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Freedom and Social Categories in Hegel's Ethics

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Interpretations of Hegel are legion. It has been said (not wholly in jest) that there are as many readings of Hegel as there are readers of Hegel. One of the problems to be faced in an interpretation and evaluation of Hegel's thought is how to formulate exactly what issues Hegel thought his philosophy to be resolving and relating those issues to more contemporary concerns. This can be done either by showing that the issues which Hegel found troubling are similar to or identical with those that trouble us; or by showing that Hegel's troubles should be our troubles, that we are in some sense myopic in a way that an understanding of Hegel (even if we reject his own proposals for solutions) would correct.

I wish to do something like this with regard to Hegel's ethics by evaluating his theory in terms of its being a successor to Kantian ethical theory. Now, one way of doing this would be careful comparison of the Kantian and Hegelian texts, raising issues such as whether or not Hegel, e.g., really understood the Kantian concept of universalization in ethics. However, I want to propose a slightly different approach. Kant's philosophy gave rise to various schools of Neo-Kantianism, each of which saw itself as carrying on the Kantian program (or what was essential to it). Those people from Riehl to Rawls understood and understand themselves as continuing the Kantian program while improving on it in certain ways. What I propose is that we see Hegel's theory as Hegel himself did, both as a continuation of the Kantian categorical-explanatory program and as a genuine and plausible alternative to Kantianism,¹ but with a similar eye that the

¹ I have offered versions of this reading as it applies to the *Science of Logic* elsewhere. Cf. Terry Pinkard, "The Logic of Hegel's *Logic*," *Journal of the History of Philosophy* 17 (October 1979): 417-35; "Hegel's Idealism and Hegel's *Logic*," *Zeitschrift für philosophische Forschung* 33 (April-June, 1979): 210-26; "Hegel's Philosophy of Mathematics," *Philosophy and Phenomenological Research* 41 (September 1980-June 1981): 452-64.

Neo-Kantians cast toward Kant: to see how one might consistently read the Hegelian theory with an eye to putting it in place to offer proposals to contemporary philosophical troubles.

My strategy in doing this will be to stress the ways in which Hegel's ethics departs from Kantian ideas in order to evaluate Hegelian theory as a corrective to Kantian theory. Given the resurgence of interest in the "Neo-Kantian" style of ethical theory these days, a re-reading of Hegel along these lines might offer some insight into a plausible reading of Hegel's notoriously difficult ideas. I shall not make any close comparison with Kant's texts at all, since that would make this paper unnecessarily long, and it is not necessary for the task at hand, which is ultimately a comparison of types of theories, not of texts. In particular, I shall focus on how Hegelian ethical theory differs from Kantian ethical theory in the following ways. I shall examine, first, the way in which Hegel locates the freedom of the will not in the will's giving itself a law but in the types of objects of the will; second, the way in which Hegel interprets the principle of respect for persons differently than Kant; third, the way in which Hegel extends the Kantian *categorical* program to social and political philosophy; finally, I wish to close with some general comments on Hegel's theory of the state. Although I shall not make any detailed comparisons of the Hegelian and the Kantian conceptions of the last point, I hope to show how Hegel's different understanding of the principle of respect for persons has positive consequences for a theory of the state.

1. The Idea of Freedom and Respect for Persons

The basic concept for Hegel's ethics — like that of Kant's — is freedom. The *Philosophy of Right* is an articulation via dialectical argumentation of what the ontological and institutional conditions for freedom would be.² Both Hegel and Kant are concerned with explaining the possibility of

² I understand dialectical argument in the following way. Dialectical philosophy attempts to show that certain kinds of descriptions (what we may call levels of discourse) only have their determinateness (i.e., they only make sense) within a larger context of descriptions into which they are integrated (*aufgehoben*). Dialectical philosophy may indeed be seen as an extension of the idea of philosophy as the explanation of possibilities; the well-known procedure of the dialectic as showing the way out of contradictions is linked with this. What is important in dialectic is that it shows that certain categories are in apparent conflict with each other when they are formulated at a certain level of discourse but that at a higher level of discourse, one can explain how it is possible that the implicit claims of the lower level categories are compatible. In other words, holding both categories or sets of categories may at first *seem* to be impossible, as they seem to contradict each other, but a dialectical argument shows that they are in fact compatible with each other, when viewed from the standpoint of an enriched framework of description. I have elaborated on these points more fully in the articles cited in footnote 1.

freedom. However, whereas Kant's explanation rests on the idea of the will's legislating for itself, Hegel's proposal is much different. Treating freedom at first, as Kant does, as a problem of the will, Hegel defines the will in the following way: "The will is . . . particularity reflected into itself and so brought back to universality, i.e., it is individuality. It is the self-determination of the ego . . . it determines itself and yet at the same time binds itself together with itself."³ Hegel tries to clarify this in another remark: "Every self-consciousness knows itself (i) as universal, as the potentiality of abstracting from everything determinant, and (ii) as particular, with a determinate object, content and aim."⁴ I would parse this as saying that the will has objects of two types: (1) straightforward desires for this or that thing (particularity); (2) second-order evaluation of those straightforward desires according to norms and values (universality).⁵ Hegel's claim would then be that only when our straightforward desires (the particulars) *coincide* with our *evaluations* of what would be good and right to desire (the universal), is our will truly free.⁶

Passages in the Introduction to the *Philosophy of Right*, reinforce this line of interpretation. When the "will's content" is "immediate," i.e., is a simple object of straightforward desire — a 'want', as it might be called — the "will is then free only *in* itself . . . it is not until it has itself as its object that the will is for *itself* what it is in itself," i.e., free.⁷ The immediate will is, in Hegel's words, arbitrary.⁸ If being free is doing what one wants, then one must have some criteria for selecting what one wants. However, if "wants" are only our "impulses and inclinations,"⁹ then no criteria of selection can be given, since many wants will conflict with one another. We can want to do both X and Y, but X and Y may be mutually exclusive. Hegel thinks that this leads us into the contradiction between saying that we are free (we do what we want, i.e., X) and yet unfree (we do not do what we want, i.e., Y). In part, this is Hegel's criticism of a hedonic (or utilitarian, if one wanted to restrict that term to its Benthamite

³ G. W. F. Hegel, *The Philosophy of Right*, trans. T. M. Knox (London: Oxford University Press, 1952), p. 7. Although I use Knox's translation in this article, from time to time I alter it slightly for emphasis.

⁴ *Ibid.*

⁵ This is not to be confused with the familiar distinction made by Harry Frankfurt between first and second order desires. Cf. Harry G. Frankfurt, "Freedom of the Will and Concept of a Person," *Journal of Philosophy* 43 (January 14, 1971): 5-20.

⁶ Gary Watson has argued a similar thesis. Cf. Gary Watson, "Free Agency," *Journal of Philosophy* (April 1975): 205-20.

⁷ Hegel, *Philosophy of Right*, § 15, remark.

