Hegel’s ethics

I. BACKGROUND

Hegel’s philosophy is an attempt to renew classical philosophy, especially the philosophy of Plato and Aristotle, within the modern philosophical tradition begun with Kant. Hegel’s ethical thought is no different from the rest of his philosophy in this respect. Classical ethical theory, culminating for Hegel in the ethical theory of Aristotle, saw ethics as aiming at a single final end or human good, called “happiness” (eudaimonia). By nature, human beings have a characteristic function; to fulfill that function is to be happy. Aristotle defined happiness as the actualizing of the soul’s capacities in accordance with the excellences appropriate to them, and most especially the actualization of its highest capacity, reason. Our rational excellences include both theory and practice; practical excellences include not only the intellectual virtue of practical wisdom but a range of distinct moral virtues of character. Moral virtues dispose the non-rational part of our soul, which includes desires and feelings, to be governed by the rational part, so that our wants, likes and dislikes, pleasures and pains, all harmonize with reason.

Kant. The moral theory of Immanuel Kant (1724–1804) was decisive for modern ethical thought. Kant laid a new foundation for moral philosophy. In place of theories founded on the divine will, or on moral feeling, or on ends, such as the classical eudemonistic theories, Kant founded ethics solely on the autonomy of reason. Against eudaimonism, Kant insisted that there is a sharp distinction between the theory of self-interest or rational prudence and the theory of what is morally right or virtuous. The only unqualified good, Kant famously asserted, is a good will. A good will is one that...
acts solely "from duty," that is, from respect for reason's moral law, even in spite of all our natural inclinations. Against all theories based on ends, Kant held that the value of any end depends upon its being set as an end by a rational will, which presupposes a process of rational deliberation from principles. The same point is brought to bear against all theories founded on feelings, since the value of all feelings, whether for sensual pleasure or morality, must be estimated according to rational principles. In opposition to divine will theories, Kant objected that we have no way of knowing what God wills except by deciding what a perfectly good being would will, that presupposes an autonomous theory of the good will.

From Rousseau, Kant drew the idea that it is possible to reconcile moral obligation with freedom only if in obeying the moral law we are obeying merely our own true will. Kant therefore founded ethics on an imperative, universally valid for all rational beings and self-legislated by each rational being. The imperative is not hypothetical, based on the desire for some end previously set by the rational will, but categorical or unconditional. Such an imperative, Kant argued, can command nothing but the adherence of a rational being to principles or maxims valid for all rational beings. Thus the first of Kant's several formulations of the categorical imperative was "So act that you can will the maxim of your action to be a universal law." According to Kantian ethical theory, happiness is valuable, but its value is only conditional. First, happiness is objectively valuable only because it is an end set by a rational will, and second, the value of any individual's happiness is conditional on that individual's possessing a good will, which conditions even the worthiness to be happy.

Because morality is founded on autonomy of the will, Kant regarded its validity as dependent on the freedom of the human will. If there were nothing more to the human will than our being affected by natural desires, then the whole of morality would be nothing but a pitiful illusion. Moreover, in Kant's view, freedom cannot be demonstrated theoretically. However, in taking the moral life seriously, we commit ourselves to the faith that our acts are the effects of a free, supersensible self whose dignity raises us above that of all merely natural beings.

Fichte. Kant's most influential and original follower was Johann Gottlieb Fichte [1762--1814]. Fichte made our active awareness of moral freedom fundamental not only to ethical theory but even to theoretical philosophy. The first principle of philosophy is the "I", the awareness of our own freedom, which is active in constituting our knowledge of the world as well as in our practical action on it. Fichte's entire philosophy is in effect an exploration of the necessary conditions for being a free, active self. One of these conditions, as Fichte presents them, is mutual interaction between the self and an objective world resisting the self's action. Because it must interact with a world, the active self must also be a material thing, a body, and because the world always presents itself to the self as resistance to a prior striving on the part of the self, the self must come into being as reflective awareness of a pre-reflective state of desire, whose form is that of subordinating the world to itself, or bringing the world into harmony with the self. Fichte makes the I into the criterion of worth, and even identifies Kant's "reason" itself with the I; he makes the I's conscientious conviction the final criterion of moral rightness, regarding Kant's moral principle as merely formal, incapable by itself of distinguishing moral maxims from immoral ones.

However, Fichte also argues that an "I" is possible only through relationship to another sort of "not-I", through which the self's striving can be limited through responding to a demand or requirement, giving the self a determinate self-identity. This other sort of not-I is a "thou," another self, and the self's harmonious relationship to it is one not of subordination, but of co-ordination or mutuality. The foundation of this relationship is "recognition," the mutual awareness by all that each individual has a right to a portion of the external world, beginning with the body and extending to all the individual's property. Fichte's theory of intersubjectivity, however, goes well beyond this. The individual's vocation, of becoming a whole and determinate I, also includes unification with others, defining oneself within a harmonious social whole. This means that the I's free activity, and the fulfillment of its practical striving, can be fulfilled only in and through a certain form of society, involving mutual respect, equality, and cooperative striving toward ends shared mutually on the basis of rational communication. Moral duty and the moral law thus acquire an intersubjective meaning for Fichte.

