

# HEGEL: NEW DIRECTIONS Edited by *Katerina Deligiorgi*

ACUMEN

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## CONTRIBUTORS

**John Burbidge** is Professor of Philosophy Emeritus at Trent University. He is the author of *On Hegel's Logic and Hegel on Logic and Religion*. From 1988 to 1990 he was President of the Hegel Society of America.

**Allegra de Laurentiis** is Assistant Professor of Philosophy at the State University of New York, Stony Brook. She is the author of *Subjects in the Ancient and Modern World: On Hegel's Theory of Subjectivity*.

**Katerina Deligiorgi** is Senior Lecturer in Philosophy at Anglia Ruskin University, Cambridge. She is the author of *Kant and the Culture of Enlightenment* and articles on Kant, Hegel and German Idealism.

**Jason Gaiger** is Lecturer at the Open University. His publications include *Art in Theory 1815–1900* and *Art in Theory: 1648–1815 and Frameworks for Modern Art*. He is the editor and translator of Johann Gottfried Herder's *Sculpture: Some Observations on Shape and Form from Pygmalion's Dream*.

**Rolf-Peter Horstmann** is Professor of Philosophy at the Humboldt University. He is the author of several books, including *Die Grenzen der Vernunft. Eine Untersuchung zu Zielen und Motiven des Deutschen Idealismus*, *Bausteine kritischer Philosophie: Arbeiten zu Kant* and *G. W. F. Hegel: Eine Einführung* (with D. Emundts).

**Kimberly Hutchings** is Reader in International Relations at the London School of Economics. Her books include *Kant, Critique and Politics* and *Hegel and Feminist Philosophy*.

Iain Macdonald is Associate Professor of Philosophy at the Université de Montréal. He has written on Hegel, Adorno and Heidegger and is currently working on Hegel and Adorno, focusing on metaphysics, history and the future of transcendental philosophy.

John McDowell is University Professor at the University of Pittsburgh. He is the author of *Mind and World* and two volumes of collected papers: *Mind, Value and Reality* and *Meaning, Knowledge and Reality*.

Angelica Nuzzo is Associate Professor of Philosophy at Brooklyn College, City University of New York. Her books include *System* and *Kant and the Unity of Reason*.

Robert B. Pippin is the Raymond W. and Martha Hilpert Gruner Distinguished Service Professor in the Committee on Social Thought, the Department of Philosophy, and the College at the University of Chicago. He is the author of several books, including *Hegel's Idealism: The Satisfaction of Self-Consciousness* and *Henry James and Modern Moral Life*.

Sally Sedgwick is Professor of Philosophy at the University of Illinois. Her publications include numerous essays on Kant and Hegel. She edited the volume *The Reception of Kant's Critical Philosophy: Fichte, Schelling, and Hegel*, and is working on a book on Hegel's critique of Kant.

Ludwig Siep is Professor of Philosophy at the University of Muenster. He is the author of several books, including *Der Weg der Phänomenologie des Geistes: Ein einführender Kommentar zu Hegels "Differenzschrift" und "Phänomenologie des Geistes"* and *Konkrete Ethik: Grundlagen der Natur- und Kulturethik*.

Allen Speight is Assistant Professor in Philosophy at Boston University. He is the author of *Hegel, Literature and the Problem of Agency*, numerous articles on Hegel's philosophy and *The Philosophy of Hegel* (Acumen, 2007).

Nicholas Walker is Associate Lecturer in Philosophy at the University of Essex. He has written extensively on Hegel and German philosophy.

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10. ... and hear poor rogues  
Talk of court news; and we'll talk with them too,  
Who loses and who wins; who's in, who's out;  
And take upon's the mystery of things,  
As if we were God's spies: and we'll wear out,  
In a walled prison, packs and sects of great ones,  
That ebb and flow by the moon. (Shakespeare, *King Lear*: Act V, Scene III)
11. I am here disagreeing with J. Bernstein, "Confession and Forgiveness: Hegel's Poetics of Action", in *Beyond Representation: Philosophy and Poetic Imagination*, R. Eldridge (ed.), 34–65 (Cambridge: Cambridge University Press, 1996).

