

Phil 114, Wednesday, April 11, 2012
Hegel, *The Philosophy of Right*
§1–7, 10–12, 14–16, 22–23, 27–33, 135, 141

Dialectic:

For Hegel, dialectic is...

- ...a process governed by a principle of development, i.e., “Reason”/“Idea”....
- ...in which something comes to be what it most essentially is, i.e., to realize its “Truth”/“Essence”...
 - Here Hegel often invites us to think in terms of organic metaphors: the growth of plants and animals.
- ...by overcoming/transcending apparent limitations/oppositions...
 - As Hegel sometimes puts it, “by negating the negation.”
 - This is the sense in which Reason is “infinite.”
 - These limitations/oppositions are often reflected in, or consist in, contradictions.
- ...where these limits/oppositions are nonetheless somehow retained/preserved in what comes to be.

“the higher dialectic of the conception does not merely apprehend any phase as a limit and opposite, but produces out of this negative a positive content and result. Only by such a course is there development and inherent progress...”

By contrast, the dictionary definition of “dialectic” is something like: a process of inquiry that proceeds by dialogue, question and answer. For Hegel, this is too psychological. For him, dialectic is not, or not simply, something that we do with our minds and tongues. It is a process manifested in the very *subject matter* of such an inquiry.

“...Hence this dialectic is not the external agency of subjective thinking, but the private soul of the content, which unfolds its branches and fruit organically. Thought regards this development of the idea and of the peculiar activity of the reason of the idea as only subjective, but is on its side unable to make any addition. To consider anything rationally is not to bring reason to it from the outside, and work it up in this way, but to count it as itself reasonable...”

This is part of what distinguishes Hegel’s philosophy from the (Kantian?) philosophy of the “Understanding”: abstract analytical thought, which takes its subject matter to be something completely alien to it, not itself imbued with Reason.

Right:

The *Philosophy of Right*, the subject matter is “right,” but more fundamentally, “Spirit in its freedom.”

“...Here it is spirit in its freedom, the summit of self-conscious reason, which gives itself actuality, and produces itself as the existing world. The business of science is simply to bring the specific work of the reason, which is in the thing, to consciousness.”

The origin of Right is in Spirit—psychical nature—and more specifically the will. How so?

- The Essence/Truth of the will is freedom. It is the end the will is striving for.
- Freedom made actual in the world is Right. “[T]he system of right is the kingdom of actualized freedom. It is the world of spirit, which is produced out of itself, and is a second nature.”

The absolutely free will:

Thought, both practical and theoretical, involves *becoming one* with its worldly object:

- *Theoretical thought*: I become one with the object in the world by grasping its concept: its nature or essence.
- *Practical thought*: I realize in the world the objectives that I have set. They are then mine; they “bear the trace of my spirit.”

The will is just *practical thought*.

First moment: The will is free from all content, determinateness. It views any such content, determination as a limit, something external and alien.

- The will contains [a] the element of pure indeterminateness, i.e., the pure doubling of the I back in thought upon itself. In this process every limit or content, present though it be directly by way of nature, as in want, appetite or impulse, or given in any specific way, is dissolved. Thus we have the limitless infinitude of absolute abstraction, or universality, the pure thought of itself.
- It reckons any content as a limit, and flees from it. This is one of the forms of the self-direction of the will, and is by imaginative thinking insisted upon as of itself freedom. It is the negative side of the will, or freedom as apprehended by the understanding.

Second moment: The will wills a content, but the content is (or may be) given externally.

- [b] The I is also the transition from blank indefiniteness to the distinct and definite establishment of a definite content and object, whether this content be given by nature or produced out of the conception of spirit. Through this establishment of itself as a definite thing the I becomes a reality. This is the absolute element of the finitude or specialization of the I.

The vulgar idea of freedom is “caprice,” which is a form that the will takes at this second moment. In caprice, the indeterminate will determinately chooses one of its contingent desires. It does “what it likes.”

- In caprice it is involved that the content is not formed by the nature of my will, but by contingency. I am dependent upon this content. This is the contradiction contained in caprice.

The problem is that the will is now dependent on something external to it—nature, which supplies those desires—for its content. This is a contradiction. If the only possible content depends on something external, then we seem thrown back on the first moment: to see freedom as requiring that we not will any content at all. (As we will see, this is where Hegel thought Kant got stuck.)

Third moment: The will wills itself. It takes its content not from something external, but from itself. So it is dependent on nothing else, and so truly free. But what is it for the will to will itself? To will its own Essence/Truth. What is its essence? Freedom. So the will is free insofar

as it wills freedom itself, insofar as it takes freedom as its content.

- “Free will consists in willing a definite object, but in so doing to be by itself and to return again into the universal.”
- “To be truly free, it must have a truly fixed content; then it is explicitly free, has freedom for its object, and is freedom.”
- “Only in this freedom is the will wholly by itself, because it refers to nothing but itself, and all dependence upon any other thing falls away.”
- “The absolute character or, if you like, the absolute impulse of the free spirit... is, as has been observed, that its freedom shall be for it an object... Hence, the abstract conception of the idea of the will is in general the free will which wills the free will.”

