Freedom and Hegel’s theory of the state

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Introduction

Hegel’s conception of freedom, as has been frequently noted, is closely related to that of Kant in that it takes freedom—in the fullest, most proper sense—to be rational self-determination. As such, freedom is, for Hegel, something like the highest actualization of the human will. At the same time, as is also widely noted, Hegel takes Kant to task for an ‘empty formalism’ that allegedly vitiates his version of this conception. In order to have content, Hegel insists, freedom must be filled out in terms of its instantiation in the array of concrete social relations embodied in what he calls *Sittlichkeit*, standardly translated ‘ethical life’(i.e. the triad of family, civil society, and the state—with the state as its apex and with the function of fully consummating freedom).

In this chapter I will avoid entering into a general discussion of the relation of Hegel’s conception of freedom to Kant’s, not least since the topic of freedom is so pervasive in Hegel’s philosophy that it might reasonably be taken to be *the* topic of his thought.[[1]](#footnote-1) This is brought out, for one thing, by the identification of freedom with reason that is at the root of the notion of freedom as rational self-determination. Again, Hegel’s conception of history is aptly characterized, in Benedetto Croce’s phrase, as ‘the story of freedom’. Here I want to concentrate on a specific issue through which we can bring the larger issues concerning Hegel’s conception of freedom into focus.

The more specific topic I propose to focus on is the following. It involves the conception of freedom set out in certain of Hegel’s early writings and its relation to his claim that the state is the ‘actualization of concrete freedom’ in his *Philosophy of Right* (1821).[[2]](#footnote-2) In the early writings in question (his ‘The German Constitution’of 1798–1802,[[3]](#footnote-3) his *System of Ethical Life* of 1802–3, and his essay on the ‘Scientific Ways of Treating Natural Law’ of 1802–3) Hegel distinguishes sharply between ‘empirical freedom’ and true freedom.[[4]](#footnote-4) It is only the latter that is conceived as rational self-determination. Already in the *German Constitution* we get the idea that true freedom will be actualized in the state. It is in the *Philosophy of Right* that Hegel gives full expression to the idea that true freedom will be secured by the state, as part of the triad of ‘ethical life’. However, it is also crucial to this mature account of the way in which the state secures freedom that it must do so by means of mediation with freedom as it appears in the family and civil society. As Hegel presents such mediation, it requires the fully fledged, self-standingfreedom (or, in more properly Hegelian terms, freedom ‘actualized’) secured by the state latching onto a ‘subjective’ freedom present in the family and civil society. While Hegel’s presentation of the family and civil society as home to such subjective freedom may be plausible on its own terms, however, his appealing to such a notion of freedom in the service of his theory of the state is problematic. He had, after all, presented compelling arguments in the earlier writings to the effect that such freedom is not just different in kind from ‘true freedom’, but illusory. Hegel lacks an argument why such freedom should now no longer be regarded as illusory, and so he lacks an argument as to how the relevant subjective freedom can be a candidate for participation in the mediation he requires at all. Furthermore this mediation is supposed to be part of Hegel’s story about how he can provide the ‘content’ that eludes Kant’s ‘formalism’. It threatens, however, to situate at the centre of Hegel’s philosophy of spirit a dualism that he cannot, despite his best intentions, find the means to mediate. On the one side, it would appear, is ‘true freedom’; on the other, a void conception of freedom.[[5]](#footnote-5)

In what follows I begin (in section 1) with a sketch of the *Philosophy of Right* as concerned with the topic of freedom and introduce the crucial claim made in this text that the state is the actualization of ‘concrete freedom’. I then (in section 2) retrace Hegel’s distinction between true and empirical freedom in his earlier writings. I show in section 3 how the need to reconcile ‘universal’ and ‘particular’ (and to demonstrate their unity in the ‘individual’) in PRleads Hegel to import the notion that true freedom must be mediated by a kind of empirical freedom (or, equivalently, that universal will must be mediated by particular subjective wills). In section 4, I raise difficulties for the dualism that returns to haunt Hegel’s account of freedom in §§260ff. of the *Philosophy of Right* in particular. Finally (in section 5), I broach the question in what direction a solution to these difficulties might lie.