## CHAPTER EIGHT

# THE CONTEMPORARY RELEVANCE OF HEGEL'S PRACTICAL PHILOSOPHY

*Ludwig Siep*

The question concerning the contemporary relevance of Hegel's practical philosophy has many different aspects to it. Some commentators see Hegel's thought as an anticipation of the debate between liberalism and communitarianism, others interpret it as a critical diagnosis of society from the normative perspective of communicative freedom (Honneth 2000), while others regard it as an attempt to develop a kind of collective self-reflection on the relevant criteria of truth and justice (Pinkard 1994; Brandom 2001). In the following discussion, I should like to defend three theses:

- (i) Hegel presents us with a theory of social differentiation, or rather of "full differentiation" [*Ausdifferenzierung*], that does not simply abandon the claim of "practical philosophy" to be a normative science.
- (ii) Hegel distinguishes different levels within a unified concept of right that involves all the "generations" of fundamental rights, as they have recently been called, and simultaneously thematizes the question concerning their historical realization.
- (iii) Hegel's philosophy of right contains a concept of the political that is critically relevant to contemporary discussions concerning the appropriate role of the state.

## I

For Hegel, the principle of "actuality", and of its "scientific" comprehension through philosophy, implies a process of self-differentiation, or an immanent differentiation into independent systems that obey their own internal "logic", that is to say, display an inner coherence of their own. Both the kind of differentiation and the inner logic involved vary according to whether we

are considering the realm of nature, society, culture or pure thought. For instance, the way in which the concept and reality of life determine organic nature, concretely specifying and revealing its internal structure and development, is different from the way in which freedom is realized in society, or absolute spirit is realized in religion and philosophy.

Diversity also applies to the development of systems and structures within the social world. In his Jena writings, Hegel sought to combine the aspects of integration and differentiation familiar from classical political philosophy: the traditional Aristotelian account of the formation of families, towns and city-states and the Platonic doctrine of the social classes, with the conception of society that is reflected in modern theories of natural law and modern political economy. In this regard, he was essentially responding to the effective dissolution of the old European system of classes or "estates" and articulating the political and social implications of the fundamental change of perspective that now regarded the free choice of profession, rather than rank and occupation as defined by birth, as the crucial factor in determining the individual's social status. Hegel interpreted the political and social importance of the classes of civil society, structured through the economic activities of the market, in the light of the failure of the abstract social contract theory that in his view characterized the pre-Napoleonic phase of the French Revolution.

In his mature philosophy of objective spirit, Hegel presents the family, civil society with its classes and professions and their various agencies of self-organization, and the state itself in its administrative and more specifically political character, not merely as distinct forms of organization with specific purposes of their own, but also as distinct forms of "ethical life" (*Sittlichkeit*). These structures provide a diversity of social goods and allow their respective members to develop a different mentality and self-image, a differentiated understanding of their own freedom and social position, of the appropriate recognition they deserve and of their own "dignity" within society.

Above all, it was through his analysis of "the system of needs" that Hegel grasped the dynamic of the modern world of labour, with its sudden transformations and its growing trend towards specialization, and the globalizing tendencies of increasingly trans-national markets. My aim here, however, is not to discuss how Hegel anticipated subsequent theories of economic crisis, class-structure or colonialism and so on. Rather, it seems to me that the greatest interest of his political philosophy from the contemporary perspective lies primarily in the way in which he explicitly combines the concept of social differentiation with that of normative integration. In this respect Hegel's position differs significantly from many recent theorists of modernity and social differentiation, ranging from Weber to thinkers such as Luhmann, for whom the structure of modern society can no longer be described as "integrated by reference to norms".

In modern social philosophy, the theory of "full differentiation", that is, of the functional specialization of social spheres with specific structures of

their own, has acquired almost unchallenged dominance. The distinctions between and the reciprocal dependence of different social worlds can be interpreted in phenomenological terms, in terms of systems theory, or in terms of the theory of rational communication. Luhmann's system theory actually combines aspects of all three approaches. There are both interesting similarities and differences between the social philosophies of Luhmann and Hegel. They share a comparable understanding of the inner coherence of specific systems, and of their capacity to represent other systems in their own language and from their own particular standpoint. And they also share the idea that "subjectivity" cannot properly be grasped solely from a first-person perspective or be interpreted exclusively within the context of the human individual alone: natural, social and conceptual entities and processes also display structures of subjectivity and reflexivity (Siep 2000).

However, the two theories of self-differentiation and reflexivity diverge crucially in their treatment of the relation between differentiation and integration. For Luhmann, the integration of particular systems and of society as a whole is an open-ended process of ongoing communication. As in the case of natural evolution, there is no turning back to less differentiated and less complex states of affairs. That is why any appeal to the "old European" conception of the autonomy of the person, or of the intrinsic self-sufficiency of the social order, is simply a backward-looking form of self-deception.