Thus, free will is “infinite.” I.e., it is not limited by something other, outside itself.

- “The free will is truly infinite, for it is not a mere possibility or disposition. Its external reality is its own inner nature, itself.”

The division of Right:

There are three stages in the development of the idea of the absolutely free will.

Abstract or formal right:

- Roughly, what Kant meant by “right” or “legality.”
- Coercively enforced rules securing equal external freedom, which abstract entirely from people’s motives, desires, ends, etc.
- Mainly, property, contract, criminal law.
- Inadequate to the idea of freedom, because it is purely objective, external, physical and pays no attention to subjective, inner, psychological life.

“Free will, in order not to remain abstract, must in the first instance give itself reality; the sensible materials of this reality are objects, i.e., external things. This first phase of freedom we shall know as property. This is the sphere of formal and abstract right, to which belong property in the more developed form of contract and also the injury of right, i.e., crime and punishment. The freedom, we have here, we name person, or, in other words, the subject who is free, and indeed free independently, and gives himself a reality in things. But this direct reality is not adequate to freedom, and the negation of this phase is morality.”

Morality:

- Roughly, what Kant meant by “morality.”
- Simply a matter of the subjective, inner, psychological determination of the will, in abstraction from anything objective, external.
- But this too is inadequate to the idea of freedom, since freedom must realize itself in the world, must be made objective.

“The will, passing out of external reality, turns back into itself. Its phase is subjective individuality.... In this sphere the idea is divided, and exists in separate elements. The right of the subjective will is in a relation of contrast to the right of the world, or the right of the idea.”

“In morality... I am free in myself, i.e., in the subjective. In this sphere we come upon my insight, intention, and end, and externality is established as indifferent. The good is now the universal end, which is not to remain merely internal to me, but to realize itself. The subjective will demands that its inward character, or purpose, shall receive external reality, and also that the good shall be brought to completion in external existence. Morality, like formal right, is also an abstraction, whose truth is reached only in ethical life.”

Ethical life:

Unifies the “subjective” with the “objective,” by overcoming their opposition. The *subjective* will wills itself as free by willing concrete, *objective* social structures that realize freedom.

“The unity of the subjective with the objective and absolute good is ethical life, and in it we find the reconciliation which accords with the concept. Morality is the form of the will in general on its subjective side. Ethical life is more than the subjective form and the self-determination of the will; in addition it has as its content the concept of the will, namely freedom.”

“The unity and truth of these two abstract elements [i.e., objective, abstract right and subjective morality]. The thought idea of the good is realized both in the will turned back into itself, and also in the external world. Thus freedom exists as real substance, which is quite as much actuality and necessity as it is subjective will.”

For Hegel, therefore, ethics consists in, and one’s freedom is realized by, carrying out the duties assigned by one’s role or position in the right sort of social structure.

From the *Lectures on the Philosophy of History*: “If men are to act, they must not only intend the Good, but must have decided for themselves whether this or that particular thing is a Good. What special course of action, however, is good or not, is determined, as regards the ordinary contingencies of private life, by the laws and customs of a State; and here no great difficulty is presented. Each individual has his position; he knows on the whole what a just, honorable course of conduct is....”

Hegel’s ethics thus has a *conservative* tendency. One should just fulfill one’s assigned role, as one’s community defines it, without first requiring that the mores of one’s community should meet some standard that one has imposed.

“...As to ordinary, private relations, the assertion that it is difficult to choose the right and good—the regarding it as the mark of an exalted morality to find difficulties and raise scruples on that score—may be set down to an evil or perverse will, which seeks to evade duties not in themselves of a perplexing nature...”

However, Hegel does not think that the mores of one’s community cannot be evaluated against any independent standard. At very least, as we have seen, he thinks that the mores of particular historical epochs can be more or less adequate to the end to which Spirit is striving: self-consciousness of itself as free.

Hegel's ethics also has a *communitarian* bent. Individuals depend on their community for their good and freedom. This is not simply instrumentally (e.g., for food, shelter, security), but also constitutively: for the social roles the fulfilling of which realizes their good and freedom.

Hegel's ethics is also of a piece with his view of moral and political philosophy as *reconciliation*. The work of the philosopher is not principally to get people to question, or to radically change their existing social world, but instead to help them to overcome their alienation or estrangement from it. Philosophy helps them to see that their social world is not arbitrary, but instead purposive, that it is not inimical to their good or freedom, but instead necessary for, even constitutive of, their good and freedom.