For Fichte, the self's very identity is bound up with its moral vocation, and in his moral philosophy many of the moralistic characteristics of Kantian ethics are found in exaggerated forms. Next to
the real world, the striving of the I produces an entire ideal world of the “ought to be.” The self’s whole identity consists in its service of the moral imperative, any action that is not a duty is morally wrong, and any action not done from duty is considered contrary to duty. Fichte’s moral theory exercised a profound influence on Hegel— even the influence of Kantian ethics reached Hegel largely through this medium—but the influence was as much negative as positive. In the case of Fichte’s exaggerated Kantian moralism, the negative influence was especially strong.

II. THE DEVELOPMENT OF HEGEL’S ETHICAL THOUGHT

Hegel’s mature views on ethical topics are found principally in The Philosophy of Right. But from Hegel’s earliest writings in the 1790s, ethical topics were a focus of his philosophical concern, and some of Hegel’s earlier writings on ethics have exercised an important influence of their own.

Early Writings on Religion. Hegel began as a Kantian. The writings of Hegel’s Tübingen and Bern periods (1793–1796, but not published until 1831) show the impact of Kant’s Religion Within the Bounds of Unalloyed Reason (1798). These so-called Early Theological Writings take the form of reflections on the history of the Christian religion and its relation both to Judaism and to ancient pagan culture; their deeper purpose is to diagnose the moral and religious needs of the modern world [T, ETW, TE]. Hegel focuses on the need for reconciliation between the rational and sensuous aspects of human nature, and on the roles of religious sentiments and social institutions in shaping human nature. Along with Kant, Hegel attacks ceremonial or “positive” religion, but in place of Kant’s austere deistic moral religion, Hegel advocates a “folk religion” modeled on his conception of the harmonious naturalism of ancient Greece.

In the writings of Hegel’s Frankfurt period (1797–1799), the same concerns lead Hegel to a radical critique of the moral standpoint, especially as exemplified by Kant’s moral philosophy, with its emphasis on the conflict between duty and inclination, and the good will as the will motivated by respect for the law. In these writings Hegel first articulates many of his best-known criticisms of the moral standpoint: as self-alienated, phrasical, a standpoint which can only blame and condemn but never convert its “ought” into an “is.”

In 1800, Hegel began his university career in Jena. In his Jena period (1800–1806) he is preoccupied with the task of developing a system of speculative philosophy, and his writings show a continuing interest in ethical issues and in the relation of the human personality to its social context. The focus of Hegel’s critical reflections on the moral standpoint now shifts to the ethical writings of Fichte. Following Fichte, Hegel regards Kant’s principle of morality as “empty,” incapable of yielding determinate duties; but unlike Fichte, who thought the defect could be made good through an alternative moral epistemology, Hegel finds the emptiness to be endemic to the moral standpoint as such. It is in 1805 that Hegel first begins to contrast the standpoint of “morality” (Moralität) with that of “ethical life” (Sittlichkeit) [GW 436/183, NR 504–6/112–14]. “Morality” refers to the viewpoint of the Kantian and Fichtean theories, which Hegel identifies with that of the modern bourgeois, alienated from public life and preoccupied only with private self-seeking and private moral virtue. Hegel attacks the formalism of this standpoint, as well as its hostile separation of reason from natural inclinations. In ethical life, by contrast, the gap between reason and sense is overcome, and duties are drawn not from abstract moral reflection but from the concrete relations of a living social order. For Hegel the paradigm of “ethical life” is his nostalgic image of ancient Greek culture; he realizes that such a social order is gone forever, that the principle of modern society is that of the free individual. Hegel’s spiritual history of Western culture in Chapter 5 of the Phenomenology thus begins with Greek “ethical life” [PhG 11 444–76] and ends with the problems of modern individualist “morality” [PhG 11 599–671]. As we have already mentioned, Hegel also understands this individualism of the moral standpoint in a socio-economic sense. By 1804 Hegel was familiar with the writings of the Scottish political economists James Steuart (1713–1800), Adam Ferguson (1723–1816), and Adam Smith (1723–1790), and under their influence he sees modern society as distinguished from previous ones by the existence in it of an economic organization of independent persons, distinct from the political state—an organization to which some years later he was to give the name “civil society” (bürgerliche Gesellschaft). As members of civil society, individuals are Bürger in the sense of bourgeois, not in
the sense of citoyen; their primary orientation is toward their private good, not toward "ethical" ends, but civil society nevertheless forms a determinate social system that determines individuals objectively as it frees them subjectively. In Hegel's lectures from his Jena period, he articulates the concept of the free person as participant in this system in terms of an innovative adaptation of Fichte's theory of "recognition."

