviathan does not fulfill this essential requirement. Implicit in the principle of maker's knowledge, then, is the further principle that what humans have once made they can also remake or even *unmake*. And what is true of the state is true *a fortiori* of its constitution: since we are its authors, we also possess the capacity to re-write it. What seemed to be merely a principle of epistemology turns out to have some important implications for understanding both the nature and the limits of political obligation.

Hegel is a relentless critic of the social contract tradition, but he is no less critical of the maker's knowledge principle that underwrites that tradition. He cannot accept the view that any constitution could be simply brought into being against the background of merely natural conditions. He appeals instead to *spirit* as the prior and higher condition of normativity that must always precede and thereby make possible any particular political event. By spirit he means the rational and holistic principle that underwrites all our political arrangements. Spirit, however, is something deeper than human agency even though it works toward its self-actualization through human agency. Spirit is always prior to our self-created normative orders. This is the deeper reason why Hegel a) rejects as nonsensical the question of who might have *originally* drawn up a state constitution, and b) insists that citizens should regard the state constitution as divine and as beyond all manufactured things. But Hegel's conception of the state as non-artifactual or exceeding human powers leaves us with a serious question: What role remains to humanity in the making or unmaking of our political life?

To shed further light this question, I would like to turn to a social theorist who inherited a great many of his foundational philosophical insights from Hegel but strongly resisted Hegel's idea of the state as non-artifactual and divine. In the Introduction to the "Critique of Hegel's *Philosophy of Right*" (written in 1843 and published in 1944 in the Paris-based *Deutsche-Französische Jahrbücher*) Karl Marx wrote: "It is the immediate task of *philosophy* [...] to unmask human self-alienation in its *secular form* now that it has been unmasked in its *sacred form*. Thus the criticism of heaven is transformed into the criticism of earth, the *criticism of religion* into the *criticism of law*, and the *criticism of theology* into the *criticism of politics*."¹³ Composed at an early phase in his career when he had not yet liberated himself from the spell of the young-Hegelians, these lines provide us with a programmatic statement of what Marx considered the necessary path for modern philosophy after Feuerbach. The critique of religious consciousness and its dissolution into human consciousness that was Feuerbach's chief achievement (especially in *The Spirit of Christianity*) was a necessary but not sufficient condition for

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13 Karl Marx, "Introduction" to "Contribution to the Critique of Hegel's *Philosophy of Right*" in *The Marx-Engels Reader*. Robert C. Tucker, ed. (Norton): 53-65, quote from 54.

the realization of human freedom. A further step was required: political institutions, Marx believed, were now to be unmasked as the alienated expression of material life. No elements in social reality would remain immune to philosophical criticism or political action and eventually “all the conditions of human life” would have to be reorganized under the aegis of social freedom. It could no longer be assumed that political institutions are “external to man”; it was necessary to see them as “*created by human society*.”¹⁴

Marx never resolved his fundamental ambivalence regarding Hegel’s philosophy. On the one hand, he embraced the dialectic as the key to social criticism; on the other hand, he rejected the conception of spirit that had furnished the metaphysical support for Hegel’s system. In the preface to his *Contribution to the Critique of Political Economy* (1859) Marx recalls that in his earlier 1844 critique of Hegel’s political philosophy he reached the conclusion that “legal relations as well as forms of state are to be grasped neither from themselves nor from the so-called general development of the human mind, but rather have their roots in the material conditions of life.”¹⁵ Hegel, he grants, had been among the first philosophers to recognize the significance of these material conditions. In the *Philosophy of Right* they appear under the name of “civil society.” But Hegel saw civil society as subordinate to the state, whereas Marx now assigns them the primary role in determining the state’s essential character. *Pace* Hegel, our political arrangements are not grounded in spirit and they cannot be understood “from themselves.” They express the wholly non-metaphysical and material conditions of society itself. In considering Hegel’s contribution to political philosophy Marx reaches a twofold conclusion: on the one hand, he agrees with Hegel that the contractualist theory of the state is mistaken: the state is a thoroughly historical institution that has emerged gradually over time. Social contract theorists are guilty of “Robinsonades,” stories that imagine our political and social world if it had been erected *ex nihilo* upon purely non-political foundations in a pure state of nature just as God once called into being the entirety of nature itself. On the other hand, in rejecting the illusion of a pre-political condition Marx strives for greater consistency. Unlike Hegel he refuses to see the state as something that is exalted above the humanly-made world. Marx therefore endorses the maker’s knowledge principle even while he rejects the contractualist theory of the state.¹⁶ In Marx’s philosophy “society” assumes the role that was played in Hegel’s philosophy by “Geist.” To say that political institutions are

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14 Marx, “Introduction,” 64, my emphasis.

15 Marx, “Preface” to *Contribution to the Critique of Political Economy* (1859), in Tucker, 4.

16 On the comparison between Vico and Marx regarding the principle of maker’s knowledge, see Terence Ball, “Vico and Marx on ‘Making’ History” in his *Reappraising Political Theory: Revisionist Studies in the History of Political Thought* (Oxford)

“created by human society” is simply to say that *we have created them ourselves*.

From a Marxist perspective, Hegel’s metaphysical derivation of the state as the highest embodiment of *Geist* must appear as yet another instance of alienation. Its chief effect is to obscure from us the fact that the state is not a divine but a worldly thing that is born from and reflects the conflictual interests of human beings. In characterizing the state as divine, Hegel masks these material interests and leaves us with the impression that the state enjoys a kind of metaphysical independence in relation to the material conditions from which it has sprung. But this makes the state into a fetish. In what is perhaps the best-known passage from *Capital*, Marx seeks to dispel this quasi-theological illusion: “In order, therefore, to find an analogy, we must have recourse to the mist-enveloped regions of the religious world. In that world the productions of the human brain appear as independent beings endowed with life, and entering into relations with one another and the human race.”¹⁷ Two hundred years since the publication of Hegel’s *Philosophy of Right*, this critique retains its merit. No less than any other element of our social world, the state is a merely human artifact that is perennially made and remade according to our social interests. But these interests have never been as exalted or as universal as Hegel supposed. When the state is brought down from heaven to earth, the metaphysical claims of spirit are thereby unmasked; civil society displaces *Geist* as the key to political explanation, and the spectacle of endless warfare between states is robbed of its illusory majesty.

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¹⁷ Marx, *Capital*, Volume One; quote from Tucker, ed. 321.

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Volume 8
Issue 2

**From the Split
Between Society
and Nature Towards
a Concept of
Socio-Natural Ropes**

Oliver Feltham

Abstract: This article develops a critique of Hegel's treatment of nature in the construction of his concept of the system of needs in the *Philosophy of Right*. It argues that the system of needs is an undigested import from early political economy, repeating some of the latter's own borrowings from philosophical anthropology. This unfortunate import causes nature to be turned into an ineffectual hand-puppet, stripped of all specific agency, but serving as an apology for the excesses of civil society in the shape of useless luxury goods and soaring inequalities. The unfolding complexity of every genus and layer and species of nature as experienced in Hegel's own *Philosophy of Nature* is effaced and gives way to a simplistic dichotomy of system and environment, a dichotomy already implicit in Adam Smith's account of the workings of the market, a dichotomy whose horrendous practical effects have resounded through the centuries all the way down to today's apologies for ecological disaster in discourses that speak of 'environmental externalities'. To work our way out of this conceptual framework which posits nature as somehow outside society, the article begins to assemble elements for a remapping of the regions of society in which we find ourselves, conceptualizing our practices as "socio-natural" ropes, intertwining natural processes with social processes.

Keywords: System of needs, human nature, socio-natural ropes, political economy, raw material, property

I heard on the radio that only a vaccination program will save us; or was it the total modification of our behaviour? You ask 'what we are being saved from?' but you already know the answer: our shared droplets, our fateful interactions with each other and the environment. In the Spring of 2020, the World Health Organization warned us that a "whole-of-government and whole-of-society" response was necessary to stop the pandemic - new heights had been reached in the hyperbole of impotence. When one turns to the aetiology of the pandemic, whichever theory one follows, there is always to be found a dysfunctional relationship between society and nature. Pundits declare this relationship should be fixed by the government.

Not so long ago, in the years before the pandemic, one often came across quite a different articulation of these categories 'society', 'nature', and 'government'. Declarations were made to the effect that only a social-movement could save nature (and humanity) from misgovernment. Occupy Wall Street, the Indignados, Pemos, Extinction Rebellion, Nuit Debout, the gilets-jaunes became popular research topics and the refusal of representation, leadership, party-structure or the most basic organization were heralded as harbingers of some wonderful event in the realm of politics. Nowadays such a belief seems naïve if not completely mythological.

Perhaps we could take a step towards more clarity in the way we articulate nature, society and government. One way of doing this is to investigate one of the more influential modern articulations of society and government (along with nature); that of Hegel. The wager is that Hegel's definition and articulation of these terms has been so influential in European political thinking that even now we labour under the weight and consequences of his conceptual venture. What is proposed here is a bare outline of an early investigation, not carried out within the field of Hegel scholarship, but rather diagonally, carrying in some baggage and insights drawn from work on the ontology of political action in modernity.

1) Thick versus thin concepts of society: the limits of philosophical anthropology

Hegel is often cited as the first philosopher to develop a 'thick concept' of society. Part of his construction of that concept – the 'system of needs' – is the result of Hegel's integration of the relatively new discourse of political economy. Our focus will be the consequences of that borrowing for Hegel's treatment of nature from the standpoint of civil society.

Hegel repeatedly critiques social contract theory for its inadequate conception of the relationship between the individual and the state. However, in borrowing the notion of the 'system of needs' from early political economy in the work of Smith he is indirectly drawing on the philosophical anthropology found in social contract theory, even as it persists in an apparent critic of social contracts, such as Hume. In Hobbes, Locke and even Hume – who exerted no little influence on Smith – nature takes the form of 'human nature' in an anthropology that models the inadequacies of collective organization – the 'collective action problems' – as outcomes of individual passions and calculations of utility. This approach results in a 'thin' concept of society, since there is no account of the genesis and operation of what I call 'regional formations' – sub-groups - and their impact on the overall shape and functioning of society. Hobbes registers the existence of 'sects, associations, etc' in chapter 22 of the *Leviathan*, but more as a threat to the state to be banned than as a phenomenon to explain and explore. Locke does develop a conception of the family, in opposition to Filmer's patriarchal account of both family and political power, and the family is fundamental, as the seat of private property and its transmission, in the construction of society. However, there is no account of different social groups or domains of society, such as the legal system, religion, education or medicine. Locke does lay out an apology for the inequality of wealth in his *Second Treatise*, but he offers no account of the genesis of social classes.

In David Hume's *Treatise of Human Nature*, the genesis of society passes via his anthropology of work, an activity that emerges from the

interplay of the passions. Claude Gautier has shown how this play is triggered for Hume by the scarcity of the goods provided by nature, the multiplication of needs on the part of human nature, and the latter's weaknesses and incapacities.¹ These individual human weaknesses are overcome through cooperation, that is, via the institution of the division of labour. Henceforth the social group can provide for multiple needs by means of both the combination and the specialization of productive forces. In Book II of the *Treatise* Hume sets out a theory of the formation of groups through the operation of the passions.² By employing that framework Hume is in a position to write a history of society, a history ruled by contingency rather than any telos.³ However, despite Hume's recognition of the role of the division of labour in forming social groups, he does not supply any account of the different manners in which social groups function or operate.

Philosophers have organized and partitioned the political body through the division of labour since Plato and Aristotle: this is the single count or miscount of who belongs where that Jacques Rancière tracks and critiques across the tradition of European philosophy.⁴ But is it not possible that society be organized by means of more than just one count? Didn't religious affiliation, geographical origins, affiliation to an estate, last name, and recent family history also play a highly determinant role in structuring the early modern society that Hobbes, Locke and Hobbes faced? The point is not to engage in an anachronistic critique of earlier philosophers, armed with Hegel's concept of civil society. The point is rather to understand how Hegel's integration of a specific concept from this tradition – the 'system of needs' – undermines his own attempt to develop a thick account of civil society. The concept of the system of needs is drawn from Hegel's reading of political economy: he names Smith, Say and Ricardo as key in developing this modern science of "mass relationships and mass movements" (§189).⁵ It forms one part of his account of civil society, the other parts being the administration of justice, the police and corporations. These parts do not form a simple unity. The police and the corporations play the role of resolving those conflicts and disequilibria that result from the workings of the system of needs. Yet can a concept drawn from a heterogeneous discipline, with its own baggage and consequences, be amalgamated into a unity with other concepts such the police and corporations? Does its origin

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1 Gautier 2001.

2 See Feltham 2019.

3 Ibid.

4 Rancière 2003.

5 Hegel 1991.

in philosophical anthropology – which gave rise to Hobbes, Locke and Hume's *thin* concepts of society – preclude its harmonious integration within Hegel's thick concept of society?

Faced with these questions, our approach will be to focus solely the articulation of nature and society. In doing so, we will judge Hegel's account according to the following three criteria for a thick concept of society – namely one that:

Explains how a society has a history rather than a destiny, by identifying which factors bring about patterns versus contingency in that history;

Explains the genesis and differential operation of various social groupings from families to professions, estates, and religious affiliations;

Explains the formation and regulation of relationships between subjects who are not family-members, nor in a lord-slave couple, but belong to different social groups.

2) Four figures of nature in the system of needs

“If nature has no independence and is seemingly only meaningful in so far as it serves human interests, the question is: is Hegel's social and political philosophy able to provide a relationship to nature that is not one of either alienation or domination? That is, can it be incorporated into the distinctive model of freedom that the text articulates—being at home with ourselves in otherness.”

Simon Lumsden,⁶

In Hegel's account of the system of needs nature occurs in four shapes.

First nature is understood in the shape of 'human nature', wherein the latter is characterized by a limitless multiplication of needs; needs that include not just food and water like most animals, but also extensive shelter and clothing (§§185, 191-2). Here Hume would add that this multiplication occurs due to the weaknesses and incapacities specific to human beings. Needs give rise to the demand for external things to satisfy them. These things that happen to be the property of other persons, and hence humans engage in cooperation and trade. In doing so they recognize each other as proprietors and economic agents and engage in the socialization of these needs. Hegel calls this process of trade exchange the moment of universality (§§182-6). Note that it is solely in the context of the system of needs that Hegel refers to the individual subject of right by its natural appellation, a 'human being' (§190). The naturalness of human need, for Hegel, lies in its uncontrollable

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6 Lumsden 2021, p.101.

proliferation. It thus introduces an element of disorder, of disequilibrium, as the germ of socialization. We shall thus call this *human nature as disequilibrium*.

The second place in which nature intervenes is at the other pole of exchange: the proprietor of the desired goods manufactures them by her free will from “the material which is immediately provided by nature” (§196). Later on Hegel issues a caveat stating that this natural material is comprehended quite differently according to whether one belongs to the first or the second estate, that is, to agriculture or trade and industry. Private property emerges as an institution with the advent of agriculture, but farming is orientated by the goal of subsistence rather than that of acquisition and gain. In farming, the material provided by nature is ‘received’ by humans as a God-given ‘alien gift’. In the Addition from Hotho’s lecture notes Hegel remarks that in the first estate human industry is subordinate to nature. In contrast, in the estate of business, “products of nature can only be understood as raw materials” (§203). Moreover, its felt condition is one of independence. It basks in an untrammelled assertion of selfhood, rights, legal order and freedom, since “what it produces and enjoys, it owes chiefly to itself and to its own activity” (§204). On the other hand,

the first estate feels itself to be in a condition of dependency on nature. It is subject to the sequence of the seasons, and the relative unpredictability of the climate. Hegel qualifies this contrast with a prescient observation: “In our times, the [agricultural] economy, too, is run in a reflective manner, like a factory, and it accordingly takes on a character like that of the second estate and opposed to its own character of naturalness” (§203). Hence in modern civil society there is a marked tendency for nature to appear and be understood as provider of raw materials for the production of goods. But what are raw materials or *Vermögen* (assets, values, capacities)? At this point Hegel simply reuses the Aristotelian productivist ontology whereby raw materials are “given form” through work by the “reflection and understanding” which is orientated to “[mediate] the needs and work of others” (Addition §203). Raw materials are thus passive: their form is readily altered or “processed” (Addition §196).

It so happens that this opposition between a will-driven process of formation, and a ready matter has already occurred in the *Philosophy of Right*. Hegel sets up this contrast between activity and passivity in his discussion of what it means to fully possess something in an early section of Part I on “Abstract Right” (§59-62). To possess a thing is to use it. Hegel himself connects his treatments of possession, and of nature as raw material, in paragraphs 195 and 203. He points out that the multiplication of needs, dependency and want is “confronted with a material that offers infinite resistance, i.e. with external means whose particular character is that they are the property of the free will [of

others] and are therefore absolutely unwielding” (§195). Later he makes the general historical point that “the introduction of agriculture...brings with it the cultivation of the soil, and in consequence exclusively private property” (§203). In his earlier analysis of private property he mounts an argument against various forms of feudal property which he understands as involving ‘partial or temporary possession’ rather than “full ownership”, with some of them implying not only “empty proprietorship” but even a “madness of the personality” (§62). In contrast, he argues that “Ownership is therefore essentially free and complete ownership” because “the thing as mine” should be “wholly penetrable by my will” (§62). He judges that historical forms of shared or mutual ownership, such as between a landlord and a longterm tenant, are not fully rational and certainly not contemporary with the progress of spirit in the modern age towards the principle of “freedom of property” (§62-3).

So what then does it mean for a thing to be completely penetrable by my will? Hegel defines the use of a thing in the following terms: “Use is the realization of my need through the alteration, destruction or consumption of the thing, whose selfless nature is thereby revealed and which thus fulfils its destiny” (§59). In this passage, the thing is determined as possessing no inner determinations or specific properties that would condition its reaction to any manmade interventions seeking to alter or destroy it. The thing is conceived of in line with Aristotle’s conception of matter as passive plasticity, ready to receive form. This is obviously wrong. As Aristotle was already compelled to recognize, all materials have their own forms. All materials offer a specific resistances and affordances to operations of cutting, joining, shaping, melting, heating, cooling and moulding. Particular tools are required for each process. All these operations produce residues or remainders, whose form is recognized with difficulty, and which may or may not be categorized as ‘waste’.⁷ Hegel goes so far as to argue that the identity of a thing is solely determined by its use: he writes, “the field is a field only insofar as it produces a crop” (Addition, §61). But then what name and identity do we attribute to fields that lie fallow for a year? Surely they retain a longterm or potential use? Surely their utility – their value to speak in the terms of §63 – is increased by lying fallow?

Hence the second conception of nature in Hegel’s system of needs is that of a plastic and passive material which is available to humanity in order to be worked up into a form satisfying the needs of marketgoers. Any byproducts of such processes, any specific determinations of types of natural material, is left by the wayside in this Aristotelian and productivist account of work. We shall call this nature as *plastic material*.

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7 See Georges Bataille’s exploration of the ‘formless’ in connection with his concept of ‘general economy’ in Bataille 1985.

The third shape of nature occurs in Hegel's rejection of any natural measure of need. He does this in two ways; first through a caricature and a dismissal of Rousseau's account of the state of nature, and second through the condemnation of Diogenes as a mere oppositional reaction to the luxury of Athens (§194-5). What is interesting is the way in which Hegel rejects natural need: he does not deny that we can speak of natural needs. Indeed he describes the level of natural needs as characterized by "external necessity...inner contingency, and...arbitrariness" (§194). He then makes a double critique, in both an ontological register and a normative register. In ontological terms, he claims that natural needs never appear without having already been socialized; that is, need always occurs as "a combination of immediate or natural needs and the spiritual needs of representational thought", adding that "the spiritual needs, as the universal, predominate" (§194). In other words, as soon as one human being communicates with another about what is good to eat, the need to eat has been rendered universal. On the normative register, he argues that "a condition in which natural needs were immediately satisfied would merely be one in which spirituality was immersed in nature, and hence a condition of savagery and unfreedom; whereas freedom consists in the reflection of the spiritual into itself, its distinction from the natural, and the reflection upon the latter" (§194). We shall this third shape nature as inaccessible.

The fourth place in which nature occurs in Hegel's construction of the system of needs is in paragraph 200 where he draws up an apology for the division of labour and economic inequality. He writes:

The possibility of sharing in the universal resources- i.e. of holding particular resources – is, however, conditional upon one's own immediate basic assets (i.e. capital) on the one hand, and upon one's skill on the other; the latter in turn is itself conditioned by the former, but also by contingent circumstances whose variety gives rise to *differences* in the *development* of natural physical and mental aptitudes which are already unequal in themselves...these differences...necessarily result in *inequalities in the resources and skills* of individuals. (§200)

There is a kind of retrospective illusion at stake here, one that Deleuze critiqued in the third chapter of *Difference and Repetition*, whereby the reflective and willed "inequality of human beings in civil society" is explained and grounded in the immediate and arbitrary "inequality posited by nature" (§200). Here the social order is understood as the expression of an already existing natural order. This prior natural order, and its ascendancy over the 'liberation' and reflectivity and possibilities of the spiritual realm, does not enter into a reconciliatory dialectic with the figures of nature as disequilibrium, plastic material, or inaccessible.

3) The relationship between the system of needs and nature

So much for the inventory of ways in which Hegel places and effaces nature in the system of needs. Our next step is to diagnose the relationship nature and the system of needs. The contrast between the two is evident: the natural is particular, immersed in itself, and all transformations are brought about through passive subjection to external chains of necessity. The social is universal, involves reflection and thus internal determination, and an element of choice. But what kind of relationship does this imply?

The first characteristic of this relationship is separation. The spiritual realm operates through self-reflection which entails its distinction from nature, a distinction that allows freedom from external necessity. This general separation is then particularized and multiplied between each parcel of natural material that is extracted from its original site and turned into a discrete resource to be used within the system of needs. Private property is exclusive inasmuch as it is separate.

The second characteristic of the relationship is domination. Not only does the spiritual 'predominate' over the natural in our understanding of human needs, but as we saw with Hegel's treatment of the use of property and the working up of raw materials in manufacture, the natural thing is understood to be passive plastic matter, available for any transformations or destructions willed by human beings.

The third characteristic of the relationship concerns modality. In the spiritual realm the self deliberately, through an orientated process, actualizes one out of a set of possibilities. From the standpoint of the spiritual realm, the natural appears as contingency or blind necessity. In other words, either phenomena simply happen, for no apparent reason, and it appears equally likely that other phenomena could occur, or phenomena occur repeatedly with no variation as a kind of forced imposition. But aren't these precisely the modalities of our contemporary predicament under the pandemic. Epidemiologists' warnings, their implications for public health policies, daily statistical variations, and wildly varying forecasts dominated political deliberation and decision-making.

But the relationship between nature and society according to Hegel is not just characterized by separation, domination and split modalities. It is also a dynamic relationship. How does this work?

Hegel denies the possibility of any natural measure to the multiplication of needs by judging Diogenes, the cynic, to have adopted his regime of simplified and reduced needs as a mere oppositional reaction to the Athenian culture of luxury. But Hegel would have been aware – much like Adam Smith, one of his sources – of the republican commonplace that luxury and satisfaction of every desire leads to corruption and decadence. He would have been aware of Rousseau's own warnings of the diseases and maladies of overconsumption. Indeed, the

most far-reaching and simplest critique of the multiplication of needs is found in Rousseau's text in the concept of perfectibility, according to which every technical invention designed to increase convenience and efficacy, also, backhandedly, induces incapacity and degraded abilities. In other words, a technique employed by humans to satisfy their needs not only creates further needs – Hegel sees this clearly in §191 – but actively deteriorates previously existing human capacities. For Rousseau, the body and spirit are softened through the replacement of effort and agility with facility, and the instrument, once taken for granted, becomes a false necessity. What this means is that the multiplication and modification of needs directly impacts those “natural, physical and mental aptitudes” that Hegel recognizes as determining our fitness for particular professions. In other words, the socialization of a need via a commodity, a technique or a manufacturing process has a series of consequences that can go so far as to transform our own natural aptitudes. Our own nature can thus be transformed. But unlike the passivity of nature as raw material, these transformations induce hard determinations or constraints in our nature; they are not indifferent or infinitely malleable but facilitate or constrain our future activities. There is thus a string of long-term consequences at work whereby any one socialization of a natural need constrains and determines future natural needs and their possible socializations.

4) The systematicity of the system of needs

But why does Hegel use the term ‘system’ in his concept ‘system of needs’? What is systematicity? There appear to be three moments that make up systematicity. The first is that of repetition under the term ‘universal’. Any particular need is universalized into a socially recognized and reproducible need: as soon as an individual announces or declares a need through her/his activity, that need is recognized as a human need, as one that others can experience and thus the demand for its satisfaction, and appropriate techniques for satisfying it, are generalized, they become repeatable. Not only that, but the means for satisfying that end themselves become ends: horses are trained as a means of transport but then we need saddles and bridles, for which we need leather for which we need hides, etc. Hegel calls this movement one ‘of abstraction’ (§191). A need becomes more abstract when it is particularized, that is to say, when it is separated from the natural movement and site of hunger – a tugging feeling in the stomach – to become the specialized and refined ‘need’ for twelve euros worth of fresh fried octopi and a glass of *bianco fermo* from Friuli.

The second moment of systematicity is that of abstract or functional relationships. Hegel explains that the abstraction of needs, and

of means to satisfy ends, “also becomes a determination of the mutual relations between individuals”. He continues: “This universality, as the quality of being recognized, is the moment which makes isolated and abstract needs, means, and modes of satisfaction into concrete, i.e. social ones” (§192). In other words, I recognize the person from whom I buy bread one day in the market as a ‘baker’, a professional who can be relied upon for a supply of bread in the future. From the baker’s standpoint, I become one of her ‘regular customers’, my entire person and individuality reduced to my habitual order of two baguettes and an apricot tart.

The third moment of systematicity is that of the reciprocal dependency of market-goers. I bring my products to market to trade them for goods that will satisfy my needs, but in doing so I satisfy other people’s needs. Hegel writes:

In this dependence and reciprocity of work and the satisfaction of needs, subjective satisfaction turns into a contribution towards the needs of everyone else. By a dialectical movement, the particular is mediated by the universal so that each individual, in earning, producing, and enjoying on his own account, thereby earns and produces for the enjoyment of others. (§199)

As the editor notes in the Nisbet translation, this is most probably an allusion to Adam Smith’s concept of the invisible hand. According to this concept, a local dynamic, the selling and buying of goods at an acceptable price, is not directly orientated towards a global outcome, but nevertheless brings it about. In other words, the aggregation of many individual acts of buying and selling produces a general equilibrium at the level of predictable prices for consumers, and an optimal distribution of resources and skills amongst producers. Smith’s notion of the invisible hand is an instance of what Hegel recognizes in “political economy”, that is to say, “a science [that]...finds the laws underlying a mass of contingent circumstances” (§189). These laws regulate very specific variables, such as prices, or temporary flows of capital into industries depending on their perceived profitability. That is to say, the ‘mass of contingent circumstances’ determined by these laws, and from which these laws arise, are always of a specific kind: they concern “infinitely varied means” for satisfying human needs, or “movements of reciprocal production and exchange” (§201). The determination of these laws does not directly involve the material qualities of the products, though the latter may indirectly determine the perceived utility of a product. It does not directly involve the site of extraction of a raw material, though the latter may indirectly determine the perceived utility or quality of the final product. It does not involve the final destination of a used or consumed product, or the byproducts of its production and consumption. All these factors are external to the reciprocally dependent operations of trade and

production the constitute the market system. Hence when Hegel speaks of the 'system of needs', a key characteristic of its systematicity is its *autonomy*. It constitutes a separate sphere, a distinct type of activity with its own laws, independent of factors belonging to other spheres of activity. Here Hegel takes the separation of the system of needs from nature one step further, towards independence and self-determination.

5) A critique of systematicity

Jurgen Habermas, Marcel Gauchet and Niklas Luhmann, albeit in different projects, have all recognized and celebrated the autonomy of social systems – autonomy with regard to the church or the state – as the unique signature of European modernity. Our project, in contrast, is not to rescue and celebrate some pathetic European singularity, but to examine the cost of this illusion of autonomy specifically with regard to nature, after two-hundred years of its practical application and functioning as a misguided heuristic.

The supposed autonomy of a system is also – and this Luhmann shows at length – its blindness or closure with regard to what it categorizes as its 'environment'. We have seen earlier just how limited Hegel's conception of nature is in the system of needs: nature as disequilibrium (multiplying human needs) sets the system of needs in motion; nature as plastic material is formed into goods to meet human needs; nature as an inaccessible measure of need marks the separation of the system of needs from nature; and nature as an unequal distribution of mental and physical aptitudes nevertheless offers an apology for the social inequality produced by the system of needs. In none of these roles do we find any specific determinations characteristic of a natural being or environment – such as recognized and expounded at great length in Hegel's *Philosophy of Nature*. Nor do we see how those determinations might be carried over into the system of needs, wherein they might play an active role. Nature is included within society in four general shapes in order to be excluded, effaced or ignored at the level of its concrete and specific forms.

This systematicity of Hegel's 'system of needs' – although it can be explained as a consequence of his appropriation of political economy – does not strike me as particularly Hegelian. Indeed, it appears more appropriate, from a Hegelian standpoint, to draw up a diagnosis of the weaknesses of this concept.

Hegel himself in the *Philosophy of Right* offers us a clue as to why this might be the right approach; he remarks of political economy that it extracts 'the understanding' that controls and works within the "endless multitude" of "mass relationships and mass movements" in the economy. Moreover he notes that political economy is "also the field in which the

understanding, with its subjective ends and moral opinions”, gives vent to its discontent and moral irritation” (§189). In short, “in the relation between the satisfaction of subjective particularity, and the needs and free arbitrary will of others, universality [read systematicity] asserts itself, and the resultant manifestation of rationality in the sphere of finitude *is the understanding*” (§189). But the understanding, as we know from *The Science of Logic*, is an inferior form of thinking compared to reason and the cognition of the Idea.

The limitations of the understanding are marked here and there in Hegel’s account of the system of needs. The first mark is that Hegel himself describes a primacy placed on independence and autonomy as characteristic of the second estate’s way of thinking. The estate of industry only understands freedom as autonomy, and there are many other far richer conceptions of freedom generated by the dialectic of the Idea of Right through other institutions. The first estate, in contrast, recognizes and accepts the existence of determining forces from another realm that interfere within its own realm: in simple terms, crops depend on the soil and the weather.

The second limit is that the idea of an autonomous system immediately entails the existence of an outside-to-the-system. This ‘outside’ will not impose its dynamics or laws on the activities constituting the system. Whether or not Hegel anticipates the system-environment distinction is beside the point. Rather, what is striking is the passage in the *Science of Logic* where Hegel describes Leibniz’s monad as a particular but limited phase in the dialectical development of the one and the multiple. He writes: “The *ideating monad* advanced only as far as *plurality* as such, in which each of the ones is only for its own self, and is indifferent to the determinate being and being-for-self of the others” (SL,169).⁸This is a phase in which a plurality of ones are understood solely as mutually external to each other. What remains entirely problematic and inconsistent from the standpoint of monads is the actual plurality of monads – why and how are there many monads if each monad is entirely closed in upon itself? Hegel writes: “in that indifferent independence of the monads, plurality remains as a fixed fundamental determination, so that the connexion between them falls only in the monad of monads, or in the philosopher who contemplates them” (SL,169-70). It just happens to be the case, following Hegel, that the status of the plurality of systems remains an epistemological and an ontological problem for systems theory – just as it is for the system of needs in Hegel’s *Philosophy of Right*.

A third limitation to the systematicity of the system of needs is found in the multiple and conflicting shapes in which nature is included so as to be excluded. If nature is mere plastic matter to be shaped by the

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8 Hegel 1969, p.169.

productive processes of the system of needs, then how can it also have the determination of its own differential order or distribution of mental and physical capacities amongst the race of human beings? If nature is mere plastic matter, then how can it also have the determination of human beings specified by both their inadequacy to independently meet their needs, and their endlessly proliferating needs? If nature is mere plastic matter seen as resource from the standpoint of the system of needs, how can it be known as something determinate and independent? What exit might there be from the anthropocentrism and productivism of the system of needs for a better understanding of nature? These questions do not meet with an answer at the stage of the independent monadic systems; that is to say, of economies and their externalities.

However complicated Hegel's account of the spiritualization of needs, if the relation between nature and society comes down to a simple dichotomy between the outside and inside, then his construction of civil society will not come close to accounting for the complex intrication of natural and artificial processes that characterizes our needs and their apparent satisfaction. In the history of European political philosophy, ever since Aristotle, it has been the political community that was supposed to define an 'inside' by becoming sovereign – independent and autonomous. In Adam Smith's work, and in Hegel's appropriation of it, it is the system of needs or civil society that becomes an independent sphere. But in Aristotle, the sovereignty of the *polis* was already – as Francis Woolf argues – a mere avatar of the more fundamental ontological priority, identity and discrete being of substance.⁹ Any contemporary philosophy that takes its key from the ontologies of multiplicity developed by Gilles Deleuze and Alain Badiou must proceed to a dismantling of the avatars of unity, identity and substantiality within its proper field. As Philippe Lacoue-Labarthe and Jean-Luc Nancy argued in a deconstructive vein in *Le titre de la lettre*, systematicity is but one more avatar of the metaphysics of presence and its commitment to unity and identity.¹⁰ It just so happens that in the discipline of ecology, due to its commitments to unity and discrete identity, the concept of ecosystem was found to be quite unwieldy in the field.¹¹ Empirically speaking, it proved difficult to determine where one ecosystem began and another ended. It proved nigh impossible to identify an ecosystem's proper state of equilibrium such that disturbance and damage could be measured with regard to a supposed norm. Catherine and Raphael Larrère demonstrate the convergence between contemporary concept of ecosystem and historical processes understood

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9 Wolff 2008.

10 Nancy and Lacoue-Labarthe 1975.

11 See the fascinating story told about the changes that occurred to the concept of ecosystem during the twentieth century, from its idealist beginnings to its contemporary form in Catherine and Raphael Larrère 1997.

as dynamic but ultimately contingent and irredeemably multi-factorial.

But what are the positive consequences of the metaphysical critique of unity, substantiality and systematicity for our problematic of nature and civil society? Does the refusal of the illusion of independence entail our embrace of a fusion between society and nature in some all-enveloping naturalism? Should all social processes be understood as fundamentally determined by nature, via, for example, evolutionary psychology, evolutionary anthropology, behavioural ecology or evolutionary economics? Aldo Leopold, after all, claimed the development of environmental ethics was the result of an evolutionary process. In the *Electronic Revolution*, William Burroughs claimed that humanity was itself a plague, a virus, that had attacked the vocal cords of a race of apes. It has certainly been quite tempting for many commentators on the Covid-19 crisis to develop an image of human society as blindly and permanently immersed in nature, like a weak current in the ocean, wherein nature is understood as either external necessity, or endless empirical contingency; with new models of the statistical development of waves of Covid infections being generated each day to be tossed on the garbage heap two weeks later when the data changes or new conditions and factors of transmission emerge. But to refuse the independence of civil society from nature does not necessarily entail the theoretical option of identity or fusion or complete dependency of the two. Indeed this vision of society's immersion in unmeasured but implacable natural processes is to be rejected as one more psycho-social pathology: a kind of 'eco-anxiety' in which we, as social actors, become the objects of a natural drive and have no proper place.

6) A thick concept of society: socio-natural 'ropes'

To refuse the illusion of independence is not to reject wholesale any separation of natural and social processes, nor to deny their difference. A whole range of theoretical options are open to us when we try to model the interactions between society and nature – but what should our guidelines be in such investigations? Let's return to our criteria for a 'thick concept of society' – given that Hegel is reputed to have invented just such a concept. We stipulated that it must account for society's history, for regional groups, and for relationships between subjects in different groups. Hegel identifies the regional groups of society – estates and corporations – and he develops an account of their genesis and operation, and this is already a significant step beyond, for example, Kant's account of society. He examines how individuals can assume, in a non-alienated manner, their social roles such that they freely relate to each other within society as professionals, as members of institutions or associations, with all the attendant rights and responsibilities. Whether

or not Hegel has an account of the history of civil society is a trickier question. There is certainly a developmental scale upon which different states are placed in the 'universal history' at the end of the *Philosophy of Right*. Moreover, it is the case that Hegel repeatedly remarks that modern civil society is governed by the principle of individual freedom, so one could draw up a history of a civil society according to the progress, or the concretization, within institutions and social practices, of this principle. The remit of the police is potentially infinite given all of the unintended consequences of social actions, so one could also draw up a history of the evolution of the police and regulation within a society. But neither the relationship of the system of needs to what counts as 'nature', nor the existence and relationship of three distinct estates, is subject to change. Yet the most glaring omission in Hegel's account of civil society is his failure to recognize the widespread existence and operation of what we can clumsily term 'socio-natural' groups; that is to say, those regions of civil society that exist due to the intrication, the intertwining of natural and artificial processes. There is of course, a significant exception to this omission, and it lies in Hegel's description of the first 'substantial' estate as mentioned earlier. The estate of agriculture senses its own dependency upon nature's gifts, its fortunes closely tied to the relative unpredictability of rainfall, sunshine, temperatures, and hail. He writes:

This first estate will always retain the patriarchal way of life and the substantial disposition associated with it. The human being reacts here with immediate feeling as he accepts what he receives; he thanks God for it and lives in faith and confidence that this goodness will continue. What he receives is enough for him; he uses it up for it will be replenished. This is a simple disposition which is not concerned with the acquisition of wealth...In this estate, the main part is played by nature, and human industry is subordinate to it. (Addition §203)

This remark is placed as an immediate caveat or qualifier on a strikingly prescient historical observation wherein Hegel notes "In our times, the [agricultural] economy, too, is run in a reflective manner, like a factory, and it accordingly takes on a character like that of the second estate and opposed to its own character of naturalness". History, of course, has proven the first estate quite incapable of retaining any substantial disposition in the face of the continuing industrialization of agriculture. Nowadays, artificial meat is grown in laboratories, and intellectual property law – nicely explored in the *Philosophy of Right* – prevents farmers from storing unused seeds from one year to the next. However, the contrast between Hegel's observation and his caveat neatly expresses what I mean by a socio-natural 'group' or 'rope'. Within the 'substantial disposition' of pre-industrial farming, there is a felt

recognition of the interweaving of soil fertility, the sturdiness of certain species of crops, sunlight and rainfall, temperatures, insect populations, irrigation and natural fertilizers with the eventual yield, harvest and market prices. That interdependency is gradually analyzed, measured, eventually modified and rendered more efficient as a productive process through the industrialization of agriculture. This industrialization not only reduces the felt dependency on nature, but also ensures that nature is no longer experienced as a gift from God to be received, but more a resource to be controlled or extracted. Nevertheless, the interweaving of crop yields with partly natural processes remains, however much artificial manipulation has occurred through genetically modified seeds, for instance. Crops still fail due to weather. Soils become exhausted despite and sometimes due to the overuse of artificial fertilizer. Olive trees in monocultural plantations become excessively vulnerable to certain bacteria. The devastated olive-oil industry of Puglia, Italy, presents a socio-natural rope, in that it consists of social and natural strands that are woven and bound together over time. The term 'rope' is better than 'group' because it highlights the constitutive process of weaving, of knotted strands. It also gives an idea of the inertia of these socio-natural processes: the strands cannot be simply separated or pulled apart because they are tied together. Furthermore, the term 'rope' also conveys the long histories of these socio-natural processes. The particular history of the Puglia olive oil rope, for instance, little to do with Hegel's progress of the principle of individual freedom. One of the characteristics of industrialized agriculture is this coupling between a drive to control and manipulate natural processes and an all-enveloping and ultimately unpredictable dependency on natural materials.

Another socio-natural rope that Hegel already implicitly recognizes is the family, especially in its extended form across generations. The family is the realm of "immediate or natural ethical spirit", which, as we would now argue – against Hegel's patriarchal division of labour between two supposedly 'natural' sexes – is socialized into various norms and forms (§157). Of course, in the *Philosophy of Right* civil society emerges precisely at the moment that the family dissolves, through children leaving home and creating their own households (§181). But the family is also the source and ground of civil society in as much as those children once grown up go on to create their own households, their own couples, families and recomposed families within which they consume the goods traded for within the system of needs. If we were to take a step beyond Hegel, and understand families as socio-natural ropes, we would need to take into account not only extended families over several generations and their close friends, but particular genetic mutations and inherited vulnerabilities to certain diseases as compounded with repeated lifestyle choices and habitats. If generations of a family persist in living in one of the richest but most polluted cities in Europe, then they will need to be

nimble enough within the system of needs to be able to afford private health insurance to afford the higher-than-normal frequency of cancers that will invade their lymph systems. That is a socio-natural grouping, an alliance of pollutants and certain human bodies that due to a shared genetic inheritance have a tendency to stock and accumulate those pollutants to dangerous levels, whilst a few other people living in the same town live for over a hundred years.

But Hegel only partially anticipates the full concept of socio-natural ropes that we need to develop in order to extricate ourselves from our contemporary predicament. Hegel still separates his philosophy of right from his philosophy of nature. It is difficult to find his articulation of society and nature within his philosophy of nature, and it is difficult to recognize nature within his philosophy of right. But in order to take a few steps beyond Hegel we can use some of tools and indicators that Hegel himself provides, specifically in moving beyond the system / environment dichotomy. They are not entirely adequate to the task, but they point the way.

7) Tools in Hegel for thinking socio-natural ropes

The first helpful move Hegel makes in his *Philosophy of Nature* is to show how fertile land, vegetation and animals develop through quite specific and determinate processes that imply not only their entire lifecycle but also all that they presuppose in terms of their location, orientation in time and space, and chemical process. This counters the system of needs' image of the natural thing as empty of determinations and without its own end. Each natural thing has a complicated and dynamic set of determinations, not least its involvement in a myriad of processes which are damaged when it is possessed, used and manipulated as a single 'thing'. As noted earlier, these determinations of natural things are already recognized and utilized in a limited manner as fixed 'properties' in human manufacturing processes, wherein one type of wood is chosen for floorboards, and another for constructing walls and rooves (§§56, 196). Again, from the perspective of property however, these determinations are mere means for the satisfaction of my ends, they do not constitute a self-sufficient internal dynamic. With regard to how farming and manufacture appropriate materials Hegel says:

To give form to something is the mode of taking possession that is most in keeping with the Idea... We must also include here the giving of form to the organic. The effects which I have on the latter do not remain merely external, but are assimilated by it, as in the tilling of the soil, the cultivation of plants and the domestication of animals. (§56)

However, if we take animals from the perspective of Hegel's *Philosophy of Nature*, despite their domestication they still have their own internal dynamic: the three organic systems of the nerves, the circulation of the blood, and digestion, continue to operate (PN, §354). Hegel hence recognizes two quite different dynamics: one concerning the unfolding of the Notion within the animal organism, and the other concerning the unfolding of the Idea of right in property. Of course, he does subordinate nature to right through the action of humans taking possession of things. But at least some of the pieces are in place for constructing an alternative concept of the interaction of two different forms of efficacy within a socio-natural rope; moreover, without either of them decisively dominating the other. In other words, we can imagine how a natural process – say a domesticated animal's digestive process – is altered by a manufacturing technique – cheap alimentation, growth hormones – and continues to operate, but in a way, and with consequences, that were not anticipated by those designing, selling or using this manufacturing technique – mad cow disease in England.¹² I call this study of the interaction of different forms of efficacy 'metabolics'. It is a new area of enquiry designed to take us beyond simplistic models of domination and resistance.

The second helpful contribution made by Hegel is his conceptual accommodation of both pollution and the imprudent depletion of natural resources. In his outline of the role of the police in regulating civil society and the system of needs, Hegel points out that all individual actions have consequences that stretch well beyond the agent's intentions or maxim or reasonable expectations (§232). Private actions that may be rightful according to the stipulations of the law, necessarily enter into a sphere of external and contingent relations with other people and public arrangements. As such they may end up by doing harm to other people (§232). The pollution caused by law-abiding manufacturing processes falls neatly into this category. Hence when Hegel states that the role of the police is to intervene within the system of needs so as to ensure 'arrangements of public utility', to regulate the relationship of people's differing needs, to exercise oversight and secure provisions in advance, he is outlining a sphere in which we could include what is now called 'environmental regulation'. Furthermore, just after he awards human beings the right to possess and own and use anything whatsoever on the grounds that it does not possess a self, he immediately places a limit on this right by recognizing that use can be "based on a continuing need and entails the repeated use of a self-renewing product – perhaps even limiting itself with a regard to safeguarding that renewal" (§§44, 59-60). Hegel thus guards against the arbitrary depletion of stocks or exhaustion of resources.

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 12 As I write China has banned beef imports from England. I lay sacrifices to the goddess of Irony.

Hegel opens up a path here but we need to take a step further than this accommodation of pollution and resource-depletion as side-effects of the system of needs, side-effects that can be simply regulated or managed. Pollution is typically understood to concern the unintended environmental impact of by-products and waste-products of production and consumption processes. What is at stake in the concept of socio-natural groups is not just 'externalities', such as by-products of manufacturing, but the entirety of a production process, including all its intended effects, as a modification of related social and natural processes. It is the seen and recognized body of a social practice, not just its waste or byproducts, that is already itself a chemical process that modifies, facilitates or disallows other neighbouring processes. In the *Philosophy of Nature*, Hegel notes that "the living body is always on the point of passing over into the chemical process: oxygen, hydrogen, salt are always about to appear, but are always again sublated; and only at death or in disease is the chemical process able to prevail" (§337).¹³ This passage into the chemical process is continually occurring in any social practice at the level of the material objects and the transformations that take place throughout their lifecycle. In other words, our guts tell a long story about our farms.

8) Conclusion

In the opening section of this paper we stipulated three criteria for a properly 'thick' concept of society: it must account for the contingent history of that society, it must account for the different operations of regional groups within that society, and it must explain how individuals from different groups relate to each other. Evidently we have not produced such a thick concept of society through our critical interpretation of Hegel's model of the system of needs. What we have done, however, is add a fourth criteria. A thick concept of society must identify its regional groupings not simply in terms of the established sociological categories drawn from the names of faculties in a university campus: law, economics, medicine, etcetera. Rather, the regions of society should be understood as individuated via the intertwining or coupling of natural and social processes, such as the energy industry's disruptions and re-routings of the carbon cycle, and agriculture's interventions into the nitrogen cycle.

Let's return to Hegel's unfortunate and not-so-dialectical borrowing from political economy: the notion of the system of needs. What lies at the very base of the effacement of nature in the system of needs but the question of needs, or rather, their spiritualization in Hegel's terms. A renaturing of our social groups, in line with a properly thick account

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¹³ Hegel 1970, p.273.

of civil society, would require us to pay more attention to how we collectively perceive, recognize and report on our needs. It is no longer the necessities versus luxuries framework that is essential. Industrial capitalism has been established for two centuries and the early political economists' apology for luxury is outdated. The framework which is now crucial, in the age of ecological disaster and runaway climate change, is that of differing temporalities: what do we perceive to be our needs across the years and across the generations, and how do we remark those needs? When I was writing this paper I spoke about it to Ron Gass, a renowned sociologist who worked for the OECD and now, as he nears his own century, is rewriting Kant's "Idea for a Universal History". He said people need work and money before they care for nature. But before work people need fresh air and water, and their bodies to stay upright.

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The Actualization of Freedom

Ethan Foore

Abstract: In the *Elements of the Philosophy of Right* (1820), Hegel argues that neither abstract (negative) freedom nor Kantian moral law (positive freedom) succeed in responding to the demands of their own truth. Instead, he argues that the moment we say anything about our freedom we are already articulating it in terms of right, and the demands of right are never only singular but always already inherently universal. The very essence of right for Hegel is freedom, with right being “the existence [*Dasein*] of the free will”.¹ This essay argues that Hegel’s philosophy of *Bildung* is essential for mapping a philosophical account of the process of right’s objective realization in the world, wherein individuals freely participate in an objectively rational social order. The drawing out of the contradictions and failures in positive and negative freedom, as well as (necessarily) in Hegel’s own philosophy of freedom, directly challenges commonly reproduced conceptions of freedom and right. Hegel’s philosophy of *Bildung* explicates a process of self-cultivation toward universality where the individual actively participates in the development of world history through their own self-development, anticipating and forming the substance of right, and in the process reframing the apparent contradiction between freedom and restriction in the actuality of right.

Keywords Freedom · Right · Abstraction · *Sittlichkeit* · *Bildung*

Arbitrary Freedom

“[T]he commonest idea we have of freedom is that of arbitrariness [*Willkür*]”.²

In his *Elements of the Philosophy of Right*, Hegel maintains that freedom to make arbitrary choices is an abstract, incomplete form of freedom. For Hegel, our freedom is never simply our own – one is never simply free to think and act as one wishes; there is always a normative dimension to freedom; the concept of freedom implies certain demands in relation to others, which, when ignored (or repressed or otherwise avoided), obscure spirit’s (both the individual’s and the world spirit’s (*Weltgeist*)) self-realization. Hegel maintains that the moment we assert anything about our freedom, we are already articulating it in terms of right, and the demands of right are never only singular but always already inherently universal.

For Hegel, right should not, as it is often understood, be taken as a “limitation of my freedom or arbitrary will”,³ but instead the individual

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1 Hegel 2008 [1820], §29

2 Ibid., §15

3 Ibid., §22

will freely submitting itself to its own immanent necessity, having come to recognize the rational will in and for itself; spirit as it is in truth and not simply as a particular individual.

*“Only in freedom of this kind is the will with itself without qualification, because then it is related to nothing except itself and so is released from every relation of dependence on anything else. The will is then true, or rather truth itself, because its self-determination consists in a correspondence between what it is in its existence (i.e., what it is as objective to itself) and its concept; or in other words, the pure concept of the will has the intuition of itself for its goal and its reality”.*⁴

Principal among Hegel’s aims in the philosophy of right is to set out the true concept of freedom in its immediate actuality, “not simply in producing the determination as a contrary and a restriction, but in producing and seizing upon the positive content and outcome of the determination, because it is this which makes it solely a development and an immanent progress.”⁵ While the concept of freedom as arbitrary choice must ultimately be left behind, one must nevertheless pass through this moment of spirit’s path to becoming “pure knowing”,⁶ and, in grasping it as a necessary, immanent failure, cultivate a concept of freedom constituting the essence of right.

The experience of freedom as arbitrary choice entails the “absolute possibility of abstracting from every determination in which I find myself”.⁷ This capacity for abstraction, Hegel argues, is based on the “pure reflection of the I into itself” or the “pure thinking of oneself”.⁸

When the subject takes itself as its own object, including its own material nature – taking its content as the object of its own freedom – an unbound possibility of determination opens up through self-reflection and the power of abstraction for self-determination. Hegel explains,

“The absolute determination, or, if you like, the absolute impulse, of the free spirit is to make its freedom its object, i.e., to make freedom objective, both in the sense that freedom is to be the rational system of spirit and in the sense that this system is to be the world of immediate actuality. In making freedom its object, spirit’s purpose is to be for

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4 Ibid., §23

5 Ibid., §31

6 Hegel 2018 [1807], §567

7 Hegel 2008 [1820], §5

8 Ibid., §5

itself, as Idea, what the will is in itself. The abstract concept of the Idea of the will is in general the free will which wills the free will."⁹

Another name for abstract freedom is “negative freedom”; freedom ascertained through the negation or denial of outside impetus through the force of reason. With negative freedom, freedom is taken as its own object, emancipating unconscious motivations from themselves through self-reflection and empowering reason to make a broad scope of potential decisions through the recognition of freedom as subjective arbitration. However, the array of potential decisions generated at this moment of free will is, for Hegel, not yet a situation of true freedom, as it entails the abstracted *content* of freedom disassociated from its true *form* (that is, it's *form-content*¹⁰). For Hegel, freedom *does* essentially entail such arbitrations, however, true freedom, he insists, consists more fundamentally in the active willing and maintenance of right.

This power of abstraction or internalization of what previously appeared as external (norms, traditions, customs, social laws, etc.) is sublated in Hegel's philosophy of right; pushed up against and beyond its fixity, where it's self-contradictory and intrinsically limited nature is made explicit; a redoubling of the process of self-reflection's self-objectification.

In understanding freedom as the object of will as an “immediate actuality”¹¹ instead of as a subjective capacity, freedom must be, Hegel argues, taken as right. The essence of right for Hegel is freedom, where right is “the existence [*Dasein*] of the free will”¹². While the free, arbitrary will is subjective at a certain level, when it regards itself as its own object, this process of abstraction leads to it giving itself the form of right. Right is, Hegel advances, freedom taken as an actuality and as an object for the will.

The Practical Justification of Freedom in Kant's Moral Law

What we learn from Hegel's analysis of abstract freedom is that it is an insufficient response to the demands of its own truth as right; that one is never truly free when the freedom of the individual is not formalized as right (i.e., it is not right if it is only the right for individual(s)). Essentially, we learn through abstract freedom that we need a concept of right with moral content; a concept of freedom that is completed by the “idea of

.....
9 Ibid., §29

10As with a great work of art, freedom's form is its content and vice versa.

11 Ibid., §29

12 Ibid., §31

the good".¹³ Yet, Hegel argues, the Kantian alternative of freedom as an autonomous causal power of the active subject governed by moral law (*Moralität*) can never be enough either, for it is never able to establish any kind of universally valid form of how people in society should be free in actuality together without relying on doctrines of duties for finite subjects. Hegel believes Kant's positive freedom reproduces a dualistic conception of freedom and reason, and that his (Kant's) practical philosophy presupposes a dimension of actual freedom, which Hegel seeks to render explicit as the realm of right *qua* the realm of the existence of freedom.

To quote Hegel,

"The crucial point in both the Kantian and the generally accepted definition of right (see the Introduction to Kant's Doctrine of Right) is the 'restriction which makes it possible for my freedom or self-will to coexist with the self-will of each and all according to a universal law'. On the one hand, this definition contains only a negative determination, that of restriction [...]".¹⁴

Hegel sees the insistence on right being a restrictive phenomenon to only be sustainable when it is taken as something not immanently rational but as an external, formal universal. Hegel asserts that Kantian moral autonomy is

"...devoid of any speculative thinking and is repudiated by the philosophical concept. And the phenomena which it has produced both in people's heads and in the world are of a frightfulness parallel only to the superficiality of the thoughts on which they are based".¹⁵

While Hegel sees Kant's formula of *reason=autonomy=freedom=morality* as a major breakthrough in philosophy, he thinks Kant leaves out something crucial, arguing that his conception of freedom lacks content – a problem which Hegel seeks to remedy. Further, the conception of freedom formulized by Kant, Hegel worries, risks the possibility of the subjective inclination being mistaken for universal rationality – wherein evil is mistaken for the good (though Kant would most likely argue that such an error would categorically fail to be a true transcendent judgment, in that case). Presciently, Hegel asks into the *content* of our moral duty, and what particular actions are to be derived from universal law – questions which Hegel does not see the categorical imperative to be

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13 Ibid., §33

14 Ibid., §29

15 Ibid., §29

capable of providing answers. While Kant's moral philosophy provides a rich array of normative principles, Hegel does not believe it adequately expresses what it means to actualize freedom and realize it as an object.

Actualizing Freedom through Failure

Hegel's way forward is to argue that by going through these two failed conceptions of freedom we learn about what is required to adequately actualize freedom, through a maneuver of retroactive progression – where, through a mediation of these two inadequate conceptions of freedom, we learn about the demands that the concept of freedom comes with for manifesting ethical life.

Hegel concludes the *Philosophy of Right* by developing a theory of *Sittlichkeit* (ethical life) – in part as an attempt to resolve this very problem of Kantian formalism. Hegel regards *Sittlichkeit* as ethical behavior grounded in traditions and customs, developed through habit and imitation within the context of the objective laws of the community. With Hegel's theory of *Sittlichkeit*, which is marked by the family, civil society, and the state, Kantian moral law (as a formal universal principle) and the content of any truly moral action (particular expressions, i.e., the content of individual freedom) are combined. *Sittlichkeit* attempts to describe the person within the context of the community, ultimately aiming to bridge the gap between subjective understanding and feeling and the concept of general rights. The normativity of *Sittlichkeit* is aimed at transcending the individual, in contrast to Kant's *Moralität*, which, while it may be both rational and reflective, remains at its core individualistic.

Hegel's philosophy of *Sittlichkeit* aims at moving past abstract dualisms, as with Kant's moral and legal subject or with his motives of duty and inclinations; aiming to assess moral action on the grounds of duty in a different sense. While Kant and Hegel both believe freedom is equivalent to rationality, whereas Kant provides an abstract sense of duty, Hegel argues that rationality already exists and persists within the modern social institutions that we partake in our everyday lives, and that the philosophical standpoint should thus not be of setting right as an ideal one submits to so much as something to be realized through a process of reflective recognition.

In everyday experience, Hegel argues, right is already the way in which free will exists in the world. And when right is taken as such, it cannot simply be understood as a restriction on one's freedom, but, on the contrary, a precondition of it.

The process of habit formation in particular plays an essential role in Hegel's social ontology. He argues that it is through the mechanical reproduction of habitual action that universality is in large part formed.

Through the formation of habit (and more broadly “second nature”), a reflective distance to habit is also always inherently present for Hegel, wherein one is free to decide whether to follow a habit or not.

In this dialectical way, Hegel’s philosophy of right aims to liberate one from abstract and dualistic conceptions of freedom to fundamentally change how one relates to the world and to others. For Hegel, the true resolution of the dichotomy of existence and essence, freedom and necessity, praxis and poesis, the individual and the species, is found when the inheritance of hereditary nature and knowledge is dissolved and in that dissolution is reconsidered through the sphere of ethical life in the form of “second nature.” Hegel explains in the *Philosophy of Right* that,

*“The basis of right is, in general, the realm of spirit [das Geistige]; its precise place and point of origin is the will. The will is free, so that freedom is both its substance and its goal, while the system of right is the realm of freedom made actual, the world of spirit [Geist] brought forth out of itself as a second nature.”*¹⁶

Or, as Nietzsche puts it, we “implant in ourselves a new habit, a new instinct, a second nature.”¹⁷ The formation of this “second nature” is the object of *Sittlichkeit*.

However, to turn the Hegelian dialectical screw a bit further, even Hegel’s *Sittlichkeit* is an inadequate conception of the actuality of freedom. Even at the end of the book, having moved through the three spheres of Abstract Right (*das Abstrakte Recht*), Morality (*Moralität*), and Ethical Life (*Sittlichkeit*), there is in the end no resolution, only heightened contradiction for the “will [*Wille*] that is free in and for itself.”¹⁸

Ultimately, as Hegel recognizes, it is world history and not philosophy that is ethical life’s ultimate “court of judgment.”¹⁹ The real movement which dissolves the present state of things and in that dissolution develops something new is, while immanent to the thinking of elements in their immediacy as both objects and relations – the will that is free in itself – is also participatory – the will that is free for itself. The dynamic of the historical process therefore entails the convergence of both concrete intervention and/or assent and (and through) a philosophy that anticipates the praxis of the future; a regressive–progressive moment that grounds us within the incessant chaotic flux of appearances. While *Sittlichkeit* is structured in such a way that freedom is actual and

.....
16 Ibid., §4

17 Nietzsche 2014 [1873–1876], p.76

18 Hegel 2008 [1820], §33.

19 Ibid., §341

concrete (as in the forms of the family, civil society, and the state), it describes the existence of freedom but the living actuality of freedom remains a movement of world history more generally. *Sittlichkeit* reveals the truth of freedom, but in the end it is not the state but people who are consciousness of freedom and who manifest that truth in living actuality. In short, the limits of Hegel's conception of ethical life (*Sittlichkeit*) is commensurate with the limits of philosophy itself.

“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 begins its flight only with the falling of dusk.”²⁰

The retroactivity of philosophy, always arriving too late, applies just as much to Hegel's own philosophy as to any other. The “shape of life” that Hegel depicts in *Sittlichkeit* has, in the end, itself already grown old; it is already in decline as Hegel conceptualizes it.

The *Dasein* of Freedom

Even from this highly abridged summary, the relevance of *The Philosophy of Right* for us today is already apparent. The insistence on freedom being not only a capacity but also objectively tied up in the whole network of social and institutional relations with others (the state in its concrete, historical actuality) that inform right, throws the sufficiency of the commonly held notion of freedom as volitional self-determination – freedom of choice, freedom of religion, economic freedom, etc. – into question.

Hegel isn't opposed to abstract freedom, but instead aims to buttress it with a stronger logical foundation through an examination of its immanent self-contradiction. For Hegel, right normatively situates the context within which arbitrary freedom may be actualized in the first place. Right is not external to the self, but is precisely where “I” as a free being have my existence in the world.

Hegel's concept of right (the *Dasein* of freedom) therefore gives us a different account of how we should understand the relationship between freedom, restrictions, and demands, where, instead of taking freedom as a goal, it is taken as an immediate actuality, with the philosophy's task being, from a Hegelian perspective, for the owl of Minerva (i.e., philosophy) to play its part in bringing the period to an end by bringing its essential elements fully to consciousness and in so doing precipitating a situation of the free development of the world historical process in the dissolution and restructuring of those elements.

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²⁰ Hegel 2008 [1820], §Preface, p.16

But still, since the *Philosophy of Right* aims to provide a philosophical account of right and its realization in the world, what does it really take to be subjectively free in an objectively rational social order, taking into account the limitations of philosophy itself? In other words, how is a state of freedom, with full consciousness of the limitations of positive and negative freedom, actually formed?

Hegel's Philosophy of *Bildung*

Hegel's *Philosophy of Right* show how each and every attempt to formalize freedom in the form of right fails, in a determinate manner, and this even includes the conception of it that Hegel leaves us with at the end of the book.

Hegel's theory of modern ethical life attempts to identify the type of social world wherein a strong sense of individuality could be successfully integrated in civil society. Key to this is the formation of norms, traditions, customs, social laws, and so on. Yet these formations are ambiguous in relation to the good and the rational. The Hegelian subject remains contingent, historically specific, and structured by this or that epochal form of consciousness – the only constant being the dialectic itself. Yet is this ambiguity inevitable in the nature of freedom, or is there something we are leaving out?

In the *Philosophy of Right*, Hegel reflects on the process whereby subjective freedom is manifest in an objectively rational social order through the concept of *Bildung*. *Bildung* is a crucial concept in Hegel's account of the free will and selfhood in general. When attempting to understand the Hegelian account of the actualization of freedom, it is indispensable.

So what is *Bildung*? It is not easily translated into English. *Formation, cultivation, maturation, enculturation, education* – each term has its relevance and its limitations. There is neither consensus on the exact meaning by which Hegel uses the term nor on the significance of it in his philosophy.

It should not come as a surprise that Hegel, who is well known for his meticulous use of terminology, uses *Bildung* in a very precise way. For him, the term entails the formative self-development of spirit as both individual and universal; both the cultivation of persons in particular and the human race construed as world spirit in general. He portrays it as a historical process of spirit coming to know itself as spirit; a process of self-formation that is riddled by contradictions, as one might expect.

Bildung takes place as a self-driven process of cultivation as well as a social enterprise entailing the liberation from everything pre-determined and given. Immediately we can see here the essential role of abstract (negative) freedom at play. However, Hegel goes further, passing

through both negative freedom and the Kantian moment of practical formalism (positive freedom), by associating *Bildung* with the recognition of otherness – a distinctly Hegelian maneuver. Hegel writes,

“[T]he interest of the idea [of freedom], which does not lie in the consciousness of the members of civil society as such, is the process of raising their singularity and naturalness . . . to formal freedom and formal universality of knowing and willing, of forming (*bilden*) subjectivity in their particularity”.²¹

The dialectical core of *Bildung* entails the rising above one’s own historical-cultural context through its negation. Yet this negation is not an abstract negation, but a determinate (double) negation, with the result being reflective reconciliation. The process does not simply entail one being confronted by the other, but the understanding of the other as such, and in that, struggling for a higher, universal form of liberation – no longer simply immediate or natural, but spiritual at the same time. *Bildung* can be taken as the hard labor of liberation where the “subjective will itself attains objectivity within itself, an objectivity in which alone it is for its part capable and worthy of being the actuality of the Idea.”²²

In the process that is *Bildung*, one freely submits their own freedom and desires to the demands of ethical life, with members of civil society brought into relation with all others and learning to adjust their behavior to the wider set of norms than a self-cultivated individual would abstractly ever be willing to acknowledge, since *Bildung* is not a purely conscious process of free arbitration, but also an unconscious, involuntary process historically specific as this or that epochal form of spirit. *Bildung* for Hegel is in part an unconscious, involuntary process because the individual does not begin with a desire to be formed, but is forced to adapt through this process as an individual seeking to satisfy their basic needs in civil society. In this way, *Bildung* is capable of accounting for both substance and self; mind and matter.

Hegel even goes so far as to at one point define *Bildung* as the liberation of the subject through “hard work against the sheer subjectivity of behavior, against the immediacy of desire as well as against the subjective arrogance of feeling and the arbitrary will (*Willkur*) of pleasure”.²³ Subjective freedom in the participation of civil society is hence mediated by and retroactively based in the process of *Bildung*.

With *Bildung*, the apparent restrictive nature of habit (e.g. the denial of subjective desire, etc.) is taken as a precondition of formal, *ethical freedom*.

.....
21 Ibid., §189

22 Ibid., §187

23 Ibid., §187

However, that subjective freedom is only true freedom when it is not only taken as one's duty, but also as one's own subjective choice.

When the subject objectifies their own freedom, they are considering their own behavior from an impersonal, abstract standpoint. Yet *Bildung* cannot be reduced to simply the educational activity of the individual, for the development of the self as an abstract particularity disconnected from the social and historical-cultural world overlooks the link between an individual's self-development and their encounter with the world, transcending one's particular contextual cultural situation and entailing more concretely the self-cultivation of *Dasein* toward universality in general.

Freedom's Substance

*"Education is the art of making people ethical."*²⁴

In a striking passage, Hegel writes that "It belongs to *Bildung*, thinking as an individual's consciousness in the form of the universal, that I am grasped as a universal person, in which everyone is identical. The human being counts because he is a human being, not because he is Jewish, Catholic, Protestant, German, Italian, etc."²⁵

In other words, *Bildung* allows us to regard every human being as first and foremost a human being, and only secondarily as the member of some narrower community. In taking freedom as the essence of right, where right is "the existence [*Dasein*] of the free will",²⁶ the particularity of the individual is however not swallowed up, but instead becomes enriched through this process of reflective recognition and the appropriation of otherness. The process of *Bildung* directs one towards a subjective position that accepts contradiction as an inherent fact of every identity. There is no reconciliation with the other at the level of the individual, instead the contradiction of otherness is internalized and, through reason, transformed from a given into an object of inquiry (i.e., a problem).

By consciously appropriating the universal point of view, one does not reach a fixed, final perspective, but instead participates in an ongoing process of spirit's self-actualization – not as a predetermined necessity but a retroactive process of hard labor on behalf of the individual.

The essence and outcome of the process of *Bildung* is freedom because the "fixity" of the uncultivated (*ungebildeten*) individual is sublated, resisting the immediacy of desire and the arbitrariness of inclination – i.e., the restless spirit *par excellence*.

.....
24 Ibid., §151

25 Ibid., §209

26 Ibid., §29

Through the process of *Bildung*, we not only discover but also take into critical possession human culture – being the process whereby the individual is emancipated from their given context and opening up the possibility of the individual's participation in the development of world history through their own self-development and self-criticism. The actuality of freedom entails the self-cultivation of man (*Dasein*) toward universality – a process which constitutes the meaning of *Bildung* in Hegel's philosophy of right.

Against the by-and-large historically detached language of individual rights, individual choice, and the power of rights-bearing individuals, the idea of right as the basis of freedom in world history directs us towards the revival of a collective ethos of inclusive, participatory civic culture – at least beginning at the level of the reader's imagination; a civic culture in desperate need of being reimagined and rebuilt; a, if only imagined, locus where collective agents and critically engaged citizens are brought together.

Feuerbach was right when he said, to paraphrase, man can and should raise himself above the limits of his own individuality.²⁷ And it is precisely *Bildung* that is the practical-philosophical process that drives this development; a process not simply of informing, but of enforming²⁸ and enculturing as well. The role of *Bildung* is not to establish a state of affairs where reality is adjusted (i.e., it is non-utopian), but instead it is the critical habitation of the already existent movement that dissolves the present state of things in its illusory fixity; spirit as it is in truth and not only as a particular individual. The habits and more general “second nature” formed through *Bildung* produces individuals as “moments” of the social whole, while immanently and immediately negating the content and framework of that totality as well. Without guarantees or inherent necessity, *Bildung* comprehends the formation of “second nature” in terms of the good and the rational through its retroactive recognition of “the *in-self* as well as its *opposite*; or, what is the same thing, the relation of the *actual world* to the *in-itself qua a beyond* [...] as much a *negating* as a *positing* of that actual world.”²⁹ The individual as such is here understood at the same time to be a “moment” of and an exception to the social whole.

The premises underlying present-day society (in the form of “second nature” and as the product of *Bildung*) already form the (if only embryonic and potential) basis of universal right beyond the finitude of any means–ends dichotomy, where the constitution of new forms of power, education, production, communication, and other processes may be rethought, resolved, and further problematized through the speculative mode of cognition that Hegel develops so definitively in his *Philosophy of Right*.

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27 Feuerbach 1989 [1841], p.299

28 Self-fashioning; self-forming.

29 Hegel 2008 [1820], §559

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Volume 8
Issue 2

The Right to Implication

Andrew Haas

Abstract: Hegel's *Philosophy of Right* demonstrates how the idea of right is not present, but implied in the world. Take a clue from language, from Aesop's Greek: the meaning of being is implication. And this way of being is how right is implied in the individual and family, friends and enemies, society and the state, and their rights—because it is implied in the world as a whole. If right's way of being, however, remains subject to the demand that language and logic conform to the philosophy of presence and/or absence, then the world is inverted: wrong is right—or rather, there is neither wrong nor right. But none of this is inevitable. The response? “*The hard, infinite struggle*” to do right by right as implied.

Keywords: being, Hegel, implication, right, wrong.

αὐτοῦ γὰρ καὶ ῥόδος καὶ πῆδημα.¹

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What is right? The question begs for an answer. And the history of the philosophy of right has obliged: right has been understood as might, will or power; or as an idea, the good or just, equal or fair; or it is rights, that is, the laws and norms which determine what may and should be done; or the process by means of which it may or should be determined; or as an ideal, whether possible or impossible, that which orients the history, development, emergence of rights, etc. Each answer claims to be true, seeks to make its argument the stronger, and all others the weaker.

But perhaps there is another way—rather than continuing this history of right—by returning to the question: What is right?

The question takes the predicative form: *What is x?* And it asks which predicate must be attached to the subject, “right.” In this sense, it is like many other questions in the history of philosophy, and in the history of the philosophy of right, such as “*What is the task of philosophy?*”, or *What is reason?*, or *What is thinking?*²

The question of right then, implies the question of predication. Or, in order to address “right,” it is first necessary to address the “is.” In other words, the question of the meaning of the meaning of being is implied by the question of right—not just “the being of right,” but “the being of the ‘is’” which relates right to its predicate, whatever that may be. Thus, the philosophy of right implies the philosophy of being; or, politics—and ethics—and ontology imply one another.

In the Preface, at the very beginning of the *Philosophy of Right*—and the beginning is the end; or “advance is actually a *retreat* into the ground, to what is *original* and *true*, on which depends and, in fact from which

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1 Aesop 1927, p. 26.

2 Hegel 2009, XIV, p. 15.

originates, that with which the beginning is made”—Hegel makes this clear: what is at stake is being, that which relates right to its essence, subject to substance, and shows itself in language as the copula.³ This is the pivot on which everything turns. For it is impossible to understand what is right without understanding what is; just as it is impossible to grasp the meaning of the originally Greek principle that “*What is rational is actual; and what is actual is rational*”—whereby Plato “proved his greatness of spirit” in thinking right *qua* idea, albeit externally—without always also grasping the originally Greek principle of being.⁴

Hegel, therefore, provides an example, a proof by demonstration. For it is not enough to simply answer the question of *what* being is, in order to understand the meaning of right as what is rational and actual. Rather, the *Philosophy of Right* must also show *how* being is; it must demonstrate *how* being’s way of being is implied in any comprehension of *what* it is—and so, for the determination of right, ethics and politics, and all the moments of its historical development (from the rights of persons, through the responsibilities of subjects, the slavery and freedom of individuals and groups, civil society and the state, war and peace, to the destruction and preservation of the world as a whole, where “a higher right holds”).⁵

This is why Hegel turns to the Greeks, to Greek thought and Greek language. For they understand that the *speaking* of being, which shows itself in the grammatical structure of the predicative sentence, is the clue to understanding the *thinking* of being—for “*layed-out, consequential grammar is the work of thought, which makes its categories known therein.*”⁶ And if the task of the *Philosophy of Right*—which is the task of philosophy itself—is to be exemplary; then it is to speak and think being, being right and the being of right, in a way that is philosophical.

Bragging will not do. Boasting will not do. Any philosopher worthy of the name—and Hegel, obviously, wants his name to be named—cannot simply put forth “an empty ideal,” cannot actually propose a merely potential idea, or promise to speak the truth about a right-to-come in a language to come.⁷ Or, as Twain puts it: “put up, or shut up.”⁸

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3 Hegel 1832, p. 43.

4 Hegel 2009, XIV, p. 14, emphasis added.

5 Hegel 1994, pp. 147-8. As Derrida notes—for Hegel the man: “He did not take a merely theoretical interest in the transmission, through instruction, of a philosophy whose rationality was supposed to culminate most universally and most powerfully in the concept of the State, with all the wrinkles, stakes, and convolutions of such a ‘paradox.’ Very quickly and very ‘practically,’ he found himself *implicated*, advancing or foundering, more or less speedily, in the techno-bureaucratic space of a highly determined State” (1990, pp. 184-5; emphasis added).

6 Hegel 1994, p. 166. Or, as Parmenides says: “for thinking and being are the same [τὸ γὰρ αὐτὸ νοεῖν ἐστίν τε καὶ εἶναι]” (Diels 1960, B3).

7 Hegel 2009, XIV, p. 14.

8 Twain 1917, p. 398.

This is why Hegel cites a line from Aesop's Ἀνὴρ κομπαστής, "The Braggart": Ἴδου Ῥόδος, ἴδου καὶ πήδημα (with Latin translation, "*Hic Rhodus, hic saltus*").⁹ Gibbs translates the fable:

There was a man who had been away on a journey and had then come back home. He strutted about town, talking loudly and at great length about the brave deeds he had accomplished in the various lands he had visited. In Rhodes, the man said, he had jumped such a long jump that no man alive could equal it, and he claimed that there were witnesses who could back up his story. A bystander then remarked, "All right! If you're telling the truth, here is your Rhodes: go on and jump!" The fable shows that talking is a waste of time when you can simply provide a demonstration.¹⁰

The translation is not "wrong"; it is "right"—but being "right," it fails, nevertheless, to maintain the Greek way of speaking and thinking. For the text does not read: "here is your Rhodes: go on and jump!" But rather: "here Rhodes, so jump here!" In other words, Aesop does not use "being." There is no "is" *here*—although this does not mean that it is *there*, somewhere else, or nowhere. He could have used "being," but he need not. For it is perfectly acceptable—even better—Greek to imply "being."¹¹ And if the text implies "being," this is not simply a rhetorical flourish, or that which "French rhymesters call *une cheville*," that is, a meaningless word inserted in order to rhyme, to supplement poetic meter, like a Pythagorean comma.¹² On the contrary, truth is at stake—or more precisely, the demonstration of what is true, ἀληθές, about words and deeds, about demonstration and truth, and about being and implication. Thus, the fable demonstrates how to speak about truth (by implication), how not to waste time (with braggadocio), how to demonstrate what is true (by implying), how to think and say being (*qua* implication), or how to imply that which can neither be simply said nor thought—for what is implied needs no witness, if what is said is true; or can have no witness, if it is neither here nor there, present nor absent.

If Hegel then, places implication at the very beginning of the *Philosophy of Right*, it is not simply to clarify an ontological truth, namely,

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9 Hegel 2009, XIV, p. 15.

10 Gibbs 2002, pp. 209-10.

11 On implied being in Greek, see Kahn 2003, p. XIIn11. As Gardiner 1932, pp. 218-219, notes: "Whatever the facts as regards the Indo-European languages, I can aver with the utmost assurance that Old Egyptian dispensed with the copula... Throughout the whole of the Old and Middle Egyptian periods, sentences with a noun as predicative regularly dispensed with the copula. . . . Similar evidence could be produced from Hebrew and Arabic." Benveniste 1966, pp. 151-152, adds: "one could more quickly enumerate the inflected languages that do not have [implied being] (like the Western European languages of today) than those [Semitic, Finno-Ugric, Bantu, Sumerian, Egyptian, Caucasian, Altaic, Dravidian, Indonesian, Siberian, Amerindian, etc. languages] in which it appears."

12 Nabokov 2011, p. 566.

that being is implied, which is how it can come to presence and go out into absence, whether in beings or not, and how it can be understood in the history of philosophy in terms of presence and/or absence; rather, it is to demonstrate how the being of being—*qua* implication, even speculative implication, or speculation *qua* implication—is implied by the being of right.¹³ In other words, the question that plagues the history of the philosophy of right from Plato to the present (How is right in the world?) cannot be answered by the participation, μέθεξις, μετάληψις, of the idea in things—which Aristotle claims is unexplained or inexplicable, and which Hegel argues spoils everything by resorting to a merely “particular *external* form of ethics”—but only by implication.¹⁴ And it is not simply that

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13 Another example of implied being from the *Philosophy of Right* (Hegel 2009, p. 56): “*etwas entweder Sache oder Nicht-Sache [sei] (wie das Entweder unendlich, Oder endlich).*” Nisbet translates: “something is *either* a thing or not a thing (just as it must be *either* infinite or finite).” Here, the editors are “correct” to correct the text by adding “*sei*” in square-brackets because they understand that Hegel is neither saying nor thinking “being”—it is only implied. For, in truth (and this is the truth of being, which is revealed by the form of the “consequential grammar”—not by the matter of “intellectual property,” which is immaterial for our concern with political ontology), the sentence reads: “something *either* a thing or not a thing (just as *either* infinite or finite).” For a consideration of implied being in the *Phenomenology*’s speculative sentence, “*God is being*, the predicate [implied “is”] being [*Gott ist das Sein, das Prädikat das Sein*],” in which the example “leads one to believe that the usual subject-predicate relation obtains, as well as the usual attitude towards knowing...be we meant something other than we meant to mean” (Hegel 2009, IX, p. 44), see Haas 2021. As Hegel notes in the *Encyclopedia* (1986, p. 178): “a speculative content cannot, therefore, be expressed in a one-sided proposition. If, for example, we say that ‘the absolute is the unity of the subjective and the objective,’ that is certainly correct; but it is still one-sided, in that it expresses only the *unity* and puts the emphasis on that, whereas in fact, of course, the subjective and the objective are not only identical, but also different.” For the privileging of presence (over absence, presence/absence, and the event of presencing/absencing) as the meaning of being in the history of philosophy, see Heidegger 1977, GA2, p. 26; GA6.2, p. 403; GA24, p. 448.

14 Plato 1903, *Parm.*, 151e6-8; Aristotle 1957, 987b10-14; Hegel 2009, XIV, p. 14. Insofar as the speculation of the *Phenomenology of Spirit* is the introduction to the *Science of Logic*, everything (speculative) in the *Phenomenology* comes out formally in the *Logic*—and in the entire system of science, including the *Philosophy of Right*. As Pinkard (2017, p. 241) notes: the *Logic* “rests on the unity of subject and object...demonstrated in the *Phenomenology*.” Thus, it is perhaps unsurprising that, after Hegel’s death, “the *Phenomenology* rapidly eclipsed the *Logic* as the central Hegelian text” (Pinkard 2017, p. 227). Redding (2018) concurs: Hegel’s two stand-alone books (the *Phenomenology* and the *Logic*) are the basis for all the (speculative and non-speculative) thought in his lectures, handbooks (such as the *Encyclopedia* and the *Philosophy of Right*) and the posthumously published works (lecture notes and student summaries in texts such as the *Philosophy of Nature*, *Philosophy of Spirit*, *Philosophy of History*, *Aesthetics*, *Philosophy of Religion*, *History of Philosophy*). Indeed, “Hegel intended [the *Philosophy of Right*] to be read against the background of the developing conceptual determinations of the *Logic*” (Redding 2018). For the unity of universal and particular, which alone constitutes truth, is “speculative in nature,” and its form is handled in the *Logic* (Hegel 1994, p. 87). The beginning of the *Philosophy of Right*, for example, “corresponds to analogous starting places of the *Phenomenology* and the *Logic*” (Redding 2018). For “although the actual details of Hegel’s mapping of the categorical structures of the *Logic* onto the *Philosophy of Right* are far from clear, the general motivation is apparent” (Redding 2018). The connection between the *Phenomenology* and the *Philosophy of Right* is obvious: “We have already seen the relevance of historical issues for Hegel in the context of the *Phenomenology of Spirit*, such that a series of different forms of objective spirit can be grasped in terms of the degree to which they enable the development of a universalizable self-consciousness capable of rationality and freedom” (Redding 2018). Thus, the *Philosophy of Right* is grounded on the *Logic* which originally shows itself in the *Phenomenology*, and the speculative way of speaking and thinking of the *Phenomenology* points to how to speak and think speculatively with regards to logic and right—indeed, throughout the entire system of science.

right is not a right, but that right—insofar as it “is”—is neither present in rights (and right words and deeds) nor absent therefrom; on the contrary, it is implied thereby; and rights—insofar as they “are”—imply right. Nevertheless, with this understanding of *what* right is (an implication) because of *how* it is (implied), and although it would be easy enough to multiply the examples; it is still necessary to demonstrate both how to think a “still unthought [*noch ungedacht*]” right as implied in each moment of the *Philosophy of Right* (perhaps even in the entire Hegelian corpus, and in the history of philosophy as a whole)—and how to speak and write a “still” unspoken and unwritten right to imply and to implication.¹⁵

First, the rights of individual persons are neither simply present in the world, nor absent therefrom; they are implied thereby. But initially, the subject—assuming it is a free and independent will, present to itself, over and against “an external, immediately *present* world”—seeks to realize its particular ends by exercising its right to exercise the freedom of its mind and body, working on its works and work, that which it is and has, its property to be used or alienated.¹⁶ And each subject claims that its potentially real will is justified by the *presence* of an actually ideal will, “infinite, universal and free.”¹⁷ In truth, however, will demonstrates implication: my right need not, and cannot, be limited to the present, *Gegenwart*, or to my presence or absence in space and time, or to my knowledge or volition—for putting my will out in the world in a work (whether a thing or thought, word or deed, honorable or dishonorable, right or not), I show that it continues to be mine, insofar as I am implied therein, even if I am neither here nor there nor somewhere else. And it is language, coming to presence *qua* sign, *Zeichen*, of authorship and possession (whether my signature or name, named or not, or some other signifier)—and every sign has “more or less” this structure—which reveals that the referent (as well as both the sense and meaning) is neither present nor absent, but implied in signification (which explains how possession is possible when I am not there, and how I can have rights to what I do not now have here).¹⁸ As Hegel’s student

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15 Hegel 2009, XIV, p. 281. Indeed, if the unthought is not simply to be translated or transformed into the thought, to be thought as unthought, but to remain unthought, then the task of thinking is to not just think. Rather, thought would have to allow the unthought to be unthought. And insofar as there is an unthought to every thought—even to the thought of the unthought—Hegel’s philosophy of right *qua* philosophy of the world, and of world-history, cannot be finished; on the contrary, thinking, philosophy, right and the world and history, remain open to the unthought. This is why, at the close of his lectures on the history of philosophy, Hegel (*W20*, p. 461) insists that, if history comes to a close; then the closure is only “for now [*für jetzt*],” only temporarily—and our stand-point of the end of history (like at the end of the series of spiritual portraits at the end of the *Phenomenology*), is “closed [*geschlossen*]” only at the “present time [*jetzigen Zeit*].”

16 Hegel 2009, pp. 55, 61; emphasis added.

17 Hegel 2009, p. 55.

18 Hegel 1974, p. 211; 1986, p. 127.

notes: although taking possession is continuous (incomplete aspect, *die Fortdauer*), “external objects extend further than I can grasp”; but grasping, having present-to-hand, is unnecessary, if not impossible—for “the relation to such an object *implies* other relations,” and relating to property is a way of implying.¹⁹ And not just my relation to things—my relation to others (meditated by contract, will-to-will, freedom-to-freedom, promise-to-promise, mutual recognition of property, of other self-conscious possessors of minds and bodies), implies their relation to me, which implies the common will-of-the-community and the state and the universal will-of-the-world, which is the “proper and true ground” of all implied relations.²⁰ So, if contract is open to violation via lying, deception, domination, exploitation, violence, crime; then it is not only because individuals confuse particular rights and reasons for universals, privileging contingent-subjective interests over the objectively valid interests of all—but primarily because they forget to consider how their deeds have implications for others, because they refuse to supersede themselves in light of the world as a whole. And this is not just in public: privately, in conscience, in self-presence, in the “silent” majority of the self-determination of the subject, the identification of identity, the inner workings of self-on-self through which the will subordinates itself to law and constitutes its autonomy (as opposed to heteronomy, instinct, madness, slavery)—here too, the world as a whole is implied, which is why freedom shows itself to be “the universal actual principle of a new form of the world”; and why the good is not simply a Kantian form of duty, but “the absolute end of the world,” insofar as the world’s end is implied in ours.²¹ So, Hegel’s student warns: “Pedagogical experiments which remove people from the ordinary life of the present and bring them up in the country (Rousseau’s *Emile*) have been futile, because one cannot successfully isolate people from the laws of the world. Even if young people have to be educated in solitude, no one should imagine that the breath of the spiritual-world will not eventually find its way into this solitude and that the power of the world-spirit is too weak for it to gain control of such remote regions.”²² Thus, will implies world and world is implied in will—for the right of the will is “the right of the world” because the absolute right of the idea and the “idea of the good” are implied in the real “right of the subjective will”—or, put speculatively: will world; the right of the will, the right of the world; absolute ideal subjectively real.²³

19 Hegel 1974, pp. 204-5, 212; 2009, XIV, p. 77, emphasis added.

20 Hegel 1986, VII, p. 159; 2009, XIV, p. 85.

21 Hegel 2009, XIV, pp. 110, 114.

22 Hegel 1986, VII, p. 304.

23 Hegel 2009, XIV, p. 48.

Second, personal rights are never just personal. My right is never simply mine. I am not an isolated individual, and *solus ipse* is an impoverished, unmediated abstraction; rather, I am a member *of* a family and *of* the “family of Man,” that is, always already *of* the world.²⁴ However, the “of” here, whether *genitivus subjectivus* or *objectivus*, does not mean possession, but implication, implied membership—for again, “a higher right holds.” In other words, coming-to-presence in a family unit, each member is never truly a one-sided independent person—which is a superficial and false consciousness, a myth and strategy; on the contrary, for Hegel, each belongs to a natural species and a spiritual unity. This is why, for example, “being in love”—as a way of *being* (becoming what one is through co-belonging to a co-constitutive relation), not *having* (and so, not money or power, connections or convenience, or any other sort of coercive arrangement)—is the actualization of a couple’s freedom; and why “being a family” is a matter of *being* in the world (and so, sharing resources), not *having* private property. And why (another example) children demonstrate how parents are implied, both in the reproduction of the species and in upbringing, formation, education; especially to the knowledge of their implied relation to the world as a whole, to the implications of their words and deeds, to how the freedom of one implies the freedom of all. Or, to put it speculatively: my parents me and I them; just as, I other and other me—for the higher right that holds is not to *have* freedom, but to *be* free, especially if freedom and its being are, thereby, just implied. In other words, the being of the human being is implied—which implies the right to be free, to be in love, to be a partner, a parent or child, to be together or apart, and so, “to become free personalities” and develop a worldly character in the world as a whole.²⁵ Thus, children and parents, partner and partner, friend and friend, enemy and enemy, imply one another, which is how they can be in or out of each other’s lives (so that even in death, the other continues to be implied in life as inherited, not as present or a presence, but as an historical echo or suspended implication); and there is no family which does not imply other families, whether friendly or not, no group without members or members without a group, and without community, society, and the world to which they belong, and from whence they come—for, thought speculatively, not only child parent, but family families, the familial the social the worldly, and implication is how the right of each the right of all.

Third, the right of civil rights of citizens is neither simply present in society, nor absent therefrom, but implied thereby. Indeed, for Hegel, the social is “the expansion of the family” in which each “individual becomes a *son of civil society*,” no longer simply a family member with familial

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24 Hegel 2009, XIV, p. 15.

