

## HEGEL'S THEORY OF MORAL ACTION, ITS PLACE IN HIS SYSTEM AND THE 'HIGHEST' RIGHT OF THE SUBJECT

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**ABSTRACT:** There is at present, amongst Hegel scholars and in the interpretative discussions of Hegel's social and political theories, the flavour of old-style 'apology' for his liberal credentials, as though there exists a real need to prove he holds basic liberal views palatable to the hegemonic, contemporary political worldview. Such an approach is no doubt motivated by the need to reconstruct what is left of the modern moral conscience when Hegel has finished discussing the flaws and contradictions of the Kantian model of moral judgement. The main claim made in the following pages is that the critique of 'subjective' moralities is neither the sole nor even the main reason for the adoption of an immanent doctrine of ethics. This paper will look to Hegel's mature theory of action as motivating the critique of transcendentalism rather than merely filling in the hole left when one rejects Kant and it will discuss what the consequences of this approach are for the role of the moral conscience within the political sphere, arguing that Hegel's own conditions of free action would not be met unless the subjective moral conscience was operative in the rational state.

**KEYWORDS:** Hegel; Kant; Action Theory; Sittlichkeit; Immanent Doctrine of Duty; Moral Conscience; Empty Formalism; Social Ethics; Free Action; Responsibility; Retributivism

### 1 INTRODUCTION

There is at present, amongst Hegel scholars and in the interpretative discussions of Hegel's social and political theories, the flavour of old-style 'apology' for his liberal credentials, as though—prior to any attempt to engage with the social ethics he proposes—there exists a real need to prove Hegel holds basic liberal views palatable to the hegemonic, contemporary political worldview.<sup>1</sup> And this almost ubiquitous defensive attitude is present even in the face of a marked absence of convincing, contemporary avowals of the opposite, as though the default starting position is to assume that Hegel is a con-

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1. The most obvious example of this 'apology' style of writing is to be found in Westphal's attempt to prove beyond doubt that Hegel is a 'reform-minded liberal' (p. 234), see Kenneth Westphal, 'The Basic Context and Structure of Hegel's *Philosophy of Right*', in F. Beiser (ed.), *The Cambridge Companion to Hegel*, Cambridge, Cambridge University Press, 1993. There is putative assumption that conservatism is bad, an attitude which is perhaps mistaken, but I do not have space to elaborate on this here. It is admittedly a 'contested' concept.

servative or reactionary who distrusts the capacity of the modern subjective conscience to interrogate and legitimate social laws, conventions and institutions (that is, right in its broadest sense).<sup>2</sup> The putative motivation for such an understated presentation of Hegel's endorsement of subjective conscience within the limits and requirements of a rational state is perhaps due to two factors: one, the historical, yet false, understanding of Hegel as a conservative<sup>3</sup>; and two, one of the methods for understanding Hegel's ethics is to reconstruct what is left of the modern moral conscience when the philosopher has finished discussing the flaws and contradictions of the Kantian model of moral judgement and motivation.<sup>4</sup> Although this is a fruitful and largely correct approach, it ignores the fact that Hegel's theory of action motivates the critique of transcendentalism rather than merely fills in the hole when one rejects Kantian ethics.<sup>5</sup>

To state clearly and unequivocally what the major claim of this article is, I hold that the critique of 'subjective' moralities in general and the critique of Kantian ethics in particular is neither the sole nor even the main reason for the adoption of an immanent doctrine of ethics. The rejection of Kant is, after all, only the negative part of Hegel's argument which grounds the idea of *Sittlichkeit*. The positive reason resides in the consequences of Hegel's theory of action and the requirements of the concept of recognition. The transition from the moral point of view to social ethics, that is from *Moralität* to *Sittlichkeit*, in Hegel's system is internally motivated by the position adopted in the discussion of a theory of action in the first part of *Moralität* (which, in turn, is a necessary consequence of Hegel's theory of punishment outlined in the latter part of *Abstract Right*), and not just due to the contradictions that arise from the moral point of view itself. It is commonly held that it is Hegel's continued attack on Kantian morality and, above all, on the empty formalism of the categorical imperative that motivates his postulation of an immanent, as opposed to a transcendental, doctrine of duty.<sup>6</sup> Hegel

2. The most familiar, if one of the least sophisticated, version of this caricature of Hegel is Karl Popper, *The Open Society and its Enemies* vol. 2, 2 vols., 3rd ed., London, Routledge, 1957, chapters 11 and 12. See Walter Kaufmann, 'The Hegel myth and its method', *The Hegel Myths and Legends*, in J. Stewart (ed.), Evanston, Northwestern University Press, 1996 for a comprehensive rebuttal of Popper. The best and most convincing contemporary account of the charge of philosophical conservatism can be found in Ernst Tugendhat, *Self-consciousness and Self-determination*, trans. P. Stern, London, MIT Press, 1986, chapters 13 and 14.

3. Michael Jackson, 'Hegel: The Real and the Rational', in J. Stewart (ed.), *The Hegel Myths and Legends*.

4. Stephen Houlgate, 'Hegel's Ethical Thought', *Bulletin of the Hegel Society of Great Britain*, 25, 1-17; Dudley Knowles, *Hegel and the Philosophy of Right*, London, Routledge, 2002, chapter 8; Westphal, Kenneth, 'Hegel's Critique of Kant's Moral World View', *Philosophical Topics*, vol. 19, no. 2, 1991, pp. 133-175; Allen Wood, *Hegel's Ethical Thought*, Cambridge, Cambridge University Press, 1990, chapters 9-10.

5. A second method for the discussion of Hegelian social ethics and the role of the subjective conscience resides in the requirements of freedom as put forward in the introduction to PR, so that the conditions of subjective and objective freedom are traced back to the need for the moral subject to be 'at home' in his or her culture. See Michael Hardimon, *Hegel's Social Philosophy: The Project of Reconciliation*, Cambridge, Cambridge University Press, 1994; Frederick Neuhouser, *Foundations of Hegel's Social Theory: Actualizing Freedom*, London, Harvard University Press, 2000; and Alan Patten, *Hegel's Idea of Freedom*, Oxford, Oxford University Press, 1999. I want to reach the same conclusion, but by approaching the problem in the other direction, that is by showing the direction Hegel takes (from free-will, to abstract right, to *action*, to morality and then to social right) needs to be better understood.