⁸ *Ibid.*

⁹ *Ibid.*

varieties) theory of rational choice. A rational choice on that view would simply come down to being a ranking of various desires on the basis of compossibility and intensity of desire. Such a view, if we can put words into Hegel's mouth, rests on a conflation of two notions of "want". There is wanting in the sense of a straightforward desire for something; two wants may conflict in this sense of "want" in that, e.g., one may want to be in two places at the same time (as when a person wants to go to two different events at the same time). There is also wanting in the sense of holding something to be worthwhile, to be worth doing or experiencing or having; this is a want in the sense of an evaluation of our desires or of the world. The hedonic method of ordering our wants cannot supply us with a sense of this latter sense of "want". It cannot tell us which impulses and inclinations it is better to have; it can only tell us which of our wants are incompatible with each other. It cannot, to put it into Hegelian terms, tell us what the proper objects of willing are; it can at best provide us with a formally consistent system of wants. It is this latter, evaluative system of wants that leads one to the realm of values, of reason.

The dialectical solution to the apparent contradiction found in locating freedom at the level of simple wants (i.e., without bringing in a system of evaluations) is to modify the framework of description as has been indicated and see that "the impulses should become the rational system of the will's volition."¹⁰ The freedom of the will cannot then consist of a simple ordering of the various wants of a person into an ordering of consistency and compossibility; it must consist in something more. This something more will be, as we shall see, the willing of proper objects of the will. To locate our desires within a framework of evaluations would be to do two things: (1) it would be to *idealize* them,¹¹ in Hegel's sense, to render them intelligible by locating them in a rational moral framework; (2) it would also be to make them *my own* desires, rather than ones that are 'external'

¹⁰ Ibid., § 19.

¹¹ Cf. *ibid.*, § 7. The key moment of the concept of mind in Hegel's account is that of idealization. *Ideality* is "the distinctive determinateness of the concept of mind" which is identified as the "integration (*Aufheben*) of the otherness of the Idea". *Enzyklopädie der philosophischen Wissenschaften* (1830) (Hamburg: Felix Meiner, 1969), § 381 Zusatz. Hegel says, "This integration of the externality which belongs to the concept of mind is what we have called the *ideality* of mind. All activities of mind are none other than different manners of reducing what is external to the inwardness which mind itself is, and it is only by this reduction, by this idealization or assimilation of what is external that it becomes and is mind" (*ibid.*). The metaphor at work here is one modeled on Kant's Copernican Revolution; in idealizing things, mind brings them within its orbit and *comprehends* them. It does not mean to see something only in terms of some vision of its perfection (as the English word, "idealization", would seem to suggest).

to me. (Both of these are aspects of the same activity from the universal and the particular point of view, respectively.)¹²

It is in his theory of the freedom of the will that Hegel makes perhaps his most decisive break with Kantian ethical theory. Both Hegel and Kant utilize the same abstract description of the freedom of the will, viz., that of the will making itself its own object, or of the will willing itself. They both offer a criticism of the hedonic theory of the freedom of the will and opt for the determination of the will by reason. For Kant, however, this is to be interpreted as the will acting according to its own *idea of law*. This is basic to the Kantian idea of autonomy: the notion of freedom is to be equated with the idea of *self-legislation* (of auto-nomos). The will is free in Kantian theory when it is able to prescribe to itself which *rule* will determine its action. (I realize that this obscures the distinction of hypothetical and categorical imperatives, but that distinction is not important for the present exposition.) Because of this view of what constitutes the freedom of the will, Kantian ethics is ultimately an ethics of *rules*, that is, of which rules and which relations of rules adequately capture the moral quality of the free will. For Kant it is the move from hypothetical to categorical imperatives that constitutes the move from ‘wants’ to ‘reason’. Hegel’s alternative, i.e., “speculative,” explanation sees the freedom of the will as residing not in the *rules* which the will gives itself but in the *objects* of the will. When the will wills a proper object, it may be said to be free, rather than when it simply gives itself its own law or “rule”. I shall not go into any depth here concerning Hegel’s well-known criticism of Kant on these grounds; it is the by now familiar claim (and one that Kantians have always denied) that Kant’s rule-oriented ethic must remain an empty formalism, that it cannot provide any content to the will. A rule which is universal enough to express a universal demand of reason in Kantian terms cannot possibly give any specific content to willing. Hegel’s proposal, to which we shall come shortly, is to hold that content can come to the will

¹² About this second point: the person who is drawn by desires that he or she would rather not have (e.g., an uncontrollable desire to steal or to do embarrassing things) is often said (and often describe themselves) as being driven by desires that are not really their own. How would this be possible? Since our system of evaluations makes up to a large extent our standpoint in the world (why else is idealization so important for Hegel?), it also defines in large part *who* we are. It is only when we are able to fit these desires into our systems of evaluation that we often feel that they belong to us, that they are part of who we are. Until then, we may feel ourselves to be driven by forces alien to us. The free person is one who is able to mesh his or her desires and evaluations — i.e., able to do what he or she really wants. A theory of freedom must therefore be a theory of these evaluations and of which set expresses our nature as rational agents: it will also be an ethical and political theory, since it will be a theory of the social and political conditions for our ability to make concrete valuations. That is, it will be a theory of the moral *world*.

only by means of categories, in something like the Kantian sense of them; just as there are categories of theoretical reason, there must — if the will is to have any content — be in Hegel's view categories of practical reason. Kant's view, as we might reconstruct it, was that such practical categories would undermine the autonomy of the will, since the categories which are found in theoretical reason are simply the logical forms of judgment synthesized with a form of sensibility (time). Since the categories are thus dependent on experience, to argue for practical categories would make the will dependent on forms of experience and thus not autonomous. The will must be formal, on Kantian terms, if it is to retain its autonomy. Hegel's speculative approach to categorial philosophy allows him to sidestep this Kantian hesitation. Categories are justified as explanations of the possibility of other categories — specifically, they are justified if they show how an apparent contradiction between lower level categories is to be avoided — and not just as explanations of the possibility of experience. Reason on its own can deliver content by virtue of its speculative function; it does this not by spinning the categories out of itself but by showing how one set of categories explains the possibility of other sets (the categories themselves are reconstructions from experience; Hegel never holds that reason simply produces them *ex nihilo*.¹³).

For Hegel, the will is free when it wills according to its nature — when it wills its proper object. The Hegelian theory will be concerned therefore with a theory of the proper objects of the will rather than with the relations among rules. This gives the Hegelian theory a completely different look from any type of Kantian theory. Kantian theories typically are concerned with the deductive (and other formal) relations among rules; among the standard concerns of Kantian theory is the search for some single moral truth — such as the categorical imperative — or some minimal set of moral truths along with some objective and formal procedure with which one can derive the other moral truths. One would search in vain for any such theory in Hegel's writings. Hegel's theory will be a theory of what *are* and what *are not* the fully proper objects of the will. His contention will be that this cannot be given (1) outside of a theory of what kinds of basic social categories there are; and (2) outside of the concrete mores and ethos of a culture. The proper objects of the will will be these *evaluations* or ideals; it is because of this, as we shall see, that *only* a doctrine of

¹³ In the introductory paragraph to the section on the philosophy of nature in the *Enzyklopädie*, Hegel says, “Not only must philosophy be in correspondence with our experience of nature, the *origin* and *formation* (*Entstehung und Bildung*) of philosophical science has empirical physics as its presupposition and condition” (§ 246).

social categories and the mores and ethos of a society can provide the will with a proper object.