In the Jena period, however, Hegel was unable to integrate his picture of modern society (with its independent economic organization and its orientation to Moralität) into his positive conception of ethical life. His primary philosophical efforts in the decade after he left Jena were directed not to moral or social philosophy but to The Science of Logic. The principal text in which we find evidence of a development in his ethical views is the Nuremberg Propaedeutic (1810–1811) [NP], lecture notes at the Nuremberg gymnasium where he was headmaster from 1808 to 1816. Although it may be attributable in part to pedagogical considerations, the notes are surprisingly Kantian on many points.

In that respect, the Nuremberg lectures prefigure the more positive treatment of Moralität in the writings of Hegel's maturity, beginning with the Heidelberg Encyclopedia of 1817 (EH) [later revised and expanded [EL, ECI]]. Here Hegel's philosophy of objective spirit is structured around the three stages of "abstract right," "morality," and "ethical life." "Ethical life," moreover, no longer refers paradigmatically to a lost Greek ideal, but instead means a modern ethical life, characterized by the uniquely modern institution of "civil society" and into which are integrated positively the correspondingly modern spheres of abstract right and morality. It was this structure around which Hegel built his definitive ethical theory in The Philosophy of Right.

III. THE SELF-ACTUALIZATION OF FREEDOM

A Self-Actualization Theory. Hegel's mature ethical theory may be viewed as an attempt to reconcile traditional Aristotelian ethical theory with the Kantian and Fichtean emphasis on free selfhood. Hegel's Philosophy of Right begins with "spirit" [Geist] in the specific form of the practical subject or free will, and works out the systematic self-actualization of its freedom [PR § 33]. From Aris-
Hegel's ethics and its actualization consists not in a separation from its other, but in overcoming that otherness. Spirit's freedom, therefore, consists not in holding itself separate from what is other, but rather in mastering it and making it one's own. Freedom for Hegel therefore consists in "being with oneself in an other" (Beischwiebein in einem Anderen) [PR § 23]. When the other which I distinguish from myself does not limit but expresses my self, then it is not a hindrance on me, but is in fact the very actualization of my freedom.

One consequence of this is that autonomous action is not action that (as in Kant and Fichte) holds itself aloof from empirical motivation, but rather action in which the empirical motives are themselves the self-expression of the agent's reason. Another consequence is that social institutions and our duties within them are not hindrances on freedom but in fact actualizations of freedom, when the content of these institutions is rational and the performance of our duties is a vehicle for our self-actualization. In such cases, we are "with ourselves" in our duties and in the social order of which we are a part, far from setting limits to our freedom, they constitute its actualization [PR § 149].

From one point of view, The Philosophy of Right is a system of "objective freedom," presenting the hierarchy of different kinds of objects in which spirit or the self or reason is "with itself" [PR § 33]. In "abstract right," a spiritual self is with itself in external things, which are its property. In "morality," the self is with itself in its own subjective willing and with the external consequences of that willing. In "ethical life," the self is with itself in a system of social institutions that actualize it by fulfilling its various needs for both subjective individuality and substantive community. The most complete actualization of the individual's freedom is found in the institutions of the state.

Hegel explicitly distinguishes his conception of positive freedom from the "superficial" everyday notion of freedom as the ability to do as you please [PR §§ 135, 222, 149A, EL § 143A]. But he emphasizes that the distinguishing feature of the modern state is the way in which its institutions allow for what Hegel calls "subjective freedom," including personal arbitrariness and private self-satisfaction [PR §§ 124, 185R, 206R], the sanctity of individual moral and religious conscience [PR § 139], and the universal status for all individuals of personhood and abstract right [PR § 209].

Objective Freedom. The essence and vocation of spirit or the will is freedom. Thus far we have looked at freedom "subjectively," in terms of the self-images of the free being. But Hegel insists that this can be looked at from an "objective" standpoint too. In his technical usage, "right" is freedom made objective or actual [PR § 39]. Thus The Philosophy of Right is a developing hierarchy of objects in which freedom is actualized. But Hegel insists that what most people mean by freedom, the unhindered capacity to act arbitrarily or do as you please, is not true freedom [PR § 15R]. Genuine freedom, "absolute," "concrete," or "positive" freedom, consists not in a mere capacity or potentiality, but in that activity which fully actualizes reason [PR § 222R].

