The Moral man is not he who merely wills and does that which is right—not the merely innocent man—but he who has the consciousness of what he is doing.

G. W. F. Hegel

*Philosophy of History*

From the Age of Discovery in the early 15th century to the Great War at the beginning of the 20th century, the West (first, Europe and later North America) experienced the growth, development, and maturation of what is now called modernity. Modernity has many characteristics: the development of technology, as illustrated in the emerging capacity of the machine to produce an abundance of material commodities, which will result in the industrial revolutions; a growing faith in reason and the concomitant ability to create and sustain large organizations of scientific inquiry and rational planning, from the modern university to the bureaucracies of the modern state; an optimism often associated with this faith that leads to a belief in the progressive capacity of reason and technology to enrich the material lives of human beings; and, finally, the capacity of the autonomous individual to govern self and engage in...

*I owe a debt of gratitude to friend and colleague, Dr. Peter A. Petrakis, Southeastern Louisiana University, for his close reading and commentary on this manuscript.*
unfettered economic competition, which will lead to the influential forces of liberal democracy
and capitalism. Not surprisingly, all of these developments (and more unnamed) led the West to
celebrate its unique contributions to civilization. By the time of the 18th century Enlightenment,
western civilization’s image of itself was “of a civilization founded on scientific knowledge of
the world and rational knowledge of value, which places the highest premium on individual
human life and freedom, and believes that such freedom and rationality will lead to social
progress through virtuous, self-controlled work, creating a better material, political, and
intellectual life for all.”¹

Alas, that self-image was not sustainable, any more than the overly optimistic goals of
modernity were attainable. Thus, as postmodern critics are quick to point out, the rise of
modernity was also accompanied by the growth of imperialism, colonial domination, the
fragmentation of existence, and unprecedented human destruction, of nature and of life. Indeed,
both existentially and metaphorically, modernity may have ended with the Great War and the
Battle of Verdun, a ten-month long conflict where the battle lines moved no more than one
hundred yards and over one million casualties were suffered.

The philosophical underpinnings of modernity can be found in the Enlightenment faith in
reason and the human capacity to apprehend the immutable laws of nature. Underlying that
faith, however, is a more critical beginning that occurred in the middle of the 17th century, the
emergence of the principle of subjectivity as reflected in the skepticism of René Descartes.

¹Lawrence E. Cahoone, From Modernism to Postmodernism: An Anthology (Cambridge, MA: Blackwell
Publishers Inc., 1996), p. 12. Cahoone provides an excellent introduction to the postmodern critique of modernity,
as well as fine anthology of essays from both traditions.
Pushing himself to the edge of doubt, Descartes found that despite his uncertainty about the sensate world, there was one indubitable truth, his own consciousness, the veritable “I.” In this discovery, Descartes elevates the subject to primary status and justifies the new scientific perspective, the subject observing the object. The ensuing and insuperable chasm between subject and object has been a preoccupation of philosophy ever since; and the elevation of the autonomous subject would influence not only science and mathematics, but political and social thought as well. Indeed, the aforementioned characteristics of modernity, from the growth of science and technology to the development of liberal democracy, are fundamentally dependent on this emergence of the autonomous subject.

Of the many philosophers who have grappled with the implications of modernity and of Descartes’ contributions to its beginnings, Georg Wilhelm Friedrich Hegel is foremost in elaborating on the emergence of the principle of subjectivity as well as exploring the political and social impact of that emergence. In the winter of 1822, Hegel embarked on a series of lectures he would subsequently give every two years until his untimely death, ostensibly of cholera, in 1831. Various titled “The Philosophy of World History” or “The Philosophy of History,” these lectures were first published posthumously in 1837. Several iterations have

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4Various colleagues and friends gathered Hegel’s notes, as well as student notes of the lectures and prepared a manuscript on the *Philosophy of History*. The authoritative edition of Georg Wilhelm Friedrich Hegel’s collected works, in which appears the 1840 compilation of the *Philosophy of History* by Eduard Gans and Karl
followed, including separate English editions of the well known *Introduction*, in which Hegel describes and analyzes the historical development of self-consciousness, as well as its paradoxical and conflictual character.\(^5\) In point of fact, Hegel was preoccupied with this story, here in its historical shape, but earlier in its phenomenological and ethical forms. In a much earlier work, the *Phenomenology of Spirit*,\(^6\) first published in 1807, he explores the ontological journey of self-consciousness in all of its estranged and homeless character and in the context of its endless struggle for recognition; and as early as 1801/02, in a posthumously published work entitled, *System of Ethical Life*,\(^7\) he had begun to inquire into how an ethical philosophy of social and political relations could be explained and justified in the context of the emerging self-conscious subject. Indeed, it is this latter concern, the ethical life of the modern subject, to which Hegel would turn again and again in his career, most especially in his most profound and mature political and social work, published in 1821, the *Philosophy of Right*;\(^8\) and it is this ethical life of the modern subject that is the focus of this essay. More precisely, it is through his examination of the ethical life of the modern subject that Hegel provides a profound analysis of