Despite its developmental direction, the process of differentiation itself has no aim over and beyond its own self-perpetuation. For Luhmann, any attempt to interpret social systems with reference to governing norms or principles is theoretically impossible and practically undesirable. For Hegel, on the other hand, a process of social differentiation that cannot ultimately be grasped as a form of self-differentiation, that is, one that possesses no immanent norm and cannot conceptualize itself in such terms, would merely represent a case of what he calls "bad infinity".

As a normative theory of full differentiation, Michael Walzer's (1983) conception of the different spheres of justice comes much closer to Hegel's philosophy of objective spirit. For Walzer, as for Hegel, full differentiation is more than a simply functional feature of society precisely because it also generates specific forms of justice. According to Walzer, each specific sphere ("money and trade", "education and culture", "security and well-being", etc.), depending on the particular goods specific to each, involves a different way of determining fair distribution and raising legitimate claims. To transfer a system of distribution appropriate in one sphere over to other spheres would not simply violate the differentiation of the relevant spheres and bestow undue power on one sphere in particular. It would also damage the individual rights if arrangements appropriate to one sphere allowed us to raise equal claims in the context of another (for instance a politician claiming financial rewards). If, on the other hand, the boundaries of the different spheres are reciprocally respected and the particular structures for the distribution of goods are

properly protected, then it is possible to actualize both freedom and justice within the social system as a whole.

Judged from the perspective of Hegel's concept of self-differentiation, however, there is still something unsatisfactory about the way in which Walzer's theory specifies the different forms of justice. For Walzer is unable to show how the various senses of justice arise intelligibly from a common core. Instead, each form of justice is based on the given kind of social good that is distributed in each sphere. The differentiation in question is not presented as the systematic development of a common idea of justice.

For Hegel, by contrast, the full differentiation of social spheres is essentially governed by a normative concept: the idea of freedom that permits the development of the individual's particular abilities and the pursuit of one's particular interests within the overall context of a just social order. Thus the family, the different professions and classes, the corporations, the administrative sectors and the constitutional powers of the state are all different levels and stages of a single development.

The family recognizes the natural particularity and the specific physical and emotional needs of the individual. The individual likewise responds to the demands of the other members and of the "institution" of the family, in a way that cannot be grasped in strictly contractual terms. On entering civil society as an adult, on the other hand, the individual now acquires specific rights and incurs specific obligations. This enables him to affirm the right to property and to pursue his life and career in his own way. But this freedom only acquires substance and permanence in so far as the individual develops a specific competence within a certain profession and pursues this profession to the benefit of society with an appropriate mentality and sense of "social standing". This outlook recognizes duties that are beyond the letter of the law, such as diligence, reliability and similar virtues, but that are nonetheless properly expected of people in specific professions, such as businessmen, doctors, teachers and so on. And to this day such expectations have always exceeded what is "strictly stipulated" as such.

In return for his honesty, the individual can also expect a certain "material justice" that protects his property, and thus the general security of his life, from the contingencies of individual circumstance and the processes of the market. On Hegel's account, material justice goes beyond the kind of social security that derives from membership in a particular professional group, or from the task of the "corporations", to promote labour policies that can combine a free choice of trades and professions with high levels of employment. Some of what according to Hegel are the "familial tasks" of civil society must actually be discharged by the state in its secondary function of stabilizing the processes of civil society.

As far as the mediation between individual freedom and justice is concerned, it is quite true that the genuine tasks of the state lie elsewhere: the state must be able to identify and to realize communal ends and purposes

in the domain of law and cultural policy in a way that is truly independent of purely private interests. For freedom can only properly be fulfilled in a state where individuals are able to participate in the "communicative" identification and realization of collectively shared tasks. But this process of "will-formation", at the political level of the state, should also involve what Hegel calls the "essential spheres" or "larger interests" of society (PR: §11). The domains of agriculture, commerce, the trades and professions, knowledge and scholarship, the military and so on, cannot, however, simply be considered as so many closed systems. For although they develop their own distinctive perspectives concerning the welfare and justice of society as a whole, these perspectives can nonetheless be successfully integrated with one another.