Hegel's conception of freedom is derived from Kant's conception of autonomy and Fichte's conception of absolute self-sufficiency, a kind of action that has its source solely in the self-activity of the agent and not at all in anything alien or foreign to the agent. Hegel, however, significantly revises this conception as it is found in Kant and Fichte. For them, autonomous action is that which has its source in the agent's pure reason and not in the agent's sensuous impulses, still less in the external (natural or social) world. For Hegel, however, this represents a false and rigid conception of the relation of the self to otherness. Spirit, Hegel insists, is "self-restoring sameness" [PrG § 118]; it stands in an essential relation to otherness,
IV. ABSTRACT RIGHT

Abstract right corresponds to the image of the self as a person. To be a person is to have a claim on an “external sphere” for the exercise of one’s arbitrary choice [PR § 41]. Following Fichte, Hegel derives a conception of persons with rights from a theory of “recognition,” through which individuals become aware of themselves in relation to other free selves. [Hegel’s version of this argument is presented in the famous “Master and Servant” section of The Phenomenology of Spirit (PhG §§ 178–96; cf. EC §§ 433–36).] Hegel interprets a person’s external sphere of arbitrary freedom as the sphere of that person’s property, taking that term in a very broad sense. A person’s right to life and free status, which Hegel regards as inalienable and imprescriptible, depend on the fact that a person’s body and life are paradigmatically that person’s property, constituting an external sphere that is inseparable from personality itself [PR § 66]. It follows for Hegel that slavery is necessarily a violation of basic right, as it moreover a society in which there are individuals who altogether lack property [PR §§ 46, 85].

Punishment. “Abstract right” is treated by Hegel under three main headings: property, contract, and injustice or wrong (Unrecht). Under the first heading he treats of the relation of a person to external objects, under the second, of relations between persons, through which they constitute a “common will”; under the third heading, Hegel deals with the opposition between the “universal will” implied in the mutual recognition between persons and the “particular will” that may set itself against the universal and do wrong [PR § 81]. When wrong takes the form of an intentional violation of the right of a person, it is crime [PR § 95].

Hegel’s theory of punishment is retributive, in the sense that he believes that a criminal act deserves to be punished solely because it is a violation of right, and that the beneficial consequences of punishing a crime are incidental to the justification of punishment [PR §§ 99–100]. One theme in Hegel’s theory of punishment is the claim that a criminal act, although externally real, is inwardly “null” or self-contradictory, calling forth punishment, or an “injury of the injury” to manifest its true nature [PR § 98]. Another less obscure and metaphorical theme in Hegel’s treatment of punishment is the claim that through the criminal act, a criminal directly wills its punishment. In effect, this is a theory of the forfeiture of rights, based on the criminal’s consent. By violating the right of another, I give my express consent that a like right of my own should be violated [PR § 100]. Hegel’s argument that I do so is founded on his theory of recognition, according to which each person implicitly demands from all others an external sphere of rightful freedom and simultaneously concedes a similar sphere to them. When I violate the right of another, the rational meaning of my act is that I renounce my own claim on the right I violate [or on an equivalent right]. When I am punished, the state infringes on [what would otherwise be] my right, but it does me no injustice because I have forfeited this right through an act of my own will.

This theory of punishment is well grounded in Hegel’s theory of abstract right, and it succeeds, without appealing in any way to consequentialist considerations, in showing how criminals may be punished without any violation of their right. Moreover, it sets [again on purely retributivist grounds] upper limits to the punishment that may be rightfully inflicted on a criminal: the punishment, regarded as the infringement of a forfeited right, may not exceed in gravity the right that was violated by the criminal’s own act.

Nevertheless, considered in relation to the conclusions Hegel wants to draw from it, the theory is subject to several important limitations. First, it is conceived solely in terms of crimes that violate the rights of persons. Hegel clearly intends his theory to provide a retributivist rationale for punishing all violations of law, even laws [such as those prohibiting forgery, counterfeiting, perjury, and treason] that do not have to do with the protection of individual rights [PR § 95]. Second, since the mechanism of forfeiture of a right is a voluntary renunciation of it, Hegel’s theory appears to imply that inalienable rights are also immune to forfeiture. This means that if the right not to be killed is inalienable, then it also cannot be forfeited. That would entail that the death penalty is always wrong, a conclusion Hegel wants to deny [PR § 100]. Finally, Hegel’s theory appears to provide a purely retributivist justification only of the claim that punishing a criminal is not contrary to right. It provides no retributivist reason why the state should actually inflict the punishments the theory says they have a right to inflict. Contrary to Hegel’s intention, the theory seems to need supplementing by consequentialist considerations in order to furnish such reasons.
V. Morality

Perhaps the most prominent theme in Hegel’s ethical thought is the contrast between “morality” (Moralität) and “ethical life” (Sittlichkeit). It is commonly supposed that Hegel is a partisan of “ethical life” and an opponent of “morality,” in the thought of his Jena period, where the contrast originated, this is largely true. But in Hegel’s mature moral thought, “morality” is not merely a preoperative term, and the moral outlook is not simply contrasted with the attitude of ethical life. On the contrary, morality is an essential aspect of the ethical life characteristic of the modern state.