25 Hegel 2009, XIV, pp. 144, 155, 175.

rights. Rather, right is institutionalized (in law and courts, police and corporations) because institutions are implied by civil society, without which society cannot be civil. In this way, what right implies, and how it can be implied in rights, expands again (an expansion of an expansion, or negation of negation, which will be repeated with the state and, ultimately, with the world as a whole).²⁶ Here, the right of any citizen to seek fulfillment of need and desire implies the right of everyone to do so—or, “equality” of right and rights is implied by each and all.²⁷ And if work is the way in which citizens pursue such satisfactions, it is perhaps unsurprising that they imply one another; just as society as a whole (with its systematic differentiation of skills, division of labor into groups, whether country-city, agriculture-industry, *Handwerk*-manufacturing, commerce-banking, or art-religion-philosophy) is implied by the pursuit of the satisfaction of each. But then, insofar as it is society’s right to require children to leave their parents in order to take up the role and responsibility of parents themselves, it continues to be implied in the health and wealth, liberty and life, of every citizen—for production-distribution-exchange-consumption imply one another in a system of “dependence and reciprocity” in which each is implied in the response (or not) to the needs and desires of all.²⁸ In this sense, each of us implies the “possibility of sharing” (or the refusal to do so) of the resources of the world, of the air we breathe and the water we drink—and in their equal or unequal, just or unjust, distribution.²⁹ Then, if the social is to be really right, it is because ideal right is implied thereby, that is, in the very structure and function of society, in its norms and liberties, public administration and protection (that is, the security of citizens against violence or infringement of person and property, the exercise of arbitrary power and all other forms of harm). And this is only possible because positive law—which comes to presence as right and valid, and known as such for particular cases—implies absolute law, that is, justice “as *universally valid*.”³⁰ Thus, “the business of *one*”—being “simultaneously for *all*”—implies the “common interest”; for civil society is implied in how citizens are, and citizens imply how society must be.³¹

Fourth, individuals recognize that the “true *ground*” of right lies neither in themselves nor in their families, neither in their friends nor in their enemies, neither in their (rural or urban) communities nor in

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26 Hegel 2009, XIV, pp. 158, 192.

27 Hegel 2009, XIV, p. 167.

28 Hegel 2009, XIV, p. 169.

29 Hegel 2009, XIV, p. 169.

30 Hegel 2009, XIV, p. 175.

31 Hegel 2009, XIV, p. 141.

civil society; but in the rational-universal-infinite state which is the true *foundation* of the actualization of freedom—for “the state is the spirit which *stands* in the world”; or, in Greisheim’s interpretation, the state is “the *march* of God in the world.”³² In other words, spirit “marches” and “stands” in the world, that is, actually comes to presence, because the idea of right unfolds and presents itself as real and concrete. So, law and reason are present *qua* laws and reasons—for the state is a “hieroglyph of reason,” which is the law.³³ Thus, “the very idea of the state” is the “true ground” of states; it is the absolute which allows universal and particular to relate, the “third” which grounds the identity and difference of state-genus and state-species (both its general form of monarchy, aristocracy, democracy, etc.; and the particular self-organization of its *Individualität*, its institutions and interests, desires and needs, norms and freedoms, histories and myths), and founds the relations of states to one another through treaty and trade, war and peace, obligation and stipulation—and “this third is, in fact, spirit which gives itself actuality in world-history.”³⁴

But fifth, if the “true ground” were the “absolute ground,” then the history of the philosophy of right would be over. Hegel, however, continues: the state implies the world, “whose right is highest.”³⁵ In this

32 Hegel 2009, XIV, pp. 199, 201, 213; 1974, 632; emphasis added.

33 Hegel 1974, p. 670. As Derrida remarks of Hegel: “He did not take a merely theoretical interest in the transmission, through instruction, of a philosophy whose rationality was supposed to culminate most universally and most powerfully in the concept of the State, with all the wrinkles, stakes, and convolutions of such a ‘paradox.’ Very quickly and very ‘practically,’ he found himself *implicated*, advancing or foundering, more or less speedily, in the techno-bureaucratic space of a highly determined State” (1990, pp. 184-5; emphasis added).

34 Hegel 2009, XIV, pp. 208, 218, 264, 273; 1974, 634. On Hegel’s philosophy of right *qua* philosophy of the state, see the tradition from Lenin’s *State and Revolution* (1918); through Avineri’s *Hegel’s Theory of the Modern State* (1972), who argues that the failure to grasp the persistence of ethno-nationalism and war make Hegel’s political philosophy into a “mere wishful thought” (1972, p. 241); to Ottman’s “Die Weltgeschichte” (Siep 1997, p. 267), who claims that, unlike Kant, Hegel never goes beyond (respect for) “the multiplicity of sovereign nations” and their eternal “struggle for recognition” (p. 284), to a demand for universal rights and the perpetual peace of a *Staatbund*—although he notes this remains “fundamentally debated to this day,” and that the architectonic of the entire *Philosophy of Right* (and the philosophy of history, 1997, p. 275) implies a step-by-step progressive development which culminates, beyond the rights of states, in world-history (and affirms, in a *direkte Fortsetzung* of the Enlightenment, reason over power, right over might).

35 Hegel 2009, XIV, p. 49. As Redding (2018) notes: the final 5 paragraphs of the objective spirit section of the *Encyclopedia* (like the final 20 paragraphs of the *Philosophy of Right*) “are devoted to *world history* (*die Weltgeschichte*), and they also coincide with the point of transition from objective to *absolute* spirit”; which is, obviously, “just the same dialectic that we have first seen operative among shapes of consciousness in the *Phenomenology* and among categories or thought-determinations in the *Logic* can be observed here [in the *Philosophy of Right*]”—so, as it typical of a systematic thinker such as Hegel, the *Philosophy of Right* “is meant to draw upon the conceptual resources” of the *Phenomenology* and the *Logic* (or phenomenologic). Nuzzo (2012, p. 2) agrees: “the move from the idea of history based on memory [in the *Phenomenology*] to the notion that history is guided by the principle of justice [in the *Encyclopedia* and *Philosophy of Right*] is made possible by the logical foundation [in the *Logic*] of the philosophy of spirit”—although the logic (and the principle of justice) was always already present in the *Phenomenology*, even if it was not yet articulated as such; and even if, unfortunately or not, the way in which the logic comes to presence in history (as implied) remains unthought.

way, the *Philosophy of Right* shows itself to be a philosophy of the world—not a philosophy of the state. This is why the finite spirits of individual states in their particular “destinies and deeds” do not just imply the spirit of the state—but “the *spirit of the world*.”³⁶ And this is why the states’ courts do not just imply the state’s court—but the world court of judgment which “is highest of all.”³⁷ So, the final sections of the *Philosophy of Right*, therefore, would have to be rearticulated speculatively—if not retranslated and rethought—especially if the speaking of being, the being of right and being right, is just implied: (1) not “the *element of universal spirit’s* existence...in *world-history* is spiritual actuality”—but rather, “the element of universal spirit’s existence in world-history spiritual activity”; (2) not “world-history is...the necessary development, from the *concept* of the freedom of spirit alone”—rather, “world-history the necessary development, from the *concept* of the freedom of spirit alone”; (3) not “the history of spirit is its *deed*; for it is only what it does, and its deed is—as spirit—to make itself the object of its own consciousness, to comprehend itself in its interpretation of itself to itself”—but rather, “the history of spirit its *deed*; for it only what it does, and its deed—as spirit—to make itself the object of its own consciousness, to comprehend itself in its interpretation of itself to itself.”³⁸ May sound strange, but so is implication (perhaps even speculative philosophy in general, at least if it is philosophical, that is, a philosophy of implication).

And this strange way of speaking would imply an equally strange way of thinking—for right is not present in the world (like fish in the sea, or a member of a set), nor absent therefrom (like some kind of *deus absconditus*); it is neither revealed nor concealed, nor some combination or permutation thereof. On the contrary, it is implied; and its way of being in the world or being-worldly, of being in history or being-historical, being in the history of right or being right historically, is *by implication*. (1) The spirit of right is implied in the world, and only exists insofar as it implies itself *qua* worldly; and for its part, the world implies right, that is, the spirit of right demonstrates that it is implied by the particular moments of the movements of the history of the world, of the states, societies, families, persons. (2) The spirit of right is implied in the historical development of right (and freedom) in the world, and in the history of the philosophy of right, from the superstitious rituals of the caste system, that is, “the accidents of personal power and arbitrary rule”; to the fate and fame of the Greeks, albeit at the expense of a legitimated and

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36 Hegel 2009, XIV, p. 273.

37 Hegel 2009, XIV, p. 273.

38 Hegel 2009, XIV, p. 274. Unfortunately or not, Heidegger’s critique (*GA2*, p. 565) of Hegel’s concept of time as that into which spirit falls (1994, p. 153-4), forgets, covers over, conceals how so: world-history *is* the development of spirit—which is how it can “fall into history”—but being is implied; so spirit does not fall into history, although it is implied thereby, just as history implies spirit.

institutionalized slavery; through the violence of the aristocratic Romans over-and-against the so-called corrupt rabble, “held together only by an abstract and arbitrary-will of increasingly monstrous proportions”; to the rationality of right as it struggles to mediate and reconcile infinite-divine freedom and finite-human freedom (which the Jews, insisting upon the “absolute *negativity*” of the otherness of the other, allegedly could not or would not accept), which “brings the existence of its heaven down to earth” in this world, in order to show itself (in the “Germanic,” or rather European or Western world) in actually free individuals, who know truth as “one and the same [*einer und derselben*]”—whether Hegel is willing and able, thereby, to vindicate the rights of women and the non-Western world, or not—so that spirit is implied by how the world comes to self-consciousness of its historical freedom, and the history of the actualization of freedom in the world implies the freedom of spirit.³⁹

(3) Spirit is implied in its deeds, in its acts, in historical activity. For spirit is implied in every action—whether demonstration, exposition, actualization, or interpretation, comprehension, completion, as well as in negations such as alienation and transition; so, any act in the world, every world-historical action—whether by spirit or the state, civil society or some other group, a family or an individual person—implies the activity of spirit. Thus, the ground of the ground of the right and freedom of the state is the world as a whole—and, to paraphrase Kant, right without world would be empty, world without right would be blind—for it is here that the idea of right, which Plato only grasps as an external abstraction, shows itself to be a concrete “*unity of form and content*,” that is, a properly actually-rationally “philosophical idea.”⁴⁰

Hegel demonstrates, therefore, *that* and *how* it is superficial and insufficient to address the question, “What is right?”, or in speculative language, “What right?”, without considering “How right is?”, or “How right?”—especially if right, the being of right and being right, are just implied. And the *Philosophy of Right* shows *how* the idea of right—if it is to be actual—implies the world and its spirit. Thus, if right comes to presence as rights, as done or being done—or remains in absence, not-yet-done, never-done, undone—whereby it can present itself in persons and individuals and citizens, families and friends, groups and communities, societies and nations, and the world; then it is thanks to an implied right, one that is neither present nor absent.

And if the philosophy of right fails to think and speak of right as implied? If philosophy refuses to consider implication? Demands the presence of right in thought and word and deed?

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39 Hegel 2009, pp. 279-282; 1986, pp. 420-22; 9.316.

40 Hegel 2009, XIV, p. 16.

Then, not only does wrong dominate right, inverting the world—but obviously, there would be neither wrong nor right. The cost of neglecting implication, of its translation into the language of presence and/or absence, its transformation into the logic of what can or cannot be present and/or absent, should be clear. The price of maintaining the privilege of those privileged enough to insist that it is and/or is not—and there is no third, *tertium non datur*—should be a warning. And if the history of the philosophy of right, like the history of philosophy as a whole, asserts the power to only permit a right that is present and/or absent, then it should be unsurprising that right cannot be right—at least insofar as the thinking of *what is right* remains unthought, and the explanation of *how it is right* remains inexplicable—rather, wrong reigns, *Unrecht*, and evil prevails, *Böse*.

So, on the one hand, the privileging of presence, and of the power of privilege to presence, to be present and present itself, whether as present or non-present, shows itself as violence in the external world. The right of implication—and the right to implication, the right to imply—falls victim to the “arbitrariness and contingency” of particular will and conforms to the desire of certain somehow motivated individual subjects.⁴¹ They claim that implying is not really implying, but a mere semblance and untruth, *Unwahre*: it is either impossible to imply, insofar as every implication is a performative contradiction, an explicit implication; or a ploy, the preferred tool of power employed to exclude those who do not or cannot have access to what is being implied; or a strategy used to appear right, while being wrong.⁴²

First, if the plea that all implication must immediately to be translated into the language and logic of presence comes out of genuine ignorance or naiveté, a desire to understand what is meant by what is implied, to grasp what the other is or is not implying, to include implication, and show that right and wrong cannot be simply limited to the present will (motive) of present parties (opportunity)—the problem of implication is at least acknowledged, and the question of the meaning of implication is at least asked, which leaves room for conflict, collisions, contingencies—even if implication’s way of being remains unthought. In other words, implication as neither present nor absent—that is, as suspension, as the suspension of the meaning of being right (and the being of right) *qua* presence and/or absence—is recognized. And the history of the philosophy of right that has violently, that is, arbitrarily and contingently, refused implication has been revealed. But now, confronted with what is merely implied, with what can only come to presence in word and deed, thought and thing, with a right to implication, all parties must “renounce their particular points of view and interests.”⁴³

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41 Hegel 2009, XIV, p. 84.

42 Hegel 1986, p. 173.

43 Hegel 2009, XIV, p. 86.

Second, if conformity to the requirement for presence, for parties to say what they mean and mean what they say, to reduce things to how they appear and what they present, to close down sense and limit meaning to their actually or potentially present worth and value, to excise all implication from language and logic, comes out of cunning, the intention to deceive, whether for profit or pleasure, to maintain power or privilege—the threat of implication is recognized. In this way, the usefulness of implying for deception, *Betrug* (as in, for example, the correlative or parallel action of “implied conspiracy”), saying what should not be said, and doing what should not be done, is acknowledged, as is the right of the deceived. Simultaneously, however, the will to exclude implication shows itself as futile, just as the very threat of deception suspends the determination of presence and absence, and the respect or infringement of right—even as it “should be superseded” by trust.⁴⁴ Thus, implication is suspension, which is why it is so suspenseful; and its supersession required for the coming-to-presence of “right *in itself*.”⁴⁵

Third, if the demand for presence is fulfilled concretely, whether in an external thing or internal will, it shows itself as violence or force, *Gewalt*, and is experienced as coercion, *Zwang*. Here, the power of others to refuse implication is domination and command: thou shalt present thyself as thou art, or being and appearance, presentation and representation, must correlate and correspond—which is how presence becomes the very meaning of truth, being true, truth-telling; as well as how falsity and lying come to be understood as the absence thereof. And it is the privilege of the dominant to coerce the dominated, to insist upon conformity to their preference for the explicit, and their right to ground the force of law on presence and/or absence. But ironically, just as “only he who *wills* to be *coerced* can be coerced into anything,” so too only that which is implied can be present or absent in anything.⁴⁶ In other words, just as coercion reveals the actuality of freedom, so presence and/or absence reveal that which is actually neither present nor absent, that is, implication. And yet, this is not to say that the power to exclude what is implied is illegitimate or “wrong”; rather, it is to demonstrate how it implies the supersession of suspension, and so, of both being and right’s way of being. For the legitimacy of the power to demand the supersession of implication is a coercion of coercion, that is, right *qua* negation of negation, violence *contra* violence, force as protection against force. Initially, implication is not tolerated; but then, intolerance is not tolerated—it is superseded. So, implication must be tolerated, or tolerated as intolerable and intolerable as tolerated, a

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44 Hegel 2009, XIV, p. 87; Kittelle and Lamb 1950, p. 227.

45 Hegel 2009, XIV, p. 86.

46 Hegel 2009, XIV, p. 88.

tolerable intolerance or intolerable tolerance. In other words, infringing upon the right to implication (and the individual freedom to imply) is a kind of crime—not simply because it hinders a particular word or deed or thought, but because it negates any right to implication whatsoever, because it universalizes the merely subjective right of the refusal of what is implied. And a world in which every implication should immediately be translated into the language and logic of the explicit, in which the right to imply should be stolen or robbed from individuals, would be an inverted world, a criminal world, as well as one with neither self nor other, neither science nor art. But again, it is precisely in such crimes that implying has its right, and presence shows its vulnerability. The privileging of the explicit seeks to supersede implication’s “right as right”—but the very attempt to supersede implication is its proof of concept, its demonstration of *that* and *how it is*, and *is right*.⁴⁷ The “restoration of right,” therefore—which is itself right, neither wrong nor an evil—would mean the restoration of implication, its right to be and its being right, along with the right to imply; that is, neither revenge nor retribution, but justice, *Gerechtigkeit*.⁴⁸

On the other hand, the privileging of presence, and the correlative refusal of implication, shows itself as arbitrary violence in the internal world; it creeps into consciousness and self-consciousness, buries its preference in the depths of the soul, exerts its power over desire and feeling, imagination and thought, whether actual or potential. Here, the particular will is determined by the will to reduce what is implied to the language and logic of presence and/or absence. But then the subjectivity of the subject evaporates, *verflüchtigt*, along with the otherness of the other, and the objectivity of the object and the conceptuality of the concept—which is “the *origin of evil*.”⁴⁹

First, however, the individual subject claims absolute responsibility for its will, for its thoughts and feelings, desires and actions, that is, for its immediate rejection of implication and anything implied. Here, like “the child, and the uneducated person,” the will prefers and privileges the explicit, and it posits this subjective judgment as natural and necessary, innocent and good, free and right.⁵⁰ But the negative is “itself rooted in the positive,” and the positive in the negative; just as presence implies absence and absence presence; just as “good and evil are inseparable [*untrennbar*].”⁵¹ So, rejection of implication is only possible if there is

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47 Hegel 2009, XIV, p. 90.

48 Hegel 2009, XIV, p. 91.

49 Hegel 2009, XIV, p. 120.

50 Hegel 1986, p. 264.

51 Hegel 1986, pp. 263-4.

somehow something to reject, namely, that which is implied—although its way of being is not simply that of something somehow present and/or absent, and although their inseparability, *Untrennbarkeit*, has not yet been illuminated. Thus, the will-to-presence, the decision to negate implication, to insist upon being present and/or absent, to right being present-here or not, to the presence of self to itself in self-consciousness and/or its absence *qua* childishness, ignorance or madness—and the freedom on which its choice is grounded—means that the subject posits itself as responsible for itself; and so, for its judgments and actions, feelings and thoughts.

Second, the subject asserts that its refusal of implication is not only subjective, not just good *for itself*, but also good “*for others*.”⁵² Here, it regards its negation of implying as positive, as “*a duty and admirable intention*,” a will to explicate and clarify rights and what is right, show and tell that which presents itself as clear and distinct, to make meaning open and available to others, while acting for itself and for others, and speaking in such a way that it and others can be heard and understood—for the subject is not simply responsible for itself, but also for others; not merely for its rights, but just as much for the rights of others, especially if they do not or cannot assert their own rights.⁵³ However, as Hegel insists: “to assert that this action is good for *others* is *hypocrisy*; and to assert that it is good for itself is to go to the even greater extreme at which *subjectivity declares itself absolute*...[And] this last and most abstruse form of evil, whereby evil is perverted into good and good into evil...is the form to which evil has advanced in our time.”⁵⁴ And if this way of thinking and acting, feeling and being, comes to dominate the present age, then it is because a certain kind of so-called “philosophy” or “pseudo-philosophy”—which valorizes the vanity of the subject and “a shallowness of thought”—twists implication into presence, and right into wrong, as it calls evil good and good evil, and names the subjective objective and the objective subjective.⁵⁵ In this way, the hypocritical exclusion of implication is the height of “*bad conscience*”—for those who claim to restrict themselves to presentation or re-presentation, to what is or can, was or will be present, or absent (and therefore, the right to restrict others, even the duty to do so), know full-well that this is impossible; that self-consciousness is never simply present “entirely for itself,” but far more implies the other; that although right and wrong, like presence and absence, may be presented or “represented as *separable*, and *indifferent* and *contingent* over and against one another,” but they are actually *inseparable*; that the privileging of presence cannot be limited

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52 Hegel 2009, XIV, p. 122.

53 Hegel 2009, XIV, p. 122.

54 Hegel 2009, XIV, pp. 122-3.

55 Hegel 2009, XIV, p. 123.

to the privileged, just as the pleasure of implication cannot be the sole prerogative of the powerful, insofar as others are implied thereby; that absolute responsibility, like will and freedom, agency and intention (whether resulting in good or evil, whether “*the end justifies the means*” or not), assuming presence-to-self, fails to account for how the subject is absence-from-self—and even more radically, neither present-to nor absent-from, but implied by itself, which implies others, which is how it is, and how it can be responsible.⁵⁶ But this is not enough—so what is done and known is supplemented with a truth-claim, albeit one that is, in truth, a “formal determination of untruth”: the refusal of implication is represented as good for others by hypocrites who represent themselves as good, which is merely a trick to deceive, but is justified by a good will or intention, reasons or outcomes (which may or may not have anything to do with the repudiation of implication).⁵⁷ Thus, truth becomes merely probable, if not relative or subjective: any reason given by any authority—whether codified in law or not, whether historical norm or individual feeling—is sufficient to proscribe what is just implied, “whereby preference and arbitrariness are made the arbiters of good and evil.”⁵⁸

But none of this is inevitable. For right’s way of being, of being implied—and the being of right, and of being, as well as that of the subject and other, of individuals and families, friends and enemies, societies and states and the world as a whole—remains unthought. In the end—and at the end of Hegel’s *Philosophy of Right*—there is only one way to right the wrongs that have been, are being, and will be done to right, namely, struggle, *Kampf*.⁵⁹ For those who seek to exclude implication, to assert their privilege and power and preference in order to demand that the world conform to the philosophy of presence and/or absent, to force right into the Procrustean bed of translation, and the language and logic of the present and/or absent—they cannot be expected to right themselves. In other words, the negation of the negation, the exclusion of the exclusion of implication, the disempowering of the powerful, the refusal to translate, the resistance to the preferences of the preferred, the removal of privilege and its privileges—this is “*the hard, infinite struggle*” to do justice to what is just implied. And this is how the unthought truth of right—its way of being, of being implied, and being’s—would be neither simply thought nor unthought; but the suspension of both, which is the right of implication, and the right to implication.⁶⁰

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56 Hegel 2009, XIV, pp. 124, 127.

57 Hegel 2009, XIV, p. 125.

58 Hegel 2009, XIV, p. 125.

59 Hegel 2009, XIV, p. 281; 1994, p. 83. Again, as Hegel 1994, p. 100, insists: this is not a matter of chance or luck, *Glück*, but of effort, work, struggle, *Kampf*.

60 Hegel 1994, p. 83; Heidegger 1977, GA2, p. 573.

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Volume 8
Issue 2

Capitalism's Implants: A Hegelian Theory of Failed Revolutions

Adrian Johnston

Abstract: Going back to Hegel himself, there is a long-standing tendency to associate dialectics with dynamics. That is to say, Hegel's dialectical philosophy frequently is construed as an updated, sophisticated Heraclitean flux doctrine, a sort of process metaphysics constantly foregrounding becoming, change, fluidity, movement, transformation, and the like. Indeed, for Marx, Engels, and much of the Marxist tradition, dialectics-as-dynamics is the rational revolutionary kernel of Hegelian thinking. Yet, at least at the level of socio-political philosophizing, the past two-hundred years since the publication of Hegel's political *magnum opus*, *Elements of the Philosophy of Right* (1821), has made evident the need to reconsider this deeply-engrained intellectual habit of equating the dialectical with the dynamic. If Hegelianism (as well as Marxism) is to remain capable of reckoning with history up through the twenty-first-century present, it must be able to account for why and how so much of the future historical progress Hegel and Marx, as children of the Enlightenment, optimistically anticipated failed to happen. One could say that real social history itself from the nineteenth century through today has exhibited much in the way of stasis, setbacks, and regressions unforeseen by the likes of Hegel and Marx themselves. The sorts of socio-historical progress envisioned by Hegelianism and Marxism has for a long time been, and still continues to be, stalled. This fact calls for conceptualizing a dialectics of non-dynamism, a sluggish or stuck dialectic, so to speak. Herein, I attempt to contribute to this (re) conceptualization of historical dialectics by developing a Hegelian theory of failed revolutions precisely through an immanent-critical engagement with the full span of Hegel's political writings from 1798 to 1831.

Keywords: G.W.F. Hegel, Karl Marx, Adam Smith, Scottish Enlightenment, History, Economics, Capitalism, Revolution

§1 The Compromising of Immanent Criticism: Timely and Untimely Children

G.W.F. Hegel is widely and appropriately credited with being one of the first major philosophers to grapple seriously with the significance and implications of the rise of modern industrial capitalist economies and these economies' representations in the thinking of the then-new field of "political economy" (eventually to become the discipline of economics). Hegel's socio-political writings display an in-depth knowledge of such British sources as James Steuart's *An Inquiry into the Principles of Political Economy* (1767), Adam Ferguson's *An Essay on the History of Civil Society* (1767), and Adam Smith's *An Inquiry into the Nature and Causes of the Wealth of Nations* (1776). What is more, not only do texts in the vein of Smith's *The Wealth of Nations* and Bernard Mandeville's early-

eighteenth-century *The Fable of the Bees* inform Hegel's directly socio-economic and political musings—the Mandevillian treatment of intended private vice as unintended public virtue¹ and the related Smithian notion of the “invisible hand” of the benevolent market animated by nothing more than bourgeois selfishness² serve as models for the movement of opposites of all sorts inverting into each other characteristic of Hegelian speculative dialectics in general (including in Hegel's non-political philosophy too).³ Indeed, Mandeville's talk of “cunning”⁴ (and related talk by Smith⁵) may have been a, if not the, inspiration for Hegel's “cunning of reason” (*die List der Vernunft*).⁶

Hegel's very first published work, *Commentary on the Bern Aristocracy*, is his 1798 anonymous translation and interpretation of a set of anti-aristocratic public letters written by a Swiss lawyer living in exile in Paris, Jean Jacques Cart, about injustice and oppression in Cart's native land (where Hegel himself resided from 1793 to 1796). Hegel's very last published work of 1831, entitled “On the English Reform Bill” and written shortly before his death, is an essay warning of the populist dangers of the then-impending reform of England's Parliamentary electoral system. Roughly in-between, there is the 1821 published version of Hegel's Berlin lectures on the *Elements of the Philosophy of Right*. 1821's *Philosophy of Right* justifiably is recognized, even by the bulk of its harshest critics, as one of the most important books in the entire history of Western political philosophy. Indeed, Hegel is seriously concerned throughout his philosophical career, from start to finish, with intertwined social, political, economic, and historical issues.

Particularly in the *Philosophy of Right*, Hegel, as is common knowledge, emphasizes that the main challenge served up to humanity as a whole by modern social history is somehow or other reconciling the competing claims of the individual with his/her rights (i.e., Hegel's sphere of “morality” [*Moralität*]) and of the collective with its rights (i.e., Hegel's sphere of “ethical life” [*Sittlichkeit*]).⁷ Although foreshadowed in antiquity

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1 Mandeville 1989, pp. 53-55, 68, 76, 81, 88, 118-119, 130, 200)

2 Smith 1999, p. 32

3 Hegel 1979, pp. 154, 162, 167-168, 170, 242-244, 247-249; Hegel 1991a, §189 pp. 227-228; Hegel 1956, pp. 30-34; Lukács 1976, p. 352; Pelczynski 1971a, pp. 10, 12; Harris 1972, pp. 434-436; Harris 1983, pp. 126, 138; Bloch 1977, pp. 234-235; Pelczynski 1984, pg. 5; Plant 1983, pp. 229-231, 235; Walton 1984, pp. 246-247; Waszek 1988, pp. 8-9, 24-25, 149-150, 153; Smith 1989, p. 209; Wood 1990, pp. 228-230; MacGregor 1996, pp. 4, 48, 165, 290-291; Herzog 2013, pg. 25, 54; Skomvoulis 2015, p. 20-21; Mowad 2015, p. 79; Cesarale 2015, p. 98)

4 Mandeville 1989, p. 68, 350

5 Smith 1986, p. 515 Smith 1999, pp.30, 32

6 Hegel 1979, pp. 247-249; Hegel 1991a, §189 p. 227; Hegel 1984a, p. 325

7 Hegel 1991a, §33 pp. 62-64

by the figure of Socrates with his *daimōn* (especially as portrayed in the Platonic dialogues recounting his trial and death⁸), the figure of the sovereign individual with his/her inviolable mental interiority is a spiritual-ideological phenomenon specific, as socially pervasive or even hegemonic, to modernity.⁹ Hegel, especially in the *Philosophy of Right*, depicts the modern era, including his own present, as still struggling towards a yet-to-be-achieved proper balance between what is owed to the private good of the singular subject (“I”) of *Moralität* and what is owed to the public good of the group subject (“we”) of *Sittlichkeit*.¹⁰ How do these sides mutually restrict each other? How should their competing rights claims be adjudicated? Under what circumstances ought one side’s claims to override the other side’s claims?

Of course, the best-known portion of Hegel’s *Philosophy of Right* is its (in)famous preface. One of its most familiar statements is the assertion according to which “each individual is... a *child of his time* (*ein Sohn seiner Zeit*); thus philosophy, too, is *its own time comprehended in thoughts* (*ihrer Zeit in Gedanken erfaßt*).”¹¹ Given how much ink has been spilled about this line, not to mention about Hegel’s 1821 preface, the *Philosophy of Right* in its entirety, the full sweep of Hegel’s complex and evolving socio-political thought, and Hegel’s philosophy as a whole, I must confine myself here to a few highly selective remarks about this line (as well as similarly constraining myself throughout the rest of this intervention).

Hegel’s acknowledgment that even the philosopher, presumably himself included, is never (completely) above the fray of his/her *Zeitgeist* entails at least a tacit registration of a possible risk. As Hegel would be the first to admit, his political philosophy, particularly as crystallized in the *Philosophy of Right* itself, is a “child of its time” insofar as its architecture and arguments mirror structures and dynamics operative in the social history culminating in Hegel’s early-nineteenth-century European context.¹² The Hegelian *Moralität-Sittlichkeit* distinction is meant to delineate a fault line of tension running through the objective reality of modernity and its familial, economic, and political organizations and institutions. As “*its own time comprehended in thoughts*,” Hegel’s philosophy deliberately reflects its socio-historical surroundings.

For this Hegel, neither the specific problem of spiraling wealth inequality under industrial capitalism (producing an immiserated

8 Hegel 1999, pp. 153-154; Hegel 1995a, §167, p. 311; Hegel 1955, pp. 425-448

9 Hegel 1999, p. 50; Hegel 1991a, §104 pp. 131-132, §106 pp. 135-136, §136 pp. 163-164, §138 pp. 166-167, §140 pg. 175

10 Hegel 1999, p. 230

11 Hegel 1970a, p. 26; Hegel 1991a, p. 21

12 Hegel 1995a, §86 pg. 158

“rabble” [*Pöbel*]¹³) nor the more general problem of squaring the circle between individualism and collectivism in the modern era point toward evident solutions on the foreseeable horizon of social history. Hegel’s refusal promptly to furnish improvised armchair resolutions of these difficulties testifies to his sincere intellectual honesty. Yet, regardless of however much awareness of and sensitivity to contemporaneous socio-economic challenges one attributes to Hegel as a “child of his time,” I would contend that Hegel’s thinking does not escape being contaminated and compromised by the same problems of modernity he keeps center stage in his socio-political philosophizing.

Indeed, Hegel himself might concede that this is inevitable for any and every philosopher or thinker of societies and their histories. From Hegel’s own perspective, reflection on social history is itself going to be shaped by the very social history upon which it reflects.¹⁴ Hence, such reflection (including that responsible for a text like the *Philosophy of Right*) will be ambivalently double-sided. It will be simultaneously a timely immanence and an untimely transcendence *vis-à-vis* its conditioning and enveloping social surroundings.

On the one hand, a *Zeitgeist* becomes self-conscious, transparent to itself, only via the “comprehension” (*Erfassung*) it achieves in and through the “thoughts” (*Gedanken*) about itself it helps to generate within at least a few of its participants. This would be a version of Hegel’s (unconscious collective) substance becoming (conscious individual) subject within the reflecting subjectivity of the socio-political philosopher/thinker. And, societies, in achieving degrees of consciousness about themselves in and through certain of their thinking members, also achieve ideational-deliberative self-distancing (i.e., an untimely transcendence, however minimal) such as to allow for reconsiderations of their arrangements and directions.¹⁵

In fact, as per Hegel’s idealism, social change is made possible precisely thanks to the intellectual grasping of social history up through a given *status quo* (a point which Karl Marx in particular goes on to problematize in several manners). This conviction about social change through social consciousness is conveyed in, for instance, an October 28, 1808 letter from Hegel to his personal friend and professional benefactor

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13 Hegel 2002, pg. 99;
Hegel 1979, pp. 170-171; Hegel 1995a, §118 pp. 208-211, §150 pp. 280; Hegel 1991a, §244-246 pp. 266-268], §248 pp. 269; Hegel 1999, pp. 255-256; Plekhanov 1974, pp. 471-472; Althusser 2006, pg. 276; Plant 1983, “pp. 231-232; Smith 1989, p. 143; Wood 1990, pp. 248-255; Hardimon, 1994, pp. 32, 236, 241-242, 244, 247-248, 258;
Kervégan 2007, pp. 68, 197-198, 232, 390; Ruda 2011, pp. 4-5, 13-14, 32-33, 36-39, 46-47, 58-68, 73-74, 116-117, 121, 146-148, 168, 179; Žižek, 2012, pp. 437-438; Žižek 2014, pp.23, 44; Johnston, 2018, pp. 78-79, 117-120, 124-125

14 Bourgeois 2000, pp. 106, 122

15 Hegel 1986, §11 pp. 12-13

Friedrich Immanuel Niethammer. A well-known line therein declares, “Once the realm of representation [*Vorstellung*] is revolutionized, actuality [*Wirklichkeit*] will not hold out.”¹⁶ Other texts also express Hegel’s belief that any truly significant social revolution must be prepared for and enabled by a preceding spiritual reformation.¹⁷

However, Hegel concedes that any such subjective reformation, in order to become objectively revolutionary, requires the backing of concrete physical force¹⁸ (a foreshadowing of Marx’s anti-idealist thesis about “the weapons of criticism” needing to translate themselves into “the criticism of weapons” in order to be actually efficacious in producing real social transformations¹⁹). Similarly, Hegel stipulates that it is not the thoughts of those exceptional subjects who alter the course of history (i.e., history’s proverbial “great men”) that makes them world-changing, as per an erroneous “psychological” approach to history, but their deeds really performed.²⁰ Considering that deeds as per Hegel’s theory of action are, as soon as they are performed, mediated by the intersubjective and trans-subjective social matrices within which the acting subject is embedded, Hegel rejects atomistic as well as psychologistic approaches to history, even to its so-called “great men” (with the idealism of Hegel’s “absolute idealism” emphasizing relational mediation and correspondingly being opposed to atomism, but not opposed to realism as is “subjective idealism”²¹). The gap between Hegel and Marx is not as wide here as it might seem at first glance—and this despite Marx’s anti-Hegelian “History does not march on its head.”²²

On the other hand, this same consciousness of society generated out of society itself is bound to reduplicate many of this society’s limitations and blind spots. Succinctly stated, socially conditioned reflection on the social is another instance of sublation in Hegel’s precise technical sense. That is to say, conscious apprehension of a society by some of this society’s members involves, as per the discrepant meanings of the German word “*Aufhebung*” invariably played upon by Hegel, both a partial surpassing of this society (through mental comprehension as a movement of the thinking subject taking distance from the object

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16 Hegel 1984a, p. 179

17 Hegel 1975, p. 152; Hegel 1999, pp. 1-2; Hegel 1971a, §552 pp. 287-288; Hegel 2002, pp. 305-206; Hegel 1956, pp. 420, 453;

18 Hegel 1999, p. 101; Hegel 2002, p. 252

19 Marx 1992, p. 25

20 Hegel 1964, p. 247

21 Hegel 1977a, pp. 115, 127, 165-167; Hegel 2002, p. 229; Hegel 1979, pp. 223-226; Hegel 1969a, p. 155; Hegel, 1991a, §95-96 pp. 152-153; Johnston 2018, pp. 51-52

22 Marx and Engels 1975, pp. 103, 118, 238-239; Marx and Engels 1998, pp. 33-36, 42-43

thought precisely in order to think the latter) as well as simultaneously a preservation of portions of this same society (including mental comprehension inheriting and echoing, however intentionally or not, this society's unresolved difficulties and inconsistencies). I believe that the latter aspect of Hegel's own reflections on his socio-historical context, in the *Philosophy of Right* and elsewhere, leave him still too indebted to and influenced by the capitalist, liberal, and bourgeois individualist elements he nonetheless also submits to penetrating, scathing criticism. I will specify and defend this belief throughout much of what follows.

For Hegel, a weakening of the cohesion of the *polis*, an unraveling of the binding threads of *Sittlichkeit*, tends to trigger a fleeing of social decay and dissolution by this community's better souls and brighter minds. Such singular subjects withdraw into themselves, retreating into the inner sanctum of their purely mental lives as refuges from the historical *Sturm und Drang* raging all around them.²³ Not coincidentally, Socrates, with his individualism of conscience, appears during the decline of Athens (with the Hegel of the *Philosophy of Right* even defining "conscience" [*das Gewissen*] proper as essentially involving withdrawal from the world's objective particularities into the empty fortress of universal free subjectivity²⁴). Similarly, in the spirit of this same Hegel, one might interpret today's self-help popularizations of tend-your-own-garden ancient stoicism as one of countless symptoms of the rottenness and dysfunction of a twenty-first-century capitalism convulsed by crisis, disease, poverty, war, and the looming threat of catastrophic environmental collapse.

But, however much slackening occurs of the ties that bind the "moral" individual subject to the "ethical" collective substance due to the latter's inner discord, instability, and/or enfeeblement, these ties tend not neatly and cleanly to snap *in toto*. At least a few loose threads of the times can be expected to cling to even the most radical and untimely of the *status quo*'s thinkers. This structural dynamic (partly) restraining or stifling the radicality of pure thinking arguably holds for Hegel himself too, as I now will set about demonstrating.

§2 *Glauben oder Wissen: Faith Plausible and Implausible*

From the very beginning of Hegel's intellectual itinerary and this beginning's initiations of his thereafter lifelong pondering of overlapping social, political, economic, and historical factors, he exhibits an Enlightenment-style faith in the inevitability and irresistibility of

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23 Hegel 1977b, pp. 119-122, 266-289; Hegel 1995a, §64 pp. 123, §69 pp. 129-130; Hegel 1991a, §138 pp. 166-167, §274 p. 313; Hegel 1995b, pp. 407-410, 412, 443-447; Hegel 1995c, p. 69

24 Hegel 1970a, §136 p. 254; Hegel 1991a, §136 pp. 163-164

progress. To be more exact, Hegel repeatedly voices his confidence that, regardless of whatever temporary setbacks and regressions social history displays, the larger trajectory of this history, the long haul of the grand arc formed by *Weltgeschichte* with the “inner pulse” of its *Wirklichkeit*,²⁵ reveals a steady and inexorable march in the direction of ever-greater ideational and institutional realizations of human liberty both individual and collective. History is teleological, and freedom is its *telos*.²⁶ The Enlightenment’s optimistic progress narratives, especially as (apparently) fulfilled by the French Revolution, are part of what Hegel inherits as a “child of his time,” through him being thrown by the accidents of birth into the educated Europe of the late-eighteenth century.

Admittedly, 1821’s *Philosophy of Right* in particular subtly sounds some more somber and pessimistic notes about the road ahead for modern social history. Of course, the famed image of the Owl of Minerva in this book’s preface conveys Hegel’s rejection of the notion that anyone, even the most insightful of philosophers, is able to predict the future.²⁷ However, according to this same Hegel, his ability philosophically to capture the social, political, and economic features of capitalist modernity means that the sun already is setting on this *status quo*, that it must be on its way out, breaking up and dying off so as to give way to something else yet to come. Moreover, there are Hegel’s earlier-mentioned registrations of the rapidly widening gap between rich and poor as posing grave, and potentially explosive, problems for which neither he nor industrial capitalism have feasible long-term solutions ready to hand. With his minimal reflective distance from the modern European *Zeitgeist* of which he is nevertheless the child—this also is despite his just-mentioned denial of predictive power as regards future social history—Hegel offers hints foreshadowing dramatic collective change soon to arrive. But, he still carefully refrains from thrusting forward specific predictions about the nitty-gritty details and features of any looming transformations yet to transpire. Hegel quietly tries to keep one step ahead, but one step only, of his own era.²⁸

Viewed with the benefit of a bit of Marxist hindsight, the Hegel of the *Philosophy of Right* could be said to leave open the question of whether future social progress will move within or beyond modern capitalism. As a wise old owl staying mum about the future out of principle, he deliberately avoids any overt proclamations about how much additional historical time remains for the industrial societies and nation-states of modernity.

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25 Hegel 1970a, pp. 24-28; Hegel 1991a, pp. 20-23

26 Ibid., §129 p. 157

27 Hegel 1991a, p. 23

28 Johnston 2018, p. 115-119

Nonetheless, there are indications about Hegel's views on all of this scattered throughout his *oeuvre*. I turn now to these indications.

Already in 1798, in both *Commentary on the Bern Aristocracy* and "The Magistrates Should be Elected by the People," the young Hegel, still freshly enthused by the French Revolution and its immediate implications, voices full-throated confidence that, with the powerful impetus of 1789 behind it, history cannot but continue to make further progress in the advancement of human freedoms. Any reactions against such progress rolling it back (for example, that of swathes of the German-speaking world to revolutionary France and Napoleon Bonaparte) are dismissed by Hegel as "ephemeral victories,"²⁹ as merely temporary setbacks doomed to be swept away sooner or later by the irresistible logic of history's larger teleological trajectory. Those who are "deaf," with ears not to hear the true beating heart of history, "will be harshly dealt with by their fate."³⁰ In particular, those trying to cling to the "good old order" of (the remnants of) feudalism, with a privileged landed aristocracy and everything that goes along with it, are living on very little borrowed time at most. Their ultimate defeat is depicted by this Hegel as a foregone conclusion (with this certainty of Hegel's youth appearing to be tempered and qualified in his maturity, as manifest in the uncertainty about the future detectable in the *Philosophy of Right*). The storming of the Bastille began sounding the death knell of this old order. There will be no permanently successful turning back the clock.

In "The Magistrates Should be Elected by the People," Hegel even blames the bloody excesses of the Jacobin Terror on the stubbornness of the *Ancien Régime* leading up to the French Revolution. Had the rulers of pre-revolutionary France capitulated to the need for serious reforms based on an acceptance that, prior to 1789, social changes originating in the sixteenth century (with the twin emergences of Protestantism and capitalism) eroded the feudal ground out from under them, a violent revolution might not have happened. But, the stubborn insistence, from within the conditions of the eighteenth century, on propping up by-then lifeless legal and institutional husks left over from feudalism rendered these feudal remainders brittle barriers provoking the revolutionaries to smash them to pieces. The vain efforts of the *Ancien Régime* to preserve these zombie feudal forms involved denials of the inevitable, namely, the unpreventable demise of feudalism at the hands of capitalism.³¹ This demise is dictated by the necessary movement of historical progress. As Hegel later warns during his brief Heidelberg stay, "The development of spirit unaccompanied by a corresponding development of institutions,

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29 Hegel 2002, pp. 125-126

30 Ibid., 126

31 Hegel 1999, p. 2

so that a contradiction arises between the two, is the source not only of discontent but also of revolutions”³² (promptly adding that, “we get disturbances of the peace owing to the fact that the self-conscious concept contains other institutions than actually exist; there is a revolution”³³). The foreshadowings of Marx’s theory of social revolutions as laid out in writings such as 1848’s *Communist Manifesto* and the preface to 1859’s *A Contribution to the Critique of Political Economy* ought to be easily discernible to the reasonably informed eye.³⁴

A few years later, in the preface to 1807’s *Phenomenology of Spirit*, a Hegel who had just seen Napoleon on horseback and Napoleon’s undoing of the Holy Roman Empire at the 1806 Battle of Jena remains confident of the irresistibility of continuing progress in social history. He declares that, “it is not difficult to see that ours is a birth-time (*eine Zeit der Geburt*) and a period of transition to a new era (*Übergangs zu einer neuen Periode*).”³⁵ A tone of deep optimism continues to pervade this side of Hegel’s thinking, one also sounded in an 1807 letter from Hegel to Christian Gotthold Zellman.³⁶

This same red thread of Enlightenment-type faith in further historical progress resurfaces in the pronouncements of the older Hegel of the Heidelberg and Berlin periods too. On the eve of Hegel’s move to Heidelberg, in a letter written in Nuremberg to Niethammer, he reaffirms:

I adhere to the view that the world spirit has given the age marching orders (*Ich halte mich daran, daß der Weltgeist der Zeit das Kommandowort zu avancieren gegeben*). These orders are being obeyed (*Solchem Kommando wird pariert*). The world spirit, this essential [power], proceeds irresistibly like a closely drawn armored phalanx advancing with imperceptible movement, much as the sun through thick and thin. Innumerable light troops flank it on all sides, throwing themselves into the balance for or against its progress, though most of them are entirely ignorant of what is at stake (*die meisten wissen gar von nichts, um was [es] sich handelt*) and merely take head blows as from an invisible hand (*einer unsichtbaren Hand*) [cf Adam Smith]. Yet no lingering lies or make-believe strokes in the air... can achieve anything against it (*Alles verweilerische Geflunkere und weisemacherische Luftstreicherei hilft nichts dagegen*). They can perhaps reach the shoelaces of this

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32 Hegel 1995a, §146 pg. 269

33 Ibid., §146 p. 270

34 Marx and Engels 1977, pp. 222-231; Marx 1970, pp. 20-22

35 Hegel 1970b, 1970, pg. 18; Hegel 1977b, p. 6

36 Hegel 1984a, pp. 122-123

colossus, and smear on a bit of boot wax or mud, but they cannot untie the laces. Much less can they remove these shoes of gods—which according to [Johann Heinrich] Voss's *Mythological Letters*, among other sources, have elastic soles or are even themselves seven-league boots—once the colossus pulls them on. Surely the safest thing to do both externally and internally is to keep one's gaze fixed on the advancing giant. To edify the entire bustling zealous assemblage, one can even lend a hand to the enterprise that is being taken so seriously.³⁷

With the Napoleonic Wars in view, he continues:

I have anticipated the Reaction of which we presently hear so much. It wishes to impose its right. '*La vérité en la repoussant, on l'embrasse,*' as a deep saying of Jacobi's goes. The Reaction (*Die Reaktion*) is still far removed from genuine resistance (*Widerstand*), for it already stands entirely within the sphere over against which resistance stands as something external. Even if it intends to do the opposite, the will of the Reaction is chiefly restricted to matters of vanity. It wishes to place its own stamp on the events it thinks it most vehemently hates, so as to read upon them: 'This we have done!' The essential content remains unaltered. The addition or subtraction of a few small ribbons or garlands changes matters as little as actual injury that is no sooner suffered than healed. For when such injury pretends to a more significant relation to the whole substance than it is capable of having, it proves ephemeral. Thus—if we largely ignore all the fuss and paltry paper successes of human ants, fleas, and bugs—has this most fearsome Reaction (*Die ungeheuerste Reaktion*) against Bonaparte in essence changed so much, whether for good or evil? We shall allow these ant, flea, and bug personalities to appear to us just as the good Creator has destined: that is, chiefly as a subject for jokes, sarcasm, and malicious pleasure (*Schadenfreude*). If need be, what we can do, in light of this provident design, is to help these poor vermin along to their destiny (*Was wir bei dieser gütigen Absicht tun können, ist, ihnen selbst im Notfalle zu ihrer Perfektion zu verhelfen*).³⁸

The second of these two quoted passages is one of those moments in Hegel's corpus when it becomes evident just how unfair and even false are commonplace accusations (ones going back to Rudolf Haym

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³⁷ Hegel 1953, pp. 85-86; Hegel 1984a, 1816," p. 325

³⁸ Hegel 1953, pp. 86-87; Hegel 1984a, p. 325

in the mid-nineteenth century³⁹) according to which the mature Hegel is a mouthpiece and apologist for German-speaking reactionary trends during and after the Napoleonic Wars. His scorn for the reactionaries, his disdainful characterization of them as vile and insignificant pests (“human ants, fleas, and bugs,” “these ant, flea, and bug personalities,” “these poor vermin”), is anything but muted or subtle here. For him, these pathetically impotent opponents of actual historical progress deserve nothing but derision and mockery (“a subject for jokes, sarcasm, and malicious pleasure”). As an employee of the conservative Prussian state, the Berlin-period Hegel is more careful and coded in his public teaching about his disregard for such phenomena as the Germanic Reaction following the defeat, exile, and death of Napoleon. But, the sentiments he feels freer to express in private correspondence with a trusted long-time friend and ally still underlie and shine through such texts unjustly lambasted as anti-progressive by the likes of Haym *et al* as 1821's *Philosophy of Right*.⁴⁰

That noted, the first of the two above-quoted passages reveals Hegel's direct linkage of Smith's invisible hand of the market with his own cunning of world-historical reason. What Smith sees as an unconscious structural dynamic operative specifically at the level of capitalist economies Hegel sees as holding sway over the vaster domain of social history writ large. *Die List der Vernunft* deployed by Hegelian *Weltgeschichte* is a hand promising to sweep aside all who would resist the forward march of the invincible “colossus” of this history, an “advancing giant” unstoppable in its size and speed (wearing its “seven-league boots”). This clever behemoth even is able to perform judo-like maneuvers through which it turns hostile intentions and aggressive actions directed against itself by its opponents into consequences harmless or even beneficial to it (consequences unintended by these same opponents). For this Hegel, the teleological trajectory of social history in the direction of further gains for individual and collective human freedoms enjoys an irresistible momentum destined to sweep aside all reactionary, anti-progressive holdouts against it.

Hegel's “Prefatory Lectures on the Philosophy of Law,” from the start of Hegel's time at the University of Berlin, echo the same sentiments expressed in such places as the just-discussed 1816 letter to Niethammer. In these lectures, he insists that, once the objective spirit as cultural consciousness of a society has outgrown the socio-historical context originally giving rise to it, this *Geist* inevitably must come into open conflict with the institutional, political, legal, etc. forms of this

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39 Haym 1975, pp. 365-394

40 Johnston 2018, pp. 81-82, 116-119

past-its-prime context.⁴¹ Marx's accounts of radical social changes often involve emphasizing that such historical upheavals and transformations result from tensions between infrastructures and superstructures and/or between means and relations of production. Hegel's identification of tensions between the spiritual and institutional dimensions of societies as responsible for these societies mutating in major fashions anticipates and likely inspires how Marx thinks about revolutions. This is so despite the undeniable differences between, on the one hand, Hegel's spirit-institution distinction and, on the other hand, Marx's infrastructure-superstructure and/or means-relations of production distinctions.

The same sort of notes are sounded in Hegel's roughly contemporaneous Berlin lectures on *The Philosophy of History*. In particular, its third and final section on "The Modern Time" (*Die neue Zeit*) reiterates a number of above-mentioned articles of Hegelian faith in the progressive thrust of actual human history. The French Revolution is rhapsodically celebrated as "a glorious mental dawn" (*ein herrlicher Sonnenaufgang*).⁴² This leap forward in gains for "*liberté, égalité, fraternité*" is portrayed as prepared for and enabled by Protestantism and its secular (primarily German-philosophical) offshoots⁴³—with (Protestant) religion and (Enlightenment) philosophy as jointly bringing about spiritual reformations making possible political revolutions such as the one in next-door France.⁴⁴

Moreover, Hegel speaks of the era initiated by 1789 as epitomizing and vindicating his view of history as the slow, steady, and inexorable advancing of humanity in the direction of ever-greater self-liberation.⁴⁵ At the very end of these popular Berlin lectures on the topic of *Weltgeschichte*, Hegel reaffirms once again that, "the History of the World is nothing but the development of the Idea of Freedom."⁴⁶ The last lines of these lectures proceed to declare that:

Philosophy concerns itself only with the glory of the Idea mirroring itself in the History of the World (*Die Philosophie hat es nur mit dem Glanze der Idee zu tun, die sich in der Weltgeschichte spiegelt*). Philosophy escapes from the weary strife of passions that agitate the surface of society into the calm region of contemplation; that which interests it is the recognition of the process of development

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41 Hegel 2002, "pp. 305-306

42 Hegel 1970c, p. 529; Hegel 1956, p. 447

43 Hegel 1956, pp. 415-417, 422-423, 435, 441-443, 446-447

44 Ibid., pp. 441-443, 446, 453

45 Ibid., pp. 9-11, 13, 15-19, 25, 65

46 Ibid., p. 456

which the Idea has passed through in realizing itself (*der sich verwirklichenden Idee*)—i.e. the Idea of Freedom, whose reality is the consciousness of Freedom (*Bewußtsein der Freiheit*) and nothing short of it.⁴⁷

The final paragraph of this text then concludes:

That the History of the World, with all the changing scenes (*wechselnden Schauspiele*) which its annals present, is this process of development and the realization of Spirit (*das wirkliche Werden des Geistes*)—this is the true *Theodicæa*, the justification of God in History. Only *this* insight can reconcile (*versöhnen*) Spirit with the History of the World—viz., that what has happened, and is happening every day, is not only not ‘without God,’ but is essentially His Work.⁴⁸

Hegelian philosophy selectively focuses exclusively on what is “actual” (*wirklich*) in social history.⁴⁹ It pushes aside the superficial facade of anomalous happenings and outlier phenomena that are merely “there” (*Dasein*) or have only an insignificant “existence” (*Existenz*) in the social past and present; these would include “the weary strife of passions that agitate the surface of society” and “all the changing scenes.” By contrast, Hegelian “actuality” (*Wirklichkeit*) would consist of those elements in history’s movement that indicate and express this movement’s powerful underlying thrust in the future-oriented direction of, to use Hegel’s words quoted above, the conscious realization of the Idea of human freedom. And, as Norbert Waszek underlines in his study of Hegel’s debts to the thinkers of the Scottish Enlightenment, Smith’s delineation of the supposed deep laws of economic life beneath the superficially chaotic hustle-and-bustle of the quotidian marketplace is a key inspiration for the Hegel who likewise discerns an underlying logic, a scientifically knowable structural dynamic (akin to an invisible hand), beneath the turbulent surface of shifting socio-historical events⁵⁰ (discernible by the dialectical-speculative philosopher inhabiting “the calm region of contemplation”).⁵¹

47 Hegel 1970c, p. 540; Hegel 1956, p. 457

48 Hegel 1970c, p. 540; Hegel 1956, p. 457

49 Hegel 1984a, p. 114; Hegel 1970d, §6[pp. 47-49; Hegel 1991b, §9 p. 33, §6. p. 29-30; Hegel 1970a, pp. 24-28, §; pp. 29-30; Hegel 1991a, *Elements of the Philosophy of Right*, pp. 20-23, §1 pp. 25-26; Hegel 1956, pp. 17-19, 63-64, 446-447; Plekhanov 1974, p. 482; Lukács 1976, p. 461; Löwith 1991, p. 138; Weil 2002, p. 24-25; Bourgeois 1969, pp. 92-93; Wood 1990, pp. 10, 218; Hardimon 1994, pp. 26, 53; Jackson 1996, pp. 19-25; Neuhauser 2000, pp. 257-258; Beiser 2005, pp. 221-222; Kervégan 2007, pp. 17-32; Rosen 2014, p. 217; Johnston 2018, pp. 74-128

50 Hegel 1991a, §189 p. 227

51 Waszek 1988, p. 53

The religious chords struck in the quotations above from the *Philosophy of History*, with the talk of “the true *Theodicæa*, the justification of God in History,” resonate with a remark to be found in the third and final volume (devoted to *Geistesphilosophie*) of Hegel’s *Encyclopedia of the Philosophical Sciences*. Both of these texts are roughly contemporaneous and both form the content of courses regularly taught by Hegel during his time at the University of Berlin. In the *Philosophy of Mind*, he avers apropos his historical theodicy that, “Such a doctrine—or in other words that Reason is in history (*Vernunft in der Geschichte sei*)—will be partly at least a plausible faith (*ein plausibler Glaube*), partly it is a cognition of philosophy (*Erkenntnis der Philosophie*).”⁵² A certain interpretation of this line, one I will lay out shortly, permits the resolution of an apparent tension between, on the one hand, the teleology-centered historical perspective of much of Hegel’s *oeuvre* and, on the other hand, the indications about history contained in another contemporaneous work of the Berlin period, namely, the *Philosophy of Right*. How so?

By implicit but sharp contrast with the teleological Reason-in-History Hegel briefly surveyed by me above, the Hegel of the *Philosophy of Right* specifically seems to take his distance from anything that could count as a historical theodicy. *Circa* 1821 at least, Hegel presents a different balance between the two parts of the “doctrine... that Reason is in history” (as these two parts are identified in the line I just quoted a moment ago from the *Geistesphilosophie* of the *Encyclopedia*). He appears to qualify and somewhat diminish the notion that further progress towards freedom in the future of human societies can be considered a “cognition of philosophy” (*Erkenntnis der Philosophie*) strictly speaking.

Later, in Hegel’s last publication before his death, the 1831 essay “On the English Reform Bill,” he even cautions about a possible socio-historical turn for the worse, at least in Britain. Therein, he depicts a rich rabble of English landowners as having dispossessed the subsistence-farming peasantry⁵³ (with the same historical process in England, the “great enclosure,” having provided Marx with the prime example of the “primitive accumulation” famously discussed in the eighth and final part of the 1867 first volume of *Das Kapital*⁵⁴). Then, while the “English Reform Bill” of the title of Hegel’s essay promises democratic gains through the widening of the franchise for British Parliamentary elections, the just-mentioned dispossession process creates a situation in which this “reform” makes it likely that a wealthy *Pöbel* will manipulate a gullible impoverished populace whose poverty leaves them vulnerable to demagoguery and the like. Thus, seeming progress towards greater

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52 Hegel 1970d, §549 p. 352; Hegel 1971a, §549 p. 281

53 Hegel 1999, p. 247

54 Marx 1976, pp. 873-940

democracy, through a bad cunning of reason, probably will lead to actual tyranny in the guise of mob rule by a mob itself ruled by the socially irresponsible rich. Hegel ends this essay predicting that this particular piece of English legislation will lead not to a desirable and peaceful reform, but to an undesirable and bloody revolution.⁵⁵ Hegel's outlook on the future in this late instance is anything but rosy.

Yet, as per the (in)famous preface to the *Philosophy of Right*, the best that anyone, philosophers included, can attain is the Owl of Minerva's child-of-its-time hindsight regarding the past as leading up to the present. Anything beyond that (i.e., the future) remains unforeseeable for philosophers as well as everyone else. Hence, for the *Philosophy of Right* at least, it not only is the case that the knowledge of scientific philosophy (*als Wissenschaft*) with respect to social history is limited such that any posited historical teleologies hold true only in retrospect, exclusively for the past through the present and no further. It also is the case that, for this Hegel especially, there really is no guarantee within social history itself that it will continue to make additional progress on the road ahead along the lines that it arguably already has made on the road traversed thus far.

At this juncture, the other side of Hegel's "doctrine... that Reason is in history," the one according to which this belief (*Glauben*) is "a plausible faith" (*ein plausibler Glaube*), becomes relevant. For the author of the *Philosophy of Right*, properly philosophical *Erkenntnis* can promise nothing about the inherently and insurmountably unpredictable future. This includes whether the future will continue to exhibit more of the same progress as eventuated in Hegel's early-nineteenth-century European era.

In the *Philosophy of Right*, Hegel slyly insinuates that, although further socio-historical changes cannot be predicted by the philosopher or anyone else, it is reasonable to believe that such changes are likely in the times to come.⁵⁶ In the already-cited words of Hegel's contemporaneous *Philosophy of Mind*, these changes are the object of the prospective vision of "a plausible faith," but not of the retrospective vision of "a cognition of philosophy." This is a matter of *Glauben oder Wissen*, rather than, as per the title of an 1802 piece by Hegel, *Glauben und Wissen*.

Once again, the preface to the *Philosophy of Right* is crucial for an adequate appreciation of Hegel's position in this vein. As the oft-quoted penultimate paragraph of this 1821 preface states:

...philosophy... always comes too late... As the *thought* of the world, it appears only at a time when actuality has gone through its

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55 Hegel 1999, pp. 269-270

56 Johnston 2018, pp. 71, 78-79, 81-82, 111, 115-128

formative process and attained its completed state (*die Wirklichkeit ihren Bildungsprozeß vollendet und sich fertig gemacht hat*). This lesson of the concept is necessarily also apparent from history, namely that it is only when actuality has reached maturity that the ideal appears opposite the real and reconstructs this real world, which it has grasped in its substance, in the shape of an intellectual realm (*eines intellektuellen Reichs*). When philosophy paints its grey in grey, a shape of life (*eine Gestalt des Lebens*) has grown old, and it cannot be rejuvenated (*nicht verjüngen*), but only recognized (*sondern nur erkennen*), by the grey in grey of philosophy; the owl of Minerva begins its flight only with the onset of dusk (*der einbrechenden Dämmerung*).⁵⁷

Combining these remarks with Hegel's warnings in this same book about the dangers without evident remedy of fatal social self-destabilization through increasing wealth inequality and the production of rabble populations under modern capitalism, the implication is that the outlook for modernity's civil-society-centered nation-states is not good. The above quotation in particular clearly implies that Hegel-the-philosopher has "come too late" for modern capitalist societies in their "completed state," with these societies as a "shape of life... grown old" and incapable of "rejuvenation." Therefore, they presumably are doomed to die sooner rather than later.

By Hegel's own lights, he is warranted, as a matter of "*Glauben*," to believe or have faith that an even better socio-historical phoenix will rise from the impending ashes of modern social history. The *Philosophy of Right*, "painting its grey in grey" portrait of capitalist modernity, itself is a sign of the fact that the sun is setting on this modernity. Whatever else might or might not happen in the time to come, the modern *status quo* of early-nineteenth-century Europe will not perdure indefinitely—or even much longer, according to Hegel's indications.⁵⁸

The older Hegel of the Berlin period, particularly in the *Philosophy of Mind* and the *Philosophy of Right*, looks as though he considers belief in future historical advancement to ever-better-realized individual and collective human freedom to fall within the domain of faith (*Glauben*) rather than knowledge (*Wissen*). With Hegel's denial of him or anyone else enjoying predictive power as regards the socio-historical *à venir*, neither optimistic nor pessimistic determinism about the future is warranted. Freedom's progress through further stretches of history neither is guaranteed to occur nor guaranteed not to occur. It could go either way. Only time will tell.

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57 Hegel 1970a, p. 28; Hegel 1991a, p. 23

58 Johnston 2018, pp. 71, 78-79, 81-82, 111, 115-128

But, especially considering historical developments since Hegel's death in 1831, is his apparent belief in further future progress still "a plausible faith?" Does it still possess plausibility? Are the Enlightenment progress narratives shaping Hegel's (and Marx's) thinking about history still basically believable? I am far from alone in being heavily inclined to respond to such questions in the negative.

In particular, modern capitalism's stubborn refusal to implode or wither away in the roughly two centuries between the early nineteenth century and today raises serious questions about the mature Hegel's allegedly "*plausibler Glaube*" in the dawn of a new historical epoch following the twilight demise of modernity's liberal-bourgeois socio-economic systems. From the perspective of an early-twenty-first-century context dominated by a capitalism overseeing exponentially accelerating material inequality and staggering penury for the majority of humanity, Hegel's faith now looks to be implausible. Even if, following Hegel, a philosophical fatalism about the decades and centuries to come is ruled out as epistemologically invalid, there nevertheless is little to no reason nowadays to be optimistic about what lies ahead.

The electrifying inspiration of such events as the French Revolution that so thrilled Hegel himself obviously ran out long, long ago. A lengthy series of right-wing counterrevolutionary victories, with the earliest of these already transpiring during the latter half of Hegel's lifetime, have repeatedly dashed both reformist and revolutionary hopes alike. The years since 1831 look to have thoroughly buried any socio-historical theodicy, and with it the optimism, however qualified, it expresses, along the lines Hegel envisions during his lifetime. I doubt that, if Hegel were alive today, he would continue to stick to his Enlightenment-style talk about Reason-in-History as unerringly progressing towards greater freedom. Instead, he likely would accentuate the pessimistic tones that are audible in texts such as the *Philosophy of Right* and "On the English Reform Bill."

However, simply criticizing Hegel's Enlightenment confidence in the historical progress of humanity from a standpoint informed by the benefits of post-1831 hindsight would be a dull and unproductive exercise. Worse, it would be to kick down an open door. This is because Hegel himself, as seen, readily would concede that he necessarily is a "child of his time." As thus contextually situated, his Owl-of-Minerva retrospective reconstruction of history up to his present inevitably must, in ways he cannot foresee, be reworked or even replaced in light of subsequent times to come. Hence, an external critique of Hegel's early-nineteenth-century perspective on the basis of an early-twenty-first-century one would not even really be a critique of Hegel, insofar as he implicitly calls for such revisions in eras postdating his own.

A fundamental Hegelian conviction has it that the only truly interesting and productive critiques are immanent rather than external. Indeed, an immanent critique of the strands of Enlightenment optimism in

Hegel's reflections on social history, using Hegel himself to problematize this optimism, promises at a minimum to make for a more interesting engagement with Hegelian political philosophy as per the *Philosophy of Right* and similar works. What is more, one of my wagers in this intervention is that an account of post-Hegelian history's defiance of Hegel's sanguinity about historical progress will yield valuable insights into our present social, economic, and political predicament. I shift now to elaborating precisely such an immanent-critical account.

§3 There is no exit: From External to Extimate Mediation

As I will seek to demonstrate in this section, components of Hegel's own theory of social change can be made to help explain why the sorts of social changes Hegel anticipates unfolding beyond his lifetime did not, and still have not, come to pass. And, this explanation hopefully will shed light not only on Hegel's philosophy itself, but also on today's geo-political situation. This is a situation in which the world's societies and humanity as a whole are facing multiple acute crises (a global pandemic, environmental disasters, massive inequality, ballooning poverty, potentially devastating wars, etc.), yet seem unable to take the (admittedly radical or revolutionary) measures necessary to resolve these crises.

We know things are broken. We know what needs fixing. We even sometimes have ideas about how to fix them. But, nevertheless, we keep doing nothing either to mend damage already done or to prevent further easily foreseeable damage. This inaction, as people passively continuing to go along with a *status quo* that clearly is tearing itself apart and spiraling into destructive chaos, is the real mystery crying out for demystification.

As seen earlier, Hegel, throughout his socio-political writings in particular, emphasizes that, when a *Sittlichkeit* with its characteristic institutions and practices "has grown old" (i.e., entered its twilight decline), this shared "form of life" (*Gestalt des Lebens*) will be abandoned. Or, at least, it will be abandoned by the most advanced representatives of the actual (*als wirklich*) "inner pulse" of historical *Weltgeist*. But, what if those who would be such representatives do not show themselves as such by sooner or later fleeing a rotting social order? How would Hegel, contrary to the habits and inclinations of his own thinking, comprehend Spirit failing to fly from a diseased and dying *polis*? Although he might not have entertained such a possibility, his philosophy both allows for it and provides some precious tools for making sense of it.

Exploring the option of a theory of failed revolutions via an immanent critique of the social and political dimensions of Hegel's philosophy goes against a long-standing Hegelian penchant tracing back to Hegel himself. This would be the tendency to associate dialectics

with becoming, change, fluidity, transformation, and the like. Is Hegel not the preeminent canonical Western philosopher of restless historical processes and the ceaseless movement sublating the Old into the New? Starting especially with the *Phenomenology of Spirit*, is not Hegel's dialectic the all-pervading dynamism of such fluxes and flows, or, in the words of the *Phenomenology* itself, "the Bacchanalian revel in which no member is not drunk?"⁵⁹

This deeply-entrenched association of dialectics with dynamism is central to the appreciation of Hegel by a good number of his intellectual heirs. In multiple strands of Marxism, Hegel's foregrounding of historical change is precisely what is most prized about his philosophy. For Marx, dialectics-as-dynamics is an essential part of the "rational kernel," as separable from the "mystical shell," of Hegel's encyclopedic edifice.⁶⁰ For Friedrich Engels, the kinetic Hegelian dialectic is revolutionary, while the static Hegelian System is reactionary.⁶¹

But, with more traditional Marxism espousing its own version of an Enlightenment-style teleology of progressive historical rationality also espoused by Hegel (at least at times), it too needs a loosening of the linkage between dialectics and dynamics. This loosening must allow for a dialectical thinking of history capable of comprehending non-dynamism (as blockage, defeat, exhaustion, impasse, regression, stagnation, etc.) as thoroughly as it comprehends dynamism. Both Hegelianism and Marxism require the ability to explain not only examples of progress in social history, but also instances of the failure of social history to make any progress, instances of what could be dubbed socio-historical "stuck-ness." Only with this explanatory ability can either or both of these theoretical orientations serve as a contemporary Owl of Minerva sufficiently wise to grasp the course of actual events from Hegel's time to today, a course exhibiting at least as much, if not more, anti-progress than progress—as well as exhibiting hefty doses of jarring contingent occurrences defying any purported predictive power or description in terms of any theodicy, however secularized.

In order to articulate a Hegelian theory of non-revolution (i.e., socio-historical inertia or even reaction) through an immanent-critical engagement with Hegel's own reflections on history, I first have to reconstruct how Hegel himself accounts for social change. At least in Hegel's case, an adequate appreciation of his dynamic dialectic in history is a precondition for formulating a Hegelian concept of, so to speak, a lethargic dialectic as the stalling of historical processes and progress. In particular, capitalism's tenacious persistence up through the present,

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59 Hegel 1977b, p. 27

60 Marx 1976, p. 103

61 Engels 1959, pp. 37-39; Engels 1941, pp. 11-13

like the centuries'-wide ditch of the Middle Ages, reveals that real (*als wirklich*) history is as much about stasis as kinesis.

So, how does Hegel account for significant social changes? I suspect that a lengthy book unto itself would be necessary in order to do this question complete justice by fully answering it. Here, I must be selective (albeit without being inaccurate or distorting).

I would propose that the single clearest expression of Hegel's theory of revolutionary transformations from one social order (as a *polis* with its characteristic *Sittlichkeit*) to another is to be found in his early (1802-1803) extended essay on *Natural Law* from his pre-*Phenomenology* Jena period. At one point therein, Hegel brings up the topic of sickness (*Krankheit*).⁶² He reiterates on this occasion the notion, one he asserts elsewhere too, that illness is a matter of a part (as an organ, [sub-] system, etc.) asserting itself in rebellion against its enveloping whole (i.e., the total organism)—with the former thereby disrupting the organic unity of the latter.

Jean-Jacques Rousseau, in Book Three of *On the Social Contract*, compares the body politic to an organic body as a living entity. He claims that even the best designed body politic, with an optimally good constitution at its governing basis, still will be a mortal entity. All bodies, whether biological or political, eventually succumb to disease, decay, and death.⁶³

Perhaps with this very Rousseau implicitly in mind, Hegel also, in his text on *Natural Law*, draws comparisons between the body politic of *Geist* and the organic body of *Natur*. And, again echoing Rousseau (however intentionally or not), Hegel concludes that all bodies politic, like all organic bodies, are perishable and inevitably come to an end one way or another.⁶⁴ Furthermore, Hegel's 1802-1803 essay broadens the concept of *Krankheit* such as to permit speaking of a sick body politic in the same manner as a sick organic body: The former too can be deemed to be "ill" when its parts (as individuals, factions, etc.) revolt against it and attempt to subjugate it, as the surrounding universal whole, to their own special interests.⁶⁵ In a preceding (1798-1802) essay on "The German Constitution," Hegel even associates the contraction of parts away from the whole and into individuality or factionality with the extreme pathology of "madness" (*Wahnsinn*).⁶⁶

62 Hegel 1970e, pp. 516-520

63 Rousseau 1987, p. 70

64 Hegel 1999, p. 179

65 Ibid., pp. 169-172;

66 Hegel 1971a, pp. 580-581; Hegel 1999, p. 101

Additionally, Hegel's short treatise on *Natural Law* identifies those contracted-into-themselves parts, as both effects and exacerbating causes of socio-political *Krankheit* or *Wahnsinn* (i.e., the dissolution and derangement of the organic whole of the *polis* with its ethical forms of life), as heralds of an imminent new whole to come.⁶⁷ Hence, this sort of sickness or madness of the body politic is, unsurprisingly in a Hegelian context, not so much an outright negation of the social *status quo* as its sublation (*als Aufhebung*), namely, a negation that, in destroying an old order, simultaneously helps create a new order. That is to say, when one *Sittlichkeit* falls into the sort of illness or insanity Hegel has in mind, another *Sittlichkeit* is beginning to be born, having already gestated within the womb of its dying predecessor.

Moreover, this same Hegel adds that such a sublation awaits the new *Sittlichkeit* as well. It too, in its turn and given the fullness of time, will generate out of itself its own gravediggers, who will then go on to erect something else atop what they bury.⁶⁸ Incidentally, this detail contributes to debunking still-entrenched myths about Hegel as the thinker of “the end of history.”⁶⁹

For both Hegel and Marx, the French Revolution is at the utmost forefront of their minds in their theorizations of radical social change. To focus on Hegel's take on the French Revolution as indicative of revolutionary historical dynamics in general, he assigns philosophy a role in such dynamics. This comes out most clearly towards the close of his lectures on the *Philosophy of History*, just before his rapturous celebration of 1789 as “a glorious mental dawn.” Hegel states:

It has been said, that the *French Revolution* resulted from Philosophy, and it is not without reason that Philosophy has been called ‘Weltweisheit’ [World Wisdom;] for it is not only Truth in and for itself (*die Wahrheit an und für sich*), as the pure essence of things (*als reine Wesenheit*), but also Truth in its living form as exhibited in the affairs of the world (*die Wahrheit, insofern sie in der Weltlichkeit lebendig wird*). We should not, therefore, contradict the assertion that the Revolution received its first impulse from Philosophy. But this philosophy is in the first instance only abstract Thought, not the concrete comprehension (*konkretes Begreifen*) of absolute Truth—intellectual positions between which there is an immeasurable chasm.⁷⁰

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67 Hegel 1999, p. 178

68 Ibid., p. 179)

69 Grier 1996, pp. 183-198; Maurer 1996, pp. 199-222; Harris 1996, pp. 223-236;

70 Hegel 1970c, pp. 527-528; Hegel 1956, p. 446

The term “*Weltweisheit*” (worldly wisdom) is important here. As indicated by Hegel’s other uses of this term,⁷¹ there is a subtle but definite tie between this depiction of philosophy and the remark about being a “child of its time” from the 1821 preface to the contemporaneous Berlin lectures on the *Philosophy of Right*. As I indicated earlier, the child *vis-à-vis* its parents displays a mixture of, on the one hand, sameness, similarity, and continuity as well as, on the other hand, difference, dissimilarity, and discontinuity. In Hegel’s parlance, one fairly could render the child a sort of living sublation of the parents (something suggested in the well-known discussion of the family in the *Philosophy of Right*⁷² as well as elsewhere⁷³). As a “child of its time,” philosophy is both an immanent preservation of its time as well as a transcendent alteration of this same time.

Likewise, philosophy as *Weltweisheit* is, as “worldly,” a conditioned describer of its *status quo* and, as “wisdom,” a conditioning changer of this same *status quo*. Of course, Hegel also is emphasizing that true philosophy proper is not anything otherworldly, not a matter of some supposed “wisdom” about the ineffable, mystical, supernatural, transcendent, etc. (or, at its practical-prescriptive rather than theoretical-descriptive level, philosophy does not browbeat the “is” of reality with “oughts” haughtily issued from some unspecified ethico-moral Elsewhere). As “*Weltweisheit*,” philosophy is very much of this world. A philosophy that is too good for this world is, in fact, not good enough.

Setting aside for now whatever divergences and disagreements there might be between Hegelian and Marxian narratives about the part played by philosophy in world-historical events such as the French Revolution, a multifaceted question must be asked of the just-quoted Hegel of the *Philosophy of History*: When, why, and how does a world generate from within and out of itself the worldly wisdom that can, and sometimes indeed does, contribute towards extra-philosophical processes dramatically transforming this same world? Additional features of Hegel’s glosses on revolutionary France in particular contain the elements of how he would respond to this query.

In the Berlin *Philosophy of History*, Hegel situates the French Revolution as the late-eighteenth-century culmination of a modernity originating in the early-sixteenth century. For him, some of the most essential foundations of the modern era are laid down by Martin Luther and the Protestant Reformation. Protestantism’s combination of individualism (in the guise of the primacy of the singular believer’s conscience and his/her direct relationship with God) and tendency towards translating its tenets into components of this-worldly profane

71 Hegel 1971b, p. 81; Hegel 1995b, pp. 60-61; Hegel 1969b, p. 241; Hegel 1984c, p. 456; Hegel 1999, p. 228

72 Hegel 1991a, §175 pp. 212-213, §177 p. 214

73 Hegel 1979, pp. 232-234

reality helps give rise to the secular Enlightenment thinking that eventually inspires some of the pivotal agents of revolutionary upheaval in America as well as in France. In Hegel's view, the modern era of world history could be said to have unfolded in a circular sequence starting with a German religious revolution, evolving to become a French political revolution (itself inspired by an Enlightenment which secularizes aspects of the Protestant Reformation), then returning to the German-speaking world in the guise of a philosophical revolution (beginning with Immanuel Kant's "Copernican revolution" as, in part, the groundbreaking initiation of a sustained German idealist reckoning with the multiple significant implications of 1789 and its consequences). Hegelian modernity is partly defined by its secularization of a Protestant conception of free subjectivity.⁷⁴

But, what gives rise to the figure of Luther in the first place? What generates the world-historical rupture of the Protestant Reformation? To cut a long story short, the Hegelian answer to these questions is, in a succinct phrase: institutional rot. As is common knowledge, and as Hegel reaffirms,⁷⁵ Luther's spiritual revolution grows out of the rank corruption and scandalous degeneracy of the Roman Catholic Church. This makes Luther one of the figures of a fundamental Hegelian structural dynamic I highlighted a while ago: an exceptional singular subject who responds to the crumbling or collapsing of a given form of life (in this instance, Catholicism) by detaching from this ailing *Gestalt des Lebens* and retreating into his/her inner mental life, the solipsistic sanctuary of the soul (a retreat interpretable as an instance of *reculer pour mieux sauter*). Catholicism's rot and, along with it, the disintegration of the entire feudal-agrarian order makes possible a revolutionary shift to the modern era, a shift indispensably mediated by the rebellion against a substantial whole (i.e., the Church and the medieval *Sittlichkeit* with which it is inextricably intertwined) by the agency of a subjective part (i.e., Luther's conscience and those it attracts to its cause). The Protestant Reformation is the sickness (*Krankheit*) and/or madness (*Wahnsinn*) of both feudalism and Catholicism. It also is the herald of a new order to come, namely, the *Sittlichkeit* of modernity.

Hegel's Luther is one in a series of figures exemplifying a characteristically Hegelian process in which a faltering or failing *Sittlichkeit* (as form[s] of life) precipitates, thanks to its inner negativities, the emergence of a (novel) *Moralität* challenging, and even reworking or replacing, this entrenched but waning ethical order (with its beliefs, customs, hierarchies, ideologies, institutions, mores, practices, rituals, and so on). Additionally, there are, for Hegel, numerous affinities between religion and philosophy, and especially between Protestantism

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74 Hegel 1956, pp. 415-417, 422-423, 435, 441-443, 449, 453

75 Ibid., pp. 412-413

and his own philosophy. Likewise, both religion and philosophy are expressions of “absolute spirit.” And, in 1831’s “The Relationship of Religion to the State,” a text in which Hegel again refers to “*Weltweisheit*,” he tightly enchains together politics, religion, and philosophy⁷⁶ (as he does on other occasions too⁷⁷). Therefore, it would not be a stretch to include religion *à la* Luther in a broadened Hegelian sense of philosophy as *Weltweisheit*. Indeed, the this-worldly philosophy in the narrower sense of “philosophy” that helps to spark the French Revolution (i.e., Enlightenment secular freethinking) is itself, as seen, portrayed by Hegel as a permutation of Luther’s Protestantism.

Going further in this same vein, I would maintain that Hegel’s own socio-historical and political philosophy is intended to be an early-nineteenth-century iteration of Luther’s early-sixteenth-century “worldly wisdom” (as situated on the threshold between an old world in the process of dying and a new world in the process of being born). According to Hegel, the Protestant Reformation was both, one, the swan song of medieval Catholicism and its feudal world as well as, two, the opening ballad of the modern era with its capitalist system. And, for Hegel himself as an Owl of Minerva, his 1821 *Philosophy of Right* in particular similarly is meant to be both an expression of the dusk of modernity’s (perhaps fatal) crises—on Hegel’s own account, these crises include such problems as wealth inequality, colonialism and imperialism, international rivalries and wars, socially corrosive hyper-individualism, demagogic and populist manipulations, etc.—as well as the initial outlining of the dawn of an admittedly unforeseeable new collective configuration yet fully and clearly to crystallize.

In fact, Hegel, going back to some of his earliest writings, consistently links the prominence and progress of philosophy itself (whether or not it is taken to include religion, theology, and the like) to the unsettling or undoing of established worldly arrangements. Socrates is symptomatic of the decline of Athens. The Stoicism of both Epictetus and Marcus Aurelius is symptomatic of the deathly uniformity and rottenness of the Roman Empire.⁷⁸ Luther is symptomatic of the degeneration of the Roman Catholic Church. And, Hegel, arguably for himself (and not just in himself), is a symptom of the coming apart, first, of the Holy Roman Empire and, second, of European capitalist modernity as a whole. These symptomatic figures are all worldly-wise children of their time in the specific Hegelian senses I have been exploring throughout the preceding.

In 1801’s *The Difference Between Fichte’s and Schelling’s System of Philosophy*, the younger Hegel writes of the “need of philosophy” (*Bedürfnis*

76 Hegel 1999, pp. 226, 228

77 (Hegel 1995a, §170 pp. 314; Hegel 1956, p. 449

78 Hegel 1955, pp. 242-243

der Philosophie). He claims that this need arises if and when certain finer minds find themselves clasped within the suffocating embrace of troubled socio-historical conditions pervaded and agitated by divisions (*Entzweiungen*) and rifts (*Zerrissenheiten*). Philosophy manifests a human desire to overcome such painful dichotomies and fragmentation, to (re) establish a harmonious whole through philosophy's (spiritual) labors.⁷⁹

To take Hegel himself as an example, he is thrown by birth into a specific German-speaking context, namely, that of the tottering Holy Roman Empire (as neither Holy, nor Roman, nor an Empire à la Voltaire's celebrated quip) doomed to being smashed to pieces by Napoleon. This late-eighteenth-century Germanic context is marked by antagonisms between the not-really-unified members of a mere legal fiction of unified Empire ostensibly ruled by a paper figurehead of a feeble Emperor. And, not only are there rivalries and divergences amongst the constituents of the Holy Roman Empire's patchwork quilt of myriad different squabbling political entities—there are pronounced discrepancies and tensions between the German-, French-, and English-speaking worlds, especially during Hegel's time.

These intra-European discrepancies and tensions lead some in the German-speaking world, still largely mired in the backwardness of feudal-agrarian ways, to register with intense discomfort the gap between themselves and both an economically modernizing England as well as a politically modernizing France. This registration prompts young German intellectuals in particular to set about trying to modernize the Germanic ethos, if only at the cultural level (in the forms of philosophy, art, literature, poetry, etc.) in lieu of at the economic and political levels too. The German Romantics, the German Idealists in general, Hegel in particular, the Young/ Left Hegelians, and also later Marx all employ their voices in their own fashions simultaneously to lament Germanic underdevelopment, proclaim the dying off of Germanic and European disunity, and announce the imminent emergence of a new socio-spiritual unity on the horizon.

Even before Marx, history already as per Hegel advances by its "bad side."⁸⁰ Periods of international peace and human contentment (i.e., "happiness") are "blank pages"⁸¹ in a world history whose forward movement is driven by wars and other violent conflagrations. Hegel notoriously characterizes history as a blood-soaked "slaughter bench"⁸² and a "divine tragedy."⁸³

79 (G.W.F. Hegel, *Differenz des Fichteschen und Schellingschen Systems der Philosophie, Werke in zwanzig Bänden*, 2, pg. 20-22, 24); Hegel 1977a, pp. 89-91, 93

80 Marx 1956, p. 121

81 Hegel 1956, pp. 26-27, 29

82 Hegel 1999, §164 p[. 306-308; Hegel 1991a, §345 pp. 373-374; Hegel 1956, p. 21

83 Hegel 1999, §164 p. 306

Likewise, periods of harmony, unity, and the like eventuate in similar blank pages in the great Book-of-books that is the entire history of philosophy itself. Western philosophy arguably is born thanks to the setting of the sun on the Athenian Golden Age. The long stability of the Middle Ages produces the mentally deadening sterility of Medieval Scholastic theosophy, with philosophy becoming reinvigorated again (or even awakening from a slumber of many, many centuries) only once this feudal universe enters into its death spiral.

Hegel would say exactly the same things about his own both socio-historical and philosophical era. For him, the veritable explosion of intellectual activity represented by late-eighteenth- and early-nineteenth-century German spiritual advances (particularly Kantian and post-Kantian idealisms) owes its striking, spectacular irruption into philosophical history to the political history with which it is complexly entangled. To be more precise, Hegel sees it as no coincidence that the splintering and collapse of the Holy Roman Empire, a demise hastened by the French Revolution and Napoleon's exporting of it at bayonet point, catalyzes a sudden upsurge of one of the most amazingly fruitful, inventive, and lively set of decades ever witnessed in the whole history of philosophy from antiquity onwards.

However, well after the 1801 *Differenzschrift*, Hegel hints that the turbulence of *Entzweiungen* and *Zerrissenheiten* perhaps can be a condition of impossibility as well as a condition of possibility for the genesis of philosophical *Weltweisheit*. In his October 22, 1818 "Inaugural Address" delivered at the University of Berlin, he begins, after thanking King Friedrich Wilhelm III of Prussia for his professorial appointment, with the following remarks:

As far as the *particular moment* is concerned, those circumstances appear to have arisen in which *philosophy* may once again expect to receive *attention* and *love*, and in which this science, which had almost fallen silent, may once more lift up its voice. For not long ago, the *urgency of the times* on the one hand conferred such great importance on the *petty* interests of everyday life, and on the other hand, the *high interests* of actuality, the interest and *conflicts* involved simply in restoring and salvaging the *political totality of national life and of the state*, placed such great demands on all [our] mental faculties and on the powers of all [social] classes [*Stände*]
—as well as on external resources—*that the inner life of the spirit* could not attain *peace* and leisure; and *the world spirit* was so bound up with actuality and *forced to turn outwards* that it was prevented from turning *inwards* upon itself and enjoying and indulging itself in its proper home.⁸⁴

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84 Hegel 1999, pp. 181-182

When Hegel speaks here of “not long ago,” he definitely is referring to the French Revolution and, especially, its aftermath in the guise of the Napoleonic Wars. As I already have shown, Hegel’s remarks about these world-shaking events identify them as conditions of possibility for the German idealist renewal of philosophy. Yet, in this just-quoted passage, he instead proposes that these same events were too pressing, tumultuous, violent, and all-consuming to permit persons the tranquility and sobriety of mental breathing room requisite for philosophizing of any sort (“*the inner life of the spirit* could not attain *peace* and leisure”).

Also in the above quotation, Hegel stresses that outwardly focused “interests,” both individual-quotidian (“petty”) and collective-geopolitical (“high”), are responsible for thwarting the philosophical worldly wisdom that might otherwise be enabled and inspired by socio-historical disharmony and turbulence. As outwardly focused, all such interests are shaped and sustained by external objects and states of affairs. Yet, for this Hegel, the “proper home” of *Weltgeist* is not, as one might assume, the world per se as the domain of such externalities. Rather, this home is nothing other than the interiority formed by singular subjects withdrawing from the world and contracting into themselves as loci of a disinterested rationality (*als Vernunft*), a reason whose trans-individual universality is effective only in and through such inward-turning particular individuals (“*the world spirit* was so bound up with actuality and *forced to turn outwards* that it was prevented from turning *inwards* upon itself and enjoying and indulging itself in its proper home”).

Incidentally, I strongly suspect that Hegel is echoing Kant’s distinction, from the 1784 essay “What Is Enlightenment?,” between the “private” and “public” uses of reason.⁸⁵ Outward-turning interests would be “private” (reflecting the particular concerns of certain families, factions in civil society, or specific nation-states) in Kant’s sense and inward-turning reasoning would be “public” (manifesting the universal *Vernunft* holding equally and indifferently for any and every subjectivity) in Kant’s sense. Reinforcing this suspicion of mine, Hegel, in 1831’s “The Relationship of Religion to the State,” points to a tension between universal free individuality (involving Kant’s public reasoning) and particular limited collectivity (involving Kant’s private reasoning).⁸⁶ And, all of this resonates with a number of passages in the *Philosophy of Right*, particularly in ones devoted to the topic of *Moralität* as distinct from both “abstract right” (*das abstrakte Recht*) below it and “ethical life” (*die Sittlichkeit*) above it.⁸⁷

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85 Kant 1996, p. 17-22

86 Hegel 1999, p. 230

87 Hegel 1991a, §106 p. 135-136 §108 p. 137, §126-127 p. 154-155, §137-138 p. 164-167, §140 p. 175

Hegel, in his 1818 “Inaugural Address,” soon proceeds to introduce another facet to this assessment of the socio-historical prospects for true philosophy in his *status quo*. He declares:

What is opposed to philosophy is, on the one hand, the *spirit's immersion* in the *interest* of necessity [*Not*] and of everyday life, but on the other, the *vanity of opinions*; if the soul [*Gemüt*] is filled with the latter, it has no room left for reason—which does not, as such, pursue its own [interest].⁸⁸

Especially for the Hegel deeply indebted to the Scottish Enlightenment, “the *interest* of necessity [*Not*] and of everyday life” would be, under capitalism, bound up with and mediated by civil society’s “system of needs.”⁸⁹ In modern societies, the “interests” of quotidian requirements for living compel the vast majority of persons to enter into markets as both laborers and consumers exchanging goods and services as buyers and sellers. Through life’s mundane needs and the motivations they generate, individuals are compelled, within the confines of economically modernizing or modernized social orders, to accept their subjectivities being thoroughly permeated, influenced, and shaped by market mediation and everything it brings with it.