Hegel's model for the full differentiation and integration of social systems is, of course, based on his own conviction that the structure of social organization and the relationship between the different groups and classes can ultimately be reconstructed and articulated in a conceptually "necessary" manner. Each chosen occupation and social position is not merely necessary for the prosperity of society as a whole, but can also be derived from the conceptual relation between universality, particularity and individuality. While this conceptual order may not apply to the particular branches of trade and commerce, it is applicable to the distinction between the agricultural, commercial and administrative classes in general. Furthermore, on Hegel's account, the relevant level of self-reflection that belongs to these classes, from the unreflective trust of the agrarian class through the utilitarian perspective of trade and commerce to the self-conscious insight into the common good among the intellectually educated officials and civil servants, can be said to follow the immanent logic of spirit.

Clearly, this sets certain limits on one's freedom to choose a specific profession and on civic equality in general. This is because membership of the different classes depends on faculties and education and also because the political judgement of the members of the agricultural class has less impact on the political process than that of the other classes. There is also a further problem with the contemporary application of this model. In a technological society where immediate human labour is becoming increasingly redundant and the domain of the leisure and entertainment industry is becoming increasingly important, we cannot deny that socially necessary occupations and professions are also becoming rarer.<sup>1</sup> The production of goods and the supply of services, and the way in which they are distributed through the operation of the market, is effectively turning into a relationship between "private" individuals. In this respect "recognition" now consists almost entirely in relevant financial rewards or other forms of personal "gratification". From the contemporary perspective, Hegel's idea of a conceptually necessary structure of social classes binds social recognition much too closely to stable conditions of socially necessary labour.

Hegel's *Philosophy of Right* may not offer a relevant solution to the problems of today. But it can certainly offer contemporary social philosophy some food for thought as an interesting attempt to combine the concept of social differentiation with that of normative integration. And despite the criticisms that have commonly been levelled against it, we can also say the same of Hegel's concept of right itself, as I shall now attempt to show.

## II

The concept of right that Hegel presented in his *Philosophy of Right* has long been a principal target of criticism. This concept encompasses a range of claims extending from the defence of the individual's right to property and to freedom of conscience, through the state's right to ask the citizen to sacrifice life and property in the extreme case, to the right of the historically most progressive states to impose their own political constitution and culture on other states. But does this not simply evacuate the very content of the concept of right entirely? Does it not relinquish all of the gains that had originally been acquired by the Enlightenment discourse of rights?

There is no doubt that Hegel's conception of right harbours certain dangers. They are connected with questions concerning the delimitation of the rights of the state in relation to individual rights, and with the "legalization" of expansionist policies since the nineteenth century. However, I should simply like to draw attention here to the fruitfulness of a concept of right that involves several dimensions and explicitly thematizes the progressive development and realization of these dimensions. For a similarly multidimensional concept of right has also come to represent a topical issue and priority in contemporary legal and political philosophy.

We have become accustomed in recent political philosophy to speak of first, second and third "generations" of basic rights (Waldron 1993).<sup>2</sup> The first generation of rights designates the sort of protective and participatory rights formulated by and enshrined in the revolutions of the eighteenth century and the democratic reforms of the nineteenth century. These include civil rights that protect the citizen against the power of the state, such as the right to property and the right to freedom of conscience and moral conviction, as well as rights that allow active participation in the political process in a republic or a constitutional monarchy, and above all the right to vote.

The second generation of rights includes claims to social support or assistance in the case of individual or collective disaster. They have been institutionalized incrementally from the nineteenth century onwards and especially in the period following the Second World War. This process has transpired in varying degrees and has involved a continuous debate concerning the status and character of such rights.

The third generation of rights are rights to collective goods such as peace, education, a clean environment, measures promoting economic and social development, and sometimes specific cultural goods such as languages and religions, especially those of minorities. It was these last questions in particular that served to ignite the debate between liberals and communitarians. But the character and status of these third-generation rights, in so far as they are interpreted as a matter of individual rights, has remained a controversial subject in legal and political philosophy.

Of course, it is equally controversial whether these successive generations of rights effectively follow a progressive or indeed teleological course. Some authors such as T. H. Marshall (1963: 73ff.) and, more recently, Axel Honneth (1996) have explicitly defended this view. Legal theorists and economists within the liberal tradition, on the other hand, suspect that overtaxing and extending the role of the state in this way can only lead to a reduction of individual rights. From the liberal perspective, the welfare state could hardly avoid becoming paternalistic, and even tyrannical, if it attempted to meet all the demands placed on it by such putative rights.