1. Freedom as the topic of the *Philosophy of Right*

The topic of Hegel’s *Philosophy of Right* is freedom. ‘The Idea of right is freedom’ (PR§1A, 25/30) and ‘right is […] in general freedom, as Idea’ (PR§29, 58/80).[[6]](#footnote-6) Or equivalently, he assures us, the topic is the will. These formulations are equivalent because, for him, freedom is the essence of the will, and so to grasp what freedom is is to grasp what the will is in its fullest sense. ‘The *freedom* of the will […] constitutes the concept or substantiality of the will, its gravity, just as gravity constitutes the substantiality of a body’ (PR§7, 41/54–55). Freedom is, as it were, the principal attribute of the will: knowing what freedom is is knowing what the nature of the will is.

Hegel’s Introduction to PRis in large part devoted to laying out the way in which the work deals with that part of science concerned with the will, or with freedom. A signal passage is §4 (35/46):

The basis [Boden] of right is the *realm of spirit* [das *Geistige*] in general and its precise location and point of departure is the *will*; the will is *free*, so that freedom constitutes its substance and destination [Bestimmung] and the system of right is the realm of actualized freedom, the world of spirit produced from within itself as a second nature [als eine zweite Natur].

The freedom that Hegel has in mind is ‘*self-determining universality*’ (PR§21, 52/71). As he notes, ‘[h]ere is the *point at which it becomes clear* that it is only as *thinking* intelligence that the will is truly itself and free’ (PR§21R, 53/72). Freedom, allowing in nothing arbitrary or external, is utter self-determination. Such self-determination *is* reason. Reason has two sides: the intellect and the will (which one must not think of, Hegel insists, as if each was carried in a different pocket, but as aspects or sides of *one* reason; PR§4A, 35/46). To be free is, thus, for reason’s self-determination to be at work. Although this same idea is present in Kant (and ultimately has roots in Rousseau), it remains strange to our ears.[[7]](#footnote-7) It sounds at its strangest if we put it by saying that freedom is absolute necessity—a consequence that Hegel is notoriously keen to embrace. For me to be free is for me to determine my will utterly through reason, and leave nothing to chance.

Hegel strenuously resists a Kantian understanding of right[[8]](#footnote-8) as he understands it, and of the associated concept of freedom. He rejects, he says, a ‘definition of right’ that ‘embodies the view, especially prevalent since Rousseau, according to which the substantial basis and primary factor is supposed to be not the will as rational will which has being in and for itself or the spirit as *true* spirit, but will and spirit as the *particular* individual, as the will of the single person in his distinctive arbitrariness’ (PR§29R, 58/80–81). Once such a view is accepted, Hegel continues, ‘the rational can of course appear only as a limitation on the freedom in question’. Such a view is ‘devoid of any speculative thought and is refuted by the philosophical concept’. Hegel’s strenuous rejection of a conception of right, or of freedom, that takes ‘arbitrary’ particular subjects to be their bearers will be crucial in what follows: a conception that ties right or freedom to such arbitrary subjects, each with its idiosyncratic characteristics, will issue in (purported) freedom that is itself ‘capricious’ and arbitrary. For freedom to be thus capricious is for it to remain limited by idiosyncrasies of the subject. But the idea of freedom’s being subject to limitation is that of a freedom not fully realized, and hence something falling short of true freedom.

The *Philosophy of Right* progresses through a series of stages, and Hegel specifies that it does so, in one of his relatively few uses of this term, by means of ‘dialectic’ (PR§31R, 60/84). These are stages in a logical sense: they are not historical stages. (Of course, as is well known, Hegel seeks, in addition, to vindicate a thoroughgoing integration of logic with history, an integration exhibited in other reaches of his system.) As we progress, true freedom comes ever more fully into view. We begin with the most abstract (that is, most impoverished, or deficient in content) conception of the will or, equivalently, of freedom. Each conception, as per ‘dialectic’, turns out, in exhibiting its defects, to turn over into the next, so as to remedy the defects of the previous. We begin with ‘abstract right’, in which the freedom in play is that of mere appropriation. We are here in the realm of property. Appropriation involves my agency being bound up in something external, so that my agency remains precarious (as Hegel makes clear in his helpful recapitulation at PR§104R, 132/199). It is shored up through the forming of contracts, but such contracts are easily broken—I can be left with nothing and my agency turn out to be, after all, no agency at all. ‘Abstract right’ requires what Hegel calls ‘morality’ (*Moralität*) to supply its defects. Here the stability lacking in abstract right is assured by the establishment of an enduring *subjectivity*. This makes me the author of my actions in such a way that I can (as it were) stand behind them, take responsibility for them. The demands of ‘morality’, however, in turn require a totality constituted by universal subjective wills, or, in other words, ‘morality’ requires ‘ethical life’ (*Sittlichkeit*). As we progress into *Sittlichkeit*, the alleged emptiness of Kant’s concept of the will, or equivalently of freedom, gets filled in. Having got to *Sittlichkeit*, we are now in a position to say that, looking back, it had been the case all along that in order for there to be as much as abstract right, and in order for there to be as much as morality, ethical life had needed to be in the picture (if, at the beginning, in the background). It is only in *Sittlichkeit* that freedom ‘exists as Idea’ (§141R, 185/287; cf. §142, 189/292).