Because of his break with Kantianism in his understanding of freedom, Hegel is able in an important way to break also with Kant's understanding of the principle of respect for persons. To be a *person* for Hegel is to be awarded a certain *status*; ¹⁴ it is not merely to be a *human* (an organism) but to have a "capacity for rights" (*Rechtsfähigkeit*). ¹⁵ This status also implies that the person is free (in the Hegelian sense). ¹⁶ "Hence the imperative of right is: 'Be a person and respect others as persons'." ¹⁷ This only sounds like a Kantian claim. To be a person is not the same thing as prescribing to oneself rules to determine one's will; it is to be a self-conscious, rational, free agent — that is, an entity capable of acting in accordance with a will that has the proper objects as the objects of its willing. On a plausible reading of his texts, Kant seemed to identify respect for persons with respect for their autonomy, since it was the capacity for moral autonomy that was the morally significant thing about them. In fact, this was the very criterion for their being moral persons at all. ¹⁸ On this reading, therefore, Kant identified respect for dignity with respect for autonomy. However, Hegel did not — and on the basis of his theory need

¹⁴ Ibid., §§ 35, 47.

¹⁵ Ibid. The term is a legal one, and it is from this legal usage, I assume, that Hegel derives his own usage. The legal usage of the term has been explained in the following way: "To be a person means to be capable of holding rights, i.e., to be *rechtsfähig*. The capacity to hold rights (*Rechtsfähigkeit*), which is enjoyed by all persons, must be distinguished from the capacity to enter into legal transactions (*Geschäftsfähigkeit*) and the capacity to be responsible for civil delicts (*Zurechnungsfähigkeit*)." E. J. Cohn, *Manual of German Law* (London: His Majesty's Stationery Office, 1950): § 105.

¹⁶ Indeed, so Hegel claims, "individuals and nations have no personhood until they have achieved this pure thought and knowledge of themselves," where this knowledge of themselves is specified as a knowledge of self, as "self-relation," as "purely self-identical," i.e., as "something infinite, universal and free," Ibid., § 35. This is, of course, another specification of Hegel's notion of mind as that which comprehends things and idealizes them, that is, as "infinite," not bound by anything except the limits set by its own rational nature. The concepts through which it organizes the world (into Idea) are bound only by the constraints of reason (of making sense) which are its nature; hence, it is not limited by an other, (which would make it finite) but only by itself and hence it is infinite.

¹⁷ Ibid., § 36.

¹⁸ Compare, for example, what Kant says in the *Groundwork of the Metaphysics of Morals*, trans. H. J. Paton (New York: Harper and Row, 1964), p. 107: "Our own will, provided it were to act only under the condition of being able to make universal law by means of its maxims — this ideal will which can be ours is the proper object of reverence; and the dignity of man consists precisely in his capacity to make universal law, although only on condition of being himself also subject to the law he makes."

not — identify respect for the *person* with respect for all the person's *choices*; respect for dignity and respect for free choice will not be the same on the Hegelian view. His rejection of this Kantian identification of respect for autonomy with respect for persons has important consequences; it gives Hegel a basis for his criticism of social contract theory (to which Kant himself subscribes, holding that the social contract is a regulative Idea of reason). If the state is construed as the result of choices that people make, then it becomes a kind of voluntary *association*, a club as it were, from which perhaps some people may be arbitrarily excluded by the wishes of the members of the club. (I shall discuss this in greater detail in section four below.)

Respect for persons is, however, only an “abstract right” in the sense that it does not specify what counts as respect. It does, however, apply to all those entities who satisfy the criteria for being persons.¹⁹ Personhood then is not merely a descriptive category but also an *evaluative* one. To describe something as a person is to locate it within the moral world, that which the practical mind (or, in Hegel's terms, objective mind) produces. In Hegel's world, it is to idealize it.²⁰ To be a person then is minimally to have abstract rights which concern what is necessary to respect one's personhood. Thus, the abstract rights (the classical natural rights) appropriate to personhood are independent of the particularity of individuals. Moreover, Hegel believes that the basic injunctions of “abstract right” are *negative* in character: “Do not injure personhood and what is entailed by it.”²¹ This is a significant move in Hegel's theory; he does not argue that we should produce more of the basic quality of personhood, nor does he make any kind of maximizing claim about persons. Rather, he is content to make the negative claim that one must not destroy or injure personhood (as an abstract duty). More important, Hegel does not convert the claims of abstract right into demands to respect the *choices* of people *per se*, but only to respect their personhood and avoid injuries to that.

2. Masters, Slaves and Morality

The arguments about personhood rest on more general considerations not provided in the *Philosophy of Right* about what would explain the

¹⁹ Compare what Hegel says in the *Enzyklopädie*, § 209: “A person (*Mensch*) counts as such only because he is a person, not because he is a Jew, Catholic, Protestant, German, Italian, etc.”

²⁰ This is again, it should be noted, using “idealization” in its technical Hegelian sense. Cf. footnote 11.

²¹ Hegel, *Enzyklopädie*, § 38.

possibility of such an acknowledgment of others as persons. These arguments are to be found in the “Master-Slave” section of the *Phenomenology*; there Hegel makes the claim, as I understand him, that mutual acknowledgment (*Anerkennung*) of people as ends in themselves is possible only within a higher unity of *selves* and world. Hegel constructs his *phenomenology* of mind as an explanation of how it is possible that mind can *appear* as subjectivity in an objective world.²²

Hegel’s concern there is to delineate this structure of an I’s act of self-consciousness where one of the elements in the world of which it is aware is another self-consciousness. In other words, it is to delineate what in the abstract having another person as the object of one’s will entails. Hegel makes the whole intersubjective context of human action and relating oneself to oneself turn on what it means to *acknowledge* other persons — in their feelings, in their freedom, and in their *status* as persons — and to have each person acknowledge oneself. He begins with the language of desire or appetite, a description of human wants and actions in terms of means/ends rationality and of satisfaction of one’s *own* desires. He says that a description of oneself in this manner sees the object of desire as having “no true reality”,²³ meaning, I take it, that the object functions only as a means in the person’s scheme of desires and thoughts. Indeed, the object can have no intrinsic worth; it is incapable of demanding any ‘respect’ on its own. Its worth can only be instrumental. It figures in the person’s scheme only to fill some “lack” of the person.²⁴ Hegel notes that, as construed, desire is “destructive, and in its *content* selfish”.²⁵ The object of this type of simple desire can only be specified in terms of the person’s own interests.²⁶

²² This is, at least as I take it, the systematic reason for its placement in the mature *Encyclopedia* within the section on “Subjective Spirit” and before the section on “Objective Spirit”. It is another and infinitely more complicated issue to discuss the systematic place and role of the longer *Phenomenology of Spirit vis-à-vis* Hegel’s other works.