By Hegel’s own admission, this capitalist economic mediation threatens to leave no room within subjective interiority for disinterested reason and its operations. In light of what Hegel claims regarding the forward development of history, this must count as a grave danger indeed. The eclipsing or gagging of *Vernunft* by needs and their interests even jeopardizes the very possibility of further socio-historical changes and progress. Without reason-generated *Weltweisheit*, smothered in its cradle by the market’s hand, there can be, according to Hegel’s own theory of social transformations, no reliable mechanism for consistently guiding social history in the direction of the better.

Of course, in the above block quotation, Hegel also points to “the *vanity of opinions*” as likewise threatening to crowd out disinterested reason/rationality (itself responsible for, among other things, philosophy as worldly wisdom). Hegel’s phrase here, “the *vanity of opinions*,” subtly suggests a lamentable convergence of apparent opposites. In it, individuality, as the “vanity” of the “I” with its misplaced pride its its views simply because they are its own, and collectivity, as the anonymous “opinions” of a “we” (or the “they” of “They say that...”) circulating like well-worn coins amongst a given populace, coincide—and this to the detriment of individuality. Incidentally, the German word for “opinion,” *die*

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88 Hegel 1999, pp. 182-183

89 Hegel 1979, p. 103-107, 124, 154, 167-168; Hegel 1979, pp. 242-243, 247-249; Hegel 1995a, §92-93 pg. 166-167; Hegel 1991a, §189-208 p. 227-239

Meinung, conveys the first-person possession (*meine* [mine]) involved with it. The phrase “the *vanity of opinions*” is a pleonasm, if only for a German speaker.

What if the “I” of *Moralität* is captured and overwritten by the “we” of a sick and/or insane *Sittlichkeit*? Moreover, what if this social order is ill in such a way as to interfere with its own self-transformative processes by, through its surreptitious substitution of the spurious “I” of opinion (or *doxa*, ideology, etc.) for the genuine “I” of reason, thwarting the potential immanent emergence out of itself of a child-of-its-time *Weltweisheit* that could point the way toward exits from this order’s impasses and deadlocks? Especially as modern capitalist ideology, “opinions,” once they are misrecognized as the subject’s own personal convictions expressive of his/her supposed uniqueness and idiosyncrasy, create an illusory sense of selfhood, a specious impression of authentic ipseity. When, as per individualism as an ideology, everybody is a special individual, nobody really is.

Furthermore, capitalism, particularly in its consumerist phases, reduces both the things answering to “the *interest* of necessity [*Not*] and of everyday life” as well as “opinions” to all equally being commodities circulating through various marketplaces (including traditional mass media, newer social media, the internet, advertising, publicity, etc.). Particularly through its commodification of “opinions,” capitalism sneakily camouflages its impersonal interests as personal interests, tricking its subjects into identifying with it even when they try to disidentify from it. Trying to individuate oneself within capitalist society employing anything commodified (including “opinions”) as means is a fool’s errand (vaguely akin to the futility of “sense-certainty,” the initial shape of consciousness in the *Phenomenology of Spirit*, trying to reflect the particularity of its sensations in the universality of language’s words⁹⁰).

In the *Philosophy of Right*, Hegel mentions a bit of ancient Greek wisdom he attributes to a disciple of Pythagoras—“When a father asked him for advice about the best way of educating his son in ethical matters (*sittlich zu erziehen*), a Pythagorean replied: ‘Make him the *citizen of a state with good laws* (*wenn du ihn zum Bürger eines Staats von guten Gesetzen machst*).’”⁹¹ Bearing in mind the broad sense of the German “*erziehen*,” as “raising” or “bringing up” in general (similar in scope and meaning to the “forming” [*bilden*] of “*Bildung*”) and not just “educating” in the narrower sense of academic training,⁹² what about those hurled by the accidents of birth into bad *poleis*?

90 Hegel 1977b, *Phenomenology of Spirit*, pp. 58-66

91 Hegel 1970a, §153 p. 303; Hegel 1991a, §153 p. 196

92 Hegel 1999, p. 162; Hegel 1995a, §22 p. 71

Furthermore, what if the putrescence of such political communities, rather than remaining at the level of external objective spirit in the guise of terrible written laws, awful governmental apparatuses, and so on, spreads into the realms of internal subjective spirit, overrunning the presumed haven of conscience, deliberation, and reflection? What if the subjective “I” is turned into a false escape from the objective “we” such that, when the subject “turns inward” (i.e., contracts into itself), all it finds within itself is more of same, namely, internalized or introjected fragments of the external mediation from which it imagines itself to be retreating or withdrawing? Even worse, what about the fact that such a subject, under the sway of the bourgeois-liberal ideology of modern individualism, will be prone to believe mistakenly that the opinions he/she adopts represent, even if only occasionally, a critical distance-taking from his/her *Zeitgeist*? To paraphrase the young Hegel’s vivid description of subjective interiority as “the night of the world” (*die Nacht der Welt*),⁹³ when one peers into the pupils of a contemporary capitalist subject, “here shoots a Twitter hashtag, —there another snarky internet meme, suddenly there before it, and just so disappears” (to be followed by an *ad nauseum* churn of *plus ça change, plus c’est la même chose*).

All of this would amount to the external mediation of the “we” of Hegel’s objective spirit becoming extimate (*à la* Jacques Lacan’s neologism “extimacy” [*extimité*] to designate an inner foreignness, an otherness at the heart of seeming selfhood⁹⁴) mediation in and through the “I” of ostensibly internal subjective spirit. To combine the extremely odd bedfellows of Jean-Paul Sartre and Margaret Thatcher, “there is no exit” within capitalism. Any apparent exits deceive one into remaining within capitalism’s confines while erroneously thinking oneself to have escaped from them. Hegel, with such earlier historical figures as Socrates and Luther in mind, portrays singular subjects asserting their singularity as threats to these subjects’ surrounding social orders.⁹⁵ What he underestimates as a child of his nineteenth-century time—in all fairness to Hegel, there is much in the history of capitalism he did not live to see—is how, and how thoroughly, capitalism has neutralized such threats. This neutralization is one of the keys to accounting for capitalism’s surprising longevity, including in the face of repeated predictions of its imminent implosion made by Hegel, Marx, and many others.

Maybe, *contra* Hegel’s *Philosophy of Right* in particular, the real problem of modernity (and, even more so, of “postmodernity” as later consumer capitalism) is not so much how to integrate with each other *Sittlichkeit* and *Moralität*, but the fact that the latter has been annexed by

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93 Hegel 1987, p. 172

94 Lacan 1992, p. 139; Lacan 1977, p. 268; Lacan 2006, pp. 224-225, 249

95 Hegel 1995a, §140 p. 256

the former and turned into a dangerous trap disguised as a safe refuge. The apparent shelter of spiritual interiority, the mind's inner life as its sanctuary away from the distractions and deceptions of the outer modern world's raucous rat race, is reduced to being yet another space colonized by capitalist business as usual. The din of the marketplace, particularly the noise of the media and on-line markets in "opinions," drowns out reason's silent soliloquy (or even tries to impersonate this *Vernunft*). To utilize some of Hegel's above-quoted words, what is progressive world spirit to do if and when it gets evicted from its proper home by occupying usurpers and pretenders? How, if at all, can it move forward under such inauspicious circumstances? What, if anything, becomes of it after being deposed into homelessness? In the preface to the *Philosophy of Right*, Hegel, perhaps with considerations along the lines I have been exploring just now in mind, warns of the serious socio-political dangers of a "superficial philosophy" (i.e., *die Seichtigkeit* [shallowness] as a bundle of mere opinions [*Meinungen*]) which "corrupts the substantial source of all deeds (*die substantielle Quelle von den Taten*), namely universal principles (*die allgemeinen Grundsätze*)."⁹⁶

Hegel himself, as seen, repeatedly insists that there can be no successful socio-political revolutions without prior spiritual reformations paving the way for them. Apropos the prospects (or lack thereof) for any such revolutions under capitalism, my immediately preceding speculations suggest that a Hegelian theory of the non-occurrences as well as occurrences of revolutions in social history pinpoints capitalism's hijacking of the subjective interiority of *Moralität* as the initial obstacle to be removed if radical change is to be made possible once again. Creating an exit from capitalism, and ensuring that those who exit from capitalism will not promptly set about inadvertently recreating it once they have presumably left it, will require evicting implanted capitalist constructs both infrastructural (such as a C-M-C' logic of internalized consumerist desire dancing to the tune of M-C-M' as the logic of capital) and superstructural (such as the "opinions" of capitalist ideology pandering to individuals' vanity) from the "proper home" of *Weltgeist*, namely, the "inner space" of the "I" as rational subject.

Only if and when such evictions transpire will there be reason to hope for an improved social future, instead of yet more of capitalism's stagnating frenzy and/or abrupt environmental breakdown. This is a matter of whether and, if so, how capitalist societies might spawn avatars of a new communist conscience, just as the putrefaction of the Roman Catholic Church (along with the entire feudal-agrarian form of life with which it was inseparably entangled) eventually provoked the coming forward of Luther as a revolutionary figure (and, along with him, Thomas Müntzer too). At least for a Hegelian theory of social revolution,

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96 Hegel 1970a, p. 21-22; Hegel 1991a, p. 18

the self-destabilizing capitalist *Sittlichkeit* will need to give birth to its own secular socio-economic Luthers and Müntzers, new Protestants protesting capitalism itself, if capitalism is to advance beyond itself in the course of further history à *venir*.

Perhaps the first step to reclaiming our proper autonomy is recognizing just how heteronomous we really remain. We can resume striving for the true freedom of universal reason only after we cease being infatuated with the false freedom of particular opinions. The vanity of capitalist private reason must be driven out by the humility of communist public reason. Doing violence to ourselves in tearing out capitalism's implants within our subjectivities, including its M-C-M' and C-M-C' circuits as prosthetic drives extimately subsisting within our libidinal economies, is the first step towards reactivating our long-stifled revolutionary potentials. A combination of Marxism and psychoanalysis has a vital role to play in taking this step.

§4 The Tainted Love of Wisdom: Hegel's Incomplete Break with Bourgeois Individualism

Already in such early socio-political texts as the Jena-era *System of Ethical Life* and *First Philosophy of Spirit*, Hegel maintains that truly free-thinking subjectivity is itself pure *qua* detached from and indifferent to all surrounding contextual influences.⁹⁷ Put differently, the subject that truly thinks freely purifies itself of all investment in and tethering to its worldly milieu with this milieu's myriad determinations, the kaleidoscopic *Zeitgeist* of its time and place. All non-universal, particularistic determinations are eclipsed and dissolved within the self-relating abyss of its monochromatic purity (as "*die Nacht der Welt*" à la Hegel's contemporaneous picturing of subjectivity).

Hegel's later socio-political writings of the Berlin era continue to posit and foreground this same portrait of the free-thinking subject. In the *Philosophy of Right*, this "night of the world" is nothing other than the locus and basis of *Moralität*.⁹⁸ The *Philosophy of History*, echoing the just-mentioned Jena material, extols the unsullied and uncompromising purity of genuinely autonomous cognition and reflection, with thinking's turn inward establishing and reestablishing an interior zone of indifferent universality.⁹⁹ At this same moment, Hegel proclaims, "Man is not free, when he is not thinking."¹⁰⁰

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97 Hegel 1979, pp. 124-125; Hegel 1979, pp. 227-228

98 Hegel 1991a, §104 pp. 131-132; Hegel 1995a, §50 p. 107

99 Hegel 1956, pp. 438-439

100 Ibid., p. 439

Hegel's "Prefatory Lectures on the Philosophy of Law" contain identical assertions about the essential links between subjectivity, thinking, and freedom. Therein, he asserts that, "The ground of freedom is pure thought,"¹⁰¹ and that, "Thinking establishes the independence which makes men into human beings."¹⁰² His 1831 "The Relationship of Religion to the State" similarly identifies "*free spirit*" as "the highest truth."¹⁰³

For Hegel, the capacity to become untimely (while still being a "child of one's time") specifically through loosening one's ties to the times, thereby contracting into oneself and turning inward, is essential to being both actually free and properly human. Through such withdrawal from the world, one attains a purity distinctive of thinking subjectivity. All of this entails that, if and when this capacity for withdrawal and the purported purity of the inner space it creates through its act of withdrawing is impeded or compromised, our very freedom and even our humanity itself are in danger of being lost. The rottenness of certain sorts of particularly bad *Sittlichkeiten* might go so far as to infect and thwart our potential to be free-thinking subjects. In so doing, these corrupt social orders also forestall points of potentially revolutionary dissenting consciousness from arising within themselves, thereby staving off their well-deserved collapses, delaying any days of reckoning.

Perhaps ironically, when Hegel insists on the untimely status of free-thinking subjectivity, his own thinking is most timely *qua* conditioned and limited by his eighteenth- and nineteenth-century *Zeitgeist* (especially by the Scottish Enlightenment, with its liberal individualism). Hegel's own failure to take sufficient distance as a thinker from the bourgeois theories of human nature he inherits from certain of his early-modern intellectual inspirations leaves him neglectful of the possibility of the shared shapes of life of capitalist modernity capturing and obscuring the basis of the sovereign singularity of *Moralität*. This is so despite Hegel's otherwise severe criticisms of these same socially atomistic and mechanistic theories.

Indeed, at first glance, Hegel shows himself to be an especially harsh critic of the entire anthropology behind those philosophical and economic reflections on societies and states assuming human beings to be, first and foremost, islands unto themselves. Especially for early-modern British philosophy and economics, humans tend to be conceived of as originally pre/non-social atoms only secondarily made into social agents by being grouped together through entirely external and artificial contrivances brought to bear on their asocial natures. The popular, persistent myth of the "state of nature," in which *homo homini lupus*, and

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101 Hegel 2002, p. 306

102 Ibid., p. 309

103 Hegel 1999, p. 226

the eventual departure from this state via the “social contract” lie at the foundation of much of the British theoretical material Hegel integrates into his own socio-political thinking. Moreover, such English-language sources also relatedly tend to reduce human agents to being nothing more than utilitarian calculators of measurable self-interest at all levels of their existence, including the spheres of the family and the state as well as those of civil society and its marketplaces.

Throughout his socio-political writings, Hegel appears to reject thoroughly and repeatedly the entire narrative about the state of nature and its taming via the social contract. And, as I will substantiate in a moment, he also assaults the notion of modeling all social relations on contracts, namely, on primarily economic agreements between private persons as property owners with accompanying rights. These aspects of Hegel’s social theorizing seem to place him in diametrical opposition to such predecessors as Thomas Hobbes, John Locke, and Smith too.

The young Hegel’s extended essay on *Natural Law* provides a thorough initial articulation of his case against state-of-nature and social-contract models. In this 1802-1803 piece, Hegel basically blames the application of the neither-dialectical-nor-speculative (i.e., sub-rational) understanding (*Verstand*), with its penchant for carving up reality into atomistic elements along the dualistic black-and-white lines of classical bivalent logic, to socio-political matters for producing these models.¹⁰⁴ Moreover, in *Natural Law*, he defensibly associates such socio-political thinking with “empiricism,” itself a primarily British epistemological orientation in the early-modern period (with the Continental Europe of early modernity, by contrast, as the geographical home of rationalism—well before the emergence of the antagonistic rift between Anglo-American Analytic and Franco-German Continental philosophical traditions during the first half of the twentieth century, the English Channel already serves as the demarcation of a gulf between incompatible philosophical sensibilities). Hobbesian, Lockean, and Smithian accounts regarding individuals *vis-à-vis* society and the state indeed are all vulnerable to Hegel’s criticisms of the state of nature and the social contract *circa* 1802-1803 (as well as after).

In *Natural Law*, Hegel dismisses empiricist socio-political philosophy, with its state of nature and social contract, as indefensibly one-sided. To be more precise, such philosophy lop-sidedly absolutizes modernity’s subject of *Moralität qua* sovereign isolated individual. Thereby, society as distinguishable from the individual is reduced to being nothing more than an aggregate of many individuals thrown together side-by-side in a kind of gigantic heap, a whole that is merely the sum of its parts.¹⁰⁵

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104 Hegel 1999, pp. 105-106, 172-174

105 Ibid., pp. 112-114

This pile of atoms (i.e., society as a simple sum) is then held together solely by the external imposition, ultimately backed by the threat of brute violent force, of formal frameworks in the guises of economic, political, etc. rules. Of course, Hegel's absolute idealist emphasis on the primacy of relations over relata, when brought to bear on societies and their histories, leads him to promote a picture of real *poleis*, of actual political communities, as organic wholes greater than the bare sums of their parts (with Hegelian reason [*Vernunft*] as able to conceptualize organic structures and dynamics, unlike the understanding [*Verstand*] as limited to mechanical-style cognition). This is in diametrical opposition to much of early-modern British socio-political theorizing, for which societies are mechanical wholes analytically reducible to the sums of their parts.¹⁰⁶

In fact, for Hegel, these parts (i.e., individuals as singular subjects) are what they are, including as units with political significance, not in isolation (as the fiction of the state of nature would have it), but only in networks of myriad interconnections with others. Normatively significant individuality does not precede, even in a mythical time before recorded history, this individuality's recognition by relevant social authorities. On the contrary: Such individuality is an effect constituted by this social recognition.¹⁰⁷

Anticipating already in 1802-1803 the later *Moralität-Sittlichkeit* distinction of the *Philosophy of Right*, the Hegel of *Natural Law* seeks to offset the one-sidedness of state-of-nature and social-contract theories by striking a dialectical-speculative balance between two equally extreme but mutually exclusive images of social reality. This Hegelian balancing act brings into play the long-standing ontological dispute between nominalists and metaphysical realists, with empiricists tending to favor nominalism and rationalists tending to favor metaphysical realism. For the empiricists with their nominalism, individuals as parts enjoy both metaphysical and political priority over societies as wholes. For an opposed but equally one-sided metaphysical realism of society, individuals as parts would be nothing more than epiphenomenal emanations of a society (especially its state) as a transcendent supersensible totality somehow existing independently of its many constituents.¹⁰⁸

The socio-political permutation of the long-running debate between nominalists and metaphysical realists thus appears, in Hegel's eyes, as pitting a falsely absolutized *Moralität* against a likewise falsely

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¹⁰⁶ Ibid., pp. 112-114; Hegel 1999, pp. 262-263, 265

¹⁰⁷ Ibid., pp. 112-114

¹⁰⁸ Ibid., pp. 115-117

absolutized *Sittlichkeit* respectively.¹⁰⁹ The framing of things along these lines in *Natural Law* sets up the subsequent handling of the tensions between individuality and collectivity in the Berlin period, particularly in the *Philosophy of Right*. For this older Hegel, the distinction between *Moralität* and *Sittlichkeit* is a distinction internal to *Sittlichkeit* itself (hence Hegel's repeated insistence on the primacy of *Sittlichkeit* over *Moralität*¹¹⁰). That is to say, although sovereign individuality has its place in the distinctively modern *polis*, this is a place internal to, embedded within, and even made possible by an overarching, trans-individual social order that nonetheless is a universality that would not exist were it not for its being embodied and realized in numerous particular individuals.¹¹¹ This social order involves not only a government with its criminal and civil laws, but also a thick texture of shared beliefs, customs, hierarchies, ideologies, institutions, mores, practices, rituals, etc.

Indeed, the very selves of such concern to the empiricist natural law theorists criticized in Hegel's essay on *Natural Law* are cut from this *sittlich* cloth, becoming who they are partly through (whether consciously or not) identifying with this fabric as their second natures.¹¹² *Pace* fantastical stories of the imagined state of nature, a tenable account of the individuals one actually encounters and is familiar with in really-existing social realities reveals these individuals to be anything but islands unto themselves. An empiricism that claims to be all about knowledge based on concrete experience ought to be committed to such an account, rather than to cling to confabulations about a nature red in tooth and claw in which "man is a wolf to man."

Subsequently, in the Nuremberg-era *Philosophical Propaedeutic*, Hegel warns against any romanticizations of the state of nature.¹¹³ *Contra* anything like Rousseau-inspired reveries about noble savages peacefully cohabitating in edenic settings free of civilization's woes, this Hegel stresses the barbarism, cruelty, and might-makes-right injustice of what a hypothetical natural-as-pre/non-social state would be (a stress to be found elsewhere too¹¹⁴). As Hegel puts this point on a later occasion, the romanticized "state of nature" amounts to "an imaginary paradise or a condition such as we represent in the idea of so-called innocent

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¹⁰⁹ *Ibid.*, pp. 115-117

¹¹⁰ Hegel 1986, §55 p. 47; Hegel 1995a, §8 p. 57; Hegel 1991a, §145 p. 190, §154 p. 197, §156 p. 197

¹¹¹ Hegel 1979, pp. 143-145, 157; Hegel 1979, pp. 209-210, 212-213, 241-242; Hegel 1991a, §154 p. 197, §156 p. 197

¹¹² Hegel 1999, p. 162; Hegel 1991a, §151 p. 195

¹¹³ Hegel 1984b, §25 p. 33

¹¹⁴ Hegel 1971a, §502 p. 248; Hegel 1956, p. 99; Hegel 1995c, p. 92-93

peoples.”¹¹⁵ Admittedly, this dismissal of Rousseauian-style romanticism involves a different criticism of the state of nature than the critical line Hegel takes in 1802-1803 against this notion as it features in British empiricism and liberalism.

The third volume of Hegel's *Encyclopedia*, his *Geistesphilosophie*, contains a development of the critique of natural law perspectives building on the arguments already made by Hegel in his earlier critical reflections on the notion of a state of nature. In the course of discussing objective spirit, he remarks:

The phrase ‘Law of Nature,’ or Natural Right (Naturrecht), in use for the philosophy of law involves the ambiguity that it may mean either right as something existing ready-formed in nature (*in unmittelbarer Naturweise vorhandenes*), or right as governed by the nature of things, i.e. by the notion. The former used to be the common meaning, accompanied with the fiction of a *state of nature*, in which the law of nature should hold sway; whereas the social and political state rather required and implied a restriction of liberty and a sacrifice of natural rights (*natürlicher Rechte*). The real fact is that the whole law and its every article are based on free personality (*die freie Persönlichkeit*) alone—on self-determination (*Selbstbestimmung*) or autonomy, which is the very contrary of determination by nature (*Naturbestimmung*). The law of nature (*Das Recht der Natur*)—strictly so called—is for that reason the predominance of the strong and the reign of force (*das Dasein der Stärke und das Geltendmachen der Gewalt*), and a state of nature a state of violence and wrong (*ein Naturzustand ein Zustand der Gewalttätigkeit und des Unrechts*), of which nothing truer can be said than that one ought to depart from it. The social state (*Die Gesellschaft*), on the other hand, is the condition in which alone right has its actuality (*seine Wirklichkeit*): what is to be restricted and sacrificed is just the willfulness and violence of the state of nature.¹¹⁶

As is common knowledge, the classic Hobbesian tale of the transition from the natural state (with its rule of strength [“the predominance of the strong and the reign of force,” “a state of violence”]) to the social state (with its rule of law) is one of the move from unlimited freedom coupled with great danger (i.e., the natural state) to limited freedom coupled with relative safety (i.e., the social state). This transition transpires via individuals entering into the society-creating terms of a social contract, in which all individuals transfer sovereignty to the political state, including

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115 Hegel 2002, p. 313

116 Hegel 1987, §502 pp. 311-312; Hegel 1971a, §502 p. 248

what becomes the state's legal monopoly on the use of violent force, in exchange for the protections afforded by this agreed-upon state.¹¹⁷

Admittedly, the Hobbesian state of nature is very different from this state as it features in Rousseauian fantasies about noble savages. Yet, there still is, for Hobbesianism and much of the tradition of modern British social philosophizing to which it belongs, a sense of loss also expressed by romanticizations of presumed pre-civilizational life. Both the Hobbesian and Rousseauian narratives point to the surrendering of a supposed unfettered subjective spontaneity in the state of nature (“the social and political state... required and implied a restriction of liberty and a sacrifice of natural rights”). Even if, as per a utilitarian aspect of Hobbes’s account, the trade-off proves to be worth it, with individuals gaining more through legal safety than they lose in giving up their dangerous natural independence, there still remains this impression that the laws providing for a secure existence nonetheless encroach on individuals’ (natural) rights and freedoms.

As the prior block quotation from the *Philosophy of Mind* reveals, Hegel considers this impression to be dead wrong. For him, one has nothing to lose but this erroneous sense of loss itself. The individual can and should become reconciled with the collective by coming to recognize several things. First, Hegel contends that the very phrase “natural rights” is oxymoronic. Rights as such exist only in and through the *Geist* of a social state, not the *Natur* of a pre/non-social condition. Hence, one loses no rights in exiting the state of nature, because there are no rights to begin with in that state. The “ought” of right comes into being only after the “is” of nature is left behind.¹¹⁸

Second, one should celebrate rather than lament the (hypothesized) exit from the state of nature. Not only does one not lose any rights that did not actually exist in purely natural circumstances—one thereby escapes from “the predominance of the strong and the reign of force,” from “a state of violence and wrong.” One should happily bid the state of nature “Good riddance!” without any hesitation, ambivalence, or regret (“nothing truer can be said than that one ought to depart from it”). There is nothing to bemoan about not being subjected to the tyranny of the arbitrary, capricious whims of whoever happens to be the physically strongest king of the jungle at any given moment (“what is to be restricted and sacrificed is just the willfulness and violence of the state of nature”). In addition to there being no rights in the state of nature, there is ample oppression, exploitation, and cruelty.¹¹⁹

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117 Hobbes 1985, pp. 189-191

118 Hegel 2002, pp. 306-307; Hegel 1995a, §2 pp. 52-53

119 Smith 1989, p. 115

Third, Hegel also mobilizes an implicit synthesis of Kant and Smith so as further to rebut natural law theories relying on ideas about the state of nature and the social contract. In Hegel's view, one of Kant's discoveries within the sphere of *Moralität*, a discovery integral to the Kantian "metaphysics of morals," is the reconceptualization of law as expressive of, rather than antithetical to, the freedom of the "I" as a rational self-determining agency with duties, obligations, responsibilities, and rights. What holds here for Kant's individual moral subject holds too for Hegel's collective ethical society: Hegel likewise characterizes the laws legislated by sovereign governing authorities and institutions as concrete social manifestations and realizations of the self-legislating autonomy of free-thinking rational spirit ("The real fact is that the whole law and its every article are based on free personality alone—on self-determination or autonomy, which is the very contrary of determination by nature"). A state of lawlessness (i.e., the state of nature) is one of unfreedom (just as, for Kant, failing to self-legislate according to the moral law is turning oneself over to the heteronomous status of being a puppet or plaything of one's phenomenal-pathological inclinations). By contrast, the (social) rule of law is a state of freedom, however partially and imperfectly actualized.¹²⁰ As Hegel sums up this line of thought, "freedom, or the spiritual, acquires existence through law rather than being restricted thereby."¹²¹

Already in 1798, Hegel, in his anonymous commentary to his translation of Cart's letters on Swiss politics, makes an observation about tax laws in particular relevant at the present juncture. Hegel, in this very first publication of his, warns that, "the excellence of the constitution of a country is not to be appraised according to the size of the tax which one pays in it."¹²² As an illustration of this mistake, he immediately points out that the citizens of Bern tend defensively to laud the low tax rates they pay whenever they are confronted with the rottenness of Bern's government.¹²³

By Hegel's estimation, the amount gained from not paying higher taxes is far from offsetting the loss of real freedoms resulting from living under the thumb of a bad state. For Hegel, taxation laws, like law in general, should be and be seen as further materializations of spiritual freedom.¹²⁴ This view, however intentionally or not, resonates with the Smith for whom taxes are signs of liberty, not slavery¹²⁵ (with H.S. Harris

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120 Hegel 2002, pp. 304, 306, 309-310, 312-313

121 Ibid., p. 310

122 Ibid., p. 127

123 Ibid., p. 127

124 Hegel 1991a, §302 p. 343

125 Smith 1999, pp. 450-451

surmising based on persuasive evidence that Hegel studied Smith's *Wealth of Nations* specifically while in Bern¹²⁶). Incidentally, there is much in the *Wealth of Nations*, including its numerous pointed criticisms of mercantilism, that apply even to today's capitalism in ways those assuming Smith to be in overall agreement with recent and contemporary neoliberalism would find surprising. One can see the Smithian assertion about taxation and liberty to be a social, political, and economic version of Kant's morality-level claim about law as creating rather than destroying freedom, a version Hegel appears to run with in the *Commentary on the Bern Aristocracy*.

In "Proceedings of the Estates Assembly in the Kingdom of Wurtemberg," Hegel accuses those who perceive laws as nothing but limits curbing freedom of being guilty of a mob mentality, so to speak. He states, "the view that what is done in the interest of government and state is *against* the interest of the people distinguishes the mob from the citizens."¹²⁷ Populist attacks against political, legal, and juridical systems, although usually conducted in the name of "freedom," are, in truth, attacks on fellow citizens' freedoms and rights by a bloody-minded rabble promoting nothing more than destructive anarchy. Behind the banner of "liberty for all" sometimes lurks the self-serving interests of a scheming few.¹²⁸

Also in "Proceedings of the Estates Assembly in the Kingdom of Wurtemberg" as well as in the *Philosophy of Right*, Hegel cautions against another tendency manifesting itself in the political philosophy and political economics of Britain and the Scottish Enlightenment. This would be the tendency to overextend the frameworks of economic marketplaces to cover non-economic social relationships, such as those of domestic life in the family and political life in the state. In particular, the very phrase "social contract" implies a misconception according to which all spheres of *Sittlichkeit*, not just that of civil society with its markets, are thought of as based on the sorts of transactional arrangements characteristic of economic interactions between property owners with their abstract rights of possession.¹²⁹

The binding ties of family and state, as Hegel conceives them, are fundamentally different-in-kind from the economic and legal structures of civil society facilitating divisions of labor as well as the production, distribution, exchange, and consumption of goods and services. Relations between spouses as well as between parents and children cannot be done justice to if they are recast and reduced to secondary

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126 Harris 1983, p. 126

127 Hegel 1964, p. 259

128 Hegel 1956, p. 430

129 Hegel 1964, pp. 256-258, 262-263, 280-281; Hegel 1991a, §75 pp. 105-106, §281 p. 324

external interactions between self-interested parties interested in nothing but measurable personal material gain.¹³⁰ Of course, this by no means prevents the perversion of family relationships by the marketplace. In Hegel's and Marx's age, a heartbreaking instance of this is the commonplace phenomenon of members of working class families in industrial England having to regard each other in their shared desperation as nothing but rivulets of additional hourly wages to combat feebly the ceaseless tide of chronic hunger and deprivation. As an example of this today, spouses often are chosen like any ordinary commodity through monetized on-line dating and marriage-brokering services, pulled off the shelves of virtual meat markets. And, just as one casually tosses into the garbage any commodity that gets old or ceases to be pleasing, so too can one discard one's internet-selected significant other or spouse on a whim like yesterday's faded fashions.¹³¹ Hegel and Marx both realize, each in their different ways, that absolutely nothing whatsoever is sacred within capitalism.

On Hegel's assessment, the trespassing through overextension of civil society's economic abstract property rights beyond the boundaries of the marketplace is even more unfortunate and toxic when it affects the state itself. If the atomistic and mechanistic perspectives on collective human existence of early-modern British philosophy and economics have any validity, it is solely within the circumscribed region of the social totality Hegel associates with civil society. In this quintessentially modern region dominated by the economy, one indeed is dealing with a plurality of self-interested atoms (i.e., private persons as property owners engaged in buying and selling) jostling each other elbow-to-elbow in a vast numerical aggregate externally configured by the mechanics laid down by the rules and laws governing markets.

The inorganic nature of modernity's economy-centered civil societies is, according to Hegel, to be contrasted sharply with what he alleges to be the fundamentally organic nature of *Sittlichkeit*, with the state as the ultimate guarantor of the ethical order's greater-than-the-sum-of-its-parts unity.¹³² As he words this on one occasion, "the organization of a state rests... on a concrete wisdom totally different from a formalism derived from private rights."¹³³ In this same context, he subsequently adds, "A contract... is essentially distinct from a political bond which is a tie objective, necessary, and independent of choice or

130 Hegel 1979, pp. 127-128; Hegel 1995a, §79 pp. 146-147

131 Hegel 1991a, §176 pp. 213-214

132 Hegel 1995a, §123-124 pp. 221-224; Hegel 1991a, §267 pp. 288, §269 pp. 290, §271-274 pp. 304-313, §286 pp. 327-328

133 Hegel 1964, p. 256

whim.”¹³⁴ Yet, to follow Hobbes and company in broadening the economic concept of the contract to cover all social relationships of every sort, especially political ones, is to distort severely or even obscure completely the true status of what makes a community really a community. Interrelated senses, amongst both rulers and ruled, of non-transactional duties with respect to one’s *polis* as well as of values worth immeasurably more than utilitarian private self-interest are jeopardized by the idea of a social contract covering politics and government along with everything else under the sun in social reality.¹³⁵

Many of the ills Hegel diagnoses as afflicting his socio-political surroundings are, for him, symptoms of this modern process of civil society illegitimately recasting the state in the image of its own markets. These ills include: the inordinate influence or outright capture of sovereign state power by the fickle private interests of social factions within a class-divided economy¹³⁶; the conduct of foreign policy, including decisions about whether or not to enter into wars on the international stage, purely on the basis of transactional considerations of gains and losses; demagogic and populist rabble-rousing stoking masses’ resentments toward elected governments, with the latter misrepresented as bad-faith sellers of defective wares to individual voters¹³⁷; and, thanks to these other interrelated ills, the prospect of losing the very organic unity of *Sittlichkeit* itself through the disaster of society as a whole actually coming to amount to nothing more than a lifeless heap of isolated grains (whose isolation is only validated and reinforced by one-person, one-vote electoral systems).¹³⁸ It would be no exaggeration to say that, for Hegel, if the mechanical atomism of social contract theory were to succeed at thoroughly remaking the being of society *in toto* in the image of its (mis)thinking of society, this would be tantamount to destroying society itself. Any such remade “society” would remain one in name only, just as, for Aristotle, a jumble of limbs and organs is a “body” in name only. In it, the *bourgeois* would have killed off and entirely replaced the *citoyen* in the hearts and minds of each and every denizen of such a depressing *polis*.¹³⁹

Taking into consideration the multiple interconnected facets of Hegel’s sustained critique of the natural law tradition of social, political,

.....
134 *Ibid.*, p. 281

135 *Ibid.*, pp. 256-258, 262-263, 280-281; Hegel 1995a, §33 pp. 82-83, §37 p. 90, §134 p. 240; Hegel 1991a, §75 pp. 105-106

136 Hegel 1964, p. 3; Hegel 1964, pp. 257-258, 293; Hegel 1995a, §37 p. 90

137 Hegel 1964, pp. 262-264

138 *Ibid.*, pp. 264-265; Hegel 1991a, §258 pp. 277, §303 pp. 343-344; Hegel 1964, pp. 317-321

139 Rousseau 1987, pp. 24-25

and legal thinking, particularly as represented by early-modern British contributions in these veins, his *Rechtsphilosophie* appears to be squarely in favor of the venerable Aristotelean view of human beings as *zoon politikon* and against bourgeois modernity's (hyper-)individualistic view of human beings as, at root, Hobbesian lone wolves.¹⁴⁰ As the philosopher of mediation *par excellence*, Hegel, at the most fundamental and overarching of systematic metaphysical levels, adamantly rejects any absolutization of the atomic and the mechanical. This rejection applies to socio-political versions of such an absolutization of the atomistic and the mechanical (such as is exhibited in Scottish Enlightenment efforts to analyze societies under the inspiration of Newtonian physics as well as in the anthropological assumptions at the base of models of the state of nature and the social contract).

As Hegel emphasizes, ubiquitous trans-individual social mediation (bringing to bear the influences of the family, civil society, and the state as well as larger currents of world history, languages, cultures, etc.) thoroughly infiltrates and suffuses supposed individuals. In Hegel's *Lectures on Natural Right and Political Science*, he portrays singular subjects as "completely permeated" by the influences of objective and absolute *Geist*.¹⁴¹ This all-saturating trans-individual mediation is what the "*politikon*" in "*zoon politikon*" refers to for Hegel. What could be more opposed to the philosophical anthropology behind modern liberal-bourgeois individualism than this?

For all the ferocity and thoroughness of Hegel's defense of the political animal of antiquity against the pre/non/anti-social animal of modernity, Hegel, as he himself would be the first to admit, nonetheless remains a child of specifically modern times. As such, immersed in a socio-cultural ethos shot through with individualist ideology, he still partially succumbs to this ideology even while trying to combat and temper it. And, if Hegel's own philosophical conscience, in all its power and majesty, cannot fully escape from his *Zeitgeist* in attempting to pull away from its gravity so as to turn inward into purportedly pure thinking, then what hope is there for any other minds to establish themselves as irreducibly singular inner sanctums independent of the wider world's mediations? Are they not condemned to mistake ready-made contents imposed upon them by their socio-historical context, including the ubiquitous (as non-individual and non-idiosyncratic) ideology that is modern bourgeois-liberal individualism, as their ownmost intimate creations?

According to Hegel, at least certain of his historical predecessors, such as Socrates and Luther, really did succeed at becoming utterly

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140 Smith 1989, p. 62; Thompson 2015, p. 120

141 Hegel 1995a, §58 p. 116

untimely, thoroughly severing their links to their ethical forms of life so as to dwell within and critically reflect upon these forms from a thereby-purified moral conscience. Even if one concedes this point about some of Hegel's historical predecessors, figures like Socrates and Luther nevertheless presaged, but crucially did not live to see, the cultural-historical rise of individualistic *Moralität* as a socially hegemonic ideology. The *Sittlichkeit*-challenging individualities of these epoch-making figures, in their singularity, were not expressions of any already-established individualism. Only prior to the genesis of individualism as an ideology was it truly individualistic to assert one's individuality.

By contrast, capitalist modernity, ideologically codifying as part of its own workings things like Lutheran Protestantism's sovereign individual conscience, has made it such that the very assertiveness of the "I" of moral subjectivity no longer typically threatens, as it does in pre-modernity, the "we" of ethical life. The *faux* individualism of the subject of modern capitalism is different-in-kind from the idiosyncratic individuality of a Socrates or a Luther. Yet, in the *Philosophy of Right* and elsewhere, Hegel writes as though the purity of this pre-modern idiosyncratic individuality still were available and accessible to modern capitalist subjects (providing, among other things, the possibility of revolutionary changes beyond the horizon of capitalism).

Ironically, Hegel writes this way arguably under the influence of modern capitalist individualism as a trans-individual ideology baked into capitalism's peculiar *Sittlichkeit*. His Enlightenment-informed faith in the potential (re)emergence within capitalist modernity of genuinely free and pure thinkers drastically underestimates just how all-penetrating and pervasive the bourgeois individualism of liberalism (as a sort of cult of fake individuality in all its alluring speciousness) would prove to be. Hegel, as a self-confessed child of his time, falls prey to what I earlier identified as an especially insidious ruse of capitalist unreason, namely, the seizure of the "I" of singular subjective spirit and the substitution, in its place, of the *doppelgänger* of a false individuality. This false individuality is a Frankenstein-like stitch-up composed of and dominated by introjected or implanted fragments of capitalism's *Zeitgeist*. The trap created by this ruse leaves those subjects wishing to turn away from the objective spirit of capitalism by turning inward prone to being lulled into erroneously believing themselves to have achieved free-thinking independence from modern society when, in fact, their inner thoughts are not inner but extimate, not spontaneous original creations, but prefabricated products thoughtlessly echoing others (although mistaken for spontaneous original creations). When the voice of capitalism surreptitiously becomes the voice of conscience, disguising itself as each of our inner mental monologues, it makes conformist cowards of us all—and this whether we know it or not.

In *Less Than Nothing: Hegel and the Shadow of Dialectical Materialism*, Slavoj Žižek problematizes Hegel's treatment of human

sexuality, particularly as this treatment features in the discussion of the family contained in the *Philosophy of Right*. According to Žižek's justified criticism here, Hegel presumes human sexuality to be, in and of itself, a purely natural phenomenon. For the author of the *Philosophy of Right*, sexuality is sublationally transubstantiated from being natural to becoming social only in and through specific mediations being brought to bear upon it from the outside. These mediations would be the social institutions and practices of religious and legal rituals and laws of marriage, domestic divisions of labor, the family's relations with civil society and the state, and spousal and parenting roles as defined along cultural, religious, and legal lines. Such features of the family as a socially constituted unit are the social externalities which, when the *an sich* natural internality of the individual human organism's sexuality (including the pangs of romantic love as well as the pressures of carnal lust) is inserted into the familial framework, elevate this sexuality from *Natur* to *Geist*.¹⁴²

Žižek, basing himself primarily on psychoanalytic considerations with respect to sexuality, observes that Hegel leaves human sexuality in its purported natural purity open to being rendered denaturalized and impure exclusively via merely external mediations. Hegel thereby fails to take the additional step of exploring how this sexuality, particularly after a long-running phylogenetic history of being mediated by more-than-natural forces and factors, is already in and of itself denaturalized, inherently and internally traversed by denaturalizing mediations rendering it always-already non-natural (at least by comparison with non-human animals). With the likes of Sigmund Freud and Lacan palpably in the background, Žižek contrasts Hegel's natural-*qua*-in-itself sexuality with psychoanalysis's social-*qua*-for-another sexuality to the benefit of the latter.¹⁴³

Žižek's main point is that the sexuality of the libidinal economy is always-already suffused by and with the sociality of the political economy. According to this Žižekian point, Hegel mishandles human sexuality as externally, instead of extimately, mediated. My core critical thesis on the present occasion is that the objection Žižek makes to the mature Hegel as regards the entwined topics of sex and family also apply to Hegel's discussion of *Moralität*, conscience, and the inner "I" of subjective spirit. The latter's apparent unmediated in-itself-ness conceals subtle, sometimes even disguised, for-otherness mediations subsisting within the hearts and minds of modern individuals living under capitalism.

The unfreedom of such individuals is especially cunning in that it seduces them into believing that they are at their post-ideological freest

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142 Hegel 1995a, §73-88 pp. 138-161; Hegel, 1991a, §158-181 pp. 199-219

143 Žižek 2012, pp. 440-442, 449

when, in fact, they are at their most ideologically (as well as economically and politically) unfree. Disguising the chains of outer space as the keys to an inner space that itself has been reduced to a camouflaged extension of outer space is a cunning ruse indeed. By not recognizing this, Hegel, with his Enlightenment-inspired *Weltweisheit*, leaves himself tending quietly to overestimate the likelihood of near-term revolutionary transformations of capitalist modernity as brought about by the universal world spirit working through the particular subjective spirits of the exceptional consciences of “great men”—with these consciences as the “proper home” of Hegel’s rational *Weltgeist* purportedly guiding history. In so doing, Hegel underestimates capitalism’s socio-historical staying power, bolstered by its fashion of clipping the wings of potential “great men” with their socially destabilizing worldly wisdom, beyond what Hegel misperceives to be its dusk. Marx soon joins him in this underestimation.

Indeed, Marx shares with Hegel an Enlightenment-type optimism in imminent historical progress beyond nineteenth-century modern capitalism. But, in addition, Marx’s overestimation of the probability of radical social change of a progressive nature perhaps involves (at least to some extent) the same error plaguing Hegel’s anticipation of the decline and fall of capitalist empire. As seen a while ago here, the Hegelian theory of interlinked spiritual reformations and social revolutions, as the motors of actual socio-historical upheavals, relies upon the continued existence of truly pure and free inner spaces within thinking subjects to which they can retreat and from which they can plot courses of action aimed at altering their surrounding *status quos*.

The crucial step in the direction of a Hegel-inspired account of revolutions that fail to happen in the first place is to acknowledge that and how the autonomous bastion of the (self-)liberated “I” can be covertly taken over and misdirected by the heteronomous impositions of an oppressive, exploitative “we.” By implanting its own structures, dynamics, and contents within singular subjects’ souls, capitalism enables itself to weather the storms of countless crises that otherwise might precipitate it being toppled and swept away into the dustbin of history. Traces of the motivations animating something like Antonio Gramsci’s early-twentieth-century theory of hegemony as a supplement to Marxist historical materialism in light of the non-events of failing-to-materialize anti-capitalist revolutions in the West already are to be found within Hegel’s political writings themselves. However, based on a combination of Hegelian, Marxian, and psychoanalytic considerations, I would insist that persons’ hearts and minds are colonized not only by what is superstructurally hegemonic (with Gramsci and his fellow twentieth-century Western Marxists heavily favoring a focus on more-than-economic superstructures), but also by what is infrastructurally hegemonic (within the capitalist mode of production, such components of the economic base as M-C-M’ are internalized in the guises of prosthetic

drives and desires implanted directly into the libidinal economies of singular psyches by their market-mediated milieus).

Like Hegel, Marx repudiates modern liberal individualism in insisting that humans are, by nature, *zoon politikon*. Yet, also like Hegel, Marx sometimes seems inconsistently to concede, however inadvertently, a certain amount of ground to this dubious individualism. The primary indication of this concession is Marx's frequent depiction of the individual as a "bearer" (*Träger*) or "personification" (*Personifikation*) of economic categories.¹⁴⁴ This depiction suggests that such things as the logic of capital and the class roles it dictates are external masks which, as such, can be at least potentially removed one fine day as well as continually donned day after day in pre-revolutionary routines. If the individual is a bearer or personification of economic categories, then he/she still exists as distinct from these categories. He/she possesses, at a minimum, some potential inner distance from them.

Yet, what if capitalism achieves an annihilation, or even just a severe diminishment and hobbling, of this potential? What if the masks borne and personified cease to be masks precisely because they have merged with their wearers? What if the "rational kernel" of the free "I" gets crowded out by the "mystical shell" of an unfree "we?" Again, all of this might assist with explaining how and why capitalism has continued up through today to defy any and all predications of its impending implosion and overthrow.

§5 "A monstrous system": Hegel's Misgivings About Markets and Our Living Death

In Hegel's 1798 essay *The Spirit of Christianity and Its Fate*, he observes in passing apropos modernity that, "The fate of property has become too powerful for us to tolerate reflections on it, to find its abolition thinkable" (*Das Schicksal des Eigentums ist uns zu mächtig geworden, als daß Reflexionen darüber erträglich, seine Trennung von uns uns denkbar wäre*).¹⁴⁵ He says this *vis-à-vis* early Christian (i.e., pre-modern) valorizations of poverty and corresponding denigrations of wealth. With secular socio-economic history having brought about the transition from ancient to medieval to modern modes of production, the transition to modernity specifically transformed the status and significance of private property.

Such property becomes bound up with a distinctively capitalist "system of needs," "civil society," and legal scaffolding of "abstract rights," to use some of the Scottish-Enlightenment-furnished phrases

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144 Marx 1962, pp. 147-148; Marx 1976, pp. 254-255; Marx 1963, pp. 270, 282, 389; Marx 1971, pp. 296

145 (G.W.F. Hegel, *Der Geist des Christentums und sein Schicksal, Werke in zwanzig Bänden, 1*, pg. 333); Hegel 1975, p. 221

Hegel himself subsequently (post-1798) employs for different components of modern European economies. In fact, private property becomes the load-bearing pillar of economic modernity such that modern subjects come to find its abolition unthinkable. Or, as Hegel puts it in the same context, the pre-modern Christian romanticization of poverty “is without truth for us” (*hat keine Wahrheit für uns*) modern subjects.¹⁴⁶ We have come to find the very notion of being separated (*getrennt*) from private property virtually inconceivable.

At the level of the history of the Christian religion, one can construe its development of Protestantism, with the latter co-emerging with Western capitalism in the early-sixteenth century, as allowing Christianity eventually to make its peace with the unprecedented primacy and seeming indispensability of private property within the new mode of production. To the Catholic cult of the impoverished saint or martyr, a cult rooted in pre-modernity and its pre-capitalist economic conditions, is opposed the Protestant ideal of “the man of the calling,” namely, the righteous businessperson vigorously pursuing a modern this-worldly economic vocation in the secular sphere while nonetheless remaining steadfastly devoted to otherworldly concerns about God and Heaven. Before both Marx and Max Weber, the young Hegel already gestures at a symbiotic relationship between the jointly rising pair of capitalism and Protestantism.

Furthermore, it sounds as if there is a slight mood of foreboding conveyed by Hegel when he acknowledges that, “The fate of property has become too powerful for us to tolerate reflections on it, to find its abolition thinkable.” It is almost as though he is cautioning that private property has perhaps “become too powerful” (*zu mächtig geworden*) in the sense of coming to be a dangerous excess, having too much of a grip on us. Indeed, by Hegel's own admission here, its hold on modernity's subjects has become so firm that these subjects no longer have the mental wiggle room properly to reflect on or think about it (a cognitive, and maybe also emotional-motivational, inhibition which, at least from a Marxist perspective, would strongly interfere with the surfacing of anything like anti-capitalist revolutionary class consciousness amongst such subjects). Could this amount to a moment when the early Hegel glimpses what has been central to my concerns throughout this intervention thus far, namely, the capitalist infiltration and commandeering of the intrasubjective realm of thinking and reflection? Is this a Hegelian registration, however fleeting, of the capitalist political economy, centered as it is on private property, bending both subjective and religious *Geist* to its purposes? Does this worry Hegel? If so, how much does it worry him?

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¹⁴⁶ Hegel, *Der Geist des Christentums und sein Schicksal*, pg. 333; Hegel 1975, p. 221

Soon after *The Spirit of Christianity and Its Fate*, Hegel, in “The German Constitution” (1799-1802), appears to wax a bit less anxious about modern capitalism. Throughout his more youthful works (of the late 1790s and early 1800s), evidence abounds of his intellectual indebtedness to English-language political economics. Hegel, philosophically interested in manual as well as intellectual labor,¹⁴⁷ clearly adopts the labor theory of value à la Smith and David Ricardo¹⁴⁸ (although, as Georg Lukács remarks in his 1938 study *The Young Hegel: Studies in the Relations between Dialectics and Economics*, the underdevelopment of Hegel’s immediate German-speaking surroundings of the late-eighteenth century, by comparison particularly with the contemporaneous economic development of industrializing Britain, left him unable fully to draw out the revolutionary consequences of the Smithian-Ricardian labor theory of value in the ways later done by Marx in the latter’s radical “critique of political economy”¹⁴⁹). In “The German Constitution,” and based on this adoption of the Smithian-Ricardian labor theory of value, he seems at least resigned to, if not enthusiastically endorsing of, capitalism’s quantitative and qualitative inequalities of wealth and corresponding access to goods and services as reflective of the intrinsic and irreducible qualitative differences-in-kind between distinct types of labor in the internally differentiated division of labor of capitalist civil society’s system of needs.¹⁵⁰ For better or worse, unequal material conditions of life between the various classes (or Hegelian “estates” [*Stände*] and “corporations” [*Korporationen*]) and sub-classes, given the labor theory of value on Hegel’s reading of it, are to be accepted as structurally unavoidable under capitalism. As he bluntly states this in the *System of Ethical Life* (1802-1803), “inequality of wealth is absolutely necessary.”¹⁵¹

Yet, one does not have to wait until the mature Hegel of 1821’s *Philosophy of Right*, with his somber intimations about the potentially explosive consequences for modern societies of the swelling rabble populations being produced by capitalism and its inequalities of wealth, to see him seriously troubled by the issue of capitalist wealth inequality and its possible future effects. For instance, prior to “The German Constitution,” in the Bern-and-Frankfurt-period “Fragments of Historical Studies,” Hegel, after reiterating that private property (*Eigentum*) is at

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147 Riedel 1969, pg. 38; Bienenstock 1992, p. 23

148 Smith 1986, pp. 131-132, 138, 160-161, 291, 294, 334; Ricardo 2004, pp. 5-7, 14-15, 17-18, 23-24, 48, 189, 231, 260, 262.

149 Lukács 1976, pp. 176, 350, 366

150 Hegel 1964, pp. 18-19

151 Hegel 1979, p. 170

the core of “the *states of the modern world*” (Staaten der neueren Zeit),¹⁵² has the following to say as regards history’s lessons about wide gulfs between rich and poor:

How dangerous (*gefährlich*) the disproportionate wealth of certain citizens (*der unverhältnismäßige Reichtum einiger Bürger*) is to even the freest form of constitution and how it is capable of destroying liberty itself is shown by history in the example of a Pericles in Athens; of the patricians in Rome, the downfall of whom the menacing influence of the Gracchi and others in vain sought to retard through proposals of agrarian laws; of the Medicis in Florence. It would be an important topic of investigation to see how much of the strict right of property would have to be sacrificed for the sake of a durable form of republic (*wieviel von dem strengen Eigentumsrecht der dauerhaften Form einer Republik aufgeopfert werden müßte*). We have perhaps not done justice (*vielleicht Unrecht getan*) to the system of sansculottism in France in seeking the source of its demand for greater equality of property (*größeren Gleichheit des Eigentums*) solely in rapacity (*der Raubgier*).¹⁵³

This passage is enormously important and clarifying when read side-by-side with much of the rest of what I have foregrounded throughout the preceding from Hegel’s socio-political texts. To begin with, Hegel, at the start of this quotation, warns that the pulling away from the rest of society, thereby abandoned to immiseration, by a small elite of the super-rich is a lethal threat to “even the freest form of constitution.” That is to say, no matter how well-designed and initially robust and thriving are given political communities—these presumably would include, for Hegel, certain modern European constitutional nation-states—they will face mortal peril if they complacently let yawning chasms of wealth inequality open within their midst. As history teaches, these chasms easily can become abysses swallowing up whole societies in rabble-fueled destruction and even properly revolutionary upheaval.

After quickly running through a handful of specific historical examples, Hegel then wonders about “how much of the strict right of property would have to be sacrificed for the sake of a durable form of republic” (*wieviel von dem strengen Eigentumsrecht der dauerhaften Form einer Republik aufgeopfert werden müßte*). This comment should be viewed and appreciated alongside the line from 1798’s *The Spirit of Christianity and Its Fate* with which I opened the present section of this intervention: “The

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152 (G.W.F. Hegel, “*Fragmente historischer und politischer Studien aus der Berner und Frankfurter Zeit* (ca. 1795-1798),” *Werke in zwanzig Bänden*, 1, pg. 439); Hegel 2002, p. 99.

153 (Hegel, “*Fragmente historischer und politischer Studien aus der Berner und Frankfurter Zeit*,” pg. 439); Hegel 2002, p. 99

fate of property has become too powerful for us to tolerate reflections on it, to find its abolition thinkable” (*Das Schicksal des Eigentums ist uns zu mächtig geworden, als daß Reflexionen darüber erträglich, seine Trennung von uns uns denkbar wäre*). Combining this earlier-quoted line with the quotation immediately above from “Fragments of Historical Studies,” one would be justified in inferring that the Hegelian message here between the lines is that the modern capitalist “form of republic,” as a social order in which critically contemplating and altering (let alone “sacrificing” [*opfern*]) the status of private property is almost impossible, thereby should be considered anything but “durable.” The implication is that capitalist modernity’s *poleis*, due to their unwillingness or inability to check spiraling wealth inequality by “sacrificing” the “strict right of property” through various possible egalitarian reforms and regulations, will prove to be fragile and short-lived socio-historical configurations. Already during the mid-to-late 1790s, Hegel is expectant that, whether one likes it or not, inequality of private property will prove to bring about the self-wrought ruin of modern capitalist societies. They thereby will do fatal violence to themselves at their own (invisible) hands.

The only hope Hegel sees in “Fragments of Historical Studies” is to be found, unsurprisingly for him, in the then-still-underway socio-political experiments of revolutionary France. He faults himself for perhaps sometimes being unjust toward French radical efforts to combat wealth inequality through redistributive measures (“We have perhaps not done justice to the system of sansculottism in France in seeking the source of its demand for greater equality of property solely in rapacity”). France’s pro-Revolution poor (i.e., the *sans-culottes*) acting to better their rotten lot under the *Ancien Régime* should not dismissively be misunderstood as animated by nothing more than the vulgar desire to engage in predatory robbery (i.e., “rapacity” [*der Raubgier*]) of the rich for the sake of mere revenge. Instead, the Hegel of “Fragments of Historical Studies” sees fit approvingly to pin whatever slim hopes he has for the future evolution of modern societies on precisely such endeavors as the economically-redistributive side of the French Revolution (a side contrasting sharply with England’s contemporaneous nosedive into its Dickensian nightmare).

Alas, economic history has revealed, with its hindsight, that the likes of the *sans-culottes* failed to close the class gaps of the *Ancien Régime*. Many of the families who were wealthy in pre-revolutionary times in France remained wealthy in post-revolutionary times there too.¹⁵⁴ Hegel’s hopes did not end up being vindicated in this instance. And, French history ensuing soon after the fall of Napoleon glaringly displays the bitter consequences of this failure.

One final set of relevant observations by the young Hegel must be highlighted by me before I conclude. The observations in question occur

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154 Piketty 2014, pp. 342-343

in Hegel's 1803-1804 *First Philosophy of Spirit* from his pre-*Phenomenology* Jena period. At one point therein, he refers to Smith's famous example, with which the *Wealth of Nations* opens, of the modern pin factory.¹⁵⁵ Following this Smith (and anticipating a Marx inspired by both Smith and Hegel), the Hegel of the *First Philosophy of Spirit* ruminates about the deskilling, disempowering, impoverishing, and soul-destroying effects on workers of the relentless capitalist industrial mechanization of the means and relations of production.¹⁵⁶ What is more, these effects cannot but be detrimental to the health and flourishing of the body politic in general, with likely dire consequences for society as a whole. In this context, Hegel even foreshadows Marx's accounts of alienation/reification and commodity/money fetishism as inevitable, necessary outgrowths of industrial capitalism's means and relations of production.¹⁵⁷

Even Ricardo, as a liberal advocate of the capitalist economic system, admits that, "I am convinced that the substitution of machinery for human labour is often very injurious to the interests of the class of labourers."¹⁵⁸ In addition to the harms that Hegel, under Smith's shadow, attributes to techno-scientific mechanization,¹⁵⁹ Ricardo notes the obvious fact that mechanization benefits capitalists and landowners (at least in the short term) at the cost of rendering masses of workers redundant¹⁶⁰ (although Marx, unlike Ricardo, later will identify mechanization's redundancies as contributing to capitalism's self-destructive "law of the tendential fall in the rate of profit,"¹⁶¹ a tendency already noted by Smith too¹⁶²). But, with more of a calm resigned shrug than is exhibited by Hegel, Ricardo asserts that, despite whatever of its drawbacks, industrial mechanization is simply inevitable and must be acquiesced and adapted to by the inhabitants of capitalist countries.¹⁶³ As Thatcher would later express this Ricardian sentiment, "There is no alternative."

In the *First Philosophy of Spirit*, Hegel concludes his survey of the Smithian pin factory with a very dark and fearful description of capitalism in general. He states:

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155 Smith 1986, pp. 109-117

156 Hegel 1979, pp. 246-249

157 Ibid., p. 249

158 Ricardo 2004, p. 264

159 Ibid., pp. 267, 270

160 Ibid., pp. 264, 266

161 Marx 1981, pp. 317-338

162 Smith 1986, p. 453

163 Ricardo 2004, p. 271

Need and labor, elevated into this universality, then form on their own account a monstrous system of community and mutual interdependence in a great people; a life of the dead body, that moves itself within itself, one which ebbs and flows in its motion blindly, like the elements, and which requires continual strict dominance and taming like a wild beast.¹⁶⁴

He then compares the “activity of laboring and need” within capitalism’s system of needs (i.e., “this universality”) to “the movement of the living dead.”¹⁶⁵ Hegel employs strong, and strongly negative, words here: “a monstrous system,” “a life of the dead body,” “a wild beast” (indeed, the uncontested supreme power in the jungle-like “spiritual animal kingdom” [*das geistige Tierreich*]¹⁶⁶ of capitalist economies), and “the movement of the living dead.” These words, calling to mind horrifying imagery, are meant to voice and arouse fear and similar negative affects.

Moreover, Hegel, most likely with another famous stretch of the *Wealth of Nations* in mind, looks to be implying that Smith’s “invisible hand of the market” ought to be viewed as a terrifying undead appendage. This potent and unpredictable organ must be responded to with aggressive government control and oversight (“which requires continual strict dominance and taming like a wild beast”). Presumably, in the absence of such control and oversight, the market-monster will run amok and Hegel’s pessimistic predictions of capitalism’s near-future implosion will be made significantly more probable.

Much of the preceding demonstrates that Hegel indeed is no relaxed *laissez-faire* liberal. Yet, in a recent comparative study of Smith and Hegel, Lisa Herzog claims that, “Smith and Hegel did not yet seem very concerned about pressures from the market on the private sphere.”¹⁶⁷ Pace Herzog, I believe myself to have shown above that Hegel is anything but sanguine about the Smithian marketplace and its invisible hand. In fact, and as just seen, Hegel is quite acutely alarmed about the impacts of market pressures on the non-economic as well as the economic dimensions of modern societies. The mischaracterization of Hegel as fundamentally at ease with capitalism, this Right Hegelian or, in Herzog’s case, Smithian-liberal impression, deserves to be written off as, to have recourse to Lukács’s words, “a reactionary legend.”¹⁶⁸ Only if one ignores, among many other pieces of evidence, the very first place in which Hegel explicitly references the *Wealth of Nations* (i.e., in the *First Philosophy of Spirit*, with

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164 Hegel 1979, p. 249

165 Ibid., p. 249

166 Hegel 1970b, pp. 294-311; Hegel 1977b, pp. 237-252

167 Herzog 2013, p. 82

168 Lukács 1976, pp. 3-17

its consideration of Smith's example of the pin factory)¹⁶⁹ can one possibly find Herzog's claim about Smith and Hegel plausible.

By contrast with Herzog, Frederick Neuhouser contrasts Hegel's pessimism with Smith's optimism *vis-à-vis* capitalist markets.¹⁷⁰ I believe Neuhouser to be closer to the truth, at least apropos Hegel, than Herzog. However, both Neuhouser and Herzog concur that Smith himself, if not also Hegel, is relaxed and bullish about capitalism and its viable long-term future. Yet, if one notices and considers just how frequently and uncannily Smith's numerous sharp criticisms of protectionist state mercantilism (not to mention agrarian feudalism and its vestiges) in the *Wealth of Nations* obviously apply to ostensibly free-trading *laissez-faire* capitalism then and (perhaps more so) now, it becomes highly debatable whether even Smith himself is really so unconcerned and confident about modern political economies.¹⁷¹ Of the two principle founders of the British political economy taken up by Hegel, it is Ricardo, not so much Smith, who appears to display outright unworried insouciance about capitalist economic structures and dynamics.

The Hegel of the *First Philosophy of Spirit* and related texts deserves to be recognized as the true forefather of those nowadays who, like the Marxist Chris Harman and the neo-Keynesian economist John Quiggan, speak of "zombie capitalism" and "zombie economics" (as per the titles of Harman's 2009 and Quiggan's 2012 books respectively). Yet, burning questions remain for Hegel as well as for those who, like him, reach for the horrific imagery of the undead to characterize (post)modern capitalism: How, why, and when does a socio-economic apparatus, such as capitalism's zombified and zombifying system of needs in all its monstrosity, persist in undeath rather than just dying a death once the historical sun has set on it? What enables such a system to shamle on without dying, lurching through multiple crises that by various reckonings should each and all have killed it off many times over?

These are burning questions for Marx as well as Hegel. And, as I have hinted previously, I believe that both Hegelianism and Marxism, in order to answer them, need the assistance of psychoanalysis. This is so especially at the level of what Freudian and Lacanian metapsychologies offer by way of drive theories in which analytic drives (*Triebe*) take shape at the intersection of mind and world, with the latter including the social arrangements and operations dealt with both by Hegel's absolute idealist political philosophy as well as by Marx's historical materialist critique of political economy. I develop this elsewhere.¹⁷²

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169 Hegel 1979, p. 248

170 Neuhouser 2000, pp. 171-172

171 Smith 1986, pp. 120, 152-153, 168-170, 181, 185-186, 195, 198, 201, 232, 246, 357-359; Smith 1999, pp.. 25, 151, 298, 302-306, 308-309, 320, 369.

172 Johnston 2017, pp. 270-346; Johnston 2020, pp. 3-50; Johnston 2021, pp. 173-184; Johnston, 2022a, pg. 45-63 [forthcoming]; Johnston 2002b, [forthcoming]; Johnston, 2022c [forthcoming]

I now will conclude by returning to the later Hegel of the Heidelberg and Berlin periods. This older Hegel, in versions of his mature *Rechtsphilosophie*, brings up the concept of a “right of distress” or a “right of necessity” (*Notrecht*).¹⁷³ When the struggle to live collides with abstract property rights such that continuing to respect the latter jeopardizes the continuation of life itself, Hegel deems it rightful for abstract property rights to be set aside and justifiably violated. If stealing a loaf of bread will spare a poor person and his/her family from starving to death, then the theft of the loaf has right on its side, trumping the opposed property rights of the baker, thanks to the right of distress/necessity (*Notrecht*).

We face today, at the global collective level, an overwhelming plethora of sources of real necessity and distress: recession, depression, poverty, famine, pandemic, war, environmental disintegration, and the near unthinkable prospect of the end of all life on earth. A contemporary invocation of the Hegelian *Notrecht* should not be just about the right of desperately hungry isolated individuals to steal single loaves of bread simply in order to avoid death by starvation for another day in the capitalist concrete jungle. It ought to be about the right of the vast majority of humanity to expropriate all expropriators in the name of humanity’s most basic and essential needs (including the economically “ineffective” but nonetheless all-too-real demands of the bulk of the world’s population). Today’s urgent overriding right of distress is nothing other than the right to end capitalism for good.

We are well over two-hundred years past due on invoking this *Notrecht*. It is more than high time to pull the emergency brakes on the runaway zombie train that is modern capitalism. Yet, who, if anyone, will be the immanently-transcendent, half-in-half-out child of our times with the worldly-wise disposition (as involving a measure of tranquil inner distance from the world) as well as the practical ability and opportunity to reach for the brakes? If and when this happens, it definitely will be a matter of, as the cliché saying goes, better late than never.

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173 Hegel 1995a, §63 pp. 121-122; Hegel 1970a, §127 pp. 239-241; Hegel 1991a, §127 pp. 154-155

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Science of Spirit

Kojin Karatani

Abstract: This paper is an examination of “spirits”. There are four kinds of spirits, and they originate in the four modes of exchange A, B, C, and D, respectively. Spirits, in other words, are the powers that compel people. Understanding these spirits is essential for the realization of D (communism).

Keywords: Modes of exchange, commodity fetishism, Lukács' reification, Thomas Münzer, scientific socialism, Utopianism, *Specters of Marx*

1

Several years ago, I contributed a thesis titled “Capital as Spirit” to *Crisis & Critique*.¹ In this thesis, I developed some of the thoughts I had after writing *The Structure of World History*.² It was an attempt to reconsider ““modes of exchange”” that I proposed in that book.

Since then, I have been rethinking the mode of exchange in the same line, which will become a book titled “Power and Modes of Exchange”. At the heart of that book is what might be called the “science of spirits”. My consideration of “spirit” has some of its origins in Hegel's spirits (especially in his *Philosophy of Right*, which deals with the problem of the capital-nation-state) and Marx's fetish (*Capital*). In this essay, I will give a very brief introduction to this “science of spirits”.

Firstly, I would like to quickly review how I came to conceive “modes of exchange”. According to the standard thinking, historical materialism is based on the mode of production (productive forces and relations of production), but this became subjected to the criticism that it did not sufficiently capture the “political and ideological superstructure”. For example, Weber, Durkheim, and Freud criticized historical materialism in this way. In their view, there is something in the “political-ideological” dimension, i.e., the state and religion, that cannot be simply determined by the “economic base” (mode of production). But then how is it determined?

In response to that, I thought like this: the political-ideological dimension is also determined by the “economic base”, however, the economic base in this case is not the mode of production but the mode of exchange. In fact, when Marx and Engels proposed the “materialist view of history (historical materialism)” in 1846, they wrote;

This conception of history depends on our ability to expound the real process of production, starting out from the material

.....
1 Karatani 2016, pp.167-189

2 Karatani 2010/2014

production of life itself, and to comprehend the form of intercourse connected with this and created by this mode of production (i.e., civil society in its various stages), as the basis of all history.³

I thought that what they called “*Verkehr* (intercourse)”, or “exchange”, was the key to solving the mystery. In fact, Marx himself later tried to elucidate the “fetish” as the superstructure brought about by exchange in *Capital*.

The exchange that Marx discovered in *Capital* is exchange of commodities that begins between communities. However, intercourse-exchange is not confined to this. For example, gift-giving/ gift-repayment and domination/subjugation are also forms of exchanges. Therefore, we could say that both the community and the state began with intercourse-exchange. Of course, exchange here is different from commodity exchange. In *The Structure of World History*, I proposed a view of the history of social formations from the perspective of the mode of exchange in addition to the mode of production. The modes of exchange can be divided into A (gift and return), B (obedience and protection), C (commodity exchange), and D, which goes beyond these.

I realized that the “power” that defines the political and ideological superstructure does not come from somewhere different from the economic base, but from the “intercourse (exchange)” that forms the foundation of the economic base. That is to say, the ideational powers that are seen as religion or unconsciousness come from there, creating differences depending on the mode of exchange on which they are based. There are four modes of exchange A, B, C, and D that underlie the social formations; the social structure changes depending on which mode is dominant and how different modes are combined. From the above perspective, I worked to reconsider the history of social formations in *The Structure of World History*.

After writing this book, I have come to think about in particular about the “power” which these exchanges bring about. It was Marx, who first clarified about this power; in *Capital*, he elucidated the power that arises from mode of exchange C. He saw the emergence of a fetish-spirit in the emergence of money out of the exchange of things between communities. It is the power that enables, or rather compels, the exchange of things. Likewise, Marx discovered “capital as spirit”.

2

In *Capital*, Marx wrote about “fetish”. However, this was only taken as a joke. Lukács, for example, called it “reification”, where a relationship between human and human is transformed into a relationship between

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3 Marx and Engels 1932

thing and thing. This is a failure to recognize an important realization that *Capital* arose.

In the postscript to the second edition of *Capital*, Marx praised Hegel. This was already a time when Hegel was treated as a “dead dog”. Almost thirty years earlier, when the mystical aspect of the Hegelian dialectic was still in vogue, Marx relentlessly criticized Hegel. However, in the postscript to the second edition of *Capital*, he wrote the following:

I therefore openly avowed myself the pupil of that mighty thinker, and even, here and there in the chapter on the theory of value, coquetted with the mode of expression peculiar to him. The mystification which the dialectic suffers in Hegel’s hands by no means prevent him from being the first to present its general forms of motion in a comprehensive and conscious manner. With him it is standing on its head. It must be inverted, in order to discover the rational kernel within the mystical shell.

This famous statement is misleading in several ways. In a sense, Marx had been “inverting” Hegel since he was young. What is important is that the overturning of Hegel in *Capital* is different from the previous overturnings, and this is what makes it unique to Marx.

In the first place, the “Hegel” that Marx found when he professed to be a “pupil” of Hegel is different from the Hegel that is usually referred to. In Hegel, world history is a process of the self-realization of “spirit”. However, what Hegel means by that is that the social history of humans is not created by their intention or design, but is something beyond human intentions, forced by the “unconscious”. Hegel’s “spirit” (*Geist*) is a “ghost” that operates in the way of the “unconscious”.

Hegel emphasized this in his *Lectures on the History of Philosophy*. He first rejected the “psychological” view, that is, the view to see action as stemming from “consciousness”. Caesar and Napoleon, for example, were driven by their own intentions, desires, and ambitions in their individual consciousness. However, each of them achieves something beyond such “psychology” or “consciousness”. Hegel understood this that they are driven by the “unconscious”. In this sense, Hegel can be said as the first philosopher who doubted the view from “consciousness” and looked into the workings of the “unconscious” or spirit.

As an example, Hegel wrote the following about Socrates, who went to the agora and started to engage in dialogues with passersby because he was told by daimonion-spirit not to go to the assembly.

The characteristic form in which this subjectivity — this implicit and deciding certainty — appears in Socrates, has still to be mentioned. That is, since everyone here has this personal mind which appears to him to be his mind, we see how in connection with this, we have what is known under the name of the Genius (daimonion) of Socrates; for it implies that

now man decides in accordance with his perception and by himself. But in this Genius of Socrates — notorious as a much-discussed bizarrerie of his imagination — we are neither to imagine the existence of protective spirit, angel, and such-like, nor even of conscience. For conscience is the idea of universal individuality, of the mind certain of itself, which is at the same time universal truth. But the Genius of Socrates is rather all the other and necessary sides of his universality, that is, the individuality of mind which came to consciousness in him equally with the former. His pure consciousness stands over both sides. The deficiency in the universal, which lies in its indeterminateness, is unsatisfactorily supplied in an individual way, because Socrates' judgment, as coming from himself, was characterized by the form of an unconscious impulse. The Genius of Socrates is not Socrates himself, not his opinions and conviction, but an oracle which, however, is not external, but is subjective, his oracle. It bore the form of a knowledge which was directly associated with a condition of unconsciousness; it was a knowledge which may also appear under other conditions as a magnetic state. It may happen that at death, in illness and catalepsy, men know about circumstances future or present, which, in the understood relations of things, are altogether unknown. These are facts which are usually rudely denied. That in Socrates we should discover what comes to pass through reflection in the form of the unconscious., makes it appear to be an exceptional matter. revealed to the individual only, and not as being what it is in truth. Thereby it certainly receives the stamp of imagination, but there is nothing more of what is visionary or superstitious to be seen in it. for it is a necessary manifestation, though Socrates did not recognize the necessity, this element being only generally before his imagination.⁴

The exact reason why Socrates went to the agora to speak with people is unclear. What is important here, however, is that he did not do so based on his conscious choice. If so, Hegel assumed, we could say that the daimonion was the “unconsciousness” of Socrates. Marx was thinking along the same lines when he declared himself as the “pupil” of Hegel. In fact, in *Capital*, Marx wrote the following about what occurs in exchange:

Men do not therefore bring the products of their labor into relation with each other as values because they see these objects merely as the material integuments of homogeneous human labour. The reverse is true by equating their different products to each other in exchange as values, they equate their different kinds of labour as human labour. They do this without being aware of it. Value, therefore, does not have its description branded on its forehead.⁵

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4 Hegel 1995

5 Marx 1976, pp.166-7

Marx, as Hegel's "pupil", brought in the "unconscious" in *Capital*, or rather, he brought in daimonion (spirits); that is "fetish". In other words, when he mentioned fetish in relation to the value of commodities, he saw that a kind of spiritual or ideational power emerges there, and that it comes not from production but from exchange.

3

As mentioned earlier, Marxists generally regarded this as a joke. Lukács, for example, rejected it and replaced it with reification, in which the relationship between human beings becomes a relationship between things. The Japanese Marxist philosopher, Wataru Hiromatsu, made a similar argument (around the same time or slightly earlier). The failure to grasp the fetish lead to the failure to grasp the inherent significance of *Capital*. Here, Marx was trying to elucidate that the spirit of capital arises from commodity exchange (mode of exchange C).

To add, spiritual powers do not only come from mode of exchange C. It is also present in gift exchange (mode of exchange A). This is the spirit that Marcel Mauss called *Hau*. The spirit also haunts the state (mode of exchange B). It was Hobbes who gave insight into this power that arises out of mode B. The monster he called Levithan is nothing but a spirit that enables the exchange of domination-submission (B). Moreover, the spirit manifests itself as a power that overwhelms such spirits. In other words, the mode of exchange D, which supersedes A, B, and C, appears as a spiritual power.

The following words from the beginning of *The Communist Manifesto* are well known: "A specter is haunting Europe—the specter of communism". Of course, this is supposed to be a joke, but that is not necessarily the case. Rather, it means the following: communism is a "spirit". That is, it exists as an ideational "power" that transcends capital-nation-state, that is, as mode D that transcends modes A, B, and C of exchange.

Speaking of spirits, Jacques Derrida's *Specters of Marx* (1995) is suggestive. In this book, he cites examples such as "the specter of communism" and writes that Marx was accompanied by many "ghosts" in his life. The ghosts he refers to range from communism to God, or to money-capital. Certainly, each of these is spiritual in its own way. However, Derrida did not try to clarify the difference and relationship between them. As a result, I feel that the discussion ended up being a kind of play on words.

Derrida wrote this at a time when "the end of history" (Francis Fukuyama) was pronounced after the collapse of the Soviet Union in 1991, that is, at a time when it was said that Marxism was dead. Considering this situation, he was presumably trying to say that the ghost of Marx is

still alive. I agree with him. However, I believe that the various spiritual powers he cited are not mere metaphors, but real powers that originate in different modes of exchange.

Marx presented those in *Capital*. By doing so, he paved the way for the understanding of money and capital as fetish (spirits), i.e., ideational powers that arose together with the mode of exchange C. It was at that point that he professed to be a “pupil” of Hegel, whom he had been criticizing all along. However, Marx clarified only the “spirit-fetish” arising from the mode of exchange C. As for the problem of “spirit” arising from other modes of exchange, there is still room for much further thought.

In his later years, Marx moved toward the problem of mode of exchange A, specifically, what Morgan called “ancient society”, or clan society. However, Marx did not turn to the spirit of communism. In fact, it was Engels who did so.

4

Shortly after Marx and Engels published *The Communist Manifesto* in 1848, revolutions for socialism took place in European countries, but they were all defeated. It was a strange defeat, however, because the victors adopted “socialism”. For example, in France, the emperor Bonaparte, a Saint-Simonist, promoted industrial development and supported the workers’ movement. In Germany, Bismarck advocated “national socialism”. Overall, it can be said that the revolutions of 1848-9 brought about a system in which the class struggle between capitalists and workers was resolved by the nation-state. It had a “socialist” element to it. In other words, it was a system that reduced the class disparity brought about by the capitalist economy through taxation and redistribution by the state.

Therefore, the revolutions of 1848-9 had the following consequences for Marx and Engels. In 1850, Marx went into exile in London, where he wrote *The Eighteenth Brumaire of Louis Bonaparte* and at the same time launch his *Critique of Political Economy*. At that time, he began to think about “exchange” and found money as a fetish that arises from there. This work, which resulted in *Capital*, can be said to have been the beginning of his “science of capitalism” as I would call it.

On the other hand, Engels’ attention to Thomas Münzer’s millenarian movement in *The German Peasants’ War*, which was published in 1850, can be said to be the genesis, of what I would like to call “science of socialism”. Engels became known to the public in the 1970s with the publication of *From Utopia to Science*. There are some misconceptions about this book. The idea of “scientific socialism” already existed in the mid-1840s. In fact, Proudhon advocated “scientific socialism,” and Owen said something similar. In that case, “scientific” meant, so to speak, not religious. In other words, it must be rationally planned by human beings.

Engels' idea differs from this. Engels' praise of the religious revolutionary leader Münzer in his book *The German Peasant War* suggests this:

His theologic-philosophic doctrine attacked all the main points not only of Catholicism but of Christianity as such. Under the cloak of Christian forms, he preached a kind of pantheism, which curiously resembles the modern speculative mode of contemplation, and at times even taught open atheism. He repudiated the assertion that the Bible was the only infallible revelation. The only living revelation, he said, was reason, a revelation which existed among all peoples at all times. To contrast the Bible with reason, he maintained, was to kill the spirit by the latter, for the Holy Spirit of which the Bible spoke was not a thing outside of us; the Holy Spirit was our reason. Faith, he said, was nothing else but reason become alive in man, therefore, he said, pagans could also have faith. Through this faith, through reason come to life, man became godlike and blessed, he said. Heaven was to be sought in this life, not beyond, and it was, according to Muenzer, the task of the believers to establish Heaven, the kingdom of God, here on earth.⁶

This passage indicates that when Engels thought of communism, he thought of it in terms of historical materialism (modes of production), but also grasped it as coming from some “power” different from that. He found communism in Münzer’s “theological-philosophical doctrine”, but this does not mean that it comes from Christianity in particular, as “pagans could also have faith.” In other words, it does not matter if one is pagan or atheist. What is important is that there is some ideational “power” at work here.

In his view until 1848, the class struggle arose along with the development of the capitalist mode of production, through which the proletariat would realize socialism. This would occur only after industrial capital had developed to a certain stage. In this sense, the class struggle in England, where industrial capitalism was most developed, should have been a model example. But what happened in 1848 was not the case. Rather, with some degree of victory of the proletariat, the movement to abolish the class itself disappeared. Specifically, with the passage on the Trade Union Law, the Chartist movement dissolved.

It means the following: socialism that “supersedes class itself” cannot be explained only in terms of historical materialism, that is, in terms of modes of production. So how does such socialism arise? After the defeat of the German Revolution of 1848-49, Engels went back to the German Revolution of 1255 to discuss the similarities and differences between these two revolutions.

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6 Engels 1996

At that point, Engels had already realized that socialism, as consciously designed by humans, is only a “utopia”. It may be locally viable, but it cannot be more than that. If it is to be widely realized, state power will be necessary. Then, how would it be possible to supersede the state? It cannot be said that if economic class differences disappear, the state will automatically disappear as well. In the first place, a state exists in relation to other states. Therefore, it is not possible for one state alone to overcome the state form in general.

How, then, is it possible for socialism to be more than a utopianism? As a matter of fact, this is not sufficiently discussed in his book *From Utopia to Science*. Here, Engels merely reiterates the ideas that Marx expressed in his *Critique of the Gotha Program*. However, it appears that he was not satisfied with that. There are traces that he was trying to examine communism from a different perspective. These can be found in his studies of primitive Christianity, which he proceeded in his last years. Incidentally, it was his disciple Kautsky who succeeded this line. It is ironic that Kautsky was later ostracized as a “renegade” by Lenin, even though he had inherited Engels’ most important interest.

In my opinion, the “science of socialism” which Engels started is not impossible to be established. It is to elucidate the mode of exchange D and the powers (spirits) it brings about, specifically the spirit of communism. That is what I have attempted in my forthcoming “Power and Modes of Exchange”.

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Volume 8
Issue 2

**Hegel's Double
Anthropology:
Anthropological
Dimensions of the
Theory of Sittlichkeit**

**Jean-François
Kervégan**

Abstract: Besides “Anthropology 1”, which deals in an original way with the mind-body problem, there is in Hegel’s philosophy of the objective spirit a theory of the constitution of humanity (here called Anthropology 2) focusing on the analysis of culture, in particular of material culture through labour activity.

Keywords: Anthropology; culture; Hegel; mind-body problem; social philosophy.

Since a long time, anthropology is nothing more than the name of a field of study.

M. Heidegger, *Kant und das Problem der Metaphysik*

One point is certain: man is not the oldest or most constant problem that has ever faced human knowledge.

M. Foucault, *Les mots et les choses*

When investigating Hegel’s anthropology, it is first appropriate to clarify a point of terminology. By “anthropology” do we understand the content of the so-titled part of the theory of subjective spirit in the *Encyclopaedia of Philosophical Sciences*, or Hegel’s conception of man in general? Iring Fetscher’s classic book, *Hegels Lehre vom Menschen*, is a comment on the whole theory of the subjective spirit. Fetscher was perfectly conscious of the fact that Hegel, in this section of the *Encyclopaedia*, uses the word “anthropology” in a very specific sense, and one that is specific to him. As stated in a footnote to the book:

The word ‘anthropology’ had a different meaning in Hegel’s time than today, but it was far from the very special meaning Hegel has given it.¹

Meanwhile, the knowledge of the global background in which Hegel’s anthropology was elaborated has increased significantly. Odo Marquard, in particular, has retraced the development of this notion, which has become the title of a scientific discipline, and the difficulties faced by the anthropological topic.² My purpose here is not to identify Hegel’s position in the complex history of anthropology, but rather to investigate the systematic meaning of Hegel’s theory of man in general. My conjecture is that this theory of man, which for the sake of brevity I call ‘Anthropology 2’, does neither coincides with anthropology in the special sense of the

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1 Fetscher 1970, p. 264.

2 Marquard 1971; Marquard 1973, p. 122-44.

term (which I will now call 'Anthropology 1'), i.e., with the theory of the 'soul' in the sense given to this term by Hegel, nor with the theory of the subjective spirit, as Fetscher assumed; it corresponds rather to the theory of the finite spirit, thus to the theory of the subjective *and* objective spirit.³ And within Anthropology 2, I wish to highlight the special position of the investigation of man's status in civil society. To what extent is man in general identical with the agent of the system of needs, i.e. with *homo oeconomicus*? This is one of the main questions to be addressed by the examination of Anthropology 2.

Anthropology, before Kant and after Hegel

According to Marquard, the rise of philosophical anthropology since the first appearance of the word in the 16th century must be understood as an alternative to the traditional (Scholastic, then Wolffian) School metaphysics on the one hand, and to the paradigm of the mathematical science of nature on the other.⁴ He notes that there is also a 'theological' use of the term, examples of which can be found in Malebranche and Leibniz, but also in the *Encyclopédie* and even, at least until the middle of the 19th century, in the *Grand Dictionnaire de l'Académie française*. In the latter's sense, anthropology would be an incomplete human translation of divine concepts. However, Marquard immediately admits that no connection can be found between the two semantic fields, for example in the sense that philosophical anthropology would be a kind of secularization of theological anthropology. Philosophical anthropology provides an understanding of man that brings together empirical, physical, and ethnographic data in order to propose a comprehensive view of the nature of man. According to Mareta Linden, these analyses occur on a threefold level: there is a 'somatic' anthropology performed by medical doctors and scientists, which is dominant in the mid-18th century; a 'psychological' anthropology, which is metaphysical in the broader sense of the term; and finally, a combination of the two previous ones, dealing with what is now called the mind-body problem.⁵

Although soul is one of the main subjects of anthropology, it is nevertheless evident that the 'anthropological turn' of philosophy during the 18th and 19th centuries represents a certain 'dethronement of the soul', or at least a depreciation of the spiritualist understanding of it.⁶ During the Enlightenment, anthropology takes an anti-metaphysical

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3 See Hegel 2000, § 306, p. 181; Hegel 1992, § 386, p. 383.

4 Marquard 1973, p. 124

5 See Linden 1976.

6 Decher-Hennigfeld 1991, p. 19; Nowitzki 2003, p. 10.

orientation, since it proceeds – and not only among materialists thinkers such as d’Holbach or La Mettrie – to a certain “physicalising of the soul”.⁷ I leave aside here the case of Kant, whose conception of anthropology would deserve a more detailed examination. Even in the case of an “idealist” like Hegel, the anthropology 1 goes in this direction, since its subject is “the soul in its corporeity”.⁸ This trend, however, culminates in post-Hegelian philosophy, in particular with Feuerbach, who completely identifies the “new philosophy” he intends to promote with anthropology. The *Principles of the Philosophy of the Future* affirm that theology and speculative philosophy must “dissolve” in anthropology, so that this discipline can and must become the “universal science”.⁹ Anthropology reveals “the secret of theology”, and thus of metaphysics and speculative philosophy;¹⁰ its goal, indeed, is to make man, instead of God, the primary subject of philosophy, since “God is the manifest interiority, the expressed Self of man”, and religion, “the self-consciousness of man”.¹¹ In so doing, anthropology becomes an anthropodicy. This is the reason why Marx wants to eliminate anthropology as well as philosophy itself by giving it a practical turn: once Feuerbach has dissolved the “religious essence”, one must unveil the abstraction of man himself, and understand the “human essence” as the “totality of social relationships”.¹² In such a way, the program of the anthropological conversion of philosophy is superseded by that of a conversion of speculative theory into praxis:

It is where speculation ceases, it is in actual life that actual, positive science begins, the presentation of practical activation (*Betätigung*) of the process of practical human development.¹³

On the basis of such premises, there is no more space for any kind of philosophical anthropology: it is indeed a denial of the grounding of thinking in “the language of real life”.¹⁴ This is why the revival of philosophical anthropology, as it took place in various forms in the twentieth century, especially in Germany, implied not only, in Marquard’s

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7 Nowitzki 2003, p. 29.

8 Hegel 1992, § 411, p. 419.

9 Feuerbach 1959a, § 1, p. 245; § 54, p. 317.

10 Feuerbach 1959b, § 1, p. 222;

11 Feuerbach 1959c, p. 15-16.

12 Marx 1969a, These 6, p. 6.

13 Marx 1969b, p. 28.

14 Marx 1969b, p. 26.

words, a “secession” from the philosophy of history and a “turn to nature”,¹⁵ but a re-definition – a critical re-definition – of the theory itself, which should, according to Horkheimer and Adorno, open the way to a “dialectical anthropology”.¹⁶

Hegel’s “Anthropology 1”

In Hegel’s various published and unpublished accounts of anthropology, three points are noteworthy. 1) Hegel does not once attempt to explain the use of this name for that part of the theory of the subjective spirit whose subject is the ‘soul’ in the specific sense in which he understands it, as if it were self-evident that an anthropology should deal primarily with the spirit “that is not yet spirit”, with what forms “the *sleep* of the spirit”.¹⁷ To justify this option, he simply refers to “what is usually called anthropology”.¹⁸ 2) Hegel’s inquiry is restricted to a unique question, that of the rooting of the spirit in naturality, in this case in the body. The subject of anthropology, in reality, is the soul understood as “*natural spirit (Naturgeist)*”,¹⁹ so that it can be viewed in its entirety as a “*psychic physiology*”, although Hegel himself uses this expression in a more limited sense.²⁰ 3) Despite its narrow scope, the Anthropology 1 is treated widely in the *Encyclopaedia*, and especially in the Berlin lectures on the philosophy of the subjective spirit: 75 pages in the Hotho copybook from the summer semester of 1822, more than 200 pages in the von Griesheim copybook from the summer semester of 1825, 150 pages in the Stolzenberg copybook from the winter semester of 1827-1828. This fact, although merely quantitative, indicates the significance of the anthropological issue for Hegel. Rather than providing a complete overview of the ‘Anthropology’ section of the *Encyclopaedia* and the lessons on the subjective spirit, I will simply address the three issues listed above.