6. For Hegel's criticisms of Kant's moral will, see G. W. F. Hegel, 'On the Scientific Ways of Treating Nat-

proposes that motivations for right action cannot originate nor be derived from transcendental reason, so the story goes, and so the only alternative is that determinations of the will are to be found in the agent's institutional roles within the rational state: the subject's duties are found embedded in *Sittlichkeit*, his ethical substance or moral fabric.<sup>7</sup> And it is the explicitly social origin of moral motivation which has led to the diverse interpretations and judgements on Hegel's account of the role of the subjective conscience within the rational state which, when coupled with the rejection of the liberal Kantian political programme, ground the accusation of political quietism: if a subject finds liberation through the fulfilment of his social role, then any protest grounded in the moral conscience is seemingly ruled out since to protest is to fail to fulfil one's role. So, alternatively, many Hegel scholars feel the need to celebrate the role of the moral conscience and describe it as a necessary attribute of the rational state and, if it is absent, then neither the individual nor the state is fully free. The aim of this paper is see whether the issue concerning the role of the moral conscience in Hegel's social theory can be answered through an exploration of one of the building blocks in his account of the rational state (that is, his much neglected theory of moral action) and to show the role it has to play in establishing subjective claims at the heart of his social ethics.<sup>8</sup> The ambitious agenda of this piece is, on the one hand, to demonstrate that the concept of *Sittlichkeit* is not only an alternative to transcendental ethics, but is necessarily entailed by the adoption of the modern moral point of view (in much the same way that the realm of 'Abstract Right' requires the realm of morality to make sense of the concepts of crime and coercion, so, too, does 'Morality' require the concept of an immanent doctrine of duty to make sense of free, human action); and, on the other, to show that the challenge that Hegel is, at best, a quietist and, at worst, a reactionary is incompatible with a proper understanding of his political system as a whole and, hence, stress that the moral conscience is a necessary and integral part of the rational state since, otherwise, Hegel's

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ural Law, on its Place in Practical Philosophy, and its Relation to the Positive Sciences of Right', in Laurence Dickey and H. B. Nisbet (eds.), *Political Writings*, trans. H. B. Nisbet, Cambridge, Cambridge, 1999, pp. 102-80, part II (henceforth NL); G. W. F. Hegel, *Elements of the Philosophy of Right*, Allen Wood (ed.), trans. H. B. Nisbet, Cambridge, Cambridge University Press, 1996, §§133-140 (henceforth PR); and G. W. F. Hegel, *Philosophy of Mind: Being Part Three of the Encyclopaedia of the Philosophical Sciences (1830), Together with the Zusätze*, trans. William Wallace and A. V. Miller, Oxford, Oxford, 1971, §§508-512 (henceforth EPM). For the contemporary debate itself, one should refer to Henry Allison, *Kant's Theory of Freedom*, Cambridge, Cambridge University Press, 1990, especially chapter ten; Karl Ameriks, 'The Hegelian Critique of Kantian Morality', in B. den Ouden & M. Marcia (eds.), *New Essays on Kant*, New York, Peter Lang, 1987; Chrstine Korsgaard, *Creating the Kingdom of Ends*, Cambridge, Cambridge University Press, 1996, chapter three; Onora O'Neill, *Constructions of Reason*, Cambridge, Cambridge University Press, 1989, part two; Timothy O'Hagan, 'On Hegel's Critique of Kant's Moral and Political Philosophy' in S. Priest (ed.), *Hegel's Critique of Kant*, Oxford, Clarendon, 1987; Robert Pippin, *Idealism as Modernism* Cambridge, Cambridge University Press, 1997, part one; Kenneth Westphal, 'Hegel's Critique of Kant's Moral World View', *Philosophical Topics*, vol. 19, no. 2, 1991, pp. 133-175 and Allen Wood, 'The Emptiness of the Moral Will', *Monist* vol. 72, 1989, pp. 454-483.

7. Such a story does not tell us why other alternatives are not considered: motivations of a moral sense, human nature, pleasure and so on. Of course, Hegel does, see most notably NL and PR §140 R.

8. Knowles, *Hegel and the Philosophy of Right*, pp. 362-63; Michael Quante, *Hegel's Concept of Action*, Cambridge, Cambridge University Press, 2004, p. 1. Quante's own book goes a long way to rectify this neglect.

own conditions of free action would not be met.

## 2 THE THEORY OF ACTION

My main claim in this section is that Hegel offers, in his mature lectures on right (PR §§ 105-140; EPM §§ 503-12), a hermeneutical theory of action. Acts express something particular about the agent by communicating his or her intention to an ideal other who, to use an apt metaphor, is able to ‘read’ the inner self from the outer expression.<sup>9</sup> The advantages of this reading reside in its consistency with the Hegelian concepts of recognition and homeliness as well as grounding the necessary existence of the modern, moral conscience implicitly within the fully rational state.

It is pertinent to begin with an idea of what we would expect from a theory of action. In the first instance, a theory of action ought to be able to adequately identify a subset of events properly described as acts from a more general set of occurrences. Hegel, like any theorist of action, starts from the simplest intuition: the subset of events that are properly termed actions are those that are brought about by an agent. So, in its simplest form, a theory of action will identify those events which the agent *does* as actions. The formal way to conceive of an action is any event for which the agent claims responsibility or identifies as his or her *own* (PR § 115). The idea of *responsibility* put in play at the outset reveals what we should expect from Hegel: he is ultimately interested in the evaluation and justification of actions (moral action), and not just the explication of action (action *per se*).<sup>10</sup> His theory of action arises from a consideration of the responsible subject.

The emphasis on the evaluation of actions is consistent with the claim that Hegel is concerned with full blooded or moral action and not just human action and is supported by the location of his discussion of action within his lectures on right. The transition embodied in the chapter on ‘Morality’—that is the systematic developmental and historical transition from *person* to *moral* subject—arises from the requirements of abstract right and, in particular, punishment. For once an individual person has rights and a territory (covering both physical integrity and private possessions), then violations of this legal space require reparation. Intentional behaviour *demand*s to be treated differently from accidental damage (a flood), the consequences of animalistic (wild savagery), immature (the infant who decides to colour in one’s favourite Persian rug) or neurotic behaviour (kleptomania) (PR § 99 A). The criminal is differentiated from all these other (merely) grammatical subjects due to the responsibility he bears for his own will and our treatment of him depends upon the proper interpretation of an intentional action: to what extent is the criminal responsible and what, then, is the appropriate response. The concepts of ‘Abstract right’ are inadequate to deal with the proper response to crime and even hard placed to differentiate between crime and deception (PR § 103). Such evaluation requires a theory of action with its explanation of how, when and to what

9. A very good account of this type of theory is Paul Ricoeur, ‘The Model of the Text: Meaningful Action Considered as a Text’, in *Hermeneutics and the Human Sciences* trans. J. Thompson, Cambridge, Cambridge University Press, 1981.

10. See the introduction to Quante, *Hegel’s Concept of Action*.

extent the subject is responsible for his or her actions and the 'person' identifies only the individual will, independent of the clan or tribe, which has a given rather than a chosen content. For Hegel, then, a discussion of morality in its broadest sense is entailed by the rights and prohibitions of 'Abstract right' because the discussion of action in that section is formal and at odds with his retributivist justification for punishment (LNR § 56).<sup>11</sup> If action were merely caused by the content of one's will, then punishment could only be a form of deterrence or rehabilitation. The person who acts due to neurosis or genetic predisposition, that is the person who could not have done otherwise, is not responsible in any robust sense. As such, the aim of punishment practices would be either to protect others from his behaviour (like building a sandbag wall to protect property from a flood) or to change the person's behaviour (as one would domesticate an animal). But, punishment is most rationally comprehended as retribution and such a concept requires the notion of responsibility and moral desert to be rationally grounded (EPM § 503).