On the other hand, the state has certain ends and obligations, such as provision of social assistance or the protection of the natural environment, that it cannot possibly relinquish without violating the concept of basic rights. But these obligations do not always conform to the model of individual claims-rights sanctioned by the state. Authors such as Jeremy Waldron (1993: 353ff.) have pointed out that we are confronted here with a combination of individual interests, individual needs for shared social goods and often also specific group-rights.

I believe that it is a strength of Hegel's concept of right that it is capable of conceptualizing and articulating what we have here called the "generations" of right precisely as an internal development of the idea of right as the very "embodiment of freedom". A number of authors have clearly pointed out, against his liberal critics, that Hegel does indeed maintain a positive conception of basic rights. However, he is less interested in the general declaration of basic rights than in seeing them concretely incorporated in the actual legislation, customs and way of life of the community as a whole (Lübbe-Wolff 1986; Siep 1992: 294). In addition, one must concede that as far as the "first generation" of rights is concerned, Hegel does not really do full justice to the rights that protect the citizen in relation to the state. But at every level of the *Philosophy of Right* Hegel addresses, implicitly or explicitly, the kinds of legitimate claims that effectively correspond to "basic rights" in the modern sense.

As is generally recognized, the first part of the *Philosophy of Right*, under the title of "Abstract Right", presents a systematic developmental account of the way in which the free will is able to appropriate or alienate things and accomplishments in accordance with universal rules that are free of any personal or political coercion. For this, according to Hegel, is how the freedom

of the will is developed independently of natural determinations and is recognized by other rights-bearing individuals and by a community governed by law. But this freedom must also be secured where necessary against the purely particular usurpation of the general will – the very nature of conscious criminality according to Hegel – through the coercive and penal response on the part of the violated general will.

In the second part of the *Philosophy of Right*, under the title of "Morality", the individual's right to realize what is right and good in accordance with his own insight is certainly circumscribed by the limits that a law-governed community necessarily imposes on anyone who justifies his actions exclusively on the basis of inner conviction or conscience. But the freedom to *judge* in accordance with one's own conscience is recognized as something beyond the reach of the state, as a "sanctum" that the state can neither scrutinize nor coerce. The chapter on morality broadens the concept of right not only with respect to the free cultural and educational development of the individual and the expression of personal conviction, but also to general welfare over and beyond the sphere of property and contractual law. Welfare is therefore not merely a matter of private benevolence, but something that must also be secured through the institutions of a just community independent of the vagaries of subjective disposition.

Welfare in the broad sense involves more than the protection of the essential conditions for life, as already mentioned, in the case of disasters that physically or materially threaten people's capacity to earn a living or to maintain themselves. It also includes affective aspects such as the self-respect that the individual acquires as a recognized member of the "bourgeois family", and as a competent and conscientious member of society who participates in the processes of production, exchange and administration in general.

These forms of ethical life extend individual freedom not only through the elements of welfare, but also through the specifically ethical form of freedom that comes from uniting with other individuals in the social institutions that are required for the proper fulfilment of shared collective tasks. The highest level of this unification is achieved in a state where the individual rational will can recognize and promote constitutionally regulated political freedom, can develop a self-image and cultural identity of its own, and can contribute to the intellectual quest for truth. I shall return to this in the final part of this chapter. But it is already important to note here that individual rights for Hegel also involve claims to participate in a specific political culture.

This extension of the concept of right to embrace ideas of welfare and ethical freedom is particularly interesting from the perspective of contemporary debate. Even before the development of the modern welfare state or modern theories of social justice, Hegel had already shown that in order to think of themselves as free citizens and bearers of rights individuals must also be able to trust in a reliable basis for the conduct of their life in society. This presupposes institutions that can provide security for the basic conditions of

life, something that is accomplished partly by the family and partly by professional associations and other social institutions. These claims can and should be satisfied in a variety of ways, ranging from the formation of cooperatives and the establishment of occupational forms of insurance and financial assistance through to state-supported institutions of public health and the relevant regulation of trade and commerce and so on.

Such claims may not always be mounted or enforced in strictly "legal terms". For Hegel, unlike Fichte, there is no absolute right to work, but merely a general obligation, especially on the part of the corporations, to influence the labour market "gently" without eliminating its basic rules. Such rights are best seen as social goods that must be provided through the joint effort of different agencies and organizations. And failure to satisfy these demands in general terms not only undermines individual rights, but also threatens to destroy common goods such as social peace and respect for the law by encouraging class entrenchment and class conflict.