Morality is the sphere in which the self is regarded as a volitional “subject.” In the subject, the opposition between universal and particular will [which we found in crime] has been internalized, the aim of the moral subject is to make his particular will conform to the universal will. As a subject, the self seeks to actualize itself through its own volition and action, and so a central focus of morality is on the moral responsibility of the subject for acts and their consequences. It is crucial to Hegel’s conception of morality that we deserve credit or blame only for real acts and accomplishments, not for mere inner intentions and dispositions. Hegel is the originator of the view, perhaps more often associated with Sartre, that “What the subject is, is the series of its actions” [PR § 124].

On the other hand, Hegel insists that morality is concerned only with the inner or subjective side of these actions and consequences. Hegel contrasts the modern moral attitude toward responsibility with the “naive simplicity” (Gediegenheit) of ancient ethical life, which [for example] ignored Oedipus’ intentions and held him responsible for the whole compass of his deeds [PR § 117A]. From the modern or moral standpoint, we can be held responsible only for those consequences that fall within our “purpose” – what we represented to ourselves as the consequences of our actions [PR § 117], and in assessing our actions morally, they should be considered in relation to the subject’s “intention” – the abstract conception of the action that gave the subject a reason to do it [PR § 119]. Hegel does insist, however, that because the subject is a thinker, he/we can be held responsible for all those aspects and consequences of our actions that rational reflection might have anticipated – for what Hegel calls the “nature” of the action [PR § 118R].

Hegel’s ethics

Modern moral agents further demand of themselves not only that they do what is objectively good but also that they do it with insight into the reasons why it is good; the value and dignity of the moral will consist in an insight and an intention that accord with the good [PR §§ 129–32]. Hegel thus agrees with Kant that duty should be done for duty’s sake [PR § 135]. But he disagrees with the Kantian view that our acts lack moral worth unless they are performed solely from duty. In Hegel’s view, an agent’s intention accords with the good if the dutifulness of the act is, under the circumstances, a sufficient reason for that agent to do that act; where this is the case, the presence and efficacy of sensuous or self-interested motives take nothing away from the act’s moral worth.

Even in his mature thought Hegel emphasizes the limits of the moral standpoint. He repeats his criticism of the Kantian moral principle, that it is unable to provide any determinate moral guidance [PR § 135]; further, he maintains that the standpoint of morality generally is incapable of yielding a determinate doctrine of duties [PR § 148R]. Sometimes the charge that the moral standpoint is “formal” and “empty of content” is presented merely as a criticism of Kant’s “formula of universal law”: “So act that you can will the maxim of your action to be a universal law.” Hegel’s charge is that this formula fails to distinguish morally permissible maxims from impermissible ones.

This criticism of Kant, although prominent in Hegel’s writings and long associated with his name, was in effect taken over from Fichte, who regarded all Kant’s formulations of the moral law as of “merely heuristic” import. Fichte held that our moral duty must be recognized in each individual case by conscientious reflection on particular circumstances. His principle of morality was unashamedly formal: “Always act according to the best conviction of your duty, or: Act according to your conscience.” In the Phenomenology of Spirit, Hegel follows Fichte in regarding “conscience” as the final criterion of duty from the moral standpoint [PhG § 632–71]. In the Philosophy of Right, Hegel draws the true content of our moral duties from ethical life (our duties are specified by our concrete relationships to individuals and institutions within an ethical order). Even there, however, Hegel regards the subject’s moral conscience as indispensable in dealing with inevitable cases of ethical indeterminacy and conflict [PR § 148R].

Hegel emphasizes the sanctity of individual conscience as part of
the modern recognition of the value of subjectivity [PR § 138]. At the same time, however, he sees conscience as subject to an unavoidable moral ambiguity. In its self-centeredness, even self-worship, the attitude of conscience, for all its pretended purity, is very close to the essence of moral evil [PR § 139]. Considered as a genuine moral criterion, the appeal to conscience is not, as Fichte would have it, merely an affair of the subject’s inwardsness. Instead, Hegel insists, it essentially involves language, and the social institution of giving and accepting subjective assurances of the agent’s conscientiousness [PhG § 653]. By themselves, moreover, these assurances are always ambiguous and open to interpretation by others. If, in deciding what is right for you, there is no appeal beyond your own subjective conscience, then when I judge the morality of your action, it is to the same degree up to me whether to take your appeal to conscience as honest or as hypocritical [PhG §§ 644–66].

In the Philosophy of Right, Hegel strongly criticizes an extreme or aberrant form of subjectivism to which he thinks the morality of conscience is prone: the “ethics of conviction” that he associates with the moral philosophy of Jakob Friedrich Fries [1773–1843]. This is the view that no act can be morally condemned as long as the agent followed his own conscience or moral convictions [no matter how wrong and misguided those convictions might be]. Hegel regards this view as a reduction to absurdity of the inherent emptiness of the moral standpoint if it is considered in abstraction from ethical life [PR § 140R].