Hegel summarizes his theory of moral action in one dense paragraph which sets out the conditions of moral action pertaining to a *subject* as opposed to action pertaining to a *person*:

The expression of the will as subjective or moral is action. Action contains the following determinations: ( $\alpha$ ) it must be known by me in its externality as mine; ( $\beta$ ) its essential relation to the concept is one of obligation; and ( $\gamma$ ) it has an essential relation to the will of others (PR § 113).

The first determination ( $\alpha$ ) is familiar: an event is an action if the agent's intention plays a causal role and the agent is aware of it. The right of knowledge ( $\alpha$ ) is the condition that the agent must recognize an event as being produced by him or herself for it to be an action as opposed to an event.

Freedom is understood as freedom-in-itself in 'Abstract right': a person is free if he or she can satisfy personal wants and desires even if these wants are immediate inclinations or blind obedience to the dictates of authority. Yet, even within this sphere, it is possible to distinguish actions from mere events: 'Its utterance in deed with this freedom is as action, in the externality of which it only admits as its own, and allows to be imputed to it, so much as it has consciously willed.' (EPM § 503) Only those events admitted as one's own are actions, that is events to which the agent ascribes himself or herself as the author. Such self-ascription is, in the first instance, nothing but the identification of a reason conceived of as an intention in the set of causal conditions necessary for bringing about the event (EPM § 504). Thus, the agent can distinguish between deliberately knocking a man off his ladder ('I wanted to because he had ogled my wife') and involuntarily knocking a man off his ladder ('It wasn't my fault, I tripped on the carpet.')

<sup>12</sup> The

11. G. W. F. Hegel, *Lectures on Natural Right and Political Science: The First Philosophy of Right: Heidelberg, 1817-1818, with Additions From the Lectures of 1818-1819*, trans. J. Michael Stewart and Peter C. Hodgson, Berkeley, University of California Press, 1995. See David Rose, *Hegel's Philosophy of Right*, London, Continuum Press, 2007, pp. 69-77.

12. To reinforce this understanding, Hegel distinguishes between the deed and the action. Wood, *Hegel's Ethical Thought*, p. 140 sees no significance in the use of the word 'deed'; whereas Quante, *Hegel's Concept of Action*, p. 105 claims that 'deed' captures the event-event characterization of actions and 'action' the moral

subject is responsible for the occurrence to which the predicate ‘mine’ can be attached and which is traceable to the subject’s intention. If we can reconstruct a desire and belief as an intention that played a casual role in bringing about the event, then we can identify an action (PR § 115).

However, Hegel wants subjects to be held responsible for their actions in order to distribute praise and blame as demanded by the retributivist theory of punishment. The first determination of free action on its own is unable to fulfil this goal since it ‘fails to cast the agent in his proper role.’<sup>13</sup> Reasons, that is dispositions and beliefs, *cause* an intention which *causes* an action, but the agent just does not feature and it is agents we hold responsible and not their beliefs and dispositions. So, reasons must effect something (viz. an agent) in order to become intentions and since reasons do not always produce the same intention in differing agents, something is missing in the causal explanation in order to make it plausible. Of course, one could cite the agents’ differing webs of beliefs as the differentiating factor in diverse responses, but it is still possible for an agent to be moved by beliefs *despite himself*. Cases such as coercion and addiction feature an agent who is in accordance with the standard model (‘I believe the robber’s gun is loaded and I do not want to die’; ‘I am in a state of wanting and I believe that the drug will alleviate this’), but, phenomenologically, these stories do not seem to capture the real nature of human action.<sup>14</sup> It makes intuitive sense to say that ‘it was not me’ or ‘I wasn’t acting on my own will’ and such statements do have a legal—if not metaphysical—resonance. Coercion and addiction have been problematic for the empiricist model since Hobbes and the only real response is to say that the model of action proposed explains, but does not evaluate the actions of agents in terms of intentions. Evaluation must rest on controversial doctrines such as free-will or responsibility and these concepts play no role in the explanation of action.<sup>15</sup> In other words, there is no way on this simple causal model to distinguish *human* action or *full-blooded* action from *animal* action or *non-intentional* action. The distinction between animal and human action maps neatly onto the Hegelian *person* versus *subject* dichotomy: with the former, the content of the will is given, whereas with the latter the content is chosen and hence is the subject’s in the genitive sense. Hegel captures this determination of full-blooded moral action with his second determination ( $\beta$ ).

The phenomenology of human action involves reference to the agent and the empiricist model appears to negate this aspiration. To account for cases of coercion and false consciousness, the subject has to freely endorse his or her end for the action to be

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element ( $\alpha + \beta$ ).

13. David Velleman, ‘What happens when someone acts?’, in *The Possibility of Practical Reason*, Oxford, Oxford University Press, 2002, p. 123.

14. Harry Frankfurt, ‘Coercion and Moral Responsibility’, in *The Importance of What We Care About*, Cambridge, Cambridge University Press, 1988.

15. ‘Hegel regarded the metaphysical conflict between freedom and determinism as basically a pseudo-problem generated by importing mechanical accounts of causality into the domain of action, where they are inappropriate. Understanding and explaining action requires teleological explanation, of both functional and purposive varieties.’ Westphal, ‘Hegel’s Critique of Kant’s Moral World View’, p. 148.

properly his or her own. Hegel puts this in terms of obligation: the intention is to be known as a good-for-me ( $\beta$ ). In the case of coercion, the bank teller has a conflict of goods: self-preservation versus fulfilling his role. The former motivation trumps the latter but the agent is not free because he is not acting from his own will, it is the presence of an external factor which obstructs his free action.

What is more Hegel's motivation for formalizing a theory of action is, as has already been stated, so that punishment practices can be rationalized. Both of the statements 'I did it' and 'It was an act I brought about in the world' seems to invoke the agent in the causal chain and not just elements (beliefs and dispositions) which can be identified with the agent. The difference between a person and a subject is that he or she must somehow endorse those actions as his or her own. What Hegel recognizes about a pure causal explanation is that it is only partial and cannot, if lauded as the be all and end all of human action, supply the foundations for proper moral evaluation. Hegel's account needs to talk of actions and degrees of agent participation in order to distinguish between cases of coercion, deception and crime. For, although it is able to explain an action, the causal model's explanations are inadequate to ground an evaluative judgement. One needs to move away from the person (a collection of given dispositions and beliefs) to the subject (the agent who is 'at home' with his intentions and motivations):

Freedom is only present where there is no other for me that is not myself. The natural man, who is determined only by his drives, is not at home with himself; however self-willed he may be, the *content* of his willing and opining is not his own, and his freedom is only a *formal* one (EL § 23 A2).<sup>16</sup>

The natural man (and the person) is akin to the coerced agent and all are 'self-willed': free if he is able to act on the content of his will and not free if he is obstructed from doing so. However, there is no full responsibility since the content of the will is given and ultimately no different from external causes, psychoses, neuroses and the will of others imposed on one. Full blooded human action involves the proper recognition that what one did, one wanted to do and would justify it if asked.