It is only in *Sittlichkeit* that freedom will get to be concrete and actual. ‘Ethical life is the *Idea of freedom* as the living good which has its knowledge and volition in self-consciousness, and its actuality through self-conscious action. [..] Ethical life is accordingly the *concept of freedom which has become the existing* [*vorhandenen*] *world and the nature of self-consciousness*’ (PR§142, 189/292). It will, however, be in the state, and only in the state, that ‘freedom, as the *substance*, exists no less as *actuality* and *necessity* than as *subjective* will’ (PR§33, 62/87). In the substantial unity of the state, ‘freedom enters into its highest right’ (PR§258, 275/399). It is here that freedom first appears as ‘concrete freedom’. As will become important in what follows, ‘concrete freedom’ is the unification of ‘subjective’ and ‘objective’ freedom (PR§260, 282/406).

Hegel’s theory of the state has attracted a great deal of controversy. It has often been insisted, for example, that Hegel requires an unacceptable submission to the authority of the state. This criticism is misplaced, however—whether or not one finds authoritarian tendencies in specific aspects of Hegel’s detailed account of the state. As Z. A. Pelczynski has pointed out, Hegel’s ‘definition of the state is […] highly stipulative, and quite removed from the conventional meaning of the term’ (Pelczynski 1984: 55). Hegel’s conception of the state is self-consciously a revival of the ancient Greek idea of the *polis*: as the highest and most integrated collectivity in which a nation lives (higher and more integrated than, say, trade associations). Hegel therefore does not intend to set up the state as an external authority. It is not *submission to* but *membership of* the state that, according to Hegel, will secure human freedom. And it is *only* such membership that secures true freedom. The state does not merely safeguard or preserve freedom that human beings have anyway, in abstraction from the state. Through his membership in the state a human being will ‘not be “as free as before”, but *more* free; he will have achieved a higher, more adequate and more satisfying type of freedom—true, real or actual freedom’ (Pelczynski 1984: 62–63).

I will not here provide an argument that for Hegel in the *Philosophy of Right* true freedom (whatever else he may say about freedom in this text) means self-determination, but take this for granted.[[9]](#footnote-9) It may, however, be worth briefly considering the concern, often mooted, that there is something paradoxical about the idea of self-determination, or, in the phrase Kant often uses, ‘giving oneself the law’.[[10]](#footnote-10) Whatever else one may want to say about this notion of self-legislation, it is important that there is nothing paradoxical about it: what it means is the will’s being subject to its own principle—namely, reason.

2. Empirical and true freedom in Hegel’s early texts

I have already signalled what Hegel’s conception of true freedom will be in PR: rational self-determination. I have also already hinted that such true freedom will involve a negotiation between ‘subjective’ and ‘objective’ freedom (to employ Hegel’s terminology in that text).

I now want to rewind to an earlier period in Hegel’s thinking. In 1802–3 (and probably beginning somewhat earlier, in the case of ‘The German Constitution’) Hegel composed a series of texts in which the issue of freedom looms large. These texts also already begin to insist that freedom must be fleshed out in terms of the state (or, sometimes, the *Volk*). What I want to dwell on is the clear way in which, at this period, Hegel distinguishes between two conceptions of freedom. One of these conceptions lines up with rational self-determination, and is, according to Hegel, to be endorsed; the other is that of an ‘empirical freedom’ and is to be rejected. As I will argue in section 4, however, a dualism between just these two conceptions of freedom is one that Hegel struggles to overcome in his account of freedom in the section on the state in PR.