In effect, Hegel thinks, the ethics of conviction abolishes the distinction between moral good and evil, because for it any content counts as “good” as long as it is accompanied by the subject’s conviction that it is “good.” But this provides so little content to the good will that it can no longer be distinguished from a thoroughly evil will. Thus, just as the sphere of abstract right showed its limitations by eventuating in the category of wrong, so the limits of morality are shown by its culminating in the category of evil. As the sphere of abstract right passed over into that of morality, so the sphere of morality is transcended in the sphere of ethical life.

VI. ETHICAL LIFE

Hegel’s use of the term Sittlichkeit, which might be translated from ordinary German as “customary morality,” has often been interpreted as an endorsement of moral traditionalism, of the view that to do what is morally right, all I need to do is act in conformity with the accepted standards of my people and culture. It is true that Hegel regards objective and determinate moral standards as founded on the organization of a concrete social order, and that he regards some enlightenment moral theories as shallow and overly individualistic. But Hegel’s conception of the ethical life of modern society (as presented in the Philosophy of Right) is not conservative or traditionalist in its orientation. Hegel insists that the institutions of the modern state have a claim on us only because they are rational [PR § 258R], and Hegel takes it to be the function of rational reflection to confirm what we do by custom and habit through insight and scientific cognition [PR § 147R]. The “ethical” standpoint in Hegel is better interpreted as a certain type of critical reflection on existing social institutions than as a rejection of such reflection.

The point of Hegel’s emphasis on custom is not to endorse what is old or traditional, but to stress the importance of freedom, that is, self-harmony or being with oneself in one’s social life, as the foundation of ethical norms. Hegel means to criticize both ethical and political views that treat ethics entirely as a matter of coercion or constraint, whether the external coercion of the state in matters of abstract right, or the inner self-coercion characteristic of the moral standpoint (especially as represented by Kant and Fichte).

Ethical subjectivity: virtue and duty. This issue is the focus of Hegel’s first use of the term Sittlichkeit in contrast to Moralität, which occurs in 1802 [GW 426/183] and concerns issues in Fichte’s moral psychology. Hegel feels that the divorce of reason from sense in Kant and Fichte, and insistence on the constraint of the empirical self by the rational self, represents an unhealthy form of self-alienation. The term “ethical life” is coined to describe a state of the human will in which reason and sense are in harmony. Accordingly, “ethical life” originally refers to an ethics of character, emphasizing rational dispositions and practical judgment in concrete situations, in contrast to a morality of norms, where the emphasis is on deriving particular actions from general rules.

Hegel associates the ethical attitude with virtue: “the ethical insofar as it is reflected in individual character determined through nature” [PR § 150]. He intends this conception of virtue to be Aristotelian, involving natural dispositions so constituted that they follow a rational principle [VGP 2:322–24/304–6]. The virtuous person is
one whose desires and inclinations are so constituted by nature and education that they are in harmony with right reason. Virtuous people not only do what they ought but desire what they should, and are pleased and pained by the right things. Thus there are two ways of doing the right thing without exhibiting virtue. Kant is correct when he denies virtue to the person who does good to others because it happens to please him to spread joy around. Equally, however, there is no virtue in one of Kant's favorite examples of the good will: the cold-hearted man who thwarts his inclinations and behaves kindly toward others purely from a sense of moral duty.

From the standpoint of morality, Hegel insists, any act that accords with the good may be considered a duty (PR § 133). Moral duties are experienced as constraints on our will but have no specifiable content. Ethical duties, by contrast, are "duties of relationships" (PR § 150). They are the actions we perform in fulfillment of the social roles that constitute our concrete identity as individuals. The fulfillment of these social roles is also self-fulfillment. Moral duties tell me what I must do in order to go about my own personal business with a clear conscience; they constrain me, so that my proper life begins only when they have been discharged. Ethical duties, however, are "the substance of my own being" (PR § 148). They include the love I feel for my family and the self-satisfaction I get from my profession. Leaving them unfulfilled would not so much offend my conscience as empty my life of its meaning. For this reason, Hegel insists that ethical duties are not constraining but liberating (PR § 149).

This does not mean that ethical conduct maximizes the agent's self-interest, any more than it means that it conforms to some impartial universal law or that it maximizes the general tendency of pleasure over pain. We do not experience a fulfilling family or professional life as a sacrifice of personal happiness, even though we know we could often do better for our own interests if we ignored the duties they impose. Ethical conduct would not be fulfilling if it cut too deeply into our happiness, but it seldom maximizes our self-interest. Hegel takes ethical action to be the most-powerful, as well as the most-admirable, mode of human conduct. If he is right, then that means that most of social life can be explained neither by egoistic motives nor by adherence to a universalistic morality, nor by both together. Yet these are the only two forms of motivation offi-

Hegel's ethics officially acknowledged by most modern ethical, social, or economic theories.