Hegel expresses these very sentiments in his second determination ( $\beta$ ). The animal has no choice but to obey its desires, neither does the small child; they bear little responsibility for their actions. Subjective freedom for them—like the person—resides in the satisfaction of the will's desire *whatever* its content may be. Human action is different in that certain desires and preferences are privileged even if they are not so pressing and these can be articulated as values.<sup>17</sup> Furthermore, values need not be exclusively moral since responsibility concerns all self-regarding actions (self-interest, prudence and morality). The process of the rationalization of desires permits the recognition of the 'good' of the subject's purpose, be it moral or prudential, and he perceives it not only as

16. Hegel, G. W. F., *The Encyclopaedia Logic (1830), with the Zusätze: Part I of the Encyclopaedia of Philosophical Sciences with the Zusätze*, trans. Theodore F. Geraets, W. A. Suchting, and H. S. Harris, Indianapolis, Hackett, 1991 (henceforth EL).

17. The contemporary characterization would be second-order desires. See Harry Frankfurt, 'Freedom of the will and the concept of a person' and Charles Taylor, 'Responsibility for self' both in G. Watson (ed.), *Free Will*, Oxford, Oxford University Press, 1982.

a desire to be satisfied (personal freedom) but a desire worth satisfying (moral freedom). And this means we can now evaluate rather than just explain an action. We identify the role of the agent's intention in the causes bringing about the event, and then are able to say whether or not the action is properly the agent's own if he or she wanted it to be the case (that is, posits it as a purpose). Responsibility requires that subjects self-consciously know and freely choose their purposes for the predicate 'mine' to be attached to the action. An explanation of action requires no real notion of freedom, but an evaluation of action does. In dialogue, the actor would admit what he did as his own and his good and not the good of an alien will acting through him (coercion, false consciousness, and so on).

And the significance of 'homeliness' dovetails with the second consideration of the location of the discussion of action in the lectures. Hegel's theory of action mediates the sections 'Abstract Right' (the recognition and identification of individual persons as rights-bearers with particular desires) and 'Ethical Life' (the positive duties and obligations of the citizen in the rational state). Without the historical and philosophical emergence of the person (a distinct and discrete element of the tribe), there would be no possibility of the subjective freedom of 'I (as individual) want x' and without the immanent doctrine of duties proposed by *Sittlichkeit*, the good-for-me and the good-for-all of the rational social being would not be harmonious and free. The Ancient Greeks had a one-sided existence and were not fully free because the ethical substance they inhabited was, in some sense, not theirs. Their social fabric and values were justified in themselves, but the agents motivated by them took the values as given and natural (LPH 106-7).<sup>18</sup> The subjectivity of the person (this is 'my' good irrespective of the dictates and roles of my social existence) is also one-sided since although the content of one's will is one's own, it is not necessarily rational and if unconstrained by moral concerns would lead to disastrous social atomism (PR § 236 R). The subject, the moral point of view, demands more than the wishes and aspirations of the mere person: he or she is aware that actions have to obey positive obligations, the 'good', to truly express his or her identity to others. Moral freedom is a precondition of social freedom: ethical life is not mine until I as moral agent recognize it as a good and in order to do this, I must be a moral agent who can rationally endorse it. To be 'at home' in one's social fabric is to recognize one's rights and duties as one's own and rational and this requires the capacity of doing or being otherwise, a possibility inconceivable to the Ancient Greeks.

The transition from Person to Moral (in a broad sense) Subject allows one to distinguish between fully free actions and coerced actions:

Particular self-determination, as the inward self-determination of the will that is for itself, and as a mode of self-determination that is intended to be realized, is known by the subject and is its *purpose*; [it is] a judgment that in its determinacy comprises universal thought. The *disposition* is the universality as belonging to the subject; and, as singled out and set apart on its own account, it is the *maxim* of the

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<sup>18</sup> G. W. F. Hegel, *The Philosophy of History*, trans. J. Sibree, New York, Dover Publications, 1956 (henceforth LHP).



subjective will. Once right is enacted, the disposition is of no essential significance for it (LNR § 53).

The identification of me in the action is as a self-willed unit. The responsibility of the agent resides in bringing about those purposes which are his own and trying to falter those that are not. I am responsible for actions that emanate from reasons that are my own.<sup>19</sup> Reasons that are my own are best conceived of as purposes: purposes correspond to what the agent sees as good and the bank teller who gives money to the robber does not see this as a good even if he has a reason playing a causal role in why he gives money to the robber. He can explain why he did it, but he can—intelligibly—state that he did not want to do so because it was contrary to the obligations of his institutional role. And the Kantian resonances in the above quotation cannot be ignored: both the weak-willed bank teller who submits to the robber and the strong-willed one who does not can explain their actions in terms of dispositions (fear and rectitude respectively), but only the latter can separate a maxim worthy of moral approbation.

So, the second determination, ( $\beta$ ), is seemingly consistent with Kant and the evaluation of the agent via their intentions. The idea of intentions and obligations resonates with Kant's good will and the voice of conscience, but Hegel does not want the idea of right to rest on the idea of the otherly out there, that is Kant's transcendental idealism.<sup>20</sup> However, at this stage of the argument, the parallels are striking:

This subjective or 'moral' freedom is what a European especially calls freedom. In virtue of the right thereto a man must possess a personal knowledge of the distinction between good and evil in general: ethical and religious principles shall not merely lay their claim on him as external laws and precepts of authority to be obeyed, but have their assent, recognition, or even justification in his heart, sentiment, conscience, intelligence, etc. The subjectivity of the will in itself is its supreme aim and absolutely essential to it (EPM § 503).

Here, Hegel is offering his own version of the Kantian characterization of Enlightenment, and one cannot fail to see the parallel with Kant's earlier portrayal of the spirit of his age as the 'age of criticism'.<sup>21</sup> It is significant to note that the claim of the Enlightenment is the identifying mark of moral freedom: it is the coming to age of man. To use a traditional analogy, man has grown into maturity and no longer need rely on the dictates of authority or the motivations of immediate inclination (including social character). The subjective ascription of 'good' or value to an end is necessary to free action for Hegel.

Traditionally these two determinations ( $\alpha + \beta$ ) have been held to be necessary and sufficient conditions for free action, yet Hegel adds his third determination ( $\gamma$ ): the intention has to be capable of reconstruction by others from the objectivity of the act

19. This is Taylor's understanding of Hegel's theory of action: the human is a purposive being but one whose purposes are known and endorsed by itself. See Charles Taylor, 'Hegel's concept of Mind', in *Human Agency and Language: Philosophical Papers 1*, Cambridge, Cambridge University Press, 1985.