The clearest exposition of the distinction is in Hegel’s essay ‘On the Scientific Ways of Treating Natural Law, on its Place in Practical Philosophy, and its Relation to the Positive Sciences of Right’.[[11]](#footnote-11) The text consists of four sections, the first of which deals with an empirical way of treating natural law. A second section considers a Kantian way of treating natural law, in the course of which discussion Hegel raises the ‘empty formalism’ objection against Kant (NL 123/460). That section ends with a discussion of freedom in which Hegel rejects an empirical conception of freedom and emphasizes the need to reconcile universality and particularity if there is to be true freedom. As Hegel elaborates in the third section, such universality must be manifested in a *Volk* (an ancestor of what will, in PRand other later writings, become the state), and it must do so by means of a division into different *Stände* (estates). It is through a division of society into different sectors, each having an assigned function in the whole, that the issue of how universality can get into individual persons is to be settled. In the final section, in which Hegel returns to the topic of what a science of natural law should look like and offers his own account of such a science, he importantly praises Montesquieu (NL 175/524) and Aristotle (NL 159/505) for realizing that the ethical totality is prior to the individuals who make it up, and rejects Fichte’s suggestion for how universality—and thereby the self-determining freedom marked by such universality—might get into the individuals (NL 171/518). I will return to the last issue in section 3.

It is on Hegel’s rejection of ‘empirical freedom’ as ‘null’ that I want to concentrate here. He writes:

That view of freedom must be utterly rejected which regards it as a choice between opposite determinacies (so that if + A and − A are given, freedom consists in determining oneself either as + A or as − A, and is completely tied to this either-or). Anything resembling this possibility of choice is purely and simply an empirical freedom, which is the same thing as ordinary empirical necessity and is completely inseparable from it. Freedom is rather the negation or ideality of the opposites, of + A as well as − A, the abstraction of the possibility that neither of the two exists; something external would exist for it only if freedom were determined solely as + A or solely as − A. But freedom is the direct opposite of this: nothing is external to it, so that no coercion [Zwang] is possible for it. (NL 136–37/476–77)

Empirical freedom is illusory, since all it can amount to is being determined this way or that—falling into one determination or its opposite. But freedom is precisely, Hegel thinks, the overcoming of external determination. This can be seen by considering that something arbitrary impinging on me constitutes coercion (*Zwang*). For me to be free is for me to be raised above the very opposition + A / – A.

As Hegel goes on to explain:

Every determinacy [jede Bestimmtheit] is in essence either + A or − A, and the − A is indissolubly joined to the + A, just as the + A is to the − A. Thus, whenever an individual has adopted determinacy + A, he is also tied to − A, and − A is for him an external [element] over which he has no control. In fact, because of the absolute link between + A and − A, he would be brought, by the determinacy + A, directly under the alien power of − A, and the freedom which supposedly resides in determining itself either as + A or − A would never escape from necessity. If it determines itself as + A, it has not nullified − A; on the contrary, − A subsists absolutely necessarily for it as an external [element], and the converse applies if it determines itself as − A. Freedom is freedom only in so far as, either positively or negatively, it unites − A with + A and thereby ceases to occupy the determinacy + A. In the union of the two determinacies, both are nullified: + A − A = 0. If this nought is thought of only in relation to + A and − A, and the indifferent A itself is thought of as a determinacy and as a plus or minus in opposition to another minus or plus, absolute freedom stands above this opposition, and above any opposition or externality; it is utterly incapable of any coercion, and coercion has no reality whatsoever. (NL 137/477)

Empirical freedom, then, is no freedom at all. It merely resolves itself (or disappears) into empirical necessity, since empirical determinacies here limit (coerce) the subject. And so the very idea of doing + A or – A (or, in other language, of doing or forbearing in respect of some potential action in some situation) shows itself to be inadequate to the idea of freedom itself. True freedom must be able to, so to speak, hold its own in the face of these determinacies. And so, Hegel thinks, true freedom cannot be confined to the individual—*this* idiosyncratic subject here, formed and pulled hither and thither by specific circumstances. ‘For the individual is a single entity [eine Einzelheit], and freedom is the nullification of singularity [Einzelheit]’ (NL 137/478). Nevertheless a ‘concept of the universal freedom of all, supposedly distinct from the freedom of individuals’ is a ‘hollow [nichtige] abstraction’, just as much as the ‘freedom of the individual, equally isolated’ (NL 136/476). As Hegel writes later in the essay,