²³ Hegel, *Enzyklopädie*, § 426.

²⁴ *Ibid.*, § 427.

²⁵ *Ibid.*, § 428. Zusatz.

²⁶ Were the content to be one in which another’s interests figured, then one would have *altruistic* (or perhaps *sadistic*) desire. Hegel’s passage from this notion of self-consciousness to the notion of consciousness of another person is not an attempt at demonstrating that my self-consciousness is possible only through mastery of, say, a public language that is shared by many self-conscious persons. He is not interested, as I understand him, in epistemologically proving the existence of other minds (although his view of things would involve some such conception of our knowledge of ourselves as possible only in terms of a larger world-knowledge which included conceptions of others). Rather, he is basically concerned with the *acknowledgment* of the other as a *person* and to show that this acknowledgment *cannot* be coherently phrased in the language of desire as a simple

The problem is that, at the level of desire, all objects have value only as means to my own ends. Yet when I confront another on the level of desire alone, I am confronting another person, not merely a thing. Hegel wants to say that there are contradictions here between (a) how I *must* confront the other, viz., as a person and how I ever *could* confront him or her given this framework of desire; (b) how at the level of desire each would be compelled to treat the other as a thing, “natural and corporeal”, while both as persons are “completely free subjects and may not be treated as . . . merely natural things”.²⁷ The other as a person makes a claim on one, an *ethical* claim eliciting respect; at the level of desire, however, there is no place for ethics in this sense, because the kind of acknowledgment of each other which is a condition of the possibility of ethical strategies is necessarily lacking. This basic contradiction results in the dialectic of master and slave, which turns on the tension between the acknowledgment of the other as a person (which is always there) and the refusal founded in the scheme of desire at which the confrontation between the two individuals operates. Each must attempt to subjugate the other, to compel the other to acknowledge him or her while withholding acknowledgment of the other. Each perceives everything in his or her practical field to be an instrumentality for him or her alone and perceives himself or herself to be the only end in itself in that field. But each also perceives the other to perceive him or her as only an instrumentality. To the extent that each is intelligible to himself or herself as the only end in itself and is aware of the other as making the same claim, each must live the contradiction and struggle with the other to get the other to cede that claim to be an end in itself. Either there is the death of one, or one person opts for life and surrenders his or her claim to full acknowledgment. This latter person becomes the slave and must work for the master; the slave, on egoistic grounds, yields to the other to preserve his or her life — yields, that is, on egoistic grounds to being only an instrumentality in the other’s world. But when the slave begins to *work* for the master, so Hegel thinks, a subtle transformation occurs. When the slave begins to work “not in the exclusive interest of his own individuality, his desire is expanded into being not only the desire of this particular individual but also the desire of another.”²⁸

This is a reconstruction of the way in which others *appear* in our world, viz., as embodied persons demanding mutual acknowledgment. We can reconstruct this appearance on several levels. At one level, we have a Hobbesian world of competing desires; the other person *can* serve only as

means/ends view of things.

²⁷ Hegel, *Enzyklopädie*, § 431. Zusatz.

²⁸ *Ibid.*, § 435. Zusatz.

another instrumentality in my world, as having no intrinsic worth. But that is to make the relations with others only a contingent one; we do not necessarily need the other. However, we actually do; we demand acknowledgment from the other. If I am the only non-instrumental value in my world, then my perception of another as holding the same view of the world (i.e., of being from his or her point of view the only non-instrumental value in the world — and he or she is perceived as living in the same world as mine) demands that we seek to abolish that other viewpoint, that the other person acknowledge me as the only non-instrumental value. At the level of desire, the contradiction between these competing claims cannot be resolved ethically, for there is no language in which an ethical solution could be framed. At best, we might strike an equilibrium, refusing acknowledgment to each other but coexisting. This coexistence, however, would and could be only an unstable one; there would be nothing except mutual threats to hold it in force. Even a Hobbesian sovereign to which we might cede our rights to independent self-determination would not work, for I could never (given the structure of desire) actually cede my right; I could only pretend to do so and wait for the right moment to reassert myself. In any event, an organization of life along Hobbesian lines could never allow for anything more than a non-intrinsic connection between people (a social, perhaps, but never a moral or political connection between people).

What we have at the level of ‘desire’ is a hypothetical situation which moves on two levels of ‘goodness’ but necessarily fails on its own to move on to a third and essential level. These first two levels would be: (1) *things* being good for a person and (2) a *person’s* being good for others. This leads to the conflict which can only be resolved by forcing one of the people to accept being made into an instrumentality (being good) for the other. One is left with a dialectic of master and slave unless some provision for *mutual* acknowledgment is made, and this is impossible at the level of desire.²⁹ The third step must be from one’s being good for

²⁹ One can see another reason why Hegel would not accept social contract theory; it requires promises on the part of people and commitment to keep them, but that presupposes prior acceptance of the framework of morality. The notion of keeping a promise to another person or maintaining some kind of commitment to him or her is dependent on acknowledging that he or she is worth keeping promises to. It is significant that Hegel does not base his fundamental ethical considerations on acceptance of rules of any kind but on the more obscure (and perhaps more insightful) notion of the *quality of relationships* we have with others. Promises, commitment, and the like only make sense when the other is perceived as *deserving* of such commitment. For Hegel, then, the question will become, “under what sets of social and political conditions will this kind of acknowledgment be possible?” — for it is surely impossible in the state of nature and hence one could not get out of the state of nature by any contract, for the contract would presuppose some

others to a non-instrumentalist notion of one's goodness, of one's worth as an individual. Hegel calls this "universal self-consciousness": awareness of ourselves as sharing a world with others, of being an ingredient in a world of multiple perspectives, and of not having everything being good as a means to my own ends, i.e., awareness of ourselves as being non-instrumental goods and of others as being likewise so. Self-respect, which is the awareness of oneself as worthy of respect, is not enough; one must acknowledge the other as having an identical claim. Hegel creates an appealing imaginative fiction in which the slave, by hard work on things and by rationally transforming the world, gains this self-respect. The master, who has become dependent on the slave's work, must finally cede full acknowledgment to the slave. Both then mutually acknowledge each other as entities worthy of respect.³⁰ This is an appealing but not strictly necessary moment in the master/slave dialectic (although historically, this piece of imaginative fiction made a great impact on the imagination of at least one individual, namely, Karl Marx). This idea of universal self-consciousness translates into an awareness of reason, a set of objective (public), normative principles which both define and regulate our dealings with one another. The self posits itself as a *co-member*, as it were, of the moral world.³¹ The unity of self and world is thus integrated into a higher unity of *selves* and world. It is a higher unity in that it is a more *complex* unity than that merely of self and world. At that level, the subjectivity of the other person makes only a problematic appearance, for it can appear only as the object of desire. The stage of universal self-consciousness, however, is the stage where each acknowledges the subjectivity of the other, that is, the other's status as a person, not merely as simply one more object of desire. It is in fact the conceptual instability of the perception of each as object of desire and as self-conscious person that propels the move to the higher unity. In the dual structures (two people, A and B) of the higher unity, A is conscious of himself as being perceived by a person (B) conscious of himself as perceiving a person (A) conscious of (B's) perceiv-

kind of social and political order in order to be intelligible.