20. Westphal, 'Hegel's Critique of Kant's Moral World View'.

21. Immanuel Kant, *The Critique of Pure Reason*, trans. J. Meiklejohn & revised V. Politis, London, J M Dent, 1993, pp. Aix-xi.

itself. Hegel feels it is necessary to not only retain the traditional concept of the right of knowledge, but also temper it with an objective constraint. One reason he does so is that, ultimately, Kant's picture fails because it cannot generate purposes a priori or resolve conflicting goods, but Hegel does not introduce his famous Kantian critique here. Instead the reader is offered positive reasons for the adoption of an immanent doctrine of ethics grounded in the Hegelian concept of recognition. It is necessary that others recognize the action as one's own. The action must express the implicit humanity (obligation) rather than appear to be a mere, immediate purpose (wilfulness) and this entails that others must concur with me and my description of the good, otherwise they will continue to treat me under the category of personhood or worse. Intention, therefore, requires recognition by others: 'The implementation of my end therefore has this identity of my will and the will of others within in it—it has a positive reference to the will of others.' (PR § 112) The first-person may be the judge of what is good, but his judgement is constrained by the interpretation of the other. The agent has to be aware that his act ought to accord with the expectations of his form of life, otherwise his intention will be either misdescribed or ignored.

One way to characterize this is to say that the justification of one's good or end involves one in the activity of reason-giving and this activity is, for Hegel, inherently social. Affirming what is substantially right and good is not a matter of external, transcendental standards independent of one's peers, but rests on their recognition of the content of one's will in terms of articulated and shared categories of right.<sup>22</sup> There are no constraints on a will which justifies a good or a purpose to itself, one is able to convince oneself that anything may be good (PR §140 R). Reasons for action require a degree of objectivity for Hegel and this is based on reasons being a justification for all men who share my way of life rather than just for me; that is, an actual reason rather than just wilfulness and, contrary to Kant, one's role, situation and circumstances all constitute reasons for behaviour. In offering reasons, the agent knows if they are good reasons if he can convince others. It follows from this that the agent's description of his intention must harmonize with the other's interpretation of the act. A man unaware of the way in which a certain act will be interpreted, that is how his reasons for action will be reconstructed (the tourist abroad) is not responsible for any offence caused (although he may still be held culpable).<sup>23</sup> Reciprocally, the agent is only fully free when he is aware how his action will be interpreted. The will of others contained in one's own will is this shared scheme of interpretation in and through which we reconstruct intentions.

The rational reformulation of the initial determinations of action (PR § 113) occurs in a later paragraph which reduces the dialectical trinity to a new symmetry of subjective and objective aspects:

The right of intention is that the universal quality of the action shall have being

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<sup>22</sup>. Neuhausser convincingly traces this element of Hegel's thought back to Rousseau's influence, see *Foundations of Hegel's Social Theory*.

<sup>23</sup>. His culpability is a legal issue arising from the consideration of what an agent ought to know on setting foot within a state.

not only in itself, but shall be known by the agent and thus have been present all along in his subjective will; and conversely, what we may call the right of the objectivity of the action is the right of the action to assert itself as known and willed by the subject as a thinking agent (PR § 120).

Here we find that self-ascription of intentions, or the right of knowledge ( $\alpha$ ), is combined with the necessary element of modern moral freedom ( $\beta$ ) into the ‘right of intention’ such that the agent will only be held responsible for those actions deliberately brought about by his or her own will, thus ruling out external causality, neurotic behaviour, coercion, deception and false consciousness. However, in order to recognize one’s intentions as ‘good’ or ‘rational’ requires the reformulation of ( $\gamma$ ) into the ‘right of objectivity’. An action is—independently of the protestations and affirmations of the agent him or herself—to ‘stand in for’ or ‘represent’ the will of the agent in the ‘outer’ world, just as the word uttered in language is assumed to be a sincere representation of the thought and will of the speaker who is present. If the agent wishes to be understood as a free moral agent, then he or she must be aware that an action requires a commitment to the medium through which others will understand it. So, in order to affirm one’s freedom, there must exist a minimum level of expectation which must be met. If the subject’s acts are to be the expression of inwardness, then he must be certain that the other is going to reconstruct them faithfully. Both actor and interpreter must, therefore, share a common understanding of the way in which acts are to be rendered intelligible.

The first two determinations of free action are not sufficient to justify an action because, without the moment of certain *recognition* of the moral will, the agent cannot be held fully and morally responsible as demanded by the retributivist theory of punishment. Recognition, it ought to be recalled, is not just granted by the struggle to death, even if that story makes stark what is at stake: I demonstrate to you that I am free over and above my desires by risking the most fundamental drive for the sake of a principle (PS ¶¶ 178-196).<sup>24</sup> Such recognition of one’s essential rationality and humanity can alternatively be granted by marriage, whereby the agent sincerely places altruistic and universal needs over particular and egoistic ones (PR § 162). Without the self-certainty granted by knowledge of the inter-subjective categories of the right of objectivity, the subject would be unsure whether or not he has been properly recognized or if his intention can be reconstructed faithfully from his action. In a rational social order, the agent knows the good in question because it is made immediately available to him through fulfilling his roles in the family (parent, child), civil society (worker) and the state (citizen). If I wish to be known as a good father, then my acts must accord with those judgements which accompany a good parent (love, generosity, discipline) and not those which are generally frowned upon (indifference, prodigality, severity). The significance of the right of objectivity resides in the certainty of recognition and one’s social fabric is a liberation

24. G. W. F. Hegel, *The Phenomenology of Spirit*, trans. A. V. Miller, New York, Oxford, 1977. See Alexandre Kojève, *Introduction to the Reading of Hegel*, 2<sup>nd</sup> ed., trans. J. Nichols, London, Basic Books Inc., 1969 and, for a full discussion of the concept of recognition, see Robert Williams, *Hegel’s Ethics of Recognition*, London, University of California Press, 1997.

because it makes possible—and does not inhibit—free moral action.

The conclusions to the all too brief discussion of Hegel's theory of action are not to be underestimated. The right of knowledge ( $\alpha$ ) is familiar from most theories of action, but the right of intention ( $\alpha$  combined with  $\beta$ ) makes it obvious that the moral conscience, that is the subject's right to decide his or her good—in which values he or she feels 'at home'—is a necessary condition of the rational state for without it rational, free action would not be possible and Hegel's theory of punishment would be incongruous. Hence, any institutions or practices of the state which motivated citizens without being evaluated by the standards of personal freedom would make it impossible to feel 'at home'. The right of objectivity ( $\gamma$ ) sets the limits and conditions of possible subjective endorsement: any deviation from the norm must be justified by familiar standards and not by an appeal to mere wilfulness. One cannot rely on an incoherent noumenal realm to dictate right action and good ends, but one can interrogate one's social roles and meanings for a way to express one's particularity through a universal medium.<sup>25</sup>

And here one should take note of the fact these discussions, prior to any substantial consideration of Kantian or subjective ethics, invite the Hegelian reader to appreciate the moral conscience as necessary and operative in the rational state as well as recognizing that ethical action entails an immanent and not transcendental doctrine of duties, although the latter claim has still to be made apparent. For these points cast light on one of Hegel's most controversial remarks:

The right to recognize nothing that I do not perceive as rational is the highest right of the subject, but by virtue of its subjective determination, it is at the same time formal; on the other hand, the right of the rational—as the objective—over the subject remains firmly established (PR § 132 R).