1) The issue of naming: It is quite obvious that Hegel uses the word ‘anthropology’ as a simple label for a more conventional field of knowledge. He frequently uses expressions such as “what is usually called anthropology” to emphasise that it is not a personal choice.²¹ It is

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15 Marquard 1973, p. 134.

16 Horkheimer-Adorno 2003, p. 17.

17 Hegel 1992, § 388-389, p. 388.

18 Hegel 2000, § 307, p. 183.

19 Hegel 1992, § 387, p. 386.

20 Hegel 1992, § 401, p. 399.

21 Hegel 2008, p. 153, 207 (Nachschrift Griesheim).

therefore obvious that what is exposed under this name does not provide an exhaustive theory of man (what I call Anthropology 2). Rather, it seems that the considerable expansion of anthropological studies since the mid-eighteenth century has rendered this kind of knowledge a standard discipline whose name can be modified as little as that of geometry. Moreover, this label is far from being an arbitrary one, and hence remains relevant even within the framework of Hegel's philosophical system: the philosophical anthropology whose justification Hegel asserts against the "doctors' anthropology" deals with human nature insofar as it is *only nature*.

2) Although Hegel takes up a traditional denomination, he narrows the conceptual content of the discipline of anthropology, whereas post-Kantian anthropology on the contrary aims to elevate itself to the rank of a discipline of universal relevance. For him, it is not the task of anthropology to provide a description of man in general, and it has much less to do with normative issues. Anthropology is therefore neither a pragmatic anthropology nor a moral anthropology in the sense of Kant:²² its main subject is the mind-body problem. In order to prevent this problem from becoming "an incomprehensible mystery", the spirit-body relationship must be conceived, unlike in the old metaphysics, not as that of two separate things or substances, matter and mind, but as a dynamic of emergence.²³ So understood, the Anthropology 1 is a psychophysiology considering "the spirit in its corporeity",²⁴ or "the spirit sunk into materiality".²⁵ Its aim is to describe the emergence of the spiritual from within the natural constitution of living beings, in other words the "spiritualisation" (*Begeistung*) of the living body, which is simultaneously a "corporalization of the spiritual" (*Verleiblichung des Geistigen*).²⁶ The selected words deserve to be considered. In the "Philosophy of Nature", Hegel uses the verb *begeistern* (which is rarely used) and the word *Begeistung* (which is not even listed in the Brothers Grimm dictionary!) to designate chemical processes,²⁷ such as the acid/base reaction or the oxidation, which is a 'spiritualization' in the sense that ancient chemists spoke of the wine spirit to denote ethanol. But it also happens, for example in the *Phenomenology of Spirit*, that he uses these words to refer to a process of concretization which "spiritually

22 See Kant, *Metaphysik der Sitten*, Einleitung, AA VI, p. 217.

23 Hegel 1992, § 389, p. 389.

24 Hegel 2008, p. 8 (Nachschrift Hotho).

25 Hegel 2010a, p. 695.

26 Hegel 1992, § 401, p. 399.

27 See Hegel 1992, § 202, p. 399; § 326, p. 327; § 329, p. 329; § 335, *GW* 20, p. 342.

animates” abstract thoughts or “gives [them] spirit”.²⁸ In a certain sense, then, certain chemical processes can be seen as a prefiguration of the emergence of the spirit within natural corporeity. Corporalization (*Verleiblichung*), on the other hand, describes the way in which internal sensations are bodily reflected.²⁹ Anyway, the core of the Anthropology 1 is the study of semi-passive behaviors which, like sensations or habits, show the emergence of a spiritual activity (in a very broad sense) within a thick layer of corporal passivity: this is what Hegel calls the “muted weaving of the spirit”.³⁰

3) One can thus understand Hegel’s constant attention to the dynamics (positive and negative) of the *psyche*, and especially to its pathologies. Indeed, the *Encyclopaedia* dedicates a single paragraph, accompanied by a long remark, to madness (*Verrücktheit*): § 321 in the first edition, § 408 in the second and third. But the unusual length of his oral explanations of this “condition of extreme wrenching” shows how important this and other abnormal situations are to him.³¹ Indeed, in such instances we are faced with a kind of reification of spiritual activity which shows the inseparability of corporeality and spirituality. The pathologies of subjectivity are, so to speak, a proof of the very existence of soul, since the “disease of the soul” consists in the fact that “what belongs to the soul becomes separated from the spirit”.³² The “soul”, which in the normal (healthy) condition is the simple psychophysical basis of human spiritual activity, becomes in certain pathological cases a distinct reality, and this is expressed in a split in the corporeity itself.³³ With this very modern idea of a split between corporeity and subjectivity when the latter, in its pre-reflective stage, has not yet reached consciousness, Hegel, as some scholars have pointed out, addresses topics that will acquire a systematic articulation in Freud’s work.³⁴ One could possibly explain this at first sight hazardous linkage as follows: when the soul reaches an autonomous bodily existence, anthropology itself becomes anthropiatry.

In general, beyond the mind-body problem, Hegel’s Anthropology 1 sheds new light on the ancient debate between idealism and materialism. In his reflections on ‘natural spirit’, the absolute idealist Hegel is developing arguments that could easily be described as materialist,

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28 Hegel 2018, p. 21, 463.

29 It is well known that the distinction between *Körper* and *Leib* is hardly translatable: Husserl’s translators experienced this difficulty.

30 Hegel 1992, § 400, p. 396.

31 Hegel 2011, § 408 Zusatz, p. 1036.

32 Hegel 2011, § 406 Zusatz, p. 1016.

33 *Ibid.*

34 See Žižek 2011; Pagès 2015.

because he considers seriously (in what can be called an emergentist conception of spirit) the idea that the spirit is rooted in corporeity: He believes that it is precisely when the spirit and its bodily base become disconnected that the former ceases to be with itself. Obviously – one might recall the ruthless critique of phrenology in chapter five of the *Phenomenology of Spirit* – spirit is not a bone; but neither is it an etheric effluence.³⁵

Hegel's "Anthropology 2"

It is obvious that the Anthropology 1 does not provide a comprehensive theory of what the human being is. Moreover, although anthropological inquiry plays an important role in the theory of the subjective spirit, Hegel intentionally narrows its scope: its only aim is to explain the emergence of the spirit within and from natural corporeity. Moreover, even the whole theory of the subjective spirit, which adds to Anthropology 1 the "short" *Phenomenology of Spirit and Psychology*, is unable to provide an exhaustive theory of what mankind is, nor of what spirit is according to Hegel.³⁶ If it is true – what I must presuppose here – that the basic determination of the spirit is freedom understood as being close to oneself in otherness to oneself (*Beisichsein im Anderen*)³⁷, then it is required that the spirit frees itself from its mere subjective interiority. The spirit must provide reality to its inner freedom by embedding it in objective patterns (legal relations; domestic, social and political institutions), and thus acquire a reflexive self-knowledge. Freedom should not be understood as a predicate of a self-enclosed subjectivity, it is rather the objectivation of an interiority which is only constituted in and by this objectivating process. Only when the subjective spirit, which is therefore not only *my* spirit, sees in the legal-institutional framework of the social and political world the condition for realizing its own claims that it can really be near itself (*bei sich*); it must conceive of otherness (other subjects, the social world) not as an external given or as a potential hindrance, but as an objective requirement for the building of his own subjectivity. To Hegel, the main barrier of an accurate understanding of the subjective spirit is the representation of spirit as a

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35 See Hegel 2018, p. 201.

36 I will not deal here with the relationship between the *Encyclopedia's* "Phenomenology of Spirit" and the 1807 work, the examination of which raises some fundamental problems concerning the structure of Hegel's system and its evolution. On this subject, see my article "La *Phénoménologie de l'esprit* est-elle la fondation ultime du système hégélien?", in: G. Marmasse and A. Schnell (eds.), *Comment fonder la philosophie? L'idéalisme allemand et la question du principe premier*, Paris, CNRS Éditions, 2014, p. 243-264.

37 See Hegel 1992, § 382, p. 382.

separated substance, as “a *thing*”.³⁸ The whole of Anthropology 1, as well as the analysis of recognition in the “short” Phenomenology of Spirit and that of the practical spirit in Psychology, is intended to understand the spirit as a dynamic, a “development”.³⁹ Such a conception is contrary to any substantialist understanding of the spirit; moreover, it prevents a formalistic view of freedom as a divergence from a world ruled by necessity, and forbids any objectivist view of the social world. Therefore, the shift from the subjective to the objective spirit is a condition for an accurate understanding of freedom and of the spirit itself, since the objectivation and institutionalization of freedom is what makes possible the stabilization of subjectivity itself:

While the subjective spirit, because of its relation to an Other, remains unfree or - what is the same thing - is free only in itself, in the objective spirit freedom, the knowledge that the spirit has of itself as free, comes to being-there.⁴⁰

How do such observations affect the broader conception of man, and thus what I call Anthropology 2, if it is true that the latter is something other than “what is called the knowledge of men”?⁴¹ According to Hegel, the human being should not be considered as a mere subject existing “naturally” by itself, but as a being that has to be constituted through a process of objectivation. This objectivation is particularly required since the concept of spirit, and therefore also that of humanity, cannot be defined by means of purely intellectual factors. In short, the human being is not a “thinking thing”, as Descartes describes it.⁴² Of course, Hegel does not give up defining human beings by thinking: for him also thinking is “what human beings *have of more proper* [and] by which they differ from animals.”⁴³ But we must avoid a purely representational view of the spirit, identifying thinking only with the intellectual activities. In the *Science of Logic*, Hegel emphasizes that knowledge has a normative as well as a cognitive dimension: the “idea of the true” must be completed by the “idea of the Good”, in such a way that the concept no longer faces the objective world; it is not only imbued with it, but also determines it and pervades it.⁴⁴ Likewise, in the *Philosophy of spirit*, the subjective

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38 Hegel 1992, § 389, p. 388.

39 See Hegel 1992, § 442, p. 436: “The proceed of the Spirit is a *development*”.

40 Hegel 2011, § 385 Zusatz, p. 940.

41 Hegel 1992, § 377, p. 379.

42 Descartes 1967, p. 419.

43 Hegel 1992, § 400, p. 398.

44 Hegel 2010a, p. 729.

spirit should not be understood only as a theoretical spirit, but also as a practical spirit, a spirit whose “path” consists in “making itself an objective spirit” and thus in “ascending to the thinking will.”⁴⁵ Hegel derives from this insight a very innovative consequence: freedom, as a distinctive determination of the spirit, is not an idea that men *have* but rather the idea that they *are*:

If the knowledge [...] that men have of what their essence, their goal and object is freedom, is speculative, this Idea itself is, as such, the actuality of men, not the idea they have of it, but the idea they are.⁴⁶

The statement that humans *are* the idea of freedom means that the “knowledge of the Idea” is embodied less in subjective thoughts and representations than in institutional forms of objectivation of freedom; it is a notable example of Hegel’s institutionalism, which in my opinion remains “weak” in the sense that it allows subjectivity, in the whole range of its expressive forms, a significant degree of autonomy.⁴⁷

The doctrine of abstract law, i.e., broadly speaking, of private (civil and criminal) law, provides an interesting example of the objectivation of the spirit; I have in mind here the thesis that man does not by nature enjoy self-ownership, but has to acquire it through a work of self-appropriation. Just as the legal person has to take possession of a thing through effective use in order to become its legal owner,⁴⁸ so the human being has to “take possession of himself” in order to not remain a mere “natural entity”:

The human being, in his *immediate* existence in himself, is a natural entity, external to his concept; it is only through the *development* of his own body and spirit, *essentially* by means of *his self-consciousness comprehending itself as free*, that he takes possession of himself and becomes his own property as distinct from that of others. Or to put it the other way around, this taking possession of oneself consists also in translating into actuality what one is in terms of one’s concept [...] By this means, what one is in concept, is posited for the first time as one’s own.⁴⁹

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45 Hegel 1992, § 469, p. 466.

46 Hegel 1992, § 482, p. 477.

47 See Kervégan 2018, p. 279-82.

48 Hegel 1991, § 59, p. 88-9.

49 Hegel 1991, § 57, p. 86.

The normative impermissibility of slavery and serfdom follows from this: such situations, which contravene the egalitarian formalism of the law, negate the humanity of certain human beings by reducing them to “an existence not in conformity with [their] concept”, that of mere “natural beings.”⁵⁰ The originality of the argument must be considered. If slavery is an “absolute denial of right (*absolutes Unrecht*)”, it is not because it is contrary to the “nature” of man, but rather because humanity is not something natural: Hegel repudiates the jusnaturalist rejection of slavery as well as its usual “historical” justification. Because humanity is to be acquired through the “hard work” of culture,⁵¹ one should not be deprived of it through violence or oppression. Paradoxically, humanity should be understood as a “second nature”, socially constructed, inalienable by the mere fact that it is “the world of spirit produced from within itself.”⁵² The human individual being is thus a social being (in the widest sense of the word, corresponding to what Hegel calls *Sittlichkeit*), a being who “is free, in possession of himself, only through culture”, so that we can legitimately speak of a social construction of human individuality.⁵³ As Habermas points out in his essay “Arbeit und Interaktion”, “it is only with socialization that individuation happens.”⁵⁴

However, it is important to consider this culture of humanity in its full extension, namely as “practical” as well as “theoretical culture”.⁵⁵ In his Jena writings, Hegel especially emphasizes the relevance of the non-intellectual component of culture. Like the language, work, as a “rational medium” between conscience and the external world,⁵⁶ is an essential factor in universalizing the relationship to the world, and therefore in the humanization of the natural individual. Work is as a field of material culture, a ‘thinking’ process in the sense that it generates universality, as can be observed by examining modern forms of working activity, based on the “abstraction of production”⁵⁷ – but this should not blind us to the negative, alienating side of this abstraction: on this and many other points, Hegel is Marx’s forerunner. In opposition to the “formal” character of conscience which, insofar as it is “something subjective”, has “no

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50 Hegel 1991, § 57, p. 87.

51 Hegel 1991, § 187, p. 225.

52 Hegel 1991, § 4, p. 35.

53 Hegel, handwritten note to the § 57 of the *Philosophy of Right*, in: Hegel 2010b, p. 437.

54 Habermas 1968, p. 15-16.

55 Hegel 1991, § 197, p. 168.

56 Hegel 1975, fragment 20, p. 300.

57 Hegel 1991, § 198, p. 233.

genuine reality”,⁵⁸ Hegel strongly emphasizes the rationality, the thinking and socializing - in short, universalizing - character of work:

Work is not *instinct*, but a rationality which, in the people, becomes something universal and which is, for this reason, contrary to the individual's singularity, which has to be overcome; and exactly for this reason, the work act is not present there as an *instinct*, but in the manner of spirit, in the sense that work, taken as a *subjective activity of the individual, has become something else*, a universal rule; and the cleverness of the individual is only acquired through this learning process, through coming back to oneself by becoming other than oneself.⁵⁹

As an acting as much as a speaking and representative being, as a practical spirit as much as a theoretical one, the human being is, as Feuerbach and Marx would say, a “generic being” (*Gattungswesen*).⁶⁰ This argument about the social character of mankind has various expressions in Hegel. One of the most famous is the criticism of the “robinsonnade” (to use Marx's words) of a “so-called state of nature, in which [man] had only so-called natural needs”.⁶¹ Against such representations, Hegel stresses the growing “abstract”, social character of work, leading to a “multiplication of his needs and means”.⁶² Of course, this rejection of the jusnaturalist fictions, especially that of the state of nature, is not Hegel's invention. Such views were especially promoted by the eighteenth-century Scottish school. Ferguson writes, for example:

If we were asked therefore, where is the state of nature to be found? we may answer, It is here [...] While this active being is in the train of employing his talents, and of operating on the subjects around him, all situations are equally natural. [...] In the condition of the savage, as well as in that of the citizen, are many proofs of human invention; and in either is not in any permanent station, but a mere stage through which this travelling being is destined to pass. If the palace be unnatural, the cottage is so no less; and the highest refinements of political and moral apprehension, are not more artificial in their kind, than the first operations of sentiment and reason.⁶³

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58 Hegel 1975, fragment 20, p. 286.

59 Hegel 1975, fragment 20, p. 320.

60 See Feuerbach 1959c, p. 1-2; Marx 1968, p. 515-18.

61 Hegel 1991, § 194, p. 230.

62 Hegel 1991, § 190, p. 228.

63 Ferguson 1782, p. 12-3.

The state of society is the genuine state of nature: this was already the *communis opinio doctorum* at the end of the 18th century. A modern version of the old Roman maxim *ubi societas, ibi jus*, might therefore be formulated as follows: *ubi societas, ibi homo*.

From this idea, Hegel draws a far-sighted conclusion: in modern civil society, 'human being' is no longer just a conceptual term or the name of a class of individuals, it is now a social reality finding its sphere of activity in the market society:

In the law, the object is the *person*; at the level of morality, it is the *subject*, in the family, the *family-member*, and in civil society in general, the *citizen* (in the sense of *bourgeois*). Here, at the level of needs, it is that concretum of *representational thought* which we call *the human being*; this is the first, and in fact the only occasion on which we shall refer to *the human being* in this sense.⁶⁴

Like abstract work, abstract human being is a result of modern forms of socialization. By reducing the individual to the abstract characteristics of homo oeconomicus, a mere vehicle for workforce, the "system of needs" for the first time gives this abstract representation of Humanity a concrete social reality. The socialized individual, the *bourgeois* (in the sense of Rousseau rather than of Marx), is the human being in general, performing abstract work and thus acquiring a distinct social existence. By depriving the human individual of all the statutory attributes with which the order society had endowed him, civil (*bourgeois*) society has literally created the human being; it thus provided a tangible basis for the abstract language of human rights. It is therefore no mere coincidence, as Marx polemically but accurately pointed out, that the Declaration of the Rights of Man and the Citizen is contemporaneous with the rise of the market society:⁶⁵ they are, as Hegel had also seen it, correlative expressions of the birth of the Man, of which Foucault will draw up the death certificate one and a half century later.

Is the scope of Anthropology 2, if this denomination is that of a complete theory of Man, thus exhausted? Obviously not. In Hegel's system, man is not only the socialized *bourgeois*, the producer-consumer; he also assumes, as listed in § 190 of the *Grundlinien*, the roles of the legal person, the moral subject and the family member, to which we can add the roles of political citizen and possible author or addressee of works of art, religion, and philosophy. But the naked man, the 'man without qualities', is still for Hegel closely related to the modern abstraction of the market society. From this perspective, his anthropology remains an inexhaustible source for any critical theory of society, even after man's death.

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64 Hegel 1991, § 190, p. 228 (modified).

65 Marx 1976, p. 364-7.

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Keine Frau muss müssen? Hegel in the Time of MeToo

Zdravko Kobe

Abstract: A bundle of public movements under the common denomination MeToo has redirected public attention to the banality of sexual violence, especially against women. While the lack of enthusiasm on the political right was predictable, the reserved reception in some parts of the progressive left came as a surprise. After trying to offer a couple of reasons for such a response, the article proposes to return to Hegel, in particular to his conception of marriage as an ethical unity and his theory of action, in order to think about sexual autonomy. By taking a closer look at the legal regulation of sexual relations, the notion of consent and the problem of responsibility in sexual action, the article aims to assess some leftist concerns and formulate broadly Hegelian solutions relevant to the current situation.

Keywords: MeToo, sexual violence, love, marriage, ethical life, theory of action, Hegel

The MeToo movement, which rose to prominence with a series of public denunciations of powerful men sexually assaulting women, made a profound impact on public consciousness. The wave of shock was amplified by the fact that this old story takes place on a regular basis not on the margins of some third-world country, but in the very centre of our society, among the rich and glamorous. If it happens there, it must be happening everywhere. In spite of all the advances brought about by modified laws on sexual violence, which increasingly rely on affirmative consent, not to mention the infamous Title IX procedures on American campuses, and in spite of the public presence of feminist discourse, it turns out that women are still all too often considered freely available or given indecent proposals they cannot refuse. How to explain this tenacity?

The conservative public reacted to MeToo reluctantly, with a combination of complacency and disdain. Indeed, within the intellectual collective whose political leader can publicly boast that he can grab any pussy he wants, and get away with it, it was only to be expected that the “freedom to bother” would be defended. To some surprise, however, the progressive left also responded ambiguously, to say the least. The criticism took various shapes. Some warned against a “carceral feminism” that relies too heavily on regulative and punitive measures, forgetting in the process that the “zero tolerance” strategy was originally designed by right-wing politicians. For others, the MeToo movement tends to infantilize women. Treating them as inherently weak, so the argument goes, it denies them the capacity of free agency and confines them to a state of permanent minority. There are also those who emphasize that sexuality is not the field of justice, or that MeToo introduces a paradigm shift in the relation between the sexes. If rape was once considered “an all too frequent exception” to the generally accepted standard of conduct, with MeToo it

has become the rule itself, it is argued, inscribed in “the very structure of the sexual act”. Talking about the logical consequence such a stance allegedly leads to, Milner alludes to the Scandinavian countries, specifically Sweden, where “in the absence of a document signed by both parties, all types of sexual action should be considered as attempted rape”.¹

In this perplexing situation where both the conservative right and a large part of the progressive left seem to consider MeToo too prudish, too punitive and ultimately dangerous, I propose we turn to Hegel to help us out. The suggestion is bound to appear suspicious, I admit. Hegel attracted a justified critique precisely for his treatment of women as he, for instance, excluded them from the public realm or compared them to plants. However, while I would not go so far as to call him a “feminist”,² I believe that both his theory of action and his conception of marriage as an independent collective unity offer a highly promising conceptual frame for evaluating the merits of “the philosophy of MeToo” and the problem of sexual violence in general.³ In what follows, I will therefore try to formulate a broadly Hegelian assessment of three significant concerns raised on the left. In each instance, we will see an alternative emerge which roughly corresponds to the opposition between Kant and Hegel; and we will also be able to see, I hope, that two hundred years after the *Philosophy of Right* was published, Hegel is an author of urgent relevance.

But before turning to the question of how Hegel could possibly help us grapple with the issue of sexual violence, let me first make two general observations. Contrary to the impression of structural change, the concerns raised against the philosophy of MeToo turn out to be rather traditional. With one important exception to be mentioned at the end, most of them have already been used and re-used in cultural and legal environments where the victim had to show earnest physical resistance and even resistance “to the utmost” to prove that she was really unwilling. Reviewing the history of anti-rape jurisdiction, Schulhofer comments that in the *seventeenth* century “courts were obsessed with the idea that a woman might fabricate an accusation of rape”.⁴ As for the problem of agency, there was a widespread conviction that women were somehow responsible for being sexually assaulted long before Camille Paglia or Katie Roiphe urged

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1 Milner 2019, p. 71. – I would like to thank Jamila Mascot, who read the first draft of the paper, for her valuable comments.

2 But see Vuillerod 2020.

3 To avoid misunderstanding, I would like to note that in the paper I consider MeToo primarily as a name for a conception of the sexual relation, that is to say, as a “philosophy” in the sense of Milner. The political strategy of the MeToo movement, its very particular use of new social media for naming and shaming, will be largely left outside of consideration. This is not to deny the obvious political hazards that such a strategy implies. It must be admitted, however, that it succeeded where other strategies had failed, that is, in bringing public attention to the persistence of sexual violence, especially against women.

4 Schulhofer 1998, p. 18.

them to “assume responsibility”. This is not to deny that the very same argument that used to be patently wrong may become true at some point because the world it refers to has changed in between. However, the very fact that it is an old argument must make us pause for a moment and consider the possibility that it might just be what it appears. And if this is the case, we must ask why it continues to be used.

The second observation pertains to a strange confusion that can be traced back to the nineteen-seventies as left progressive thought started to dissociate itself from Marxism. *On a toujours raison de se révolter*, the new subversive slogan professed. But instead of binding reason and revolution, the ensuing general antiauthoritarian stance led to intellectual voluntarism and self-righteous moralization. If revolt is indeed always just and justified, then one can feel vindicated by the simple fact of protesting, there is no need for reason anymore. And if revolt is always just, then the forces of order must always be unjust. As a result, in the progressive intellectual environment an instinctive rejection of any state or legal intervention developed that relied on the idea of a grassroots community wherein individuals support each other in sincere benevolence. Let us note that Hegel mocked the notion of “*living societies, steadfastly united by the sacred bond of friendship*”,⁵ because he had already learned the bitter lesson of where such naïve enthusiasm leads to.

Both the intellectual voluntarism and the state hatred of the new progressive thought of the nineteen-seventies duly manifested themselves in the field of sexuality, one of the major contested areas of the time. To illustrate the point, we can take the example of Foucault. In the first volume of his *History of Sexuality*, in a place of strategic importance, Foucault relates the story of Jouy,⁶ a somewhat simple-minded farmhand from the village of Lapcourt, who, one day in 1867, “obtained a few caresses from a little girl” who played with him “the familiar game called ‘curdled milk’”. For Foucault, this event of an alert child masturbating an imperceptive adult was basically harmless, as it was a common practice and usually no one seemed to bother. This time, however, the girl’s parents reported it to the local mayor, thus setting in motion the entire medico-carceral apparatus, which led to a thorough medical investigation of this poor halfwit; in the end, while he was “acquitted of any crime”, he was nevertheless shut away in a psychiatric institution for the rest of his days. In Foucault’s view, the significant thing about this story was “the pettiness of it all”, the fact that “this everyday occurrence in the life of village sexuality, these inconsequential bucolic pleasures” could become “the object of judicial action and careful clinical examination”, which even produced a duly published scientific report.

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5 Hegel 1991, p. 15.

6 See Foucault 1978, pp. 31–32.

Some feminists protested. Instead of siding with Jouy, Foucault should have shown more sympathy for the young Sophie Adam, as the girl was called. “Whose point of view is silently assumed,” Linda Martín Alcoff asked, when one determines that a sexual episode with a little girl was “a petty and trivial event”?⁷ The problem, however, is not only that of empathy. For when one reads the original fourteen-page report, readily available on the internet, the emerging story assumes quite different traits. Sophie was eleven; the incriminating event that triggered it all referred not to masturbation but to (remunerated) sexual intercourse; since sex with children under the age of thirteen was at the time prohibited, statutory rape was clearly committed; however, instead of being sent to jail, which he feared the most, Jouy was, upon medical examination, found mentally too weak to be judged and was accorded the right of hospital assistance.

A simple check of the original report proves, I believe, that Foucault tampered with the evidence to such a degree that the entire story presented in the *History of Sexuality* must be considered a fabrication. Yet Foucault is no minor author and the case in question is not a marginal one – together with the “anonymous Englishman”, this “poor Lorraine peasant” was cited as a cardinal example in support of Foucault’s main thesis on the proliferation of discourse on sexuality in modern societies. I would therefore suggest that the significant thing about *this* story is that it could be taken at face value for so long in a certain intellectual environment, without anyone bothering to dwell on the presence of child sexual abuse.⁸ And this is not so much about Foucault’s intellectual honesty as it is indicative that the progressive left, or “left”, may have some problems with sexuality we need to talk about.

I

In traditional gender role distributions, both in society and in sexual relations, man was considered the active and woman the passive party. It was him who was supposed to take initiative in competing for her favours, with almost any means being considered legitimate, whereas she was

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7 Alcoff 1996, p. 108.

8 Since Foucault presented the example of Jouy in more detail in his lectures on “anormals”, some feminists did raise the question of the little girl. Even then, however, they were reluctant to acknowledge that sexual abuse of a child took place. Shelly Tremain writes that while “neither Foucault’s text nor the reports of medical and psychiatric experts actually stated whether Adam was seven years of age or fourteen years of age”, the exchange of money might indicate that “Jouy gave Adam remuneration for her instruction”, presumably on matters sexual, or even that “she had exploited his gentle nature and vulnerability” (Tremain 2013, p. 7). Disturbingly, the reference to Adam’s age shows that Tremain, while advancing a rather daring reading, did *not* bother to read the original report. After finishing the paper, I must add, I did come across a recent book by Chloë Taylor titled *Foucault, Feminism and Sex Crimes*, where the original report is duly presented and translated in its integrity.

expected to defend herself until the final (and exclusive) submission. The traditional jurisdiction on sexual violence basically reflected this scenario. For a long time, the law stipulated that only a woman could be raped, and that she had to have resisted to the utmost to prove that the crime of rape had been committed at all. In the absence of physical marks of resistance, it was generally assumed that she, in one way or another, *eventually consented*.⁹

The progress of mores naturally affected the common conception of sexual relations and considerably moved the red lines. It is now increasingly admitted that not only physical but also other kinds of violence, and not only the actual use of violence but the mere threat of it, can be considered violent enough to warrant the existence of rape. In addition, men have now gained parity in that they too may count as victims of sexual violence. Yet despite all this progress, the basic scenario has remained unchanged: in the prevailing view of the law, sexual activity continues to be regarded along the lines of conquest and the victim is usually still obliged to fight back in order for the aggression to count as aggression at all.

To bring an end to this situation – and to avoid weird complications in administering the law provoked by well-intended provisions that either stretch the notion of violence or define the sexual act as inherently violent – the logical solution would be to protect sexual integrity *for its own sake*. This is what the idea of *sexual autonomy* stands for. According to this view, every person should enjoy the freedom to decide “whether and when to engage in sexual relations”,¹⁰ a freedom that includes both the liberty to take part in all sexual activities one finds desirable and the right not to be coerced to do anything of a sexual nature against one’s will. In its legal implementation, this autonomy is of course bound to raise tough questions. The sphere of my freedom ends where the sphere of your freedom begins, so determining the fine line separating the two will always be a problem. Similarly, my decision can be an expression of my autonomy only when certain conditions are met, so identifying the boundary between free choice and coerced consent will always be a challenge. The matter is further complicated by the fact that in sexual relations one may not know what one wants and often acts not as an independent subject but precisely as a dependent one. But no matter how important these technical difficulties may be, they cannot change the fundamental premise that laws on sexual violence should be designed in a way to enhance and protect the sexual autonomy of every person.

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9 Juridical history abounds in crafted formulations that give us an idea of what the reality of sexual relations looked like. In an 1880 Milwaukee rape case, in which the victim, bound and threatened at gunpoint, fought until exhaustion, the court concluded that submission “no matter how reluctantly yielded, removes from the action an essential element of the crime of rape” (see Schulhofer 1998, p. 19).

10 Schulhofer 1998, p. 99.

This is now the new consensus, I believe. It has manifested itself in legal modifications along the “only yes means yes” model, adopted in several countries. The MeToo movement only added a sense of urgency to the issue, revealing how common the reality of sexual abuse still is, especially for women.¹¹ It may therefore come as a surprise that a strain of feminist authors opposes the idea of affirmative consent and MeToo on the ground that they deny agency to women. Commenting on the new rules of conduct enacted on campuses, Roiphe accused their advocates of “promoting the view of women as weak-willed, alabaster bodies, whose virtues must be protected from the cunning encroachment of the outside world”.¹²

Yet whatever the motives, it is interesting to note that this kind of reasoning is put forward only in the case of sexual autonomy. In fact, the idea that one must physically defend one’s property in order to prove that a theft has been committed at all used to be the basic assumption of the common law on theft in the Middle Ages. Today, however, property enjoys comprehensive legal protection regardless of what its owner might have done. Whenever it is utilized or taken away without the owner’s explicit consent, the law is expected to interfere to restore the property and punish the wrongdoer. In this case, no one protests that such owners are overprotected or that they are thus being patronized, treated as weak-willed subjects with no capacity to act. In the case of robbery, victims may even be advised *not* to resist in order to avoid additional harm, and if the owner’s consent regarding the property is obtained by resorting to deception, threat, extortion, fraud and the like, the transaction is declared null and void. The comparison may be prolonged almost indefinitely: it may happen that no threat has been uttered and that the coercive nature of the transactions is deduced solely from the pattern effectively observed, but we will still see – approvingly, I presume – the law step in to protect the owner’s autonomy. Why, then, should women be obliged to assert their sexual autonomy on their own?

A similar lesson can be drawn from a comparison to class relations. To stress the systematic nature of women’s inequality under male domination, their position is often thought in reference to the working class under capitalism. The parallel is frequently mobilized to reject the validity of consent obtained under such conditions, as the formal equality only helps to promote the structural discrimination. Yet in the case of capitalism, we would hardly expect the workers to reject the relevance

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11 That women have reclaimed centre stage precisely now as the legal ideology is starting to become gender neutral may seem like a paradox. Yet there is nothing unusual here: the battle for emancipation has always been fought at a concrete level and for very particular goals. The fact is that women continue to be the predominant victims of sexual violence. The struggle against it, while inherently universal, is therefore bound to assume the standpoint of women.

12 Roiphe 1993, p. 67.

of the legal provisions enhancing their position against capital and to claim instead that they should confront the capitalists individually, assert their agency in face-to-face relations and assume responsibility in the event of unwanted results. Quite the contrary, the working class has always been proud of the gains inscribed in the laws, for instance concerning working time, job conditions, minimal wages, trade unions and the like. And instead of complaining how such legal protective measures diminished their agency, they have always considered them as important achievements of their collective struggle, as marks of their *political power*. The parallel may not be complete. However, it is hard to see where such a pronounced difference in the case of sexual relations should come from. Why aren't legal provisions that protect the sexual autonomy of every person, including every female person, rather seen as means that improve agency?

Yet women are treated differently. In the case of sexual relations, we suddenly seem to become stubborn Kantians who claim that moral obligations command categorically, whatever the obstacles that may impede their execution. You can, because you should! If this is so, however, we should recall that it was precisely for such a sublime account of agency that Hegel criticised Kant's morality as devoid of reality and stressed the decisive role of objective circumstances. For Hegel, the just deed is not something suspended in the air, in the realm of pure reason, but must find its grounds in the present conditions and must ultimately grow out of the normativity embedded in common institutions and ordinary practice. The proper ethical disposition manifests itself, Hegel claims, in "a volition which has become *habitual*".¹³ And while laws are for him essentially expressions of the existing ethical life, they can also shape it in return, so that the question of jurisdiction is far from irrelevant. Hegel loved to cite the episode of a Pythagorean who, when asked by a father about the best way to educate his son in ethical matters, proverbially replied: "Make him the *citizen of a state with good laws*".¹⁴

To see what Hegel's position on the legal regulation of sexual violence might be, we may rely on his conception of the family and conceive of a sexual relation as a provisional, temporarily limited marriage. True, for Hegel, the family constituted a sphere of "immediate" substantiality governed by the "feeling of love" that generally falls outside the sphere of law. In his view, "this unit takes on the *legal form* only when the family begins to dissolve".¹⁵ However, as family members

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13 Hegel 1991, § 268, p. 288. The relevant ethical disposition can be illustrated by Hegel's conception of patriotism. While it is usually understood only as "a willingness to perform extraordinary sacrifices and actions," for Hegel, it rather manifests itself "in the normal conditions and circumstances of life" (Hegel 1991, § 268R, pp. 288–289).

14 Hegel 1991, § 153R, p. 196.

15 Hegel 1991, § 159, p. 200.

are supposed to be immersed in this substantial unity and consequently have no safeguards against it, and since the family as a *natural* unity must eventually dissolve, the law maintains its hold even within the family and protects the interests of its individual, especially weaker, members against the family as a unit. In Hegel's view, all family members have the legal right to participate in family resources, while children, for instance, have the right to be raised and educated accordingly, up to the point where state institutions may step in and enforce this right. It is precisely because individual members have given up their independence that the law must protect them.

If we apply the above model to a sexual relation as a provisional marriage, we can assume that here, too, much space would be accorded to the immediacy of feeling. However, since in this case the aspect of eventual dissolution is only more pronounced, the law would have to defend a person's capacity to leave the encounter intact and engage in new relations. This is not the place to go into details. But if patriarchy is not a word devoid of reference in our society, legal provisions should take into account the inequality it names.¹⁶ And while the mere existence of a power differential does not contradict sexual autonomy, quite the contrary, in situations where the difference is produced by the institutional framework that holds people together, the question of such a contradiction may become pertinent again. Since, in Hegel's view, "marriage arises out of the *free surrender*" of two infinite personalities,¹⁷ these personalities must come from circles that are independent of each other, or else the surrender cannot be free. This is part of Hegel's argument for the prohibition of incest. In this sense, some institutionally constrained relationships may well be considered incestuous as well, for instance between student and professor.

Hegel once derided the notion that in court proceedings the judge had to be impartial. Quite the contrary, the judge must stand on the side of truth and justice. Similarly, the law always takes a side. In the traditional legislation on sexual violence, when it was tacitly assumed, along the lines of Lessing and Schiller, that *keine Frau muss müssen*, the law basically created an environment where sexual violence could happen unchecked. It is time that here, too, the law takes the side of justice.

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¹⁶ It is far from irrelevant what the conceptual status of the present inequality of the sexes is, i.e., whether it is rooted in the very fabric of our societies, as is the case of the proletariat under capitalism, or whether it is "merely" a sedimentation of a long history of male domination based on some contingent fact. Milner, for instance, derives the structural contradiction from the fact that in (pro-creative) intercourse, the woman is penetrated by the man (see Milner 2019, p. 80). This is probably nonsense.

¹⁷ Hegel 1991, § 168, p. 207.

The model of affirmative consent, propagated under the slogan “yes means yes”, has been met with reservation from parts of the progressive left. Quite apart from the question what exactly consent in sexual things means, in what form it should be given and under what conditions it may be considered valid, criticism was often directed against its very mentioning. By introducing the idea of consent, so the argument goes, sexual relations are treated along the model of *contracts*, with all the implications of economic, juridic and governmental arrangements that are inappropriate in intimate relations. In this respect, too, the argument is nothing new. At a public tribune in 1978, Foucault exclaimed that “consent is a contractual notion”,¹⁸ while Hocquenghem was more precise: “This notion of consent is a trap, in any case. What is sure is that a legal form of intersexual consent is nonsense. No one signs a contract before making love.”

Nonsense or not, some philosophers did want sexual intercourse to be preceded by a special contract, most famously Kant. For him, the conceptual problem is that in a sexual relation one person uses the other person’s body in order to procure sensual pleasure. That is, the other person is treated merely as a *means*, is made “into a thing”, which is a moral and juridical contradiction. “There is only one condition under which this is possible,” Kant concludes, “that while one person is acquired by the other *as if it were a thing*, the one that is acquired acquires the other in turn”.¹⁹ Due to complete reciprocity enacted by the marriage contract, in this “union of two persons of different sexes for lifelong possession of each other’s sexual attributes”, both parties are treated as self-purpose at the same time and their personalities are restored.²⁰ It is only within marriage that the contradiction of sexual intercourse resolved.

For Kant, the clauses of a sexual contract were non-negotiable and incidentally implied a total and permanent availability for any sexual practice as long as it complied with the “natural use” of sexual attributes. But this is not the place to dwell on that. The reason why the example of Kant was mentioned at all is rather that his way of treating marriage and sexuality attracted general rejection already in his time. Hegel fiercely attacked Kant’s formulation of the marriage contract, calling it “disgraceful”.²¹ But more importantly, in the case of marriage (and the state), he opposed the very notion of contract as “crude”,²² insisting that

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18 Foucault 1988, p. 285.

19 Kant 1996, p. 427.

20 Kant 1996, p. 427.

21 Hegel 1991, § 75R, p. 105.

22 Hegel 1991, § 161A, p. 201.

as far as its essential basis is concerned “marriage is not a contractual relationship”.²³

Why so? In Hegel’s view, a contract implies the standpoint of abstract right and is concluded when independent arbitrary wills happen to form a contingent volitional identity over what they own. Consequently, there are strict limits to what a contract can refer to: its object can only be “an *individual external* thing”²⁴ and it cannot give existence to anything new that is not reducible to the arbitrary wills. Marriage and the state, in particular, cannot be subsumed under the concept of contract. The transference of this form from the sphere of private property to the sphere of political and familial relationships, Hegel concludes, “has created the greatest confusion”.²⁵

The confusion is partly intelligible, since there is indeed a contradiction involved in sexual relations, only that in Hegel’s view this contradiction does not derive from the fact that the other person is treated as a thing, but that there may be a thing within the free subject itself. Hegel assumes that this subject is *in love*. When in love, one *feels dependent* if one exists on one’s own and can gain knowledge of one’s independence precisely in the unity with another person. The subject in love can know itself to be independent only by renouncing its independence. “Love is therefore the most immense contradiction that the understanding cannot resolve”, Hegel notes; it demands to think of the subject as having its “self-conscious punctuality affirmed” and negated at the same time.

Hegel’s proposal to have this contradiction resolved is to think it within the sphere of spirit, in the form of an *ethical unity* that transcends sexualised subjects and even has its own grounding against them. Within this unity, one is no longer present “as an independent person but as a *member*”.²⁶ It is true that in the case of marriage, “the free consent of the persons concerned” remains “its objective origin”.²⁷ However, by deciding to marry, the persons in question do not affirm their particular independence, as is the case with a contract, but “consent to *constitute a single person* and to give up their natural and individual personalities” within this union. The precise point of marriage is, Hegel concludes, “to begin from the point of view of contract – i.e. that of individual personality as a self-sufficient unit – *in order to supersede it*”.²⁸

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23 Hegel 1991, § 163R, p. 203.

24 Hegel 1991, § 75, p. 105.

25 Hegel 1991, § 75A, pp. 105–106.

26 Hegel 1991, § 158, p. 199.

27 Hegel 1991, § 162, p. 201.

28 Hegel 1991, § 163R, p. 203.

Evidently, Kant and Hegel give us very different understandings of consent with respect to marriage. It is therefore hard to see why one would want to identify consent with a Kantian contract – if not in order to *reject* the very idea of consent in sexual relations.²⁹ Hegel, on the other hand, provides us with conceptual tools to think about love and sexual relations in terms of *collective unity*. In his view, consent should be understood as readiness to participate in a common project, to form a collective unity whose members have renounced their right to figure as independent agents. But it is precisely because they have exposed themselves and rendered themselves vulnerable to such a degree by freely entering the ethical unity that this ethical unity is obliged to take care of them. This is the function of laws protecting the interests of individual members discussed above. However, something similar can also be said for the sexual relation considered as a provisional marriage. While Hegel himself saw an important difference between marriage and “concubinage”³⁰ and often derided Schlegel on this account,³¹ a sexual relation could be conceptualized, I think, as a common project started by a “free consent of the persons concerned”, which is in a sense bigger than them and in which individual members can expose themselves knowing that this ethical unity, ultimately the state, will protect their integrity.

III

The philosophy of MeToo attracts regular scorn for its pretension to regulate what is supposed to be a spontaneous, inventive, exciting relation between consenting adults. Sexuality used to be a place of individual liberation, which necessarily included contesting existing boundaries and finding something out about oneself, such criticism likes to remind us. Now, however, the new standards of conduct present it as

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29 This was at least the case in Foucault’s and Hocquenghem’s public discussion mentioned above. They stressed how difficult it is to apply the idea of consent in the case of children or to determine the age barrier under which no legally valid consent can be given. However, they did this in order to *reject* the need for consent altogether. “In any case, an age barrier laid down by law does not have much sense. Again, the child must be trusted to say whether or not he was subjected to violence,” Foucault concluded (Foucault 1998, p. 284).

30 See Hegel 1991, § 163A, p. 203.

31 Against the argument that the marriage ceremony is a formality which could be dispensed with, Hegel consistently defended the “ethical” nature of sexual relations. The fact that this has become the prevailing practice in our society may seem to speak against Hegel’s conception. I think the opposite is the case. Since Hegel acknowledged that marriage, not dissolvable “in itself”, can eventually dissolve, he would probably also recognise the changed ethical reality and would employ the ethical nature of sexual relations in order to justify legal safeguards for all the persons involved in them. The argument that the state must be kept out of the bedroom is one, Hegel would add, “with which the seducers are not unfamiliar” (Hegel 1991, § 164, p. 205).

a source of permanent danger, bound to leave unhealable wounds if not applied in a controlled environment. As such, these standards not only protect us from sexual violence but want to set the norms of good sex. More than that, by effectively regulating enjoyment, they make us believe that bad sex is something we are entitled to feel wronged about. In conditions such as these, everyone runs the risk of waking up a rapist the morning after.

Such criticism often denounces the insecurity sexual activity is exposed to under the new rules of conduct. This is interesting because such reproaches are typically voiced by those who would otherwise celebrate the thrill of it – what is more exciting than taking the plunge without a safety net attached? It is also interesting because they lament something that in Hegel's view constitutes the very essence of action. To clarify, let us briefly consider Hegel's theory of action against the backdrop of Kant's theory of moral action as presented in his *Critique of Practical Reason*.

According to Kant's theory of morality, the right action must be done for the right reason, not only in accordance with duty but also out of duty. The additional requirement is needed to distinguish the deeds that merely happen to coincide with the moral obligation, and are therefore of no moral worth, from those that truly express the subject's agency. And since, for Kant, it is the respective feeling that ultimately establishes which maxim has been realised by a certain deed, the question of what has figured as its determining ground defines the deed itself. If it was effectively caused by the appropriate feeling, that is, by a moral feeling or respect, then the deed was morally good, otherwise it was morally neutral at best. According to Kant's implicit view on agency, the entire action thus turns out to be *ontologically closed* at the very moment of determining the will.

Whatever the reasons for such a view, it has the effect of *isolating the action* from the contingencies of the world. It is hardly a surprise that, for Kant, the will's goodness may remain intact even if it lacks the power to produce any effect at all or if, due to adverse circumstances, it eventually results in human suffering of epic proportions. It is equally predictable that, for Kant, other people's judgement is irrelevant for the moral worth of a deed, as they can only see its effects, which are of no consequence, but cannot see its maxim, which is the only thing that counts. Incidentally, something similar applies to the acting subject, since in Kant's view, she cannot *know* that *no* pathological inclination was involved in determining the deed under consideration. However, because she has exclusive access to the realm of her maxims, she still enjoys epistemological privilege in judging her deed. In line with the theory of action implied by Kant's morality, the deed thus effectively figures as a private entity that is internal to its agent and ontologically complete even before any empirical effect has taken place.

In Hegel, on the contrary, action can be described as essentially public and open. According to Hegel's view, an action is the subject's

attempt to transfer something that initially exists only internally, a purpose, into external actuality. The real purpose of the action is therefore to realise the purpose, to give the merely subjective purpose an objective existence. But if the true purpose is indeed the purpose actualised,³² then the action cannot be considered complete in determining the will, but necessarily includes, in its very concept, the requirements of objectivity. Let us take a closer look.

As noted, Hegel recognised the formal subjectivity of action. For him, the description of an act must always start from the standpoint of the acting subject, as an attempt to realise the subject's intention. At the same time, however, the act is also an intervention in the world, an event which triggers a new chain of causes and effects, and just as in nature everything is connected to everything else, this event in one way or another affects every inch of the world. If we were to speak of guilt or responsibility in this sense, every acting subject would be responsible for the entire world, as she would have attached "the abstract predicate 'mine'"³³ to it. But this would be absurd. For Hegel, the subject can be held accountable solely for those consequences of the deed which were already present in its purpose. This is what the distinction between *Tat* and *Handlung*, between *deed* and *action*, refers to. In the ancient world, this distinction was unknown, Hegel reminds us, and so the tragic hero, Oedipus for instance, accepts responsibility for all the consequences of his deed, even though he certainly had no intention of killing his father or sleeping with his mother and would have been exculpated by any human tribunal. In this subjectification, Hegel goes even further than Kant, since he maintains that an action can happen only if the subject finds in it *something for herself*, if she recognises in it her particularity.³⁴

But this is only one side of the concept of action, and what Hegel calls the right of subjectivity is opposed by an equally justified right of objectivity. An action touches the world at one individual point, upon which it becomes independent of the agent and takes a direction of its own. We have already seen that the effects produced enter the very concept of action. After all, the action's purpose was not to produce that singular change which can be, at the most rudimentary level, described as a bodily movement, say, a flick of the finger; on the contrary, it was intended to produce an effect that lies at the remote end of the causal chain (say, to turn on a light or to kill a man). The flick of the finger was merely a means to achieve this effect, which thus constitutes the true end

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32 "For the actuality of the purpose is the purpose of acting," notes Hegel in the *Phenomenology* (Hegel 2018, p. 272).

33 Hegel 1991, § 115, p. 143.

34 "The fact that this moment of the *particularity* of the agent is contained and implemented in the action constitutes *subjective freedom* in its more concrete determination, i.e. the *right* of the *subject* to find its *satisfaction* in the action" (Hegel 1991, § 121, p. 149).

of the action. In this sense, the causal chain, including the laws of nature by which it unfolds, is equally inseparable from the concept of action.³⁵ Hegel calls this end the immanent soul of the action that brings it to its completion.

The inclusion of consequences, however, opens up a gap in the concept of action. The chain of causes and effects is held together by an order that escapes the subject's control. In part, this is the very condition of an action's possibility. But this heterogeneity, the fact that the world is governed by laws alien to the acting subject and that at any moment a myriad of incidents might derail the causal chain, also releases the possibility, and therefore the necessity, that the outcome will not correspond to what the subject originally intended. "The stone belongs to the devil when it leaves the hand that threw it"³⁶ According to Hegel, every action is a step into the void, whose exit is fundamentally uncertain. "To act therefore means *to submit oneself to this law*",³⁷ Hegel concludes.

Even with the inclusion of empirical consequences, however, the action cannot yet be considered completed, it also demands "a *positive* reference to the will of others".³⁸ To see why this is so, we must consider that as a realisation of purpose the action is inherently universal. Kant inferred from this that external observers, unable to see the agent's maxim, cannot judge his action. In Kant's case, the agent thus retained interpretative sovereignty and was in a position to insist, for instance, that whatever the consequences or the general view, his action was good. But if this is so, Hegel now argues in contrast, the action *remains purely subjective*. If the purpose of an action is indeed that the purpose should acquire an objective existence, one that is independent of the subject, and if the purpose is inherently universal, inscribed in the space of reason, this objectivity can only be achieved if the purpose is acknowledged by others, if it is an intersubjectively recognised purpose. An action has a positive relation to the will of others, because the world inhabited by others is the only place where action, as inherently universal, can acquire objectivity. It is actual only as recognised.³⁹ It is essentially public.

The inclusion of this new objectivity, the objectivity of intersubjective recognition, in part protects the action from the

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35 "In so far as the consequences are the proper *immanent* shape of the action, they manifest only its nature and are nothing other than the action itself; for this reason, the action cannot repudiate or disregard them" (Hegel 1991, § 118R, p. 145).

36 Hegel 1991, § 119A, p. 148.

37 Hegel 1991, § 118R, p.145.

38 Hegel 1991, § 112, p. 139.

39 "Hence, the doing is only the translation of its singular content into the *objective* element within which it is universal and is recognized, and it is just this, that the content is recognized, which makes the deed into an actuality" (Hegel 2018, p. 370).

first objectivity, as its true nature can no longer be inferred from its consequences alone. At the same time, however, this new objectivity only accentuates the prospect of incongruence between the subjective and the objective existence of purpose. In ordinary circumstances and in small actions, the discrepancy may be trivial. But when it becomes significant, to the extent that the subject cannot recognise herself in the consequences of her action and cannot agree with the judgements that others have made, a serious conceptual problem arises as to what the action is.

It is important to note that, in principle, the answer is open-ended. In the event of such an interpretative conflict, both sides, the subjective and the objective, have their right. On the one hand, the action must be considered essentially subjective, as an attempt to realise the purpose of the subject, who must be able to see herself in it – this is *the right of subjectivity*. But on the other hand, the acting subject cannot be unaccountable for the consequences of her action, since they are immanent to the action; for Hegel, this applies at least to those effects which, as a rational subject, the subject could, and therefore *should* have taken into consideration – this is *the right of objectivity*. Where exactly the line runs in a particular case is impossible to tell in advance. At a general level, however, two observations can be made.

Even if one stubbornly insists on one's interpretation, and formally one has every right to do so, it is clear that in the event of such a discrepancy, the action has failed in the view of the very agent. He has clearly failed to provide an objective existence for his purpose, failed to actualise his subjectivity as intended. But, as already indicated, the action was nevertheless successful in another sense, because whatever its effective results, it did succeed in saying something, namely something about the subject himself. "*What the subject is, is the series of its actions,*" Hegel maintained.⁴⁰ In this sense, as an expressive action, the *action cannot fail*. And since for Hegel the action constitutes the truth of the subject's intention, it is also a reality check for the subject herself, as even she cannot know what she is until she has brought herself to actuality by action.⁴¹ Let us say that, for Hegel, subjective intention is merely a provisional notion the subject has of herself, while it is only in the attempt of its actualisation that she makes evident what she really is. Thus, for example, if a person thinks of himself as a great artist but produces nothing, or at least nothing of any worth, we may reasonably conclude that his self-conception is false. Or if he points out some awkward thing, adding immediately that he had no intention of hurting us,

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40 Hegel 1991, § 124, p. 151.

41 "What it is *in itself*, it (sc. consciousness) therefore knows on the basis of its own actuality. Hence, the individual cannot know what *he is* prior to having brought himself to actuality through action" (Hegel 2018, p. 230).

that he did it precisely out of affection, we will sometimes be justified in saying, especially when it is systematically repeated, that hurting us *is* what he *intended* to do.

As already mentioned, such an inference may be valid for the acting subject himself, since he, too, may find himself in a situation where he is forced to admit that regardless of his initial ideas about his intentions, he said what he did out of envy, for instance. In short, since the subject has no insight into his true intentions, or rather, since the truth of intentions is determined in retrospect by intersubjective recognition, in such cases, which are always possible, we can speak of bringing about the past, of a *retroactive determination of the subject's intention*. Only the action can tell us, in its effects and the judgement of others, what the subject really intended to do. It may of course happen that the subject will not recognise himself in the interpretation offered to him. Again, therein lies the right of subjectivity, which Hegel finds inviolable. But it is obvious that in this event, the subject would do so to his own disadvantage, since by insisting on his interpretation he would condemn himself to being a failed subject, without objectivity and truth, a subject who has failed in his own eyes.

As we have seen, Hegel retained the formal primacy of subjectivity inaugurated by Kant. But with a modified theory of action, the ethical implications are quite different. If for Kant the worth of an action was in principle something given, and one only needed to establish what had figured as the determining ground of the will, for Hegel the action continues to unfold beyond the moment of action and is completed only by intersubjective recognition. And whereas in Kant the agent is wholly constituted before the action and shielded from its effects, in Hegel the action is the place where the subject's identity is established.

A lesson to be drawn with regard to the norms of sexual conduct is that yes, it may happen that one crosses a line one did not realise was there. If the action is inherently risky and open, every sexual deed contains the possibility of turning out to be assault or rape. This must be acknowledged, I think, especially if we do not want to be rapists ourselves. Exactly where the line runs and whether a sexual act is rape, ultimately depends on the valid norms and intersubjective recognition, which, in the event of a collision of interpretations, is usually obtained in the forum dedicated to conflict resolution in modern societies, that is, in a court of law.

It would be wrong, I think, both politically *and speculatively*, to defend a (Kantian) theory of sexual action which fundamentally protects the agents from the consequences of their actions. It is interesting to note that in this respect the state legal system can show more speculative invention than the "subtle" criticism voiced in the name of the alleged greater good. In Sweden, the country that recently adopted the "only yes means yes" model, the judiciary practice introduced a new category of sexual offence called "negligent rape" – a rape committed

out of negligence, so to speak, without the perpetrator wanting or maybe even knowing it (but where he or she should have known it: the right of objectivity).

IV

As is always the case with social innovations, the introduction of the principle of affirmative consent and new standards of sexual conduct bring along new risks. Because they widen the range of legal regulation and facilitate the application of punitive sanctions, it is easy to predict that they will be used with increased ease and severity against those who are already marginalised. “Zero tolerance” is an abstract notion, Hegel would say. Not only is it bound to get in conflict with social reality but it also blurs distinctions in degrees of violence, which may lead to a banalisation of extremes and general hypocrisy. A special case are rules enacted on American campuses. With their ambiguous legal status and lowered standards of procedure that rely on a “preponderance of evidence”, they lend themselves too readily to any sort of arbitrariness. It is a paradox, critics accuse, that freedom of speech is threatened precisely at universities.

These are important issues, and they should be treated seriously – in particular if we want to defend the cause of sexual autonomy. This is not always obvious, though.⁴² When a prominent leftist thinker claims that Trump and MeToo are two sides of the same coin, this affirmation is theoretically either trivial or absurd, and politically it is useless at best. In cases like this, the disturbing question should be why, then, it is uttered at all.

But instead of trying to answer it, let me close by making one final reference to the case of Sweden, where the effects of the modified laws on sexual violence can be observed. The first thing to note is that the fears were obviously exaggerated: even in Sweden, no one is required to sign a contract before making love. And second, statistics show that following the introduction of the principle of positive consent, rape conviction rates rose by about 75%. The rise was a surprise, and it was in part explained by an increased number of cases reported and in part by the fact that under the

⁴² Laura Kipnis, the author of *Unwanted Advances*, commented in *The Guardian* on the story of a film critic who, on the eve of Bertolucci's death, posted “Even grief is better with butter”, accompanied by a still of Maria Schneider and Marlon Brando from *Last Tango in Paris*. The incident took a predictable turn: although the post was promptly deleted, or so the story goes, there was a public outcry that called for firing the critic, which happened the day after. The fact that a man “lost his job”, which he had held for sixteen years, because he made a “stupid” “joke” on his “private” Facebook account raises a series of troubling questions, Kipnis comments. Still, it seems rather strange to assume that Facebook is *not* a public medium, to try to erect a barrier between the private and the public in an industry that lives on selling its public image, to overlook that the job lost was not a regular one and that the man in question continued to write for *The New York Times*, or, finally, to pretend that a *competent* film critic could ignore the fact that Schneider repeatedly complained about how she felt sexually abused during the shooting of *that* particular scene.

new definition of rape it was easier to obtain a conviction, including for negligent rape. However, to put this number in perspective: while in 2017 about 3.9% of reported cases ended with a conviction, in 2019 this number rose to roughly 5.6%!

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Volume 8
Issue 2

The State of Capital: Hegel's Critique of Bourgeois Society

Todd McGowan

Abstract: Hegel's *Philosophy of Right* openly proclaims itself to be a work without a political agenda, an interpretation of politics rather than a political project. This essay contends that Hegel's decision to locate the universality of the state as the culminating point of the political structure represents itself a political intervention that occurs through the act of interpretation. Hegel's analysis of the relationship between capitalism (or civil society) and the state reveals that we must adopt the perspective of the state when looking at capitalist society. By doing so, we can recognize the political exigency of moving from capitalist particularism to the universality of the state form.

Keywords: Hegel – Philosophy of Right – State – Capitalism – Civil Society – Absolute

Formal Objections

Hegel's philosophy always privileges what comes last. Unlike most other thinkers who see how one begins as determinative, the starting point holds only an evanescent significance in Hegel's system. Whereas his one-time roommate and fellow German Idealist F. W. J. Schelling looks to the beginning of creation itself to prove the existence of freedom in his system, Hegel always sees beginnings as contingent and obfuscatory.¹ How things start hides relationality. In this sense, despite his considerable philosophical overlap with Schelling, there is a gulf between them, as well as an immense one between Hegel and the entire phenomenological tradition, which yearns to return to beginnings to discover what is original in our experience. This is the sense of Edmund Husserl's famous claim, "we must go back to the 'things themselves.'"² Phenomenology aims at uncovering the initial point of the experience of things that subsequent thinking about this experience covers. Hegel moves in exactly the opposite direction. For him, the illusory immediacy of the beginning in which a direct relation appears operative gains its significance only when we discover the mediation that underlies it.³

The works of Hegel begin with what appears as the most concrete position but is actually the most abstract. The abstraction of the beginning

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1 In his essay on freedom, Schelling locates the capacity for evil, which he sees as the sine qua non of human freedom, in the distinction between what exists and the ground out of which what exists emerges. Without this distinction at the heart of the creation of the universe, we could not conceive of ourselves as free. Rather than simply seek out freedom at the beginning of an individual subject's existence, Schelling looks to the beginning of everything. Hegel, in contrast, locates freedom in how we end up, no matter how things start. See Schelling 2006.

2 Husserl 2002, p. 168.

3 Despite writing a book entitled the *Phenomenology of Spirit*, Hegel is a rabid anti-phenomenologist, even though the practice didn't yet exist during his lifetime.

point consists in the failure to acknowledge the relations that constitute it. Moments such as sense certainty in the *Phenomenology of Spirit* or being in the *Science of Logic*—the opening moments in each work—intrinsically lead to more concrete positions because these starting points of the dialectic involve a thorough mediation that their semblance of immediacy hides. For Hegel, immediacy is never anything but a pretension to immediacy. As he demonstrates in each of these first sections of his two most famous works, there is no direct relation to objects or bare thought of being. The apparent immediacy of sense certainty or being requires a vast conceptual apparatus that must be functioning behind the scenes. A total network of relationality informs the simplest interaction or substance, which is what each work goes on to demonstrate. The end doesn't develop out of the beginning but simply reveals what is already operative, though unknown, in it.

Like the *Phenomenology of Spirit* and the *Science of Logic*, each one of Hegel's mature philosophical works moves from the immediate to the full elaboration of mediation, which is some form of the absolute (absolute knowing, absolute idea, absolute work of art, and so on). Importantly, *Elements of the Philosophy of Right*, despite seeming to have a different structure than these earlier works, is no exception. This work follows the exact same movement as the earlier ones, the movement from the apparently immediate to the demonstrably mediated, from abstract to concrete. Recognizing that the concrete arrives as a result at the end of a process of dialectical unfolding enables us to understand the political intervention that Hegel makes in the *Philosophy of Right*, just as it facilitates an understanding of the earlier works. Hegel's political claim—his critique of capitalist society—is written into the form of the book.

For Hegel, the concrete is not what we typically believe it to be. It is not the immediacy of direct experience but the complete mediation of a totality. An experience is concrete when we theorize all the relations that inform it. For instance, my concrete experience of the smell of a rose must take into account the activity of the gardener who planted it, the political arrangement that made it possible for me to come near this particular flower despite living in the city, and the social pressure that leads me to cherish roses as privileged flowers, to say nothing of the biological processes that produce the particular plant and its fragrance. Obviously, I can just enjoy smelling a rose without contemplating all of these mediating factors, but in order to understand it, I must. Thought doesn't eradicate the experience but plays a necessary role in constituting it. The immediate act of smelling itself is an abstraction if the thought of it doesn't register these layers of mediation. But we only arrive at them through a dialectical process of interpretation.

The form that most fully reveals the entirety of mediation along with the necessary contradiction is the most concrete. This is why the formal end point of Hegel's works is not just an arbitrary conclusion

but itself contains the theoretical claim that he is making. Where Hegel ends a work indicates the position that he is taking up on the question at hand, be it the structure of experience as in the *Phenomenology of Spirit* or ontology in the *Science of Logic*. Ending with absolute knowing or the absolute idea is a way of claiming that this is how we must understand experience or ontology. In contrast, the starting point reveals only what Hegel recognizes as inevitably surpassed and never intrinsically valid. Its value consists in showing us its lack of ultimate value. The beginning is important only insofar as it contains the end in embryo.

To explain the inadequacy of the beginning relative to the end, Hegel has recourse to the metaphor of the relationship between the acorn and the oak tree. In the preface to the *Phenomenology of Spirit*, he writes, “When we wish to see an oak with its powerful trunk, its spreading branches, and its mass of foliage, we are not satisfied if instead we are shown an acorn. In the same way, science, the crowning glory of a spiritual world, is not completed in its initial stages.”⁴ Although the acorn will eventually grow into the oak, the acorn form obscures all the relations that will sustain the oak tree—specifically the sunlight, the air, the soil, and the water. Without this mediation, there could be no oak tree, and yet, the acorn appears to exist independent of this relationality, as just a little isolated nut. Like all beginnings, the acorn misleads us into failing to see all that goes into the constitution of the tree. In contrast, the end point, for Hegel, is absolute. It exposes the constitutive mediation that goes into its structure and the contradiction that this mediation makes evident. Where a system ends represents the point at which its mediated structure reconciled with the necessity of contradiction becomes most fully apparent.

While the privilege that Hegel accords to the end point appears to confirm his status as a teleological thinker, it actually indicates his total opposition to teleology, despite the fact that this is the critique most often levelled against him.⁵ Hegel’s system does not depict a chronological development but instead a revelation of the relations that already inform the beginning point. The network of mediation that unfolds inform the immediate opening, but that opening obfuscates this mediation. Moving from the immediate to the fully mediated is, in the most important sense, not a movement at all and thus not an indication of Hegel’s investment in teleology. It also forms the basis for the political contribution that Hegel’s philosophy makes.

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4 Hegel, 2018, p. 9.

5 For instance, Kojin Karatani argues that in Hegel’s thought “every becoming is realized teleologically as a self-realization of spirit.” Kojin Karatani, *Transcritique on Kant and Marx*, trans. Sabu Kohso (Cambridge: MIT Press, 2003), 188. Karatani asserts this point in order to defend Kant against Hegel’s critique of him, but this line of thought is widespread among Hegel’s detractors (and even some of his partisans).

The most political decision that Hegel makes in *Elements of the Philosophy of Right* is opting to conclude the book with the state rather than with civil society [*bürgerliche Gesellschaft*], which is Hegel's term for the capitalist economy.⁶ The decision is not an implicit claim that the state is an unimpeachable authority but that it enacts universality that lays bare the mediation that other social forms, such as the family or civil society, obscure. The state is the absolute political form, which means that it exposes all social mediation as well as the intractable contradiction that animates the social structure. Just like absolute knowing or the absolute idea, the reconciliation achieved through the theorization of the state form is a reconciliation with contradiction rather than with its overcoming.⁷ This is Hegel's definition of the absolute.

By ending his treatise on politics with the state, Hegel asserts through the book's form that we must see the state as having the last word on the capitalist economic structure, the structure that he identifies with the term "civil society."⁸ In the act of placing the state in this position, he implicitly claims that capitalism does not coincide with human nature, as its ideologists proclaim, but instead can only emerge against the background of the modern state, which provides the mediating background for civil society. The state forms the basis for capitalism and must ultimately trump its regime of self-interest with an assertion of universality. Rather than looking at the state from the particularist perspective of capital, we must look at capital from the universalist perspective of the state. This is a radical shift of perspective that calls into question the persistence of capitalist society. It is what's at stake in Hegel's formal gesture in the *Philosophy of Right*.

When societies do not do this, when they allow capitalism to override the power of the state, they lose touch with the project of universal emancipation that animates modernity and become mired

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6 The accepted translation into English of *bürgerliche Gesellschaft* as "civil society" obscures an otherwise clear connection between Hegel's critique and Marx's in the *Economic and Philosophical Manuscripts of 1844*. In these manuscripts, Marx enacts a critique of capitalism, but he refers to this economic structure not as capitalism but as *bürgerliche Gesellschaft*, translated most often as "bourgeois society." This becomes especially apparent in the essay "Estranged Labor." Hegel's reception in the English-speaking world suffers from this translation discrepancy. See Marx 1964.

7 Hegel locates the contradiction of the state in the figure of the monarch, who represents singularity within the state's universality. Without the irrational point of the monarch, Hegel believes, the state form would no longer be reconciled with contradiction and would lose its universality. For more on the necessity of the monarch or some equivalent figure, see McGowan 2019.

8 Given Hegel's account of civil society as the realm where one pursues particular self-interest without regard for universality, it seems clear that he is referring here to the capitalist economy and its ideological presuppositions. There are interpreters, however, who see this account of civil society as too reductive. For instance, Dean Moyar claims that Hegel views civil society as "more of a catch-all category than a specifically economic one." Moyar 2007, p. 201.

in particularism.⁹The triumph of the particular over the universal is a prescription for a social unraveling in which acting for the collective becomes anathema. The state comes to appear for people as a form of civil society rather than as the site of universality. When this occurs, people view the state as nothing but as protector of various interests. Rather than asserting a positive public organization, the state just guards private interests. Hegel calls this attitude the reduction of the state to the status of civil society, and he sees it as the chief danger of the modern universe. This denigration of the state is the situation today, which is why the theoretical corrective that Hegel offers is more urgent than ever.

When reading the *Philosophy of Right* in 2021, one cannot help but be taken aback at Hegel's insistence of the right of the state to insist on vaccination.¹⁰ Hegel argues that the health of the collective outweighs individual choice when it comes to the question of schooling or vaccination. If a society allows the particularism that predominates in civil society to overrule the universality of the state, mandating vaccines will become questionable and private interests will prevail over the public. This is precisely what we see happening around the world in the midst of the Covid-19 pandemic. The woeful response to this pandemic—the refusal to mandate various measures for public health, from masks to vaccines, and the resistance to these measures when instituted—reveals the contemporary impoverishment of the state relative to the logic of civil society, a situation that Hegel attempts to forestall through his theoretical interpretation advanced in the *Philosophy of Right*. Although he doesn't anticipate the Covid-19 pandemic—even Hegel has some limitations—he does foresee our inadequate reaction to it and the reasons for that inadequacy.¹¹

According to the logic that Hegel lays out, the particular self-interest that drives capitalist subjects must give way to the demands of the universal that state makes on subjectivity. The universality of the state frees the subject from the dictates of its self-interest, which is what

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9The rejection of the state form—and all form—as oppressive indicates the abasement of contemporary politics. The flight from state power is not an expression of Marxism's critique of the state but a retreat from it, which is why Marxist theorist Anna Kornbluh insists on the state form. For Kornbluh, "form is the answer rather than the problem." Anna Kornbluh, *The Order of Forms: Realism, Formalism, and Social Space* (Chicago: University of Chicago Press, 2019), 162. Dissolving forms plays directly into the dominance of civil society.

10 Hegel claims, "society has a right ... to compel parents to send their children to school, to have them vaccinated, etc." Hegel 1991, p. 264. This is not just a modernized translation. Hegel uses the term for vaccination, *impfen*, that remains current today.

11 Viewing the state as civil society and thereby missing the universality inhering in the state is not confining to rapacious capitalists. It is also the failing of many left-leaning theorists, chief among them Giorgio Agamben, who sees any attempt to ameliorate the effects of the Covid-19 pandemic as an illegitimate expansion of state power.

predominates in civil society. Merely on the basis of where Hegel places the state in the structure of his political philosophy, he articulates his critique of the basic presuppositions of capitalist society and points to how we should conceive its transformation. Civil society or capitalism is an incomplete political form that requires the perspective of the state to constitute it. Capitalism points to its own overcoming through the state structure that is the necessary soil in which it grows.¹² Capitalist society depends on the state, and yet the state form provides a universality that points beyond its incessant particularism.

Despite its dependence on the state, capitalism survives as a socioeconomic system on the basis of its political priority relative to the state that it assumes and that people give it. Capitalist society cannot continue intact if the universality of the state form plays a determinative role relative to the demands of capitalist particularity. The state doesn't just make capitalism possible; once it has theoretical priority, it also makes capitalism impossible because of its universality. Universality is always emancipatory and thwarts capitalist accumulation because it forces subjects to abandon their particularist perspective and to recognize the solidarity that derives from the universal. Subjects in solidarity are not capitalist subjects.

Although capitalism operates according to the logic of the particular, it nonetheless relies on an implicit structure that governs the competing particularities. This is what Adam Smith refers to as the invisible hand that guides capitalist society.¹³ Because this universality remains undeveloped amid capitalist relations of production, capitalist subjects cannot become aware of it. They toil trapped in the perspective of their particularity. The state must intervene as the standpoint from which subjects view capitalist exchange in order for them to see the universality that underlies it. This is Hegel's aim in the form that he gives to the *Philosophy of Right*. The form of this book gives it a political

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12 Although he is critical of Hegel's failure to accede fully to the position of the Marxist materialist, Georg Lukács nonetheless credits Hegel with providing the first philosophical analysis of capitalist society that takes its economic structure into account. He writes, "it is undoubtedly no accident that the man who completed the edifice of idealist dialectics was the *only* philosopher of the age to have made a *serious* attempt to get to grips with the economic structure of capitalist society." Lukács 1976, p. 565. By giving a space for civil society but not giving it priority over the state, Hegel simultaneously describes the reality of capitalism and offers a critique of its ideological presuppositions. Although Lukács gives Hegel a great deal of credit for his speculation about capitalism, he doesn't go so far as to acknowledge him as a critic.

13 Even though Hegel's account of civil society betrays the influence of his reading of Adam Smith's *Wealth of Nations*, had Smith written the *Philosophy of Right*, he would have ended it with civil society rather than with the state because in Smith's vision capitalist relations have the last word in structuring the society. Ironically, were Karl Marx to rewrite the *Philosophy of Right*, his first step would be to reorder its chapters in the same way that Smith would, albeit for different reasons. According to Marx, the idea that the state might curtail or even trump the power of capital is nothing but a symptom of capitalist ideology, to which Hegel falls victim when he structures his work of political philosophy.

radicality that Hegel himself likely does not suspect. He isn't trying to show the path to moving beyond capitalism, but this is what he does.

Theoretical Politics

If interpreters want to consider Hegel a political thinker, they typically do not look to his work on politics, which seems like a document of political quietism, but to the early *Phenomenology of Spirit*, a work that appears at moments to point toward openings for political activity. This is the strategy that Robert Brandom takes up in *A Spirit of Trust*, his attempt to found a Hegelian politics of overcoming modern alienation without abandoning the freedom that modernity provides.¹⁴ The fact that Brandom articulates his Hegelian politics through a commentary on the *Phenomenology of Spirit* rather than an interpretation of the *Philosophy of Right*, Hegel's book specifically devoted to politics, is in no way an accident. Hegel's work of political philosophy devotes itself to analyzing what is rather than what should be.

Reading the *Philosophy of Right* as a political treatise appears to run up against Hegel's own claims about the political role of philosophy. Rather than imagining his work as a political intervention, he sees it as merely an analysis after the fact, as an autopsy on the very institutions that his work analyzes. Hegel's antecedents, such as Kant and Fichte, write up political maps for attaining perpetual peace or strengthening the German nation, and his descendent Marx vows to change the world rather than merely interpret it. But Hegel stands out for his insistence that all of these gestures run up against the foundational limit of all philosophizing. This limit is the philosopher's inability to see the future. Hegel's stubborn determination to adhere to this limit stands out in his political philosophy.

The contention that philosophy cannot instruct politics derives from Hegel's focus on the structural end point where mediation is fully visible. When we act politically, we often do so—perhaps we must do so—without taking all the mediation of the system into account. We do not foresee the dialectical reversals that our political act undergo, the mediation that informs it, nor the contradictions that holds within. All this becomes evident only from the standpoint of the end, which is why Hegel insists on it for philosophy. It is only thinkers who value beginnings that can make political pronouncements and offer political advice. Hegel's

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14 As Brandom puts it, "A proper understanding of ourselves as discursive creatures obliges us to institute a community in which reciprocal recognition takes the form of forgiving recollection: a community bound by and built on trust." Brandom 2019, p. 635. In the *Phenomenology*, Hegel provides for us a political task, an obligation to create a community of forgiveness accomplished through recognizing our own fault in the other's transgressions. The enormous obstacle in the way of Brandom's politicization of Hegel is the latter's excoriation of any philosophy that ends with an *ought* [*Sollen*]. Hegel denounces this position unequivocally in both Kant and Fichte, but Brandom's interpretation of the *Phenomenology of Spirit* transforms this work into an extended plea for what we ought to do.

commitment to the end is also his commitment to philosophy's lack of a political bearing, which he announces right away in his work on politics.

The most memorable passage in the *Philosophy of Right* comes in the preface. It is Hegel's confession of philosophy's political fecklessness. In contrast to direct political acts, philosophy's theorizing of politics—what Hegel does in the *Philosophy of Right*—cannot transform the world, or so Hegel seems to admit. He states,

A further word on the subject of *issuing instructions* on how the world ought to be: philosophy, at any rate, always comes too late to perform this function. As the *thought* of the world, it appears only at a time when actuality has gone through its formative process and attained its completed state.... When philosophy paints its grey in grey, a shape of life has grown old, and it cannot be rejuvenated, but only recognized, by the grey in grey of philosophy; the owl of Minerva begins its flight only with the onset of dusk.¹⁵

This statement seems to leave the would-be political activist with little to work with. As Hegel formulates it, political activism and philosophy have no common ground. Hegel offers no explicit political guidance and expressly prohibits philosophy from doing so.¹⁶ Philosophical wisdom arrives after the political problem has been resolved, not in time to prescribe an intervention.

We certainly cannot take the political arrangement that Hegel describes in the *Philosophy of Right* as an ideal toward which to aspire. This is a point that Robert Pippin insists on in an effort to dampen any enthusiasm for the particular structure—including the monarch at the head of the state—that Hegel puts forward in this work. Pippin claims that one must apply Hegel's own claim about the tardiness of philosophy to his own work. The political apparatus that he analyzes here “has grown old, is dying, and only because of this can it now be comprehended by Hegel. It is hardly the image one would propose were one trying to claim that we had reached some utopia of realized reason.”¹⁷ According to Pippin, Hegel cannot be advocating the relationship between the family, civil society, and the state that he lays out here, simply because he argues against philosophy's ability to advocate anything politically.

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15 Hegel 1991, p. 23. Rebecca Comay sees the space for politics within Hegel's statement that appears to confess the political inutility of philosophy. She writes, “The indiscernible gap between gray and gray marks the interval in which the spectator can find a foothold for intervention. Repetition marks the formal difference separating the present from itself: it identifies the site where the subject's agency is both reflected and repelled.” Comay 2011, p. 144.

16 According to Slavoj Žižek, Hegel's refusal to offer any political program for the future is the index of his radicality as a political thinker. In *Hegel in a Wired Brain*, he writes, “Hegel's thought stands for a radical opening towards the future: there is in Hegel no eschatology, no image of the bright (or dark) future towards which our epoch tends.” Žižek 2020, p. 2.

17 Pippin 2013, p. 18. Pippin believes that Hegel sees our political task not as accomplished but as unending. He claims, “it is likely that the state, understood as the realization of freedom, does not have anything like a permanently achieved, eternal structure, and that ... historical contingencies will always pose anew the question of the rationality of the actual.” Pippin 2019, p. 312.

That said, Pippin must also be correct to believe that Hegel has some political agenda. If Hegel really believed that philosophy had no political effect at all, he would not write a work of political philosophy. The act of writing itself indicates an investment in the possibility for transformation driven by what one writes, even if one's only aim is to see the status quo continue without the emergence of any potential interruption. The question in Hegel's philosophy is where we should locate this political charge.

My contention is that Hegel identifies philosophy's political efficacy with the act of interpretation. Philosophical intervention does not come from offering directives or strategic plans for political activity but by providing a radical interpretation of political forms. Although philosophy cannot issue instructions or provide an outline for a political project, its recognizing power is at once a transformative power.¹⁸ To turn Marx on his head, it is by interpreting the world that the philosopher changes the world.

By theorizing the state as the political absolute and relegating capitalist exchange to a dependent position in relation to it, Hegel practices interpretation as politics. In his formulation, the state ceases to be the handmaiden of capital and becomes the universalist corrective to its particularism. Left to its own devices, the particularism of civil society runs amok. It threatens to destroy the social order. The state must provide the universal perspective that ensures social solidarity and egalitarian emancipation. Although Hegel does not foresee how the state will accomplish this emancipation, he theorizes this as its political role.

Marx Avant la Lettre

Marx is the first to recognize the fundamental contradiction that animates the capitalist economy: its necessity of minimizing the laborer's wage and simultaneously maximizing this same laborer's purchasing power. This is the contradiction between the production of surplus value and its realization through the sale of the commodity. Writing before Marx (and before the fuller development of industrial capitalism, especially in Germany), Hegel does not evince any awareness of this contradiction. But he does grasp an equally fundamental contradiction in capitalism that leads to the constant social unrest that it unleashes.

For Hegel, capitalism's excessive creation of wealth produces an equal excess of impoverishment.¹⁹ In his discussion of civil society

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¹⁸ Importantly, Hegel does not say, like Ludwig Wittgenstein, that philosophy "leaves everything as it is." Wittgenstein 2009, p. 55. Although philosophy doesn't offer political plans, it does necessarily shake things up politically through the interpretation that it offers.

¹⁹ Rosa Luxemburg provides a precise formulation of the capitalist contradiction that Marx recognizes. She claims, "accumulation proceeds without it becoming apparent in the slightest for which new

in the *Philosophy of Right*, Hegel explains that capitalist society is the source of both extremes of luxury and of want. The more wealthy some members of capitalist society become, the more impoverished others become. This is, according to Hegel, the unalterable rule that derives from the philosophical basis of the capitalist mode of production. It is a contradiction of capitalist society, although Hegel doesn't label it as such.

The link between capitalism's unchecked production of wealth and equally unchecked creation of poverty stems from capitalism's relationship what Hegel sees as the bad infinity [*die schlechte Unendlichkeit*].²⁰ The bad infinity, as Hegel conceives it, is an infinite expansion that recognizes no limit. It is bad to the extent that it is inherently unrealizable. One constantly strives for more but never reaches the goal of attaining it, since the goal recedes as one approaches it. Capitalism demands that one accumulate more and more, but one never reaches the point of having enough. *Not enough* is the capitalist watchword, and this watchword is the indication of centrality of the bad infinity in capitalist society.

Hegel contrasts the unending straight line of bad infinity with the true infinite, an infinite that he represents with a circle. Rather than striving for a goal that is inherently unattainable, the true infinite always reaches its end point and finds satisfaction with itself.²¹ Whereas the bad infinite characterizes capitalism's ceaseless striving for more, the true infinite is the structure of the state's universality. It constitutes itself through positing its own limit and exists through that limit rather than through the attempt constantly to go beyond it.

The bad infinite and the true infinite have a radically different relationship to contradiction. The bad infinite seeks more because

consumers production is ultimately being constantly expanded." Luxemburg 2015, p. 236. According to Luxemburg, capitalism attempts to solve this contradiction by resorting to colonization, but this inevitably fails in her eyes.

²⁰ Although he concludes that Hegel fails to logically derive the state as a realm that can produce the solidarity that will restrain the particularizing drive of civil society, Terry Pinkard nicely identifies civil society with the bad infinite. He says, "On its own, civil society (embodying the proper object of "political economy") is structured around the bad infinite. Needs get multiplied to infinity, the necessity for either expanding capital or being swallowed by other traders pushes the traders themselves to more and more distant connections, and production and consumption become decoupled once trade extends beyond the bounds of local communities. The structure of civil society is the $n + 1$ of the bad infinite: Always one more in the series, all the way up to the infinite and all the paradoxes it seems to bring with it." Pinkard 2017, p. 323-324. In other words, Hegel defines the capitalist economy as a structure completely overtaken by the logic of the bad infinite and thus unable to actualize any satisfaction for subjects caught up in it.

²¹ In the *Science of Logic*, Hegel offers a contrast between these two versions of the infinite. He begins with the bad infinite, saying, "The image of the progression in infinity is the straight *line*; the infinite is only at the two limits of this line, and always only is where the latter (which is existence) is not but *transcends itself*, in its non-existence, that is, in the indeterminate. As true infinite, bent back upon itself, its image becomes the *circle*, the line that has reached itself, closed and wholly present, without *beginning* and *end*." Hegel 2010, p. 119.

it is bent on overcoming contradiction. It looks to a future free from contradiction, but it is just this search for overcoming contradiction that continues to reproduce it, as is clearly evident in capitalist society. Capitalism's drive to escape contradictions is a source of its multiplying contradictions. The true infinite, on the other hand, reconciles itself with contradiction. Rather than seeking to overcome it, contradiction becomes what sustains the true infinite and drives it around its circular path. The true infinite manifests itself in the universality of the state.

The dominance of the bad infinite in civil society leaves capitalist subjects always wanting what they don't have. They desire infinite accumulation. As a result, no amount of accumulation is ever enough. The more that one has, the more that one experiences oneself as missing what one desires. This is why the richest individuals in capitalist society are always the most avaricious. They experience their unreconciled lack much more than those who have little.

Hegel recognizes that there is a dialectical relationship between those who have too much and those who have too little. Capitalist desire refuses to abandon accumulation at any point, which ensures that some will have almost nothing in order that others can have too much. Capitalism's constant drive for more results in a situation where the few accumulate vast fortunes at the expense of the many who toil in misery and become utterly debased. Hegel writes, "The tendency of the social condition towards an indeterminate multiplication and specification of needs, means, and pleasures—i.e., *luxury*—a tendency which, like the distinction between natural and educated needs, has no limits, involves an equally infinite increase in dependence and want."²² As capitalism creates an increasing quantity of wealth, it requires an equal increase in poverty. The drive to accumulate cannot allow any stone—or any potential source of wealth—to remain unturned. The mass of people become buried beneath these stones turned over by capitalism's winners.

Capitalism's inability to produce subjects who recognize their own satisfaction also leads to an infinite production of additional commodities that eventually become new necessities. In his analysis of this process in the *Philosophy of Right*, Hegel anticipates what Marx in the *Grundrisse* calls capitalism's production of needs.²³ Civil society creates an environment in which people can enrich themselves by convincing others that there are an infinite number of items that they need to become truly comfortable in the world.

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22 Hegel, 1991, p. 231.

23 Marx states, "Production not only supplies a material for the need, but it also supplies a need for the material.... The need which consumption feels for the object is created by the perception of it. The object of art—like every other product—creates a public which is sensitive to art and enjoys beauty. Production thus not only creates an object for the subject, but also a subject for the object." Marx 1993, p. 92.

But the supposed need for comfort is, according to Hegel, inherently impossible to satisfy. Every increase in comfort creates a new discomfort. The soft mattress allows one to fall asleep comfortably but results in waking with a terrible backache. The heater saves one from the cold but leaves one's skin too dry. The ubiquity of possibilities for entertainment leave one with nothing desirable to watch. And so on. Hegel writes, "What the English call 'comfortable' is something utterly inexhaustible; its ramifications are infinite, for every comfort in turn reveals its less comfortable side, and the resulting inventions are endless. A need is therefore created not so much by those who experience it directly as by those who seek to profit by its emergence."²⁴ Marx could not have said it better himself. Even when capitalism caters to the desire for comfort, it cannot help but create additional discomforts that it must subsequently attempt to remedy with an additional commodity.

But the very project of producing a comfortable life through accumulating an endless number of commodities is a betrayal of subjectivity itself. The *Philosophy of Right* includes a surprising diatribe against civil society's drive to keep us comfortable. Increasing the comfort of existence is not the path to emancipation. An emancipated society would not be one that finally did away with discomfort once and for all. It would be a society that accepted a certain level of discomfort as the price that we pay for our spiritual existence, for our break from animality. Other animals will always be more comfortable in their worlds than subjects are because they lack the alienation from place that comes with subjectivity. The discomfort of our alienation is the measure of our freedom. Unlike civil society, the state demands a degree of discomfort. It constantly reminds us of our alienation from our natural being through its prohibitions. Rather than promising the possibility of overcoming alienation with the image of more in the way that capitalism does, the state requires the acceptance of it through adherence to the limit of the law.

Public Property

The basis for capitalist society is the immediacy of property. The presupposition of capitalist relations is that I can possess property prior to entering into social relations, even if this property is nothing but my own body. As a result of possessing property, I have the ability to engage in exchange with others in order to increase my amount of property or acquire new forms of property. In order for capitalism to function as it does, property must be defined as essentially private, as determined first and foremost by the subject's own private actions. I must be able to have property regardless of the state of the state.

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²⁴ Hegel 1991, p. 229.

John Locke is the great ideologist of capitalist property relations. In the second of his *Two Treatises of Government*, Locke insists that the act of labor produces private property regardless of and prior to the constitution of the social order. For him, the state does not make private property possible through its system of law. Its system of law merely safeguards the property that individuals themselves create through their activity of working on the materials of nature.

As Locke sees it, the individual's labor generates property through making use of what is available in the natural world. Utility has a transformative power that denaturalizes what one uses and turns it into a possession. He writes, "As much as any one can make use of to any advantage of life before it spoils; so much he may fix by his labour a Property in. Whatever is beyond this, is more than his share, and belongs to others."²⁵ The transformative power of utility fixes a limit between one's own property and that of others (or that which belongs to no one). Useful work has this power in a state of nature, regardless of the social conditions that underlie it.

This conception of private property is essential for capitalist society because it provides the economically necessary presupposition that supports the system. Even capitalist societies that disdain political liberalism (such as contemporary China) require this presupposition. If one considers property as a determination of the state form and its legal apparatus, then the right of the individual to do what it wants with its property disappears. The immediacy of private property enables the individual to neglect the collective in dealing with this property, since the possession of it theoretically has nothing to do with anyone else.

The *Philosophy of Right* represents a complete rejection of this liberal presupposition of capitalist relations of production. By beginning the work with an analysis of property and locating property under the heading of "Abstract Right," Hegel indicates the dependence of my property on the existence of civil society and the state, which are more concrete forms of right. Beginning with property is not a way of privileging it but a way of highlighting its illusory immediacy. As Gillian Rose points out in *Hegel Contra Sociology*, "the institutions which appear most 'natural' or 'immediate' in any society, such as the family or the sphere of needs, presuppose an overall economic and political organization which may not be immediately intelligible."²⁶ The constitutive power of the state is not, as Rose puts it, immediately intelligible, but it becomes evident through Hegel's interpretation of the mediation that informs abstract property right. Although Hegel often sounds like Locke when he describes the act of taking possession of a thing by using it, he breaks

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²⁵ Locke 1988, p. 290.

²⁶ Rose 1981, p. 50.

from Locke by theorizing the role that mediation plays in this possession. He only sounds like Locke for a brief while, and then he goes on to frame the possession of property in ways that would certainly cause Locke's stomach to become upset.