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the conflicts inherent in the modern world, most especially the conflicts between the self and community in a liberal society. A multitude of public debates in the United States, from tax policy to the reform of social security, indicate that we have much to learn from Hegel, particularly if we revisit his analysis of modernity and renew his call for *sittlichkeit*, the ethical life. A critical examination of that life and its relevance for 21st century citizens of liberal societies is essential to that educative task. Before engaging Hegel on this question, however, it is necessary to undertake a brief examination of his hermeneutical methods.

**Hegel’s Method**

The overarching methods of Hegel’s inquiry are well known and outlined in the famous *Preface to the Phenomenology*. Hegel may be the first philosopher to make modernity his subject; it is clear that he is driven by the typical desires of modernity, most importantly the desire for truth. The *Preface* expresses this desire and it proceeds to describe the nature of the truth being sought, first in the form of a metaphor.

The bud disappears as the blossom bursts forth, and one could say that the former is refuted by the latter. In the same way, the fruit declares the blossom to be a false existence of the plant, and the fruit supplants the blossom as the truth of the plant. These forms do not only differ, they also displace each other because they are incompatible. Their fluid nature, however, makes them, at the same time, elements of an organic unity in which they not only do not conflict, but in which one is as necessary as the other; and it is only this equal necessity that constitutes the life of the whole.⁹

The bud is, of course, the much sought after truth of philosophy; and, for Hegel, that truth is progressive, in terms of its historical, ontological, and logical development. More important for the purposes of this essay, however, is Hegel’s preoccupation, through the metaphor illustration, with contradiction and conflict. The truth of philosophy involves propositions in conflict, negating one another, and eventually supplanting one another. Yet, this process of contradiction and resolution is fluid in nature and understanding its “organic unity” is essential. One element of the process is as “necessary as the other” and the particular elements of the process, as well as the overarching unity of the process comprise its organic unity or, as Hegel calls that unity, the “life of the whole.” Indeed, for Hegel the demands of philosophy are such that it is not enough simply to describe this process or to criticize it: “To judge that which has contents and workmanship is the easiest thing; to grasp it is more difficult; and what is most difficult is to combine both by producing an account of it.” Producing that account requires an understanding of the conflict and resolution to which Hegel refers and the resolution of that conflict in the “life of the whole.” Moreover, it requires a devotion, a passion for this mode of knowing, or what Hegel often refers to as “the seriousness of the Concept.”\textsuperscript{10}

What Hegel is seeking to expound and justify is a way of knowing that is a veritable phenomenology of the spirit; and it consists of historical, rational, and ontogenetic elements. His notion of spirit is somewhat convoluted, much debated, and often misinterpreted. Indeed, that misinterpretation led to the \textit{Phenomenology of Spirit} occasionally being translated as

\textsuperscript{10}Texts and Commentary, p. 10. Hegel’s use of the phrase “Concept” translated from the German, \textit{Begriff}, has been the subject of considerable commentary. As Kaufmann indicates, it connotes a particularly rigorous kind of conceptual analysis to comprehend in the manner advocated by Hegel (see pp. 8-9, n. 3).
Phenomenology of Mind. Clearly, this is not what Hegel meant, although the idea of spirit does encompass individual subjectivity or self-consciousness. It also encompasses the social and political values and institutions of a culture, its nomos (as objective spirit); and the manner in which a society or culture “affirms itself, and articulates its self-understanding and experience of the world in its art, religion, and philosophy” (as absolute spirit). What is more, there is a rational, perhaps a divine, principle that permeates these respective notions of spirit and that is an expression of a being that transcends, but is still an expression of, the self-conscious theories and practices of human beings and their cultures. “The result is a heterodox Hegelian version of a self-revealing deity: neither the transcendent creator-God of Christianity, nor the immanent substance-God of Spinoza, but an immanent synthesis of substance and subject that becomes manifest to itself through human history and knowledge.”¹¹

In what many regard as the most important aphorism in the Preface, Hegel makes the following pronouncement: “According to my view, . . . everything depends on this, that we comprehend and express the true not as substance but just as much as subject.”¹² This was the

¹¹Yirmiyahu Yovel, Introduction, George Wilhelm Friedrich Hegel, Hegel’s Preface to the Phenomenology of Spirit, trans & commentary by Yirmiyahu Yovel (Princeton: Princeton University Press, 2005), p. 10. Yovel’s new translation of the Preface is most welcome; but it will take some time to evaluate whether it is superior to the Kaufmann version, used herein. Yovel’s introduction and commentary, however, are superb. His conclusion, here, which I share, is incomplete and open to debate and interpretation, as he admits. For example, Hegel thought of himself as a Christian philosopher, but, for many scholars, the transcendence and/or immanence of the God he discovers is problematic and decidedly controversial.