³⁰ This strictly speaking may not be true as a literal reading of the text. Rather, the move to mutual respect is the only way out of the dialectic of Master and Slave. Unless this move to mutual acknowledgment is made, the dialectic of master and Slave remains like that of the "bad infinite" in the *Science of Logic*. It oscillates from one to the other without ever resolving the contradiction. I have discussed Hegel's conception of the bad infinite in "Hegel's Philosophy of Mathematics". Cf. footnote 1.

³¹ Cf. Hegel's "Self-contained Individuals Associated as a Community of Animals," *The Phenomenology of Mind* trans. J. B. Baillie (London: Allen and Unwin, 1966), pp. 417-38; *Phänomenologie des Geistes* (Hamburg: Felix Meiner, 1952). pp. 285-300; the better translation is that by A. V. Miller, *The Phenomenology of Spirit* (Oxford: Oxford University Press, 1977), pp. 237-51.

ing him and vice versa. More important, though, than this complex structure of mutually interposed perceptions and self-perceptions is the higher unity of multiple people sharing a common world. (In this way, incidentally, Hegel can explain how the Kantian concept of respect for a person as a person is possible without having to invoke Kant's noumenal/phenomenal distinction).

This conception of "universal self-consciousness" is the forerunner to the Hegelian conception of the common good. The mutual acknowledgment of each other as worthy of respect is possible only within this higher unity. The content of this higher unity will be, as we will see, constituted in part by the ethos of a society, its "ethical life" or *Sittlichkeit*. This makes up a common good: a unity which each constitutes that is higher, but which does not submerge the claims of individuality. The move to a higher level is a move to a true object of the will, to true freedom. At the level of desire, the will does not yet have its fully proper objects; the unity of itself and the world is incomplete. This higher unity on its own, however, cannot give any *content* to the will; that will be the reason for the move into the doctrine of *Sittlichkeit*.

3. From Mores to Social Categories

In the *Philosophy of Right*, Hegel gives an account of a form of Kantian moral theory in a section labeled "Morality". There he argues that some version of Kantian morality must be assumed to explain how it would be possible for us to know the difference between right and wrong (it is the successor to the section on "Abstract Right"). As Hegel reinterprets it, the Kantian theory argues successfully that the will must be free in order for morality to make any sense — indeed for there to be any sense to the concepts of right and wrong — but it cannot provide any objects of the will. The will, in merely willing its own universality in the form of rules, is left at the level of an empty formalism. The failure of the level of discourse in "Morality" is the impetus for Hegel's move into what he calls *Sittlichkeit*. There is no single term in English which adequately renders what Hegel means by this. The meaning, as Hegel takes it, includes the mores, ethos, and conventional morality of a particular society. One of his theses is that the content of individual morality must in some sense be derived from the mores, the ethos, and the conventions of the society and culture of which the individual is a part. We must now look at his arguments for this claim, what he thinks is entailed by it, and how he understands its force.

The mores or ethos of a culture make up for Hegel the concrete moral world, the *Idea*. Hegel is not arguing for any simple-minded acceptance of every part of one's culture's ethos, nor is his thesis necessarily a conservative one. In order to understand it, one must set it against what I take to be

Hegel's critique of the concept of moral autonomy, where autonomy is interpreted as *individual* self-legislation. If this is taken as meaning that the individual is the ultimate source and authority of his or her moral principles, and those principles are binding on him or her only if he or she chooses and/or accepts them, then, so Hegel argues, morality will turn out to be a paradoxical affair. Any attempt to describe our moral lives — i.e., our moral world — in such terms will contradict the basic concept of morality developed in the section of Masters and Slaves, viz., that we are answerable to objective demands whether or not we choose them. If the individual is to be morally autonomous in this sense, then ultimately something like his or her own conscience must be the final arbiter of what is right or wrong. This is, however, inconsistent with any adequate concept of moral objectivity. Hegel argues, "conscience is therefore subject to the judgment of its truth or falsity, and when it appeals only to itself for a decision, it is directly at variance with what it wishes to be, namely, the rule for a mode of conduct which is rational, absolutely valid (*an und für sich gültigen*) and universal."³² One requires *Sittlichkeit* to explain how the *objectivity* of morality is compatible with the *autonomy* of the person. At the level of discourse of "Morality", one cannot distinguish one's private convictions from what is objectively morally good, yet the two are clearly distinct notions. As Hegel would say, the *subjectivity* of personal conviction is not enough to confer a *moral* status on one's principles; one must go beyond one's subjectivity to a notion of public, shared principles. This distinction can only be made if one brings in an understanding of accepted roles and practices. One cannot, e.g., understand the moral claims of being a parent without some understanding of the *role* of the family in one's culture. One must look to the cultural world for concrete content for one's moral judgments.

However, why must these principles be the *actual* ones of a particular culture? Hegel's appeal to convention seems to have at least two components to it which he called the *moral* and the *interpretive* components. The moral component in the appeal to the mores of a culture rests on its being an appeal to a *moral consensus*. One is *prima facie* morally obligated, so the Hegelian thesis might be put, to give pride of place to the moral principles of one's culture rather than to one's own principles should they conflict. One has an obligation to act according to objective principles; since one cannot always be sure that one's own intuitions about those principles are correct, one has an obligation to check them against the judgments of others. Since the mores of a culture are the embodiment of others' judgments, one is therefore obligated to give pride of place to those

³² Hegel, *Philosophy of Right*, § 137.

mores. Hence, the appeal to moral consensus is not merely a simple-minded appeal to majoritarian feelings about what is right. It is an appeal to a content larger than one's subjectivity to provide a test of one's convictions.

The appeal to mores also has an *interpretive* component. In part, this was already alluded to by speaking of the moral necessity of going beyond the individual's merely private convictions. In order to understand a moral principle, such as 'give due concern to the welfare of others', one must appeal to the concrete institutions, roles, and mores of one's culture: "Because every action explicitly calls for a particular content and a specific end, while duty as an abstraction entails nothing of the kind, the question arises: what is my duty?"³³ I cannot understand what it means in this case to give due (not exaggerated, not too underplayed) concern to others without an appeal to the mores of my culture. To know what one *ought* to do, one must look to the way things *are* done. To give due concern to, e.g., a grieving friend will be different from giving it to a complete stranger. It is not, moreover, simply a matter of making the correct conventional gestures to express some general moral principle; it is to do what in specific *counts* as 'giving due concern'. Thus, Hegel claims, "an immanent and consistent (*konsequente*) doctrine of duties can be nothing except the development of the relationships (*Verhältnisse*) which are necessitated through the Idea of freedom and are therefore *actual* in their entirety, to wit in the state."³⁴

The moral world (the Idea) is a complex set of principles, rights, and duties which are like a "second nature"³⁵ to the individuals living within it. It stands to the individual as an intersubjective, shared set of background principles which constitute the ethical *world* for that individual. Moreover this need not be a strictly conservative thesis, as if Hegel were saying that all conventional morality is fine as it stands or that one always has an obligation to obey and uphold all the moral conventions of one's culture, however grounded in vicious prejudice they might be. Moral argument and debate, so the thesis could be taken to mean, always proceeds within the ambit of a presupposed moral world, of a set of shared convictions. The arguments of reform will almost always turn on alleged inconsistencies *within* a moral framework, rather than being attacks on it from without.³⁶

³³ Ibid., § 134.