The fact of property depends not simply on the individual's act of taking possession of the property. It relies on a network of social mediation that validates the individual's possession, the method through which the individual took possession, and even the concept of property itself. Contra Locke, there is no property in the natural world. My use of something means nothing unless it receives state recognition. Thus, the apparent individuality attached to property betrays its thoroughgoing mediation in the universal concept of property. Property isn't the index of a subject's individuality but the measure of its submission to the universal.

In the *Philosophy of Right*, Hegel shows that property depends on all the other relations that follow it. Property is the most abstract category because it appears to be a right that has no relation to others, but this appearance, like that of sense certainty in the *Phenomenology of Spirit* or being in the *Science of Logic*, is entirely deceptive. My act of constituting something as mine is not enough for Hegel. He states, "My inner act of will which says that something is mine must also become recognizable by others."²⁷ This recognition from others comes from the state structure that undergirds every act of possession. Nothing is mine unless the state apparatus creates the conditions through which I can have it.

The logic of capitalist society depends on the presupposition of property. In order to function, individuals must believe that their property is constitutively theirs. Once the role of the universal in constituting property becomes evident, capitalist relations of production cease to be tenable. Simply by exposing private property's dependence on the public structure of the state, Hegel launches an attack against one of the pillars of capitalist society.

Contract Killer

Prior to Hegel, major modern thinkers from every political camp theorize the formation of the social order as the result of a social contract. The idea of a social contract is so widespread that almost no political philosopher thinks to do without it. But this is a position that Hegel completely rejects insofar as it represents a silent affirmation of the presuppositions of capitalist society, every bit as much as the investment in the immediacy of property relations. Hegel's refusal to think of the social order in terms of a social contract indicates his radical departure from the tradition he inherits. This refusal even separates him from his primary philosophical

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27 Hegel 1991, p. 81.

antecedents in the German Idealist tradition, Kant and Fichte.²⁸ It is a radicality that drives him away from the presuppositions of capitalist society and toward an egalitarian alternative in which the isolated particular individual does not preexist the social collective, which is what both capitalist society and social contract theory proclaim.

The theory of the social contract knows no political boundaries. From conservative Thomas Hobbes to liberal John Locke to leftist Jean-Jacques Rousseau, the idea of a social contract becomes a way of thinking through how a coherent organization forms out of disparate individuals with no inherent ties to each other. The social contract implies that each member of the society tacitly legitimates the social bond through acceding to the original contract that constitutes it. No one views this as a literal contract that members sign but rather as a metaphorical agreement that inheres in their active participation in society. The appeal of this way of thinking is that it suggests that political authorities must do their part for the individual to adhere to the contract, while individuals can themselves decide to opt out if the arrangement ceases to be salutary. Even when a conservative such as Hobbes advances the idea, it appears to have an implicit radicality because it admits that one can always withhold one's participation.

Rousseau sees the social contract as an ultimate affirmation of freedom. Everything that goes on in society goes on with our fundamental consent because we are constantly affirming the social contract that we might, at any point, choose not to affirm. In *The Social Contract*, he states, "There is only one law which by its nature requires unanimous consent. That is the social pact: for the civil association is the most voluntary act in the world; every man being born free and master of himself, no one may on any pretext whatsoever subject him without his consent."²⁹ For Rousseau, the existence of a social contract is the basis of the social bond. Without some conception of it, one would have no way to conceive what holds a given populace together.

As Hegel sees it, the freedom to enter into the social contract does not exist. It is a liberal and illusory conception of subjectivity that imagines it existing prior to the social order that constitutes it. We are not first free individuals and then subjected to the social order. Instead, our subjection to the social order inaugurates our existence as free subjects. We are subjected into freedom, not subjected out of freedom.

If one believes in free individuals existing prior to their entrance into a social contract, then one confuses the state with civil society, which is what Hegel sees as the cardinal error in political thinking. One misses the universality of the state form and sees instead an atomized mass

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²⁸ While Fichte doesn't mention the term "social contract," he does theorize membership in a society as the limitation of one's natural freedom to accommodate the freedom of others, which is the primary tenet of social contract theory. This is a philosophical move that Hegel would not make.

²⁹ Rousseau 1997, p. 123.

of particulars who come together solely to protect their own interests. This is Hegel's nightmare, which he rues in the *Philosophy of Right*. He exclaims, "If the state is confused with civil society and its determination is equated with the security and protection of property and personal freedom, *the interest of individuals as such* becomes the ultimate end for which they are united; it also follows from this that membership of the state is an optional matter."³⁰ A unity that exists solely to protect one's own private interest is constantly on the verge of disintegrating. In contrast, the state bond, because it constitutes subjects as subjects, necessarily endures.

Mistaking civil society for the state is not a harmless theoretical error. It causes one to fail to see that the state does much more than just protect particular interests. Its universality constitutes subjects as free in their singularity. As Hegel sees it, the universality of the state, unlike the particularism of civil society, allows for the assertion of the subject's free singularity without compromising the relationship to the collective. This freedom is in no way in conflict with the freedom of others but actually depends on everyone's freedom. The role of the state for Hegel is to make clear how our free subjectivity in its singularity emerges out of the universal, not in contrast to it.

The basic contradiction that animates the state form is that between universality and singularity. The universality of the state constitutes the singularity of the subject because this universality is not the imposition of an unrelenting authority but the articulation of a failure. The universality of the state creates the space for the singularity of the subject through the point at which it doesn't account for everything. This contrasts the state with the capitalist order, which cannot reconcile itself with its own failure and constantly seeks to expand itself so as not to fail. The universality of the state cannot be contractual but must be constitutive.

The belief that we begin as individuals who subsequently choose to enter into a social contract gives away too much to capitalist ideology. Armed with this belief, one conceives of oneself as an isolated monad with no intrinsic relation to others or to the social totality. One constantly struggles to get the better of one's fellow citizens in a struggle of all against all. Without a conception of the universality of the state to reign in the raging particularism of capitalist society, there is no way to integrate the singularity of the subject and its irreducibility to capitalist particularity into the social order. When one sees the social order through the lens of social contract theory, one slanders the universality of the state, and it is this universality that enables the singular subject to emerge.³¹

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30 Hegel 1991, p. 276.

31 In his remarkably prescient work on *Hegel and the Modern State*, Schlomo Avineri relates the logic of civil society to the understanding and that of the state to reason. He writes, "What social contract theories call a state is, to Hegel, but civil society, based, as it were, on needs and a lower kind of

The Perils of Civility

More than Marx, Hegel gives capitalism its due. In the *Philosophy of Right*, capitalist relations of production allow for the modern flowering of particularity. In this sense, capitalism is essential to the modernist break. While traditional societies create social coherence by giving everyone a defined social position, capitalist modernity ruptures this coherence through the elimination of all proper positions. Traditional societies make no allowance for the particular, but capitalist society privileges the particular and allows it to defy any assigned social positioning. Capitalist modernity alienates the individual from its belonging to society.

Hegel celebrates the alienating power of modernity. But because capitalism actually becomes a barrier to the subject's alienation for Hegel, he develops a formal critique of it. Whereas Marx criticizes capitalism for alienating workers from their own productivity, Hegel implicitly takes it to task for preventing the subject from recognizing its alienation. Under capitalism or in civil society, one is always striving to accumulate enough to alleviate one's alienation and to overcome all contradictions. This promise of an unalienated future is one that capitalism can never redeem, and yet its entire structure depends on an investment in it. The universality of the state, in contrast, enables subjects to recognize their singularity through their alienation in the state. Capitalism becomes a barrier to the recognition of alienation that only the state form makes possible. The freedom that capitalism offers becomes a circumscribed freedom that depends on reducing others to unfreedom. This is the result of the system's emphasis on absolute particularism.

The problem is that particularity under capitalism cannot simply respect other particularities. Instead, what Hegel calls civil society, according to its own fundamental drive, is not civil at all. Under the domain of capital, particularity becomes unhinged and ceases to pay any attention to others, except insofar as they can be used to serve the particular's own interest. This leads to a generalized unfreedom that prevails in capitalist society. Even though capitalism's insistence on the particular helps to free the subject from the rootedness of traditional society, it becomes a new form of fetter that obscures the necessary universality of freedom.³² There can be no universal freedom under the constraints of capital.

knowledge—'understanding.' This lower kind of knowledge, *Verstand*, is juxtaposed against the higher level of reason, *Vernunft*, which is to be found in the state." Avineri 1972, p. 143. Social contract theory remains stuck in the understanding and cannot accede to reason.

³² Paul Franco points out, "An individual is rationally or truly free only if he is actively engaged in promoting a universal end above and beyond his merely private or particular ends." Franco 1999, p. 276.

Like Marx after him, Hegel believes that capitalist society leads to contradictions that it cannot resolve. This becomes apparent in his discussion of the rabble [*Pöbel*], an excess that capitalism produces without being able to contain or ameliorate.³³ Hegel's entire discussion of the rabble occurs during his analysis of civil society rather than during his commentary on the structure of the state. This formal choice indicates that it is capitalism, not the state, that produces the rabble. Capitalist society necessarily leaves a certain number of subjects out and relegates them to the status of social detritus. This is Hegel's rabble.

The excesses of capitalist society do not allow everyone to fit in. In order for its excessiveness to constantly lead to more excess, some must be left out. Their outsider status both drives the production of more and is a result of it. Everyone wants more because no one wants to be left out. And yet, it is precisely this drive for unlimited accumulation that produces the rabble as capitalism's remainder. Hegel describes the rabble as a direct result of the demands made by civil society. He says, "When a large mass of people sinks below the level of a certain standard of living—which automatically regulates itself at the level necessary for a member of the society in question—that feeling of right, integrity, and honour which comes from supporting oneself by one's own activity and work is lost. This leads to the creation of a *rabble*, which in turn makes it much easier for disproportionate wealth to be concentrated in a few hands."³⁴ The rabble represents a contradiction of capitalism that the capitalist system—civil society—has no way of accommodating.

Hegel rehearses the failed ways of dealing with the rabble, including colonization. Even acts of charity, such as today's universal basic income, necessarily come up short because they reinforce the status of the rabble as a figure of nonbelonging. Rather than finding a way to integrate the rabble within the system of civil society, Hegel simply leaves it standing as an unreconciled remainder. We might assume that the state's intervention in civil society would alleviate this contradictory product, but Hegel himself never describes what this intervention might look like.

Slavoj Žižek perspicaciously identifies the misstep in Hegel's thinking about the rabble. While Hegel does see the rabble as the product of civil society's own contradictions, he doesn't take the next step and

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33 In his compelling discussion of the problem that the rabble poses for Hegel's political philosophy, Frank Ruda suggests that the irresolvability of this problem indicates a limit in philosophy itself. It requires a political intervention in order to solve the problem, not a philosophical one. In other words, it necessitates Marx rather than Hegel. As he puts it, "Marx introduces the true primacy of practice into philosophy, the primacy of the autonomy of political practice. There is no political thinking which could still refer with a sovereign gesture to the invariance of the political and suspend the conditioning of philosophy by (the singularity) of politics. Hegel's greatness consists in having marked this conditioning in the name 'rabble.'" Ruda 2011, p. 179.

34 Hegel 1991, p. 266.

link the rabble to the site of universality within civil society. Žižek claims, “Hegel makes an error (measured by his own standards): he does not venture the obvious thesis that, as such, the rabble should immediately stand for the universality of society. As excluded, lacking recognition of its particular position, the rabble is the universal as such.”³⁵ The inability to see the rabble as the site of universality limits the revolutionary potential of the *Philosophy of Right*. But as Žižek goes on to argue, given how the Marxist projects of the 20th century turned out, perhaps Hegel’s refusal to take up the rabble as the figure of the universal is propitious. Even though the rabble is the site of universality, revolutionary change driven from within civil society has almost uniformly been catastrophic.

When he sets out to write the *Philosophy of Right*, Hegel clearly has no definite thought of writing a revolutionary treatise that would lead to the overcoming of capitalist society. As Rebecca Comay rightly says, “Hegel is not Marx. The rabble is not the proletariat, communism is not on the horizon, and revolution is not a solution.”³⁶ While creating a revolutionary text is not Hegel’s intent, it is the inadvertent result of his formal approach to theorizing the political structure of early capitalist society. By situating the state at the end of his work as the most concrete political form, Hegel envisions a radically different approach to thinking about capitalist society. Privileging the true infinite of the state over the bad infinity of capitalism is certainly not a call for revolution, but it does portend a fundamental reshaping of the structure of society that takes the state as its perspective.

The perspective of the state reveals the limitations of capitalism that capitalism itself cannot avow. It institutes a universality that reconciles itself with contradiction rather than impotently attempting to overcome it. The contradiction of this universality produces the singularity of the subject that cannot be reduced to capitalist particularism. Even if he didn’t mean to, Hegel shows that the logic of the state itself leads out of capitalism’s unacknowledged dead end. Through the seemingly innocent act of locating the state after civil society in the structure of the *Philosophy of Right*, Hegel launches a universalist critique of the mindless particularism that animates capitalist society. For Hegel, the state must have the last word on capital, and this word becomes a death knell.

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35 Žižek 2012, p. 433.

36 Comay 2011, p. 141.

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The Philosophy of Right/Hegel at 250¹

Jean Luc Nancy

Here we are at the 250th anniversary of the birth of Hegel, and Jean-Clet Martin has asked me to help celebrate or mark this anniversary. But how should we do so? Let me go straight to one of the most famous passages in Hegel, which you can find in the preface to the *Philosophy of Right*: the owl of Minerva takes flight at dusk/nightfall. We know what this means: philosophy takes place, it comes about or takes flight, as the immediate context of the preface tells us, when a form of life has reached its twilight years/its greying limit (*a vieillir*). And what philosophy does, then, is think the form of that limit, that greying: the way it does so—to stay in this same context—the way philosophy thinks this form is by putting its grey (zones) on the greying (of the world, of that form, that limit, that age/aging). This passage is familiar to us all, everybody knows it. But as Hegel says elsewhere, that which is *well* known, that which we think we know well, is precisely what we understand/know the least. The passage in question is indeed quite poorly known—it has certainly given rise to much discussion, commentary and exegesis. Yet I think that we need to understand it as saying, first and foremost, that philosophy indeed always takes flight in the aftermath of an age/an aging, after the ending of a form of life. Hegel says this elsewhere as well, about the history of philosophy. Elsewhere, he'll claim that first philosophy arises, precisely, in the wake of a disappearance—in the aftermath of the disappearance of a certain way/form of life which knows no philosophy [in which there is no philosophy] because it is the form of life of a world in which everything is structured and animated by what we call myths, mythologies. Now, in light of everything that the preface says about it, we need to think of what's at stake here as the gradual disappearance, the *greying*, if not the exhaustion, in a certain sense, of political thought; of political philosophy and of Prussian politics itself at the moment Hegel is writing [*la politique de la Prusse à ce moment là*].

Now, I don't want to get dragged into the history of all that [i.e., Prussian politics at the time of the *Philosophy of Right*], as it's not all that interesting. Rather, what I'd like to do is tarry with a question, one that is no doubt on your minds as well: if philosophy is just grey on grey, if it is just the greying light of dusk, what's the point of philosophy? What use is it to us? In certain sense, it's true that philosophy doesn't have a use-value, is of no use [*ne sert à rien*]. In any event, it cannot be used to pave the way or prepare [us] for another form [of life?]; it does not help us enter into new moments or eras of history. Hegel definitely says as much in the same preface: philosophers aren't here/come about to make

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1 Jean-Luc Nancy was a frequent contributor to *Crisis and Critique*. His unexpected passing saddened and continues to sadden us deeply. Not only did we establish a most amicable working relationship, his death also violently and shockingly broke off a number of ongoing projects, one of which manifests in the subsequent paper. This text is a transcription of a talk that Jean-Luc Nancy gave on Hegel's *Philosophy of Right*. Nancy's promise to expand and rework this text further will remain unfulfilled.

anything advance /to move anything forward, but neither are they here to do little more than impassively observe things, to slather another layer of grey on the grey. How should we put it, rather: in each instance, each real philosopher arrives—philosophy takes place—as a certain form of life is coming to an end because they are able to think/philosophize what is happening at that moment by returning the event to thought, to *true* thought: to thought concerned with truth. What that means, for instance, is that in the *Philosophy of Right*, Hegel is writing about society, rights, and the state as he really understands them as the truth of the State. That's not at all to say that he thinks that *this* is what is fading away, or that this is what we ought to understand when he talks about the 'Prussian State'. Certain readers of Hegel often manage to make this monumental error when they read Hegel, seeing in him little more than an intellectual today for the power of the State in the world he found himself in.

No, what Hegel is trying to understand and account for is the underlying *truth* of the State. Consider, for instance, the opening sentence of that same text, in the section on the state, and which affirms that the State is the "moral idea in action," even though the word "moral" is completely inadequate [*très mauvais*] in this case because the idea in question is that of *Sittlichkeit*, if you will, the idea of a moral [schema]. But he doesn't at all say that the Prussian State of his day and time which realizes that idea of the State which the text is describing—he simply says that *this* is the truth of the state (i.e., the moral idea enacted) that we can appreciate it in one form or another. At the very end of the *Philosophy of Right*, Hegel goes on to evoke the figure of a monarch: a prince, the reign of an individual predicated on the principle of the 'one and only,' the one of a non-contingency who *naturally* must represent—though 'represent' is not quite the right word—, who must *incarnate*, rather, the State because the latter has to be rooted in a physical body, a person. And that physical person—whatever their particular qualities might be—incarnates a certain idea of the State, gives it a form of presence, if you will, (re)presents its majesty. *But*, Hegel goes on to note, *only philosophy is in a position to give the measure of that majesty*.

In this respect, we could say that what's at stake in philosophy is something more than the adding of grey to the gloomy grey light of nightfall. Philosophy is that which goes or *is* somewhere else, out of the bounds of discourse, thought being as though beyond language, beyond the logic of the proposition, which demands a linking of subjects to predicates; philosophy is, rather, a thought of co-existence, a thinking of subject and predicate in an unity that simultaneously keeps wholly and singularly intact the duality of both. This is what philosophy *knows*, allows us to grasp [*C'est cela que la philosophie sait*]. We could think of this as something like a moment of ex-stasis in Hegel's thought, an ecstatic moment which is of course always situated at the limit of whatever it is that philosophy allows us to say/put into words. What philosophy can

say is, of course, limited to the sayable, to what can be said and spelled out, written and pronounced, and *this*, Hegel says, is what we can call 'the grey'. So, from this postulate, let us come back and look anew at this colour, this grey, this *lack* of colour.

Is this grey the greying of things as they expire, as they reach an end? The end of a form of life? Of an era, *une fin d'époque*? Is this grey both the grey of a civilisation ending, fading away, as well as the faint greying of print in the pages of a book? Does this grey have a meaning [*une signification*], or not? Of course it does – what this grey signals/ signifies is extremely important, as it happens.

In Hegel's *Encyclopedia*, grey is the initial form taken on by the mixing [*la conjonction*] of light with shadow—a simple enough combination, if you will, but one that is not, and this should interest us, a *dialectical* one. That is to say, in the grey there are not two entities conjoined in a third which, at the same time, allows them to remain distinct in and of themselves, to subsist in their specificity [*subsister pour elles-mêmes*]. By grey, we might initially understand a kind of discoloration, a fading of distinctive colouring, even if, as we well know, grey is also a colour in its own right, one in which we can detect and appreciate all manner of varieties and nuances. But that's another question—Hegel, in any case, doesn't *seem* too interested in thinking (through) the different nuances of grey one might encounter. Consequently, grey signifies [a] lack of colour. And lack of colour is something we will indeed run into in Hegel's *Aesthetics*: we find it throughout the introduction, as the characteristic mark or tint of the present—that same present which he will *not* qualify as aging or greying in the introduction to the *Aesthetics*—as well as of the time of abstraction, of reflection, and thus indeed, of philosophy. Abstraction and reflection need to be taken in this context however, as a manner or mode of observing, of thinking, the world and thus of reducing the world to a universal that is more or less monochromatic, more or less *grey* (although Hegel doesn't use the term at this point in the introduction).

So what role, then, is being played by this discoloration² in the introduction to the *Aesthetics*? This fading of a present that is also a time in which we seem to know everything, in which everything comes back or down to a certain knowledge formation or discourse [*ce présent comme un temps où en effet on sait tout, où tout se rapporte à du savoir*] but in which, at the same time, we seem to be losing something that has to do with (a form of) life: liveliness, an aliveness [*quelque chose de la vie: du vif, du vivant*]. This is why Hegel goes on to claim in the same text that our age, our time, no longer lends itself to the practice of art [*n'est pas propre à la pratique de l'art*]. And here we have stumbled upon a second error when it comes to reading Hegel, a second kind of misreading that we encounter

.....
² *déploration? décoloration?* The audio here is difficult to discern – ELM/RSC.

far too frequently [in scholarship on his thought]: namely, that misreading which consists in thinking that he claims in the *Aesthetics* that art is finished, that art has come to an end, is no longer possible. He doesn't say anything of the sort. [*On pense que Hegel a dit que l'art est fini—pas du tout!*] Yes, admittedly, he says that we've arrived at a period in history in which our relation to truth requires or demands something other than artistic representation. But at the same time—of course we can always say that the question is a complex one, that the knot is a difficult one to cut given how sinuously it weaves in and out of several sites and layers in Hegel's thought—but at the same time, artistic *presentation*, that is to say, sensuous presentation [*la présentation sensible*], is a form/mode of presentation which, for Hegel is *absolutely necessary*. We can go even further: artistic presentation *qua* sensuous presentation is what makes/constitutes colour [*Elle est, justement, ce qui fait la couleur*]: recall that, in the *Encyclopedia*, Hegel states that color is exactly akin to what he calls the concept. [...]³ Colour is the concept, but, again, concept needs to be grasped as the copresence of two entities which do not disappear in a third, but which form an unity while remaining distinctly dual [*qui forme une unité tout en restant une dualité*]. What we're talking about is Hegelian thought at its most fundamental level: which is to say, a dialectical thought, a thought of relations/relationality [*au fond, c'est la pensée viscérale de Hegel: c'est la dialectique et les liens*]. To take yet another well-known example, think of the Hegelian notion of Spirit—far from recoiling in horror when faced with death, Spirit stares it in the face, enters into it even. Life and death, together; life as death [*la vie e[s]t la mort*], that's the concept, that's the idea—or however we want to call it—for Hegel.

And so, far from claiming that “art is over,” or “we no longer need art,” from start to finish in the introduction to the *Aesthetics* Hegel *deploras* the fact that we find ourselves in an age which is no longer compatible with artistic creation, which no longer lends itself to Art [*qui n'est plus propice à produire de l'art*]. Now, time doesn't permit us to comment at much longer length on this question, but if you're interested in pursuing it further, I refer you here to Jean-Pierre Lefebvre's excellent [*French*] translation [*of Hegel's Aesthetics*], and especially to pages 17-18, though a bit further on in the same translation you'll find similar passages on what Hegel considers the possibility, or impossibility, of art and or artists 'today'.

So this [next] point is *extremely* important [*Donc, là, c'est extrêmement important*]. The important thing is that Hegel represents, I think, the first, truly the first, philosopher (not merely in modern history but indeed in all of the history of philosophy, with exceptions made for certain Stoics, Cynics and perhaps a few Epicureans who also felt as though they we're living in/through a time of loss, of disappearance, of

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3 A single word is inaudible after “le concept”. It sounds like the French noun “lubie” (a caprice), but is perhaps *Begriff*?

fading [*de déperdition*), Hegel is, in any event, the first philosopher of modernity/amongst the moderns to tarry with [a] loss [*le premier en tous cas parmi les modernes qui pense une perte*]. What's at stake in the introduction to the *Aesthetics* is the loss of something. Something has been lost. Hegel grapples with a loss—a loss that takes place, discretely, gently, in the grey and greying of things [*une perte doucement dans la grisaille*], in the greyness of reflection/reflective thought alone, of abstraction. And how striking is it to note that, if today we find ourselves in the throes of a kind of profound unease (*mal-être*) vis-à-vis our civilisation, this is so precisely because we are no longer able to find in that civilization the possibility of appealing, as Hegel does, to a sensuous presentation of truth or meaning. Every problem we encounter today in art—but not solely with art, the same holds for the politics—stems obviously from this dilemma.

How far we seem to have strayed from the Hegelian idea of the State! Now, you might be tempted to exclaim, “Ah, but that's a *good* thing; Hegel's State is totally idealist!” Nothing could be further from the truth. Nothing. If you look closely at what Hegel says, the idea of the State, *as well as* the idea of Art, is above all the idea of something that is *not* an idea [*c'est l'idée—c'est l'idée d'abord de quelque chose qui n'est pas une idée*]. It's the idea of a *reality*: a material [*sensible*], effective reality, present in/to experience. And so I believe Hegel may have been the first to grasp what, a century after his death, Husserl will call the crisis of European philosophy, and sciences, in general. Just as Heidegger will do, in his way, in the aftermath of Husserl (*dans le prolongement de Husserl*), or, in a very different manner, Wittgenstein and, in an even more different manner, Freud: each of these figures were thinkers not only of crisis, but of a sort of loss. Loss of self, loss of (a kind of) civilization. Each were thinkers, in other words, of the end of a form of life. Thus if Hegel insists on telling us anything, I believe it is above all the following: where we find ourselves is in the twilight, in the fading light, of a form of life. Now, this doesn't mean that another, different, form of life cannot or will not arise to replace it, but simply that we cannot say anything about what might be to come; neither philosophy nor any other discourse for that matter can predict what comes next. To the degree possible, then, our task is to remain within/remain rooted in the thought [the way of thinking] which, indeed, produces relation to the possibility of sense, relation as the possibility of meaning. A thought that makes possible, in other words, the sensuous presentation of truth, our relation to truth, or even our relation to the sensuous, the material itself, to go back to the question of colour that we raised a moment ago [*Mais nous avons, autant que nous le pouvons, à rester dans la pensée...de ce qui fait justement que c'est par rapport à la possibilité du sens.*⁴ *C'est-à-dire, de la présentation sensible*

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4 A slight parataxis here in French makes the line of thought especially sinuous.

de la vérité, de notre rapport, ou de notre rapport au sensible lui-même si on repense aux couleurs]. Everything is here, in the maintaining of and insistence on the necessity of meaning [*du sens*]. *Not* in the demand for meaning, not in the appeal by which we cry out, “Tell us what it means, give us more of a sense of meaning” [*Donnez-nous plus de sens!*] ... We know full well what sense/meaning is. We know full well what Hegel—I wouldn’t say “teaches us” but, rather—communicates, hands off to us: what he hands over to us is the sensuous intensity of sense, the liveliness of meaning itself [*ce sens très vif du sens*].

Transcribed and translated by Emily Laurent-Monaghan,
with Robert St.Clair

The Rabble and Its Constitution

**Emmanuel
Nakamura**

Abstract: Nowadays we are looking with increasing concern at the phenomenon of the new populism. The aim of my article is to find in Hegel's consideration of the rabble elements for a characterization of the new populism. According to Hegel, the creation of the rabble is the result of the antagonistic dynamics of a liberalized market economy. The transition of civil society into the state lean on the precarious basis of political disposition, which emerges from the particular welfare legally recognized by the double mediation of the political between social institutions and political representation. But the rabble is not organized in the particular circles of the institutions of civil society, which has negative consequences for the rule of law.

Keywords: Hegel; Philosophy of Right; rabble; populism; political representation; social institution; social rights.

Hegel, the social question and the emergence of the rabble

For Hegel, the founding principle of modernity is the “right of *subjective freedom*”.¹ Individual freedom is based on the separation between civil society and state. In the civil society, the individual is free to seek to satisfy his own needs and interests. Although the particular and communitarian elements present themselves in two separate spheres – civil society and the state –, it is possible to affirm that in the civil society the communitarian element is also present in three forms: (1) the principle of subjective freedom – which emerged *historically* through Christianity;² (2) the right of particularity – as an “universally valid” character, in the sense that the pursuit of rights guides the “mode of conduct” of seeking a particular satisfaction;³ and (3) the actualization of a selfish end – conditioned by a social-community space where market relations are developed.⁴ –Therefore, in Hegel's US-American reception

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1 GW 14,1, § 124 A. I'm quoting Hegel's and Marx's writings from their critical editions, respectively with the abbreviation *GW* and *MEGA*, with the indication of the volume, page or paragraph and eventually the abbreviation *A* for Annotation (*Anmerkung*). For Hegel's *Elements of the Philosophy of Right*, I use the translation of H. B. Nisbet (Cambridge: Cambridge University of Press, 2012). Other quotations are my own translations.

2 GW 20, § 482 A.

3 GW 14,1, § 258 A. “The fact that the habits of the right serve the realization of self-conscious and social freedom implies a particular challenge for their formation and it creates another source of their ongoing reshaping: The subjects of these habits, as self-conscious subjects, can distance themselves from these habits in critical reflection and possibly also form reflexive mechanisms – institutions of their critique, modification and regulation.” (Khurana 2017, p. 496)

4 GW 14,1, § 183. “The modern economy is one of the forms in which this subjective freedom finds expression.” (Herzog 2013, p. 60) Schmidt am Busch (2011, p. 195) characterizes the market economy as a kind of institutionalization of the recognition of personal respect. Although markets are not “norm-free systems,” it seems for me inappropriate – as Zurn (2016, p. 301) has considered – to define

the definition of *social freedom* was created in a sense that individual freedoms can only be achieved socially, i.e. through participation in social institutions.⁵

Hegel characterizes the market dynamics as a “system of needs” mediated by work.⁶ In the market system, each individual gives out his commodity, the result of his own work, with the aim of acquiring another commodity and, with that, to satisfy his own need.⁷ Each individual, by alienating the product of his work and seeking to satisfy his “*subjective selfishness*” through exchange, contributes to the satisfaction of the needs of other individuals. The satisfaction of a particular need is mediated by a communitarian element: It is the result of “dependence and reciprocity of work and the satisfaction of needs”.⁸ If, on the one hand, the social division of labor allows the differentiation and multiplication of needs and means of work, on the other hand it makes the work of the individual increasingly simple and mechanical, “so that the human being is eventually able to step aside and let a *machine* take his place.”⁹ Work is the universal means to acquire a part of the social wealth, but the social organization of production itself subtracts from individuals the natural means of acquiring social wealth.¹⁰

This contradiction shows that the market dynamics offers both the mere “possibility” of participation in social wealth¹¹ and the risk of reducing individuals to poverty.¹² On the one hand, a liberalized market universalizes the “association of human beings” and increases the “*accumulation of wealth*”, but, on the other hand, it also increases “the

them solely by the “moral criteria of social cooperation.” Although the common interest presents itself as the result of individual actions, it is not the motive that moves individuals: “The general interest is precisely the generality of the self-seeking interest.” (MEGA II,1.1, p. 168) As the social space of expression of subjective freedom and recognition of personal respect, the modern market is guided primarily by the norm principle of subjective particularity.

5 “[...] this conception of freedom is particularly difficult to grasp, in part because it is both a freedom that individuals achieve through certain ways of participating in their social institutions and a freedom that can be predicated of those institutions themselves, insofar as they are rational.” (Neuhouser 2000, p. 5–6.)

6 GW 14,1, § 188.

7 GW 14,1, § 192.

8 GW 14,1, § 199. “Markets thus take over a task of coordination which could never be accomplished by an individual human being or a government, as ‘no human wisdom or knowledge could ever be sufficient’ for it. Individuals only need to make judgments about their local situation [...]”. (Herzog 2013, p. 32)

9 GW 14,1, § 198.

10 GW 14,1, § 241.

11 GW 14,1, § 230.

12 GW 14,1, § 241.

isolation and the limitation of particular work”, as well as “the dependence and want of the class which is tied to such work”.¹³ This “large mass of people” – when it falls “below the level of a certain standard of living”¹⁴ – becomes unable “to feel and to enjoy the wider freedoms, and particularly the spiritual advantages, of civil society.”¹⁵ The “rabble” (*Pöbel*) is characterized by the loss of “feeling of right, integrity and honor which comes from supporting itself by one’s own activity and work”.¹⁶

The double mediation of the political

The division of labor creates “*particular systems* of needs” with their own forms of life and social institutions.¹⁷ The member of a social institution develops a “*selfish* end” that “expresses itself at the same time as a universal end”. (1) “*Selfish*” because it concerns the defense of interests and a particular form of life of the social institution of which the individual is a member. (2) “*Universal*” because the interest collectively formed inside the social institutions is “wholly *concrete*”, and has no wider scope than the end inherent in the trade which is the social institution’s proper business and interest.¹⁸ By giving a formative and socially shared character to the individual practice, the social institution elevates it to a “conscious activity for a common end”, providing another basis for action beyond mere contingent individual opinion or static preferences observed by economists.¹⁹

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13 GW 14,1, § 243. “Accumulation of wealth at one pole is, therefore, at the same time accumulation of misery, agony of toil, slavery, ignorance, brutality, mental degradation, at the opposite pole, i.e., on the side of the class that produces its own product in the form of capital.” (MEGA II,9: p. 559)

14 GW 14,1, § 244.

15 GW 14,1, § 243.

16 GW 14,1, § 244. “[...] once men are reduced in this way materially and spiritually they lose their sense of self-respect and their identification with the whole community, they cease really to be integrated into it and become a ‘rabble’ (*Pöbel*).” (Taylor 2006, p. 436)

17 GW 14,1, § 201. According to Jaeggi (2018, p. 40 and p. 16), forms of life grasp “attitudes and habitualized modes of conduct with a *normative character* that concern the *collective conduct of life*”. Although they are “neither strictly codified nor institutionally binding”, they are “always politically instituted from the outset and depend on public institutions.”

18 GW 14,1, § 251. “For instituted subjects, institutions are quasi things that furnish the world in which they move: they are there, seemingly eternal, apparent because presupposed by the everyday behaviors for which they provide a horizon of meaning [...]”. (Kervégan 2018, p. 338)

19 GW 14,1, § 254. “Only by adopting institutionally bound behaviour can the identity of actors be established, even in terms of self-identification. Moreover, it is recognition that establishes the social ontology of identity.” (Herrmann-Pillath; Boldyrev 2014, p. 101) According to Herzog (2015, p. 155), Hegel makes the individual preferences and identities, formed within social institutions, the “explicit object of theorizing”, and this is “a very different process of how general patterns of behaviour are brought into the market than the ones observed by economists. It does not arise as a consequence of how people’s static preferences interact, but concerns the formation of these very preferences”.

A civil society divided into social institutions possesses an antidote against the emergence of the rabble.²⁰ This occurs because social institutions reorganize the ethical body of the civil society, creating the following positive dynamics: (1) by conditioning a moral behavior, created by the free interaction of its members, the social institution limits the exercise of market power;²¹ (2) it institutionalizes particular forms of social identity and recognition, e.g. the recognition of a professional activity;²² (3) because each social institution forms a collective with definitely purposes, civil society is organized and anchored according to collectively formed particular interests; (4) the social institution promotes a “structure of distributed cognition”;²³ (5) the connection with a particular form of life, in which the members of the social institution meet and recognize each other mutually as equals, leads to a stabilization of consumer behavior;²⁴ (6) in social institutions a “principle of sociability and solidarity” is concretely developed by presenting themselves as an “antidote to the atomised individualism of a competitive commercial society” and counteracting the “external-negative results of purely private economic activities”;²⁵ (7) every social institution is thus a “moral self-governing body in civil society.”²⁶

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20 “In short, Hegel saw corporations inside his system of ethical life structured in such a way that people are protected from becoming rabble, commoners, or a mob which Hegel termed *Pöbel*.” (Klikauer 2016, p. 21)

21 “[...] *social freedom* means the completion of individual freedom in the context of particular communities which provide the institutional and material conditions to express personal and moral freedom”. (Herrmann-Pillath; Boldyrev 2014, p. 157) At this point, it seems to me superfluous to fall back on Adam Smith’s idea of an impartial spectator and inner judge in order to build a bridge between abstract morality and ethical convictions, as if Hegel could only manage this “by positing the formation of ethics or ethical habits as a transformational process in which external expectations of behavior become relatively stable automatisms.” (Honneth 2018, p. 209)

22 “What is recognized in these social roles is the ability to contribute something useful to the social whole, but also the particular abilities of individuals; the recognition also comprises, in a sense, their decision to chose this kind of profession, and hence their free will.” (Herzog 2013, p. 78)

23 Herrmann-Pillath; Boldyrev 2014, p. 165. A civil society that is not organized in social institutions – i.e. that is “split up into individual atomic units” (cf. GW 14,1, § 308) – is exposed to problems such as populism. It is no accident that this one is treated as a “cognitive problem”: “Its supporters are supposed to be people who demand ‘simple solutions’ because they do not understand the necessarily complex solutions that are so indefatigably and successfully delivered by the tried and tested forces of internationalism”. (Streeck 2017, p. 392) The polarization between “ordinary people” and an “economically powerful”, “culturally arrogant” cosmopolitan elite, thematized by Streeck, considers only a superficial aspect of the problem. Because it is not enough – like the “new protectionists” (or populists) want – to return politics to the “ordinary people.” Rather, individuals must once again be able to form their own particular interests in independent social institutions.

24 GW 14,1, § 253 A. “One function of Hegel’s corporation is to stabilize the consumption behavior of its members. In Hegel’s view, the fulfillment of this function is important, among other things, because it opens up the possibility that the members of a corporation meet and recognize each other as equals in a consumptive sense as well.” (Schmidt am Busch 2011, p. 226)

25 Klikauer 2016, p. 141.

26 Klikauer 2016, p. 141.

Civil society and state are *only* “inwardly united” – i.e. through the political disposition in favor of the constitutional state – *if* “particular welfare is present as a right and is actualized”.²⁷ The autonomy of particular spheres is guaranteed through the political representation: it is only through the separation between the independent development of social interests and the formation of the common political interest that modern states can allow “the principle of subjectivity to attain fulfilment in the *self-sufficient extreme* of personal particularity”.²⁸ Hegel supports a delegation elected in assemblies of social institutions – i.e. not through the universal suffrage. His justification is that civil society elects its deputies “as *what it is*”, i.e. as “articulated” into its social institutions.²⁹ The idea of the concrete state is thus presented as a “*whole, articulated into its particular circles*.”³⁰ The double mediation of the political between social institutions and political representation structures a public sphere through which the rule of law presents itself as an “institutional framework for non-violent public discourse among different groups in society.”³¹

The formation of populist will

If a state has in the social institutions of civil society the guarantee of the “developed and actualized rationality” “in the realm of *particularity*”, its government policy must also be supported on the firm foundation of the rights of particular welfare.³² The collectively formed particular interests of social institutions, as well as the rights of particularity already realized, make up the starting point both for the debate on the formation of the general political will at the legislative and for the formation of a government policy. The problem arises when civil society is not articulated through social institutions. Both the institutions of sovereignty, which act “upon it from above”, and the particular rights of social institutions, “which act upon it from below”, prevent the government “from adopting the isolated position of an aristocracy and

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27 GW 14,1, § 255.

28 GW 14,1, § 260. This separation is in a sense compatible with current conceptions of democracy: “Democracy also requires a robust cultivation of society as the place where we experience a linked fate across our differences and separateness. Situated conceptually and practically between state and personal life, the social is where citizens of vastly unequal backgrounds and resources are potentially brought together and thought together.” (Brown 2019, p. 27)

29 GW 14,1, § 308.

30 GW 14,1, § 308 A.

31 Herrmann-Pillath; Boldyrev 2014, p. 163.

32 GW 14,1, § 265 and § 289.

from using its education and skill as arbitrary means of domination.”³³ Here lies the risk of a technocratic government that turns economic administration into an instrument of domination.³⁴ Thus, economic interests can receive an immediate political determination and lose their rational content of allowing themselves to be limited into the sphere of private law: “private law imposes itself on all legislation as well as on all governments.”³⁵

Hegel was criticized for having given only socioeconomic treatment to the rabble’s question.³⁶ He did this, however, having good reasons for doing so. His idea of ethical state presents the objective conditions for the realization of the modern principle of subjective freedom: a constitution based on the rights of particular freedoms, actualized through the double mediation of the political between social institutions and political representation. The rabble, thus, is no longer the rabble if it is organized in social institutions and able to formulate its own particular interests. A directly political inclusion of the rabble, without this mediation, would mean “to take the negative as a starting-point and to make malevolence and distrust of malevolence the primary factor”.³⁷ If for Hegel this “outlook of the rabble” was outside the executive power – since it could only “assume ill will, or less good will, on the part of the government”³⁸ –, it acquires a purely destructive character that turns against the institutions of sovereignty and civil society when it becomes the basis for a government policy. This negative viewpoint can only find itself again in the “abstract determination of membership of the state” – i.e. if the rabble is able “to implant in the organism of the state

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33 GW 14,1, § 297.

34 “Ordoliberal states cannot embrace citizen participation or democratic power sharing; rather, they are shaped by ‘a clear and unassailable expression of political will’ grounded in technical expertise.” (Brown 2019, p. 81)

35 Dardot; Laval 2016, p. 53. According to Hegel, the reasonable content of the principle of freedom of property consists in limiting itself to the sphere of abstract right: “A new system of civil freedom thus entered the feudal system, a principle that contained reasonable freedom according to its content, indeed freedom that has a limited sense, freedom of property, of skill and of what is produced by it, but in this sphere its content is reasonable. In the other system, the feudal system, dependence is general and accidental, if the content is reasonable and justified. In this system [feudal system – EN], everything became private property, even that which, by its nature, should not be, and which, once it becomes so, is against morality or against the right of the state”. (GW 27,1, p. 439)

36 “While I have tried to show that a genuinely economic problem becomes a political one, the philosopher himself [Hegel – EN] does not seem to share this reasoning: The danger of the rabble, of which he warns at length in the section on bourgeois society, is banished by the philosopher.” (Schilbach 2018, p. 193)

37 GW 14,1, § 272 A.

38 GW 14,1, § 301 A.

a *democratic element devoid of rational form*".³⁹ Without the mediation of social and political institutions, the formation of political will is based on criteria that come from the sphere of abstract right.⁴⁰ These can be either (1) economic interests (neoliberalism) and family values (neoliberalism and populism) or just (2) individual contingent opinion or the outlook of the rabble (populism).⁴¹ In this new political situation, particular demands must be then reduced to the abstract determination of membership of a national state.⁴² As a result, social rights can no longer present themselves as the rational result of the legal recognition of demands from social institutions of the dispossessed class. From now on, they receive the abstract determination of a national state: I am a member of a national state; therefore, I have certain social rights.⁴³ This has an explosive effect on a globalized market economy.

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39 See GW 14,1, § 308 A. These words might point to a democratic deficit of the Hegelian idea of the state. According to Habermas (1990, p. 199), for example, Hegel disqualifies the public opinion as a guarantor of agreement between the political reason of the public and parliamentary discussion. My interest, however, is not to return to this debate. Rather, I want to reinterpret this passage to suggest that democracies need a civil society that is articulated in independent social institutions. This revised interpretation of Hegel's Philosophy of Right can be critically employed against that *Zeitgeist* in which democratic values are paradoxically used to dismantle democratic institutions: "This is the central paradox, perhaps even the central ruse, of neoliberal governance: the neoliberal revolution takes place in the name of freedom – free markets, free countries, free men – but tears up freedom's grounding in sovereignty for states and subjects alike." (Brown 2015, p. 108)

40 "That is to say, the nature of the situation in an elective monarchy whereby the particular will is made the ultimate source of decisions means that the constitution becomes an electoral contract [*Wahlkapitulation*], i.e. a surrender of the power of the state at the discretion of the particular [*partikularen*] will; as a result, the particular [*besonderen*] powers of the state are turned into private property, the sovereignty of the state is weakened and lost, and the state is dissolved from within and destroyed from without." (GW 14,1, § 281 A.)

41 "[...] because of the de-collectivization of the welfare state and the dismantling of its reserves of solidarity, the individual is increasingly becoming individualized in a negative way." (Nachtwey 2017, p. 324) The de-collectivization of the welfare state makes economic calculation and family values the new sources of political will: Neoliberalism and Neoconservatism "seize upon the necessity of family responsibility as the ideal source of economic security and an effective counterforce to the demoralizing powers of the welfare state." (Cooper 2017, p. 73)

42 According to populist thought, the free differentiation of the particular interests of civil society should be reduced to a chain of equivalences of empty signifiers that remain related to a collective identity: "The construction of a chain of equivalences out of a dispersion of fragmented demands, and their unification around popular positions operating as empty signifiers, is not totalitarian but the very condition for the construction of a collective will [...]" (Laclau 2005, p. 166)

43 "Migration becomes a political problem where the welfare state is generous and accessible." (Manow 2019, p. 19) The only way to argue against this current political situation is to insist on the importance of the social sphere: "The social is where we are more than private individuals or families, more than economic producers, consumers, or investors, and more than mere members of the nation." (Brown 2019, p. 27–8) On the reasonable content of the idea of social law, see Nakamura (2018, p. 83–102).

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Hegel's Project of Comprehending Social Life

Frederick Neuhouser

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 Neuhauser 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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Volume 8
Issue 2

Changing the World of Spirit in Hegel's Philosophy of Right

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Abstract: In this essay I place my interrogation at the intersection between Hegel's methodological discussion in the *Philosophy of Right*, the issue of the immanent change of social and political life forms in moments of historical crisis, and the concept of the "world" which I take to be the grounding concept of Hegel's political philosophy. My claim is that the position of immanence articulated by Hegel's 1821 work is a position or rather a dynamic *within the world of spirit*. It is a dynamic that is itself responsible for *producing and instituting the world of spirit*. It is within the world and as constitutive of the world that social and political change should be theoretically understood and practically promoted. In the conclusion of the essay, I turn to Gramsci to establish this claim.

Keywords: actuality, dialectic, rationality, world, Gramsci

The general framework of this essay is the need to reassess the type of philosophical theory of the social and political world that Hegel offers in his 1821 *Philosophy of Right*. This should be done by taking as guiding thread the dialectic-speculative method, which is integral both to the thematic object, namely, the social and political world, and to the philosophical presentation (*Darstellung*) of such an object. At stake is the specific model or type of philosophical reflection on politics, political institutions, and ethical and social life articulated by the dialectic-speculative method. In this light, it becomes clear that Hegel's *Rechtsphilosophie* offers what I call a "realism of the idea" of freedom and the state. Such theory is set up both against ideal theories of the political such as Plato's and Kant's, which disregard actuality and existence in the name of an allegedly loftier and higher ideal; and against historicist and positivist theories of jurisprudence such as Gustav Hugo's and more generally the historicist school, which end up absolutizing the *status quo* in the name of spurious (indeed ideological) historical justifications. I have defended this claim extensively in a first part of the larger study of which the present essay offers the concluding argument.

The issue of the type of political theory entailed in Hegel's 1821 book is directly connected with the question of the fruitfulness of the dialectic-speculative method for the understanding of our contemporary historical present. This is a present characterized by the ongoing, multifaceted global crisis unfolding under everybody's eyes. For, ultimately, this is "*das Bekannte*" from which any current reading of Hegel's *Philosophy of Right* unavoidably starts and in which it is unavoidably always implicated.¹

Presently, I shall focus on Hegel's account of the method of the *Philosophy of Right* in order to investigate the more specific issue of social and political *change* or the change that takes place in collective life forms.

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¹ See the famous pronouncement of the *Phenomenology of Spirit* (TW 3, 18).

This is an issue that one can easily assume must be ingrained in a theory such as Hegel's, namely, a theory that is, programmatically, developmental and mindful of the historical dimension of freedom's actuality or rather actualization in all its forms. But the question of social and political change is also at the forefront in our historical present. As much as change is, for us today, a historically unavoidable necessity, it is also the most vague of thoughts. In fact, all too often, rather than a thought it is an indistinct and unsettling subjective feeling accompanied by hope or, alternatively, fear; or it is a well-sounding political slogan indeterminate and full of promise and possible betrayal as all political slogans are. Conceptually, then—or, in Hegel's words, at the level of *das Erkannte* that should replace the initial *Bekanntes*²—the notion of social and political change calls for urgent philosophical attention. As Hegel strongly contends in the preface to the *Philosophy of Right*, emotions, subjective feelings and opinions as well as high sounding pronouncements have to be left behind when at stake is the objective world of a “publicly recognized truth” embodied in laws and institutions and collective customs.³ Such truth can be grasped only by leaving subjective opinions and feelings behind and by addressing the level of the concept. At stake is both the descriptive question of how and under which conditions social and political life forms *de facto change*; and the practical, pragmatic, and normative question of how and under which conditions institutional and social forms *can or must undergo change*. It should be noted from the outset that change is not always and not necessarily ‘for the better’ or is not always and not necessarily progressive. Indeed, it is the merit of Hegel's dialectic to alert us of the complexity of all transformation processes in which human freedom is involved. Change may imply falling back into less advanced manifestations of freedom (and un-freedom); change may be resisted and delayed or hampered; change may be illusory or may take place only at the surface, as it were (or, to put it with Hegel, only at the level of *Existenz* and not at the deeper structural level of *Wirklichkeit*), leaving the substance of life forms and institutions untouched. To make matters more complicated, illusory change may be the product of deceitful manipulation coming from those in position of power in order to maintain the *status quo*—we all know the highly dialectical Sicilian adage from *Il Gattopardo*, itself a manifesto for conservative movements of then and now, “*se vogliamo che tutto rimanga com'è bisogna che tutto cambi*.”⁴ Dialectically, change implies and is always confronted with the possibility of not-changing, i.e., ultimately, with the “positivity” always ingrained in spirit's objective forms. For, the speculative moment of rationality—*das Vernünftige*—is always animated (and indeed

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2TW 3, 18.

3TW 7, 13f..

4 “If we want that everything remain the same, everything must change.”

propelled forward) by its tension with the negative, intellectual moment—*das Verständige*—that aims at the absolutization of the *status quo*, at rejecting and resisting the transition or the change proper of speculative rationality.⁵ However, as I will argue in this essay, the crucial point consists in understanding that spirit's objective world is a *stratified, multi-track process*. It is the connection—indeed, the *ordo et connectio* as an old metaphysical formulation has it—of multiple processes moving at different speeds and crossing each other in their trajectory at different times. This is uneven, stratified, and contradictory movement is the overall movement of freedom's actualization. This is the claim I begin to establish in this essay. I offer this complexity in contrast to the way Hegel's political philosophy and his view of history is all-too-often portrayed. Freedom, I contend, does *not* progress with a linear trajectory; does not have the inevitability of done-deal once a highest end is established. On the basis of the method, Hegel's exploration of spirit's objective world offers a different story.

More specifically, I am interested in the way in which the dialectic-speculative method mobilized in the *Philosophy of Right* and inherited from the Logic⁶ can help us in the understanding of social and political change *from within*, or from what I call the “position of immanence.” Since the method is the development of the *Sache selbst* and not an instrument imposed from the outside on a given and already concluded topic or object,⁷ the method is placed *within* the matter at hand; it is immanent within it and indicates a position or rather a dynamic occurring within it. As Hegel repeatedly states, the method is the “immanent principle” and the living “soul” of the *Sache selbst* and, as such, is opposed to a merely “external reflection” on the topic at hand.⁸ This implies that there is no distance between the matter and its *Darstellung*. The *Sache selbst* *is*—because it produces or is responsible for—its own *Darstellung*. It is at this juncture (or in the position of immanence) that the separation between theory and practice is overcome. The method that allows for the *comprehension* of the *Sache selbst* in its true conceptual and rational form is that which the matter at hand itself *does* when allowed performing according to its own logic (and not following an external viewpoint or external aims, motivations, and interests). *Darstellung is Selbst-Darstellung*. Thus, to understand change is to perform change. Ultimately, it is to accept or to take responsibility for change in ourselves—the change that is always already occurring.

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5 See Enz. §§79-82.

6 See for example TW 7, 12; R§2, Remark.

7 See Hegel's claims against the view of the method as *Werkzeug* in the introduction to the *Phenomenology*, TW 3, 68f.

8 TW 6, 557.

What happens, then, when the position of immanence (in which change is required but also, contradictorily, resisted) is the position within a global historical crisis? This is the predicament that Antonio Gramsci has famously called *interregnum*.⁹ What can the *Philosophy of Right* and its method offer to this question when at stake is the immanent development of the idea of freedom in social, political, juridical institutions; when at stake is the dialectical necessity of change as the condition and properly the reality of freedom itself? How can an inherently Protean, changing reality such as the reality of freedom be the object of philosophical thinking?

All this points to an ongoing open question—a question that in the most recent years I have found myself addressing time and again, yet necessarily never in a conclusive way since the crisis of our present has certainly continued to evolve changing the forms it presents itself but has never truly ended. Indeed, in trying to answer this question I have found myself doing precisely that which the problem at hand was asking, that is, addressing the crisis from the position of immanence, hence from a position that seems to uniquely defy the possibility of solving the problem it itself poses. In this essay, then, I place my interrogation at the intersection between Hegel's methodological discussion in the *Philosophy of Right*, the issue of the immanent change of social and political life forms in moments of historical crisis, and the concept of the "world" which I take to be the grounding concept of Hegel's political philosophy. My claim is that the position of immanence articulated by Hegel's 1821 work is a position or rather a dynamic *within the world of spirit*. It is a dynamic that is itself responsible for *producing and instituting the world of spirit*. It is within the world and as constitutive of the world that social and political change should be theoretically understood and practically promoted.

I begin by summing up the conclusions I reached elsewhere with regard to Hegel's dialectic-speculative transformation of the traditional concept of the world, which occupies metaphysical cosmology and Kant's dialectic critique thereof.¹⁰ I have argued that Hegel's transformation places the concept of the world at the center of a new dialectical "political cosmology." In the second step of my argument, I examine the methodological discussion with which Hegel opens the *Philosophy of Right*. This discussion foregrounds the way in which change should be addressed in the social and political world reconstructed by Hegel's book. *Finally, with the help of Antonio Gramsci, I shall offer some brief reflections on the way in which Hegel's conception of freedom's actualization, that is, the making of spirit's objective world can help us address—or at least, philosophically understand—our current crisis.

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9 See my extensive development of this point in Nuzzo 2018a, Appendix.

10 Nuzzo 2020.

1. Hegel's Dialectic and the Concept of the World

Hegel's doctrine of objective spirit or his "science of right"¹¹ is a philosophical account of spirit's "world." Accordingly, the philosophy of right is the model of what I propose to call a practical or "political cosmology." In Hegel's dialectic-speculative philosophy, cosmology becomes a practical, worldly science: it becomes the account of the ways in which spirit immanently constructs, produces, and comes to know its own world. The totality of the world—or its cosmo-political idea, as it were—is not a (given and fixed or rationally construed) object but a process. *The world is a historical process.* Thereby, the *Philosophy of Right* should be seen, in addition, as offering Hegel's *Weltbegriff* of philosophy—that cosmopolitical concept that Kant formulates, uniquely, in the Doctrine of Method of the *Critique of Pure Reason*.¹² Henceforth, I shall limit my discussion to two Hegelian passages.

In defining the task and content of his "philosophy of right" Hegel argues that as a *philosophical* treatise on "*Staatswissenschaft*," it is the attempt at conceptually comprehending and presenting the state in its full actuality. *Begreifen* and *Darstellen* are the philosophical tasks at hand, which can be jointly executed precisely because and insofar as the state is considered "as an entity in itself rational (*als ein in sich Vernünftiges*)." Famously, the aim of the philosophy of right is neither to "construct a state how it ought to be," i.e., an ideal (or utopian) state, nor to "instruct" the (existing) state as to "how it ought to be."¹³ Thus, the "systematic development" of the philosophical science of right should by no means be expected to yield "a positive code of laws such as is required by an actual state."¹⁴ If a normative "ought" is entailed in the philosopher's work, it is rather the one contained in the question of how "the ethical universe (*das sittliche Universum*) ought to be cognized." Indeed, the "ethical universe" or the "world" is the touchstone for philosophy itself: "*Hic Rhodus, hic saltus*," says Hegel concisely referring to Aesop's fable.¹⁵ Herein (*hic*)—i.e., in the world or the universe in its ethical dimension—lies the test of philosophy's capacity of rational comprehension: not in the construction of an ideal; not in the instruction imparted to those in power or, directly

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11 R§2 (henceforth the *Philosophy of Right* is quoted as R followed by section number and/or Remark; the book is contained in TW 7 and this reference will be given when quoting the preface or Remarks that are too extensive to be designated simply as Remark).

12 See *Critique of Pure Reason*, B866f./A838f. For this see Hinske 2013 and Nuzzo 2020.

13 TW 7, 26.

14 R§3 Remark, TW 7, 35. On the other hand, to ascertain what it takes to produce positive laws, namely, to act as legislators is a matter distinct from the philosophical consideration: R§3 Remark (TW 7, 39).

15 TW 7, 26.

(and naively), to the world itself.¹⁶ Indeed, as suggested by the reference to Aesop, it is “here,” i.e., in the comprehension of the “ethical universe” that the relation that binds philosophy to the actual world—or the “universe” as such—is tested. In other words, the world is the test and criterion of philosophical truth. The task of philosophy is the conceptual comprehension of “what is,” i.e., of what is actual and present because, Hegel insists, “what is actual is reason.”¹⁷ Since the world is the totality of what is, it encompasses the order of rationality. Accordingly, philosophy and the world belong to the same order. This is a cosmo-logical order, as it were.

The world is actual—*wirklich*—as the “contemporary world (*gegenwärtige Welt*).” Accordingly, in Hegel’s famous formulation, “philosophy is its own time apprehended in thoughts.”¹⁸ Herein I want to emphasize the connection between philosophy and the “world” (over the connection between philosophy and time). The world is the totality in which philosophy is always and necessarily inscribed. There is no philosophizing without or outside of the world. Indeed, Hegel’s *Weltbegriff* of philosophy is at stake here: not so much the concept of the world produced by philosophical speculation (what Kant calls its *Schulbegriff*) but rather the world in which philosophy necessarily operates as the conceptual comprehension of its contents. Philosophy is *in its own world*, and is in the present time because the present is a constitutive feature of the world. Philosophy is, more precisely, an immanent dimension of that very world and time, namely, the dimension of rational (self-) comprehension of the world itself. The “contemporary world,” then, includes its own philosophical comprehension. Reason is the common basis that joins the world and its philosophical comprehension. The world is neither a construction of reason (is not a mere ideal lacking actuality) nor does it awaits instruction from reason as to what it “ought to be.”¹⁹ The world is the *actual* dimension of reason itself. To this extent, the world cannot be transcended just as the dimension of the present cannot be transcended. The world is the ultimate test of the powers of philosophical rationality: it entails the intimation to actually perform, here and now, that winning “leap” in Aesop’s fable. Ultimately, in requiring practice or, properly, actual performance as the only sign of truth, the world is the very proof of truth (no other promises, witnesses, and additional conditions are required). Again, “*Hic Rhodus, hic saltus.*” Properly, however, no “leaping” beyond the world, just as no leaping beyond one’s time is possible. Any such activity just as knowledge itself

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16TW 7, 27.

17TW 7, 26.

18TW 7, 26.

19TW 7, 27.

is possible only within the world and its presence or *Gegenwart*. The world, just as reason or the order of rationality, is the totality that cannot be transcended: only the position of immanence within it is warranted. Hence, this is how Hegel completes the thought elicited by Aesop's quote. "It is just as foolish to imagine that any philosophy can transcend its contemporary world as that an individual can overleap its own time, or leap over Rhodes."²⁰

And this is the interesting thought. In fact, that philosophy cannot transcend the actual world is less intuitively clear than the impossibility for the individual to overcome the time she lives in. Hasn't Plato (along with many, perhaps most philosophers) attempted precisely that, namely, to paint a world other than and alternative to the actual? Is this not a possibility (perhaps even a *desideratum*) of philosophical thinking particularly, perhaps, in its practical dimension: imagining worlds other (and indeed better) than the actual one? Why should philosophy be confined to the real world; why should it be placed under its condition and constraints?

Hegel denies philosophy the privilege of being free from the constraints of the actual world—a privilege Plato granted to it in contrast, most notably, with technical knowledge²¹—on the ground, first, that what is exercised in philosophy and in the activity of philosophizing is reason, not mere opinion or imagination or individual subjective belief and feeling; and on the ground, second, that unlike mere opinion, which is generally not rooted in the real (and not checked by it), reason is precisely that which animates actuality and makes the world *actual* and *present*. If a philosophical "theory does indeed transcend [its] own time, if it builds itself a world as it ought to be, then it certainly has an existence (*existiert sie wohl*), but only within his [i.e., the individual's] opinions—a pliant medium in which the imagination can construct anything it pleases."²² An imagined, merely private world—namely, the world made up by individual opinion and feeling—is properly not a "world," hence is not the actual and present world; it is not the shared and public ethical world and it is not the historical world. It is not the world inhabited by philosophy. It is a world that has properly no presence (*Gegenwart*) and no actuality (*Wirklichkeit*) and to this extent is not the topic of philosophical comprehension. Accordingly, the retreat into alleged private, alternative, merely possible individual (non-) "worlds" sanctions philosophy's renunciation to the actual and present world along with the renunciation to its own peculiar cognitive task. Ultimately, it signals that the commitment to rationality is being abandoned. Philosophy concerns, instead, how the world or more

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20TW 7, 26.

21 See, among all, Plato, *Republic*, X.

22TW 7, 26.

specifically “the ethical universe ought to be cognized.” And there is only one world, which is a necessarily public, collective world. Herein we have Hegel’s first lesson for our current age of globalized pandemic—indeed, for the crisis of our contemporary world.²³

Let me turn now to a second passage, relevant to the framing of Hegel’s concept of the world in the *Philosophy of Right*. In the *Encyclopedia*, in presenting the Positions of Thought Toward Objectivity that introduce the Logic, Hegel confronts the concepts of the world theorized by metaphysics and by what he considers Kant’s critical version of empiricism (first and second positions of thought). On Hegel’s view, the “positions of thought” do not merely designate historical theories. They are instead “always-present” fundamental attitudes of thinking toward objectivity. They indicate thinking in its *Weltbegriff*.²⁴ Accordingly, in these sections, Hegel brings to light his own *Weltbegriff* of philosophy. He does so by tackling the problem of how to dialectically and speculatively think of the “world” so as to overcome the shortcomings of both dogmatic metaphysics and Kant’s criticism while at the same time capitalizing on their respective gains. In sum, Hegel’s claim is that the “world” is not a given object of thought. It is neither an “object” (*Gegenstand*) nor an “already given” and fully constituted object.²⁵ The world is instead thinking itself in its objectivity—“*objektiver Gedanke*.”²⁶ The idea of “objective spirit,” topic of the *Philosophy of Right*, is the full systematic development and embodiment of this claim. Objective spirit is the world in its practical and poietic dimension. It is the world in the process of its spiritual (self-) constitution.

Furthermore, the world is not a *fixed* object that in its fixity can serve as an anchor for thinking in its activity. Metaphysics takes the world as a fixed point in which thinking can rest finding “*einem festen Halt*” on which to hang its static predicates.²⁷ Empirical thinking, on its part, finds in the immediate presence and givennes of the world the anchor (“*den festen Halt*”)²⁸ to which empirical cognition owes its certainty. On Hegel’s view instead far from being a fixed and concluded object (a metaphysical whole or an empirical given) the world is *one dynamically ongoing and interconnected process*. It is a process one with thinking’s own process of (self-) determination and (self-) apprehension. In its pure form, this

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²³ I have developed this point in Nuzzo 2020.

²⁴ Enz. §27 with regard to metaphysics. But my suggestion is that this is true for all the positions of thought examined in these introductory sections of the *Encyclopedia*.

²⁵ Enz. §30.

²⁶ Enz. §25.

²⁷ Enz. §31.

²⁸ Enz. §38.

process is staged by the Logic. In its concrete, specific determination in actuality, the world-process constitutes the world of nature (or *the world as nature*) and the world of spirit (or *the world as spirit*).

In *Encyclopedia* §6, harkening back to the passage of the preface to the *Philosophy of Right* commented above, Hegel contends that philosophy's "content (*Inhalt*)" is the "*Gehalt* that has originally been produced and reproduces itself in the sphere of the living spirit, a *content turned into a world (zur Welt [...] gemachte Gehalt)*." There is no other content. This "world" is then further determined as the "inner and outer world of consciousness " or, directly, as "actuality (*Wirklichkeit*)."²⁹ The world is an open-ended activity in progress—a living activity (the *Wirken* in *Wirklichkeit*)³⁰ of spiritual production and re-production and ultimately self-production of a content that is then shaped into the totality of the world. The world and philosophical thinking constitute aspects of the same process that is the production (*Hervorbringen*) of the world in its actuality—*Wirklichkeit*. Their distinction is only a distinction of "form." Consistently with the passage from the preface to the *Philosophy of Right*, Hegel insists that philosophy must be "in agreement (*Übereinstimmung*)" with both experience and actuality. Philosophical thinking cannot escape from the world and its experience: it cannot be about something else; it cannot produce something outside or beyond the world. Whatever ideal philosophy may be pursuing, it must be immanent within the world, must constitute the world in its actuality, and should be able to become conscious experience. In fact, philosophy's ideal is always within the world, even when philosophy denies it (as in Plato's case). Indeed, the agreement with the world—or actuality—should be taken as the "external test (*Prüfstein*)" of the truth of philosophy itself.³¹ As claimed in the *Philosophy of Right*, "*Hic Rhodus, hic saltus*."

2. Changing the World of Spirit—A Problem of Method

The *Philosophy of Right* offers the closest instantiation—or, properly, actualization—of the *Weltbegriff* of philosophy and is framed, accordingly, as the project of a "political cosmology" carried out on the basis of the dialectic-speculative method. We now have to see how the method is responsible for the type of political theory Hegel advances in contrast both to the idealizations that ultimately amount to a flight from the real world, and to the historicist positions that ultimately distort actuality offering an intellectual justification of contingent, merely historical

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29 Enz. §6—my emphasis.

30 See Nuzzo, 2018b.

31 Enz. §6.

political and juridical reality. The crucial point is that in the case of both these un-dialectical types of theories the necessary change that animates the making of spirit's objective world cannot be comprehended and is consequently blocked. On these views, spirit's world falls back into the static essentialist object of non-dialectical thinking proper of the understanding (proper, historically, to dogmatic metaphysics as well as to Kant's critical philosophy but also to previous social contract theories).

The world is the dialectical process whereby spirit's actuality is self-constituted through the movement of contradiction. Spirit's world is a complex dynamic system made of relatively independent yet interconnected processes—each moving at their own speed, each fulfilling different tasks and needs, each subject to a justification and a right of its own, yet all ultimately conjoined and interdependent within the totality that is the actual world. The task of the dialectic-speculative method is to bring to light the emergence of such dimensions in the totality of the world. Ultimately, this is the condition for the theoretical understanding and, at once, the practical implementation of change. Ontologically, however, the world is not just actuality. It is the dynamic system that embraces and articulates the differential relationship of *Wirklichkeit* and *Existenz*. Such relationship is more often than not an oppositional and contradictory strife. Epistemologically, on the other hand, spirit's objective world is the layered interconnection of *Begriff* and *Gestaltung*. We shall now see how Hegel argues for the relevance of these distinctions in the program of the *Philosophy of Right*.

2.1. Actuality and Existence; the Concept and its Material Figures

In the preface of the *Philosophy of Right*, Hegel argues that the claim of the rationality of actuality, hence reason's embeddedness in the actual world, is the ground of both common consciousness and the philosophical standpoint. Hegel contends that while "subjective consciousness" may regard the present with disdain, considering it "futile (*eitel*)" and presuming a superior knowledge beyond it, consciousness and that philosophical reflection can itself claim "actuality" hence relevance only in the dimension of the present world. Placed outside of the world (in their disdain for it, in an alleged superior "beyond"), they are instead positions condemned to irrelevance and indeed utter futility. In its undeniable material presence and actuality the world necessarily entails the refutation of all stances claiming to lead outside of it. The world implies its *Weltanschauung* and is, ultimately, the judge of the validity and relevance of the views (indeed, of the ideologies) subjectively articulated within it. Truly, there is no way to avoid the judgment of the world—the *Weltgericht*, as it were. Hegel's position, then, is that philosophy deals

with actuality *but also* with the “idea” because the idea is what is “actual” in the highest sense.³² Hegel’s realism is a *realism of the idea*. To be rooted in the actual world through the idea is necessary if philosophy in general—and a philosophy of right in particular—wants to avoid the illusion of false truths, the absolutization of one-sided subjective standpoints, and the dismissal of the rationality that lies at the core of the actual. This is the case because the present world, as spirit’s ongoing changing process, is not ontologically homogeneous.

Herein we meet the epistemological task of the philosophical consideration of spirit’s world. “What matters,” Hegel argues, “is to recognize in the semblance (*Scheine*) of the temporal and transient the substance which is immanent and the eternal which is present.” Since *Wirklichkeit*, which as the actualization of the rational “is synonym with the idea” manifests itself by entering into “external existence,” actuality is not homogeneous but is a composite process. In entering into external existence, the rational “emerges in an infinite wealth of forms, appearances, and figures, and surrounds its core with a brightly colored covering in which consciousness at first resides, but which only the concept can penetrate in order to find the inner pulse, and detect its continued beat even within the external figures.”³³ The sphere of “right” is such a composite process in which the rational core of actuality is enveloped by a multiform layer of appearances. Consciousness inhabits the outer layers of appearance and existence and either rejects them in an ideal projection beyond reality or dwells satisfied in them often taking them as an “absolute” not to be transcended—the *Bekannte* of the *Phenomenology* or what Gramsci calls the “natural absolutism of the present.”³⁴ The philosophical insight, by contrast, is tasked with connecting external existence with its rational core, with recognizing the necessity for rationality to manifest itself as a manifold of outer appearances, but also, most importantly, is able to hold fast to the rational core of actuality without being lost in “the infinite material” of external existence, in its various relations and organizations. This discrimination is, for Hegel, the chief problem of the dialectic-speculative method as method of the philosophical science of right.

While it may seem indeed self-explanatory that philosophy is (or should be) concerned with reason and rationality, in the fact that rationality is actualized by entering the manifold forms of external existence and its organization, lies an important source of philosophical deception, a possible obstacle to the attainment of truth—hence to the understanding of the social-political world and to any transformative

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32TW 7, 25.

33TW 7, 25.

34 Gramsci 1975, Quaderno 14, 1727. See Nuzzo 2018a, Appendix for a discussion of this passage.

action within it.³⁵ It is indeed the trap that external existence sets to the political philosopher—the trap in which Plato and Fichte, to take Hegel's examples, have fallen: the former by making recommendations to nurses as to how to put children to sleep, the latter by getting lost in the details of passport regulations for suspect people.³⁶ In other words, it is not in holding fast to the manifold contingent details of historical existence and pretending to make recommendations in this regard that philosophy shows its practical concern with actuality—both descriptively and normatively. Philosophy's task is, instead, to bring to light the ways in which the outer appearances of institutions, customs, and ways of life are connected to and reveal the inner rational core that is freedom in its complex and multi-faceted actualization-process. The assessment of the degree in which material, historically determined institutional structures do express and embody or, alternatively, do not express and embody the actuality of freedom is the condition for all social, political, historical change.

Hegel's claim is that when at stake is *political* actuality or the actuality of the state, at issue in the philosophical consideration can only be the "idea" of the state or the "state as an inherently rational entity," not the state in its contingent, historical forms of existence.³⁷ While the idea is certainly bound to manifest itself in a manifold of external and historical appearances it is not such existence that constitutes the topic of political philosophy. It is on this point that Hegel's dialectical approach to political actuality diverges methodologically from historicist positions. It is not, however, immediately clear how philosophy should thread the balance between the recognition of the rational core proper of the "state" (in its idea) and the recognition of the fact that the external forms of existence in which such idea enters, while still being valued as the appearance of such idea should not themselves be the ultimate reality to which philosophy appeals. On the other hand, as much as historical existence does not constitute the topic of the philosophical account of right, it cannot be ignored and should not be discarded. *How*, then, is historical existence integrated in the consideration of the rationality of the political world? This is the crucial issue that Hegel addresses in the opening section of the *Philosophy of Right*.

Consistently with what we have heretofore seen, Hegel maintains that "the *philosophical science of right* has the *idea of right*" as its object. Now, however, on the basis of the Logic as the first sphere of the philosophical system,³⁸ he spells out the double dimension or the double track that belongs to that "idea" in its development. The

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35 This latter crucial point is rarely stressed by the interpreters.

36 TW 7, 25.

37 TW 7, 26.

38 See R§2 and the end of the Remark (TW 7, 32).

idea of right implies both the “*concept of right*” and its “*actualization*” or *Verwirklichung*. Hegel insists that the dialectic-speculative concept (hence not the non-dialectical, fixed “determination of the understanding”) involves actuality insofar as “it gives actuality to itself.”³⁹ *Wirklichkeit* is self-produced reality. It denotes the way in which the “concept of right” makes itself integral part of the real world or affirms itself *in* the world and ultimately as the totality that is spirit’s own world. To this extent, “actualization” already implies the activity of freedom (as self-production). This specification becomes the criterion that discriminates between actuality and merely contingent external existence. Indeed, “everything other than this actuality posited through the concept itself, is impermanent existence, external contingency, opinion, inessential appearance, un-truth, deception, etc.”⁴⁰ And yet, external appearance, to the extent that it is appearance *of the concept*, cannot be utterly discarded. It is, instead, to be recognized and valued as the peculiar *Gestaltung* of the concept, i.e., as the way in which the concept enters existence and *gives itself* determinate shape and material figure. The objective world is the self-production of spirit *both* in its pure rationality as actuality *and* in its *Gestaltung*. The process of material “figuration” is essential to the movement of freedom’s actualization. Thus, Hegel explains, “the *figuration* that the concept gives to itself in its actualization is the other, essential moment of the idea, essential to the cognition of the *concept* and distinct from its *form* of being only as concept.”⁴¹ In this way, Hegel destabilizes the dualistic, un-dialectical opposition between what is essential and necessary and what is inessential and merely contingent, what is true and what is un-true, and reconfigures their interaction as the composite, multi-track process in which by giving itself actuality the concept enters a process of material figuration. *Verwirklichung* and *Gestaltung* go hand in hand but are not identical. They are both necessary processes; they are both self-produced by spirit in its core rationality (the concept); yet the latter engages the concept in external existence under conditions that are particular, contingent, material, and historical. As “figures,” these conditions are reclaimed by the concept precisely in their contingency, particularity, and materiality. Herein Hegel underscores the chief difference between the logical consideration of the world and its ethical-social-political apprehension—its *Erkenntnis*, as it were. In this latter case, the movement of *Gestaltung* is unavoidable and indispensable to a philosophical science of right. The question, then, clearly concerns the nature of that

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39 R§1.

40 R§1 Remark; see Nuzzo 2005.

41 R§1 Remark.

Gestaltung.⁴² “Figuration” and the concept’s “figures” are distinct from the pure “form” of “being only as concept” but as self-production of the concept they are connected to it in a living and essential way that is not proper to merely contingent existence (such as, in Hegel’s example, passport regulations and nurses’ behavior). Figures are historical and material, and are crystallized, epistemologically, in individual and collective representations, in language, habits and customs. Now these latter are themselves integral part of the social and political world; they are constitutive, indeed “essential”⁴³ to the movement of freedom’s worldly actualization and, epistemologically, to its cognition.

In outlining the “method” of the dialectic-speculative science of right in contrast with the method proper to the “positive science of right,” which is based on arbitrary and fixed definitions, Hegel underlines the two-step process that satisfies the conditions presented in the opening section of the work, i.e., the composite nature of the social-political world in its dynamic self-constitution. A philosophical account of the sphere of right needs to address both the “form” pertaining to the “nature of the concept” and the necessity of the “content.” The manifold figurations that the concept of right undergoes in its actualization process belong precisely to this latter, content-based insight. Thus, Hegel’s claim is that the first step in the philosophical cognition is to grasp “the *necessity*” of a determinate concept as it is embodied in the social-political world: herein “the process (*Gang*) by which it has become a *result* is its proof and deduction (*Deduktion*).”⁴⁴ The necessity of the concept is the necessity of its arising as a *result* out of given systematic and systemic conditions within the dynamic movement of freedom’s actualization. Now, since the “content is for itself necessary [as established by the first step, A.N.], the second step consists in ascertaining what corresponds to it in our representations and language.” If the task of philosophy is to bring to light the “truth” of the political world, such truth does not lie in actuality only. At issue, furthermore, is to ascertain the correspondence (or lack thereof) between the truth of actuality (or rationality) and that of its manifold material figurations. At issue, more precisely, is to detect the figures that actually and necessarily embody (or correspond to) the concept among the manifold figurations and external forms of existence that constitute the concrete material reality of the world at a certain historical moment. Indeed, Hegel underscores that the conceptual truth of the world and its figurative representation (and truth) are practically distinct from each other and, properly, “*must* also be distinct from each other in their form

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42 I cannot address this issue here but I have done so extensively in Nuzzo 2018a, chapter 3.

43 R§1 Remark.

44 R§2 Remark.

and figure.”⁴⁵ They are distinct and yet they belong to the same *ordo et connectio* that is the totality of the world.

Two points need to be underlined in this general account of the method of the philosophical science of right. First, with regard to the *formal* or *conceptual* side of the account of spirit’s world, at issue is first and foremost its nature as *process*. The “necessity” of the concept, hence its actuality is, fundamentally, the “result” of a *systematic* process—not, as we shall see, of a *historical* process. To recognize this amounts to providing the “proof” and properly the “deduction” of the concept itself.⁴⁶ Second, with regard to the *content* taken up in the philosophical cognition, i.e., the content manifest in the different figurations that the concept gives itself in the actual world, the task is to connect the core rationality of the concept to the concrete figures crystallized in our “representations and language.” Hegel frames this step as an issue of “correspondence,” hence truth. Given, however, that the process of the concept’s actualization and that of its figurations in representations and language—but also in specific and historically determined habits, customs, and institutions—are relatively independent and develop at a different pace than the concept’s actualization, what the philosophical insight encounters are lacks of correspondence as much as actual correspondences. Such predicament fundamentally complicates the method of the philosophy of right. Representations, in and of themselves, do not have any truth and are not the focus of the philosophical consideration. And yet, they cannot be simply discarded as untrue *vis à vis* the concept (as ideal theories may instead want to do). In fact, Hegel points out that when the representation is “not false according to the content, the concept may well be shown as contained in it and present in essence within it.” Methodologically, in this case, “the representation is raised to the form of the concept.”⁴⁷ This amounts to a fundamental expansion of the realm of philosophical cognition (especially if compared to the Logic). In assessing the present state of the world, then, philosophy must take into account the stratified and differential composition of its processes. It cannot declare the legitimacy of certain aspects of actuality—institutions, customs, ways of life—*only* on the ground of their rationality but must instead bring to light the process of their genetic institution on the one hand, and show how their rationality is or, alternatively, is not embodied, reflected, and enacted in and by individual and collective representations and language. This is crucial when at stake is the issue of detecting, justifying, and producing change in the social and political world.

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45 R§2 Remark (my emphasis).

46 And recall that, in a general Kantian way, “deduction” is the proof of the “objective reality” of a concept.

47 R§2 Remark.

In his methodological reflections on the historian's craft, Marc Bloch addresses the same complication or divergence and asynchronicity between the conceptual and the figurative development of spirit's world to which Hegel draws attention in the opening sections of his 1821 book. This time, however, at stake is *historical* understanding. Thereby the historical dimension is added to the account of the world's development. "To the great despair of historians," laments Bloch, "men fail to change their language every time they change their customs."⁴⁸ Thus, freedom in its "idea" actualizes itself in different spheres assuming a progression of figures. These, in turn, take root and are reflected in human language in a manifold of ways at different historical junctures. The three levels—conceptual, figurative, historical—do not necessarily advance at the same pace. Oftentimes actuality is a step ahead of our language, which still clings to customary words and representations even though the meaning has changed—the ambiguity to which Bloch alerts us. At other times, however, language and customs are swifter to catch up and to reflect freedom's stage of development than the objective institutional structures of the collective world, which instead may still lag behind. The itinerary of the *Philosophy of Right* offers an insight into how the conceptual and the figurative processes systematically intertwine in freedom's realization. The historical dimension of the social and political world, however, is relevant as well even though, methodologically, Hegel points to crucial differences separating the "philosophical" from the "positive" account of right proper of the historical school.

Before turning to Hegel's discussion of this latter issue, however, I want to pause for a moment and bring the lesson of Hegel's methodological position to bear on our contemporary world and, in particular, on the changing reality of a world that has reached an undeniable point of crisis. I want to highlight, as a negative example, some aspects of the current discussion around the issue of racism in the context of today's American society.⁴⁹ We see all around us pervasive and multifaceted manifestations of racism embodied and enacted in individual as well as social habits, behaviors, and language but also rooted and differently expressed in social, political, economic institutions and laws. The latter is generally referred to as "systemic" racism. Needless to say, in addition, racism in all its manifestations has a longstanding history that is deeply intertwined with the history of all those individual and collective behaviors and social and political institutions. Recognition of the different factual ways in which racism is pervasive throughout the social world is difficult; even more difficult is to detect its implications the conceptual and structural level;

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48 M. Bloch 1984, 34.

49 Given the focus of my present argument I can only do so in a simplified and abbreviated way.

embracing such recognition is often already a first step in the direction of acknowledging the need to change the rules of the game—but it is also only a first step in a long process ahead; blindness to such recognition—be it unconscious or willful—is all too often a political strategy in itself.

Following the methodological framework proposed by Hegel for a *philosophical* consideration of the social and political world, one could argue that all those manifestations should be brought back to the particular *figures* assumed by racism as itself a general “figure” of the “concept” of un-freedom in the development of American society. In this framework, it is relevant, first, to bring to light and to consciousness what are, materially, the representations and figures that correspond to the concept of un-freedom in language, customs, institutions; and it is relevant, second, to stress that the phenomena connected to the figure of racism are precisely *forms of un-freedom* (and not of something else as, for example, social or economic discontent) and should be addressed and combated as such.

There is a first obvious sense in which racism can be detected at the superficial level of mere contingent appearances as it is articulated in language in the violence of explicitly racist slurs. In a more public sphere, one can draw attention to monuments that have overtly racist themes or that address explicitly racist figures. To stop short at this level, however, and to simply advocate different speech practices (“politically correct” ones, as it were) or advocate the removal of statues claiming that racism is limited to these explicit manifestations does not do much to address the broader reality of un-freedom that racism properly embodies. Additional recognition is required of the many covert, implicit, and indirect (and unconscious) forms in which racism is well alive and active in individual and collective interactions. But, on a higher level, recognition is required of the ways in which racism is embedded in objective institutions such as the market and the work place, the university and the educational system more broadly, and, at an even higher level, is enshrined in the law and the judicial system, reaching up deep into the cornerstone of American democracy that is the US Constitution and the Constitution of many states. Indeed, both the language and the institutions of racisms are at the center of the “racial contract,” as Charles Mills has famously put it.⁵⁰

In laying out the conditions for the comprehensive recognition of the manifold reality and figurations assumed by racism as the expression of the concept of un-freedom in American society, the philosophical perspective may not come up with directly practical solutions. It offers, however, a necessary and irreplaceable perspective that allows the reality of racism to be addressed in all its complexity as a problem that concerns the social-political *world in its entirety*—not a circumscribed part of it

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50 Mills 1997.

that may be isolated and possibly disregarded. In this perspective, for example, it becomes possible to understand why what white people often impugn as “reverse discrimination” (i.e., the alleged “discrimination” against whites construed in parallel with that of Black people) is an illusory notion that stands for no substantial reality—a false and disingenuous representation that does not correspond to the complex reality of racism that is deeply or systemically, as it were, ingrained in the objective institutions that practice discrimination. At the level of our language, the reality of this asymmetry is the root of the semantic narrowing of the term “discrimination,” which, in its truth, applies univocally to the exclusion of black and brown minorities.

2.2. Philosophical and Historical Accounts of the World of Right

In R§3 Hegel addresses the meaning of right’s “positivity” and the place that the historical consideration has in the philosophical science of right. Quite generally, positivity is, first, the material embeddedness of the concept within concrete forms of existence. But positivity is, second, the anachronistic permanence and persistence of old institutional forms that have not kept pace with the development of freedom.⁵¹ While in the first sense there is a systematic place for the positivity of all social and political structures, i.e., positivity belongs to the living process of freedom’s actualization,⁵² in the latter sense positivity is a “dead,” undialectical hence un-changing predicament for spirit—the sign that rationality and its forms of existence have not kept pace and are at odds with—even opposed to—each other.

Explaining the systematic conditions under which right is “positive” in the former sense, Hegel maintains that it is “positive,” first, with regard to the “form” insofar as “it has validity within a state.” The concept of right has no actuality hence no normativity when isolated in a vacuum—its reality is the ethical-political world sanctioned by the authority of the state. Now the legal authority of a *particular* state is also the guiding principle of the “*positive* science of right.” Herein lies, on Hegel’s view, a first fundamental difference between “*positive*” jurisprudence and the “*philosophical*” science of right. For, the latter takes its lead not from the authority of a particular state but from the rationality of the *idea* of right, even though it acknowledges that right as such is actual only insofar as

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51 This is a sense that Hegel has been investigating since early on in his philosophical career; see in particular, the work on the “positivity” of the Christian religion, *Die Positivität der Christlichen Religion*, 1795/96, in TW 1, 104-190.

52 The systematic place where “right *must* become positive” is “as law” within civil society (R§§211-214—my emphasis).

it is enacted (hence is positive) within a given state. On this point, Hegel appeals to Montesquieu,⁵³ underlining the necessity to consider all the determinations of right within one totality—the totality, that is, of spirit's objective world.

Right is positive, second, with regard to the “content” insofar as such content is determined and specified according to “the particular national character of a people, the stage of historical development,” and the determinations imposed by “natural necessity” (among them, geography, climate, natural resources, and the like).⁵⁴ Again, while recognizing this positive side as constitutive of the world of right, the philosophical insight does not take it as its direct (or exclusive) object, starting point, or ground of justification. In this regard, by considering “the emergence and development in time of the determinations of right” as valid in their own right, the “purely historical task” is fundamentally different from the “philosophical consideration” of the same subject matter. At stake herein is the crucial difference between the “development from historical grounds (*Entwicklung aus historischen Gründe*)” and the “development from the concept (*Entwicklung aus dem Begriff*).”⁵⁵ In fact, to confuse the two is dangerous (and disingenuous at best) when at issue is the justification—and the “truth”—of present social, political, juridical structures and orders. Problematic, Hegel contends, in this case is the extension of historical explanation and justification “to include a justification that is valid *in and of itself*,” i.e., absolutely or disregarding the historical conditions from which that explanation has started. This is the process of absolutization to which Gramsci draws attention as he unmasks it in the figure of the “absolutism of the present.” But it is also the argument underlying Nietzsche's critique of “monumental history” in its tendency to produce the “thing in itself” of a monument ultimately and contradictorily detached from the history that has produced it.⁵⁶ The historical analysis that conveniently leaves out the contingent historical conditions that have yielded a certain result (to which the result is “relative”) is taken as producing an “absolute”⁵⁷ which is then justified in its own right. Such a result is a determination of right, a custom or an institution that is claimed to be valid as such or “in and of itself,” and is by consequence fundamentally unalterable. Thus, “a determination of right may be shown to be entirely *grounded in and consistent with* the prevailing *circumstances* and *existing* legal

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53 R§3 Remark (TW 7, 35).

54 R§3. The third respect in which right is positive concerns the “final determinations” needed in order to take a “decision” in actuality.

55 R§3 Remark (TW 7, 35).

56 See Gramsci 1975, Quaderno 14, 1727; Nietzsche 1874, §2.

57 R§3 Remark (TW 7, 36f.).

institutions” by the historical explanation; and “yet it may be contrary to right (*unrechtlich*) and irrational (*unvernünftig*) in and for itself.”⁵⁸ The consideration “in and for itself” characterizes the perspective of the concept and its development, which is not an absolutist perspective but the most contextual one since it places the structures of right in the interconnected totality that is spirit’s world in its rationality. When such perspective is reclaimed instead by the historical explanation, the necessity of the historical result is transformed into the justification of the existence of determinations that may very well be utterly irrational according to the concept, i.e., in the systematic framework of freedom’s realization. This is the case, in Hegel’s discussion, of many determination of Roman civil law, which follow consistently from such institutions as Roman paternal authority and matrimony but display no rationality in and of themselves. Herein Hegel’s point is broader because it is *methodological*. Even if given determinations of right are rational and “*rechtlich*” in themselves, “it is one thing to demonstrate their actuality, which can truly happen only through the concept; and another to present their historical emergence (*das Geschichtliche ihres Hervortreten*) along with the circumstances, eventualities, needs, and incidents that led to their introduction.”⁵⁹ While the former demonstrative aim implies proof of the correspondence between the given institution and the idea of freedom at a certain stage of its actualization (which makes the *Wirklichkeit* of that institution); the latter, historical task can by no means be the ground of rational justification for any structure and institution in spirit’s world. This kind of flawed and spurious justification advanced by the historical explanation confuses the “origin in external conditions” with the “origin in the concept,” and replaces the “*Natur der Sache*,” i.e., the substantial or conceptual nature of the matter at hand with merely “external appearance.” The point is that those institutions (in Hegel’s example, medieval monasteries) whose existence is justified historically, owe their existence only to the specific historical conditions that have produced them and in relation to which they fulfill a determinate end (relative to them, they are indeed “*zweckmässig und notwendig*”).⁶⁰ However, once those contingent conditions change or no longer apply, the existence of those institutions becomes obsolete or “positive” (in Hegel’s second sense). Having lost their living validity and the reason for their existence, they no longer express spirit’s freedom and ought to be overcome and replaced. Change at the level of outer existence, however, does not correspond automatically to change at the structural or indeed rational level. Historical and conceptual development, in other words, do not

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58 R§3 Remark (TW 7, 36).