Subjective social freedom, the moral conscience of the citizen, is necessary for the subject to feel 'at home' within his or her state and is, hence, the 'highest right'. Yet, if it is unable to generate the 'good' from its own reason, it must rely on the objective freedom of *Sittlichkeit* as those shared meanings and values operative in the practical reasoning of oneself and one's peers coupled with those social practices and material arrangements which make self-determination possible.<sup>26</sup>

### 3 THE NECESSITY OF THE RIGHT OF OBJECTIVITY FOR RESPONSIBILITY

In his lecture notes, Hegel introduces the right of objectivity and its relation to the rational order prior to the critique of Kant in particular and subjective moralities in general. The latter arguments are supposed to *support* the already articulated claim that free, moral action is impossible without a medium of immanently shared values and

25. Here is a rather playful, but illuminating example. Without the rules of football, the determinations that dictate right action on the field of play (rules and expectations in their broadest sense), Maradona would never have been. Yet, nothing about those rules, expectations and history could have determined what was unique about him.

26. Neuhauser, *Foundations of Hegel's Social Theory*, chapter 5.

good rather than *ground* it. One could imagine a hand being raised in the class room and a courageous student asking Hegel whether he had considered the alternative that right action could be known and willed by the subject from reason alone. To which, the professor would reply with the negative reason for the appropriation of an immanent doctrine of duty: the point by point attack on transcendental morality.<sup>27</sup> It would be pertinent just to offer a brief reminder of these points, as Hegel presents them: one, the subjective will cannot overcome conflicts of duty (whether generated by different kinds of duty or self-interest and duty) (EPM § 508-9); two, the moral point of view has to be constrained because it is infinitely powerful and can posit (or negate) any good whatsoever as universal good. (EPM §§ 510-11; PR § 140); and, three, the subject is unable to generate determinations of the will out of his reflective understanding, its abstractness needs to be overcome by objective determinations (EPM §§ 506, 508; PR § 135).

Hegel is oddly (for once) making an appeal to our intuitive grasp of the phenomenon of moral action. Take the tired and worn out old example of the mother who has to decide whether or not to steal to feed her starving child. The immediate determination of the family, the naturally binding duty of the maternal bond, gives rise to the desire to protect, feed and sustain the child. This is the good-for-mother. Yet, her role in civil society determines that she recognize the rationality of the right to property and this, too, is a good. The universality of good means that these two goods should harmonize, yet the moral conscience is quite able to accept one as right at the expense of the other in one moment, then—in the next second—to reverse such a description. For Hegel, the moral conscience itself cannot decide between conflicting determinations of the will and, if it does so, such a decision is wholly arbitrary and wilful. And if this is the case, then there is no standard by which the agent can be distinguished from the person who acts on a given content of the will (PR § 17). Hegel's solution is to make a demand on one's immanent set of duties and values and ask what it is that gives rise to the conflict in the first place. That a child be fed is a good and that the right of property be respected is a good, so such a society in which a conflict between these two is felt, is *not* rational. The conflict can only be overcome when objective freedom, granted by the institutions of ethical life, eradicates the existence of the mother's need to steal and her subjective freedom can be satisfied. (Through the supply of basic needs as a right (the welfare state) and the eradication of poverty, or legal recognition of her subjective freedom adjudicated in a court.)

Hegel realizes that the abstract nature of the good cannot be created from the top down and theoretically tested. It is not truly possible for the agent to declare what the world ought to be like in all certainty given the dictates of reason. Instead, the moral subject must begin from the existing world and its institutions since the constraint of objectivity involves the idea that the good must be intelligible to these institutions since the judgements of my peers is necessary for my action to be free. Only in such a way can subjective freedom meet the constraint of objective freedom and, reciprocally, it is this

27. See Ameriks, 'The Hegelian Critique of Kantian Morality', and Westphal, 'Hegel's Critique of Kant's Moral World View'.

very objective freedom which grants the subject the certainty of recognition he requires to satisfy his actions. Therefore, it is only the ethical person who is truly free:

The ethical person is conscious of the content of his action as something necessary, something that is valid in and for itself, and this consciousness is so far from diminishing freedom, that, on the contrary, it is only through this consciousness that his abstract freedom becomes a freedom that is actual and rich in content, as distinct from freedom of choice [*Willkür*], a freedom that still lacks content and is merely possible (EL § 158 A).

The objective freedom of ethical life makes possible the satisfaction of rational desires, projects and aspirations and this is an elaboration of the right of objectivity present in the abstract theory of action; a right which renders apparent the requirement of shared categories from which the subjective intention can reliably be reconstructed (as in the case of the mother). Ethical life is the substantial description of the possible determinations of one of its members and is, then, liberation because it purifies and rationalizes the drives of the individual (PR § 19). Objective freedom is freedom because it liberates the subject in three ways: one, from a dependence on immediate drives; two, from having to produce the categories for comprehension (values, rights and duties) for himself *ex nihilo*; and, three, from the need to determine good from his own conscience (PR § 149). The three institutions of modern society—that is, the liberal, bourgeois family, civil society and the modern political state—all combine to fulfil these conditions of objective freedom. It is these determinations of ethical life which constitute the objective freedom of the subject in that they enable him to satisfy his desires, wants and aspirations, to simultaneously pursue the good and to be certain of recognition by the other (EPM § 538). Hegel's claim, then, is that the subject as he has described it in 'Morality' can only be fully free when his or her objective freedom is secured by these modern institutions.<sup>28</sup> *Sittlichkeit* is, in one of its aspects, the world constructed by social reasons for actions.<sup>29</sup> It supplies motivations and obligations for the agent in virtue of his membership and his role in this institutional order and also makes possible recognition of him as a free-self-determining being (PR § 151; EPM § 513).

An immanent doctrine of duties and values overcomes the abstract and formal nature of the 'ought' which results from the subjective will: 'Thus, without any selective reflection, the person performs duty *as his own* and as something which *is*; and in this necessity *he* has himself and his actual freedom' (EG § 514). The member of *Sittlichkeit* can perform his duties—possibly from habit, that is without any 'selective reflection'—because they constitute his identity and he feels 'at home'. It is not how he *should* act, it is how he *does* act (I drive on the left because I am English) and he can be certain of recognition as an agent through fulfilling the dictates of these roles:

All these substantial determinations are *duties* which are binding on the will of

28. I have not argued in this essay why it has to be these three institutions, neither do I feel that there are no other alternatives (or, in fact, that these are actually absolutely rational in Hegel's sense). But these remarks cannot be discussed here.

29. It must also be the material conditions necessary for free, self-determining action.

the individual; for the individual, as subjective and inherently undetermined—or determined in a particular way—is distinct from them and *consequently stands in a relationship to them* as to his own substantial being (PR § 148).