absolute ethical life is so essentially the ethical life of everyone that one cannot describe it as reflected, as such, in the individual; for it is as much the essence of the individual as the aether which permeates nature is the inseparable essence of natural forms […]. Just as those lines and angles of the crystal in which it expresses the external form of its nature are negations, so likewise is ethical life, in so far as it expresses itself in the individual as such, negative in character. For first of all, it cannot express itself in the individual unless it is his soul, and it is his soul only in so far as it is a universal, and the pure spirit of a people. (NL 159/504–5)

The problem with empirical freedom was not, or not merely, that it resolves itself into necessity. True freedom, too, turns into necessity—since true freedom will turn out to be utter self-determination. The problem was that it remains subject to coercion (*Zwang*), and is thereby subject to something arbitrary and external to it. We thus, Hegel urges, need to overcome the empirical conception. We saw also, however, that the empirical conception brings with it something that we do not want to lose: the idea that it is the *individual* who gets determined.

Crucially, Hegel has insisted that true freedom is not that of *mere* empirical individuals. Instead, it is a universal freedom that realizes itself *in* individuals. The issue of how the universality he is after can be realized in individuals is one that will continue to be key as Hegel spells out what ‘concrete freedom’ comes to in later writings, and in particular the *Philosophy of Right*.

3. Universality and individuality

So far we have seen that Hegel has marked off true freedom from an illusory empirical freedom by emphasizing the universal character of the former, in contrast to the subjective, particular character of the latter; or, the unlimited character of the former, in contrast to the limited character of the latter. We have also seen Hegel’s recognition, in the earlier writings, that this leaves a need to flesh out a conception of true freedom that allows it at the same time to figure as the freedom of individuals—a universal freedom that does not hover over individuals as an abstraction but that can be theirs *as individuals*. This will require, in some form, a mediation of universality by particularity, so as to deliver such (as we might put it) individuality.

In the Natural Law essay, Hegel already decisively rejects Fichte’s proposal for how universal freedom is to find its way into individuals. There he suggests, making direct reference to Fichte, that ‘constitutional law as such could also seek to apply itself entirely to individual matters and, as a perfect police-force, to permeate the being of each individual completely’. But, he says, this would have the consequence of ‘destroying civic freedom – and this would be the harshest despotism; in this way, Fichte wishes to see the entire activity and being of the individual as such supervised, known, and determined by the universal and the abstraction to which he stands opposed’ (NL 171/518). It is no good, Hegel insists, if freedom merely exists at some higher level (that of the state as a whole), as if *this* could constitute civic freedom.

The reconciliation of individuality with universality became a central theme for Hegel, and it animates the entirety of the *Sittlichkeit* section of PR. This reflects Hegel’s wish to reconcile what he found valuable in Plato’s political philosophy with what he found valuable in Rousseau. In Plato’s *Republic*, a work to which he devoted a great deal of attention and on which he lavished fulsome praise in his Lectures on the History of Philosophy, he found a case, as Pelczynski puts it, for the ‘absolute priority of the community over the individual’, whereas Rousseau insisted on the ‘absolute primacy of the individual over the community’ (Pelczynski 1984: 57–58). Plato was right in so far as the individual is what she is only in light of her participation in the community, but this missed the importance of subjectivity that Rousseau’s radical emphasis on the individual was seeking to secure. Hegel now aspired to give both the priority of the community over the individual *and* the individuality of the individual their due.

Here a programmatic point can be made about Hegel’s approach to this issue. He insists at length in his Logic[[12]](#footnote-12) that there is a special kind of universality, ‘concrete universality’, in which the opposition between universal and particular is overcome. By contrast with particulars, *individuals* are concretely universal. This would seem to provide, in Hegel’s mind, the resources for the kind of mediation between subjects and their communal being that he needs for his account of freedom. In another context, he equates human beings with spirit and spirit with concrete universality (across the juncture between the second and third Parts of the *Encyclopaedia of the Philosophical Sciences*, §377, §376; PM 3/9, PN 443/537). The difficulty here, however, consists in advancing beyond this programmatic point. It is evident that Hegel seeks the solution to the issue in this direction (and in the next section I will look more closely at how he tries to resolve it in PR). But there is a gap. It may be true that Hegel’s Logic provides a framework for resolving the issue, if its claims in favour of the concrete universal are to be accepted. But it is another thing to demonstrate that the required mediation between particulars (in this case, subjects) and a universal (the state) can in fact be shown to materialize. I will suggest that Hegel fails to show this in a manner that does not involve falling back on ascribing a kind of freedom to the subjects that ends up sounding just like the ‘empirical freedom’ which he had argued in his early writings was void and for whose reinstatement he had in the meantime offered no argument.