³⁴ Ibid., § 148.

³⁵ Ibid., § 151.

³⁶ For example, a vegetarian might object to the commonplace eating of animals within his or her culture by first appealing to accepted norms of not inflicting unnecessary pain and then arguing that it is therefore illegitimate to inflict such pain on sentient beings such as

Nonetheless, Hegel thinks that a *mere* appeal to convention is not enough. One must have some means of evaluation of the goodness and rightness of convention beyond an appeal to consistency. He may be seen to have two proposals for doing this. First, as the “integration” (*Aufhebung*) of both “Abstract Right” and “Morality”, it must preserve the general claims of those domains. Where it can be shown that a conventional understanding flouts, e.g., the right to liberty that people have by virtue of being persons, or denigrates the notion of moral autonomy, then it is *prima facie* unjustified. The levels of “Abstract Right” and “Morality” offer *general* bases for criticism of any given conventional ordering, and it is always open for one to argue that alternative social arrangements might be better strategies for realizing these general values than existing conventions. This kind of appeal will itself involve an appeal to mores, but it is more than a mere appeal to make the existing conventions consistent; it involves a substantive appeal to rights and liberties, however general that appeal might be.

The second proposal is far more ambitious and involves what can be called the construction of *social and political categories*. Hegel himself never uses the term, but there is a definite set of concepts in his work which can be so labeled.³⁷ A social category (I shall use this term generally to include both social and political unities) expresses a certain type of *unity* between people; it is an explanation of how it would be possible that people are bound together in the moral world (the Idea) in certain basic ways which would realize basic ethical values, such as respect for individual dignity and freedom, along with promoting human flourishing. There are of course many different ways in which people in any society are joined with others: churches, clubs, schools, associations, political parties and so on. These also (of course) vary from society to society. In calling something a social *category*, however, one is referring to some *basic* type of unity, which explains how the realization of basic moral ideals would be possible. It is clear that Hegel thinks that there are such basic types of unity between people. He speaks of the “ethical order” (*das Sittliche*) as “the system of these determinations of the Idea which constitute its *rationality*.”³⁸ The system’s “moments are those ethical powers which regulate the life of individuals.”³⁹ Individuals are the “accidents” of this sub-

cows or pigs. Conventions can come under attack from the standpoint of other conventions.

³⁷ This imputation of social categories to Hegel’s theory has been made by Klaus Hartmann. I take the basic idea from his writings on it. Cf. his “Hegel: A Non-Metaphysical Reading,” *Hegel: A Collection of Critical Essays*, ed. Alisdair MacIntyre (New Jersey: Doubleday, 1972). pp. 101-24.

³⁸ Hegel, *Philosophy of Right*, § 145.

³⁹ *Ibid.*

stance, “and it is in individuals that these powers have their representation (*Vorstellung*), their form of appearance (*erscheinende Gestalt*) and actuality.”⁴⁰ In distinction from some humdrum empirical classification, a social *category* then is an expression of a basic form of unity among people — a structure of mutual acknowledgment — in which various moral principles (rights, duties, and virtues) are embodied and which explains their possibility. Hegel calls it “ethical substance”.⁴¹ It is a *category* in the sense that it is a basic type of union for that culture and serves to explain the possibility of the realization of ethical ideals in that culture. Such categories are both the result of human interaction (they have their “form of appearance and actuality” in individuals) and are independent of individuals in that the rights, roles, duties, and virtues found in them are independent of the individuals choosing them.⁴² For Hegel there are three such social categories: the family, civil society, and the state.

These social categories not only provide content to general moral principles; they are also “the living good.”⁴³ The “substance” (social category) of such moral objects, of *Sittlichkeit*, “is the good, i.e., the objective is filled with subjectivity.”⁴⁴ In the duties, rights, goods, and virtues intrinsic to such unions, “the individual finds his liberation.”⁴⁵ The articulation of such categories is thus the articulation of the Idea, of the moral world of a culture.

The social categories are the basic types of concrete acknowledgment (the Hegelian *Anerkennung*) between persons. They express the basic unities of selves and world in which members of a culture can and do acknowledge one another. A doctrine of social categories need not be (as Hegel’s ethics is often popularly taken to be) a doctrine of totalitarian fusion of individuals into some organic whole, nor need it be a doctrine of some social or political authority compelling individuals to realize their true or non-corrupt nature. Rather, as a theory of the basic types of concrete acknowledgments between individuals, it is a doctrine of the basic types of *ethical relationships* we may entertain with others. Hegel thus stays true to his program; rather than offer an ethical theory in terms of rules and principles, he is concerned to offer a theory of ethical relationships which explains the possibility of these concrete rules and principles. These ethical relationships are the fully proper objects of the will. The theory thus takes a much different form than it would were it a theory of

⁴⁰ Ibid.

⁴¹ Ibid., § 146.

⁴² Ibid.

⁴³ Ibid., § 142.

⁴⁴ Ibid., § 144, addition.

⁴⁵ Ibid., § 149.

the former type. It does not present, e.g., a basic principle in the form of a rule (like the categorical imperative) and then deduce other rules from it; rather, it presents an articulation of the types of social union (social categories) which provide the will with its proper objects.

More importantly, the social categories explain how human self-determination may be concretely embodied in types of social union, of reciprocal acknowledgment; the major Hegelian thesis is that these types of social union are therefore the concrete realizations of freedom. For Hegel, there is no such thing as abstract freedom. Our choices and our actions always appear against a given concrete background of desires and wants and values.⁴⁶ Freedom arises not when one does what one wants but when one can *will* it. In Hegel's words, "the impulse should be the rational system of the determinations of the will (*Willensbestimmung*)."⁴⁷ But for our various motivations (our desires, inclinations, etc.) to become subject to such criticism, there must exist a background of intersubjective, shared standards; without this social background of mores and conventions, the freedom of the will could at best be sheer arbitrariness (*Willkür*)⁴⁸ and not true freedom. Without the types of social union out of which flow these various principles, this shared context of choice could not exist. Hence, so Hegel argues, these social unions are far from being restrictions on self-determination; they are the very soul of self-determination. As deployed in a philosophical theory, they explain how self-determination is concretely possible.⁴⁹

⁴⁶ *Ibid.*, §§ 15-19.