59 R§3 Remark (TW 7, 36).

60 R§3 Remark (TW 7, 37).

coincide (although they may, in certain cases, intersect); just as historical and philosophical explanation and justification must always be kept separate, for “they belong to different spheres.”⁶¹ Failure to respect this condition produces dangerous deceptions and risky ideologies.

As a case in point, Hegel examines at some length the discussion between the jurist Sextus Caecilius and the philosopher Favorinus on the matter of justifying the Twelve Tables, and, in particular, the “abominable law” that under specified conditions gave the creditor the right to kill the debtor, sell him into slavery, or even dismember him and sell off parts of his body to different creditors (a law, Hegel interjects, that would have certainly pleased Shakespeare’s Shylock). Thereby Hegel offer a clear example of “the eternally deceptive method of the understanding and its mode of ratiocination, namely, providing a *good reason for a bad thing* (*für eine schlechte Sache einen guten Grund anzugeben*) and believing that the latter has thereby been justified.”⁶² The “good reason” Caecilius puts forward in favor of that abominable law is that “it provided an additional guarantee of good faith,” and that, in addition, it was never intended to be enforced. This, Hegel points out, is in itself a contradiction.

Where does this discussion—and the crucial methodological point Hegel makes in carefully separating positive jurisprudence and historical explanation from the philosophical science of right—leave us in the end? At stake is the understanding of the *rationality* of social and political structures, i.e., the understanding of the way in which certain political institutions that are historically determined yet do have the trans-historical validity that makes them “figures” of the concept of right (such as democratic citizenship, universities, markets) correspond to and positively promote the development of freedom. Those institutions owe their actuality and thereby the reason of their existence to that correspondence—not to contingent historical conditions. The positivist argument impossibly reverses this relation as it takes contingent existence to be the ground of an alleged “absolute” unchanging reality. This is the flawed argument exposed by the *philosophical* account of right. On Hegel’s view, to justify the existence of social and political institutions on the basis of their rationality is the opposite than to impugn spurious historical genealogies in order to make the *status quo* into an unchanging absolute. But the merit of Hegel’s discussion is also to expose bad political and ideological arguments aiming at changing existing—and fully rational—structures in the name of apparently “good causes” (which, in fact, replace the rational ground that justifies them). We see this happening in political discourse all the time. I need only mention one recent case such as the need to restrict voting

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61 R§3 Remark (TW 7, 37). It is at this point that Hegel attacks Gustav Hugo, who is guilty precisely of confusing these levels of development, explanation, and justification.

62 R§3 Remark (TW 7, 39).

rights (*schlechte Sache*) in order to curb voter fraud (*guter Grund*)—the argument used so often in the US in order to disenfranchise Black voters (especially in the South).⁶³

3. Changing the World—a Note from Gramsci

Addressing the problem of changing or “innovating” the present world—a variant of the broader debate on “reform” *versus* “revolution”⁶⁴—Gramsci opposes his “*filosofia della prassi*” both to the “romantic concept of the innovator” who blindly destroys everything that exists with no conception of what will come afterwards; and to the “enlightened,” scheming notion that produces the same negative result on the ground that since everything that exists is a “trap” of those in power against the others, all existence ought to be overturned.⁶⁵ Ultimately, both these cases amount to the same utterly destructive and “negative action” that Hegel labels the “*Furie des Verschwindens*” in his 1807 phenomenological discussion of the Terror of the French Revolution.⁶⁶ In contrast with such simplistic positions, the framework that Gramsci advocates in order to address the problem of change in the political world is the idea of a differential, stratified, multi-track development of the “rationality” that animates such a world. This development and the “truth” that accompanies (and justifies the existence of) its forms are pluralistic in their both geographical and temporal differentiation. But they are pluralistic also structurally, i.e., at the deeper level of the “rationality” that constitutes them. The understanding of the complex nature proper to the process of social and political change is crucial in order for “dialectic materialism” and the “philosophy of praxis” to set the longstanding, yet skewed debate that pitches reform against revolution on the right track. For, Gramsci clarifies, at stake herein is truly the difference between “what is ‘arbitrary’ and what is ‘necessary’; what is ‘individual’ and what is ‘social’ of collective.”⁶⁷

Gramsci maintains that it is true that whatever has existed—or has been actual, in Hegel’s sense—has had its reason for existing. Such reason was the “rationality” of the actual, namely, its capacity to “facilitate” and further life and the historical development as such. It is also true that those same life forms and structures and institutions once rational may have changed, and from having had the function of

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⁶³To which should be added that “curbing voter fraud” is a good ground but only a theoretical one because, in actuality, no voter fraud has been detected in recent elections.

⁶⁴ Gramsci, 1975, Quaderno 8, 1068.

⁶⁵ Gramsci, 1975, Quaderno 14, 1726.

⁶⁶TW 3, 436.

⁶⁷ Gramsci, 1975, Quaderno 8, 1068.

enhancing progress, life, and freedom have then turned to be hindrances and obstacles to that same progress, life, and freedom. This is, as we have seen, what Hegel calls the “positivity” of life forms, their historical obsolescence. At this point, however, Gramsci makes an important remark. The claim that rational social, political, economic structures have become “positive” “is true” according to historical materialism, *“but it is not true ‘across the board’ (‘su tutta l’area’).”*⁶⁸ If we broaden our perspective, as we should, to encompass the interconnected totality that is the “world” beyond the regional, partial, and utterly contingent position we occupy within it, we should recognize that the claim whereby the rationality of particular forms of life is demoted to positivity “is true where it is true, that is, is true in the case of the highest forms of life, in those that mark the apex of progress.” If, however, the world of spirit is a dynamic process, then we must distinguish the apex of the process from what immediately follows it and from what lags behind. This stratification is inherent (and indeed necessary) to the structure of the world-process as such. Thus, Gramsci explains, “life does not develop homogeneously; it develops instead by partial steps forward, arrow-like, it develops by ‘pyramidal’ growth, so to speak.” Accordingly, the understanding of current collective life forms must model itself according to such stratified, “pyramidal growth.” It follows, Gramsci contends, that for each “life form one must study the history, hence grasp its original ‘rationality’; and then, once this rationality is recognized, the question must be asked whether for each single case this rationality is still actual, since the conditions from which rationality was dependent still apply” or, negatively, no longer apply. We see that Gramsci endorses a model that comes quite close to Hegel’s methodological stance discussed above. In particular, it should be underlined the importance of recognizing the constitutive role that history plays in the development of rationality but also the fact that the contingency and particularity of historical conditions are *not* the ground of the theoretical and practical justification of life forms. The ground, instead, is their rationality insofar as it translates into enduring or trans-historical material actuality. On the other hand, it is also relevant for Gramsci to acknowledge that “rationality” is not an unchanging absolute but rather a historical, dialectical process. Such recognition may be less obvious than one would think given the stratified nature of the world-process. In fact, it may very well appear that within the limit of certain localities, conditions do not change or have not changed. This, however, does not imply that the overall interconnected process of rationality has not hit knots of obsolescence and positivity, hence ought to be updated.

It is on this latter point that I want to draw, conclusively, attention. In this way, I shall circle back to Hegel’s placement of the dialectical method

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68 Gramsci, 1975, Quaderno 14, 1727 (my emphasis).

within the “position of immanence,” i.e., at the juncture of theory and practice, in the place where the world of spirit immanently produces itself. But I shall also come back to our historical present of global crisis and to the lesson that we can draw from both Hegel and Gramsci. On Gramsci account, the “present” is a sort of “blind spot” within the movement of rationality—or at least it is for common consciousness. Given, however, that Hegel places the method’s immanence within the present as its non-transcendable Rhodes, the apparent paradox ensues that it is precisely this blind spot in the process that constitutes the methodological core of awareness or the engine that drives the process on.

Gramsci observes that “the fact that goes often unnoticed is this: that life forms appear to those who live in them and according to them as absolute, as ‘natural’ as we say; and it is already a momentous thing to show their ‘historicity’, to prove that those ways of life are justified to the extent that there are certain conditions but once these conditions change those life forms are no longer justified but ‘irrational’.”⁶⁹ It is “natural” and naïve to make the present into an unchanging “absolute” to which one clings fanatically defending it from change. To be sure, this position is as detrimental to the growth of social and political life as the negative (what Gramsci calls “romantic” and “enlightened”) tendency to destroy all existent in the name of change for its own sake. The natural absolutism of the present is a consequence of the naïve position of immanence: “forms of life” appear “absolute” to whoever is immersed in them because and as long as she is immersed in them. This position is characterized by the utter immediacy that constitutes its apparent naturalness. Herein immanence means also to occupy an isolationist, individualistic blind spot—a place in which no other ways of life can be actually seen or even imagined or thought of besides one’s own. In this position, the world is no longer a world, i.e., it is not the public and collective sphere; it is, rather an isolated and self-isolating individualistic “bubble.” For this reason, the present way of life counts as the only absolute one—the only actual and possible way of life. It is this immediacy and naturalness that is shaken in situations of historical crisis giving visibility to possible or actual alternatives—to cultural clashes and conflicts—in reality as well as in thinking.

Gramsci points to a first “momentous” way out of the absolutism of the present, namely, the act of recognizing the “historicity” of the forms of life otherwise declared absolute. For, these forms “are justified because there exist certain conditions,” which are always and necessarily historical, changing conditions. It is to these conditions that the present ways of life owe their justification, their validity, and even normativity over the subjects that practice them and endorse them so fully and unconditionally as to see no alternative to them. On these changing conditions hinges the have seen are attitudes that negate

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69 Gramsci, 1975, Quaderno 14, 1727.

change and resist the advancement, ultimately amount to embracing an a-historical position—the a-historicity of an essentialist static universal, of alleged essences and original foundations removed from change and impenetrable to critique. The absolutism of the present responds to the same logic. It follows, however, that as those conditions change as they do soon or later change because of their historicity, the accepted justification for those present ways of life no longer holds. At this point, the absolute loses its validity and becomes “irrational”—or better, the attitude of holding on to its changelessness and of refusing to advance becomes irrational. This critique of absolutism and fundamentalism through the claim of history—or through the historical dynamism of the concept—is a position that Gramsci shares with Hegel. On Hegel’s view, Gramsci’s universal which has become “irrational” is the “dead positive” that no longer has a grip on people’s life and no longer is truly alive, actual, present—or rational, as it were. The absolutism of the present—of the universal represented by the current forms of life, social practices, and culture—meets its crisis in the moment of historical transition in which the conditions of its existence and justification change. The present form of life remains apparently the same, resisting change. Yet as its conditions are changing or have already changed, that way of life is emptied of meaning and validity from within, often hosting opposite and conflicting customs and practices. Crisis is the name of the discrepancy between the fixity of a form of life and the transformation of its conditions, i.e., the transformation of the context or the broader universal from which that form of life receives its meaning and its power. This is the moment in which the universal is no longer hegemonic. This is the situation that Gramsci has famously called *interregnum*.⁷⁰ I have to end these considerations here. But I shall conclude with a brief suggestion that brings Hegel and Gramsci finally together.

In contrast to the natural absolutism of the present, is set the philosophical non-absolutistic position of immanence. This is upheld, as we have seen, by Hegel’s dialectical science of right and by Gramsci philosophy of praxis. In their light, then, here is the answer to the paradox of the position of immanence. The philosopher—or the standpoint of the philosophy of praxis—is in the *present world*. As she is *both* in the present *and* in the world, the worldly perspective effectively corrects and mediates the naïve tendency to make the present into an absolute. The totality of the world is only one—there is no possibility of “leaping” beyond it, as Hegel warns. But the world is the interconnected order—*ordo et connectio*—of a pluralistic process. It is the complex movement whereby rationality produces itself materially, ‘figuratively’, and historically in its actuality. Such process, as we have seen, advances with “pyramidal growth,” as it were. To be within the world, then, is to gain

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70 I have addressed this issue in Nuzzo 2018c.

awareness of the historical and pluralistic nature of the process but it is also to be able to grasp the points of interconnection—the transitions and the crises—that properly constitute the structure of the world.

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

Terry Pinkard

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.

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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.”

27The 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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Volume 8
Issue 2

**The Right and Wrongs
of the Universal –
Reading Notes on
Hegel's Philosophy
of Right**

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Schuhback**

Abstract: The present article presents a discussion about the relation between the right of the universal and the universality of rights departing from Hegel's *Philosophy of Right*. It tries to find in Hegel's thought a path to think the crisis of universality that pervades our contemporaneity. It outlines some lines of thought that may contribute to further reflections on Hegel's view on the tragic dialectic between the particular and the universal and to possible attempts to overcome it.

Keywords: truth, rational, right, philosophy, state

Hegel's *Philosophy of Right* [1821] is a "*Grundriß*", an outline, a sketch to a philosophy, and more precisely to a philosophy of right. It aims to present the fundamental lines, the *Grundlinien* to the task of giving a philosophical fundament to right, indeed, of accounting philosophically for the right of right. In the *Preface* not only, this outline is presented but a philosophy of the outline is also outlined. Currently outline means a line by which a figure is delineated, but in Hegel the prefix "out" is subtly emphasized when the outline is brought closer to the image of a thread being woven and interlaced, mythologically associated to Penelope's web. Thus, as Hegel's points expressively out, at stake in this work, which is a work of philosophy, is its ephemeral character, "ephemeral as Penelope's web, one which must be begun afresh every day"¹. Relating to Penelope, Hegel implicitly reminds us that in order to begin afresh every day, the woven must be unwoven every night. Insofar as philosophy puts together a work that is as ephemeral as a weaving that weaves by means of unweaving – Penelope's web – this work has the feature of an outline. Besides the idea of ephemeral work, defined as weaving through unweaving, the philosophical outline to a philosophy of right is also described as 'amplification', [*Ausdehnung*], an amplified compendium. If such a work can still be called a "compendium" or a "manual", it is because, as Hegel observes, it amplifies previous "remarks", originally intended to be a "brief compass to indicate ideas", a working material for the lectures that constitute the *Encyclopedia of the Philosophical Sciences* [1817]. This amplification aims to occasionally clarify "the more abstract parts of the text" and take "a more comprehensive look at current ideas widely disseminated at the present time"². Moreover, following closely the text of the *Preface*, what most distinguish the philosophical outline from an ordinary compendium is above all its method, which "constitutes its guiding principle" [*das Leitende*]. The presupposition "here", meaning "in this book", is that what defines the "philosophical" method of an outline

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1 Hegel 1970. From now on cited as Hegel 2008, p. 3.

2 Ibid.

is the mode of progression [*Fortschreiten*] from a matter to the other and the scientific path of demonstration, when “scientific” [*wissenschaftlich*], the means to demonstrate the speculative way of knowing in this progression. It is the speculative way of stepping [*schreiten*] forward and of demonstrating, in the speculative way of knowing that defines the philosophical way of knowing, that shows how philosophy is “essentially distinct from any other way of knowing”. Philosophy is the insight not merely into this difference but “into the necessity of such a difference”. Furthermore, as Hegel insists “here”, only the insight into this necessity of knowing differently from any other way of knowing “can rescue philosophy from the shameful decay [*schmählichen Verfall*] in which it is immersed at the present time”³. This philosophical outline exposes the way philosophy is an ephemeral work [a s the web of Penelope], how it clarifies the abstract content of the former text, how it expands and amplifies current ideas, and how it steps from a matter to another forward, demonstrating its scientific mode as the whole speculative way of knowing, from out an insight into the necessity of knowing differently from any other way of knowing is presented, since this is assumed to be the only way to rescue philosophy from its shameful decay. This philosophical outline exposes the proper of philosophy, its property, indeed how philosophy can be done in the right way – it delineates the right – in the different senses of the word, justice and correctness - of philosophy.

The Preface of the *Philosophy of Right* is an outline of the Right of philosophy. In the following essay, I intend to follow this outline, in times as ours that expand which was already very much at stake in Hegelian time: the wrongs of philosophy, its unright or injustice, its insufficiency and inadequacy. Philosophy sounds today, politically incorrect. Not only in the sense that Marx has tried to correct philosophical alienation, when denouncing its idealism⁴, but for what renders philosophy a distinct mode of knowing, namely its claim of universality. Along centuries and even for Marx critique, the revindication of universality has defined the philosophical attitude as distinct from other forms of knowing and as the remedy for unknowing and naivety, and in Modernity for philosophical decay. Each modern philosophy has presented a diagnosis of philosophical decay and a remedy, that either in terms of critique or of dialectics, is fundamentally based on the vindication of universal claims. The series of vindications written in Modernity, of the Rights of Man, of the Rights of Woman (Wollstonecraft)⁵, indeed, of the Rights, are vindications of the value of the universal. At stake today, in our today, is

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3 Ibid., pp.3-4.

4 See Calvez 1956; Calvez 1964.

5 Wollstonecraft 2008..

however more the condemnation of universality as source of the wrongs of the world. Today the right of universality does not equal the universality of rights, rendering the universal, universality and universalism a critical point in which theory and praxis are confronted. It is in regard to this actuality which is “ours” that I propose the following outline of a reading of some lines of Hegel’s *Philosophy of Right*, focusing on the question of the right to universality in times where the universality of rights is overall at play.

In the *Preface*, Hegel speaks of the “shameful decay” of philosophy, in times when “the rules governing knowledge that is attainable by the understanding [*Verstandserkenntnis*], have become recognized as inadequate for speculative science; or rather their inadequacy has not been recognized, it has only been felt”⁶. It is from out the disregard of reasoning that Hegel begins his critique of philosophy at his time. He emphasizes how these rules of reasoning have been thrown away because they have been considered mere “fetters” [*Fessel/n*] and chains, when the strive has become the one of speaking from the heart, from imagination and incidental intuition. His critique is a critique of the romantization of philosophy and the corresponding despise of philosophical logic, which is the logic of the spirit⁷. Nevertheless, since “reflections and relations of thought must also enter the scene”, unconsciously or not, whether one wishes or not, even when one speaks from the heart and imagination, to despise deduction and reasoning would be mere blindness. Hegel does not see much need to expand too much on this because if the reader does not forget that this work is a work of philosophy, it will become clear that as such its whole and the formation of its parts “rests on the logic spirit [*dem logischen Geist*]⁸. As a work of philosophy, what is being searched is the rational ground of rights beyond the mere feeling that something is right or wrong. The oldest philosophical “truth” about truth is its universality, universality that more than going beyond, *exceeds* the plurality of particular views. Hegel is a modern philosopher, and as such he is a writing philosopher, a philosopher in the medium of writing and written lines. He knows that there is a writing of philosophy addressed to a public and that philosophers are active members of the public sphere, being therefore committed with public recognition and validity. This is also a decisive point of depart for Marx’s critique of Hegel and of philosophical alienation since for Marx one of the hugest problem of politics at his times is how it has been pervaded by philosophical alienating idealism⁹. Hegel attacks

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6 Hegel 2008, p. 4.

7 Denis 1984.

8 Ibid..

9 See a. O. Marx’s German Ideology and the Critique to Hegel’s Philosophy of Right.

the writers on philosophy for assuming as the main philosophical task the discovery, the statement, and the dissemination not of the truth and sound concepts but of *truths* in plural. For him, this is merely the “superfluous labour of a busybody”, which warms up again and again the same old stew and serves it round to everybody¹⁰. Plurality of truths does not rescue philosophy from its decay but is its decay – thus for Hegel in this plurality that only “warms up again and again the same old stew” truth loses its right. The decay of philosophy has to do with the loss of the right of truth. The “crush of truths” discovered, stated and disseminated in philosophical writing shows considerations oscillating “formlessly” from this to that, and no one knows if there is something “enduring” [*etwas Bleibendes*] which is neither old nor new. Only philosophical science is capable to discern the truth that exceeds this crush of truths – and account for the right of truth and of its universality. The *Philosophy of Right* is committed with this account; it is this philosophical account.

Hegel departs that there is a “truth about right”, as there is a truth about ethical life [*Sittlichkeit*] and the State which are as old as their exposition and recognition in public laws and public morals and religion. How does this old truth about right, the truth of right gives itself? Hegel states that its truthfulness is given by a discontentment from the thinking mind which not content to possess this truth as something closest to us requires to be “grasped in thought”. The given truth of right, being so close to us, being so known demands to be grasped in thought, to be recognized. For Hegel, this closeness of the truth of right appears in its “rational content”, indeed as the very core of rationality, which requires to win “the *form* of rationality”. The truth of right, which cannot be separated from the right of right is the rational as such; as such the rational truth of right is already the right of rational truth, and a philosophy of right is therefore the right of philosophy. These tautological formulae express one of the fundamental laws of philosophical science, according to Hegel, which is the essential bound between content and form¹¹. The truth of right – and of ethical life and of the State – is old and the closest to us; it is given as the very core of the rational, meaning that the truth of right is the truth of rationality as well, which is not only for Hegel but since millennia of philosophical thought the truth of free thinking. Free thinking, rationality, insists Hegel, is the one that “does not stop at the given”, whether by external authority or by inward feeling. Free thinking is on the contrary the one that starts out from itself and “demands to know itself as united in its innermost being with the truth”¹². This is the

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10 Hegel 2008, p. 4

11 “What we have to do with here is [philosophical] science, and in such science content is essentially bound up with *form*”. Hegel 2008, p. 4.

12 Ibid., p.5

ground from which it becomes possible to distinguish and discover in an infinite *variety of opinions* [*verschiedenen Meinungen*] what is universally recognized and valid. Thus, what is universally recognized and valid is according to Hegel the very substance of right and the ethical. And in so far as the State and ethical life are the concrete forms of universal recognition and validity, their commands – *Gebote* – build substantial right. Any claim of free thinking is a claim for the indissociable bound between universality and right, for the universality of right and the right of universality. To defend the freedom of thought as freedom to diverge from what is universally recognized and valid and invent for itself something particular is therefore to pervert the right of philosophy into its wrong.

The way Hegel analyzes the despise of philosophy in his times is not merely a description of how each individual lets emerge from the heart, from imagination and enthusiasm each own truth, and thereby claiming that truth cannot be known. What Hegel also attacks is how philosophy has perverted itself, and how difficult it becomes to distinguish philosophy from non-philosophy when “governments have proven their trust in those scholars who have devoted themselves to philosophy”. The more philosophy becomes institutionalized, proven by governments, so that “professorial chairs of philosophy have been retained only as tradition...”, “allowed to lapse”¹³, the more philosophical difference becomes undifferentiated knowledge. The difficulty lies in that all thoughts and topics are reduced to the same level¹⁴, and all distinctions are abolished; the more the particular is claimed and acclaimed against the universal, the more the particular is abolished. Hegel insists in a levelling process as result of the divergence of the universal. “The result of this levelling process is that the concepts of truth and the laws of ethical life likewise become nothing more than opinions and subjective convictions. The maxims of the worst of criminals, since they too are *convictions*, are put on the same level of value as those laws, and at the same time any object, however bare and particular, any material, however dry, is given the same worth as that which constitutes the interest of all thinking people and the bonds of the ethical world”¹⁵. Divergence from universality, that is, subjectivation results in putting all positions, thinking people and criminals, those who construct the bounds of the ethical world and those who destroy them, the democrat and the fascist – if we would translate Hegel to our today – on the same level of value. When the principles of rights and duties are such a serious matter – as much as in Hegel times as in ours – the thing, namely the question of the truth of right and the right of truth, indeed the necessity of a philosophy

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13 Ibid., p.11

14 Ibid, p.12

15 Ibid., p.13

of right that converges with the right of philosophy has to be actualized. If the core of the question is the one about the universality of right and right of universality, then this must be unfolded out from the relation of philosophy to actuality.

Philosophy is “the exploration of the rational” and “it is for that very reason the comprehension of the present and actual”¹⁶. The link between the rational and actual is for Hegel a central maxim of the *Philosophy of Right*, which formulates one of Hegel’s most proverbial sentences: “What is rational is actual and what is actual is rational”¹⁷. Not even Plato’s *State*, Hegel claims, which is commonly considered an empty ideal is nothing but an attempt to seize the nature of Greek ethical life. The task of rationality is not to seize a beyond, supposed to exist, but the present and the actual. Thus “the important thing, then, is to recognize in the semblance of the temporal and transient the substance which is immanent and the eternal which is present”¹⁸. The rational is actual because it is nothing but its actualization, its effectivity. As Jean-Luc Nancy has clearly shown, Hegel’s rationality is infinitude actualizing itself, indeed the infinity of actualization, of coming into existence. Thus, “the act of the infinite is anything but a given” [*Mais l’acte de l’infini est tout sauf un donné*¹⁹]. Nancy puts in his own words Hegel’s words in the Preface that say: “for since rationality (which is synonymous with the Idea) enters into external existence [*Existenz*] simultaneously with its actualization, it emerges with an infinite wealth of forms, shapes and appearances”²⁰. It is not about how a form is the mirror of a rational idea but how rationality is nothing but the coming to form, something that can however only be seen – that is, thought – after it has come to form. Philosophy is always late, and epigonal as the owl of Minerva which spreads its wings only at the falling of the dusk, the grey in grey, seeing the coming to form withdraw when form has been formed.

Hegel insists that the question he addresses in this Outline is the philosophical question of the right, of the State, of ethical life. He is engaged with a “work of philosophy”, with thinking the rational as the actual, and that is why “it must be removed as far as possible from any attempt to construct a state as it ought to be”²¹. In which sense, the question is about the actual and about the state? It is the question of the State as the very stand of the right of the actual. This can only make

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16 Ibid

17 Ibid., p.14

18 Ibid.

19 Nancy 2018, p.44; Nancy 2002, p.25

20 Hegel 2008, p.14

21 Hegel 2008, p.15

sense if the metaphysical and the political senses of the word “State”, the metaphysical sense of a position or stand, and the political of a constituted form of government, supreme civil power, and organization of a country are not dissociated. The State is the establishment in which the established appears as what establishes, a concentrated word for Aristotle’s extensive definition of essence, as *to ti ên einai*, τὸ τί ἦν εἶναι²², “that what was being”. The State is the objectivation of the law of the actual as the one of being an actualization that can only be seized as actualization in an epigonal mode, i.e. when already actualized, as “that what was being”.

The actual is in Hegel’s words “what is”, *was ist*. What is is a “state” of affairs, to use a post-hegelian expression. The task of philosophy is to comprehend the actual, *what is*, because what is is reason. It is absurd to think that philosophy can or should transcend its contemporary world. “Here is the rose, dance here”, quoting another passage from the *Preface*. The fundamental law of free thinking – the right of philosophy – is to recognize “reason as the rose in the cross of the present” [*die Vernunft als die Rose im Kreuze der Gegenwart*], thus only this recognition is capable to reconcile to actuality, those in whom “there has once arisen an inner voice bidding them to comprehend”²³, and not only to preserve and persevere in their subjective freedom. The cross of the present gives the image of the “what is” as transient and transitory, of the restlessness of the actual, as Jean-Luc Nancy emphasized so adequately, thus what is, the actual, is not the point or position in which the past and the future meets but the passing from one to the other – the passing that can only be seized as already past and still not come, a passing that has no language except the language of the nostalgia of forms or losses and the one of the utopias of futures or foundations – “the beautiful Greek city” and “the organic State of constitutional monarchy”²⁴. These are, as Nancy formulated, mere margins of the restless present, which opens up itself between the dawn of a plenitude [the Greek] and the imminence of an emergence [constitutional monarchy]. As the vision of the owl of Minerva, philosophy sees the actual, i.e, what is, as what was being, and as such as an actual whose act of actualization escapes from the view precisely when being seized as actual. Philosophy can only see the actual *après-coup*, *nachträglich*, to use a Freudian concept, the never seen before, the actual, as what has already been seen, a “*déjà-vu*”. Thus, the actual, what is, is an actualization and in question is how to seize an action *in actu*, since an action is not something that acts; in fact, something that acts

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22 Aristotle 1935, 1029b

23 Hegel 2008, p.15

24 I am following here Nancy’s considerations in the chapter “Present” of his Hegel 2018, pp. 43- 51; Nancy 2002, pp. 25-31.

is what comes out from the very process of actualization. That is why the actual, what is, is for Hegel the “naked openness of history”, recalling an expressing by Nancy, when, in a sudden instant, this movement – of seeing the coming after it has come – called history, shows itself as the cross of the present, and therefore as an “act of negativity”²⁵. The way the owl of Minerva sees, *après-coup*, *nachträglich*, what is, is very far from a metaphor or image; it is a central key to Hegel’s philosophy.

From this view on what is, on the actual, it becomes clearer why the actual is in itself a movement. Not firstly a movement from the past toward the future, but the movement proper to an actualization, to a manifestation. What is, is not merely what is there; it is what manifests itself, what appears. Phenomenology is a central term in Hegel’s thought. Manifestation is a movement; what is, manifests itself. One of the most thought opening paths of Jean-Luc Nancy’s readings of Hegel lies in his interpretation of the movement of manifestation of what is, of the present and actual. Thus the main concern is not the apparently most evident, namely that what is manifests itself to consciousness, but this intentionality belongs to a larger movement taking place at the core of what is. It is the movement in which what is, the present and the actual relates to what is not, i.e, to every other what is and thereby to the what is as such. In Nancy’s words, to say that what is manifests itself is to say that manifestation manifests manifestation. If philosophy is a thought of what is, of the present and actual, is because the what is, the present and actual are the remainder, *das Bleibende*, rather than the eternal enduring, or the eternal enduring is the remainder of this movement. What philosophy seizes in what is, in the restless of the present and actual is its movement, its passage which is at once, with Nancy’s words, “self-affirmation and restless of the other”²⁶. What is is therefore in itself passage into otherness. In this sense, what is, manifesting itself as something, as each thing, is a vitality, showing that each thing, the particular is in itself a toward another – the each-ness of each thing touches in itself the each-ness of another thing, of what it is not. Whatever “particular” precisely in its particularity touches another particularity as what it is not, and hence what exceeds the particular, namely, the universal. In this sense, what is, the thing gives itself as this thing, as each thing. Here lies what Hegel called “the factum of physical or spiritual... vitality”²⁷, or rather the physical or spiritual vitality of the factum, of what is. Nancy clarifies this vitality saying that “vitality is the character of bearing itself out of itself”, “manifesting itself it is in relation. It singularizes itself. Every thing is

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25 Nancy 2018, p.47; Nancy 2002, p.28.

26 Nancy 2018, p.46; Nancy 2002, p.27.

27 Hegel 2010..

singular”²⁸. What is, the present and actual insofar as it is this negativity – of touching in itself other than itself, what is not – of bearing itself out of itself, touches the core of the dialectic between the particular and the universal. It touches transforming it since the particular emerges as the wrong and perverted philosophical meaning of the singular, in which the singular is reduced to the closure of a “being itself”, without relation, identical to itself, a view on what is as what is separated. To think what is, the present and the actual – to think in the sense of the difference that philosophical speculative thinking is – means to “see”, with the eyes of the owl of Minerva, that “the self is what does not possess itself and does not retain itself, and is, all told, what has its “itself” in this very “not” retain itself: nonsubsistence, nonsubstance, upsurge, subject”²⁹. If the language of separation says: what is, is in itself for itself, it has already seen with the eyes of the owl the “for itself” as a relation and hence how the “itself” does not possess itself. Nancy draws Hegel’s thought to its extreme, letting Hegel emerge as the philosopher of the skin of things, a thinker of what we could call the *skinship* of things rather than of their kindship. Thus, rather than the dialectic of the gender and species through which each thing is seized as particular kind, as separated and closed in itself, the negativity of the self at the core of Hegel’s thought reveals itself as a thought of each thing manifesting itself as the skin of a limit. The skin of a limit is, like a leaf or a coin, like a voice or a touch, an inside already outside, a bearing itself out of itself that can only be seized *après-coup*, *nachträglich*.

To render the particular to the sense of its singularity is the task of philosophy, and very specifically the task of the philosophy of right which endorses the right of philosophy. This is so because this sense of singularity opens another sense of the universal. Even if not dealing explicitly with the question about the right of the universal, Nancy’s readings give significant hints toward it. The singular as the skin of a limit is a self-liberation. Nancy proposes that this self-liberation of the singular is a liberation of freedom itself, since it liberates from every determination attached to it. Thus, liberated from itself, the singular is, following his interpretation, exposed to every other what is: it is itself being exposed to every other and everyone. In the restlessness of what is, Nancy finds the paths of his thought on “singular plural”. In Hegel’s language, we could say a *singular-universal*, which is manifestation manifesting itself. For Nancy, that is what Hegel names “the spirit of the world” [*Weltgeist*]³⁰. A passage from the final part of the *Philosophy of Right*, reinforces this reading when Hegel says that the spirit of the world,

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28 Nancy 2018, p.55; Nancy 2002, p.33

29 Nancy 2018, p.58; Nancy 2002, p. 58

30 Nancy 2018, p.60; Nancy 2002, p. 37

which is also called “universal” spirit arises out [*sich hervorbringt*] of the dialectic of the finitude of spirits, manifested in their deeds and destinies in their relations to one another³¹. Hegel does not affirm that the spirit of the world emanates or manifests itself in particular forms, i.e, states and peoples but that it arises out from their relations to one another. The universal spirit, which is the very spirit of the universal arises from relations rather than is defined as an eternal external spirit which causes particular forms of existence and shapes their relations. Having in mind Nancy's readings, the speculative way of knowing that according to Hegel, philosophy names, proposes a right to the universal when the wrong of an abstract dialect of the particular and universal orients concepts and ideas about the universality of rights.

But still a question – of course among many others – remains, namely the question of the reason of this philosophical wrong, that marks the history of western philosophy, and further the history of Modernity, the philosophical wrong of reducing the singular to the particular and abstracting the universal and its universalism, isolating it from the force of what is. This question can only begin to be asked departing from the relation between wrong and right – a question that is quite central in Hegel's outline of a *Philosophy of Right*.

In his studies on the tragic in Hegel's *Philosophy of Right*, Jean-Louis Vieillard-Baron insisted that it rests on the necessity of evil and of wrong for the sake of actualizing the possibility of the idea of right³². No right without wrongs; it is because “(to err is human; to forgive divine)”, recalling the poetical parenthesis of the American poet e.e. cummings³³, that it is human to have the truth of right as the oldest and closest to the human. That would be the tragic “law” of Hegel's dialectical philosophy of right. Hegel's thought exposes the tragedicity of dialectic. Wrong, unright,

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31 Hegel 2008, p.315.

32 Ce tragique consiste spécifiquement en ce que la possibilité de la réalisation effective de l'idée du droit implique la nécessité de son contraire, le mal. Hegel 1999, p.34. See also Vieillard-Baron 2007, pp. 43-66.

33 Cummings 2016.

“why must itself up every of a park
anus stick some quote statue unquote to
prove that a hero equals any jerk
who was afraid to dare to answer "no"?
quote citizens unquote might otherwise
forget(to err is human;to forgive
divine)that if the quote state unquote says
"kill" killing is an act of christian love.
"Nothing" in 1944 AD
"can stand against the argument of mil
itary necessity"(generalissimo e)
and echo answers "there is no appeal
from reason"(freud)—you pays your money and
you doesn't take your choice. Ain't freedom grand”

[*Unrecht*], is presented in the *Philosophy of Right* in three different kinds: it can receive “the form of a semblance” of right, “when right is something particular and therefore manifold in contrast with its intrinsic [*an sich seiend*] universality and simplicity”³⁴. Wrong as semblance of right has to do with the positing of the essence as something self-subsistent, without relation. A second kind of wrong is the fraud, in which a semblance is created to deceive the other. In fraud, Hegel says, “right is in my eyes only a semblance”³⁵. It is right that appears as semblance, from the point of view of wrong, which is again the point of view of the particular, “my” point of view. The third kind of wrong, of unright, is coercion and crime. Here, the wrong is desired and intended without any semblance of right. Wrong, unright or injustice – *Unrecht* – can be non-malicious and malicious; a wrong can be done without negating universal right but solely the particular will. Hegel’s example places the discussion in the realm of simple predications: “a rose is not red”, the phrase can be wrong, but it still says right, namely that a rose has a color. In relation to a right, non-malicious wrong arises when the particular holds that what s/he wants is right. In this first kind of non-malicious wrong at the core of “civil injustice”, albeit two parts may have opposed interests and take the own right to be right, the truth of right is not denied. That is why it is possible to turn wrong into right by means of the acceptance of a *Sollen*, an ought to be right³⁶. Fraud means in its turn the more substantial wrong of reducing the universal to a mere semblance by the particular will, denying the universality – and as Hegel says, the simplicity – of the truth of right. In coercion and crime, which is wrong “in the full sense of the word”, “there is no respect either for right in itself or from what seems right to me”, here both sides, the objective and subjective, are infringed³⁷. Hegel’s discussions about wrong [*Unrecht*] points toward the tragic impossibility to avoid evil, an impossibility which is metaphysically anchored on the inexorability of finitude as condition for the actualization of infinite possibility. Hegel’s tragic dialectic has deep Christian roots, and it is not to surprise when he refers to Jacob Böhme in the *Encyclopedia* as the one who “...conceived selfhood [*Ichheit*] as pain and torment and as source of nature and spirit”. This is the tragedy of freedom, the tragedy of the infinitization of the infinite, only actual through its finitization, thus life is in death. A quote from Hegelian Georges Bataille sums up well this sense of tragic in Hegel’s thought, when he affirms “Life will be lost

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34 Hegel 2009, p. 94

35 Ibid.

36 See here Marquard 1964, p.103

37 Hegel 2008, p.97

in death, the rivers in the ocean, the known in the unknown”³⁸. The tragic necessity of finitude, of wrong and evil for the actualization of the truth of right emerges in different dimensions in the *Philosophy of Right*. Poverty and the rabble, a topic of the *Philosophy of Right* that received recently the most illuminating reading and discussion by Frank Ruda³⁹, are tragic elements in the truth of right. Further tragic elements are religious fanaticism, the singularity of the states that engenders the necessity of war and the contingency of war. In Hegel’s account for these different levels of wrong, the tragic knot lies in the dialectic of the particular or contingent and the universal.

To see the singular as particular, to do wrong to it philosophically would obey the tragicity in Hegel’s thought. Thus, singularity as self-liberation of freedom itself is manifestation and actualization appearing in its own movement afterwards, *après-coup*, *nachträglich*, as what has posited and established itself as something separated in itself, as particular. The philosophical task according to Hegel is to think with the vision of the owl of Minerva, to assume the negativity that constitutes the tragic way the actualization of the actual gives itself, withdrawing in the given while being seized, demanding of the speculative way of knowing a language capable to apprehend in the actual the movement of actualization, and try to say it, even if in an anti-language – Hegel’s language, in the sense Adorno called Hegel’s text an anti-text⁴⁰. The task is to seize in this tragic movement the passage from one to another, from the actualizing to the actual, from the coming to be to what is giving itself as what came to be, the passage from theory to praxis, from the singular to the universal, as one and the same, as the skin of a limit, as a sheet of paper. Maybe a way to do right to Hegel’s *Philosophy of Right* in times as ours when the right of the universal suffers the wrong of the universality and universalism of right, and thereby to find a path to give right to philosophy is to rethink the discussion that opens the last section of the book that handles World history. Hegel speaks of the three ways universal spirit exists: art, religion and philosophy. Each of these forms or ways exists out from respective elements: universal spirit exists in art in the element of intuition and imagery, in religion it exists in the element of feeling and representation, and in philosophy, universal spirit exists in the element of free and pure thinking⁴¹. A suggestion would be to understand art, religion and philosophy, when considering the former reflections about Hegel’s singular universal, as three ways to experience a view of

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38 "La vie va se perdre dans la mort, les fleuves dans la mer et le connu dans l'inconnu", Bataille 1952, p.119

39 Ruda 2011.

40 Adorno 2003, 1993.

41 Hegel 2008, pp. 315, 316

the actualization in the actual, of the movement of manifestation in the manifested, of action *in actu*. Three forms of seizing the withdrawal of the movement in the moved, which indicate a way of dealing with the difficult question about the relation between theory and praxis. Thus, each one of these forms – art, religion and philosophy – when considered from the viewpoint of their elements can be seen as passages from theory to praxis and from praxis to theory. Not praxis without or beyond the wrongs of theory, not theory to correct the wrongs of praxis, not theory on praxis or the praxis of theory, but a thinking sensibility and sensible thoughts on the passage of one to the other, a passage that can only be “seen”, “felt”, “thought freely” *après-coup, nachträglich*. In times as ours, dealing with so many philosophical wrongs due to a civilizational blindness for the singular-universal, an universal that should better be called plural as Nancy proposed, maybe what can turn these wrongs into right is a view that seizes the *passage* from theory to praxis *while passing*, in art, religion and philosophy. At least in the attempt to understand why Hegel opened up a thought on the singular universal departing from a owl-view on the tragic dialectic of the present and actual, of what is, now.

To “finish” this outline of a reading of Hegel’s *Outlines to a Philosophy of Right*, I would like to quote a poem by the Brazilian poet and theoretician of translation, Haroldo de Campos, who composed a poem with Hegel’s own passages and words from the *Phenomenology of the Spirit*. This poem “by” Hegel can be read as an outline to Hegel’s thought on the right of the singular-universal which perhaps is nothing but what is, now.

Dialectic of the now – 1

the now
which is night
is pre-
(sus-
pensive)
-served
that is
is treated
as that
by which
to us it
gives itself:
like an ex-
sistent
but to us it first
shows itself much

more as a
non-ex-
sistent

the now
itself
surely
conserves itself
but like that
which is not
night:
in that it also
is conserved
as equal as
the day
that now
it is
like that
which
is not day nor
like a
negative in
general

this
- which conserves itself –
is not
now
therefore an
im-mediate
but yes, an
inter-mediate
because it is
in the way of one
which is maintained
and conserved
by determination
crossing
that is:
because an other
- the day and the night –
is not

thus, here as
it is

as always
- so simply
as before –
now:
and in this
simplicitude
equivalently
in-differently
to that
by its ground
is at play:
as well as
night and day
none of which
is their being
nor
is it
night and day:
by this its
being-other
does not let itself
be affected:

a simplicitude
just like
which is
before the
negation
- not being this
nor that –
a not-this
equivalently
in-different
to being this or
that
we name it a
universal: the
universal which is
because
in fact
the true of the
sensible
certainty⁴².

.....
42 Campos 1997

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Volume 8
Issue 2

Marx's Critique of Hegel's Philosophy of Right

Christoph Schuringa

Abstract: Marx's *Critique of Hegel's Philosophy of Right*, though often mentioned, has received surprisingly little sustained scrutiny. As a result, the text has often been associated with catchphrases and slogans (in particular those involving the image of an 'inversion' of Hegel's dialectic). These in turn have served to hide from view the complex argument that Marx mounts. Although the argument can seem tangled, largely because it simultaneously seeks to operate at a high level of generality and to engage in the fine detail of Hegel's exposition, it is both ambitious and consistent—if fragmentary. I focus on two fragments that Marx provides us with. First, by means of a critique of Hegel's defence of monarchy, Marx offers a fragment of political theory that amounts to an argument for radical democracy. Second, and connectedly, Marx offers a fragment of a more fundamental theoretical critique of Hegel's procedure in *Philosophy of Right*, which seeks to overturn Hegel's Platonizing dialectic. Throughout, the complex argument that is revealed is one that gives the lie to the slogans. Once we start to spell out this argument, we see that Marx's critique of Hegel is far more radical and far-reaching than the images of 'inversion' suggest.

Keywords: Hegel, Marx, philosophy of right, democracy, dialectic

Introduction

Marx's *Critique of Hegel's Philosophy of Right* (hereafter, *CHPR*)¹ of 1843 is the single most sustained stretch of engagement with Hegel in his corpus. One would be forgiven for thinking, given the widely acknowledged importance of Hegel for Marx, that detailed treatments of it abound in the literature. But this turns out not to be the case. Marx's text is much mentioned in the literature on Marx (and, to a lesser extent, in the literature on Hegel), but little examined in detail.² Instead of detailed examination of Marx's arguments, the literature is dominated by slogans and summaries that are supposed to capture—in a well-worn but insufficiently interrogated metaphor—Marx's supposed 'inversion' of Hegelian dialectic.³ These slogans and summary treatments signal not merely a missed opportunity.

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1 MEGA² I/2: 3–137/MECW 3: 3–129.

2 One exception is the chapter on *CHPR* in Leopold 2007. The most sustained discussions are those of Galvano Della Volpe (1980) and of those influenced by *dellavolpeanismo*, in particular Mario Rossi (1977) and, less voluminously, Lucio Colletti (see esp. Colletti 1975a). A powerfully lucid overview of *CHPR* is given in Colletti 1975b. See also the searching, but tantalizingly brief, treatment of *CHPR* in Theunissen 1994: 472–86. Some elements for a discussion of how Marx seeks to make good on Hegel's defects, and the relation of this effort to Aristotle, are usefully covered in Depew 1992.

3 As Dieter Henrich has aptly said, 'This talk of the inversion of Hegel's philosophy—talk that speaks Hegel's own language—should not be taken for more than an image and an indication of a problem' (Henrich 2010: 189). For a similar warning issued from a different perspective, see Althusser 2005.

They serve to cover over a set of profound and important difficulties surrounding just what dialectic might be—and how (and indeed whether) it could take a materialist form at all—where it is precisely a close engagement with the argument of *CHPR* that might offer a promise of progress.

In part this situation is due to the difficulties of Marx's text itself. It is long and detailed, but complex and repetitive. It seems to alternate frustratingly (as Marx himself admitted) between criticisms of a highly general nature and nit-picking over the minutiae of Hegel's exposition. Furthermore, it is a fragment that remained unpublished; and its unpublished status owes something to Marx's difficulties bringing it to any successful completion after long struggles with the material. Nevertheless, the difficulties have been exaggerated, and, as I intend to show here, the text repays careful unpicking of its lines of argument. The result will be to show up the usual slogans and summaries as profoundly misleading, and to open up the possibility of replacing them with a reading that does justice to Marx's complex and ambitious argument in this text—an argument that does indeed operate on two fronts, one highly general and the other highly specific, but that does so with a principled purpose. It will be essential to the reading offered here to examine how the general and specific strands interact as part of a unified critique of Hegel's theory of the state and of the philosophical procedures operative in it.

To claim that the text contains a cogent and complex argument does not involve denying the fragmentary status of Marx's critique. Marx effectively offers us two distinct theoretical fragments. First, he offers us a fragment of political theory. Marx's attack on Hegel's defence of monarchy produces as its result his own defence of radical democracy (what Marx takes to be the only form of democracy worthy of its name). What Marx defends might be called 'absolute representation': here each member of society represents each, so that all mediating representative institutions are annulled. That Marx should offer us only a fragment of political theory is instructive. The later Marx never repudiates the adherence to radical democracy articulated in *CHPR*, although he will drop the word 'democracy' itself, having judged it to have been distorted—and appropriated in this distorted form—by bourgeois liberals so as to be now irrecoverable from them. If Marx does not, in later work, give sustained attention to political theory, this should come as no surprise in light of the fragment that *CHPR* provides, since it reveals just how simply Marx's political theory can be stated. A human society is to be self-determining, through the mutual representation of each by each. Marx's subsequent priority becomes the more focused task of a critique of the categories produced by capitalism that stand in the way of absolute representation.

Secondly, Marx offers us a fragment of a critique of Hegel's Logic⁴ (or,

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4 I follow the convention of writing 'Logic' with a capital, and unitalicized, when referring to the part of Hegel's system with this title, as opposed to the two distinct executions of it.

equivalently, of Hegel's speculative philosophy, operative in the *Philosophy of Right* and throughout his system). This is a fragment in a literal sense: as Marx tells us at junctures in the text, the critique of Hegel's Logic was a larger task to be elaborated elsewhere.⁵ His critique of Hegel's Logic as offered here is also fragmentary in an intellectual sense: it merely hints at the general direction of such a critique. Not surprisingly, the literature is, as a result, particularly unclear—indeed, confused—on the basic thrust of this critique. Sometimes commentators are content merely to state that in Marx the Hegelian dialectic is 'inverted', as fits with the slogan that Marx turns Hegel 'the right way up', but the large question of how such a materialist dialectic could possibly work, given the immense difficulties of spelling out how Hegel's version is supposed to work, is then simply left aside.⁶ At the same time, there is disagreement among those commentators who have approached the text with greater seriousness, such as Michael Theunissen and Dieter Henrich, as to whether Marx possessed a profound understanding of Hegel's Logic (Theunissen) or fundamentally misunderstood it (Henrich).⁷

While it has to be remembered that Marx offers us only a fragment of a critique of Hegel's Logic, it is nonetheless possible to discern the direction of this critique with some accuracy if close attention is paid to the argument of the text. As will be substantiated below, Marx's charge of 'mysticism' against Hegel's Logic (and thereby against his speculative philosophy as operative in *PR*) does not consist merely of opposition to Hegel's idealism. Nor is the problem of mysticism limited to that of 'apriorism' (determining reality without recourse to empirical input) or 'emanationism' (the production of reality by the Idea). Marx's critique of mysticism strikes more deeply, aiming to undercut the very intelligibility of Hegel's claim to be pursuing *dialectic* at all. Marx's fragment of a critique of Hegel's Logic offers us the beginning of an attack on Hegel's dialectic as collapsing into Platonic *diairesis* ('division'), sharing the latter's defects (in particular, arbitrariness). This opens up many possibilities, among them the idea pursued by Galvano Della Volpe that Marx might be offering to supplant Hegel's pseudo-dialectic with a genuine dialectic. Whether or not Della Volpe's proposal is right, the present contribution to an interpretation of Marx's text can be read as an injunction to reopen the questions posed by *dellavolpeanismo*.⁸

5 See especially the remark at MEGA² I/2: 98/MECW 3: 88.

6 It is instructive to compare the laudable effort to focus on fundamental, even basic, questions about Hegel's dialectic in Horstmann 1978, and the difficulties encountered. For a general discussion of the problematic state of recent literature on dialectic in Hegel and Marx, see Lange 2016.

7 See Theunissen 1994: 472–486, Henrich 2004, and the discussion in §5 below.

8 For a rare engagement with Della Volpe from outside the sphere of his Italian followers, see Longuenesse 2007: 78–82. Longuenesse, bafflingly, accuses Della Volpe of a 'misunderstanding', which 'consists in reading Hegel's Logic as a theory of knowledge' (78) and says that his 'demonstrations [...]

To append one more remark about how the following interpretation may be understood: following preliminaries (§§1–3), we will, first, investigate (in §4) Marx's execution of the (relatively easy) task of showing up Hegel's procedure as involving arbitrariness and bad-faith argumentation, even by its own lights; second, we will turn (in §5) to the deeper question of just what diagnosis Marx is attempting to offer of the flawed conception of mediation in Hegel that produces these effects.

1. Hegel's doctrine of the state in outline

This is not the place to attempt an outline of Hegel's *Philosophy of Right* (hereafter, *PR*) as a whole, or of the place of his doctrine of the state within it. Nevertheless I will draw attention to some salient features of the text for the purposes of an interpretation of *CHPR*.⁹

The topic of *PR* is the will or, equivalently, freedom. For Hegel to speak of the will or of freedom are two ways of specifying the same topic. To be a will—to be determined only by willing as such—is to be free. *PR* begins from what Hegel takes to be initial appearances—freedom is a matter of seizing hold of my environment and appropriating it to myself as I see fit. (This is 'abstract right'.) This conception is inadequate, according to Hegel, since abstract right presupposes 'morality'—my being able to stand behind my actions as a subject who can claim, and be in turn imputed, responsibility for them. But 'morality', it turns out, can exist only in the context of 'ethical life' (*Sittlichkeit*), a complex structure of social relations. Ethical life, the crown of freedom, itself consists of a triad: the family (ethical life's element of 'naturalness'), civil society (a nexus of relations between subjects seeking their own ends in competition with one another: the 'system of needs'), the state.¹⁰ Only in the state is the 'actuality of concrete freedom' (*PR* §260) attained. In other words, freedom presupposes participation in the state (and presupposed this all along). The account that Hegel offers of such participation is highly complex, requiring a demonstration of the integration of the particular modes of the system of needs (i.e., of us as self-seeking individuals) within the state, characterized by universality, by means of a series of crisscrossing mediations.

Hegel's account of the state is divided into two parts. The first part deals with the 'internal constitution'—the framework of some individual state. What Hegel offers here is essentially a defence of the idea that the

sometimes verge on the comical' (81). Whatever else may be said about Longuenesse's claims, they are sufficient to demonstrate that her acquaintance with Della Volpe's project is at best cursory.

9 For more on Hegel's *Philosophy of Right* and its doctrine of the state, see Schuringa (forthcoming).

10 Michael Theunissen plausibly proposes (1994: 477) that the structure abstract right–morality–ethical life replicates the structure being–essence–concept in the Logic.

various powers of the state (the monarchical, executive and legislative powers) form an organic whole: these various powers are organically interconnected, mutually supporting each other and contributing to a joint life to which each is indispensable. The second treats of the 'external constitution', which is concerned with the relationship of a state to other states.

As part of his attempt to demonstrate the integrity of the internal constitution by means of various complexly interacting mediations, Hegel mounts a defence of an 'estates constitution', as opposed to a representative constitution. An estate is a particular walk of life. (This is not the same thing as a class: the agricultural estate, for instance, might straddle both landowners and farm labourers.) An estates constitution has such walks of life represented in an estates assembly, in which delegates of the various estates sit (as opposed to representatives of the citizenry merely *qua* citizens). This will become important in Marx's radical account of representation.

As we shall see, one of Marx's chief concerns will be the way in which Hegel seeks to make good on his claim to be able to give an organic account of the state.

2. Marx's text

CHPR is a fragment, dealing with §§261–313 of Hegel's text. It thus deals with a sizeable chunk of Hegel's treatment of the 'internal constitution'. Hegel's treatment begins at *PR* §257, and it is likely that Marx's manuscript began with a discussion of that paragraph; the first few pages are lost.¹¹

In some respects it is unsurprising that this unfinished and unpublished¹² torso of text has tended to attract summaries and cursory remarks rather than sustained engagement from commentators. It is at first sight unwelcoming and even baffling, thanks to its incomplete state. It is reasonable to suppose that Marx's failure to complete it, and thus to publish it, flowed from his failure to find a way of carrying out the project to his satisfaction. He had for a long time harboured the idea of publishing a critique of Hegel's *Philosophy of Right*: the text we have is the outcome of a long, and ultimately unsuccessful, struggle.¹³ As Marx

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11 It is sometimes said that Marx wrote the text on his honeymoon. In fact, the composition of *CHPR* occupies a much longer period (see the editorial material at MEGA I/2: 571–82, corroborating the date of March–August 1843 originally proposed by Ryazanov).

12 The text was first published in 1927.

13 See the letter to Ruge, 5 March 1842 (MEGA² III/1: 22/MECW 1: 382–3): 'Another article which I also intended for the *Deutsche Jahrbücher* is a criticism of Hegelian natural right, insofar as it concerns the *internal political system*. The central point is the struggle against *constitutional monarchy* as a

comments regarding *CHPR* in the 1844 Paris Manuscripts, seeking to explain the failure of his efforts to publish the *Critique* as announced in the *Deutsch-französische Jahrbücher*: 'While preparing it for publication, the intermingling of criticism directed only against speculation with criticism of the various subjects themselves proved utterly unsuitable, hampering the development of the argument and rendering comprehension difficult'.¹⁴

The text that we have poses three kinds of challenge, in ascending order of seriousness. The first is that the text points beyond itself to material that Marx never provided. It contains references to parts of a projected critique that Marx never carried out. For instance, it is clear that Marx's intention had been to provide a critique of the sections in *PR* on civil society as well as those on the state. It is not clear how these would have related to the text that we have.

A second issue is that this text is the product of a sustained *Auseinandersetzung* with Hegel on Marx's part the true scale and reach of which we can only guess at. It is clear that Marx engaged deeply with Hegel's Logic in the period between the completion of his doctoral dissertation (April 1841) and his abandonment of *CHPR* (around September 1843). Marx was preparing himself for an academic career in which the teaching of Hegel's Logic was going to be a major part. It is also plausible that Marx laboured at various versions of a critique of *CHPR* over the period 1842–43, of which the text we have is only the most advanced product. What has come down to us in the form of *CHPR* is likely something like a synthesis of previous attempts that at the same time exceeds those earlier attempts in terms of ambition. Marx seems to have persevered with his *Auseinandersetzung* with Hegel even while working for the *Rheinische Zeitung*, so that what we have is only the tip of an iceberg, if a fragmentary and jagged tip.¹⁵ This generates a substantive issue that I will return to: what is the critique of Hegel's Logic operating in the background of Marx's concerns in this text?

The third, and by far the most significant issue, is that of the interweaving of extremely general concerns and highly specific ones that Marx alludes to in the Paris Manuscripts as having spelled problems for the prospects for publication of the text. It is true that Marx's shifting between these levels of generality threatens to make the text irredeemably perplexing for the reader. (Leopold doubts that its

hybrid which from beginning to end contracts and abolishes itself.' The manuscript referred to, presumably a predecessor to *CHPR*, is not extant.

14 MEGA² I/2: 325/MECW 3: 231. A text called 'Critique of Hegel's Philosophy of Right. Introduction', did, of course, make it to publication in the *Jahrbücher* (MEGA² I/2: 170–83/MECW 3: 175–87).

15 It should also be noted that philosophical concerns continuous with Marx's engagement with Hegel's theory of the state run through the journalistic writings of 1842 and early 1843. See the superb unpublished PhD thesis by Martin McIvor (2004).

arguments can really be straightened out in the end.¹⁶) I maintain, on the contrary, that these varying strands, and their interplay, can be made sense of. A key to success here is to eschew the attempt to *separate* a set of general concerns from a set of more specific ones, and to see them instead as interconnected. Marx is so concerned to delve into the details of, for instance, the function of the 'estates element' in Hegel's picture of the state because he sees this as a means of exhibiting the confusion that he thinks governs his overall approach. Marx does not merely think that Hegel's account of how the 'estates element' mediates between different powers of the state is mistaken: it exhibits, in concrete detail, the problems with Hegel's appeal to mediation as such. In that sense Marx's exhibiting the defects of the specific mediations performed by the 'estates element' is an illustration of his general attack on Hegel's appeal to mediation.

3. The 'Hegel–Marx connection'

There is an ever-growing literature, in recognition of the significance of Hegel for Marx, on the 'Hegel–Marx connection'.¹⁷ But it can hardly be maintained that there has crystallized from this literature anything like a clear picture of the relation in which Marx stands to Hegel. Commonplaces abound. One such commonplace is that Marx turned Hegel 'the right way up'. This image does appear, twice, in *CHPR*, and Marx harks back to it in the famous Afterword to the second edition of *Capital* Vol. 1. In *CHPR* Marx says that 'the true way [der wahre Weg] is stood on its head',¹⁸ and speaks of Hegel as one 'who inverts everything [der alles umkehrt]'.¹⁹ The 1873 Afterword Marx replicates the image, and relates it back to his work on *CHPR* 30 years earlier:

My dialectical method is fundamentally [der Grundlage nach] not only different from the Hegelian, but directly opposed to it. For Hegel the process of thought, which he even transforms into an independent subject, under the name of 'the Idea', is the demiurge of the actual—and the actual is merely the external appearance of the Idea. With me the reverse is true: the ideal is nothing but the material [das ... Materielle] transferred and translated into the human head.

.....
¹⁶ Leopold 2007: 21.

¹⁷ See e.g. a collection of essays published with this title (Burns and Fraser 2000).

¹⁸ MEGA² I/2: 43/MECW 3: 40. Wherever I quote English translations, they are tacitly emended where appropriate.

¹⁹ MEGA² I/2: 96/MECW 3: 87.

I criticized the mystificatory side of the Hegelian dialectic nearly thirty years ago, at a time when it was still the fashion. [...]The mystification which the dialectic suffers in Hegel's hands by no means prevents him from being the first to present its general forms of motion in a comprehensive and conscious manner. With him it is standing on its head. It must be inverted [Man muß sie umstülpen], in order to discover the rational kernel within the mystical shell.²⁰

These passages seem to confirm a number of commonplaces. Marx wants to 'invert'²¹ Hegel so as to turn idealist dialectic into materialist dialectic.²² As they stand, however, such slogans are empty. What could it possibly be for idealistic dialectic to land on its feet?²³ What is it about idealistic dialectic that allows it to count as invertible in the first place?

Whatever may be said in favour of reading Marx, beyond 1843, as a 'materialist', opposed to Hegel's 'idealism', Marx's approach to Hegel in *CHPR* is quite clearly not that of 'inverting' idealism as this is commonly understood. The passages quoted above continue as follows:

The true way is stood on its head. The simplest thing becomes the most complicated, and the most complicated the simplest. What ought to be the starting point becomes a mystical outcome, and what ought to be the rational outcome becomes a mystical starting point.²⁴

Hegel, who inverts everything, turns the executive power into the representative, into the emanation, of the monarch.²⁵

Even at face value, these statements seem to involve something other (or more) than the inversion of Hegel's idealism: they seem to be making a complaint about how Hegel argues, what he goes on to *do*. And

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20 MEW 23: 27/*Cap.* I: 102.

21 Hans Friedrich Fulda (1974) makes a great deal of the use of the word *umstülpen* in the Afterword passage: the metaphor here, as Fulda suggests, is that of turning a glove inside-out. In other words, what becomes inner becomes outer, and vice versa. This is helpful in breaking the spell of the overly simple metaphor of 'inversion' as supposedly sufficient to capture the relation between Hegel's dialectic and that of Marx. But it is only a beginning in this direction.

22 Note also Marx's reference to 'the materialist basis of my method' in the Afterword (MEW 23: 25/*Cap.* I: 100).

23 Note that Lenin explicitly thinks that 'Hegel is materialism which has been stood on its head', and so he resolves to 'cast aside for the most part God, the Absolute, the Pure Idea, etc.' (quoted Colletti 1973: 24). But what is the basis for thinking that it is a materialist inversion that Hegel stands in need of? Colletti gives compelling arguments for regarding the effective identity of the 'dialectics of nature' found in Engels and Lenin with Hegel's speculative philosophy as a mark of their complicity in an idealism essential to dialectic as it is found in Hegel. Colletti concludes that Lenin "'tried" to read Hegel "materialistically" precisely at the place where the latter was ... negating matter' (Colletti 1973: 25; ellipsis in the original).

24 MEGA² I/2: 43/MECW 3: 40.

25 MEGA² I/2: 96/MECW 3: 87.

Marx characterizes Hegel's failure as a failure to maintain the *philosophical standpoint*: 'in expounding the legislature Hegel everywhere falls back from the philosophical standpoint to that other standpoint where the matter is not dealt with *in its own terms*.'²⁶ It is not then, that Marx simply associates philosophy with idealism, and seeks to reject that; he takes himself to be holding himself to the philosophical standpoint, where Hegel fails to do so.

An important thing to note about Marx's approach is that, his frequent satirical jibes at Hegel's expense notwithstanding, he takes Hegel's ambition in *PR* very seriously. Far from seeking simply to reject Hegel's project, he is interested in thinking it through.²⁷ This, again, Marx seeks to do simultaneously at a level of great generality and at a level of fine detail. And not without reason: the whole point is to offer a kind of symptomatology of Hegel's procedures, not simply to enter an objection to a construal of the state by means of 'idealist' dialectic.

The core of Marx's critique is that Hegel is guilty of 'mysticism', a charge repeated frequently in the text. This charge is easily misunderstood, and is often read as an accusation of an ontological idealism or of 'emanationism'. It is, however, directed at Hegel's manner of arguing, not (simply) against some supposed idealist or emanationist starting assumption, and must be read against the background of Marx's appreciation of Hegel's project. Marx sums up this appreciation in the comment that 'It is a great advance to treat the political state as an organism and therefore to look upon the variety of powers [*Gewalten*] no longer as something [in]organic, but as a living and rational differentiation'.²⁸

What Hegel sets out to do is to derive the interconnection of the component parts of the state from the Idea. But he fails to execute the task he has set himself. In fact he merely *asserts* the derivation. He says that some contrast or conflict is resolved at the level of the Idea, but this puts the logical cart before the real horse. Again, Marx's complaint is not directed at the idea that a logical account of the state could be given. It is that logic is being prioritized over reality in a specific way: the Logic is treated as if *already* containing the requisite mediations: 'predestined by the "nature of the concept", sealed in the sacred registers of the Santa Casa (of the Logic)'.²⁹ But, Marx challenges Hegel, why think this?

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26 MEGA² I/2: 124/MECW 3: 114. Cf. Marx's insistence on a *philosophical* standpoint, in opposition to what he takes to be Hegel's standpoint (MEGA² I/2: 130/MECW 3: 120–1): 'One is not looking at *election* philosophically, i.e., in its specific character, if one takes it at once in relation to the *monarchical* or *executive power*'.

27 Depew 1992 helpfully emphasizes the sense in which what Marx offers is an immanent critique of *PR*. Depew remains innocent, however, of the ways in which Marx's purpose is to comprehensively overturn Hegel's procedures.

28 MEGA² I/2: 12/MECW 3: 11.

29 MEGA² I/2: 15/MECW 3: 15. The reference to 'Santa Casa' is to the Inquisition's prison in Madrid as figuring in Schiller's *Don Carlos*.

One way Marx spells out the charge of mysticism is in terms of the 'reversal of subject and predicate'. This is an allusion to a Feuerbachian criticism of Hegel with which Marx was familiar.³⁰ The logical Idea gets to be the subject, instead of real human beings or other components of reality. This has the further effect of making *reality* seem like the mere *appearance* of what's really real: the Idea. But how does logic get to be the real driving force? Note that Marx's complaint is not that Hegel falsely denies the ontological status of material beings, or that his Logic illegitimately makes a priori claims about the latter. The issue is the mismatch between Hegel's rigorous logical ambitions and the slapdash way in which he merely *asserts* that some mediation explains empirical reality—that should make us suspicious. The trouble is not that Hegel wants to give us the logic of the state, but that his execution of this task is inadequate:

The truly philosophical criticism of the present state constitution not only shows up contradictions as existing; it *explains* them, it comprehends their genesis, their necessity. It considers them in their *specific* significance. But this *comprehending* [Dieß *Begreifen*] does not consist, as Hegel imagines, in recognising the features of the logical concept everywhere, but in grasping the specific logic of the specific object [Gegenstandes].³¹

I have pointed to one way in which Marx is *appreciative* of Hegel's project—i.e. he is appreciative of the idea that a philosophical exposition of the state should aim at exhibiting its organic unity. This is relatively straightforward. Less straightforward is Marx's appreciation of Hegel's account as correctly describing empirical reality. It is not as if Marx regards this as simply a virtue of Hegel's account: by describing empirical reality correctly, he shows up its contradictions in such a way as to call into question his entire portrayal of the state as unified and rational. But these two ways in which Marx appreciates what Hegel is up to are connected: it is precisely Hegel's pursuit of an organic picture of the

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30 Feuerbach tends to put this (as Marx does not) in terms of the rectification of speculative philosophy that will result when this reversal is, in turn, reversed. See Feuerbach's 'Preliminary Theses on the Reform of Philosophy': 'The method of the reformative critique of *speculative philosophy* as such does not differ from that already used in the *Philosophy of Religion*. We need only turn the *predicate* into the *subject* and thus as *subject* into *object* and *principle*—that is, only *reverse* speculative philosophy. In this way, we have the unconcealed, pure, and untarnished truth.' (GW 9: 244/*Fieri Brook*, p. 154)

31 MEGA² 1/2: 100/MECW 3: 91. Cf.: '[Hegel's] philosophical labour consists not in thinking embodying itself in political determinations, but in the evaporation of the existing political determinations into abstract thoughts. Not the logic of the matter, but the matter of logic is the philosophical moment. Logic does not [here] serve as proof of the state, but the state as proof of logic.' (MEGA² 1/2: 18/MECW 3: 18) And again, Hegel 'reproaches ordinary consciousness for not being content with this logical satisfaction, and for wanting to see logic transformed into true objectivity [Gegenständlichkeit] rather than actuality dissolve into logic by *arbitrary* [willkürliche] abstraction'. (MEGA² 1/2: 68/MECW 3: 64)

state, and what goes wrong in his failure to carry out that project, that produces Hegel's unwittingly acute account of the contradictions of the modern state that Marx seeks to overcome.

4. Radical democracy

Marx's critique of Hegel's defence of monarchy is an instance of these general criticisms—an instance with a distinct political upshot. Hegel has it that there must be, in the state, a final unifying power in which 'the different powers are bound together into an individual unity',³² and that this power must reside in a subject. Marx accepts both of these claims, but subverts Hegel's identification of the subject that wields this power with the monarch. Instead we, the people, are this subject.

Marx's argument is a simple one, but has far-reaching consequences. Hegel's claim that the return to an individual subject, as the culmination of the state, marks 'the immanent development of a science'³³ is unfounded. First, this is to return to an impoverished conception of subjectivity and freedom (as arbitrary caprice).³⁴ And second, the restriction to an *individual* (that is, one single individual, distinct from all others) is illicit.

Hence, because subjectivity is actual only as subject and the subject is actual only as one, the personality of the state is actual only as one person. A fine inference [Schluß]. Hegel might as well have concluded that because the individual human being is a unit, the human species is only a single human being.³⁵

On the contrary, according to Marx, 'the person is only the *actual idea* of personality in its genus existence [in ihrem Gattungsdasein], as *the persons*', free from restriction.³⁶ The 'moment of decision' is placed by Hegel in the hands of the 'person', restricted to the monarch. Importantly, this restriction is made *not* because Hegel refuses to recognize corporate persons: he speaks of a *moralische Person* at PR §279R. In a corporate person, according to Hegel, although such a person may be 'concrete in-itself' (*konkret in sich*), personality can figure only as an abstract moment. For Marx this is absurd: why wrench the moment of decision away from the concrete body of the people, in order to lodge it in the hands of a monarch who is the embodiment of an abstraction, 'monarchy' whose characteristic is subjective caprice?

32 MEGA² I/2: 20/MECW 3: 19, citing Hegel, PR §273.

33 MEGA² I/2: 27/MECW 3: 25, citing PR §279R.

34 See Foster 1935. See also Schuringa (forthcoming).

35 MEGA² I/2: 28/MECW 3: 26–27.

36 MEGA² I/2: 28/MECW 3: 27.

Hegel not only favours monarchy over democracy. He directly contests the notion of the 'sovereignty of the people'. He says this is a 'confused notion', 'rooted in the *wild* idea [*wüste Vorstellung*] of the *people*'.³⁷ But the boot is on the other foot, according to Marx. There is nothing 'wild' in the 'idea of the people'. The idea of the people is 'wild' only on the supposition that society is ordered by means of monarchy, not by itself. Hegel suggests that the people crumbles 'in the face of the developed idea', but Marx counters that monarchy will crumble in the face of a 'developed idea' of democracy.³⁸

The ultimate simplicity of Marx's argument comes to the fore when he states what democracy is. Where Hegel conceives a democratic constitution as privative with respect to monarchy, Marx finds it to be evident that the reverse is true: 'democracy is the truth of monarchy; monarchy is not the truth of democracy.'³⁹ Democracy is even the very *genus* 'constitution' (*die Verfassungsgattung*) itself, while monarchy is merely one species of this genus, and a defective one. Crucially, democracy, unlike monarchy, 'can be understood through itself [*aus sich selbst*]'.⁴⁰ For here 'the constitution appears as what it is, a free product of man'.⁴¹ And since in it 'the *formal* principle is at the same time the *material* principle', 'only democracy [...] is the true unity of the universal and the particular.'⁴² So democracy had, all along, provided for the unity that Hegel's account of the state strains towards.

If Marx is right that democracy is just the genus 'constitution', understood through itself by the people, then Hegel's troubles, in the section on the Legislature, about the revisability of the constitution are also helpfully dispensed with. The legislature can only implement the constitution not revise it, Hegel first wants to insist, but he has to admit that, after all, the constitution does get revised from time to time ('indirectly').⁴³ Marx's democracy avoids this problem, since it is upfront that the constitution is the self-determination of the people. It is therefore, quite simply, the people who determine what the constitution is.

This conception of democracy already brings with it the dissolution of the political state (that is, the state as an institution, distinct from

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37 MEGA² I/2: 29/MECW 3: 28, quoting *PR* §279R.

38 MEGA² I/2: 30/MECW 3: 29.

39 MEGA² I/2: 30/MECW 3: 29.

40 MEGA² I/2: 30/MECW 3: 29.

41 MEGA² I/2: 31/MECW 3: 29.

42 MEGA² I/2: 31/MECW 3: 30.

43 MEGA² I/2: 59/MECW 3: 55.

human society as such).⁴⁴ This sets it off from *both* monarchy *and* republic, in both of which an internal bifurcation is generated in each human being, into a *political* human being and an *unpolitical* human being (the human being as private individual).⁴⁵

So far Marx's argument has been quite straightforwardly made. But how, according to Marx, is the self-determination of the people to be effected? Marx returns to this question at the end of his lengthy and tortuous examination of Hegel's exposition of the legislature. In this section Marx presents a complex and elaborate critique of the multiple ways in which Hegel resorts to various 'mediations' in order to hold his picture of the state together. I will offer a general discussion of Marx's underlying critique of Hegel's appeals to mediation in the next section; I will not attempt to enter into the detail of Marx's critique of how this functions in Hegel's section on the legislature here. Suffice to say, for our purposes, that a prime instance of such mediation is the role Hegel ascribes to the 'estates element' (the part of the legislature in which the estates are represented). According to Hegel one of the principal roles of the estates element (though by no means its only one), is to mediate between the universality of the state and the particularity of civil society. As Marx summarizes this, 'In the "estates" all the contradictions of the modern state organisation coalesce. The estates are the "mediators" ["Mittler"] in all directions, because in all respects they are "hybrids" ["Mitteldinge"].'⁴⁶

Hegel, in his opposition to a representative constitution, in which the individuals who make up civil society are represented in the legislature by a system of 'one person one vote', favours a constitution that incorporates estates as a further element. The estates, briefly put, can mediate civil society and the state due to an equivalence between 'civil estate' and 'political estate'. But while there was indeed such an equivalence in the medieval period, the modern period is characterized, Marx points out, precisely by a disruption of this equivalence.⁴⁷ And so the identity of civil and political life cannot now be achieved in *that* way. Instead, Marx thinks, the point is to radically rethink the very idea of representation.

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44 Marx comments that here, as certain French radicals (the Saint-Simonians?) have realized, 'the *political state is annihilated [untergehe]*' (MEGA² 1/2: 32/MECW 3: 30). Throughout much of *CHPR*, Marx tends to suggest that he advocates the dissolution of the *political* state, specifically. But in so far as he maintains room for a state that is not political, this (it would appear) amounts to human society as such.

45 For Marx's rejection of republicanism, see MEGA² 1/2: 32–33/MECW 3: 30–31.

46 MEGA² 1/2: 73/MECW 3: 69.

47 Note, though, that Marx catches Hegel committing a Freudian slip of the pen when he notes that 'civil estate' and 'political estate' no longer have the same meaning: '*Language* itself, says Hegel, expresses the identity of *the estates of civil society* with the *estates in the political sense*—a "unity" "which moreover *formerly prevailed in fact*", and which, one must conclude, now no longer prevails.' (MEGA² 1/2: 78/MECW 3: 71)

Marx had maintained, earlier in the text, that the point of the constitution is just to express the will of the people—that this is what the word ‘constitution’ *means*. Hegel attempts to answer the question of representation as if it were a numbers game. The numbers count against direct participation, so we must settle for representation by a limited number of representatives (those who can sit in an assembly).⁴⁸ But Marx proposes to overcome the split between civil society and the state in a completely different way: by actualizing civil society as the state.

In this situation the significance of the *legislative* power as a *representative* power completely disappears. The legislative power is representation here in the sense in which *every* function is representative—in the sense in which, e.g., the shoemaker, insofar as he satisfies a social need, is my representative, in which every particular social activity as a *Gattung*-activity merely represents the *Gattung*, i.e., an attribute of my own nature, and in which every person is the representative of every other. He is here representative [Repräsentant] not because of something else which he represents [vorstellt] but because of what he *is* and *does*.⁴⁹

Representation is here neither direct nor indirect. We might call this a picture of ‘absolute representation’. It brings with it the dissolution of the state, and therewith the dissolution of civil society. Although Marx is less clear on this, it would seem that absolute representation could be interpreted implying electoral reform. But it would also seem that Marx wants to suggest that to achieve such electoral reform would be to overcome all institutions of voting, representation, and so on, in any traditionally recognizable form, since civil society and state would be dissolved at once. What will result are ‘*elections unlimited* both in respect of the franchise and right to be elected’.⁵⁰ In other words, the only meaning to be attached to ‘election’ is now seemingly that of the implementation of absolute representation.

5. Marx’s critique of Hegel’s logic

We have seen how Marx’s critique of Hegel’s defence of monarchy constitutes an argument for radical democracy. This specific argument is rooted in a wider attack on Hegel’s procedures, which seeks to block Hegel’s manner of appealing to logical ‘mediations’ taking place behind the back of reality. I now want to consider this wider attack—even if what Marx provides us with on this score remains fragmentary and exploratory.

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48 MEGA² I/2: 126/MECW 3: 116–17.

49 MEGA² I/2: 129/MECW 3: 119. I leave *Gattung* untranslated here, since the possible translations ‘genus’ and ‘species’ are each liable to misrepresent the generality that Marx has in view.

50 MEGA² I/2: 130–31/MECW 3: 121.

Much discussion of *PR* in Hegel scholarship has shied away from taking seriously the logical structure of that work. Anglophone scholarship has tended to play down, or dismiss, the claims of *PR* to logical status, attempting to ignore them in an effort to concentrate on the substantive doctrines of the work.⁵¹ Even among German-speaking scholars, however, the logical structure of *PR* has tended to be neglected, with the notable exception of papers by Dieter Henrich, Michael Wolff and (more recently) Klaus Vieweg.⁵²

Henrich's discussion is particularly useful for our purposes. Henrich provides a lucid overview of Hegel's claim that *PR* is structured as a set of interrelated syllogisms. He combines this with an appreciation of the Platonic basis of Hegel's conception and with a set of acerbic remarks about Marx's failure to appreciate what Hegel was doing.⁵³ This is useful, since I will want to exploit Henrich's perceptive remarks about the Platonic basis of Hegel's procedure in order to show that Marx, contrary to Henrich's aspersions, bases his critique precisely on his appreciation of what is problematic about this.

It is impossible here to give an overview even of Hegel's basic aspirations in the *Logic*. Hegel's *Logic* is not concerned with formal logic (although a discussion of formal logic falls within its remit). It is intended to be an articulation of thought as such, something equivalent (as Hegel sees things) to an articulation of being as such; it is, in this sense, a logic that is at once a metaphysics. However that is to be understood, what matters for our purposes is that the *Logic* as a whole should be for Hegel the articulation of the *Idea*. The *Idea* generates all difference, whose principle of unity it is. This unity is achieved through an activity performed by the *Idea*, and it is this activity that must be conceived in terms of syllogism. And Hegel's striving for a *Vereinigungsphilosophie* ('philosophy of unification') was in his own mind directly modelled on Plato's *Timaeus*, where Plato, as Henrich puts it, 'had suggested an approach that also allowed the different moments as such to be conceptualized within a completed unity, one that could no longer be transcended in turn by any further postulated unity and would thus prevent the monistic idea from falling back into something merely indeterminate'.⁵⁴ Now, 'the kind of complete union that Plato [and, following him, Hegel] had in mind cannot be accomplished by a single syllogistic thought (syn-logism). For all syllogisms depend on the concepts that function as middle terms (*mediis terminis*)'.⁵⁵

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51 This attitude is articulated in particularly stark form by Allen Wood (1990: 4): 'Hegel totally failed in his attempt to canonize speculative logic as the only proper form of philosophical thinking'.

52 Henrich 2004; Wolff 2004; Vieweg 2017.

53 Henrich 2004: 246–7.

54 Henrich 2004: 243.

55 Henrich 2004: 244.

In a syllogism, the conclusion is reached by means of the mediation of the 'middle term'. Unlike the other two terms that appear in the syllogism (the 'extremes') the middle term appears in both premises of the syllogism. We can now see how it might be that Hegel aims to achieve the union that Henrich speaks of by moving through a series of syllogisms. If we designate the three terms of the syllogism as A, B, C, we can envisage a series of syllogisms in which the middle term shifts in the following way. We begin with A – B – C (with B the middle term, mediating between the extremes A and C). We then move through a series of syllogisms as follows: B – C – A, C – A – B, returning to A – B – C. A further salient feature of Hegel's triad of syllogisms is that they involve the shifting of the moments of universality, particularity and individuality: I – P – U, U – I – P, P – U – I.⁵⁶ As Hegel writes (*EL* §198R): 'It is only through the nature of this con-cluding [Zusammenschließens], or through this triad of syllogisms with the same terms, that a whole is truly understood in its organisation'. He continues:

Like the solar system, so in the practical sphere, for instance, the State is a system of three syllogisms. (1) The *individual* (the person) concludes himself through his *particularity* (the physical and spiritual needs, which when further developed on their own account give rise to civil society) with the *universal* (society, right, law, government). (2) The will or the activity of the individuals is the mediating [term] that gives satisfaction to their needs in the context of society, right, etc., and provides fulfilment and actualisation to society, right, etc. (3) But it is the universal (State, government, right) that is the substantial middle term within which the individuals and their satisfaction have and preserve their full reality, mediation, and subsistence. Precisely because the mediation concludes each of these determinations with the other extreme, each of them concludes itself with itself in this way or produces itself; and this production is its self-preservation.⁵⁷

Henrich thinks, unaccountably, that 'because Marx never explicitly questions the status of causal analysis' he fails to understand that Hegel's "'syn-logistic" system of mediations' is in play in his exposition of the state.⁵⁸ There is, however, ample evidence that Marx is not only aware of this, but gives sustained attention to it in his critique. Henrich falls prey to sloganizing about 'reversal' and 'turning upside down' when he complains as follows about Marx: 'A theory that was originally intended as a reversal of Hegel's position that would preserve the inner formal features of Hegel's own analyses thus ends up, instead, as a

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56 In the standalone *Science of Logic*, the order is: P – U – I, U – I – P, I – P – U. For discussion, see Wolff 2004: 319 n 7.

57 Hegel, TWA 8: 356/*EL*: 276–7.

58 Henrich 2004: 246, 247.

systematic distortion of the latter.⁵⁹ Henrich could not be more wrong. Marx nowhere offers to *reverse* Hegel's position in a way that preserves the 'inner formal features' of Hegel's exposition. He instead questions the inner structure of Hegel's account on the basis of a principled opposition to Hegel's methodology. This principled opposition springs from a rejection of the Platonizing tendencies in Hegel that Henrich identifies.

In a lengthy passage, Marx relentlessly pokes fun at Hegel's mediations. And it might seem that all he does is satirize Hegel. The interdependence of A – B – C, B – C – A, and C – A – B that is so crucial to Hegel's exposition gets this treatment: 'As if a man were to step between two fighting men and then again one of the fighting men were to step between the mediator and the fighting man'.⁶⁰ But there is more to this than satire. As Marx goes on to comment: 'It is strange that Hegel, who reduces this absurdity of mediation to its abstract, logical, and therefore unadulterated [unverfälschten], unshakeable [untransigibaren] expression, describes it at the same time as the *speculative mystery* of logic, as the rational relationship, as the syllogism of reason [Vernunftschluß].'⁶¹ Note that Marx does not attack mediation *as such* (the MECW mistranslates *diese Absurdität* as 'the absurdity' instead of 'this absurdity'). Marx does not simply rule the idea of mediation out of court, but questions the way Hegel anchors his mediations—whose absurdity is apparent on the surface—in an unquestionable logical bedrock. Doing so makes it seem as if extremes *ipso facto*, in virtue of being extremes, require mediation (and can be mediated). But this is not so: 'the one does not have in its own bosom the longing for, the need for, the anticipation of the other'.⁶² Marx does not deny that there can be such a thing as mediation of extremes; his point is that 'real extremes' exist.⁶³ 'Real extremes [Wirkliche Extreme] cannot be mediated precisely because they are real extremes. Nor do they require mediation, for they are opposed in essence.'⁶⁴ And that is not all. It is not just that Hegel disallows the possibility of real extremes, by

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59 Henrich 2004: 247. Henrich here appears to fall foul of his own warnings, in a lecture of 1961, about the image of reversal (2010: 189).

60 MEGA² I/2: 97/MECW 3: 87.

61 MEGA² I/2: 97/MECW 3: 88.

62 MEGA² I/2: 98/MECW 3: 88.

63 *Dellavolpeanismo* made a great deal of this comment. As Colletti summarizes this, it seemed that Marx was recognizing, and restoring, the Kantian concept of *Realrepugnanz* (real opposition that is 'without contradiction'). But, as Colletti goes on to say, it is not ultimately unclear whether Marx is, in the end, properly understood as operating with the concept of *Realrepugnanz* rather than contradiction at certain critical junctures. Della Volpe makes much of the *CHPR* passage on 'real extremes'. But Marx also says in this text: 'Hegel's chief error is to conceive the *contradiction of appearances as unity in essence, in the Idea*, while in fact it has something more profound for its essence, namely, an *essential contradiction*' (MEGA² I/2: 100/MECW 3: 91).

64 MEGA² I/2: 97/MECW 3: 88.

insisting that *whatever pair of extremes you take*, a mediation awaits locked away in advance in the Logic. The other side of the coin is, as Marx goes on, that 'Hegel treats universality and individuality [Einzelheit], the abstract elements of the syllogism, as actual opposites'. This Marx calls 'the basic dualism of his logic'.⁶⁵ This enables us to get a better sense of what Marx means by accusing Hegel of *inversion*. Opposition is denied in reality, dissolved by the unity that logic provides; but it reappears as internal to that unificatory logic itself. The remedy for such inversion cannot, clearly, be a mere turning the right way up.

We can now start to see the depth of Marx's criticism of 'mysticism' (the surface of which we scratched in §3 above). It is not merely that Hegel inverts subject and predicate, or that he makes logic do the real work. The very conception of logic in play is one that Marx wants to overturn.⁶⁶

Marx finds Hegel, despite his best efforts, remaining caught within a Platonic emanationism. This can be criticized on its own terms, as Marx does in his *Notebooks on Epicurean Philosophy*:

In expounding definite questions of morality, religion, or even natural philosophy, as in *Timaeus*, Plato sees that his negative interpretation of the Absolute is not sufficient; here it is not enough to sink everything in the one dark night in which, according to Hegel, all cows are black; at this point Plato has recourse to the positive interpretation of the Absolute, and its essential form, which has its basis in itself, is myth and allegory.⁶⁷

Marx is struck by Plato's recourse to myth—something Gilles Deleuze is struck by, in a similar context, in *Difference and Repetition*.⁶⁸ It is the notion that the source of the unification of difference is a unity that generates difference out of itself that is, itself, a retreat into mythmaking. The reference to Hegel's critique of (presumably) Schelling in the Preface to the *Phenomenology of Spirit* is particularly pointed: whatever Hegel's emphasis on negativity, ultimately he can be doing nothing better than the conjuring trick of generating difference out of an indeterminate Absolute.

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65 Cf. MEGA² I/2: 93/MECW 3: 84: 'One may say that in his exposition of the syllogism of reason [des Vernunftschlusses] the whole transcendence and mystical dualism of his system is made apparent. The middle term is the wooden iron, the concealed opposition between universality and singularity'.

66 Marx's approach here—that of seeking to overturn Hegel's logic—indicates that readings which have him simply *react* to Hegel by beginning (as Feuerbach does, and in a certain way Schelling too) from the 'positive' (as what stands over against the ideal) cannot be right. A reading which, however subtle it may be in other ways, erroneously aligns Marx with Feuerbach/Schelling in this respect is that of Manfred Frank. (See Frank 1992.)

67 MEGA² IV/1: 105/MECW 1: 497.

68 Deleuze 2004: 73.

But it is not just that Platonic emanationism is questionable on its own terms. It blocks the road to the very thing Hegel wants: a dialectic by means of syllogistic mediation. Hegel's dialectic, in spite of his best intentions, falls back into Platonic *diairesis* ('division'). The problem with *diairesis* as a method, as Deleuze evocatively intimates and Della Volpe makes clear at length,⁶⁹ is that it pretends to scientific rigour but falls prey to charges of arbitrariness at the first hurdle. Take some highly general class: we are now to divide it. But by what principle is the division made? This can only be done on the basis of empirical differences—but it was those very differences that *diairesis* was supposed to ground in the first place. There cannot be any principled articulation of difference. There is something to Deleuze's pointed remark that, in Plato's case, what we get in consequence is mere 'ranking' (*amphisbētēsis*) in place of true opposition (*antiphasis*).⁷⁰

What would it be, then, to make good on Hegel's aspirations to a dialectic by means of syllogistic mediation? Such a dialectic cannot be an emanationism. It cannot be the Idea generating difference out of itself, only to itself do the work of mediating difference, on pain of amounting to nothing more coherent than mythical *diairesis*. It must allow for resistance—and thereby for real extremes (or, to put it another way, difference that persists).

It is not possible here to trace the long road travelled by Della Volpe in *Logic as a Positive Science*, in which Marx's critique of Hegel is complexly related to Aristotle's critique of Plato.⁷¹ It may or may not be that Marx is able to save the Principle of Non-Contradiction, in a superior form of dialectic to Hegel's, a dialectic in which mediation succeeds in playing the role that Hegel has in mind for it. What should have become clear, however, is Marx's aspiration: to provide the beginnings of a highly principled critique of Hegel's Logic as operative in *PR*. It will be worthwhile to direct renewed attention to the complex of problems involved in this. Despite the enormous emphasis in the literature on Marx's relationship to Hegel and its importance, this relationship has hardly been explored thus far with any seriousness. What is clear is that Marx does not turn Hegel 'the right way up' by inverting idealism into materialism. What is also abundantly clear is that it would be a mistake to read Marx as replicating the structure of Hegelian dialectic in his later work; his relationship to Hegel's philosophical procedures, as a reading of *CHPR* shows, is far more vexed, and more interesting, than that.⁷²

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69 Deleuze 2004, chapter 1; Della Volpe 1980.