4. A dualism in the *Philosophy of Right*

In the *Philosophy of Right*, the state figures as the ‘actuality of the ethical Idea’ (PR §257, 275/398). As such, the state resolves the issue of how individuals can be universally free. Hegel is explicit that the freedom realized in the state allows the reconciliation of what he calls ‘subjective’ and ‘objective’ freedom:

The state is the actuality [Wirklichkeit] of concrete freedom. But *concrete freedom* requires that personal individuality [Einzelheit] and its particular interests should reach their full *development* and gain *recognition of their right* for itself (within the system of the family and of civil society), and also that they should, on the one hand, *pass over* of their own accord into the interest of the universal, and on the other, knowingly and willingly acknowledge this universal interest even as their own *substantial spirit*, and *actively pursue it* as their *ultimate end*. The effect of this is that the universal does not attain validity or fulfilment without the interest, knowledge, and volition of the particular, and that individuals do not live as private persons merely for these particular interests without at the same time directing their will to a universal end [in und für das Allgemeine wollen] and acting in conscious awareness of this end. The principle of modern states has enormous strength and depth because it allows the principle of subjectivity to attain fulfilment in the *self-sufficient extreme* of personal particularity, while at the same time bringing it back to *substantial unity* and so preserving this unity in the principle of subjectivity itself. (PR§260, 282/406–7)

This passage displays Hegel’s problem very clearly. The problem it lays bare is that of showing how ‘concrete freedom’ offers a unification of ‘subjective’ and ‘objective’ freedom (see PR§258R, 276/399). It also exposes, however, the difficulty Hegel encounters in attempting a coherent solution. He is clear that the solution will require ‘mediation’ between two kinds of freedom. But there are two difficulties. First, there is the difficulty of progressing beyond the *assertion* that such mediation occurs, to showing *how* the mediation occurs. Second, and more seriously, there is the issue that it is not clear how Hegel can count both kinds as, properly, kinds of freedom.

The passage is particularly helpful in that it gives a lucid gloss on what is meant by the distinction between subjective and objective freedom. While there are numerous subtleties to this distinction as deployed across Hegel’s writings,[[13]](#footnote-13) in the present case there is little doubt as to what he has in mind. Subjective freedom corresponds to ‘particular interests’, whereas objective freedom corresponds to the ‘interest of the universal’.

To come now to the two difficulties. First, how can the individual ‘pass over into’ the universal? Hegel is at risk of merely stipulating this. Second, how could there be anything at the level of civil society (or ‘lower’ still than that in Hegel’s system of right) that could play the role of mediation? It certainly cannot be *true* freedom, belonging to members of civil society (or reaching even ‘lower’ down), that is in question: for only with the state does *true* freedom come on the scene. But Hegel seems to suggest precisely that the mediation is to occur by means of the distinctive (‘subjective’) freedom that such subjects possess.

To turn first to the issue of Hegel’s apparently dogmatic assertion that the required mediation is operative. We saw already that the talk of ‘passing over’ in §260 appears untethered to any story about how the passing over happens: Hegel even says ‘of their own accord’, without any explanation of how *that* can be so. Similar difficulties are detectable at §258, when Hegel writes: ‘The state is the actuality of the substantial *will*, an actuality which it possesses in the particular *self-consciousness* when this has been raised to its universality’ (275/399). But, again, we are bound to ask: *how* is the particular self-consciousness ‘raised to’ universality? We may indeed go along with Hegel’s point that ‘if the state is confused with civil society and its determination is equated with the security and protection of property and personal freedom’ (§258R, 276/399), we will go astray. But having accepted that there should be no *equation* between freedom in the state and freedom in civil society, how are we to make sense of the *connection* between them? It cannot be that the universality—and the universal freedom—secured in the state can be shown to latch onto what is present in civil society, lacking an account of how civil society has the required features.