The certain recognition of free action is made possible by the objective social order embedded in institutions coupled with the substantial identity of the agent as a member of these institutions, but the above quotation makes clear that the right of intention is still significant. The modern subject, unlike the Greek citizen, is ‘inherently undetermined’ and ‘distinct’ from his ‘own substantial being’. According to Hegel, if one is committed to the evaluation of actions (and one must be if one is postulating a retributivist theory of judgement), then this commitment entails an immanent doctrine of duties, values and meanings; that is, *Sittlichkeit*.<sup>30</sup>

#### 4 THE DANGERS OF THE PURELY OBJECTIVE WILL

The aim of this paper was to show that Hegel’s immanent doctrine of duty arose not just from his rejection of transcendental ethics but also from his own account of human moral action. I believe I have shown above that Hegel’s theory of action necessarily requires objective freedom which can only be supplied by *Sittlichkeit* even if I have not gone into the fine details of his account of ethical substance. In justifying this claim it was also hoped that the limits of the moral conscience within the rational state could be delineated and its power described.

The worry, of course, arises from the above quotation where Hegel tells us that *Sittlichkeit* is immediately motivating through habit or second nature ‘without any selective reflection’ (EPM § 514). The right of the rational, after all, was to be ‘firmly established’ and it is clear that Hegel’s theory of action implicitly involves the notion of *Sittlichkeit* in that the moral agent requires objective determination to be certain of recognition and, hence, to be fully responsible. In order to be recognized as free my action must meet the expectations of my peers, yet this seems to implicitly rule out any abnormal behaviour and protest is, one would assume, always a break from the norm and the expected.<sup>31</sup> It is the objective, rational structure of Hegel’s account of *Sittlichkeit* which grounds the con-

30. I do not want to give the impression that ethical life is merely a form of life which determines and harmonizes the good, *rather* it is *the* rational order of determinations of the will. The difference can be understood in that the former case holds only that the objective, institutional order coupled with the subjective knowledge of these determinations constrain the actions of the subject within the bounds of intelligibility given *whichever* form of life; or just because humans *happen* to exist in communities. Hegel holds, on the contrary, that objective freedom satisfies the requirements of the subjective will through supplying rational determinations and not just determinations.

31. One immediate Hegelian response would be to invoke an objective, absolutist account of the end of history: man inhabits the purely rational state where social and individual good harmonize and do so due to the rationality of the institutions which exist. Objective freedom meets the requirements of subjective freedom and no conflicts between the two can possibly arise. However, it would be necessary to offer a thorough description of the nature of the end of history, to acknowledge that Hegel’s intuitions concerning certain moral problems and our own differ markedly, to admit that it is in no way obvious that modern institutions could deal with future moral problems and, given all these, to reconsider the end of history as purely an objective state of affairs. All of this is well beyond the remit of this paper.

servative strains and themes in his work; he lists, interrogates and attempts to actualize the social institutions which existed in the Prussian state and, at each step of the argument, the subjective right—the ‘highest’ right—of individuals appears to play second fiddle to the role demanded by the institution itself.

Hegel’s strongest critic would intimate that the moral conscience described in *Moralität* is negated in *Sittlichkeit* because the right of objectivity determines that deviations from the normal and expected behaviour of citizen, worker and family member are impossible since these roles exhaust the identity of the individual. The duties of the agent in ethical life are to fulfil his or her roles adequately and freedom consists solely in actions which are in accordance with one’s duties, that is one’s ‘substantial identity’. In this way, one can be recognized by one’s peers and hence be free. Yet, this is seemingly at the expense of the ‘highest’ right of subjectivity which, if enacted in opposition to the ethical norm, can be nothing but mere wilfulness.<sup>32</sup>

However, if one is to take seriously the role of the moral theory of action which precedes the account of ethical life, then it is clear that subjectivity still has a role to play in the objective freedom of *Sittlichkeit*. First, if it were true that freedom consisted solely in the fulfilment of one’s role within a state that is rational, then there would be no marked difference between Ancient Greek society and our own (LPH 104-7, 444-5). The concept of ‘homeliness’ derived from the right of intention ( $\alpha + \beta$ ) requires that not only do I act on correct and harmonious determinations of the will, but that I also endorse them as my own. One cannot be coerced into acting freely, for Hegel. Second, within communities that are not fully rational or not even partially so, the subject cannot be free except by resisting the norms and expectations placed on him or her: ‘When the existing world of freedom has become unfaithful to the better will, this will no longer finds itself in the duties recognized in this world and must seek to recover in ideal inwardness alone that harmony which it has lost in actuality’ (PR § 138 R). The right of intention must be effective on the objective order of things and is so through the necessity that the actualization of social ideality requires self-conscious knowledge: the free, rational state is not one in which the institution of slavery could exist; its rationality cannot be actualized as all persons are to be considered equals in the free, rational state (PR §§ 36, 155). Thus, the right of objectivity requires a subjective will capable of endorsing it; that is, finding it rational *for itself*.

When a child wears a seat-belt he does so to safeguard his personhood, but such a reason is rational only in itself. The child actually acts on another reason: to avoid being shouted at by his mother (personhood). As the child grows, however, he comes to realize that the reason for wearing a seatbelt is to protect himself; that is, he recognizes the good as his own and so he is ‘at home’ with his social motivation. He is aware that, not only is he reasonable to his mother and her expectations, but also to himself: this is an act which is rational for him not just his mother. He now has self-knowledge of the reason and it is both in itself rational and also for him rational. Only when objective freedom makes possible the satisfaction of desires which can be freely chosen, known

32. Tugendhat, *Self-consciousness and Self-determination*.



and transparent, is the agent fully responsible. Thus, for fully free, responsible action, the right of knowledge is required and individuals stand in a relationship to their substantial identity but remain distinct from it (PR § 148).

Therefore, the right of intention crucial to free action can be inflated into a form of rational legitimation. The rational system of the will's self-determination, for modern man, is self-conscious knowledge of the underlying necessity implicit in the customs and mores of *Sittlichkeit*. To be 'at home' (as required by the right on intention) involves knowing not only what one does but that it is a good for oneself. It is 'customary' to wear a seatbelt, and one wears it without much 'selective reflection,' but, it is possible to actualize the custom; that is, to make apparent its rationality to the knowing subject. The strong critic of Hegel's social philosophy mistakes 'trust' in one's objective order for blind faith. This difference is best illustrated by Hegel's own distinction between reflective (the state) and unreflective trust (the family) and the possibility to articulate one's reasons for action. If I am to save my child from drowning or, on a lesser scale, to provide for the material needs of my family, I cannot truly articulate the reason why I fulfil this role. The best I can manage is 'Because they are my children.' Moreover, someone who demands that I justify my reasons for these actions is simply inhuman, not in the sense of evil, but in the sense that they cannot truly comprehend what it is to be a human being. These reasons, then, are immediate and unreflective and trust in one's family members is based on the same disposition.<sup>33</sup> The reflective trust in the state is open to scrutiny, though; this is the formal requirement of subjective, moral freedom. It is perfectly sensible to demand a justification of a particular law, social duty or more and why I should act in accordance with it. However, agents rarely demand justification and as such express a reflective trust in their state; its laws and institutions are open to legitimation and the state must make scrutiny by the citizen possible, but this need not be carried through every time a demand on the citizen is made. A useful analogy is differentiation in mathematics. All of us are quite happy to use the formula ' $nx^{n-1}$ ', but in order for us to be certain it must be possible for us to carry out the calculation from first-principles. The laws of the state are a type of shorthand of the good, but which must remain possible objects of legitimation even when not perpetually legitimated. The subject has 'trust' in the objective social order and its rationality (EPM § 525; PR, § 147). The 'trust' of the Ancient Greeks was inarticulate and, hence, it was mere social luck that they lived in a rational state. Modern ethical life *makes possible* the satisfaction of subjective freedom, rather than—as many commentators hostile to the Hegelian picture suppose—*determining* the content of subjective freedom. It is no longer a matter of 'luck' that we live in a rational state since without the subjective endorsement of the morally free agent, the duties of *Sittlichkeit* are not actual duties (PR § 138 R).