Ahead of any further issues of ethical freedom and active membership in a political community, such goods and the claims associated with them must already be described as "communal" ones in Waldron's sense (1993). Such goods, such as military security or clean air, must be secured collectively and cannot be enjoyed in a personal or exclusive sense. Goods such as friendship, good humour, cultural attainment and so forth can clearly only be realized through mutual participation in a community. From Waldron's perspective, it is groups and communities, and not just individuals, who can rightfully make claims on such goods. But this certainly does not mean that we have to posit some collective subject or invoke some supra-personal conception of the "spirit of the people", something that is also entirely inappropriate where the Hegelian concept of spirit is concerned.

Hegel interprets this development and enrichment of the concept of right as a kind of historical teleology, as a genuinely rational process revealing itself in modern constitutional and social history. The development of individual freedom certainly requires the establishment of a system of civil rights – and in this respect of course Hegel regarded the Napoleonic "Code Civil" as the rational outcome of the French Revolution. But the development of individual personality also requires both the market economy with its "professional" groups and classes and the effective stabilization of the market through corporations and other social institutions. In Hegel's time these processes were only beginning to emerge at all clearly and they certainly did not entirely follow the path he had anticipated. But Hegel considered the stabilization of civil society and the attenuation of its crises as a necessary condition if the rights of individuals and groups are not to remain abstract and ineffective.

This immanent differentiation and enrichment of the concept of right does not merely exemplify a historical teleology. It also represents a *substantive* teleology that explicates the internal organization and differentiation of society and the state itself. It is based on the principle of inner differentiation

and integration of social and political systems and subsystems, as already discussed in the first part of the essay. But not all of the goods and rights we have mentioned are defined or secured in the form of claims that can be strictly enforced or guaranteed by the state. There are different sorts of legitimate claims or goods, which must also be guaranteed and fulfilled in different ways.

The argument for the contemporary relevance of Hegel's practical and political philosophy that I have defended here appears to come at a certain cost. For it only seems plausible if we also repudiate the core of Hegel's *Philosophy of Right*: the idea of the political state as an absolute end in itself, one whose power and existence represents the highest "right" that ultimately takes precedence over all individual rights. Is there any sense, therefore, in which we can still speak of the contemporary relevance of Hegel's *political* conception of the state? In the last part of this essay, I shall attempt to show the contemporary relevance of his conception of civic political life, an idea that Hegel, following the tradition of classical political philosophy, undertakes to revive under the modern conditions of a fully differentiated and increasingly emancipated society.

### III

In his *Philosophy of Right*, Hegel recognized the demands that are placed on the state by a fully differentiated but nonetheless unstable form of society. The market economy, with its increasing capacity to satisfy actual needs and to produce new ones, facilitates the development of the most varied talents and abilities. It not only increases the level of material comfort and well-being – something that in Hegel's view "has no qualitative limits" (PR: §195) – but also permits the self-definition and self-differentiation of individuals in the first place. But the crises that unavoidably afflict the market can also produce disastrous consequences for the individual and serve to exacerbate class conflict. This must be remedied as much as possible by the "police" and the "corporations", that is, by the agencies of state administration and the corporate structures of class representation.

However, the various activities through which the state successfully stabilizes civil society are only subsidiary tasks of the state in Hegel's view. They represent the social rather than the truly political side of the state. The latter consists essentially in the institutions of constitutional monarchy, in the organized division of powers within the state that have the sovereign at their "summit". Reason demands the existence of such a state as a kind of end in itself. Many interpreters have emphasized the strong "institutionalism" of Hegel's *Philosophy of Right* (Henrich 1982), and many have strongly criticized it (Honneth 2000: 102–27).<sup>3</sup>

On the one hand, Hegel justifies this institutionalism through his conception of objective spirit. The latter is embodied in the state as the "unmoved" end in relation to the action and knowledge of individuals. In Hegel's view this end no more instrumentalizes the individuals that serve it than marriage and the family instrumentalize their individual members. For in both cases the individuals themselves, whether as "familial" or as political beings, equally represent the "end" of the institution in question. The individuals find their own realization or ultimate vocation in these institutions.

On the other hand, Hegel's theory of the state also involves a conception of man as a political being that represents a new version of this traditional doctrine under the conditions of modern civil society. One might be tempted, with Luhmann (1997: II 841, 912ff.), to interpret this approach as another version of the traditional European idea of a hierarchically and teleologically organized social totality with the state as its final all-embracing *telos*. One could also ask, however, which aspects of Hegel's account of political life might still be relevant today (Siep 2002).