70 Deleuze 2004: 72 (correcting the transliteration of Greek in the English translation).

71 See also the pursuit of this line of inquiry by Natali 1976.

72 I am grateful to Alec Hinshelwood and Martin Mclvor for invaluable discussions of this material.

Primary texts**Hegel**

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EL = *The Encyclopaedia Logic: Part I of the Encyclopaedia of Philosophical Sciences with the Zusätze*, trans. T. F. Geraets, W. A. Suchting, and H. S. Harris, Indianapolis: Hackett, 1991.

PR = *Philosophy of Right*, trans. H. B. Nisbet, Cambridge: Cambridge University Press, 1991.

(R = 'Remark' where appended to a § number in one of Hegel's texts.)

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A “Transformative” Reading of Hegel’s Philosophy of Right?

Ludwig Siep

Abstract: The wide range of interpretations and reception of Hegel's *Philosophy of Right*, can be divided into hermeneutic, creative or transformative approaches. In this essay, a transformative reading is defended. The argument focuses on Hegel's concepts of "Right" and "Objective Spirit" both of which bear on present debates in social ontology and legal philosophy. The first concept ("Right") combines a critique of the narrow individualistic and legalistic concepts of Right with a justification of the protective and egalitarian function of law enforcing institutions. The second concept ("Objective Spirit") avoids ontological individualism, as well as the exclusive actuality pertaining to systems, institutions, and collectives. However, Hegel's conception of state sovereignty as an end in-itself, and as the prefiguration of the absolute idea, tarnishes the relevance of his philosophy for social philosophy today. In addition, his teleological concept of nature and history is untenable in view of evolutionary theories and cultural pluralism. To release the potential of the *Philosophy of Right* a fundamental transformation is required. Modern social philosophy can work with other aspects of Hegel's philosophy of Spirit: Its normative anthropology, the history of radical experiences, and the theory of mutual recognition.

Keywords: social ontology, idealism, state sovereignty, civil rights, mutual recognition.

Introduction

Hegel's *Philosophy of Right* is one of the most controversial texts in the history of philosophy. The controversy started immediately after its publication 200 years ago¹ and continues till this day. Its history of interpretation (Rezeptionsgeschichte) is tightly connected with its own influence on the history of thought, politics, and law (Wirkungsgeschichte). It triggered radical transformations in Left-Hegelianism, Marx, and has garnered a reputation and place amongst the main sources of both liberalism and communitarianism, and even totalitarianism. The Anglo-Saxon history of interpretation of the *Philosophy of Right* is particularly related to political and ideological developments. The last phase of this interpretation has taken a sharp turn from the postwar criticism in analytic and empiricist philosophy (Popper, Russel) to the recent neo-pragmatist defense (Pinkard, Brandom). Whereas the critics linked Hegel to the history of German authoritarianism, the latter readings place him within the history of democracy, or the common law tradition (Brandom).

Some of these controversies may be overcome by critical editions and annotations of Hegel's texts. However, in the case of the *Philosophy of*

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1 Riedel 1968

Right the edition of the student notes of Hegel's different lectures between 1817 and 1831 even has incited new controversies. Together with biographic and historic investigations, these controversies gave rise to the picture of the "progressive" Hegel of the lectures disguised in the publication in order to pass state censure. I cannot go into the details of this controversy. The evidence for a piece of "persecution and the art of writing" (Leo Strauss) in the book of 1820/21 is unconvincing in my eyes. The student notes may be used as commentaries to help understand the published book, but not read against it. There are enough texts authorized by Hegel, especially in the "Objective spirit" section of the Encyclopedia (third edition 1830!) to confirm the arguments of the book. Hegel is not an apologist of the Prussian state, but not an early liberal constitutionalist either.²

The reasons for the deeper controversies are to be found in the book itself and its place in the Hegelian system. They are principally of two kinds: The first is the tension between the analysis of institutions effective in Hegel's time – one, but not the only meaning of "wirklich" in the preface of the book – and the systematic framework based on fundamental ("logical") principles. By this framework the philosophy of law, morality and ethical life is seen as "proof" of the absolute immanent in every reality³ – the system as a whole. The second tension derives from the character of Hegel's principles itself. Their "self-movement" (Selbstbewegung)⁴ is based on their self-referential negativity. But the "explosive" character of this negativity is used within a holistic system aiming at reconciliation⁵ between man and world, both natural and social. These tensions –allow for a variety of different and opposing readings which cannot simply be swept away – although almost any new interpretation claims to make every preceding one completely inadequate and superfluous.

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2 Regarding his position in the Prussian constitutional debate cf. Lübke-Wolff 1983, for the relation to the constitutional movements of the early 19th century cf. Siep 2015, 2018. The following text draws in an abbreviated form on former and present publications which I therefore take the allowance to refer to.

3 For a stringent explanation of Hegel's conception of the immanent absolute ("All-Einheitslehre") cf. Henrich 1982.

4 Cf. Phenomenology (GW 9, 41) and Science of Logic (GW 11, 8). I quote Hegel from the collected works edition (see bibliography) as GW (with volume no. and pages or §§) and occasionally the "Theorie-Werkausgabe" (TW). I use the abbreviations PR for Philosophy of Right, AW for the English edition by Alan Wood and Enc for Encyclopedia (1817 and 1830). As is well-known the PR was published in 1820 although 1821 is printed on the front page.

5 This task which Hegel set for philosophy since his early writings has not been abandoned in the PR (cf. PR Preface, GW 14.1, 16 and § 360).

1. Ways of reading Hegel today

In order to schematize the diversity and avoid misunderstanding, I distinguish between three types of reading *the Philosophy of Right* which seem to be dominant today. The first I call “hermeneutic” (1.1), the second “creative” (1.2) and the third, containing elements of the other two, “transformative” (1.3). They are all justified, but in my view one should be aware of their relation to each other and to the texts.

1.1 By “hermeneutic” I understand a reconstruction of the arguments presented by the author, based on critically edited and annotated texts. Due to the systematic claims of the book they have to be placed within the framework of the system as a whole. At the same time, following Hegel’s maxim “hic Rhodus, hic saltus”,⁶ the arguments have to be clarified on the background of the historical context (“philosophy in context”). It is evident that Hegel talking to his students is aware of the recent movements, especially the anti-Napoleonic wars with its emerging nationalism and the historic school of jurisprudence (Savigny) linked to Romanticism and Schelling. But, of course, Hegel, like Rousseau, aims at a dialogue with the classic authors as well.

This interpretation aims at understanding the general aims and the particular conceptions of the author, guided by a “principle of charity”, but examining each argument regarding its own conclusiveness. Of course, the modern language used by the interpreter unavoidably shapes the “horizon” of the interpretation. But she/he attempts to “bracket” this bias in order not to mitigate the otherness and “strangeness” of the conceptions analyzed. Only as such the understanding may serve as a critical view on the interpreters own open or hidden premises.

1.2 The “creative” view aims at writing texts for the present time, its problems or its longing for “innovative” thought. In general, the “interpreter” is fascinated by more or less implicit concepts which in a new “translation” would be convincing today or a surprising alternative for worn out ways of thinking. Often, more recent authors or texts from different traditions provide the key for such reading. But even supporters of eternal truths are often convinced that the text need only be deciphered in the way familiar from the interpretation of classical or holy scriptures, namely by “going against the grain” of the time-dependent wording. Thus there is a broad spectrum between new readings of the always true “mighty dead”, creative post-modern reformulations (like in modern staging of classical drama) or readings of Hegel as a prophet of modern achievements like democracy, human rights or women’s liberation.

1.3 A transformative reading sticks to the hermeneutic rigor of the first interpretive approach outlined above. But it is explicitly guided

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6 PR 15, AW 21.

by the questions and problems of the present – both philosophical and social. However, the transformative interpretation tries to distinguish how far Hegel can be helpful for solving them and where the limits are, due to the conceptual and historical premises of his thought. To some degree, his thinking, for instance regarding the state, the sexes, the immanent purpose of history, or the claims of spirit against nature⁷ is even considered to belong to the very sources of present problems. His defense of metaphysics, which he tries to reconstruct on a par with the Kantian critique⁸, and of Christianity against the enlightenment generate consequences unacceptable from a modern point of view. A transformational reading of Hegel has to question these conceptions if it wants to make “the rest” prolific for modern philosophical tasks. In this regard, the transformative reading is in accord with the second.

This is only a broad sketch of alternatives requiring much more “fine tuning”. I admit its bias, because I attempt to belong to the third alternative. In the following, I pick out two aspects of the *Philosophy of Right* which I consider suitable for such a transformative reading: Its concept of right (2.1) and the relation between individual and trans-individual objective spirit (2.2).

2. “Right and “objective spirit”: Hegel and modern social philosophy

2.1. Concept and critique of “Right” or “law”

For a reading of Hegel’s text with regard to contemporary problems, Hegel’s very concept of right or law⁹ seems to be of special interest. Regarding it, the most basic hermeneutical questions remain puzzling. Why does Hegel subsume the content of his *Philosophy of Right* under so many different titles: Philosophy of Right, natural law and science of state (subtitle) and objective spirit (title of the Encyclopedia section)? And what about the definition, justification, or deduction of this concept? In the Introduction of the PR (§ 2) Hegel assigns the “proof” or “deduction” of the “concept of Right” to the preceding part of philosophy, namely the Philosophy of Subjective Spirit. As its result, the concept of law is “given” at the start of the PR as comprising the determinate forms of a rational will aiming at its own freedom and its manifestation within the natural and social world (Enc. 1830, § 486). The introduction to the PR summarizes the concept of this will in a way accessible to common

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7 Cf. Siep (forthcoming a).

8 Cf. his remarks regarding the relation between logic and metaphysics in the preface and introduction to the Science of Logic, GW 11, 5-8, 17-19, 22.

9 In the following, I usually choose the translation “right” for “Recht” and “law” for “Gesetz” (only with a capital L for “das Recht”).

experiences with one's own will (§§ 5-7). Hegel relates the moments of (negative) freedom from every particular aim and the necessity of self-binding decisions – without losing this freedom – to the moments of “the” concept: universality, particularity and singularity. In contrast, in the Preface to the PR, Hegel demands of philosophy to understand what is “actual” (wirklich), namely the rational result of the historic development of laws, institutions and constitutions – in opposition to a priori ideas as well as to common feelings about justice, freedom etc.¹⁰ Of course, Hegel's concept of “actuality” as developed in the Science of Logic does not refer to the empirical facts of society and contemporary history. “Actual” is only what can be understood as the self-realization and -explication of reason. In the Preface of the PR he distinguishes “existence” and “actuality” (Wirklichkeit) – the former is the “bark” of contingent variations, the latter the “pulse” of reason's necessary historical self-realization. However, the institutions which Hegel analyzes in the PR belong to the “pulse” or the necessary realization of reason. Thus the formulations concerning reason's actuality (“Wirklichkeit”) in the present (“ist”) or the future tense (“wird”) – as in some of the student notes – is not so important after all.¹¹ It is the model of the contemporary European constitutional monarchy, including variations and future modifications, which represents an advanced state of reason in history.¹² Hegel's late lectures on the philosophy of history indicate problems or “knots” to be solved, but no radical reversals.¹³

The rational reconstruction of the historically realized idea accords to the categories of the Science of Logic – although perhaps not just in the same sequence.¹⁴ At the same time, the order of abstract right – containing private right and some aspects of penal law – morality and ethical life establishes a new systematic order for the contents of natural law, Aristotelian practical philosophy, and Kantian Metaphysics of Morals.

Instead of discussing the relation between the different ways of “deducing” and explaining the concept of Right in the preface and the introduction of the 1821 book, I focus on the meaning of “Right” in the three parts of the PR. What is obvious and interesting for today, is that Hegel uses a “broad” concept of right or law. Not only strict rights fixed in

10The polemic tone of the preface, as is well-known, is primarily aimed at the national-religious doctrine of the spiritual and political leaders of the “Burschenschaften”.

11 But compare Henrich, 1983, 13-17. Hegel stresses the power of reason or the idea to realize itself – even beyond natural necessity – in many instances (cf. GW 13, 114; GW 14.1, 16; GW 18, 153).

12The constitution of the PR seems, however, closer to the German type than to the French (1814) or English. For the German type of constitutional monarchy see Böckenförde (1976).

13 Cf. TW 12, 534.

14 “Spirit” in general corresponds to the subjective logic (Begriffslogik), but Hegel employs categories from all parts of the Logic in the PR (“Dasein”, “Wirklichkeit”, “negatives Urteil” etc.).

laws and sanctioned by legal force – deriving from these laws themselves – belong to the concept of Right (or Law). This concept includes claims to institutional support for welfare and respect for the freedom of conscience (as in “morality”) as well as the psychological, sociological, or administrative (“Rechtspflege”) conditions of a stable culture of Law. The very expression of “abstract” – meaning in Hegel’s terminology one-sided and isolated from a semantic or institutional whole – retains his early criticism of the insufficiency of legal relations.¹⁵

However, since his Jena writings, he claims to have demonstrated that the pre-modern relations of fighting for honor, possession and domination are justly overcome by the rule of Law. And as the true claims of “abstract right” in the PR are “conserved” in its sublation into the following parts, so is the right of the person to property and unforced contractual exchange. As an expression of the “idea” in Hegel’s sense of a self-realizing concept, however, right has to be firmly rooted in the customs, mentalities (“Gesinnungen”) and dispositions of the people. Yet in contrast to the necessary realization of reason “in the long run”, there are unavoidable risks for the stability of the rule of Law in modern societies: contemporary market societies are bound to undergo economic and social crises undermining loyalty to the Law.

What is the place of the concept of right in this analysis of the crises of civil society and its overcoming? The relations of private law are, of course, among the conditions of them. On the other hand, extreme economic crises touch the stability and justification of right or Law itself. Due to mass production, selling crises and unemployment, loyalty to the law erodes at both extremes of society. The extremely wealthy can “buy” the law. On the other side, among the poor without the chance to live a decent life by respecting the law, legal obedience may vanish. The poor are even justified in their disobedience and state punishment loses its meaning.¹⁶ But the “dialectic” of civil society does not result in a new form of economy or solidarity beyond legal relations. A single society may be driven beyond its borders into colonialism (PR § 248) or even collapse. The institutions which philosophy identifies and reconstructs in their rationality, instead of morally demanding or foreseeing them, partly prevent the crises and partly sublimate the “spirit” of civil society. For Hegel, the social (corporations) and political institutions (“Polizey”, ethical state) are not in principle unable to prevent the crises of civil society. But their permanent possibility indicates the necessity of a higher spirit, that of the ethical state.¹⁷

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15 Cf. GW 2, 201-204 (Frankfurt manuscripts), GW 4, 415- 485 (On the scientific treatments of natural law) or the Phenomenology chapter on the “condition of right or legal status”.

16 Cf. PR § 245, GW 26,1, 450 and Henrich 1983, S. 196.

17 In PR § 256 Hegel calls the development from family solidarity through the “diremption” of civil society to its sublation into the ethical state the “scientific proof” of the latter’s concept.

To the strength of the modern state belongs, however, to give room for the “extreme” of “subjective particularity”, that is the choice of life-plans and the private pursuit of interests (§ 260). It integrates conflicts between the claims of individuals and groups with the common good in different ways: by invisible hand processes as well as by “directing their will to a universal end”.¹⁸ The latter is the task of the corporations and the institutions of the social and ethical state. Civil society needs to be embedded within an “ethical” state which is worth inclusive personal sacrifices. This is not only required by Hegel’s concept of the modern state as supreme legal authority.¹⁹ It is also founded in a critique of the modern social contract state by a collective meaningful identity in the sense of the classical polis.

The “ethical”²⁰ relation towards the state overcoming the merely legal relations of civil society, however, limits Hegel’s actuality: namely the citizens’ willingness to find their last purpose and highest “freedom” in the ethical state as “unmoved end in itself” (§258). This end is worth offering all one’s rights and interests (including one’s life), if necessary to defend the state’s sovereignty (§ 323) in wars.²¹ Nota bene: *not* primarily for the protection of (contemporary and future) citizens’ rights, but for the manifestation of state sovereignty as embodiment of the absolute idea.²² To be sure, for Hegel this demands no enthusiastic patriotism, but “only” the habitual semi-conscious knowing that the state can ask for the sacrifice of any right. But its significance within Hegel’s concept of objective spirit is often underestimated: It not only realizes (“idealizes”) the limits of all particular rights by negation (“nullity”) but also transforms the necessity of natural death into a “work of freedom, something ethical in character” (§ 324, W 361).

The strengths and limits of Hegel’s concept of right from a modern point of view may be resumed in the following way: *firstly*, a broadening of the concept enabling science and politics to be aware of conflicts between different types and “layers” – for instance in the modern terminology

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18 PR § 260, AW 282, cf. also Enc (1830) § 537.

19 This is Hegel’s permanent tenor against the relation between the state and the particular forces as a private law relation since his early manuscripts on the ancient German empire – compare Max Weber’s concept of the “expropriation” of all separate authorities by the modern state (as “Anstalt” – Weber 1988, 510 f.).

20 Regarding the underlying interpretation of “ethical” and the relation between state and religion see Siep 2015, 2017.

21 If the dispensation of these rights manifests sovereignty, they are, of course, no effective limitation of it. They are rather an appeal, not a takeover of a piece of sovereignty (as intended in the revolutionary 18th declarations, cf. Hunt 2007, 114-116).

22 Many recent defenses of Hegel’s theory of war (for instance Wood, 1991, XXVI) overlook its function for ontological “idealism” (§ 278) and secularized theodicy (“justification of providence” § 324). This, however, marks the difference to modern theories of “just war” – namely justified only by the defense of (present and future) citizens’ rights.

between subjective and objective rights, individual and group claims (“cultural” rights, public goods etc.), protecting versus enabling rights (social, or today ecological rights). The contemporary conflicts between different “generations” of human rights or the debate of their individualistic or Western bias may profit from such a perspective.

Secondly, Hegel thinks that the deficiency of every form of legal relation has to be compensated. Not only by informal ways of mediation,²³ but more importantly by moral and ethical bonds. Customs, habits, and emotional sensibility allow for the recognition of irreducible individuality (as in moral conscience or private life plans) and the forming of emotional and rational relations of solidarity and trust.²⁴

The reasons for Hegel’s critique of the isolation and dominance of legal relations – especially concerning private law – are far from being obsolete. Not only the history of the relation between the state and private enterprise in colonialism and imperialism testify the dominance of “abstract right” and the freedom of “subjective particularity”. Modern forms of “possessive individualism” or corporate snatch to global power and political influence still confirm such trends. On the other hand, the turn against the protection of individual rights or the rule of law – including the total abnegation of “enlightenment” – in authoritarian and totalitarian states of the 20th century led to forms of arbitrary rule with previously unimaginable degradations of human dignity.

Similar consequences were generated by the failure of states or of the rule of law in civil wars – even if legitimate in their beginning. In this light, the codification and enforcing of rights still seems the best way to protect the weak against the powerful. And even parts of the claims beyond “abstract law” have been laid down in voluminous codes for social or environmental law.

They are at least a basis for legal demands and public pressure, especially by the media or social movements. In addition, different from the times of unlimited national sovereignty, social, cultural and ecological rights of individuals and groups are the subject of international law and jurisdiction.

Setting aside Hegel’s anathema against philosophical prophecy, one may try to anticipate at least some future social problems regarding the significance of law or right. Taking climate change and pandemics as examples, the limits of the concept of right and legal procedures seems obvious: the securing of urgent public goods is widely considered to

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23 PR § 223.

24 In contrast to the Phenomenology, unfortunately, Hegel’s discussion of conscience in the PR is much poorer regarding the integration of individual non-conformism in a “learning” community. But different from Robert Brandom I think that his concept of “forgiveness” is neither in the Phenomenology nor in the PR of such an all-understanding, pardoning and improving character as depicted in the “Spirit of Trust” (Brandom 2019). For a similar criticism see Knappik 2020.

justify cutbacks on civil rights and democratic legislation. However, to decree restrictions or distribute benefits – such as hospital beds or vaccination – at random without general rules and a justified prioritization would end up with extreme injustice most likely to the detriment of the weakest. To be sure, a fair distribution in many cases transcends universal legal principles. How to weigh the entitlement to uninterrupted school education for the young against the claim of the elderly to many years of probably healthy aging and the chance to die accompanied by beloved persons? Every step of introducing less formalized procedures – trusting the virtue of administrators, doctors or care-givers – runs the risk of voluntariness and corruption. Control by legal regulation as well as support for a sense of fairness and regard for particulars seems the safest way. The same is true for the second example, the restrictions necessary to maintain the conditions for human – and extra-human – life on earth. Emergency states are the best pretext for authoritarian ambitions. Every step towards such measures has to be considered carefully and put to the tests of legal courts on all levels of jurisdiction.

Thus it seems that Hegel's general concept of right still provides argumentative resources for contemporary problems. It demands universal rules, but at the same time a variety of mediations and compensations correcting their blindness against the particular. Furthermore, it requires extra-legal forms of recognition.²⁵ On the other hand, the expansion of the concept enables him to regard the state's "right" as practically unlimited. And in calling world history the "court" over the conflict between states,²⁶ he allows war to judge over the justification of state constitutions – of course with the certainty of reason ruling world history, which few philosophers share in the 21st century.

2.2 Objective spirit: The relation between individual, community and institutions

A similar conclusion may be drawn regarding the relation between individual person and objective spirit. Hegel's conception addresses problems still virulent in modern social philosophy and sociology. It takes steps in a direction convincing to follow. But the monistic "idealization" of all independent claims into a single "peak" forfeits much of the benefit gained on the way.

In his conception of objective spirit Hegel tries to strike a balance – both in an explanative and a normative sense – regarding the mutual dependence *and* independence between individual and group or institution, even the "material culture" of an organized society. Several

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25 As to modern attempts at transforming Hegel's concept of mutual recognition cf. Honneth 1992 and Siep 2020 a.

26 Cf. PR §§ 334, 341 – and notably strong Enc. 1830 § 550.

modern conceptions in social ontology and political philosophy aim at the same goal. Empirical findings regarding the forming of the human mind by a symbolic order, the shared memory²⁷ and the reign of customs and rituals within a society and beyond its “borders” – often only imaginary – are overwhelming. Cultural habits and identities are not the results of individual decisions nor of contracts between the members. Instead, they emerge from an “unconscious” anticipation or equipoise between the expectations within a group. On the normative level this behavior leads to the ascription of validity to institutions, offices, values (f. e. monetary) etc. Such ascribed normative force outlasts the existence of its investing subjects if it is laid down in scriptures or other media of the cultural memory. For Hegel, these “objective” structures or cultural patterns may even reach a historical stage where philosophy is able to reconstruct them as a conceptually necessary order of “determinations of freedom” (Enc. 1830, § 484).

However, such an order may remain a mechanical “lifeless” system, not adequate to the changing emotions, imaginations, and thoughts of its members. They need to constantly execute, interpret, and modify them. Some such patterns remain a cage for a long time – but short of a biotechnical change of the human being not forever. To avoid such alienation, the objective structure must be recognized and enacted by the players of the game or drama, to put it metaphorically. Hegel calls this the “realization” or reality of objective spirit by individual and collective activities. But this is a mutual realization: without playing a recognized social role the individual is unreal, it has no “state” (Stand). To achieve it, demands the mastery of one’s body and mind and the acquirement of competences to participate in cooperative activities – the subject of Hegel’s anthropology. Such mastery is a constant disposition or habit, in the tradition of Aristotelian virtues. However, it requires opportunities to find a place for one’s gifts in a system of the cooperative meeting of needs – which for Hegel is not guaranteed in a market society. From a contemporary perspective, even passive roles and understandable behavior – if needs be, medically understandable – grants to the individual human status and the basic rights which come with it.

To understand the Hegelian conception, this mutual dependence and independence must be discussed both from an *ontological* and a *normative* perspective. In the ontological perspective, Hegel partly accords with modern theories of collective intentionality, social institutions, public mind or social systems.²⁸ He does not regard objective spirit as “super-mind”. It is not a person or an individual will without a body or a material substratum, like a transcendent God. Even world spirit is not such a

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27 Echterhoff et al. 2011.

28 For instance, Searle, Pettit or Luhmann. Cf. Siep 2020.

personified entity governing history like a puppet master. Rather, it is the direction of the tendencies and institutional developments which can be reconstructed as leading to the rational solution of social problems. However, for Hegel this is not, as for Kant, a mere hermeneutical hypothesis. For him, such a “governance” follows not only from a systematic understanding of history, but from the relation of spirit to nature and to the system of categories. Reason has the irresistible force of the “idea”, the unified network of all categories, to unfold and to materialize itself. Thus the philosophy of history can be understood as a secularized theodicy.²⁹ There is little agreement with Hegel in this regard in modern social philosophy and philosophy of history.

Another difference to modern philosophy is Hegel’s view of different degrees of “reality” – which in part relativizes the thesis about the dependence of objective spirit on human individuals and nature. In the Platonic tradition, Hegel holds a gradual concept of reality and truth (ontological truth). It is most explicit in the philosophy of nature, where the higher levels (“Stufen”) use the lower as its material and represent a more real and true existence. Hegel claims spirit to be the “truth” and underlying reality of nature. The latter’s purpose and “determination” is to serve spirits self-understanding and free actions.³⁰ On the level of animal life, the individual serves the reproduction of the species without a concept or awareness of it. In contrast, the spiritual (human) individual is able to know and take a stance – affirmative and critical – towards the community and its institutions. However, the universal will embodied in permanent institutions represents a higher manifestation of the idea than the normal mortal and particular individual.³¹ This will itself is individualized (“we as I”) in the particular sovereign state and its highest representative, the constitutional monarch (PR § 279). The institutional unification (“Vereinigung” § 258) is a higher form of reality and truth than the singular mortal individual.³² As we have seen (above p. <6>), this does not exclude the state’s duty to protect individual rights but justifies its higher dignity and priority of rights.

Ontologically, such a Platonic teleology of being and truth has lost its plausibility. Ontologies of emergence and supervenience³³ are much more in accordance with the modern sciences, especially the view of evolution as a non-teleological process, This does not require to go back

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29 Cf. TW 12, 540; in the same direction: GW 13, 114; GW 14.1. 16.

30 Although spirit depends on (or “presupposes”) nature both cognitively – as its prefiguration and opposition – and practically, as condition for social activity. Regarding the “neo-platonic” aspects in the relation between objective spirit and nature see Siep (forthcoming a).

31 For a critique of Hegel’s „strong institutionalism“ cf. also Henrich 1983, 32-34.

32 Cf. GW 26, 3. 405 (confirming §§ 258 and 323 of the PR).

33 Cf. for instance Collier 1994.

to reductive naturalism. But it allows for the independence of the “lower” strata, including the “vanishing” individuals, as against the more complex and more permanent entities. Neither permanence nor universality justifies higher ontological dignity. Unity, universality, and eternity are metaphysical criteria of traditional ontologies not convincing in a world of contingency, change and pluralism.

As to the *normative* dimension, Hegel’s attempt to take into account the mutual dependence and support of “moments” and the whole remains attractive for modern social and practical philosophy. But this conception, too, is flawed by the lack of symmetry and reciprocity between element and whole, individual, and institutionalized community. Hegel’s key term for this relation is “mutual recognition”. According to its general conceptual scheme it is characterized by a reciprocal and symmetric structure pertaining both to the recognition between individuals and between individual and group (“I” and “We”).³⁴ Following Fichte, the development of recognition is a (“transcendental”) condition of individual and collective self-consciousness. For Hegel, however, recognition is not an a-priori principle. It comprises stages of socialization and historical institutions. Especially in Hegel’s Jena writings, the “movement of recognition” functions as explanation, as “motor” – for instance in struggles – and as normative criterion. The latter is due to its – for Hegel – teleological character: social integration is the realization of an implicit goal, the free mutual recognition and the mutual support which he calls – with Kant – “organic”. The flourishing and the interests of the members are the purpose of the whole and vice versa.

For modern social philosophy both the “transcendental” and the “teleological” character of mutual recognition are doubtful.³⁵ But given the socio-psychological evidence for the striving for recognition and the pathologies caused by its failure in all kinds of social environment, the concept is still fruitful. This holds both on the level of explanation and normative judgement. Despite the plurality of life-plans and self-designs, it seems necessary for a self-reliant being to be recognized in different forms of emotional and institutional “embedding” – even an outsider aims at being taken seriously. And for the modern mind the criteria of recognition have to be approved not only by the shared culture but also from one’s own point of view.

Hegel himself, however, remains not true to the supposed symmetric character of mutual recognition. Although he requires the self-negation and release of otherness on all levels, the highest stages of objective spirit clearly present an asymmetric priority of the institutionalized and individualized common spirit. Whereas in his earlier

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34 Compare the exposition of the “movement of recognition” at the beginning of chapter IV (self-consciousness) of the *Phenomenology* and Quante 2018.

35 Cf. Siep 2014, 22-26.

manuscripts he talks of a self-offering of the state in his recognition of its citizens,³⁶ the philosophy of right speaks of a recognition demanding self-sacrifice only on the side of the citizens (§ 324).³⁷ And the state may not only sacrifice individual rights but the civil existence – not only in the material sense, but also in the “ethical” of habits and mentality– of whole groups (the “Pöbel”).³⁸ Modern constitutional theory, recognizing a right to resistance in cases of severe violations of human rights or of the attempt to overthrow the constitution, turns away from this asymmetry. At the same time, a pluralistic legal philosophy abandons Hegel’s concept of an “ethical” state, the identification with which gives individual life its meaning.³⁹ To be sure, Hegel’s intention to discover a non-private, non-egocentric secular communal spirit did not lose its significance. But its direction towards the state is more than problematic.

This is obvious not only with regard to the nationalist, colonialist and totalitarian past, but also to new forms of national-religious or theocratic cultures. Feeling in harmony and recognition by the group and its most important representatives is demanded and considered worth abandoning one’s independent reasoning (“sacrificium intellectus”). Unquestioned obedience, unswaying loyalty and readiness for personal sacrifice are often regarded as the highest virtues demanded by trusted membership. In religious groups or their secular offspring doubting still counts as sinful or treacherous. The division of labor between the spiritual experts (priests, political party elite etc.) and their virtuous followers is willingly accepted. Precious and everlasting compensations have always been promised for such sacrifices.

For Hegel such self-disclaiming is irreconcilable with the human spirit and the strife for autonomy of thought and will. This striving is the key for a systematic understanding of the functions and capacities of the human spirit (subjective spirit) and history. Whoever wants to preserve this view of recognition without Hegel’s strong metaphysical principles and asymmetric consequences is in need of a different anthropology and theory of historical experiences (cf. below p <16-18>).

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36 GW 8, 254, 255 (philosophy of spirit 1805/06): the universal “sacrificing itself to let me have my own”. Although the institutional examples are preserved in the PR (welfare expenses, extra-legal mediation and pardon after the death penalty) Hegel here affirms the general symmetry between universal and individual self-negation.

37 This asymmetry can be found in other aspects of the philosophy of right, namely penal right, as well, cf. Siep 2017a.

38 Cf. Ruda 2011.

39 Absolute spirit, especially religion and philosophy, are more “full-blown” sources of meaning. But only insofar as they are in harmony with (and justify) the principles of the constitutional state.

3. Why transformation?

The critical look on a “classical” philosophical text has different reasons and consequences. The hermeneutic reader, if it grants the culture and philosophy of the present time any justification at all, will try to arrange a “charitable” reading with some of rather uncontroversial modern institutions. Most of the modern readers share the conviction that, for instance, some form of limited sovereignty and of democracy, the equality of gender and of non-religious convictions etc. are justified. They tend to detect the prefiguration of these principles and institutions in Hegel’s text. Or else they attribute alternative institutions not to the core of his legal philosophy but to the spirit of his time – if not to a dissimulation in front of state or church power. For a creative reading these deficits are without importance, because its interests concern only the promising aspects for new directions – like logical or social dialectics, historical semantics, social epistemology etc. For a transformational access, in contrast to both, it is necessary to understand how deep the unacceptable consequences are rooted in Hegel’s thought. And on the other side, by what philosophical means his fruitful insights may be conserved and redirected.

3.1 The insufficiency of the Hegelian framework

The “transformative” stance assumes, with Hegel, that philosophy is the conceptualization of its own time (“ihre Zeit in Gedanken gefaßt”). However, the deficits of Hegel’s conception of Right and objective spirit are not to be ascribed to his “accommodation” with historical circumstances. To the contrary, they are a consequence of his most basic ideas of philosophy (“science”) and of an absolute as immanent in all reality. A transformation, therefore, must touch the basics of Hegel’s system. This can be demonstrated both regarding the philosophy of right (1) and of the sciences (2).

(1) For Hegel, in his “idealistic” transformation of Spinozism there is one single self-realizing, self-differentiating and self-understanding thought (“Idea”) constitutive for the true reality of nature and society. The sovereign state is a high-level expression of this differentiating and unifying force, confirmed by Hegel still at the beginning of the “Idea” chapter of the Science of Logic.⁴⁰ In the PR he explains the “personality” of the state in the same terms as those of the absolute idea in the Science of Logic, namely as a concentration and idealization of all determinations in one single self.⁴¹ The result is the “absolute right” and “self-certainty” of the state and its representative (§ 278).

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40 GW 12, 175 sq.

41 PR § 278, cf. Science of Logic, GW 12, 251 “pure personality ...containing everything (alles) in itself”.

(2) In the Platonic tradition, Hegel understands philosophy as a system of concepts to be the true “science” and setting the standards for scientific truth claims. To be sure, he accepts the empirical sciences as the point of depart for philosophy both regarding nature and history.⁴² “Point of depart” however, is not the same as criterion of truth. Hegel compares the relation to that of digestion: The material has to be radically converted in order to fit in a system of self-explicating concepts.⁴³ These concepts may have to be adjusted to the progress of science and new cultural life forms – requiring an amendment of Hegel’s *Science of Logic*. But the criterion for valuable science is, in the end, whether the results and categories can be interpreted by such a philosophic system. Given the diversity of scientific results, their permanent adjustment and the role of contingency in natural and historical processes, an explanation by a self-closing holistic conceptual systems is not guaranteed. To be reconstructed according to the criteria of a philosophical system laid out by Hegel’s method of conceptual self-differentiation and re-integration seems too narrow to be a selective criterion. Today, rational justification must do with lesser syllogistic stringency⁴⁴ than demanded by the Hegelian model.

3.2 Outlines for transformation

The constitutional history after Hegel has seen both the extreme growth of state power and sovereignty as well as movements to limit it by constitutional restrictions, new forms of division of power and human rights. Of course, there are still arguments for a “strong” state able to limit the ambitions of both the liberal market society and religions.⁴⁵ But the conception of the state as the ultimate end in itself has had terrible historical repercussions. A state-absolutism, of course far away from Hegel’s constitutionalism, led to the overcoming of the Rule of Law altogether and to incredible crimes against humanity. The controversies about the limits of single state sovereignty in constitutional and international law are far from over.⁴⁶ But if such overstretching of sovereignty is to be averted, human rights must be protected against it⁴⁷ –

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42 Cf. Enc.1830, §§ 7, 12, 38, 246.

43 Enc. 1830 §§ 14, 15 (cf. Enc.1817 § 10: “What is true in a science, is true because of and due to philosophy”).

44 Even if the syllogistic relation between the concepts is understood as “making explicit” in the sense of Brandom (1994). The process has to come “full circle” in the Hegelian model (Enc. 1830, § 15).

45 Regarding this reason for strengthening state authority see Siep 2015, esp. 227-231.

46The “responsibility to protect” is not universally accepted in international law. However, there is still support for the formula “protection of a population against severe crimes of its own government” (Kreß 2019).

47 According to Martin Kriele, the history of human rights can only be understood by their opposition to sovereignty (Kriele 1973).

not be negated in order to manifest its superiority. This requires different constitutional instruments which Hegel rejects, ultimately due to his ontological monism.

Why should the fundamental changes with regard to Hegelian premises still be called “transformation” and not simply a replacement by an empiricist epistemology, contract theory, historicism etc.? Because, in my view, the necessary alterations can be paralleled with those parts of the Hegelian system which are the sources of his philosophy of right, namely his philosophy of subjective spirit (1) and of history (2). Also, the concept of the inner structure and formative process of objective spirit, namely mutual recognition, may be reconstructed in a less asymmetric and teleological way (3).

3.2.1 Subjective Spirit and normative anthropology

Hegel’s philosophy of subjective spirit combines anthropology with a theory of mind – including the emotions – and epistemology.⁴⁸

The anthropology is exemplary both regarding its psychosomatic character and the awareness of the social roots of the individual. The “phenomenology” recollects the development⁴⁹ from a “Cartesian” difference between consciousness and external world to a concept of self-conscious reason in the natural and social world – that is, a rationally accessible nature and a common institutionalized will. The “psychology” explains the purposive function of the cognitive, emotional and volitional faculties. This purpose is “true” knowledge aiming at individual and collective well-being (“Glück”) and autonomy.

There are several traits of Hegel’s philosophy of subjective spirit, providing the “deduction” of his concept of right (cf. above p. <4>), which should be “conserved” in a modern transformation. The *first* is his “top down” view of the natural conditions of human freedom.⁵⁰ Modern science and philosophical naturalism is used to argue “bottom up” from the biological (today: genetic, evolutionary, neuroscientific) basis of cultural and normative behavior. But it is not obsolete to ask for a “purposive” (zweckmäßig) human condition enabling his “achievements” of autonomy and a social order of equal rights. The human being is dependent and vulnerable, physically as well as regarding emotions and cognitions, but at the same time better equipped than other animals to understand intentions and cooperate on this basis.⁵¹ In addition, a conceptual language and the capabilities for reflection and empathy may well be

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48 Cf. Halbig 2002.

49 Elaborated in the Phenomenology of 1807.

50 Transforming the tradition of Kant’s third critique and Fichte’s Fundaments of Natural Law by a stronger, ‘Aristotelian’, teleology.

51 Tomasello 2016.

understood as directing the human being towards a society of both personal autonomy and social solidarity.

The *second* strength of Hegel's conception is the avoidance of all sorts of common dualisms: between mind and body, individual and group, reason and emotions, essence and history. Although I cannot expand on the full consequences here, that avoids many problems still vexing modern philosophy. In a Hegelian view, both for the individual psyche as for the social cooperation any form of one-sided ("abstract") domination of bodily, emotional or cognitive faculties will prevent balance and possible flourishing. Instead, they must be developed in their own right but at the same time as dispositions for their seeming "other": reason enables a culture of the body and the emotions, their particular (including cognitive) as well as their integrative potential. This includes the inherent epistemology of the Hegelian "psychology": Natural, social and normative sciences have their own rules, but can be judged in view of their potential for human autonomy and flourishing – today, beyond Hegel, for human integration in sustainable natural processes as well.

The *third* point of contact is included in the overcoming of the gap between essence and history. It is most explicit in the *Phenomenology of Spirit* (1807) whereas in the Encyclopedia the tie seems loosened. In the encyclopedic system, the philosophy of history, mostly concerned with the history of objective and to a lesser degree absolute spirit, becomes separated from the *Phenomenology*. How historical experiences shape the human "psychology" of needs, emotions, and concepts of self-estimation, like honor, virtues and collective identities (family, tribe, church or nation) is only hardly discernible within the now reduced *Phenomenology*. In this regard a modern historical anthropology is needed which relates the discovery of human capabilities and ambitions, as well as their denial, to changing social institutions.⁵²

3.2.2 A structured history of historical experiences.

Different from Kant's conception of the moral law and of the principles of right – private, public and international – as based on pure reason, Hegel understands objective spirit as a process of self-discovery by historic reversals or revolutions. The "cultural memory" of the process of learning by these reversals is deposited in the social, moral and legal institutions and constitutions.⁵³ Behind the reversals are, as the *Phenomenology* (1807) demonstrated, processes of isolation of epistemic or normative principles and their re-integration into a holistic network. For Hegel this can be reconstructed by a systematic semantic of "concepts". In his later philosophy of history, the force behind the history of constitutions

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52 A valuable contribution is Frevert 2017.

53 Hegel uses the concept of "constitution" in a broad sense including habitual dispositions and "mentalities" of populations.

and epochal “spirits” – mainly Oriental, Greek, Roman and Christian-Germanic – is the self-differentiation and reflection of freedom. As I have indicated, Hegel’s concept of a necessary self-realization of reason or idea is bound to metaphysical presuppositions and inadequate to reconstruct the history of historical experiences since his time. But it seems possible to conceive a more open history of experiences with institutions and constitutions in the narrow and the broad sense. Regarding the broad sense one may understand Charles Taylor’s history of modernity, Robert Brandom’s “edifying” conception of post-modernity or Axel Honneth’s history of communicative freedom as such attempts.⁵⁴

Closer to Hegel’s philosophy of right it seems possible to reconstruct the history of the relation between individual and collective or institutional rights as such a series of reversals and re-integration. For the “constitutional” principles which are “real” in the sense of widely accepted today – at least “on paper” – this would have to include a history of the “generations” of human rights as well as the history of the social welfare state, the division of power in a constitutional democracy (“Rechtsstaat”) as well as that of secularization and religious pluralism may be reconstructed this way. The history of human rights presents a paradigmatic case for the pattern of isolation, domination and re-integration of rights in need to be balanced and compensated by their “opposite”.⁵⁵ There is, of course, no universally accepted or justified completion of institutional learning processes. And the steps are not governed by a necessary progress of reason. But at least a core of basic human rights can be defended as required by a less stringent “logic” of past experiences and of the moral point of view.

3.2.3 Mutual recognition as an open and symmetric process.

Hegel’s concept of mutual recognition is one of his most fruitful contributions to contemporary philosophy – as the aftermath from Kojève to Habermas, Honneth, Taylor, Ricoeur and Brandom testifies. In Hegel’s implementation, however, it is defective, as becomes obvious in the asymmetric relations between the ethical state and its citizens.

If the rather homogenous society of Hegel’s time – shaped by Christianity and estates – was in need of supra-legal ties of recognition, this is evidently more the case in modern pluralistic societies. Their social cohesion is under more strain. At the same time, they are open for much more cultural diversity and individual options for meaningful life. To realize them, they need dispositions of mutual respect, sufficient solidarity and curiosity. Non-discrimination, non-violence and acceptance of rules for conflicts are but the minimal conditions. The recognition

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54 Taylor 2011, Brandom 2019, Honneth 2011.

55 Cf. my attempt in Siep (forthcoming b).

of different forms of life and the acceptance of an equal claim to truth includes demanding forms of emotional and cognitive self-limitation and releasing of “otherness”. Views regarding the interpretation of the common past as well as concerning necessary costs for the solution of problems will remain controversial. To confer experiences of a history not shared by a new generation – partly from radical different cultures – is a difficult task, as the present education in Germany proves. Except for the core of human rights and their protecting and enabling institutions, many social institutions and forms of life – including family or profession – are open to new “definitions”. Mutual recognition is not a process to be closed by a final priority rule or historical form of life.

4. Conclusion

Taken together, such a transformation of different aspects of Hegel’s philosophy of objective spirit “saves” the promising aspects of this conception while avoiding both its strong presuppositions and unacceptable consequences. This implies, however, that some of the present institutions and cultural dispositions are from a philosophical view superior to that of the PR. In what sense? *First*, in the light of the latter’s own concepts of freedom and recognition open to internal criticism. *Second*, in view of the catastrophic losses of freedom and recognition in the following centuries. Present institutions, norms and disposition, “invented” against the recurrence of such catastrophes, seen more appropriate in the light of these experiences. In addition, they are better equipped for societies with more varieties of life-forms for individual and groups.

Such a statement may seem anachronistic since the social, economic and technical developments leading to the aforementioned catastrophes could not be foreseen in Hegel’s time. However, this is only partially true. Hegel was very clear-sighted regarding political and economic processes – such as the crises of the market society, the problems of the upcoming nationalism or the consequences of secularization. But the constitution of the modern Christian European⁵⁶ state which he rationally examined and reconstructed were not only insufficient to solve these problems. Some of them even paved the way – for instance the concept of the state as final purpose or the role of the “universal estate” of state-officials. To justify a reversal of priority as well as an open “experimental” history of symmetric recognition demands the suggested transformations.

The relation between concepts, experiences and institutions

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56The addition (“Zusatz”) to § 258 in the first collected edition (“Freundesvereinsausgabe”) has “developed (ausgebildet) state of our time” (TW 7, 404). The lecture notes Griesheim, from which most of the addition is taken, contain the expression “Christian European state” (GW 26,2, 1406).

certainly maintains essential Hegelian ways of thinking. But the systematic stringency of his philosophy of right is certainly not to be expected by such a transformation. A merely hermeneutic view, instead, either suspends all evidences of modern readers regarding unacceptable institutions or dispositions. Or, if accepting some post-Hegelian traits of modern societies, it projects them back into Hegel's text. But the reconstruction of a modern or postmodern Hegel's not only runs counter to his own claim, that philosophy cannot leap beyond its own time – neither forward nor backwards. More important, it overlooks the deep systematic justification which he attempted to provide them with. Modern relations between individuals and state, or equal gender-relations, are not to be justified by a philosophy of a self-realizing and self-concentrating idea.

Then why not opt for a creative way of reading the *Philosophy of Right*? Why not, for instance, unleash the negativity of spirit, its destructive potential even against its own creations (second nature)? Hegel's way of integrating destructive forces by pushing them to extremes and thereby "sublating" them into a cooperative organic whole certainly has its limits. They are identifiable in his theory of bodily and psychic diseases⁵⁷ as well as that of economic crises or the conflicts between states. But opposite creative readings regarding negativity are possible as well. One may interpret the insoluble conflicts of objective spirit in the tradition of negative theology as requiring the surpassing into absolute spirit.

Those attempts are legitimate if one concedes their liberality regarding many passages in Hegel's texts. In my view, however, they are more congenial to the Jena writings or the *Science of Logic*. Although certainly not the glorification of the actual Prussian state, no other of Hegel's books is so much devoted to understand what is rational and progressive in the institutions and mentalities of a particular period than the philosophy of Right – namely the "modern" European state of the post-revolutionary period.⁵⁸ Hegel is unambiguous that freedom and justice remain empty ideals if they are not spelled out in systems of "determinations of freedom", namely rights.⁵⁹ Codified and enforced they gain the form of necessity, not only conceptually but also as "the reality of a world" (Enc § 484).

Thus the particular institutional and historical content is crucial for the purpose of the book, not just an example for the logical method, for "autonomous negativity" or inferential semantics. This content

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57 Which Hegel both conceives as a sort of rebellion of a part (moment) against the whole of the organism or the soul Enc. 1830 §§ 371-373, 408.

58 According to the student notes of his lectures 1817/18 Hegel praises the French constitution decreed by Louis XVIII 1814 as the rational result of the reversals of French constitutions since 1791 (Hegel 1983, 190).

59 PR §§ 3, 4; Enc. 1830 § 484, cf. § 482.

is reconstructed as allowing an unprecedented degree of internal negativity and conflict. However, they do not in principle demolish the institutional framework of a modern state reconciling civil society with a substantial political (in the Greek sense) community. And even if a constitutional revolution or war⁶⁰ is successful, it will be justified only if the new constitution establishes a more complex form of the system of rights reached as yet. As such it will “conserve” crucial elements of its predecessors. For Hegel it certainly has to contain the institutions necessary for the “extreme” of subjective particularity as well as for ethical unity.⁶¹ If not, philosophy would not be able to demonstrate the complementary manifestations of truth in nature, state and science (§ 360).

Trying to further exploit Hegel’s concept of self-negation or turn its critical potential into “negative dialectics”, one should rather resort to the *Science of Logic* – as Marx and Adorno rightly realized. And as for visions of open processes of communication, including oppositions to common morality, the spirit chapter of the *Phenomenology*⁶² seems much more apt. However, this demands neglecting its function in the systematic ascension to a completely self-transparent absolute spirit. Regarding the *Philosophy of Right* and its institutional focus a transformative reading seems to me most promising. It remains true to Hegel’s systematic goal of mediating individual and institutional claims as well as philosophical concepts and historical experience. But it dispenses itself from Hegel’s stronger premises. Regarding methods and aims of interpretation, it tries to save the best intentions of the two alternative types: The attempt to trace the arguments of texts in their own right and to relate them to present philosophical and social problems – both in the affirmative and critical way.

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60 Hegel considers modern wars after the French revolution as attempts to disseminate progressive constitutions.

61 If not the end of history, Hegel considers the outlines of the PR as close to the true system of freedom, cf. Halbig 2013.

62 Especially the chapter “Conscience, beautiful soul, evil and forgiveness” (of crucial importance for Brandom 2019).

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Volume 8
Issue 2

Right and Duty in Hegel – Restrictions of Freedom?

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Abstract: Two mutually linked ends stand at the forefront of this article: firstly, and mainly, this ought to be a contribution to the contentual sharpening of the understanding of freedom with Hegelian arguments. In particular, it is a matter of determining in a precise way the relationship between freedom and arbitrariness. Can one speak philosophically of a justified *restriction (Einschränkung)* of freedom? What is to be done, secondly, is to concisely indicate Hegel's concept of freedom and right, *the belonging together of right and duty*.

What remains crucial here is that this right of reason and the duty inseparably linked to it represent *no limitation of freedom*. The doctrine of right is an immanent doctrine of duty. There is no right without duty and vice versa. Hegel: A human being has rights insofar as he has duties, and duties insofar as he rights. The duty is a restriction not on freedom, but only on arbitrariness. Duty is the winning of *affirmative* freedom. Right and duty *restrict the arbitrariness* as abstract, formal freedom.

Keywords: Right, duty, freedom, arbitrariness, limitation of arbitrariness

The word *freedom* is on everybody's lips. In Germany, one invokes it as well as the constitution. But one hears complaints about the 'restrictions of freedom' in view of the pandemic regulations also in other countries. Some even mobilize dreadful comparisons to dictatorships and to the Hitlerian Enabling Act. The dominant public discourse on freedom is cause for a philosophical consideration, since being *familiar (das Kennen)* with the word freedom is nowhere near the cognition (*das Erkennen*) of what freedom signifies. Two mutually linked ends stand at the forefront of this article: firstly, and mainly, this ought to be a contribution to the contentual sharpening of the understanding of freedom with Hegelian arguments.¹ In particular, it is a matter of determining in a precise way the relationship between freedom and arbitrariness. Can one speak philosophically of a justified *restriction (Einschränkung)* of freedom? What is to be done, secondly, is to concisely indicate Hegel's concept of freedom and right, *the belonging together of right and duty*, as a philosophy background for the German constitution, especially regarding §1. Rational right, this will be the thesis, can be conceived of as existence of the free will, not as its limitations.

Beforehand, some passages on the neuralgic distinction of freedom and freedom of choice (arbitrariness): Kant speaks of free arbitrariness as capacity "arbitrarily do as we like".² In Nurnberg, Hegel notes: "If in ordinary life we speak of freedom, then we commonly understand it as

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1 For this, also Vieweg 2012 and. Vieweg 2020.

2 Kant 1907, p. 213. On Kant's and Hegels views, Krijnen's instructive article: Krijnen 2018.

arbitrariness or as relative freedom from me to do or not do something.”³ The opinion dominates that freedom “is the ability to do what we please.”⁴ Freedom is in this view identified with the possible choice of variants of the action, with a choosing of possibilities. Such statements Hegel takes to be an entire lack of education of thought, a superficial understanding, which today experiences an unimagined boom. “Caprice [*Willkür*], of course, is often equally called ‘freedom’; but caprice is only non-rational freedom, choice and self-determination issuing not from the rationality of the will.”⁵ Freedom appears as a state, in which we can do whatever we want – but *what* we want, this is precisely question.⁶ With this reduction of freedom to arbitrariness, all ‘limitations of arbitrariness, of the supposed freedom are (dis)qualified as coercion, restriction, interference or repression. “It is the common view that one is limited in one’s freedom through the state, through the law.”⁷ This must be shown to be itself a highly limited, narrow(-minded) conception.

The General Structure of the Free Will

In a first step, this will be substantiated by spelling out the three fundamental paragraphs 5 to 7 of the Hegelian *Philosophy of Right* as well as its introduction and by uncovering the logical foundations of the concept of the free will.⁸ Only thereby an appropriate interpretation of Hegel’s concept of freedom can be worked out. The whole argumentation rests, according to Hegel, “on the logical spirit” as it has been developed in the *Science of Logic*.⁹ Here a broad spectrum of lessons from the *Logic* comes into play, from indeterminacy and determinacy, infinity and finitude, reflection and understanding, universality, particularity and individuality, end, immanent negation to limit and ought-to-be (*Sollen*). We will examine Hegel’s conception of the *foundations* of freedom, of the foundational determination (‘substance’) of the will from the the specific perspective of the discourse on restriction – in Hegel’s words: “*Restriction*, – egregious mistake.”¹⁰

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3 Hegel 1970a, p. 226. Translation, F.R.

4 Hegel 2008, p. 38.

5 Hegel 1975, p. 98

6 Cf. Henrich, D. (1983), p. 64.

7 Hoppe, H. (2005), p. 43.

8 Cf. on this extensively Vieweg, K. (2012), 57-96.

9 Hegel 2008, p. 4f.

10 Hegel 1996, p. 82.

§5 makes explicit the moment ALPHA, the pure indeterminacy, in which every *restriction* seems dissolves, the *limitless* infinity of absolute abstraction or universality – the pure thought of the I. Thinking and willing are not opposed to one another as two peculiar faculties. ALPHA is only *one* side of the framing of the will, the absolute possibility, to disregard any determination. No content can here be taken as a 'limit', but anything determinate or particular of the will appears to be a restriction – the particularity is supposedly in the first universality extinguished.' ALPHA represents an indispensable moment of freedom. But the deficit of the understanding consists in inadmissibly elevating this necessary element to be "the sole and supreme one."¹¹ The reduction of the free will to this is what Hegel describes as position of negative or empty freedom, of the freedom of the understanding.

Logically speaking, this is an attempted exclusion of particularity from the content of willing, the assertion of an incompatibility between the alleged pure universality with particularity, which appears which seems to be absorbed and to have vanished in the abstract universal. But this empty universality as indeterminacy is itself already the other of "what it does *not* mean to be" – notably something *finite, one-sided, restricted*: "The indeterminate is itself the determinate, because it is opposed to the determinate."¹² The universal is thereby *in advance, not as only supervening later*, posited as the particular. I negate all limits and am thereby limited myself, *one-sided*, merely *one* of *two* sides. Logically, the moment BETA, the particularity, already lies within the moment ALPHA. The first word of §6 expresses this: *At the same time (Ebenso)*, the I is something particular, something determinate, something positing a determinate content with its willing. BETA is not added. This second moment is already contained in the first and only a positing of what the first has been in itself. ALPHA is as the first not the true infinity and universality, but also only something determinate. Because it claims the abstraction from all determinacy, it does not remain without determinacy. To be as something abstract, indeterminate is just what is its *singular* determinateness and therefore its defectiveness – "this abstraction is the *limit (Schranke)*."¹³

The moment BETA, the particularity, does come to the fore as limitation of the dimension of the will described with ALPHA, as negation of the first. It now seems as if the will relinquishes its freedom therein.¹⁴ The understanding or else the reflection often takes the allegedly indeterminate, unlimited to be more admirable, as the highest,

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11 Hegel 2008, p. 30.

12 Henrich 1983, p. 60; also Hoppe 2005, p. 44.

13 Hegel 1996, p. 54.

14 Cf. Hoppe 2005, p. 44.

as freedom itself.¹⁵ But the transition from ALPHA to BETA is not simply the path of limiting something unlimited, but BETA also sublates “the previous limit”, namely the abstract universality. Thereby one exactly “exchanges one limit with another.”¹⁶ Hegel’s summary is: ALPHA and BETA, the indeterminate as well as the determinate, the infinite as well as the finite are limitations, one-sidednessess. We are dealing with the “going over and across of one limit (but only) to another.”¹⁷ Both elements are only two indispensable, yet inaccessible sides of the determination of the free will. Their *two-someness* (*Zwei-heit*), their dualism must therefore be overcome, universality and particularity must be brought to one-ness / unity (*Ein-heit*), i.e. must be logically ‘joined (*zusammengeschlossen*)’ together. “The first two moments – that the will can abstract from everything and that it is *also* determined... are readily admitted” – but the third, the logical speculative tying together the understanding declines.¹⁸ The particularization is often interpreted as an ‘addition’, thus not logically rigorously derived. The understanding operates abstract and disjunctively, remains within the dualism of the two sides. Therefore, the indeterminate and determine will persist as one-sided. The logical derivation, the joining together of ALPHA and BETA can only succeed insofar as the third element GAMMA is already present in ALPHA and BETA – the immanent negativity. Hegel gives in § 7 a decisive hint to the logic of the concept in the *Science of the Logic*, to the logical structure of universality, particularity, and individuality.

The universality is already immanently posited as particularity as well as the particularity is posited as universality; the will remains a) unlimited in its limitation, b) the universality is included in the particularity and c) the positive is carrying with the negative.¹⁹ GAMMA as logical individuality fixates true self-determination – remaining *at one* with itself in its identity with itself, the universal, and positing itself as the negative of itself, as determinate, limited.²⁰ In this version of the freedom of the will ALPHA and BETA as indeterminacy and determinacy are moments of GAMMA, of the concrete concept of freedom.

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15 Hegel 2008, p. 29.

16 Hoppe 2005, p. 45.

17 Hegel 1996, p. 54.

18 Hegel 2008, p. 32.

19 Henrich 1983, p. 61.

20 Hegel 2008, p. 32f.

Formal Self-Activity and the Selection of Variants

The formal will, the will from the perspective of the understanding, remains within the paradigm of self-consciousness, i.e. in the dualism of the will as subjective positing of an end on the one side and on the other side the relation of it to a given, found object, the 'discovering of an outside world', that is not explicitly assigned to the essence of freedom – on the one side, the Kantian self-beginning of a state, on the other side the realm of causality.²¹ Hegel recalls in distance from the pattern of consciousness decidedly the new paradigm of *spirit* that is already at play here. We are in the sphere of (objective) spirit. The *mere* presupposing, the pure availability (*Vorfindlichkeit*) of the world without the unity with the creation or construction of this world, which is proper to the concept of *spirit*, would be one-sided.²² The free will has itself as an object, its determinations are the own, immanent determinations of the will. The content is "its particularization reflected *in itself*"²³, the unity of inner subjective end – in the shape of the *representing*, but not yet comprehensively thinking will – and the actualized end – the positing of the moments of the concept of freedom, the objectification of the determinations contained in it.²⁴ But the separation of being in itself and for itself that is present in the finite, leads the understanding to prefer the being in itself and to the reduction of freedom to a *capacity*, to the absolutization of *possibility* as supposedly pure indeterminacy. This standpoint of the understanding thus takes the relation to that, which is willed, to be only 'an application to a given matter', an application to something that does not belong to the kernel of freedom. Consequently, in the realization of a possibility lies the limitation of freedom. Again, here the abstraction of freedom comes to effect. Yet, the being in itself is as the allegedly unlimited, absolutely abstract itself limited, because 'it takes *two* to limit" – this is the repeated reminder of the two-someness, to the outlived thought pattern of consciousness, to the dualism of the understanding.

The initially indeterminate will is mine, but not immediately in the form of rationality. As individuality²⁵ it is conceived of as sublating the status of possibility, as resolving (*beschließender*), actual will. The resolve (*Entschluss*), the un-closing (*Ent-Schließen*) means the opening of the previously 'closed' to the multiplicity of the particular. It is the selection

.....
21 In more detail on this Krijnen 2018.

22 Cf. Hegel 2007 §§ 384 and 386, pp. 18ff.

23 Hegel 2008, p. 34.

24 Ibid.

25 Hegel 2008, p. 32.

of an option to be actualized, it is the possibility to determine oneself to this or to something else. It is the principled potential alternativity of willing, of doing. The possibility now advances to actuality. Yet, the chosen content does not need to be *per se rational*, not compulsorily a content of freedom. Such freedom of the will is according to this preliminary determination the freedom of choice, arbitrariness.

Hegel describes this stage as the formal self-activity, as the formal element of free self-determination. One selects, elects from the pool of possibilities one variant. It is an election (*Küren*) of the will, a content is chosen – the electors (*Kurfürsten*) elected (*küren*), selected a determinate candidate to be emperor. ‘I will because I will *this*’ – Wilhelm or Friedrich as emperor. With such a sovereign act I could also decide something else. In arbitrariness we get contingency in the shape of willing. The will is not determined by the concept of the will²⁶, it does not have itself as content. The latter is initially only found. With the equation of arbitrariness and freedom one would have to designate crime or terror as free action, since the respective agent has chosen it. Thus, it is only about the abstract *certainty* of the will of its freedom, not already about the free will in its full determinateness, which must rest not merely on certainty, but on *rational thinking*. In arbitrariness, Hegel sees the will as contradiction, a necessary but not sufficient moment of freedom.

Only the rationally determined will can be regarded as free will, due to the thinking unification of universality and particularity, the overcoming of the dualism of the moments ALPHA and BETA represented by the understanding, the overcoming of the reflecting will. Hegel insists on “thinking *asserting* itself in the will”²⁷, on *conceptual* thinking. Whoever here, at this neuralgic point of the conception of a philosophical understanding of freedom appeals not to this thinking, not to knowledge and science, but instead to other instances such as mere opinion, enthusiasm or feeling, “robs humanity of all truth, worth and dignity.”²⁸

In the later § 140, Hegel speaks “*of subjectivity that claims to be absolute*”²⁹, that merely only opinionates and assures. This pure dogmatism of opinions decidedly refuses examination and demonstration: the subjective conviction that one’s own discretion then counts as the unique cause for determining action. Instead of examined knowledge there is a “*transcending*”³⁰ (*überfliegende Eitelkeit*) of all objectivity resulting in the whateverism of presently dominating

.....
26 Ibid., p. 37f.

27 Ibid., p. 42.

28 Ibid.

29 Ibid., p. 138.

30 Ibid., p. 144.

relativism. With this goes along the discrediting and degradation of truth and science, the downgrading of philosophy to a game without obligations – here and now this holds, tomorrow something else and the day after again something else till St. never-never day. Everything untouchable, unbreakable, inalienable, unconditional, eternal is put under the suspicion of Metaphysics. We are dealing with the *arrogantia*, the selfishness (amour-propre), self-importance, arbitrariness in its complete unlimitedness, with a subjectivity which hones itself as the *sole* validity. “In the fire of vanity, everything else is burned.”³¹ Mein good heart, my good intention, the reasonability of my inner convictions ought to offer a total justification of the action. Now, if someone asserts the possibility of error, the answer is ‘to err is human’. Hegel sees dishonesty in this, since the relativity is praised as the highest and holiest and this is, however, in a second step rendered as trivial, accidental, or erroneous – “if I cannot know the truth, for then it is a matter of indifference *how* I think.”³² This understanding of tolerance presenting itself as diversity and openness in the sense of *indifference* of particular content³³ led to the fact that there could no longer be “any rational judgment of good and evil, honorable and shameful decisions.”³⁴ Reason and delusion then had the same rights – such a tolerance would be an exclusive one to the advantage of unreason.³⁵ Those who rely on the arbitrariness of mere discretion, instead of on tested knowledge, – each relative thing, every particularity as well as every time or every culture etc. etc. has its own truth – pay homage to the hip, fashionable, but self-refuting relativism and massively endanger the modern project of freedom.

The rational will, based on comprehending thought present a self-relation, the self-determination of the will: the free will which wills the free will.³⁶ The existence of the free will Hegel conceives categorically as *right*, freedom as idea, as its concept and the latter's realization. The determinations of the will are expressed as formations and stages of right, the conceived system of right as ‘realm of realized freedom’. What remains crucial here is that this right of reason and the duty inseparably linked to it represent *no limitation of freedom*. The doctrine of right is an immanent doctrine of duty. There is no right without duty and vice versa. Regarding ethical life as highest stage of right, Hegel remarks that the determinations of right correspond to binding duties of the actors. Therefore we do not

.....
31 Hoppe 2005, p. 142.

32 Hegel 2008, p. 147.

33 Hegel 1996, p. 282.

34 Hegel 2008, p. 145.

35 Ibid.

36 Hegel 2008, § 27.

constantly need the postscript “that ‘this determination is therefore a duty for human beings.’”³⁷ In the identity the universal and particular will in the will as individuality “*right* and *duty* coalesce, and... a human being has rights insofar as he has duties, and duties insofar as he rights.”³⁸ The duty is “a restriction not on freedom, but only on freedom in the abstract, i.e. on unfreedom. Duty is the... winning of *affirmative* freedom.”³⁹ Right and duty *restrict the arbitrariness* as abstract, formal freedom. In a rationally shaped right and its corresponding duty we have the liberation of the individual to substantial freedom. The perspective of negative freedom claims that through rights, duty, or the state freedom will be restricted. Insofar as the definition of right is grounded in the will of the *particular* individual, as it takes it as starting point, as *first* and as substantial element, the rational can certainly only be seen as *restricting* freedom. But Hegel emphasizes again that in the realm of right the *restrictions are sublated*. Rational right does *not* come with a restriction of freedom. The determinations of right are not negative, not restrictive against freedom. Freedom is present in right.

The apparently small difference between the freedom of choosing (freedom of choice, arbitrariness) and truly, reason-based freedom is getting a fundamental significance. Hegel sees in the rational laws and institutions instruments for the restriction of arbitrariness, of the narrow-minded will, but by no means restrictions of freedom.

The Medley of Arbitrariness

A particular threat to a modern concept of right arises from the ideology of market fundamentalism, especially from its reduction of freedom to the freedom of choice. The market as ‘*medley of arbitrariness*’, as system of “ethical life” being “split into its extremes and lost”⁴⁰, a community of necessity- and understanding, as sphere of all-sided dependence, is described as *free*. But its rational regulation and formation is the condition of its existence.⁴¹ This structure of the contingent and arbitrary rule of particularity, as space of the heteronomous and contingent cannot adequately regulate and administer itself, since it tends to self-harm and self-destruction. Similar to the understanding, the finite determinations in this structure of the understanding are unfounded and swaying and the edifice built on them collapses in on itself without rational regulations. The dominion of arbitrariness shaping the market comes into an infinite

.....
37 Ibid., p. 156.

38 Ibid., p. 161.

39 Ibid., p. 157.

40 Ibid., p. 182.

41 Cf. Stiglitz 2010; Vieweg 2012, pp. 269-344.

progress, into the bad infinity, the logical crux of the understanding. This leads to *immoderation*: arbitrariness, opinion, wealth, and poverty are immoderate.

The state, on the other hand, is reduced to institutions, he is supposed to limit free action through coercion. The protagonist of the pure doctrine of self-regulation and self-healing celebrate the market as the true grail of freedom. But obviously it is an arbitrary-contingent concatenation which should neither be demonized nor adulated. Even though, it is an important enabling condition of freedom, one can in no way attribute the characteristic *free* to the market. For decades, such an untenable distortion of freedom, linked with apologetic eulogies of the allegedly free market as well as the misinterpretations and discreditation of the state operated like a pandemic virus.

Determinate Rights and the Possible Collision of Rights

By continuing to determine the concept of right at the levels of abstract right, morality, and ethical life, a system of determinate, particular rights is unfolded - from the right to life to political rights. In this section, the attention will be directed to relevant links between the understanding of right by the constitutional thinker Hegel and the German constitution. The concept of human dignity, which is constitutive for this constitution, recurs to central ideas of the law of reason.⁴² Hegel is without any doubt one of the most outstanding representatives of this thinking. The “definition of the human being” as a free being can move in modern states to the “top of the code of law.”⁴³ In a commentary by the Federal Constitutional Court on §1 – “Human dignity shall be inviolable” – one reads, in a completely Hegelian sense: “The protection of human dignity is grounded in the idea of the human being as a spiritual-ethical being that is geared towards freely determining itself and developing.”⁴⁴

Also with regard to the discourse on limitations, a look into the German constitution is advisable. The particular rights can collide in specific situation in their effectiveness. The substantial rights of free expression and the freedom of the press (laws 4 and 5 of the constitution) have their limitations in the general laws. This means that I cannot say and publish everything in reference to my convenience, my discretion. Holocaust-denial or sedition are just no *free* expressions. The freedom of art and science is bound to the content of the constitution, especially to the unimpeachable, inviolable human dignity. Whoever denies it, cannot

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42 On this Gutmann 2010, p. 2.

43 Hegel, 1996, p. 33.

44 BVerfGE 45, 187, 227; BVerfGE133, 168, 197.

invoke the indicated right. Right 8 of the constitution, about the freedom of assembly, stands under the reservation that this right can be limited by the law. The rights to freedom of movement and inviolability of the home set out in the laws 11 and 13 of the constitution may be temporarily and appropriately restricted in case of necessary danger-prevention, such as the explicitly mentioned danger of epidemics.

A decisive principle of the Hegelian theory of personality is the right to live. "Everyone has a right to live and to physical integrity."⁴⁵ This command of inviolability or integrity of each individual person has the form of a prohibitory injunction, namely the prohibition to impair or injure this personality. "The freedom of the person is inviolable."⁴⁶ The *right to life* is a fundamental right, the violation of which affects all other rights and may restrict or exclude them. This mostly concerns *momentary, acute situations of exception, extreme emergencies*, in which the threat to life is serious, for example, through massive natural disasters, wars, pandemics or other global dangers to life. Here there are 'shifts in weighing' with regard to the overall structure of certain rights; there may be *temporary* and *adjusted, proportionate* limitations in the scope of otherwise normal rights, such as the right of assembly or the right to freedom of movement. In emergency situations such as floods, earthquakes or volcanic eruptions, precisely defined prohibitions on entering certain areas and regions serve to ensure the safety of citizens; the same applies in the event of leaks of toxic substances. For hospital infection wards, there have always been rules for protective clothing, for contact restrictions and certain prohibitions on visits, because of the need to avert danger. Limited quarantine regulations apply to infected persons, which are also enforced against the will of the persons involved.

The possible collision of rights, Hegel demonstrates by recourse to the petty larceny of food. When for example someone who acutely starving steals a bread, this is, according to Hegel, her right, "right – must have life."⁴⁷ If a human being in such an exceptional situation "can rescue his life by stealing a tiny part of someone else's property, this is no wrong. And it is not fairness, but determine right, *life is an absolute moment in the idea of freedom*."⁴⁸ A certain right, the property right, was violated, but this was done to claim a *higher* right. "Justified is the conservation of the good whose annihilation would signify the greater violation of right."⁴⁹ Shifts in the overall structure of particular rights are

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45 Fundamental law 2, 2.

46 Ibid. Yet, a law can determine cutbacks even here.

47 Hegel 1996, p. 241.

48 Hoppe 2005, p. 126.

49 Bockelmann, 1935, p. 22.

to be regulated in the constitutions and, with regard to pandemics and epidemics, in a special infection protection act, which represents a law of defense against dangers to life. In the case of pandemics, a collision of the right to life with, for example, with the right to freedom of movement or the right of assembly may occur. "Life has a right [*hat Recht*] against the strict right."⁵⁰ The protection of life is an irrevocable *human right* in the aforementioned universal sense of *justice*, the fundamental right to protection from injury, from disease, from the destruction of the natural foundations of life. "If life is lost, what is posited is lawlessness."⁵¹ People who exercise the right to demonstrate against the measures taken to contain the Corona pandemic do indeed (often without mentioning it) assert their right to life there as well. The state also has the duty to protect their integrity during these actions. Those involved expect as a matter of fact that they will not be beaten or shot at. Only if the people concerned endanger the health of others and even of their children, expose them to the danger of infection, to being shot at with viruses, do they destroy their own position, their own right, the right of others and the right in general. Robert Pippin provides an example of such a reversal of one's own claim: "Someone playing chess who moved the rook diagonally, and tried to justify his authority to do so that way. The point is not that he is violating that everyone can see in this ideal object, »Chess«, but that he is contradicting himself, his own agreement to play chess and all that commits him to. He is in effect »cancelling himself« out, nullifying his own agency in the pretence of agency."⁵²

In this context, Hegel follows Kant's theorem of the second coercion.⁵³ A first coercion remains illegitimate, it is cancelled as coercion by a second coercion, like a crime by punishment. Insofar as one claims rights, one must also measure them out to all others, has the duty to do so. Reasonable rules certainly force the first coercion, for instance the preceding unreasonableness. Examined knowledge should coerce mere opinions. Such reasonable, *second* coercion, however, is not to be seen repressively and not pejoratively. The first, illegal coercion is, according to Kant, "a hindrance or resistance to freedom", the coercion that is opposed to it, could be regarded as "resistance that counteracts the hindering" of freedom, from where the authority of coercing the first coercion arises.⁵⁴

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50 Hoppe 2005, p. 126.

51 Angehrn, Bondeli, Seelmann 2000, p. 61.

52 Pippin, 2008, p. 74.

53 Hegel 2008, p. 98f.

54 Kant 1991, p. 57.

Determining Right and Duty Further

Here, the unfolding of the determinations of the will in the form of a system of rights can only be touched upon in a few basic outlines. In § 486 of Hegel's *Encyclopedia*, right is again stated as the existence of free will, as the existence of all determinations of freedom; this also applies to duty. "That which is a right is also a duty, and what is a duty is also a right."⁵⁵ The relation of right and duty is then unfolded in the *Philosophy Right* in a gradation, from the step of correlation where it holds that "to a right on my part corresponds a duty in *someone else*" and vice versa.⁵⁶ Moral duty in me is in the sphere of morality at the same time a right of my subjective will. There is the difference of only inner determination of the will, of subjective duty against its reality, which constitutes the contingency and imperfection, the one-sidedness of the merely moral point of view. In the realm of ethical life, "duty and right return to one another and join together, ... through mediation."⁵⁷ This way of mediation, through which the duties of the actors come back to them as the exercise and enjoyment of rights, produces only the appearance of difference or 'asymmetry' of right and duty. But the value of both is the same regardless of the differences of design. Here are just a few examples: citizens have the right to good administration and guarantee of security by the state, which implies the duty to finance the institutions (e.g. tax duty); the right to health maintenance is accompanied by duty to health insurance; the right to exercise a profession contains the duty of professional training. An example of the interplay of right and duty is the fact of education in family and state as spheres of ethical life. Duties are *binding* relations, binding for the will of the subject in the sense of 'asserted', as well as in the sense of the binding together, the union. Article 6 of the German constitution formulates the care and upbringing of children as the right of parents and as the duty incumbent upon them. A fundamental principle lies in the rights of the children, the right to well-being, to upbringing and education, the right to be developed into self-determined human beings.⁵⁸ Children are free in themselves, thus not things or slaves; they have the right to be educated to become independent, free personalities. This process of education Hegel understands as the 'second birth of the children, their spiritual birth.'⁵⁹ The inherent capacity of the child to reason as a human being can be realized through upbringing and

.....
55 Hegel 2007, p. 218

56 Ebd.

57 Ebd.

58 Cf. the Convention on the Rights of the Child, agreed in 1989 by the UN, wherein the legal entitlements of children are recorded.

59 Hegel 2007, p. 230

education. The rights are connected with the duties of the children, the school duty, the duty on observance of the rules of the school, the acceptance of knowledge. The will of the child is still massively influenced by natural inclinations, the will is not yet the fully reasonable one, insofar as there is not yet sufficient insight whether an action is good or evil. Education is thus regarded as a *second, legitimate* coercion against the original constitution of the child's will, which must be seen and shaped not as a restriction of their freedom, but as a restriction of the arbitrariness of inclinations and mere pleasure, as a way to the *liberation* of their will, a way to gain independence and self-determination. This also includes the *coercion to the universal*, which is to be evaluated as not repressive. One basis is, for example, the *authority* of knowledge. For the education to an independent personality, the personality itself must be able to act *against* the authority of the given, to test the authority of the knowledge offered to it, otherwise no self-confident new subject of the will can emerge. The corresponding rights of the legal guardians are inseparably connected with their duties, the guarantee of the well-being, of upbringing and education. At the same time, limitations must be placed on the possible arbitrariness of the guardians. Children are not objects of oppression, violence, abuse. In these cases, the deprivation of parental authority can take place, as a second coercion against the inhuman first constraint of subjugation of the child.

Insofar as deniers of the Corona pandemic take their children to demonstrations where the rules for maintaining health are not observed, they are in breach of their duties, since they are knowingly endangering the children's health. In the state's action against such neglect of educational duties lies one of the state's institutional rights vis-à-vis those bound together in an educational community, the safeguarding of upbringing and education, for example by means of enforcing compulsory schooling as a second coercion against the possible arbitrariness of *parents and children*. At the same time, the state has the duty to organize and ensure adequate public-school education for *all* children, to guarantee the realization of the rights of children and parents - a criterion for a modern state. The guardians [*Erziehungsberechtigten*] could also be called (duty-)guardians [*Erziehungspflichtige*], and the school-age children [*Schulpflichtigen*] could also be called school-age beneficiaries [*Schulberechtigte*]. All these rights and duties in the educational process are about limiting arbitrariness, about enabling, and developing freedom, not about limiting it.

The State as Limitation of Freedom?

Views often encountered today imply that state laws and rules would restrict my free actions. The market fundamentalist slogan 'We need

less state' implies: 'We need less reason'. This remains dangerous for a political culture of freedom; it promotes a kind of disenchantment with the state and an opposition to it: the state appears as a legal restrainer of freedom, proceeding with repression. This can create a distancing and turning away of citizens from the task of sensibly shaping their community affairs. It is asserted that "everyone must *limit* her freedom in relation to the others and the state is the condition of this mutual limitation and the laws are these limitations."⁶⁰ But in such a claim freedom is reduced to contingent convenience and arbitrariness. But precisely the latter is to be limited. "The state is no limitation of freedom, through the limitation of the natural will man ought to be free."⁶¹ The state must thus be understood and organized as form of self-determination, in the shape of a self-given coercion to a second degree against the unacceptable first coercion of arbitrariness. To follow self-given and rational laws and to be in this other with myself is what makes the self-determination and the political freedom of the citizen. Hegel identifies in the state a coming-together that is justified in knowledge and reason, the citizens as rational subjects of the will are themselves the liveliness, activity, reality of the state, the state is their *universal* life. The state is for Hegel firstly *every citizen in its status as citizen*, in its being-citizen, its being-citizen.⁶² Secondly, the state is a formation of different institutions, that must guarantee the freedom of *all particular individuals*. Here emerges a complex, multi-connected web of mediated unities of rights and duties.

According to Hegel, it is infinitely important and the high art with regard to the formation of modern free statehood that the *duties of the state* and the *rights of the citizens* as well as the *rights of the state* and the *duties of the citizens* are appropriately determined, justified by thought and rationality.⁶³ The criterion for the *rationality* thereof lies in the warranty and guarantee of freedom of *all* particular individuals in the modern state, something that includes the justice and the combination of social and state of right, of natural and social sustainability. All existing states must be measured according to this.

Society and its political formation is the condition in which the right has its actuality; what has to be limited and sacrificed is just the arbitrariness and violence of the state of injustice. Despotic regimes

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60 Ibid.. § 539.

61 Hoppe 2005, p. 233.

62 Cf. On this Vieweg 2012, especially pp. 350-365.

63 Cf. Hegel 2008, p. 235.

and dictatorships limit freedom, such that we can talk enabling laws and *arbitrary domination*. The *rationaly* formed state that is founded upon the *right of reason* limits the mere convenience and arbitrariness, this is how it can count as a state of freedom. But if in the existing state the populist neglect of right and knowledge, the termination of democratic consensus is rampant, then we fall back into a *new form of the state of nature* – into a *bellum omnium contra omnes*, for example in the shape of civil wars. It is not right based on conceptual thought or the rationally formed state that limits or endangers freedom, but the neglect of knowledge and the reduction of freedom to arbitrariness. The thoughtless convenience and and discretion, the untested assuming and mere asserting can lead into the stupidocracy, into the dictatorship of unreason and the despotism of pseudo-education. As ‘vaccinations’ for the immunization against this virus stands reflection, knowledge and education at our disposition.

Translated by Frank Ruda

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Volume 8
Issue 2

Hegelian History Interrupted

Rocío Zambrana

Abstract: Decades of scholarship within and beyond Hegel studies have detailed not only the Eurocentrism but also the racism of Hegel's philosophy of history. In what follows, I revisit Hegel's notion of *Weltgeschichte* in the *Philosophy of Right*, taking the broader category of modernity as point of critical exposition. The variations of right that Hegel examines in the *Philosophy of Right* comprise the normative/institutional infrastructure that articulates the modern itself. I aim to recalibrate the critique of Hegel by exploring once more the place of the Haitian Revolution in Hegel's philosophy of history. Haiti dislocates rather than consummates the project of modernity. Jean Casimir's *The Haitians: A Decolonial History* offers new grounds for considering the Haitian Revolution as a refusal of the project of modernity, a project founded on chattel slavery, one that installed a settler colonial and anti-black world.

Keywords: Hegel, world history, colonialism, race, Haiti

Know thyself – γνῶθι σεαυτόν. The first of three maxims inscribed in the pronaos of the Temple of Apollo at Delphi, the Delphic oracle's injunction to Socrates, know thyself was to drive the world-historical movement of *Geist* in Hegel's philosophy centuries later.¹ Knowledge of the "truth of humanity" or, more precisely, "the true in and for itself," is a feat of the actualization (*Verwicklung*) of the idea of freedom (*Freiheit*) in *Weltgeschichte*.² Hegel's *Philosophy of Right* moves through variations of right that give, as he puts it, "determinate shape and existence" to the idea of freedom.³ The book, however, culminates in the claim that "world history is the world's court of judgement" (*die Weltgeschichte ist das Weltgericht*), as Hegel famously writes quoting Schiller.⁴ World history is concerned with judgment, measuring the agents of history – specifically, nation-states – in relation to their realization of freedom. Hegel goes on to argue that this actualization travels east to west, beginning in Asia, arriving in Germany. Africa, as well as indigenous Americas, as is well known, remain in the realm of nature, posited as the non-historical past of world-historical unfolding. Know thyself in Hegel, then, is tantamount to the memory of the becoming of modernity – its normative commitments, its institutions, its contradictions. Know thyself guides the judgment of what has been that elevates modernity to the "truth of humanity."

Decades of scholarship within and beyond Hegel studies have detailed not only the Eurocentrism but also the racism of Hegel's

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1 Hegel 1991, §343A.

2 Hegel 1991, §344n. The quote is from Hegel 1971, §377A.

3 Hegel 1991, §30.

4 Hegel 1991, §341.

philosophy of history, establishing that the basis for its assessment exceeds its teleology, theodicy, even eschatology.⁵ In what follows, I revisit Hegel's notion of *Weltgeschichte* in the *Philosophy of Right*, taking the broader category of modernity as point of critical exposition.⁶ The variations of right that Hegel examines in the *Philosophy of Right* represent the organization of existence that articulates modernity, a project consummated in Europe and that requires positing the non-European as its past as well as its limit-to-transgress in its progressive unfolding. The spheres of right are not merely subject to measure in light of the realization of freedom. They comprise the normative/institutional infrastructure that articulates the modern itself. I aim to recalibrate the critique of Hegel by exploring once more the place of the Haitian Revolution in Hegel's philosophy of history. Haiti dislocates rather than consummates the project of modernity.⁷ Jean Casimir's *The Haitians: A Decolonial History* offers new grounds for rejecting the gesture that considers the Haitian Revolution either as the true consummation of the ideals of the Enlightenment or understanding it as an alternative modernity.⁸ Both options fail to consider the Revolution as a refusal of a project founded on chattel slavery, one that installed a settler colonial and anti-black world. Such refusal does not posit the non-modern as a pure externality, however – an assessment that follows from the Hegelian relegation of the non-modern to a past to be surpassed.⁹ Instead, it organizes life beyond the experience of the violence of the coming-to-be of modernity.

Before entering the viscous terrain of Hegel's not most conservative moment but most consistent indeed foundational gesture, allow me to orient myself. French-Congolese philosopher Nadia Yala Kisukidi's view of philosophy as "an anthropological object" is decisive. In her "Philosophizing in a Dominated Land," discussing the debates concerning the question concerning African philosophy, Kisukidi explores the Eurocentrism of philosophy, as a practice, as an institution, in Africa. She poses the question in terms of the desire for philosophy for those whose humanity has been denied. The desire for philosophy, Kisukidi maintains, "points to a history made for victors and vanquished. Not just

5 See, e.g., Bernasconi 1998, 2000, 2003); de Laurentiis 2014; McCarney 2003; Parekh 2003; Brennan 2013; Buchwalter 2009; Guha 2002; Serequeberhan 1989; Tibebu 2010; Harris 2021, forthcoming; Park 2013; Lloyd 2021; Zambrana 2017, 2020.

6 Cf. Truillot 2021. Cf. also the notion of disavowal in Fischer 2004.

7 Important literature here includes; e.g., Fischer 2004; Fick 1990; Gilroy 1995; Patterson 1985; Scott 2004; Laurent 2004; Nesbitt 2013, 2008; Vazquez-Arroyo 2008; Buck-Morss 2009; Ciccarello-Maher 2014, among others.

8 Casimir 2020.

9 See Zambrana forthcoming.

any history but a colonial history understood as the history of the *Muntu's* attempts and vicissitudes in resembling his master and being recognized by him." As such, she adds, philosophy "appears as an attribute of power of which the vanquished is deprived." Kisukidi continues:

The desire for philosophy has nothing to do with philosophy. It reveals a condition of violence, not an emancipatory hope where the term philosophy functions just as a metonymy. It means just humanity and civilization, nothing else. So the answer to the question: how to philosophize in a dominated land is not linked to problems of epistemic justice. It is just a reenactment. How to escape from philosophy to change the world even if it means remaining in a nameless place.¹⁰

As an anthropological object, philosophy is an archive of dispossession and colonial mimicry. This is hardly an argument against the study of philosophy, however. This is not an argument against exploring the Western canon and its actualizations, even in gestures that seek to decolonize philosophy yet follow the coordinates of the canon in its institutional location. On the contrary. Philosophy as an anthropological object stands in need of a deep dive especially if one comes to the conclusion that what is required is to escape it. To do philosophy is to know ourselves, but that means to track terms, gestures, grammars of thought, forms of perception, all in all, structures of intelligibility that seize. This is not a problem of epistemic justice.

Returning once more to the question of Hegel's philosophy of history is not for the sake of shifting the geography of reason, unearthing the modern from a different geographical location, an alternative modernity developed in other space-times. It is rather for the sake of tracking modernity's ongoing productivity: the continuing violence of the racial order it inaugurated and consistently adapts, the normative/institutional/material universe it persistently refounds. To orient oneself from the view of philosophy as an anthropological object, to see philosophy as an attribute of power, is to question the desire for modernity's promise even after having clarified its undeniable productivity. Hegel scholarship is prone to debating the status of Hegel's notes on colonialism, his in-passing discussions of slavery, his anthropological notion of race and its relation to history, his silence on the Haitian Revolution, aiming to clarify context, by and large seeking to recover the project of modernity reading Hegel against himself. Yet this reading practice can reinstall coordinates of sense inseparable from modernity's racial order.

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¹⁰ Kisukidi 2019a, 2019b. This is my transcription of the English version Kisukidi read at "Critique, Decoloniality, Diaspora" (Berkeley).

The article is composed of two parts. Part one assesses Hegel's notion of *Weltgeschichte* in the *Philosophy of Right*. The nation-state is the key apparatus in modernity's organization of authority, producing the material and normative coordinates of sovereignty. The nation-state, hence its people (*Volk*), is the proper agent of history, according to Hegel. The modern nation-state provides the norm for world-historical judgment, measuring the actualization of freedom within and beyond the west. Part two takes George Ciccarello-Maher's critique of Susan Buck Morss' "Hegel and Haiti" as productive in specifying the operation of universality in politics, establishing the particularity of the Haitian Revolution as pivotal for a universal understanding of freedom. Yet to take up the question of Hegel and Haiti once more requires focusing on the discussion of *Weltgeschichte*, exploring the status of modernity in relation to its structuring apparatuses beyond the dialectic of the universal and the particular endemic to them. To this end, I turn to Casmir's study of Haiti, specifically in relation to the thesis that the Revolution constructed sovereignty beyond the nation-state. The analytic effectivity of Hegelian history is interrupted, then, when we pay attention to the Haitian Revolution, yet in relation to forms of ongoing refusal that turn inoperative modernity's signature apparatuses.

Weltgeschichte is Weltgericht

Quoting the penultimate stanza of Schiller's 1794 "Resignation," Hegel writes that "world history is the world's court of judgement." Hegel's exposition of spheres of right ends with this reflection on world history. Before considering the status of this ending in greater detail, it is important to recall the structure of the book. In his introductory remarks, Hegel provides a sketch of each sphere. The *Philosophy of Right* moves through three spheres in which the "will [*Wille*]" that is free in and for itself can be realized: *das Abstrakte Recht* (Abstract Right), *die Moralität* (Morality), and *die Sittlichkeit* (Ethical Life).¹¹ Consistent with his other important works, the specific failures of each sphere of right lead to the next normative/institutional shape. With every failure, we gain greater concreteness, hence determinacy. With every failure, we have greater comprehension of the truth of the matter at hand (*die Sache Selbst*) – the will that is free in and for itself.

In his introductory sketch, Hegel clarifies that, initially, the will is "immediate" and therefore "abstract."¹² Its "existence [*Dasein*]," he adds, is an "immediate external thing [*Sache*]." This realization of right operates

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11 Hegel 1991, §33.