Ethical objectivity: the rational social order. As we can see from his account of ethical duty, Hegel thinks that the opposition of reason and sense goes hand in hand with another opposition, between social norms and individual moral reflection. Where individuals do not feel themselves at one with their social being, they will regard what is particular to themselves, their inclinations or sensuous desires, as something to be overcome or suppressed if their life is to conform to rational or universal standards, whose true source (whether moralists realize it or not) is the social reason embodied in their culture.

Hegel developed the conception of ethical life at a time when he was strongly influenced by his idealized picture of ancient Greek society, with its beautiful harmony of reason and sense, nature and spirit, individual and community. Accordingly, his primary image of ethical life is that of a society in which these harmonies are immediate, unreflective. But in The Philosophy of Right, Hegel is attempting to describe an ethical life that is distinctively modern, hence reflective and subjective in a way that Greek ethical life could not have been. At times Hegel still uses the term Sittlichkeit with connotations of unreflective and immediate acceptance of social norms; in some of these uses, however, the term has for that reason a pejorative connotation, since it implies a lack of subjective freedom (PR § 256). In the modern world, Hegel thinks, the harmony of ethical life need no longer be an unreflective harmony, but may be a rational harmony won through philosophical understanding. And he explicitly distinguishes the unreflective attitudes of "identity" or "trust" toward the ethical order from the attitudes of "insight" and "philosophical cognition" that are more appropriate in the modern world (PR § 1478). It is the avowed purpose of The Philosophy of Right to provide us with such cognition of the ethical life of the modern state (PR Preface 14).

This of course presumes that philosophical reflection on the state will inevitably result in its rational acceptance, thus it gives the impression that Hegel's attitude toward social norms is in principle an uncritical one. We will understand that this impression is a misleading one if we come to appreciate the fact that the ethical life of the modern state of which Hegel writes is not so much a description of any existing state as it is a rational reconstruction or projection of
the form of the state based on Hegel’s theory of modern humanity’s self-understanding. Hegel explicitly distinguishes the “actual” state with which his theory deals from the various “existing” states we see before us, all of which are, to be sure, actual to a degree, but whose actuality is disfigured by contingencies and human failures of various kinds (PR § 258A).

The ethical as a rational standard. At no time in his career does Hegel regard just any social order that happens to exist as “ethical.” A social order, and especially a state, counts as ethical only in virtue of its rationality (PR §§ 145, 258). To the extent that a social order is not rational, it is also not ethical. The members of a social order will not be generally fulfilled by their ethical duties unless the social order as a whole is harmonious and well constituted. Further, reflexive individuals will not be able to find their lives in society fulfilling unless their reflection reveals to them the rational structure of their society. The fundamental aim of the Philosophy of Right is to provide a theoretical understanding of this kind for a rational modern state: “to win for the rational content a rational form” (PR Preface 14). It follows that ethical virtue and ethical duty are possible for reflexive individuals only in a society which is objectively rational. Only such a society is “ethical” in Hegel’s sense of the term.

The whole of the Philosophy of Right is Hegel’s attempt to articulate these standards of rationality for a modern state. But there are two general criteria of ethical rationality that Hegel applies to societies irrespective of their historical position. First, to be ethical, a social order must be “articulated”: it must involve the differentiation of social institutions – the religious realm and the political, the family and the state. (Oriental despotism, for this reason, is considered a pre-ethical form of society (PR § 355; cf. PR § 270R)). Second, ethical life requires the acknowledgement of human individuality as a value. Hegel counts Greek society as the first form of ethical life only because it was among the Greeks that the value of individuality first developed, moreover, because modern society displays the higher flowering of individuality, in the form of persons with abstract rights and subjects with moral freedom, it is more fully ethical than ancient Greece (PR § 150R).

Thus the Hegelian standpoint of ethical life does not involve an uncritical acceptance of the existing order, but rather a certain type of critical reflection on it. This reflection is based on a comprehen-

sion of the rational form of the existing social order in the light of its cultural and historical origins and its embodiment of progressive cultural values, such as those associated with individuality. Hegel intends this kind of reflection to be contrasted with a (Kantian or Fichtean) moralistic reflection based on principles of a priori reason, or a critique of the existing order that is founded on an abstract (ahistorical) conception of human nature.