Ethical life "develops" or "passes through" several moments of its own:

- a. *Family*: "The primary reality of ethical life is in its turn natural, taking the form of love and feeling. This is the family. In it the individual has transcended his prudish personality, and finds himself with his consciousness in a totality."
- b. *Civil society*: Including economic transactions, private associations, and the police powers to regulate them. "In the next stage is seen the loss of this peculiar ethical existence and substantive unity. Here the family falls asunder, and the members become independent one of another, being now held together merely by the bond of mutual need. This is the stage of the civil society, which has frequently been taken for the state."
- c. *The State*: "But the state does not arise until we reach the third stage, that stage of ethical life or spirit, in which both individual independence and universal substantivity are found in gigantic union. The right of the state is, therefore, higher than that of the other stages. It is freedom in its most concrete embodiment, which yields to nothing but the highest absolute truth of the world-spirit."
 - i. The spirit of a nation,
 - ii. International right: "the relation to one another of national spirits,"
 - iii. World history: "as the universal world-spirit, whose right is the highest."

Criticism of Kant's empty formalism:

Hegel credits Kant with the crucial insight that the freedom of the will, its independence from anything outside of itself, is the source of ethics. Kant was right to see "the pure unconditioned self-determination of the will as the root of duty."

But Hegel thinks that Kant fundamentally misconceived what freedom of the will involved.

- Kant saw that the will could not be free if it took as its content any desire, impulse, etc. given by nature. In that case, it would be dependent on something outside itself.
- However, Kant could not see any other possible content for the will to take. So, he, in effect, identified the free will with willing *independently of any content*: i.e., willing in accordance with purely formal principles, adopting a maxim solely on the basis of its being lawlike without regard for its purpose, willing without contradiction, etc.
- But if the free will is just willing without content, in accordance with purely formal principles, then it doesn't give us ethics, or so Hegel claims. Hegel thinks that Kant's universalization test doesn't rule out anything. Any maxim can be willed as a universal law without contradiction. After all, in order for there to be a contradiction, some

content—some principle, end, value, form of life, etc.—would have to be presupposed that the universalized maxim might contradict. But, Hegel claims, Kant insists that we can't presuppose any such content, without sacrificing our freedom.

“From this point of view, no immanent doctrine of duties is possible; of course, material may be brought in from outside and particular duties may be arrived at accordingly, but if the definition of duty is taken to be the absence of contradiction, formal correspondence with itself—which is nothing but abstract indeterminacy stabilized—then no transition is possible to the specification of particular duties nor, if some such particular content for acting comes under consideration, is there any criterion in that principle for deciding whether it is or is not a duty. On the contrary, by this means any wrong or immoral line of conduct may be justified.”

“The absence of property contains in itself just as little contradiction as the non-existence of this or that nation, family, &c., or the death of the whole human race. But if it is already established on other grounds and presupposed that property and human life are to exist and be respected, then indeed it is a contradiction to commit theft or murder; a contradiction must be a contradiction of something, i.e. of some content presupposed from the start as a fixed principle. It is to a principle of that kind alone, therefore, that an action can be related either by correspondence or contradiction.”

- Thus, Kant “reduce[d] this gain to an empty formalism.”
- Now, it isn't clear that Hegel is correctly interpreting Kant's test. Kant's test isn't (or isn't just): Can the maxim be willed as a universal law without contradiction? Kant's test is: Can the purpose of the maxim *and* the maxim's being a universal law *both* be willed without contradiction? So there does seem to be *some* content for the universalized maxim to contradict: namely, the purpose of the maxim that the agent is testing. So perhaps—as many Kantians argue—more of ethics follows from Kant's test.
- Even if Hegel granted this, however, he would still press a further, deeper point. Kant overlooked another possibility: namely, that the will could take *itself* for its content, and so not be dependent on anything outside itself.
- The will could will itself by willing freedom, and it could will freedom by willing established social forms that manifest freedom.
- As a result, Kant viewed ethics as merely what Hegel calls “morality”—where the individual choose in abstraction from social forms and everything else allegedly “external”—rather than of what Hegel calls “ethical life”—where individuals choose on the basis of established social forms.

Review Questions:

1. Paraphrase Hegel's criticism of Kant in this passage:
“The proposition: ‘Act as if the maxim of thine action could be laid down as a universal principle’, would be admirable if we already had determinate principles of conduct. That is to say, to demand of a principle that it shall be able to serve in

addition as a determinant of universal legislation is to presuppose that it already possesses a content. Given the content, then of course the application of the principle would be a simple matter. In Kant's case, however, the principle itself is still not available and his criterion of non-contradiction is productive of nothing, since where there is nothing, there can be no contradiction either."

Is this criticism fair to Kant?

2. What is Hegel's point in the following passage?

"The infinite has rightly been represented as a circle. The straight line goes out farther and farther, and symbolizes the merely negative and bad infinite, which, unlike the true, does not return into itself."

In light of this passage, in what sense is the free will "infinite" for Hegel?

3. Recall Aristotle's claim that:

"the city is naturally prior to the household and to the individual, since the whole is necessarily prior to the part. For if the whole animal is dead, neither foot nor hand will survive, except homonymously [that is, something will survive that we can *call* a "foot" or a "hand"], as if we were speaking of a stone hand."

Would Hegel agree?