For Hegel, the freedom of the individual and the community is only properly realized through political life in a state whose institutions promote the formation of a rational general will. In the *Philosophy of Right* we read that individuals should recognize "the universal" embodied in the political constitution and the genuine political activities of the state "as their own spirit" and "act on its behalf as their own final end" (PR: §260). It is precisely this combination of the political life of individuals with their private and particular interests that Hegel calls "concrete freedom".

The state must do more than preserve and support the differentiation between the spheres of family and society, as well as the differentiation between distinct economic sectors and the occupational classes involved in them within society itself. It must also offer individuals the opportunity for public action, for serving, preserving and participating in the constitutional order and political culture of the community. To be a spiritual being in Hegel's sense is necessarily to be a political being, just as for Aristotle the rational animal – the *zoon logon echon* – is essentially a political animal. It is through reason that we decide, through public speech and decision, what is just or unjust, what is useful or harmful, for all.

As the "actualization of concrete freedom", the Hegelian state must acknowledge the personal interests of individuals and particular groups in the independent spheres of family and the market. Through the economic laws of "the invisible hand" and the normative laws based on the idea of the general will, the personal will must "pass over of its own accord into the interest of the universal" (PR: §260). However, this process is not something that can simply be entrusted to experts or specialists. Rather, it must be integrated with the conscious will and conduct of the citizens. This double mediation of the personal and the political constitutes the very principle of the modern state for Hegel.

Hegel explicitly recognizes the political dimension of human life in its own right, even though he clearly interprets political participation in an obviously pre-democratic way.<sup>4</sup> He rejects the idea of popular sovereignty, of universal suffrage and of the primacy of the legislature, because they would render the state dependent on quite contingent constellations of majorities that are effectively coalitions of various private and group interests: "election is ... reduced to a trivial play of opinion and caprice" (PR: §311).

Nevertheless, Hegel believes that it is an essential task of the deputies to draw on their own specific areas of competence and to articulate the specific interests of the different classes and professional groups where legislative consultation is concerned. The deputies ought therefore to "include representatives of each particular main branch of society (e.g. trade, manufacture, etc.) – representatives who are thoroughly conversant with it and who themselves belong to it" (PR: §311). Thus the determination of the common good must not be produced through the mere aggregate of particular interests and opinions, but must explicitly take into consideration the "larger interests" and "essential branches of society" that are important to the common good (PR: §311).

One may ask here whether modern democracies have not found their own ways of allowing the "larger interests" to influence legislation, either through representation of important groups within parliamentary parties themselves or through the comments of professional associations on particular legislative proposals prepared by the ministerial bureaucracy. In this respect, not every voice possesses an equal value even in a parliamentary system. Furthermore, the participation of political parties in the formation of the public will has now become an important way of "mediating" the will of the voters. The issue here, however, is not the historical development of modern democracies, which Hegel did not really anticipate and whose beginnings he viewed with considerable scepticism in any case.

With respect to the fundamental question, however, whether the right to active participation in shaping the life of the state is essential for the self-realization of the individual, Hegel's position is still highly relevant. The same can be said for the question whether the state must restrict itself to sustaining the conditions of the private well-being of individuals, or whether it also has a duty to concern itself with public goods, with collective aims and forms of social life.

In the first place, we should recognize that Hegel essentially retains the Rousseauian and Kantian idea that one cannot properly be described as free or as a person unless one is able to participate in some sense in the legislative process. However, Hegel does not regard formal participation in the legislature as decisive here, and the legislature is no longer the highest authority on his version of the division of powers anyway (Siep 1992: 240–69). What is decisive for Hegel is rather the opportunity for participating in public life in general, either directly through one's professional life as a government

employee, like the educated class of academic teachers or civil servants, or indirectly in the case of the other occupations and professions and their self-governing agencies and bodies. Individuals can only realize their own rational and political nature by leading their life in conscious political "union" with others.