The ethical as a universal standard. One of the connotations of the term Sittlichkeit is the suggestion, found in the thought of Johann Gottfried Herder [1744–1803] and other critics of Enlightenment thought, that different societies and cultures may legitimately have different customs and different norms. This suggestion sometimes prompts Hegel’s readers to interpret him as a sort of ethical relativist who regards the accepted norms of every society as valid for the members of that society. This interpretation cannot withstand even the most casual acquaintance with Hegel’s actual views. He has no hesitation in condemning certain social practices, such as slavery, and certain provisions of Roman law and morality, such as those that permitted creditors to commit bodily mutilation on their debtors and those that made children the property of their parents (PR § 3). More generally, despite the connotations of the term Sittlichkeit, Hegel’s conception of modern ethical life makes strikingly little provision for cultural diversity between modern states. Hegel’s Philosophy of Right must be read as a powerful contribution to the argument – directed against the conservative Romanticism of Hegel’s age – that the institutions of modern society must be held accountable before the bar of reason.

VII. Ethics and the Free Society

Hegelian ethics is founded on freedom. Hegel regards the state as the “actuality of the ethical idea” (PR § 357) only because the state is “the actuality of concrete freedom” (PR § 360). Hegel often makes his meaning obscure, but these statements are uncharacteristically lucid; their meaning is quite plain. Nevertheless, we tend to react to them either with puzzlement or outrage. His association of the state with freedom sounds absurd to us because we simply cannot get it through our heads that anyone could hold the view they express. We can interpret it only as an obscure philosopher’s paradox, or else as
some sort of preposterous Orwellian lie devised by a demented totalitarian who seeks to subvert our common sense.

Max Weber defined the state as the institution that claims a monopoly on the use of violence. Since Hobbes, the state has been conceived mainly as a coercive institution: for conservatives a preserver of peace and order, for liberals a protector of individual rights, for radicals a promoter of rule class interests, but always at bottom an enforcer.

What distinguishes Hegel from virtually all other modern social theorists is his view that the state is fundamentally an ethical institution, hence founded not on coercion but on freedom (PR § 237). He sees the source of its strength not in force, but in the way its social structure organizes the rights, the subjective freedom, and the welfare of individuals into a harmonious whole, whose rational unity makes possible each individual's identity as a free person, a moral subject, and a fully self-actualized human being. In ethical action, individuals find their fulfillment, which includes a generous measure of subjective freedom and private welfare but is grounded more deeply on the universal, the state, which is an "unmoved end in itself" (PR § 238). Hegel's view is that individuals, as individuals, can be fully self-actualized and concretely free only if they are devoted to ends beyond their own individual welfare, indeed beyond anyone's individual welfare, to universal or collective ends, which are summed up in the rational organization of the state. The state for Hegel is not a mechanism for the keeping of peace, or the enforcement of rights, or the promotion of any interest beyond its own existence. Instead, it is most fundamentally the locus of the higher collective ends, which, by rationally harmonizing the rights and welfare of individuals, liberate them by providing their lives with meaning. As Hegel conceives of the state, its action on individuals is not the external coercion of policemen, but the internal, ethical disposition that fulfills their rational nature and so makes them free.

Hegel does not deny the coercive functions of the state, but he assigns them to the Notzstaat or "civil society"—that is, to the economic realm, where persons need external protection for their abstract rights and the market needs regulation to keep it in harmony with the collective needs of the community (PR § 183R). In other words, the state appears as a coercive power only from the fragmented and self-interested perspective of individuals as members of civil society. This is simply because only civil society (the so-called "free market") makes the use of coercive force socially necessary on a large scale. The state's real power, however, always rests on a deeper ethical harmony, only through this can it retain the loyalty and support of individuals, which is the basis of all social life, including the unconscious co-operation of civil society, and even of the state's monopoly on violence.

Hegel's conception of ethical life thus underwrites a conception of modern social life that is unique among modern theories in its emphasis on spontaneous harmony and free community as a condition for the possibility of all social institutions and relationships. On this conception, a free society is not merely one that protects personal rights and provides for the subjective freedom and welfare of individuals. It is one in which the individual good of its members is brought into rational harmony and grounded in a collective end, which its members understand and pursue both spontaneously and rationally for its own sake.

Hegel thought he saw a free and rational community of this kind in the modern state as it actually exists. Most of us, however, cannot share this vision of our actual social life. For us, modern society remains a battlefield of interests and the state is simply an enforcer, either of some interests over others, or else of the rules of their combat. Thus Hegel's conception of the free society, if it refers to anything, can refer only to a nonexistent freedom, a radically anti-liberal and anti-individualistic idea of liberation inspiring and haunting our social imagination. From the standpoint of the liberal status quo, however, the same ideal can appear only as a dangerous delusion, one that threatens to deprive us, in the name of freedom itself, of the only sort of freedom we know how to possess. Hegel's ethical thought remains vitally relevant to us because it is still the principal source of those troubled dreams that continue to torment our collective life.

Notes
1. All translations from the works listed below are my own. The original German pagination will be cited first, separated by a slash (/) from the pagination of the standard English translation.