We are told that the state is ‘objective spirit’ and so it is ‘only through being a member of the state that the individual himself has objectivity, truth, and ethical life. *Union* as such is itself the true content and end, and the destiny [*Bestimmung*] of individuals is to lead a universal life’. Rationality will consist in ‘the unity of objective freedom (i.e. of the universal substantial will) and subjective freedom (as the freedom of individual knowledge and of the will in its pursuit of particular ends).’ (PR§258R) Perhaps it helps to say, as Hegel does in an Addition recorded by Griesheim, that ‘the essence of self-consciousness […] realizes itself as a self-sufficient power of which single individuals [*die einzelnen Individuen*] are only moments’ (PR§258A, 279/403). But this restates the problem that in the state (or ‘the march of God in the world’, as the Griesheim Addition goes on to specify) we are mere moments of a universal substance; our individuality is not in the picture.

At first glance, Hegel’s complex account of civil society portrays it as a realm of caprice and subjective conflict. It is ‘the field of conflict in which the private interest of each individual comes up against that of everyone else’ (PR§289R, 329/458). It would seem that, strictly, the only conception of freedom that can apply here is that of *empirical freedom*. Indeed, such is what Hegel seems to have in mind when he writes that ‘this personal [eigene] sphere may be seen as belonging to the moment of *formal freedom*, which provides an arena in which personal cognition and personal decisions and their execution, as well as petty passions and imaginings, may indulge themselves’ (PR§289R, 330/459).

One might have imagined that Hegel’s strategy would be to insist that it is only in the *state* that true freedom is secured, with any conception of freedom appearing ‘lower down’ the *Sittlichkeit* stretch of the system turning out, after all, not to have been freedom. But this is not the route he takes. Instead, he insists that subjects ‘already’ have something that can be called freedom on those lower rungs of *Sittlichkeit*.

Again, in one of the more shocking features of Hegel’s account of the state, subjective freedom reappears at its very apex: his account of the monarch. The ultimate decision-making power must be vested in a particular subject, namely the monarch. Here the subjectivity of abstract right reappears as ‘the *personality of the state*’ (PR §279R, 317/445).[[14]](#footnote-14)

Subjective freedom reappears in yet another place within Hegel’s account of the state, in the form of public opinion and freedom of the press. Here, however, there is little indication of an attempted mediation with ‘true’, concrete freedom. Hegel writes that ‘[f]ormal subjective freedom, whereby individuals [die Einzelnen] as such entertain and express their *own* judgements, opinions, and counsels on matters of universal concern, makes its collective appearance in what is known as *public opinion*’ (PR§316, 353/483). As M. B. Foster rightly notes, the institutions of freedom of the press, public opinion, parliament, and associated machinery, ‘are for Hegel the conditions within the political sphere of the freedom of the subject class, and their whole *raison d’être* is that they secure a realization within the political sphere for those freedoms of the subject which are characteristic of the sphere of “bürgerliche Gesellschaft”’ (Foster 1935: 168). Crucially, for Hegel the value of freedom of the press is that it remains ineffective, ‘confined to empty malice and to the self-condemnation which is implicit within it’ (§319R, 358/489).

It is difficult not to conclude from the evidence adduced above that there is a profound dualism to be found running through Hegel’s account of the state, and that this dualism reflects the distinction between empirical (null) freedom and true freedom in the Natural Law essay. After all, Hegel has given us ground to question the earlier argument that served to sharply distinguish them. He continues to maintain that *true freedom* is the very antithesis of *Willkür* or ‘caprice’, as enshrined in subjective freedom. Such a dualism threatens Hegel’s account of the state as the locus of true freedom not just in that it appears to underlie this account: it permeates it, as is manifested in his return to subjective freedom in the monarch and in the freedom of the press.

There has been extensive discussion of Hegel’s apparent attempts to reconcile a classical liberalism (the native home of ‘subjective freedom’) with what has been seen as a more ‘communitarian’ outlook, thought to be manifested in his manifestly organicist conception of the state. Many have supposed that the direction Hegel himself would have been most liable to turn in to soften the apparent contrast is an authoritarian one that would simply do away with subjective freedom, although it is highly debatable whether this is close to Hegel’s intentions. For Hegel, after all, it is vital to his conception of the state as organism that it should have proper members, not mere parts akin to cogs in a machine. I will resist here any attempt to resolve the matter by weighing down more heavily on one of Hegel’s conceptions of freedom rather than the other. Instead I turn now in the direction of a solution that seeks to overcome the dualism entirely.