⁴⁷ *Ibid.*, § 19.

⁴⁸ *Ibid.*, § 15.

⁴⁹ Hegel's point might perhaps be portrayed in a different way. The relation of the general claims of "Abstract Right" and "Morality" to particular moral and political choices is one mediated by the institutions and practices of the culture. A doctrine of social categories is in part the attempt to present how these abstract claims involving general obligations to avoid interferences and to provide benefits may be concretely phrased. They provide, that is, the interpretive framework by which concrete conceptions of these general claims may be articulated and concrete political strategies for realizing these claims may be worked out. A philosophical theory of social categories is in part an evaluation of how well the basic types of union in a given society offer rationally construable conceptions of what is right and good. How well do they embody abstract rights of personhood? How much do they contribute to human flourishing? How are they consistent with one another? A theory of social categories is not a mere enumeration of the ways in which one's own culture conceives of the proper organization of the world of value. It is an explanation of how those general conceptions are *possible* from within the standpoint of a concrete culture.

What, however, are Hegel's criteria for deciding on the relative goodness of the specific conceptions of the right and the good found in the basic types of social union? On the one hand, any argument for the goodness of one type of conception over another must itself involve appeal to mores. It must involve appeal to accepted understandings of human motivation and so on. That is, it must be circular in the sense that it must use the culture's own concepts to criticize itself. This must be the sense of Hegel's well-known claim, "whatever happens, every individual is a child of his own times; so philosophy too is its own time apprehended in thoughts. It is just as absurd to fancy that a philosophy can transcend its contemporary world as it is to fancy that an individual can overleap his own age, jump over *Rhodes*."⁵⁰ The spirit (*Geist*) of any culture consists of the ideas, norms, values, and ideals in terms of which the culture understands itself and interprets itself to itself — what Hegel calls the self-consciousness of a culture. This includes things such as views about the proper relationship between men and women, ideals about the role of parents within the society, the place of a family in the larger social context, whether one should tip in restaurants, how one should behave towards business associates, when it is appropriate to deceive — the list obviously can go on forever. Without a doctrine of *Sittlichkeit*, no content can be given to the notion of free willing, for no objects can be specified for the will outside of these kinds of relationships.

However, each type of social category is an expression of a basic kind of unity among individuals which gives content to their willing. A theory of social categories explains the possibility of the very general demands of "abstract right" and "morality" within a specific cultural setting. If Hegel had only a doctrine of *Sittlichkeit*, he would indeed be the cultural relativist that he is often popularly taken to be. His theory would come down to the claim that the content of willing comes from convention, and that no appeal to anything other than convention can be made. In one way, this is of course certainly a part of his claim. The theory of social categories offers, however, much more than that; it offers a kind of rational reconstruction of a culture, explaining what kinds of social union there must be if the culture is to recognize and embody certain abstract ideals. (Ultimately, it must also show what kinds of conceptual relationships exist between these kinds of social unions. Hegel's idea was that each category was the integration and unification of the categories preceding it, but to go any deeper into that part of his dialectic would be the subject of another paper.) This doctrine of social unions makes up the true core of Hegel's

⁵⁰ Hegel, *Philosophy of Right*, p. 11; *Grundlinien der philosophie des Rechts*, (Hamburg: Felix Meiner, 1962), p. 16.

theory of freedom.⁵¹ They form the true objects of the will; only from within such social unions can the individual find his or her freedom. Hegel's theory is, as was said, not a rule-oriented ethic but a theory of the kinds of ethical relationships that we have with each other. The social unions are the basic types of such relationships. They supply the will with its proper objects, and the theory of such categories is thus a theory of concrete freedom itself.

4. From the State Based on Need to the State

Probably no worse things have been said about Hegel's theory than about his theory of the state. If nothing else, it might be thought that this reading of Hegel in terms of a doctrine of social categories would lead to an unacceptable theory of the individual's relation to the state, where perhaps the state determines the proper objects of the will. However, I think that in light of the preceding reading of Hegel, we may be in a position to better appreciate what is actually valuable in his theory of the state. We can see this by reflecting in a general way on what type of social union the state is and why Hegel thinks it is necessary to distinguish the *Notstaat*, the state based on need (what Hegel also calls the *Verstandesstaat*, the state as the "understanding" conceives it) which appears in civil society, from the state proper.

The rationale for this transition may not, however, be immediately apparent. What, after all, does the category of the state explain that has not already been explained in the category of civil society? One has a fairly well-articulated conception of the state (the *Notstaat*, the state based on need) worked out in the section on civil society.⁵² There Hegel argues that in the kind of market society which he claims would be found at the level of civil society, it would be necessary to construct at least a quasi-state apparatus in order to protect the orderly workings of the market and so on.⁵³ One even finds in the *Philosophy of Right* several sections devoted to the system of law and administration which would be found in the state based on need. Civil society is a social union based on the pursuit of self-interest; the glue which holds this type of union together is the belief on the part of each that this arrangement is the best workable alter-

⁵¹ Using a term from John Rawls, we can call these *social unions* although we will not be using it exactly in his sense. Cf. John Rawls, *A Theory of Justice*, (Cambridge: Harvard University Press, 1971), § 79, "The Idea of Social Union", pp. 528-29.

⁵² Cf. *Philosophy of Right*, § 183.

⁵³ For an excellent account and criticism of Hegel's conception of the *Notstaat*, cf. Günther Maluschke, *Philosophische Grundlagen des Verfassungsstaates* (Freiburg: Karl Alber, 1983), pp. 237-47.

native for pursuing his or her own self-interest. The *Notstaat* explains the possibility of this type of union (it is the result of considerations about what would be necessary for the securing of a basis for legitimate expectations and the like). Therefore, it is not, at least in Hegel's own eyes, incomplete in any simple or straightforward way.

Why then do we need yet a further category? One may (and many commentators have) indeed suspect a more sinister motivation for such a transition, viz., a desire for some all-encompassing organic nation-state with authoritarian (if not totalitarian) overtones. Some of Hegel's text certainly warrants such suspicion; for example, Hegel says of the state, "On the other hand, this final end has supreme right against the individual, whose supreme duty is to be a member of the state."⁵⁴ Those unfriendly to Hegel will be able to cite many other similar passages.

I have proposed that we see Hegel as rejecting both the Kantian doctrine of the freedom of the will as residing in the will's ability to give itself its own rule and the Kantian identification of the respect for persons with the idea of respecting the choices of others. The rationale for this would seem to be that once one has made the latter identification, one will be impelled to see the state as the result of some kind of contract or set of choices that individuals make. This, more than Hegel's view, has its sinister side: if the state is the result of a contract (and we think of contracts as bargains for mutual self-interest), then presumably people will want to include those in the contract that in some sense either provide some kind of benefit to them or are simply too dangerous otherwise to exclude. On that view, the state must become a kind of club which excludes certain people from membership. This will leave the powerless, the handicapped — in short, those who neither provide a benefit nor pose a threat — without protection. At best, one would end up with a state based on mutual protection, which is exactly what the *Notstaat* is. But the *Notstaat's* justification lies in its claim to universality. As any agency set up by individuals in society, however, it must of necessity be a particular organ, most likely an organ by which one group can press its interests on others who are too weak to resist. The contradiction which Hegel thinks impels the move from the doctrine of civil society with its version of the state — the "state based on need" — is the contradiction between the *Notstaat's* claim to universality and the fact that it can only be the organ of one group of interests (its particularity).⁵⁵

⁵⁴ Hegel, *Philosophy of Right*, § 258.