12 Hegel 1991, §33.

linking the person (*Person*), the contract, and property.¹³ This sphere is abstract in insufficiently providing coordinates for interiority, which is necessary for conceiving of a form of subjectivity that is accountable for its actions. The will, initially in its utmost indeterminacy hence abstraction, gains its first determination thus concretion in the act of externalization as appropriation. Externalization (*Entäußerung*) is here a matter of self-extension in ownership, positing a world for the making through the taking.¹⁴ It is crucial to point out from the get go that this mode of self-extension is not merely an act of appropriating land, subtending a settler colonial project. It is also a matter of appropriating laboring bodies, despite Hegel's own comments on slavery in this context.¹⁵ "[S]lavery, serfdom, disqualification from owning property, restrictions on freedom of ownership," Hegel here argues, should be considered as the "alienation of personality."¹⁶ With respect to, he says, the "Athenian slave," slavery is not only a matter of becoming a possession, but of the possibility of alienating his activity to his master.¹⁷ The wrong here is the erosion of the inalienable right to possession, mineness being a necessary feature of the outward realization of the will. Although more would need to be said here, the conception of the will at hand is one that gains reality in the ownership of the earth *and* its living inhabitants, binding labor and the making of a modern world to chattel slavery.¹⁸

So understood, the will remains without sufficient determination. In a subsequent sphere or mode of externalization, the will is "reflected from its external existence *into itself*, determined as *subjective individuality* [*Einzelheit*] in opposition to the *universal*."¹⁹ This universal, however, is something merely "internal." It manifests itself as the "good" that mediates the externality of the will in terms of "*right of the subjective will*." Hence, it "*has being only in itself*."²⁰ That is to say: the truth of the will is anchored in its subjectivity, here as a matter of the will that is good, as a matter of morality. Individuality is therefore not only confronted by but also in contestation with objective existence qualified by the normative terrain discussed under the banner of abstract right. The

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13 Hegel 1991, §§41-47.

14 See Hegel 1991, §44.

15 See Harris forthcoming, for an account of slavery in Hegel distinguished from the lordship and bondage dialectic. See also Tibebe 2010 and Stone 2017.

16 Hegel 1991, §66A.

17 Hegel 1991, §66A.

18 Cf. Hartman 1997, p. 21.

19 Hegel 1991, §33.

20 Hegel 1991, §33.

subjectivity of the will, its realization as morality in Protestant key, to be sure, is a manifestation of the moral orientation of the modern European understanding of the authority of intention and belief. Morality expresses normative coordinates that trade on the diremption between willing and the ethical totality in which the individual acts. The problem is, however, that one cannot divorce any insistence on the goodness of the individual will not from crime, as in the sphere of abstract right, when its actions do not conform with the ethical totality. There, punishment is more than legitimate; it is necessary if right is to be protected.²¹ Here, in being anchored in mere individual disposition, the mere subjectivity of willing is but bad conscience, hypocrisy, subjectivism, or irony.²² This is no concrete realization of freedom, according to Hegel.

Freedom is the being in *and* for itself of the will. Freedom exists as, the idea of the good realizes in “the internally reflected will and in the external world.”²³ Ethical life actualizes the idea of freedom in its “universal existence in and for itself.” *Sittlichkeit*, as is known, is itself structured by three spheres in which freedom is concrete, actual. The family, civil society, and the state are the three material/normative shapes of existence in which the person can realize itself not only as a willing possessing or moral being, but as an irreducibly social being. Relations of care within the nuclear family; modes of exchange in a market economy and, at best, a sense of belonging in the productive sphere in the corporation; the manifestation of belonging to a collective in the state (constitutional monarchy, to be exact) are the material/normative coordinates that organize existence. These make possible the living actuality rather than the mere existence of freedom. While the family figures as the unmediated, totality of nature, civil society is the division through which individuality is possible. Civil society, to be sure, produces a host of problems, most pressingly poverty and destitution resulting from overproduction.²⁴ Colonization is one among various solutions to the problem of poverty, according to Hegel.²⁵ Relocating a surplus population to distant lands in which “new markets and spheres of industrial activity” are available supplements the police and the corporation as forms of address.

Hegel discusses varieties of colonialism, noting contemporary independence movements motivated by lack of rights in the (American)

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21 Hegel 1991, §§97ff.

22 Hegel 1991, §140.

23 Hegel 1991, §33.

24 See Hegel 1991, §§241ff., esp. 244.

25 Hegel 1991, §§246ff., esp. 248.

colonies.²⁶ As in the case of the “emancipation of slaves,” Hegel argues, independence is of the greatest advantage to the “mother state.”²⁷ In the *Philosophy of History*, recall, Hegel argues for the gradual abolition of slavery. Drawing from his view of Africa as outside of history, he posits that slavery is a “wrong (*Unrecht*), for the essence of humanity is freedom,” but immediately qualifies the claim arguing that “for this man must first become mature.”²⁸ European colonialism, more precisely, the European capture, commerce, and enslavement of Africans, is a qualified wrong, according to Hegel, insofar as it brings consciousness of freedom to captives. This consciousness, however, is gained in the state. In the 1822/23 courses on the *Philosophy of World History*, Hegel argues that “slavery . . . is necessary at those stages where the state [and its people] has not yet arrived at rationality. It is an element in the transition to a higher stage.”²⁹ Hegel ties this supposed acquisition of freedom to the “sense of private property, of achieving independence through one’s own activity, or of securing one’s property through right.”³⁰ As Allison Stone explains, “[b]y being forced to labor and being disciplined spiritually by agencies such as the Christian church, these people will eventually learn about their freedom. Until then, their subjection, while partially wrong insofar as it is subjection, is also partially right: it is, at least, an improvement on the natives remaining in their natural, wholly unfree, pre-colonial condition.”³¹ Abolition should be gradual, Hegel also maintains, otherwise “the most frightening consequences arise, as in the French colonies.”³²

In the *Philosophy of Right*, Hegel argues that it is only in the state that the will is free. The will is “equally universal and objective in the free self-sufficiency of the particular will,” more precisely, in the figure of the monarch. In the particular execution of the universality of the people (*Volk*), as articulated in and by the state, here moving beyond his discussion of patriotism to the activity of the figurehead, the will is not merely external and internal but in and for itself free. World history becomes relevant at this juncture. The state, Hegel writes, is the “actual and organic” *Geist* of a people, which “actualizes and reveals itself through the relationship between the particular national spirits” and “in world history as the universal world spirit whose right

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26 Hegel 1991, §248.

27 Hegel 1991, §248.

28 See my discussion on maturity in forthcoming. See also Hegel 1991, §57A.

29 Quoted in Stone 2017, p. 255.

30 Quoted in Stone 2017, p. 255.

31 Stone 2017, p. 255.

32 Quoted in Stone 2017, p. 255.

is supreme."³³ The agent of history is the state, in which a people is manifest. The actualization of freedom is measured between states from a world historical perspective in relation to "world spirit" in its self-comprehension. It is not established in light of the failures of each sphere of right discussed in the *Philosophy of Right*. The content of each failure of the three spheres drives the truth of freedom, yet freedom is to be comprehended in its truth through a final judgment in relation to other nation-states/peoples. In the last instance, it is not states but peoples who manifest the truth of freedom in its living actuality within the state. Such living actuality is a matter of "rationality." The state is "absolute end" because it is rational. Rationality is a matter of consciousness of freedom.

Die Weltgeschichte ist das Weltgericht closes the book. This mirrors the end of Hegel's central texts: *Phenomenology of Spirit*, *Science of Logic*, *Encyclopedia of Philosophical Sciences*. The end (*Ende*) rather than the beginning (*Anfang*) of Hegel's texts are privileged interpretive sites.³⁴ They announce the truth of what has been shown in methodological key – not only as a metatheoretical reflection on or comprehension of the movement of the text itself. In this case, the end provides a measure for world-historical judgment on the matter at hand, namely, the will that is free in and for itself. As Angelica Nuzzo argues, the court of judgment signals a shift away from the movement of recollection (*Erinnerung*) distinctive of Hegel's endings.³⁵ Historical memory gathers together moments through which the truth of the matter at hand has been shown. Memory gathers what is seemingly dispersed in the immanent development of its own content.³⁶ In contrast, here we face historical judgment or, better yet, judgment of history. In *Memory, History, Justice in Hegel*, Nuzzo writes:

Weltgeschichte is *Weltgericht*, declares Hegel in Schiller's aftermath. While memory no longer does justice to history, it is now history that measures the justice and truthfulness of memory. History, whose subjects or agents are the nation-states, is introduced not by memory (and the concept or *Begriff* to which ethical memory leads) but by judgment, or *Urteil* – by the judgment to which memory (and the concept) as well as the states are ultimately subject.³⁷

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33 Hegel 1991, §33.

34 On *das Ende*, see especially Nuzzo 1999 and Zambrana 2015.

35 Nuzzo 2012, chap. 4.

36 Nuzzo 2012, pp. 45ff.

37 Nuzzo 2012, p. 109.

World history is not only perspective: historical memory of *Geist* in its unfolding, the backward-looking gaze that retrospectively reconstructs events and institutions necessary for the advent of freedom/modernity. Hegel writes that “the history of spirit is its own deed [*Tat*], for spirit is only what it does, and its deed is to make itself – in this case as spirit – the object of its own consciousness and to comprehend itself in its interpretation of itself to itself.”³⁸ World history as comprehension is here norm: measure, judgment of the actuality rather than the becoming of freedom. Hegel accordingly glosses ethical life, that is, “the Penates, civil society, and the spirits of the nations [*Volkgeister*] in their multifarious actuality,” as “ideal.”³⁹ *Sittlichkeit* is not only demonstrated as a living actuality by the movement of *Geist*. It is binding for world-historical judgment.

World-historical judgment necessarily runs through anthropological existence, which develops the racial hierarchy endemic to Hegel’s signature nature/spirit distinction.⁴⁰ Hegel’s anthropology, in which Africa fares the worst, installs fundamentally anti-black coordinates of sense that remain consistent throughout his system. The state of maturity – rationality, that is, consciousness of freedom – achieved based on the nature/spirit distinction serves as norm for measuring nation-states. The state, recall, is the site of living actuality of a people, since in politico-judicial organization a people is able to leave nature behind. Closing the *Philosophy of Right*, Hegel writes:

its initial stage, a nation [*Volk*] is not a state, and the transition of a family, tribe, kinship group, mass [of people], etc. to the condition of a state constitutes the final realization of the Idea in general within it. If the nation, as ethical substance – and this is what it is in *itself* – does not have this form, it lacks the objectivity of possessing a universal and universally valid existence [*Dasein*] for itself and others in [the shape of] laws as determinations of thought, and is therefore not recognized; since its independence has no objective legality or firmly established rationality for itself, it is merely formal and does not amount to sovereignty.⁴¹

The distinction between a people and the state has served as point of appeal when arguing against the fact that Hegel holds Eurocentric or racist views. As I have discussed elsewhere, Joseph McCarney’s

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38 Hegel 1991, §343.

39 Hegel 1991, §341.

40 Hegel 1991, §347. See Zambrana 2017. See Jackson 2020, p. 30, who notes the circularity of Hegel’s reasoning and argues that “his logic collapses against the weight of his percepts and method.”

41 Hegel 1991, §349.

argument that Hegel's thought cannot be so charged, given that a world-historical perspective judges the rationality of formal institutions of a people rather than peoples themselves, cannot be maintained.⁴² Consistent with the nature/spirit distinction, Hegel here establishes an equivalence between rationality (consciousness of freedom), politico-juridical institutionality, and sovereignty. The Idea of right appears in legal and objective institutions, giving form to relations even within the family ("marriage") and with respect to labor and a metabolic relation to nature ("agriculture").⁴³ Accordingly, Hegel sketches four shapes (*Gestalten*) through which self-consciousness of freedom is achieved. Immediate revelation, beautiful ethical individuality, abstract universality or mere self-absorption, return from infinite opposition producing and knowing "its own truth as thought and as world of legal actuality" manifest the coming-to-be of freedom.⁴⁴ While the first is the Oriental Realm, according to Hegel, it is superseded by the Greek Realm, the Roman Realm, culminating in *Geist* that knows itself as *Geist* in the Germanic Realm.

The philosophical gesture that closes the *Philosophy of Right* allows Hegel to state that "the present has cast off its barbarism and unjust [*unrechtliche*] arbitrariness, and truth has cast off its otherworldliness and contingent force, so that the true reconciliation, which reveals the state as the image and actuality of reason, has become objective."⁴⁵ The state, along with the legal and moral order expounded in the *Philosophy of Right*, is an expression of sovereignty in giving shape (materially, institutionally) to freedom. The equivalence between rationality, politico-juridical institutionality, and sovereignty that yields the norm for world-historical judgment here establishes the consummation of the project of modernity in the Germanic Realm. I argue that it is the normative and material universe that we have seen supports this claim that is dislocated by the Haitian Revolution. Modernity itself, rather than its fulfillment, is sent into crisis by the Revolution. The status of the Haitian Revolution in Hegel's philosophy of history, for this reason, is best grasped in relation to but beyond the dialectics of universality and particularity established by that universe. Moving beyond Hegel's decision, consistent with his account of world-historical unfolding, to center the French Revolution instead of the Haitian Revolution as the world-historical event without which modernity would not have come to be is key. Considering instead the apparatuses that realize modernity and that he justifies in the *Philosophy of Right* is key.

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42 See Zambrana 2017; McCarney and Bernasconi's exchange in 2003.

43 Hegel 1991, §350. The state as well as the legal order regulate social relations regarding kinship and economic exchange.

44 Hegel 1991, §353.

45 Hegel 1991, §360.

Susan Buck-Morss' "Hegel and Haiti," the 2000 essay, and especially *Hegel, Haiti, and Universal History*, the 2009 book, were heavily criticized. Especially in the book, Buck-Morss defends the idea of universal history, despite her own findings concerning Hegel's silence about the Haitian Revolution. As Buck-Morss states in the preface to her book, critics argue against the resurrection of the very idea of universal history from the "ashes" of Hegelian metaphysics.⁴⁶ They also question the decision to forgo a reflection on the alternative modernity that the Haitian Revolution could instead represent. Buck-Morss pursues her engagement with Hegel around the question of his knowledge of the Haitian Revolution. She investigates whether it was the source of inspiration for the master-slave dialectic most famously though not exclusively developed in the 1807 *Phenomenology of Spirit*.⁴⁷ Hegel knew of the Revolution, as had been pointed out by Pierre-Franklin Tavarès.⁴⁸ Its suppression, however, should come as no surprise to any reader of Hegel. Hegel's equally famous engagement with the French Revolution and the revolution in thought of German critical philosophy, for reasons we have seen, centers the latter as the world-historical events without which modernity, as a project and as a historical reality, would not have come to be.

Surprise at Hegel's decision aside, Buck-Morss suggests that recovering this "unhistorical history" erodes the Eurocentrism of Hegel's thought, delivering a necessary universal historical perspective in reconfigured dialectical vein. Buck-Morss' claim is not merely that it is not the French but the Haitian Revolution that realizes the promise of liberty and equality.⁴⁹ She furthermore argues that centering Haiti makes possible building a world-historical perspective from our "inhumanity in common."⁵⁰ A universal history so conceived makes possible action rather than inscribing power.⁵¹ "What happens when," Buck-Morss writes, "in the spirit of dialectics, we turn the tables and consider Haiti not as a victim of Europe, but as an agent in Europe's construction"?⁵² Haiti is an agent in Europe's construction in providing content to the formality of the discourse of the Rights of Man. Haiti allows us to track the inhumanity from which such rights emerge or that such rights can in fact reproduce.

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46 Buck-Morss 2009, p. ix.

47 Buck-Morss 2009, p. 48.

48 Buck-Morss 2009, p. 48.

49 Buck-Morss 2009, p. 42.

50 Buck-Morss 2009, pp. 138ff.

51 Buck-Morss 2009, p. 110.

52 Buck-Morss 2009, p. 80.

Forgoing an exposition of the alternative modernity that many have argued was generated from the experience of colonialism, indigenous genocide, the middle passage, and the plantation complex, Buck-Morss affirms the universal intent of a Hegelian conception of history albeit in this negativist key.

In “‘So Much Worse for the Whites’: Dialectics of the Haitian Revolution,” Ciccarello-Maher launches a crucial criticism of Buck-Morss. Ciccarello-Maher understands Buck-Morss’ intervention in terms of the need to recalibrate the relation between the universal and the particular. We escape the problem of “incommensurability” that undermines universal interests by thinking or building from the “edges.”⁵³ The way Buck-Morss pursues her reconstruction of the Haitian Revolution is particularly troubling, however. Buck-Morss builds universality through the figure of Toussaint L’Ouverture and in reference to the Constitution of 1801, silencing the contribution of Jean-Jacques Dessalines and the Declaration of Independence of 1804 along with the Constitution of 1805. Universal history is here not built by the real opposition of the Haitian Revolution’s affirmation of Black identity, Ciccarello-Maher points out, but rather by the success then failure of an abstract notion of liberty, one that erases the racial ground of the Revolution. Buck-Morss writes that “[f]or almost a decade, before the violent elimination of whites signaled their deliberate retreat from universalist principles, the black Jacobins of Saint-Domingue surpassed the metropole in actively realizing the Enlightenment goal of human liberty, seeming to give proof that the French Revolution was not simply a European phenomenon but world-historical in its implications.”⁵⁴ The colony surpasses the metropolis, Ciccarello-Maher argues, leaving the latter’s ideal of liberty intact. This surpassing is a recentering of the interests of the metropolis and indeed whiteness.

Ciccarello-Maher tracks the undialectical character of Buck-Morss’ text, arguing that her failure to do justice to particularity is tied to her failure to grasp the political rather than identitarian (“phenotypic”) character of race in this context.⁵⁵ Restricting the Revolution to the period of Toussaint’s leadership, and especially to the 1801 constitution, betrays the fact that she seeks to affirm the juncture where there is an extension of the “principle of liberty to all citizens regardless of race.”⁵⁶ But the definition of citizenship in 1801 is precisely based on a declaration of all Haitian “‘men [as] ‘free and French’,” “in which the very notion of

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53 See Ciccarello-Maher 2014, p. 21.

54 Ciccarello-Maher 2014, p. 22; Buck-Morss 2009, p. 39.

55 Ciccarello-Maher 2014, p. 27.

56 Ciccarello-Maher 2014, p. 94.

freedom is bound as if by synonym to the mother country.”⁵⁷ Buck-Morss’ treatment of Toussaint’s failures are most revealing, however. Toussaint’s failure – “he did not defeat the French (which he never truly intended to do), could not guarantee the perpetual abolition of slavery (which he certainly intended to do), was captured in 1802, and died a prisoner at Fort de Joux in 1803 while his compatriots continued to struggle” – in her account represents a “retreat from the universal.”⁵⁸ If one follows C.R.L. James’ *The Black Jacobins*, Ciccarello-Maher argues, Toussaint’s failures are a guide for understanding the significance of particularity for thinking universality, specifically concerning the racial coordinates of the Revolution.⁵⁹

Ciccarello-Maher cites James’ account of Toussaint’s failures as anchored in his effort “to ‘conciliate whites at home and abroad’ by granting not only equality but even privileges, symbolic and material, to the local whites.”⁶⁰ Black laborers, in James’ words, did not approve out of a sharp awareness of the possibility of reenslavement.⁶¹ Ciccarello-Maher quotes James to this effect, and extends James’ analysis emphasizing the political content of the racial positions at hand: “‘The blacks could see in the eyes of their former owners the regret for the old days and the hatred,’ and as a result, the biological content of the category ‘white’ was displaced by its *political* content: ‘the whites were whites of the old régime,’ and the ostensibly ‘anti-white feelings’ of the Blacks ‘meant only anti-slavery.’”⁶² He adds, again quoting James: “As though responding preemptively to her celebration of Toussaint’s universality, James insists that: ‘These anti-white feelings of the blacks were no infringement of liberty and equality, but were in reality the soundest revolutionary policy.’”⁶³ Turning to the figure of Dessalines and, especially, to the 1804 Declaration of Independence as well as the 1805 Constitution allows the political content of the particular to construct the universal.

Dessalines not only grasped but also built the universal character of revolutionary policy in terms of these anti-white sentiments, which is to say, in terms of anti-slavery. Ciccarello-Maher stresses that Dessalines understood that it was Black laborers, in James’ terms, who required reassurance. In understanding the “violent elimination of the whites,” rather than the elimination of other Black, maroon or Vodou leaders, as a

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57 Ciccarello-Maher 2014, p. 23.

58 Ciccarello-Maher 2014, pp. 23-24.

59 James 1989.

60 Ciccarello-Maher 2014, p. 24; James 1989, p. 262.

61 Ciccarello-Maher 2014, p. 24.

62 Ciccarello-Maher 2014, p. 24; see James 1989, pp. 261, 286, 174.

63 Ciccarello-Maher 2014, p. 25; James 1989, p. 261.

retreat from universality, Buck-Morss homogenizes the revolutionaries as well as affirms an identitarian politics that draws from rather than unsettles a sedimented racial hierarchy. She thereby “disavow[s] black identity.”⁶⁴ Because Buck-Morss misses that the racial positions here are political positions, that what is under attack is slavery, she misses that Dessalines’ advance and the 1805 declaration that “Haitians will henceforth be known by the generic denomination of blacks” in fact consummate the promise of liberty in racial terms other than those set by the metropolis.⁶⁵ The 1804 declaration opens with a critique not only of the formalism but of the violence of the abstract discourse of the Rights of Man.⁶⁶ Articles 12-14 of the Constitution build a “porous” and “expansive” racial category of citizenship.⁶⁷ The ground for “racial equality,” racial particularity “includes all those who cast their lot in with the new nation.” The Manicheanism of the 1804 and 1805 texts do not fix racial categories, but aims to “upend” them.⁶⁸

Ciccarello-Maher further develops his intervention by engaging Fanon’s reading of Hegel’s master-slave dialectic.⁶⁹ Through an interpretation of Fanon, he argues that the Manicheanism of the colonial world is properly dialectical when it allows the force of the particular to change the nature of the universal. Fanon questions the very premise of reciprocity that conditions the dialectic, furthermore expressed in the supposed independence that the enslaved gains by working on the object.⁷⁰ The Revolution shows that there is rather a turning to the master, an abandonment of the object of labor, leading to revolutionary violence. There is no such internalization of mastery as discussed in the Freedom of Self-Consciousness section that follows the dialectic in the *Phenomenology*. Turning to the master is a form of disrupting the thinghood of the enslaved, as determined by the Code Noir. Fanon’s point, on my view, is that for the Black man and for the colonized, recognition is not impossible as much as a trap.⁷¹ Ciccarello-Maher’s affirmation of universality would thus need to be

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64 Ciccarello-Maher 2014, p. 31.

65 Ciccarello-Maher 2014, p. 29.

66 Ciccarello-Maher 2014, p. 28.

67 Ciccarello-Maher 2014, p. 29: “Whereas Article 12 bans whites from the status of master and from property ownership, Article 13 quickly exempts naturalized white women and their children, as well as the Poles and Germans who had joined the revolutionary cause, and this loosening of racial categories is then followed by the wrecking-blow of Article 14, which famously declares that ‘Haitians will henceforth be known by the generic denomination of blacks.’”

68 Ciccarello-Maher 2014, p. 30.

69 Ciccarello-Maher 2014, p. 32. See Fanon 2008, p. 195n 10.

70 Ciccarello-Maher 2014, p. 32.

71 See the conclusion to Zambrana 2021 for some approximations to this claim.

carefully specified. Yet I want to forgo a full engagement with the question of the nature of dialectics and the status of the master-slave dialectic, precisely on Fanonian grounds.⁷² I aim to reflect on the specific apparatuses that concretely – normatively and materially – produce the positions of power the dialectic explores. Although engagement with the dialectic is crucial in underscoring the agency of the enslaved or the place of slave revolt and revolution in world history, following Casimir’s suggestion, I seek to consider forms of agency of the enslaved beyond the dialectic of the universal and the particular endemic to the normative and institutional universe of modernity.⁷³ I aim to consider the force of the particular away from its capacity to potentiate the universal so construed. I am interested in the dislocation rather than dialectical overcoming of such normative and material coordinates as the site of the agency indeed sovereignty of the Haitian revolutionaries.

The racial order endemic to *Weltgeschichte*, hence to the institutional order that realizes *Weltgeschichte*, is dislocated rather than dialectically corrected by the Haitian Revolution. Returning to the question of sovereignty discussed in section one above along these lines is one important point of entry. Casimir’s decolonial reading of Haiti is here instructive. He raises the question concerning the site of sovereignty in the Revolution. The revolution is not to be found in the founding of the nation-state, given its continuation of the metropolis’ political-juridical model inseparable from a plantation economy. A “counter-plantation” system manifest in largely African-descended rural peasantry in ongoing refusal of colonial and post-colonial power, Casimir argues, built sovereignty (indeed a “nation”) traversed by but autonomous from the institutional and normative coordinates of modernity. In the counter-plantation system, Casimir maintains, a complex internal racial order that was not structured by the racial hierarchy of the west, by the fundamentally anti-black project of modernity, operated. It did so at a distance from the dialectic of racial particularity and universal humanity that considers the Revolution only in relation to the French Revolution, and that, according to Casimir, seeks resolution in “regenerating the black race by using the very principles and tools the West used to degrade them.”⁷⁴

Casimir’s decolonial reading of the Haitian Revolution draws from Aníbal Quijano’s concept of coloniality of power.⁷⁵ The coloniality of power

72 See Fanon 2004, p. 2: “Decolonization which sets out to change the order of the world is clearly an agenda for total disorder.” See Harris forthcoming, for an important demonstration of the anti-blackness of Hegel’s texts distinguishing the dialectic as developing feudal relations from Hegel’s assessment of slavery in relation to his account of Africa.

73 In addition to Casimir, see Eddins 2021.

74 Casimir 2020, p. 19.

75 Quijano 2000, 2007, 2008.

names the reinstallation of the racial order articulated by colonization, that is, by indigenous genocide, the middle passage, and racial slavery, in processes of independence or decolonization. The centering of local elites negotiating with the metropolis, on the one hand, and subjecting or dispossessing racialized populations, on the other, within anti-colonial projects reproduces this racial hierarchy in a purportedly post-colonial context. The coloniality of power, according to Quijano, operates through the organization of existence in terms of labor, authority (the state and the legal order), knowledge and subjectivity, and social reproduction.⁷⁶ The organization of these areas of existence is at stake when assessing whether anti-colonial projects adapt hence replenish or instead turn inoperative the institutional thus material infrastructure of capitalist modernity. Documenting the heterogeneity of revolutionaries and local “oligarchs” (white planters and *petit blancs*, people of color and emancipated people, majority African-born enslaved people and maroons), tracking the complexity of internal interests that did not allow the “oligarchs” to “imagine a structure for governance distinct from that of the metropole,” considering the racial coordinates reinscribed despite rupture with the metropolis, Casimir calls attention to autonomous forms of organizing existence pursued by the majority of revolutionaries and their descendants.⁷⁷

Like James, Casimir notes that, given particularly cruel conditions, St Domingue’s enslaved population could not reproduce itself.⁷⁸ As James notes, in 1789, Saint-Domingue was both the most lucrative colony in the Americas and the greatest individual market for the European slave trade.⁷⁹ “At the moment of rupture with empire,” Casimir writes, “at least two thirds of the captives had been born in Africa,” interrupting attempts

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76 See Lugones 2007 and 2010, and Espinosa, ed., 2014 and 2018 for a critique of Quijano’s notion of sex/gender and for an analysis of the modern colonial gender system. See Terreffe 2020 for an important critique of Lugones.

77 Casimir 2020, p. 39.

78 Casimir writes: “In order to situate the memory of the crossing of the Atlantic and the arrival of the *bossales* within the history of Haiti, it makes sense to start by clarifying exactly how and why my ancestors’ odyssey has been erased from my own. The colonial working class gained consciousness of its own situation by articulating a response to three aspects that defined the behavior of the French: first, the colonist’s need to produce and reproduce captives; second, their project of converting captives into slaves in order to reproduce their slavery and captivity; and finally, the need to annul their natural reproduction in order to intensify and maximize their exploitation. This final exigency led inevitably to a botched process of acculturation. The need to produce and reproduce the Pearl of the Antilles as quickly as possible required an intensification of the slave trade and the destruction of the processes of institutionalization that might have served to support natural reproduction among the population. This in turn meant the acceleration of the process of the absorption of the new arrivals and their required conversion into slaves. Community, family, and women themselves represented potential obstacles to the development of the modern economy within a plantation system in full expansion, because they obstructed the disaggregation of labor and reduced the fragility and vulnerability necessary for the smooth functioning of the labor market” (2020, p. 52).

79 James 1989, pp. ix–x.

to transform “African ethnicities” into “colonial blacks.”⁸⁰ African-born enslaved people, as well as maroon communities, refusing rather than resisting incorporation into the plantation complex and the interests of the metropolis, the colonial state, and post-colonial administration interrupt politico-juridical formalization into a nation-state.⁸¹ What is to this day commonly understood as a failed state, Casimir argues, is a community in perpetual insurrection.⁸² For Casimir, here is where a sovereign nation is born – not only at a distance from but out of reach of the state.⁸³ Casimir calls the modes of organizing existence that emerged in the Revolution and continued to thrive until US intervention in 1915 the “counter-plantation system.” He writes:

The Haitian peasantry—and those of the entire Caribbean—constituted themselves in opposition to the processes of integration and assimilation to the commodity-producing plantation. Their culture was and remains a response to slavery, a form of self-defense responding to the abuses inflicted by modern, colonial society. From the moment the captives took control of their gardens and provision grounds and demanded more free days in the wake of the general insurrection, the counter-plantation system and the institutions through which it was articulated were put into place. These included gender relations, family, the *lakou*, indivisible collective property, Vodou temples, rural markets, garden-towns, leisure, crafts, the arts. They were reproduced within and thanks to the local language the counter-plantation system appropriated. Taken together, all of these became specific tools for the class struggles of the Haitian peasantry.⁸⁴

The counter-plantation system also thrived in the continued interruption of the relationship between capital and labor within the context of colonial and post-colonial administration, such as with criminalized “vagabonds” and “sharecroppers” “refusing to behave like a citizen attached to the land and imposing the breaking up of the plantations into small plots.”⁸⁵

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80 Casimir 2020, p. 15.

81 See Casimir 2020, p. 262. Casimir clarifies that in “the eighteenth century, the Africans that slave ships deposited in Saint-Domingue came to be called *bossales*. In the Romance languages this term was extremely negative, a synonym for savages and barbarians. But we need to envision the experience of captivity from the perspective of the contingents of victims who crossed from Africa to the Americas” (2020, p. 40).

82 I thank Celenis Rodríguez Moreno for this formulation, and for the many conversations we have shared about Casimir’s text.

83 Casimir 2020, e.g., pp. 343-344, 354.

84 Casimir 2020, p. 351.

85 Casimir 2020, p. 336.

In his book, Casimir documents the twists and turns of what he calls the counterrevolutionary force of state administration especially after 1806, one that built on colonial governance put in place even by revolutionaries in power.⁸⁶ In this context, he assesses the relation between the French and the Haitian Revolutions. Casimir writes:

The French and Haitian Revolutions were not part of the same family of events. To conceive of the first as having inspired the second does not do justice to France's contribution to human history: the enthroning of popular sovereignty within the political. The modern nation did not construct the Haitian nation. Nation building is just an imperialist illusion that camouflages administration building. The Haitian nation invented itself alone in the context of a European, modern, colonial state that was at war with its very conception, from the moment the first embryo of sovereignty hatched.⁸⁷

The Haitian nation invented itself in a heterogeneous indeed fraught terrain, however, given the scission between popular sovereignty built by those who fought in the Revolution refusing incorporation into slavery, and those who fought imagining freedom in light of the vision of the metropolis.⁸⁸ My aim here is not to adjudicate on the details of Haitian history, however. Rather, this counterhistory makes possible dislocating the Hegelian categories indeed narrative – its picture, its desire – that remain operative in philosophical and political imagination to this day. Casimir's reading does not concede to the narrative of modernity, tracking instead how its apparatuses operate, pointing out how they take hold of political imagination even at the most luminous of historical moments. The question of Hegel and Haiti within Hegel scholarship, accordingly, should consider counterhistories that locate the force of the Haitian Revolution beyond the normative coordinates of modernity, the modernity Hegel described in detail in the *Philosophy of Right*, grappling with the possibility that these counterhistories might send even the most revisionary readings of Hegel into crisis.

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86 Casimir 2020, p. 343. See also p. 123, and note the exposition of revolution in Marxist key albeit transformed by decolonial commitments.

87 Casimir 2020, p. 342.

88 Casimir 2020, p. 343: "I emphasize the absence of a filiation between the French and Haitian Revolutions to highlight the fact that in the first case, the pursuit of well-being was defined by the collective of all citizens, while in the second, those who appropriated the leadership of the revolutionary movement constituted themselves into a group that relayed colonial, modern power. They granted themselves the right to define the well-being of the population and to evaluate the desiderata expressed by the sovereign people, selecting only those aspirations that met the approval of the imperial powers."

Concluding Remark

In *The Wretched of the Earth*, Fanon writes:

The Third World is today facing Europe as one colossal mass whose project must be to try and solve the problems this Europe was incapable of finding the answers to. But what matters now is not a question of profitability, not a question of increased productivity, not a question of production rates. No, it is not a question of back to nature. It is the very basic question of not dragging man in directions which mutilate him, of not imposing on his brain tempos that rapidly obliterate and unhinge it. The notion of catching up must not be used as a pretext to brutalize man, to tear him from himself and his inner consciousness, to break him, to kill him.

No, we do not want to catch up with anyone. But what we want is to walk in the company of man, every man, night and day, for all times. . . .

. . . So comrades, let us not pay tribute to Europe by creating states, institutions, and societies that draw their inspiration from it.”⁸⁹

Many read this statement as one key passage supporting Fanon’s distinctive humanism. But Fanon is rather inviting us to trace carefully the traps that projects of decolonization, independence, freedom might hold. We might end up in uncomfortable proximity to Hegel. And this is the point. Hegelian philosophy of history remains. Not in theory, but operative in how we think of sovereignty, territory, kinship. To treat philosophy as an anthropological object, then, an object to explore in order to know ourselves, is perhaps the least that can be done. To treat philosophy as an anthropological object seeking to interrupt the gesture not of a teleological understanding of history, but of a racial order that continues to produce reality today.

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⁸⁹ Fanon 2004, p. 239.

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Volume 8
Issue 2

A Short Note on Hegel and the Exemplum of Christ

Slavoj Žižek

Abstract: This article introduces a new element in the dialectical relationship between the concept and its examples. This new element, that is the third, is the *exemplum*, which is opposed to what we commonly understand by an example.

This is done through Hegel's reading of Christ and Christianity. In doing so, this work attempts to affirm the relevance of Hegel in our epoch.

Keywords: Hegel, Christ, God, Christianity, exemplum.

To properly grasp the dialectical relationship between a concept and its examples, a third term has to be introduced, that of *exemplum* as opposed to simple example. Examples are empirical events or things which illustrate a universal notion, and because of the complex texture of reality they never fully fit the simplicity of a notion; exemplum is a fictional singularity which directly gives body to the concept in its purity. Pierre Bayard recently articulated this notion of exemplum¹ apropos its three examples. First, there is nicely-provocative case of Hannah Arendt's thesis of the "banality of evil" illustrates by Adolph Eichmann. Bayard demonstrates that, although Arendt proposed a relevant concept, the reality of Eichmann doesn't fit it: the real Eichmann was far from a non-thinking bureaucrat just following orders, he was a fanatical anti-Semite fully aware of what he was doing – he just played a figure of the banality of evil for the court in Israel.

Another Bayard's very pertinent example is the case of Kitty Genovese who was murdered in front of her apartment block in Queens at 3 AM in 1964: the murderer tracked her and stabbed her by a knife for over half an hour, her desperate cries for help were heard all around, but although at least 38 neighbours turned on their lights and observed the event, not even one called the police, a simple anonymous act which would have saved her life... This event found a wide echo, books were written about it and researches confirmed the thesis that people didn't call the police because they were aware that others are also looking, so they counted that another guy will do it. Repeated experiments proved that the more people witness a traumatic event (fire, crime...), the less probability there is that one of them will call the police... Looking into the original data, Bayard shows that the reality of Kitty Genovese's murder didn't fit the popular description: there were maximum 3 observers, and even these three didn't see anything clearly, plus one of them *did* call the police. We get here another case of how an exemplum is imagined in order to illustrate a thesis which is in itself correct and important. Bayard argues that this fiction predominated over facts because it served perfectly as an apologue with a moral lesson which makes us (the public) feel well: we are disgusted by the story, presupposing that if we were

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1 Bayard 2020

among the observers we would definitely called the police. - Bayard's final example case is the mass panic caused by Orson Welles's performance of *The War of the Worlds* as a radio show: here also, the reality (millions taking the radio fiction as truth and escaping home) is far from truth.

In *Capital I*, Marx often uses an imagined exemplum to illustrate the exchange between a worker and a capitalist or the process of the circulation of the capital. Here is his famous description of how, when a capitalist and a worker depart after signing a work contract, the signature causes "a change in the physiognomy of our dramatis personae": "He, who before was the money-owner, now strides in front as capitalist; the possessor of labour-power follows as his labourer. The one with an air of importance, smirking, intent on business; the other, timid and holding back, like one who is bringing his own hide to market and has nothing to expect but — a hiding."² Such cases are imagined cases of a "pure" situation which cannot ever take place in the thick texture of reality where different moments reproduce themselves in different rhythms which cannot directly follow demands of the market (working force needs decades to reproduce itself, etc.). The paradox of exemplum is thus that, although it is empirically a fiction (it never "really happened exactly like that"), it is in some sense "closer to truth" since it perfectly renders (gives body to) the inner notional structure of a phenomenon – yet another way to understand Lacan's claim that truth has the structure of a fiction. We thus have to distinguish between the fiction of exemplum which illustrates the abstract notional truth and the fiction which enables the capital to function and reproduce itself in reality.

It is easy to see how this distinction between example and exemplum perfectly exemplifies the Hegelian triad of the universal, the particular, and the individual: the universal is the abstract notion, particularities are its (always imperfect) examples, and the individual is exemplum, a singularity in which the domain of contingent reality unites with the universal. It is thus not enough to insist that universality is always mediated by its particular examples; one should add to this multiplicity of examples the exemplum in which a universality returns to itself.

Is the ultimate exemplum not Christ himself? We, ordinary humans, are imperfect examples of God, made in his image, while Christ is (for us, materialists, at least) a fiction and as such the exemplum in which the divine universality returns to itself. Among the Christian theologians, Martin Luther came closest to this when he deployed how only the limit-experience of our utter impotence and incapacity to fulfil god's commandments, the experience which compels us to accept that we have no free will, can bring us to true faith – here is Frank Ruda's concise description of this paradox:³

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2 Marx 1999

3 Ruda 2016

“God has willed what he willed for eternity, “even before the foundation of the world.” For this reason, his “love... and hatred [are] eternal, being prior to the creation of the world.” This is why there is predestination. This is also why his commandments cannot be fulfilled by us if he does or did not will it so. They exist for us in order to allow us to have the “undeniable experience of how incapable” we are. The law thus generates knowledge of one’s own incapacity and impotence, of “how great weakness there is.” Commandments produce knowledge of the fact that there is no free will.”⁴

The first thing to note here is the superego-dimension of divine commandments: for Freud, superego is a commandment coming from an obscene agent who bombards us with it with the aim to make visible our failure to comply with it – the one who enjoys here is the Other (God), and it sadistically enjoys our failure. This convoluted structure of an injunction which is fulfilled when we fail to meet it accounts for the paradox of superego noted by Freud: the more we obey the superego commandment the more we feel guilty. This paradox holds also when we follow Lacan and read superego as an injunction to enjoy: enjoyment is an impossible-real, we cannot ever fully attain it, and this failure makes us feel guilty. (Another paradox is at work here: enjoyment as an impossible-real means that we cannot ever attain it AND that we cannot ever get rid of it since our very attempts to get rid of it generate a surplus-enjoyment of their own).

The implicit lesson of Luther is that we should not be afraid to apply this notion of superego to God himself and to how he relates to us, humans. God not only imposes on us commandments (he knows) we are unable to fulfil, he imposes on us these commandments not in order to really test us, not with the hope that we will maybe succeed in following the commandments, but precisely in order to bring us to despair, to make us aware of our failure – and here, at this point only, we reach the limit of Christianity proper: this awareness of our utter impotence is the act of freedom, it changes everything. It is because of our freedom that the experience of our impotence drives us to despair: without freedom, we would simply accept that we are an unfree cog in the divine machinery. (If, on the contrary, we would find in ourselves the strength to meet the challenge and to act according to divine commandments, this would also not mean that we are free but simply that the ability to act according to divine commandments is part of our nature, of our natural dispositions and potentials.) For this insight into our despair and utter impotence, Christ is not needed – it is just the omnipotent hidden God versus us:

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4 Ibid., p.31-2

“The affirmation of the fact that there is no common measure that relates God and mankind — there is no human-divine relationship. Erasmus falsely assumes that there is a continuity between man and God and thereby also confuses ‘God preached and God hidden.’ It is precisely this distinction (in Hegelian terms, that between God for us and God in itself) that needs to be taken into account. God is not his Word. The Word is God revealed to mankind. To think God, one needs to avoid the temptation of fusing revelation (the Word, Christ) and God as such”⁵

Here, however, we have to introduce a key Hegelian twist: if “there is a radical gap, a difference different from all other differences, that separates the revealed God (Scripture) and God in himself (the hidden or ‘naked’ God),”⁶ then this gap is not just the gap between God-in-itself and how God appears to us, it is also a gap in God itself - the fact that god appears is an event which deeply affects god’s identity. There is no human-divine relationship – but *this non-relationship exists as such, in the figure of Christ*, God who is a human being. In other words, Christ is not a figure of mediation between god and man, a proof that god relates to man with loving care; what happens with Christ is that the non-relationship between god and man is transposed into god itself – the gap that separates man from god is asserted as immanent to god. Everything changes with this move: the one who experiences utter despair (expressed in his “Father, why have you abandoned me?”) is god (the son) himself, Christ dying on the cross, and through my belief in Christ I identify with god in my very despair. Identity with god is not achieved through some sublime spiritual elevation but only in the passage through utter despair, by way of transposing our own incapacity and impotence to God himself. When this happens, God the father is no longer an obscene superego agent, and the abyss of utter despair turns out to be the other face of my radical freedom. We should never forget that, in Luther’s vision, an individual is thrown into despair when he experiences his impotence and inability to obey god’s commandments, not to do some impossibly difficult task (in Paradise already, Adam and Eve ate the prohibited apple) – and is freedom not precisely the freedom *not* to obey commandments?

The unique role of Christ is something that escapes mysticism even at its best, which means, of course, Meister Eckhart. Eckhart was on the right track when he said that he’d rather go to hell with Jesus than to heaven without – but his ultimate horizon of the mystical unity of man and god as the abyssal Oneness in which man and God as separate entities disappear prevents him from drawing all the consequences from his

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5 Ibid., p.32

6 Ibid., p.33

insight. Let us quote extensively from Eckhart's Sermon 87 ("Blessed are the poor in spirit") which focuses on what does true "poverty" amounts to:

"as long as aa man still somehow has the will to fulfil the very dear will of God, that man does not have the poverty we are talking about for this man still wills to satisfy God's will, and this is not true poverty. For, if a man has true poverty, then he must be as free of his own will now, as a creature, as he was before he was created. For I am telling you by the eternal truth, as long as you have the will to fulfill God's will and are longing for eternity and for God, you are not truly poor. For only one who wills nothing and desires nothing is a poor man. /.../Therefore, we say that a man should be so poor that he neither is nor has a place in which God could accomplish his work. If this man still holds such a place within him, then he still clings to duality. I pray to God that he rids me of God; for my essential being is above God insofar as we comprehend God to be the origin of all creatures. In that divine background of which we speak, where God is above all beings and all duality, there I was myself, I willed myself and I knew myself, in order to create my present human form. And therefore, I am my own source according to my timeless being, but not according to my becoming which is temporal. Therefore, I am unborn, and, in the same way as I have never been born, I shall never die. What I am according to my birth will die and be annihilated; since it is mortal it must decompose in time. In my eternal birth all things were born and I was the source of myself and of all things; and if I had so willed there would be neither I nor any things; but if I were not, then God would not be, for I am the cause of God's existence; if I were not, God would not be God. However, it is not necessary to know that."¹⁷

Eckhart relies here on the distinction between me as creature, part of the realm of creatures with God (the origin of all creatures) at its top, and between the eternal impersonal I that is one with God beyond all creaturely life ("as I stand empty of my own will, of God, of God's will, and of all His works and of God Himself, there I am above all creatures, I am neither God nor creature, rather I am that I was and will remain, now and forever."¹⁸) But this distinction is not enough to really account for Eckhart's own claim that it is better to be in Hell with Christ than in Heaven without Christ.

One has to be precise here – Eckhart does not talk about Christ but about God: "ich will lieber in der helle sin und daz ich got habe, denne in dem himelriche und daz ich got nit enhave" ("I would rather be in hell and

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7 Eckhart

8 Ibid.

have God than be in the kingdom of heaven and not have God.”)⁹ It is my contention that one should replace here “God” with “Christ”: one cannot be without God in Heaven because God IS Heaven, and the only way God can be in Hell is in the figure of Christ. The reason we have to replace “God” with “Christ” is thus simply that this is the only way to make Eckhart’s proposition meaningful in a Christian sense. (We have here a nice example of how a misquote is closer to truth than the original.) Or, to go even a step further: not only is a world without God Hell, but God without Christ (i.e., God in his separation from man) is Devil himself. The difference between God and Devil is thus that of a parallax: they are one and the same entity, just viewed from a different perspective. Devil is God perceived as a superego authority, as a Master enacting his caprices.

The mystical unity of my I and God in which we both dissolve is beyond Heaven and Hell, there is even no proper place for Christ in it, it is the void of eternity. Insofar as we nonetheless define Heaven as the bliss of eternity in which I am fully one with God, then Christ as an embodied individual, as a God who is simultaneously a mortal creature (dying on the Cross), definitely belongs to the domain of Hell. In their “Engel,” Rammstein describe in simple but touching terms the sadness and horror of angels who dwell in Heaven – here is the first strophe of the song:

“Who in their lifetime is good on Earth
Will become an angel after death
You look to the sky and ask
Why can't you see them
Only once the clouds have gone to sleep
Can you see us in the sky
We are afraid and alone
Because God knows I don't want to be an angel”

Angels are afraid and alone in Heaven, sad because there is no love up there – maybe the deadly-suffocating love of God which is a mask of His indifference. God-the-Father knows I don't want to be an angel, but He keeps me there. Love comes only through Christ, and Christ’s place is in Hell where life is, where passions divide us. And there is a step further to be made here: if, in order to reach the abyss of the Void, I have to get rid of God himself as the supreme creature, the only place to do it is Hell where God is by definition absent. To step out of the realm of creatures one has to descent to the lowest level of creaturely life which is Hell.

In his provocative claim, Eckhart doesn’t only imagine where to be with or without Christ, he proposes a real choice we have to make, the choice between God and Christ, and it is the choice between Heaven and Hell. Rimbaud wrote in his *A season in Hell*: “I believe I am in Hell,

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9 Ibid.

therefore I am.” One has to take this claim in its full Cartesian sense: only in Hell can I exist as a singular unique I, a finite creature which is nonetheless able to separate itself from the cosmic order of creatures and step into the primordial Void.

Eckhart progresses from the temporal order of creatures to the primordial abyss of eternity, but he avoid the key question: how do creatures arise from this primordial abyss? Not “how can we reach eternity from our temporal finite being?” but: “How can eternity itself descend into temporal finite existence?” The only answer is that, as Schelling saw it, eternity is the ultimate prison, a suffocating closure, and it is only the fall into creaturely life which introduces Opening into human (and even divine) experience. This point was made very clearly by G.K.Chesterton: “Love desires personality; therefore love desires division. It is the instinct of Christianity to be glad that God has broken the universe into little pieces [...]. Christianity is a sword which separates and sets free. No other philosophy makes God actually rejoice in the separation of the universe into living souls.”¹⁰

And Chesterton is fully aware that it is not enough for God to separate man from Himself so that mankind will love Him – this separation HAS to be reflected back into God Himself, so that God is abandoned BY HIMSELF: “let the atheists themselves choose a god. They will find only one divinity who ever uttered their isolation; only one religion in which God seemed for an instant to be an atheist.”¹¹

In the standard form of atheism, emancipated humans stop believing in God; in Christianity, God dies *for himself* - in his “Father, why have you abandoned me?”, Christ himself commits what is for a Christian the ultimate sin: he wavers in his Faith. And, again, this is what eludes Eckhart: for him, God “dies for himself” in the sense that God as the supreme Being, as the origin of all creaturely life, also disappears when a human being reaches its utmost poverty – at this zero-point, man and God become indistinguishable, the abyssal One. For Chesterton, however, the ultimate mystery of Christianity is the exact opposite, the DIVISION of man from God which is transposed into God himself in the figure of Christ.¹²

Here we finally reach the ultimate paradox of Luther’s theology: how does the divine self-division affect the relationship between freedom and Predestination? Predestination is not an objective fact but a matter of choice, of our own unconscious choice which precedes our temporal existence: “This peculiar kind of choice to which we are condemned is structurally analogous to what Freud calls ‘the choice of neurosis’ — a choice that is peculiarly ‘independent of experiences’. This means that

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10 Chesterton 1995, p.139

11 Ibid., p.145

12 See Žižek 2000

in a certain sense the subject is forced to choose its own unconscious: 'This claim that the subject, so to speak, chooses her unconscious . . . is the very condition of possibility of psychoanalysis.'" (162) When Freud says that this forced choice (forced because it always-already happened: we never choose), this choice which is simultaneously impossible and necessary (unavoidable), is "independent of experiences," one should give to this formulation all its Kantian weight: the fact that the choice of neurosis is independent of experience means that it is not an empirical ("pathological," in Kant's sense) choice but a properly transcendental choice that precedes our empirical temporal existence. Kant talks about such an eternal/atemporal choice of our character, and Schelling follows him at this point: if I am evil, I cannot avoid acting in evil ways in my life, such is my character, but I am nonetheless responsible for it because I've chosen it in an atemporal act.

Are we thereby back at our starting point, exemplum as different from examples? The eternal/atemporal choice is, of course, a fiction in the sense that it never takes place in our temporal reality, it is a fictional X presupposed by all our actual acts and choices – and precisely as such, it is THE exemplum of a free choice. Or, to put it in Kantian terms, all our temporal choices can be suspected of being "pathological," not free acts but conditioned by our contingent interests and determinations – only the eternal/atemporal choice is actually free.

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Interview with Robert Pippin: The Actuality of Hegel

**Frank Ruda &
Agon Hamza**

Each of these questions would obviously require a book-length discussion in order to answer philosophically. What I will try to do is just state what I believe to be Hegel's claims in as economical a form as possible, and not try to defend them here. Such brevity will mean that some responses will inevitably sound dogmatic, other obvious, and still others too elliptical. Answers to all the question's also presume a proper reading of *The Philosophy of Right*, especially Hegel's understanding of it as an account of "Objective Spirit" in his *Encyclopedia*, and absent that (impossible here), the following will have to count as suggestions for a reading of Hegel.

Let us begin with the most obvious question: 250 years later: why should we still read and be interested in Hegel's Philosophy of Right? Differently put, what is still pertinent in this book, considering the concepts he defends therein, some which in our epoch cannot but appear to be outdated and almost indefensible: we are thinking of the figure of the monarch, the necessity of war, to single out just these two (we do add the role and function of the family maybe - but this depends on how we read it, obviously). In what sense can we say this book to be of contemporary relevance, if it has any at all?

The central question of political philosophy is the question of justice. The core of most modern approaches to the question concerns legitimacy. Weber's question is paramount: what distinguishes the organized use of force by one group of people against another group, from the legitimate exercise of state power over its citizens. The answer is assumed to be that the latter is rational, rests on reasons that any rational being must accept, and this usually involves some claim about the "rationally re-constructed consent of the governed," determined sometimes in somewhat fanciful counterfactual ways. With respect to social justice, the question concerns the rational distribution of the resources and benefits available in an historical period. Arguments about this range from answers based on the equal moral standing of any individual to approaches that give priority to some notion of just deserts.

Hegel's objections are well-known. Legitimacy is not at the center of his concerns. He does not separate that issue from several others about the worthiness of institutions. He denies that any obligation can be derived from the idealized consent of putatively "stateless," atomistically conceived individuals. There are no such individuals, and this idealization ignores essential features of human being necessary in any reflection on such questions. He denies that the primary bond between citizens and the state is obligation or is in any way contractual. He agrees that the mark of a free being is rationality, but he denies that some exceptionless nomological principle, supposedly agreed to in idealized conditions, is the mark of rationality.

He has instead a substantive and not a formal theory of rationality. Human beings are essentially rationally reflective, socially dependent, *historically self-transformative* embodied free beings. If he is right about this, then every aspect of our reflection on just political and social institutions must take account of it, and our understanding of what it is to be such a being must be historically diagnostic, not “ideal.” (This is sometimes called a “naturalism,” and while that can be misleading in the Hegelian context, it is not wrong.) We must try to understand what a historical life at a time is like, does to, inspires in, the persons who find themselves subject to it. If they come to live in a way that, as he would put it, does not agree with the right concept or Geist, then that way is irrational and unjust. His claim about social dependence is ontological not empirical, concerns what it is to be a person at all. This means that a human being can only be what it is, a free being, in participating with others in institutions like the family, civil society and the state. That institutions (or their late modern successors) can be shown to be necessary to realize that conception of human beings is the core of his case. I don’t see this position much represented in mainstream political philosophy (or in modern constitutional liberal societies for that matter) and I think it deserves a hearing.

His full claim about social dependence is that the realization of freedom for such a being consists in: “being with oneself in an other,” often otherwise expressed in the PR as a unity of subjective and objective freedom. Remarkably, Hegel’s prized examples of actualized freedom are love and friendship. Under liberal presuppositions, we would normally think that in order for all and each to be free, a particular subject must sacrifice a full realization of freedom in pragmatic consideration of the other’s freedom. That is what Hegel wants to avoid, seeing an other who is unavoidably impacted by what one does as a hinderance to what would have been full freedom, so that we must accept that we can’t be fully free. He thinks the right sort of institutions will make it possible to experience others and objective institutions as the full realization of freedom rather than its sacrifice. So, I don’t compromise my freedom for the sake of a friend or a child; I see their good as my own as well as theirs. This descends from Hegel’s interest in the role of love in early Christian communities. Just institutions can be shown to conform to that requirement.

Our socially dependent and historically self-transformative nature also means that our experience of this mutuality cannot be merely formal or legal. This is the basis of his insistence that modern institutions must embody the *experience* of equal standing and respect among participants. Controversially, he does not think this requires full material equality (although it is inconsistent with extreme inequalities in material well-being), but the experience of recognitive respect. The social institutions, like Corporations and the Estates, that he thought could help accomplish

this are no longer relevant today, but a Hegelian approach would involve the search for the possibility of such mediating institutions, in which such standing is real, lived out. My own view, which I take to be inspired by Hegel's approach, is that the character of neo-liberal, globalized finance capitalism make such a search futile, and would count "for a Hegelian" as profound injustice, not a worry about "how people feel about themselves."

This particularly concerns the world of work. Especially in his lectures, Hegel's concerns about the organization of labor in early capitalism already reflect a pessimism that a reformist approach to such practices would be possible. "A factory presents a sad picture of the deadening (*Abstumpfung*) of human beings, which is also why on Sundays factory workers lose no time in spending and squandering their entire weekly wages." This is an aspect of Hegel's position that is relatively unexplored.

None of this requires a commitment to a patriarchal nuclear family, non-deliberative legislatures, weird voting practices, guilds, a monarch or periodic wars, although Hegel clearly thought it did.

Could you say a couple of words about the perspective the Philosophy of Right involves for you? You have mentioned that the famous owl of Minerva passage at the end of its preface (that indicates that philosophy always comes too late to tell the world how it ought to be) indicates that Hegel cannot simply give a normative account of what a just state and social organization looks like. But what does this mean for you for the overall perspective of the book?

I understand Hegel's social and political thought to be a realism, as that term is understood today. This means that reflection on political and social order must begin with human beings "as they are," and in Hegel that means, "as they have come to be." But access to such a beginning orientation is not straightforwardly empirical. It is interpretive, and also requires some account of why they are as they have come to be. To many this seems impossibly ambitious, that the late modern world is too fragmented, religiously and culturally diverse for any such an attempt to succeed. But from a "Hegelian" point of view (not the historical Hegel's) there are sufficiently widespread features of the organization of power in modern societies to make such an interpretive-diagnostic task possible. With some variations, the organization of labor under global capitalism, and its material inequalities and humiliating working conditions, a consumerist culture, the extreme concentration of wealth in ever fewer hands, the decreasing power of states in the face of finance capitalism, the phenomenon of mass migrations and the apparent inability of advanced societies to eliminate racism and sexism that increase with the disappearance of the nation state are substantial enough to count as a coherent object of critique. Any assessment of whether such a form of life

allows human beings to live in a way that allows for the realization of the rationally reflective, self-determining, socially dependent beings that they are, requires that we have some comprehensive understanding of real life under such conditions, and this seems to me far more challenging than has been acknowledged. In addition, one of the virtues of Hegel's realism is that he does not treat the question of our allegiance to, investment in, willingness to work for and sacrifice for what such a form of life requires as a matter of the superiority of a discursive argument that we should. It must be understood as a natural expression of the kinds of desires, concerns, self-understanding that a society produces in its citizens, including an experience of the frustration of these capacities. Parts of his early *Phenomenology of Spirit* are more helpful here than *The Philosophy of Right*, but properly interpreted, I believe his account of *Sittlichkeit*, dated as it is, can help us how to understand how to begin to do this. Finally, if rational self-interest and a calculation of material advantages cannot be the basis of such allegiance to public social and political order, Hegel's owe us an account of what the "belonging" required for the social solidarity he sees as so valuable consists in. Hegel was not a proponent of the nation state as that came to be understood after Herder, but his accounts of the institutions and practices that comprise the "Bildung" of burghers are inadequate for a mass, culturally diverse societies, and anyone interested in Hegel has the task of explaining what could contribute to this desideratum in modern societies.

To follow up on this. Hegel is (in)famous for conceptualizing philosophy as "its own time comprehended in thoughts." Like everyone and everything else, philosophy is the child of its time. As you have pointed out, our time is not that of Hegel's, it is indeed very different. So, how can his concept of Geist, as you see it, be upheld for our contemporary present, politically and otherwise?

Assume for the sake of argument that Hegel's "*Logic*," as summarized in the *Encyclopedia Logic*, is a relatively successful account of all possible intelligibility, an account of all account-giving and one that makes room for and shows the necessity of forms of rendering intelligible dismissed by empiricist and formal-mathematical paradigms. I have argued that this enterprise should count as a metaphysics, an account of being in general: that to be is to be determinately intelligible and so the specification of logical determinability is the specification of possible determinate being. In this interpretation, the so-called "*Realphilosophie*," the *Philosophy of Nature* and the *Philosophy of Spirit*, are not then simply deduced from such a theory of pure thinking. Both make reference to historical practices and institutions and attempt to interpret them as proper embodiments of the being of nature and of Geist, in the terms laid out by the *Logic*, that Hegel wants to deduce philosophically what nature must

be or what human being and its history must be. I consider it absurd to think that Hegel believed that physics and biology and the other sciences and human history had come to some sort of end in the first third of the nineteenth century, and as the Owl of Minerva passage indicates, he is inviting us to attempt the same reflection with developments after this period. Hegel obviously could not do this; he is a retrospective not prophetic thinker. We have to.

This is a crude summary, and it leaves out a massive difficulty. Since Hegel denies any strict separability between pure thinking and intuition, this should have implications for the theory of pure thinking itself. And this means that the character of his account in the *Realphilosophie* must already be reflected in *the Logic*. What “already reflected in” and “not separate from” can mean here requires a much longer account. Thinking it through properly should mean something Hegel apparently does not accept: that the status of knowability, “logically conceived”, *changes*, and not simply because of the accumulation of empirical knowledge or scientific revolutions. This has implications for his doctrine of the “historical a priori,” i.e., what must be assumed and cannot be denied in a form of life, but which cannot be derived.

Hegel does offer a number of ways in which we - to use a vocabulary close to the one you proposed - can consider the organization of ethical life as being part of a collective practice and realization of rational agencies. Where precisely can we locate rationality here for you? And how would we account for its inner temporality (not only in the sense that rationality is itself and evolves, unfolds, transforms historically, but also in the sense that it seems to imply a temporality similar to the one that the position of Philosophy of Right implies)?

I have already said I believe that Hegel has a substantive rather than formal conception of rationality (like Aristotle's but different in that he treats Geist as historically self-transformative) and treats such human beings as fundamentally, or ontologically, socially dependent beings, and that the realization of freedom requires not merely the absence of arbitrarily external constraint, but the achievement of a kind of social solidarity he calls being-with-self-in-other. Being free is being free to live as one is, as such a socially dependent being, or to live “in the truth.” (This is of course the source of a great deal of panic about the supposedly totalitarian implications of “positive freedom.”) This is too controversial to try to defend here, but I believe it entails that for him rationality in this context is a social practice, the mutual offering of considerations that persons offer others when what they do conflicts with what others would otherwise be able to do. But such an exchange of considerations need not be argumentative reasons, but considerations tied to various possible modes of reconciliation with others. It will sound strange to say

so, but he considers art and religion as involved in this reconciliatory attempt as well. More concretely, various things Hegel defends can and still out to be defended today: basic rights protection in a rule of law, individual moral responsibility (for what was intentionally done, not what happens because of what I do), the free choice of an occupation and marriage partners, autonomy and independence as the goal of familial education, some means for the concrete and recognized expression of one's distinctive personhood, including private property, social solidarity as a common good, a representative state. There are many aspects of his position that cannot be defended, including the patriarchal family and a non-deliberative legislature, just as there are many aspects of his accounts of art, religion and history that cannot be defended.

The Philosophy of the Right ends with what Eduard Gans once described as the disappearance of the state in the ocean of history - which was in part a reason why the end of the Philosophy of Right that conceptually coincided with the end of the state, was taken to be philosophically and conceptually good news by some (rather on the left, obviously). Hegel does seem to indicate that there is no eternal state and that (world-)history is necessarily the history of the state(s), which implies that the coming to be and the ceasing to be of states is what makes and manifests history. Do you agree with this assessment? And if this might be the case, what precisely does this mean for the historicity within a state? We are asking this also vis-a-vis the present and contemporary conjuncture, which is, especially due to the pandemic, often described in terms of an evaporation of historical time and Hegel himself indicates several times that our collective habits can make what are actual achievements of freedom disappear and make them appear as if they had been there all along (Hegel is talking for example about the security of a safe street in a state).

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A very difficult question. It involves what has already been discussed here as Hegel's historical realism, and aspects of historical development that he does not think can disappear without ethical harm, like the distinction between civil society and the state. What he did not appreciate was how badly modern capitalism would require massive state intervention, and how such a situation after World War One would invite the major stake holders in civil society to work to obliterate this distinction between the regulatory and the political state or that they would succeed so decisively after the rise of neoliberalism.

This does not mean resignation to a historical fatalism. The dissolution of this distinction also means the absence of allegiance to a common good, or any strategy of *Bildung* that could restore it. This is something that threatens everything from public education to all forms of

social insurance to the merely theatrical character of modern elections to “the security of a safe street in a state.” If Hegel is even minimally right about historical change, this situation ought to prove (eventually) unbearable. There are indications today that it is.

When Hegel accounts for what subjectively allows for the coherence and inner consistency of ethical life, he starts talking about patriotism or patriotic attitude. It entails a form of true certainty and a form of habitualized willing. He also describes it as a form of trust. What do you make of this concept and conceptual concatenation?

The kind of trust and solidarity Hegel thinks is required for a good social order (even for the proper functioning of capitalism) cannot be created by legislation but must emerge as the product of the experiences of individuals in a modern form of life. Such an experience, given what he thinks is necessary to create and sustain it, is, on his premises, not possible in contemporary life, for reasons already sketched.

Michael Theunissen some years ago suggested that when Hegel moves from the philosophy of objective spirit on the one hand side into the philosophy of history and on the other into the philosophy of absolute spirit in the shapes of art, religion and philosophy, this raises the question of how to precisely conceive of the “sublation” of the objective sphere of spirit, i.e. of politics, within absolute spirit. To reduce his argument massively and articulate as a question: is there a politics of absolute spirit? If so, how to conceive of it? If not, why not?

Briefly no. In my view it would be wrong to look in Hegel for a “politics of Absolute Spirit.” “Politics” is at home in modern *Sittlichkeit*, and the advantage of Hegel’s position is his insistence on differentiated if also interconnected domains of normativity. Whatever we might recognize as the potentially “political” dimensions of Hegel’s account of art, religion and philosophy – that is, their embodying and expressing values and self-understandings that cannot but be reflected in political life as well – is certainly possible, but this is not at all because some philosophical position is correct and practical implications ought to *follow* from it. Philosophy may be its own time reflected in thought, but it is also the case that philosophy itself is expressive of, rather than determinative for, its time. Recall from his Preface: “As a philosophical composition” a philosophy of right “must distance itself as far as possible from the obligation to construct a state as it ought to be.”

We want to end with one final question: “can one” and maybe ought one “be a Hegelian today?” This can be obviously answered by two alternatives: Yes or No. Of course, one can be anything today. But the

real question might arise when we agree that one can be a Hegelian,; what kind of a Hegelian, do you think, one can, or should be, today?

Since I can imagine solutions to the problems of material inequality, or legal responses to political injustices, or economic responses to inefficient wealth creation for equitable distribution, that still leave unaddressed the basic values of human dignity and self-respect, or the institutional embodiment of genuine mutuality of recognition, including but not limited to grave economic injuries to the possibility of such respect and mutuality (or even to a survivable life itself), I think there are Hegelian insights into the developing arc of modern societies that ought not be forgotten and that can be learned from. I don't think it is helpful to concern oneself too much with whether one is "Hegelian enough" to be "a Hegelian," or a "Marxist" or "democratic socialist" for that matter. The core of his basic insight is the same as Marx's – that the bourgeois revolution in philosophy was the most transformative moment of liberation in the history of the world, and that its deficiencies and irrationality and psychologically humiliating developments should not be seen as a rejection of its core ideal of freedom but as a provocation for its realization. I would prefer to leave the matter at that.

Interview with Catherine Malabou: New Directions in Hegelianism

Let's begin with what might appear as a rather unusual question in the context of an issue on Hegel and especially on his philosophy of objective spirit. You are currently working on a book on anarchism. As we are already looking forward to it, we started preparing ourselves for its impact by reading some of the things you have published on it and listened to some of the lectures you gave on the topic. Our first question is: what do you think Hegel would have to say about anarchism? Would you try and 'reconcile', bring together, mediate or sublate Hegel with anarchism, especially since he insisted that history appears and moves objectively in the form of the state? What would anarchism's place be within Hegel's objective spirit (it could certainly not be that of the mere aggregate that he so harshly criticizes, could it)?

Hegelianism and anarchism seem to be immediately and perfectly incompatible. One think of course of Hegel's strong theory of the State, and the prince. Many still regard him as we know as The philosopher of the Prussian State...

Even if the relationship between Hegel and anarchism has still to be carefully elaborated, I would like to pinpoint two things.

First, the fact that many anarchists, mostly French, referred to Hegel. In her book *Poetic Language Revolution (La Révolution du langage poétique, L'Avant-garde à la fin du XIXe siècle: Lautréamont et Mallarmé, Seuil, Points Essais, 1974)* Julia Kristeva devotes a chapter to political anarchism, and shows that writers and thinkers who gathered around Mallarmé were seriously considering anarchism as the only political viable option. Rémy de Gourmont, in particular, (*L'Idéalisme, Mercure de France, 1893, p.14-15*), writes : « Hegel's optimistic idealism ends up in anarchy (se résout en anarchie) ». Kristeva remarks: "If Hegel is the greatest thinker of modern State, he conceives of it, in the last instance, as a form of 'logification' of freedom, as a necessary disposition to the experience of negativity. And even if he has never announced the disappearance of the State, he at least pointed at its relativity as a moment, hence as something potentially historically transgressible. » (Kristeva, p. 423, my translation).

The second fact is Stirner's thinking.

Upon his graduation, the twenty-year old Stimer (often called "the last of Hegelians") attended the University of Berlin as a student of philosophy. university for the next four semesters until September period he, unlike Strauss, Marx, or Engels, had Hegel lecture upon his system. He attended Philosophy of Religion, the History of Philosophy, 1827, his lectures on the Philosophy of subjective spirit. There are very few studies about the direct link that exists between Hegel's system and *The Ego and Its Property (Der Einzige und sein Eigentum)*.

For Stirner, the “Einzig” is the result of the dialectical trajectory accomplished by and in the *Phenomenology of Spirit*. Der Einzige is the incarnation, so to speak, of the “highway of despair” experienced by consciousness, and that can be designated as a specific form of Ich, detached from all form of authority, commandment or norms.

A thorough exploration of Stirner’s Hegelianism remains to be done, but it is obviously a good and indispensable point of departure for a new reading of Hegel’s concept of the State.

Such is also my answer to one of your other questions: “The *Philosophy of Right* was often read as a normative theory of the state, which, for almost too obvious reasons, it cannot be. Simply because it is written from the perspective of the owl of Minerva and hence from a point (in time or from a perspective) when and where we already reached the end of the state. What does this mean, for you, for a reading of this book?”

In a recent talk, you defined anarchism as the fundamental principle of truth, something that is not governable but can only be dominated. We would like to raise the following problematic: in your understanding or conceptualisation of anarchism, is there space for class analysis or class struggle? Is anarchism conceptualised as a shared set of customs, or of orientations we live by since anarchism will produce some sort of ethicality and second nature of its own?

I do think that the concept of class struggle remains central in anarchism, but only if economic exploitation is coupled with the critique of domination and abuse. Domination, for anarchists, starts with the government (be it political or simply domestic). In Greek, the exercise of government is called *hegemonia*, hegemony. In that sense, anarchism is a critique of hegemony. My reading of anarchism is opposed to Laclau’s and Mouffe’s thesis that class struggle is a concept that needs to be given up today.

In their indispensable book *Hegemony and Socialist Strategy, Towards a Radical Democratic Politics*, (Verso, 1985), Laclau and Mouffe argue that it has become impossible nowadays to assign political resistance to one class only — the proletariat. As Luxembourg and Gramsci already noticed, classical Marxism has then to be re-elaborated in terms of plural, multiple forms of struggles that cannot find their unity in a class, a group or a party. The concept of class is still essentialist as it is governed by a logic of universality rooted in the objective determination of economy, what Althusser calls “determination in the last instance”, which is a logic that plays the part of a prearranged order. However if this universal does not exist, it does not mean either that the social is constituted of juxtaposed particularities.

These juxtapositions are formed by the different actors involved in the same types of struggle. They are opposed to the essentialist ones, to the extent that they are precisely symbolic : “The symbolic,

ie overdetermined, character of social relations therefore implies that they lack an ultimate literality which would reduce them to necessary moments of an immanent law.¹ The reference point of each chain is never an “underlying principle external to itself”² A group is not governed by a unique, transcendental signifier, but each of its articulations has a different meaning. It “overflows”³ with meanings, the signifiers overwhelm the signifieds. For example, “woman” in feminist struggles is a “floating signifier”, not a transcendental signified. “If we accept (...) that a discursive totality never exists in the form of a simply given and delimited positivity, the relational logic will be incomplete and pierced by contingency... As the identities are purely relational, this is but another way of saying that there is no identity which can be fully constituted.”⁴

Political resistance is therefore always fragmented, made of a plurality of branches or connexions, sometimes competing with each other, a characteristic that is particularly manifest in our time : feminism, ecology, anti-global movements, queer movements, etc. are coexisting, and their co-existence is both peaceful and conflictual.

The surplus of meaning, the overflowing proliferation of signifiers is not only internal to each chain, it permeates the mutual relationships between the different chains and floating signifiers. We are faced with two phenomena, the authors write: “the asymmetry existing between the social growing proliferation of differences — a surplus of meaning of the ‘social’, and the difficulties encountered by any discourse attempting to fix those differences as moments of a stable articulatory structure.”⁵

The last part of the sentence already announces what Laclau characterizes as “hegemony”, a term that they borrow from Gramsci. Each element of each chain, as well as each chain is governed by such a tendency, seeks to impose one signifier over the other, to fix temporarily one signifier as the dominant one, for example democracy, for example « me too », for example « sustainability », etc. A particular link always seeks to represent the totality of the chain. It is a particularity that guarantees the momentaneous universal meaning of the chain, but such an hegemony is contingent, temporary, changeable. The dominant term is a result of an overflow, an overdetermination, a displacement of the literal toward the metaphoric, not an essence, not a nature. Laclau and Mouffe declare: “The logic of hegemony is a logic of articulation

1 Laclau and Mouffe, *Hegemony and Socialist Strategy, Towards a Radical Democratic Politics*, op. cit., 84.

2 *Ibid.*, 92.

3 *Ibid.*

4 *Ibid.*, 102.

5 *Ibid.*, 82.

and contingency".⁶ Some privileged signifiers fix for a certain time the stability of a signifying chain (hence their temporary "hegemony").

What bothers me in such an analysis is of course the recourse to the concept of "hegemony". It is, in a way, the replacement of Marxist categories of dictatorship of proletariat by that of the dictatorship of the symbolic and the government by signifiers. If class struggle is replaced by sign struggle, I don't really see the gain. As long as hegemony is the rule, it does not make any difference. Anarchism is a critique of hegemony in all its forms, and this can shed a new light on the concept of class.

The Philosophy of Right contains a critique of the French Revolution, a critique that he also articulated in other places of his oeuvre. Yet, this critique is also an endorsement of the Revolution's world-historical and transformative significance. How would you situate the French Revolution within the framework of the idea of right that becomes manifest ultimately as what Hegel calls the state? Is the problem it brings into the world (how to organize the equality of equally free?) sufficiently tackled within the framework of Hegel's Philosophy of Right?

Let me answer with an analysis of Hegel's reading of Rousseau. For Hegel, Rousseau, who incarnates the spirit of the French Revolution, is a divided and contradictory character figure. This dual character is due to the following: it is the same philosopher, Rousseau, who is the author of both *The Social Contract* and *The Confessions*. Not that these two works would be incompatible with regard to their content or style. No. For Hegel, the dialectical tension which comes to be established between these two works indicates a properly political contradiction. This contradiction is related, in an eminent way, to the motif of recognition, as it becomes divided between the judicial and the fictional, thus producing a major political aporia, that lies at the heart of French revolutionary ideology.

The dialectic of the recognition of consciousnesses is set out, as we know, in the second section of the *Phenomenology*, "Self-Consciousness". But in fact, the theme of recognition is treated throughout the work, right up until the very end with the figures of forgiveness and reconciliation.

In the global introduction to the section "*Spirit that is certain of itself, Morality*" of the *Phenomenology of Spirit*, Hegel recapitulates the diverse types of Self which have been met in the course of the previous developments: the abstract person (in "*Ethical Order*"), the revolutionary citizen (in "*Culture*"), and finally the moral will (in "*Morality*"). During these three moments, the motif of recognition is present. This no longer concerns the encounter between two self-consciousnesses, but rather

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the essence of the political community. The Ethical Order exposes the recognition of the particular self which becomes politically « actual », the second, « Culture », which is the moment of the social contract as such, marks the emergence of the general will. «Through this process, Hegel writes, the universal becomes united with the existence in general », that is with the individual. The third and last development, « Morality », is the moment of self-certainty, that is of singularity, of self-consciousness. The motif of confession appears here. There is no self-certainty without confession. Rousseau plays an important role in the last two moments, which correspond to the drawing up, and then to the consequence, of the social contract, the emergence of the will to confess.

Considering this development, we can see very clearly that confession, according to Hegel, is nothing private, secluded from the political sphere. On the contrary, it is a political achievement. Confession is the post-contractual expression of the will.

In what sense ? Through the drawing up of the contract, « the power of the individual conforms itself to the substance, externalizes its own self and thus establishes itself as substance that has an objective existence. » By means of the social contract, the individual « acquires an acknowledged, real existence. » However this process of recognition lacks something essential. Each consciousness, writes Hegel, stays alien to itself.

Hegel insists upon the inherent contradiction in the principle of the social contract, which he had already raised in the *The Jena Lectures on the Philosophy of Spirit* of 1805-1806 : “one imagines the constitution of the general will as if all the citizens gathered together and deliberated, as if the plurality of voices made the general will.”⁷ One imagines in this way the movement by which the individual ascends to the universal thanks to the negation of self. And yet, the general will appears to the individual as an alien will, not as an expression of her own. Why ? “the general will must first of all constitute itself from the will of individuals and constitute itself as general, in such a way that the individual will appears to be the principle and the element, but it is on the contrary the general will which is the first term and the essence” (*The Jena Lectures on the Philosophy of Spirit* of 1805-1806).⁸ So if the general will appears first of all to the individual, not as a realisation of her individual will, but as a foreign or alien will, it is because the individual as such is the result, and not the origin, of the general will, and this is why she does not recognise herself in it. She needs to invent herself. The Confession, as the very form of this self-invention, constitutes in this sense the achievement of political recognition.

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⁷ *Hegel and the Human Spirit*. A translation of the Jena Lectures on the Philosophy of Spirit (1805-6) with commentary, by Leo Rauch (Detroit: Wayne State University Press, 1983). Translated from *G W F Hegel Gesammelte Werke*, Volume 8: *Jenaer Systementwürfe III*; also known as *Realphilosophie II*, first published 1931. My translation from the French – S.B.

⁸ My translation from the French – S.B.

The motif of confession appears in the *Phenomenology of Spirit* with the evocation of Goethe's *Wilhelm Meister's Apprenticeship* and the "Confessions of a Beautiful Soul," then with Rousseau's *Confessions*. This is the moment of the moral *consequences* of the social contract, where the individual who does not recognize herself in the general will firmly maintain her conviction, in the need to express her self-certainty: the self understands itself as well as it is understood by others. Again, the expression of this self-certainty is the confession, the accomplished form of the individual's self-recognition. I quote here a passage from Jean Hyppolite's commentary in *Genesis and Structure of Hegel's "Phenomenology of Spirit"*: "How can one not think, before this text, of an entire literature which runs from the *Confessions* of Rousseau to the "Confessions of a Beautiful Soul", passing by the *Sorrows of Young Werther*? What is important is not what the self has achieved, because this determined action is not necessarily recognized, but rather the assurance that he gives to have acted according to his conviction. It is this self-assuredness within himself which in these *Confessions* or in these *Sorrows*, in all this literature of the self, shows through outwardly and becomes actual: "It is this form which is to be established as actual: it is the *self* which as such is actual in language, which declares itself to be the truth, and just by doing so acknowledges all other selves and is acknowledged by them"."⁹

"What is important is not what the self has achieved": what the self has achieved is the contract. Hegel means to say that what is important here is no longer the act of deliberation and agreement by which the self commits itself contractually, but rather the feeling of having acted according to his or her conviction. How can we understand this? If it is true that the individual is not the origin but the result of the social contract, the product of the general will, if it is true that the general will precedes, in its truth, the individual will, then the abstract political recognition which takes place in and by the contract must be pursued, concluded and accomplished, the truth of the individual must be produced and recognised, and it is the role of confession to allow this recognition. Confession appears as a social contract between self and self. If we follow Hegel on this point, then it is necessary to insist once again upon the fact that confession, that is, the act of producing oneself as truth, is a fundamental dimension of political life. Confession is even fundamentally caught up in public life, since it produces the private sense of the public, without which the public would be senseless.

How can Hegel carry out such an inversion: the general will *precedes* the individual will? Is this not a reversal which threatens to ruin

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9 trans. Samuel Cherniak and John Heckman (Evanston : Northwestern University Press, 1974). Translation of *Genèse et structure de la Phénoménologie de l'esprit de Hegel*, (Paris : Aubier-Montaigne, 1946), p.495. My translation from the French – S.B.

Rousseau's entire theory for which there is no doubt that the general will is a product of the union of individual wills? In order to answer these questions, we have to examine the role of language in this process.

We all know the Hegelian critique of the contract and contractual ideologies. But the essential reason for this critique is perhaps not always well understood, this being precisely that contract theory in general presents a relationship between the individual and the community which is not ordered in conformity with the concept, since this theory affirms that there are firstly individuals and then the social body. We all know, moreover, the fact that, for Hegel, this general will is obtained in contract theory, and in particular in Rousseau, by the exchange of particular abstract wills, without substance, and that, therefore, the contract remains purely formal. The community which results remains, as we've seen, alien to itself.

Why this accusation of formalism? One of the more difficult problems that Hegel reproaches Rousseau for having left unresolved is that of knowing in *which language* the contract is worded. Rousseau neglects to specify the essential, that is, that the contract is first of all a linguistic act. Rousseau states the formula of the contract as if it were ready-made, issued straight from a universal philosophical language, beyond any particularities belonging to a nation state, as if its idiomatic dimension were evaded from the outset. This is to say that what is hidden, passed over in silence, is the moment of *the access to sense*, the access of the general will, and consequently of the community, to its own sense.

The linguistic community precedes the political community. Language (*langage*) is always, originally, the expression of an impersonal social order, which carries the individual beyond herself, meaning that language (*langue*) is the first social contract, preceding by right and in fact the second. But what Rousseau obscures is precisely the fact that the social contract is the doubling of an earlier contract. Sense (*sens*) is obtained from this doubling whose philosophical import Rousseau does not examine, except to say that the first language is metaphoric, then that it becomes literal at the time of the contract's stipulation.

If Hegel can affirm that the general will precedes individual wills, this is because consciousnesses who are drafting the contract are speaking consciousnesses, already capable of distinguishing between the literal and the figurative. In this sense, already, they no longer exist as singular individuals (*singularités*), but are rather bound by the idiom which, as we know, always makes of the self a universal. To present, therefore, the contract as the process by which the individual accedes to its universal signification amounts to obscuring the existence of an earlier community, of an earlier *ethos*, which proves that the isolated individual never exists as such, or at least is not an origin.

Hegel shows that the contract makes *the alienation of property* the fundamental form of exchange between wills. The social contract

effectively expresses the necessity of the “total surrender of each associate, along with all of his or her rights, to the entire community.” The language which allows this clause to be formulated is also, by the same token, alienated, forced to speak another language: that of the exchange contract. Hegel shows that contracts bearing on property are the prototypes of political contracts, and not the other way round. Contract theories take as their model the relationship between men and things, or between things themselves, and not the relationship of men among themselves.

The contract silences its own language at the very moment that it asserts itself as the expression of the will. The result of this silence is that the repressed and denied language will be *interiorised*, becoming thereby a secret. But in fact, it is the constitution of this secret which coincides with the birth of individuality. There is no individual before the secret in Hegel, that is, before the censure of a language, before the interdiction of an idiom. What is thus required henceforth to be recognised is indeed this language, the post-contractual sense of the singular individual.

This very special political moment, the post-contractual, gives rise, in the *Phenomenology of Spirit*, and we now understand why, to the fine analyses of the relationship between politics and language in the section devoted to the *Aufklärung*.

In modern society, Hegel writes, “The self knows itself as actual only as sublated [299, tr. Mod.]”. In fact, the individual, as we were saying above, does not recognise itself in the community that it is nevertheless supposed to have wanted. She is *non-recognised* (non-reconnu) *by her own recognition*, she is outside herself, in an alien spirit. The individual is “alienated from itself” [306]. The repression and interiorisation of the secret becomes, therefore, the deepest fold of interiority and the birth place of moral consciousness and its language. As Hegel asserts: “The content of the language of conscience is *the self that knows itself as essential being*. This alone is what is declared, and this declaration is the true actuality(...).” [396]. And as Hyppolite comments: “Whereas in the language of the 17th century, the Self (*Moi*) becomes a stranger to itself (...), in this new language the *Self (Soi)* expresses itself in its inner certainty” as being the truth.¹⁰

This expression presupposes that consciousness recovers the lost language. And it is precisely the role of confession, which Hegel still calls the “aesthetic contemplation of self,” to allow *the invention of the recovered language*. Modern confession becomes, therefore, the fictitious but effective site of the restoration of the political space which gives the individual subject its substance. Rousseau’s *Confessions* are, in this sense, the accomplishment of *The Social Contract*. The philosopher cannot write about recognition, cannot make recognition his subject –

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¹⁰ Hyppolite, *op. cit.*, p.495. My translation – S.B.

as this is the case in *The Social Contract* – without recognizing himself, without writing himself as just, as a recognized singular individual. A confession has worth, not so much in virtue of its content – the facts that are recounted or owned up to – than in its political task, which is to let the individual accede to its idiom, and by this to reintroduce her into the political community which had become alien to her. The subject must become the creator of its own history, in order to experience, in language, “the majesty of absolute autarchy, to bind and to loose” [393], to be, at the same time, both within and outside the contractual community.

This analysis of Hegel's, which sees in Rousseau's two major works both a *political* opposition and a *political* continuity, is fundamental. It brings to light one of the most difficult paradox that structures secretly the motif of recognition : Is the political recognition of the subject a political movement or is it not always doomed to anchor itself in a non-political realm, in the extra-territoriality of fiction for example ?

In *The Philosophy of Right*, Hegel provides us with a theory of political recognition which is supposed to put an end to this dilemma. As he says, “the principle of modern States has prodigious strength and depth because it allows the principle of subjectivity to progress to its culmination in the extreme of self-subsistent personal particularity, and yet at the same time brings it back to the substantive unity (...).”¹¹ Recognition in modern States, therefore, has the sense, not only of a guarantee of universality, that of the citizen's existence, it is also related to *the singular individual's* social status. The singular individual thus demands to be recognised as well. He is, in the words of Sartre, “a being that is in question of its own being.”¹²

The desire for recognition is this: the expectation of a response given to a being's concrete questioning of its own being. The expectation of a response given to an ontologico-political question, which consists in knowing what is becoming of the singular individual which was at first denied by the social contract. Recognition, in modern States, must therefore always be made up of an objective institutional component – the political community – and a subjective institutional component.

Hegel's particular contribution consists in developing a theory of the State which puts an end to Rousseau's vision of an individual divided between its situation as a political subject on the one hand, and a self-certain individual on the other, between its juridical language (*langage*) and its confessional language (*langue*). In this way there appears at the end of *The Philosophy of Right* – as Sartre, once more, comments in

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11 “...and so maintains this unity in the principle of subjectivity itself.” trans. T.M. Knox (Oxford: Clarendon Press, 1967), §260.

12 *Being and Nothingness*, trans. Hazel E. Barnes (New York: Philosophical Library, 1948).

*Situations X*¹³ – the idea of a possible recognition of minorities *by the State* and not simply by a literary act (this question appears in Sartre’s preface to Frantz Fanon’s book *The Wretched of the Earth*).¹⁴ Hegel intends to show that a State which truly conforms to its concept does not require individuals to invent themselves, that is to invent their language, that is, again, to invent their law through the intermediary of a narrative. The contradiction which exists between formal legal language and the secret idiom must therefore be dialectically sublated (*relevée*).

The dilemma today would thus no longer be between man and citizen, the dilemma or schism whose fallacious character Marx has shown, but between two types of political languages, a dilemma that is one of the essential characteristics of French Revolution. On the one hand, there is, again, the language of contracts, which are multiplying in the social sphere – one may think here of the increasingly differentiated character of work contracts. On the other hand, there is the language of self-expression, which allows the subject of these contracts to exist: two heterogeneous idiomatic systems working together.

Our last question is: can one be a Hegelian today? And, if the answer is “Yes”, the obvious corollary would be: what does it mean to be a Hegelian? What kind of a Hegelian can one be today? If one cannot be a Hegelian, then, what are the conditions which make it impossible?

It all depends upon what one means by “being a Hegelian”. Nobody from the XXth century could seriously think that world history is pursuing a goal, and that the achievement of actual rationality is happening in the West.

However, this kind of reservation is valid for every philosophy. As Hegel himself says, “you cannot jump over your time”. It means that each philosophy is the product of its own epoch, and gets, for that reason, outdated or obsolete in many respects when this epoch is over.

This does not imply, paradoxically, that this philosophy is of no use. I do think, for example, that it is impossible to speculatively scrutinize our time without asking “what would Hegel had thought”? And this because the imprint of dialectic has never disappeared. Dialectic may have evolved regarding its objects, but this necessary and salutary change has not altered the accuracy of its gaze. The dialectic gaze (“speculation”) demands that everything, the real in its entirety, has to be looked at from two contrary sides at the same time, this because there are no pre-given axiomatic evidence in any theoretical and practical issues. Hegel is very defiant vis à vis the given. The idea of pushing everything that exists to

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13 *Life/Situations: Essays Written and Spoken*, trans. P. Auster and L. Davis (New York: Pantheon, 1977).

14 Frantz Fanon, *The Wretched of the Earth*, trans. Constance Farrington (New York: Grove Press, 1965).

its negative limit, of exposing the real to its immanent nothingness in order to test its consistency and actuality is in my opinion one of the most profound philosophical contention of all times. Even the idea of “system”, that so many contemporary philosophers have criticized and challenged, is of great value and accuracy. I personally experienced such accuracy through my philosophical exploration of the brain, and precisely of the nervous “system”. I discovered, through the most neurological research, that one of the main characteristics of a system was its plasticity, not its rigidity, that is its ability to welcome external influences into its internal economy and change consequently without getting destroyed. Like a metamorphosis. It is then possible to enlarge such a definition to the Hegelian system as itself, an affirm that to be an Hegelian today demands to develop a plastic approach to Hegelianism. Hegelianism is far from having said its last word.

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