5. In the direction of a solution

Hegel’s quest for an account of freedom that recognizes freedom to be at once universal and the possession of individuals marks a fundamental contribution to post-Kantian thinking about freedom, even if, as we have seen, he struggles to bring that quest to a successful conclusion. How might it be more successfully prosecuted?

This question can be seen as one of the central questions occupying Karl Marx in his writings of 1843 and 1844 (in particular his *On the Jewish Question* and the so-called *Economic and Philosophical Manuscripts*). In *On the Jewish Question*,Marx fleshes out the problem in terms of a bifurcation in the subject between *citoyen* and *bourgeois*. The *citoyen* is a member of the state, and subject to its universal demands. The *bourgeois* is the atomistic, private individual pursuing her own particular ends. This internal bifurcation is disturbing, because the individual’s identity as *citoyen* has to confront her as something alien, hovering above her as abstract and alien.[[15]](#footnote-15)

Marx insists that this bifurcation can be overcome only through communism, whereby each exists mutually for each. There is now no private interest; each acts for the sake of each. This is an image of true concrete universality.

It is no accident that Marx offers to secure the wanted concrete universality by appealing to human reality. As he insists throughout his *Critique of Hegel’s Doctrine of the State*, the project of imposing mediations on reality externally, however good your logic is, will not work. If Marx is right, however, Hegel’s fundamental aspiration—to demonstrate that the true freedom of individuals is rational self-determination—will have been brought in touch with the means of its own vindication.[[16]](#footnote-16)

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1. For an enumeration of passages bearing this out, see Schacht 1972: 289. [↑](#footnote-ref-1)
2. The work was published in 1820, but bears the date 1821 on its title page. [↑](#footnote-ref-2)
3. I am following here the dating proposed by Laurence Dickey and H. B. Nisbet in their edition of *Political Writings*. [↑](#footnote-ref-3)
4. I will focus in this essay on the first of these texts. For its connections with the other two, see Foster 1929. [↑](#footnote-ref-4)
5. For an account of such a dualism, to which this essay is indebted, see Foster 1929. [↑](#footnote-ref-5)
6. Hegel’s text will be cited by paragraph number (with ‘R’ indicating a written Remark by Hegel, ‘A’ indicating an oral Addition recorded by Hegel’s students), followed by a page reference to the English translation used / page reference to the German text. [↑](#footnote-ref-6)
7. For an excellent presentation of this idea in Kant, see Engstrom 2009. [↑](#footnote-ref-7)
8. I fall in line with the practice of pretending as if ‘right’ can function in English as a translation of the German *Recht*, as in translations of *Philosophie des Rechts* as ‘philosophy of right’. In reality, this is not a normal usage in English: *Recht* has the connotation of ‘law’ in the most general sense of that term not captured by ordinary English usage (as opposed to English usage specially tailored for speaking about German philosophy) of ‘right’. [↑](#footnote-ref-8)
9. For an argument that this conception of freedom, rooted in Kant, is *the* conception of freedom Hegel is operating with, see Patten 1999. [↑](#footnote-ref-9)
10. Robert Pippin dwells on the supposedly paradoxical nature of this conception in Pippin 2008. For a response to Pippin, see McDowell 2017. [↑](#footnote-ref-10)
11. For a useful account which connects this text to Hegel’s later political philosophy, see Riedel 1984, chapters 3–4. [↑](#footnote-ref-11)
12. In its parallel treatments, his magnum opus *The Science of Logic*, and Part One of his *Encyclopaedia of the Philosophical Sciences*, likewise entitled *The Science of Logic*. [↑](#footnote-ref-12)
13. See especially the useful discussion in Patten 1999. [↑](#footnote-ref-13)
14. For a helpful account, see Rosenzweig 2010: 411ff. [↑](#footnote-ref-14)
15. For a fuller account see Schuringa (forthcoming). [↑](#footnote-ref-15)
16. I am grateful to Alec Hinshelwood and Joe Saunders for comments that have helped to improve this chapter. [↑](#footnote-ref-16)