But this also involves meaningful communal activities such as active participation in the formation of law, of intellectual life, of aesthetic and religious culture. In this respect Hegel can certainly be regarded as a forerunner of the modern communitarians, although he also emphasizes the importance of liberal individual rights and the freedoms associated with the free choice of profession, with the activities of trade and commerce and the market in general.<sup>5</sup>

The attempt to restrict the function of the state to securing the conditions for the pursuit of individual well-being has surely become a paradoxical aim in any case. In order to sustain the international competitiveness of the economy of a country or locality, the state takes specific structural measures in areas such as energy, transport, communications, education and science, and public health that can have far-reaching effects both on the private life of individuals and collective forms of behaviour. The alleged neutrality of the state in relation to individual conceptions of happiness and the conduct of life has now become largely illusory even in liberal states.

Rather than setting marginal constraints on the private pursuit of happiness, properly political decisions concern fundamental social choices on which both shared forms of life and individual life plans equally depend. We are here involved with decisions about specific values, decisions that must be openly addressed in the context of our "political life".

In the contemporary debate concerning the authentic tasks of the state it seems to me that the Hegelian conception of the ethico-political vocation of man is of lasting significance. Which of these tasks can be implemented through governmental agencies alone and which can appropriately be delegated to private ones? Can public tasks and functions simply be left to experts or do they require the participation of citizens in determining policy and choosing the relevant political "personnel"?

If the self-realization of the individual depends on participation in a political "union" of the kind described, then politics is not a matter for experts alone and the tasks of the state cannot all be assumed by private agencies. Hegel's conception of the political state is therefore not merely an obsolete example of "state worship". The idea of the state as an end in itself may well possess an overly strong metaphysical core. However, Hegel's claim that citizens can only find their necessary ethical fulfilment in the domain of public and political life is a significant contribution to political anthropology and contemporary discussions concerning the tasks and limits of the state.

The same can be said for Hegel's conception of right as a form of concrete freedom that is not simply limited to the unhindered pursuit of an individual

life-plan within the parameters of law. For it implies a social and political dimension of recognition with regard to particular social functions and a civic union in a genuinely political, autonomous community.

In contrast to Rousseau, and also the early Hölderlin, Hegel did not regard the modern form of the division of labour, of specialization, of the market, simply as forces of dislocation, atomization and alienation. Rather, he saw them as necessary processes that effectively allowed individuals to form and to develop particular talents and abilities. Self-objectification is certainly a phase in this process of formation, but not its principal end or result. For when these economic processes are socially and politically balanced, they transform these specialized individuals through various economic and cultural processes into active moments within an autonomous whole. To achieve this, however, the different social domains with their various customary outlooks and mentalities must be integrated within a political whole with shared values, norms and aims.

It is true, of course, that various contemporary developments, such as the growth of trans-national organizations and the relativization of the family unit through looser and more temporary forms of personal partnership, challenge Hegel's conception of the way in which particular interests can successfully be mediated with the tasks of the community as a whole. The priority that he accords to the nation-state, one characterized by a relatively homogeneous culture at that, and his rudimentary conception of international law, have obviously become deeply problematic. But if my three theses can indeed claim some support in Hegel's text, then despite the historical limits of his model of the nation-state, of constitutional monarchy and of a society structured through estates and corporations, his conception of social differentiation, of concrete freedom, of political life in its own right, are not simply hopeless, pre-modern throwbacks to an old European idea, but continue to speak to central questions of contemporary political philosophy.

## NOTES

1. On the dissolution of the traditional classes or estates and the concept of "honour" defined in terms of social position, see A. Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts*, J. Anderson (trans.) (Cambridge, MA: MIT Press, 1996).
2. A slightly different form of this triple articulation can be found in Honneth, *The Struggle for Recognition*.
3. For Henrich this "institutionalism" is a problem that afflicts the *Philosophy of Right* rather than Hegel's philosophy of objective spirit as a whole.
4. Emundts and Horstmann emphasize the "anti-democratic" features of the Hegelian conception of legislation in so far as both chambers effectively subvert "without any direct political involvement of the people"; see D. Emundts & R.-P. Horstmann,

Hegel: *Eine Einführung* (Stuttgart: Reclam, 2002), 105. Despite the fact that the estates delegate through the corporations and are summoned through the authority of the monarch (PR: §308), they do permit the indirect involvement of the citizens in the legislative process and in the formation of public opinion, which is essential for their political life (PR: §315).

5. On the communitarianism debate see A. Honneth (ed.), *Kommunitarismus: Eine Debatte über die moralischen Grundlagen moderner Gesellschaften* (Frankfurt: Campus, 1993) and M. Brumlik & H. Brunkhorst (eds), *Gemeinschaft und Gerechtigkeit* (Frankfurt: Fischer, 1993).