⁵⁵ I think that one could read this as an anticipation (and rebuttal) of Marx's later criticism of Hegel's theory of the state. To go any further into this idea, alas, would exceed the bounds of this paper.

The transition can be seen to be in part one from a social union whose focus is *economic* to one whose focus is *political*, that is, from the concept of civil society as a set of people held together by the pursuit of the self interest of each, with the *Notstaat* arising in order to maintain the orderliness necessary to such an arrangement, to the notion of a form of social union in which a *common good*, which is not simply the sum of various interests in society, can be recognized. In practice, of course, economic and political spheres intermesh, but it is the conceptual distinction between the two which Hegel may be seen to be making. The economic sphere is bonded together by market relationships, by the belief on the part of each that this arrangement furthers his or her own interests. The political sphere is a different type of union; in it people are not merely means to an end but are something like fellow actors in a political drama. Our relation to others in an economic sense is contingent (their place could in theory be taken by machines, for there is no intrinsic reference to *them* but only to their products or capabilities for production), but our relation to others in a political sense is not contingent in that way. Moreover, we could easily have (and there do in fact exist) states guaranteeing certain kinds of economic liberty while simultaneously denying political liberty. Economic rights and civil rights (those defining the extent of political participation) are not necessarily coextensive.

Hegel stresses this point in a passage immediately following the allegedly sinister one just cited: "If the state is confused with civil society, and if its specific end is laid down as the security and protection of property and personal freedom, then the interest of the individuals as such becomes the ultimate end of their association; and it follows that membership of the state is something optional. But the state's relation to the individual is quite different from this."⁵⁶ What exactly is this relation? Hegel's answer — "*Unification* pure and simple is the true content and aim of the individual, and the individual's destiny (*Bestimmung*) is the living of universal life."⁵⁷ — may be seen as just the kind of thing which I am claiming that he need not say. He might seem to be interpreting the *political union* of individuals as a kind of *fusion*, a reassertion of the type of unity peculiar perhaps to the family. However, there is no logical reason in his system which would compel him to do that. His major point is only that a political union is different from an economic one, not that it need be a fusion of some sort, and that political union explains something which social union does not.

⁵⁶ Hegel, *Philosophy of Rights*, § 258.

⁵⁷ *Ibid.*

What kind of union is it then, and what does it explain? A constitution is the locus of the authority which is the 'glue' of political union, a union in which some individuals gain authority (political power) over other individuals, not through market relations but through relations of justified authority. Such relations are constituted by individuals accepting certain rules and principles which give others the right to, e.g., make binding laws for them (speaking of the constitution as "the universal," Hegel says that it "does not prevail or achieve completion except along with particular knowing and willing"⁵⁸). The constitution both creates such relations and embodies them. It creates them insofar as it spells them out; it embodies, however, the accepted political relations in a society.⁵⁹ The (constitutional) "state is the actuality of concrete freedom"⁶⁰; the constitution thus embodies the concrete ethical precepts of a specific way in which the Idea, the moral world, is articulated.⁶¹ It is indeed accepted as having normative force for the society for which it is the "determinate being", as it were, of authority. It embodies the ethos of a particular culture, the ways in which the abstract but nonetheless objective principles of abstract right gain a concrete embodiment. However these principles may be interpreted, they must find their place in the constitution of a country.

We may read then the passage on unification as the destiny of the individual as being that it is in the state that we have a full sense of the common good. A non-Hegelian example might help to clarify this a bit. We might distinguish contract, partnership, and the pursuit of a common good. A contract would be a bargain between mutually self-interested individuals; it expresses "Abstract Right", the sense of liberal individuality. A partnership would be a joint undertaking between self-interested individuals with both the burdens and benefits to be distributed among them. One would find both partnerships and contracts in civil society, with partnerships entering at the level of the corporation and perhaps also at the level of the "state based on need". A pursuit of the common good, however, is more than a contract or a partnership. In it, people connect with a unity higher than that constituted by mutual self-interest. That unity of people which gives content to their ideals of mutual acknowledgment would be the concrete form of the universal self-consciousness of the "phenomenology". The common good is the systematic unity of the ideals of a society, the *Geist* of a given order. This *Geist* constitutes the way in which people understand themselves, understand the proper relations

⁵⁸ Ibid., § 260.

⁵⁹ Ibid., § 274.

⁶⁰ Ibid., § 260.

⁶¹ Cf. Ibid., §§ 273-74.

between various kinds of people — in short, the way in which the given culture is conscious to itself of itself. The freedom of the will consists in its willing the objects proper to it, and Hegel's theory of social unions is a categorical explanation of how it would be possible to have freedom in this sense. The principles found in the unions themselves constitute the concrete objects of volition which give the will its freedom. Moreover, as products of the practical mind itself, they are not alien to the will. One wills the common good when one wills according to the ideals of these unions, and these unions can only be understood in terms of the ethos and mores of a given culture.

There is an ambiguity in speaking of the common good as something "higher". Space prevents any more than a brief sketch of how this sense of higher could be taken (to go into any great detail here would require another paper). The common good might be higher in the sense that its principles would always take priority over the principles that preceded it. Thus, the state would be a higher unity in this sense if, in any conflicts with principles arising out of "Abstract Right" or "The Family" or "Civil Society", the principles appropriate to the state would take priority. This interpretation would certainly be consistent with the traditional way of reading Hegel, and, it must be admitted, would also find some support in Hegel's texts. The other way of taking it (the way which I would endorse) would be to see the common good as higher in the sense that it offers new content for willing but does not necessarily take precedence over the previous principles; the previous rights and duties are "preserved" in the higher unity. This is one way of taking the Hegelian concept of "*Aufhebung*", which I have rendered as "integration". The higher unity integrates the principles found at the lower level and supplies new content on its own. The principles at the lower level acquire new patterns of meaning by being integrated into the higher conception of the common good, but they do not vanish, nor do they necessarily lose in any conflicts with principles appropriate to the state.

This is, I think, a charitable reading of Hegel's theory of the state. It allows us to locate it within Hegelian ethical theory as it has been reconstructed here, and it allows us to see Hegel's alternative to Kantian theories of the state as consisting of more than merely an organic or non-individualist theory of the state in contrast to the social contract view to which Kantians (including Kant himself) were and are still drawn. This is only the outlines of such a reading of Hegel's theory. Much more needs to be said, but if what has been presented here is plausible, then perhaps it will be worth saying.⁶²

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