The proper consideration of the right of intention seems to put pay to the strong criticism of Hegel's social philosophy, but this idea is rarely the motivation behind the apologist approach of many of his supporters. A more subtle challenge to the relation-

33. This is perhaps why the abuse of children by their parents is such a reprehensible crime, there is a certain element of inhumanity in it which horrifies us.

ship between the moral conscience and the state would propose that, if reason giving is inherently social as Hegel holds, then surely the tendency will be—in cases of conflict between individual good and social good—to side with the familiar and conventional. With the stronger form of the challenge, social protest is impossible and irrational, but this is to negate absolutely the ‘highest right’ of the subject. The weaker form of the challenge does not fully negate the right of knowledge: one is able to deny the determinations of one’s role when one cannot endorse its rationality. However, given that this endorsement is a social practice, protest stemming from the moral conscience is ultimately mute since the right of objectivity, that my actions be rational for others, implicitly commits Hegel to conservatism. Endorsement amounts to nothing more than yes-saying: the subject reflects upon his duties and recognizes that they accord with objective determinations. The strong challenge pictured Hegel rather unconvincingly as a strong communitarian who believed agents are identical with (rather than identified with) their roles. The weaker challenge is more persuasive, Hegel appears committed to conservatism which means subjective freedom may be compromised by social pressure because the social nature of reason-giving means the conventional is always by default more persuasive than personal conviction.

The first point to make is simply to admit Hegel is a conservative, that much is clear both from his continued critique of the use of abstract right in political theorizing and in his tinkering with—rather than overhaul of—the Prussian state. However, conservatism may be compatible with central liberal values and does not necessarily commit Hegel to quietism in the face of one’s duties in the state. Furthermore, the reasons for his conservatism, especially in the aftermath of the French Revolution, are perhaps justified.

In order to resist the accusation that Hegel’s form of rational legitimation is nothing but yes-saying to authority, it would be worthwhile to return to the example of the mother who finds herself unable to fulfil her role without stealing and violating the system of private property. Let us assume that Hegel would see this as an instance of the ‘better will’ in an ‘unfaithful world’ (PR § 138 R). On an idealized liberal model, the standards of positive right would be legitimated by an appeal to external values or natural rights. So, the right to life would trump political obligation since civil obedience rests on a duty to comply with political dictates *as long as* they protect and secure external rights and values. If they no longer do so, then the citizen’s obligation is null and void. However, for Hegel, there are no external standards of right independent of the social and historical development of ethical life.<sup>34</sup> It seems the weaker challenge has some bite: protest when contrary to customary morality is mere wilfulness.

The example of the impoverished mother, though, undermines such an idle reading. The proper understanding of Hegel’s theory of action demonstrates that the role of objective freedom and its earlier, abstract cousin—the right of objectivity—is to enable personal self-determination and not to thwart it. Liberation from immediate needs, independence from irrational authorities, the possibility to be self-willed and certain recognition by others are all requirements of self-determination and if they do not ob-

34. Rose, *Hegel’s Philosophy of Right*, pp. 16-29.

tain, then the subject is not free. The mother is recognized as in the right when she steals because the life of her child ought to be secured and maintained by the objective structures, arrangements and practices of her social existence. Otherwise the world is unfaithful to her better will. The state, for the mother, is irrational because she cannot satisfy her roles as both mother and citizen as she would freely choose to do. She has the subjective right—the highest right—to demand that the state make possible rational self-determination. And protest need not be limited to cases of disharmony between the spheres of ethical life. Historical examples of the need to reject the objective features of a state would include slavery and apartheid since fulfilling one's civil role inhibits one's personal freedom.<sup>35</sup> Such institutions make it impossible for certain agents to fulfil themselves as human beings since other agents cannot recognize what they truly are: they remain identical with their role and, hence, not free.

## 5 CONCLUSION

For man to be free—that is, to be *at home* with himself—the content of his will must be *his own*. For the existing social world to be actualized, then the underlying rationality of its dictates and obligations has to be known and endorsed by the thinking subject, but such an endorsement cannot be mere yes-saying. Freedom is formal when I am able to satisfy my desires (personal freedom), but it is substantial when I satisfy desires which are my good. Yet, this does not rule out coercion for my benefit (the child). The will is free when it is substantial, able to be satisfied and *moral*. Without moral freedom, the will of man is no better than the slave or the child or as Hegel tells us, the 'ethical [*sittliche*] will'; that is the ethical will which is not actual because the agent is unaware of its rationality (Ancient Greece) (PR § 26). The purely subjective will is arbitrary, whereas the purely objective will depends on 'luck' to have ethical content.

The two central concepts of the third section of the *Philosophy of Right*—that is, subjective and objective freedom—originate from the rights of knowledge, intention and objectivity of action which characterize the abstract moral will. Objective freedom is necessary for and supplements—which, is to say, ethical life *actualizes*—personal and moral freedom. Without the categories of ethical life, it would be impossible to form judgements concerning the intentions of others. Thus, ethical life is the substantial form of the right of objectivity of an action. Reciprocally, subjective freedom interrogates and justifies objective freedom. If the subject cannot, or is obstructed from, satisfying his rational desires, then he is not free and responsible. He, then, has a legitimate claim

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35. Critically, Hegel's own descriptions of the role of women in the family, the rigidity of social class and the postulation of a hereditary monarch possibly contradict the requirements of equality and careers open to talents which he espouses as necessary for the state to be rational. These, of course, are open to interpretation and I only throw them somewhat glibly in here to demonstrate that, though Hegel's conservatism does not rule out social criticism stemming from the moral conscience, he is often—I believe—guilty of lazy conservatism in describing elements of institutions which are not rational on his own account. Such a discussion is, however, beyond the scope of this paper, but these do illustrate possible areas in which the moral conscience has a proper claim against the duties of the state.

against the state arising from his own moral conscience. So long as the claim is unresolved, freedom is unobtainable and the institutions of ethical life are no longer rational. It is this right of knowledge which constitutes the role of the moral will in *Sittlichkeit*. Morality remains an essential element of modern *Sittlichkeit* since, to actualize the rationality of existing social structures, this rationality has to be self-consciously known. Otherwise we are merely 'lucky' citizens like the Ancient Greeks and children with good and rational parents.

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