¹²Texts and Commentary, p. 28. Both Kaufmann and Yovel, the two major translators of the Preface, make this assertion about the importance of the aphorism.
goal of modern philosophy, or at the very least the goal Hegel had set for himself. It had everything to do with reconciling the antinomies that preoccupied philosophy in the modern age, most especially German philosophy in the 19th century; and for Hegel the most significant antinomy was between subject and substance. (Subject here refers to the subjective individual; substance is a bit more difficult to define precisely. It refers to truth, or the so-called objective world, or to concrete realization of truth, which would be in this context, the ethical community.) Hegel’s desire for a systematic and comprehensive philosophy would lead him to explore the resolution of the conflict between subject and substance in a host of different realms, from the historical and unidimensional apposition found in Spinoza’s substance and Kant’s subject, to the theological difficulties inherent in considering God as substance and yet as immanent spirit “mediated by the consciousness of particular men and women and the social culture which unites them.”¹³ In the context of this essay, Hegel’s most important exploration of antinomies lies in the ontological implications of his desire to reconcile subject and substance, as well as the political and social manifestations of that reconciliation. From this perspective, as Yirmiyahu Yovel so clearly states, “being itself exists as a process—it is not given in its perfect state from the outset, but has to be actualized.” Being is substance, but it is also process. Being is substance, but it is also subject. At the existential level of the individual, at its most subjective level, being is constantly negating and actualizing itself, in pursuit of identity. At the historical level, in its higher stages, being is again negation and actualization, but now manifested in cultural and

¹³Yovel, Introduction, p. 17.
social forms, such as economic and political institutions, but most pointedly ethical life. At its highest level of development, being is pure contemplation, pure spirit.¹⁴

Two Moral Principles in Conflict: The Case of Antigone

It is, perhaps, most useful to explore these abstract musings on subject and substance, and the necessary ontological conflict and resolution they engender, in two specific and classic examples Hegel uses himself, the tragedy of Antigone and the subjectivity of Socrates. First, the case of Antigone. It is significant that Hegel explores his theory of tragedy in the course of the Phenomenology of Spirit and that he chooses as his quintessential tragedy, Sophocles’ Antigone. Hegel, here, is tracing the development of being in its most conflictual, and therefore most tragic, form. He is also offering a view and a critique of a Greek world that is personified by harmony and balance, but which is destroyed when subjective morality is introduced into the polis.

The narrative of Antigone is a simple one. The once proud Kingdom of Thebes is in the midst of civil war. The two sons of Oedipus, Polynices and Eteocles, came of age and were to share the throne of their former father, Oedipus, who is wandering in exile after discovering that he had, indeed, killed his father, King Laius, and wed his mother, Jocasta. Alas, the brothers are unable to coexist in such a division of power and they cast the kingdom into civil war, with Eteocles assuming the throne and Polynices leading an insurrection against his former city. Both brothers are killed in the ensuing war and Creon, brother of Jocasta, assumes the role of regent King. He declares that Eteocles will be given a proper hero’s burial, while Polynices shall be treated as a traitor and be denied such burial. Acting on the allegiances she values most, namely kinship and blood, and appealing to the higher moral law of the gods, Antigone, (sister of

Polynices and Eteocles), defies Creon’s decree and buries her brother Polynices. Creon, who recognizes only the moral duty of the citizen, has Antigone arrested and entombed, while Haemon, Creon’s son and Antigone’s betrothed, pleads for her life. In arrogant and resolute insistence on obedience to the state, Creon refuses to bow to the wishes of his son or listen to the murmurings of his citizens at his unjust and unwise decree. When finally he recognizes the narrowness of his perspective, it is too late. Haemon, Antigone, and Jocasta have committed suicide; and Creon is left to reflect in sorrow at what he has done. The Chorus of Theban Elders speak the final truth to Creon: “You have learned justice, though it comes too late.”

The tragedy lies in the fact that two morally right stances are in conflict. Antigone is right to administer burial rights to her brother; but she refuses to recognize the legitimate claims of the city. Creon is right to think Polynices a traitor, but he refuses to recognize the legitimate claims of kinship and tradition. Each in their own fashion narrow the moral conflict so dramatically as to ensure tragic failure; each in their own fashion illustrate the poverty of their perspectives, which refuse to recognize that the family and the city are interdependent. Both are lacking in practical wisdom, that Aristotlean insight that moral life is ambiguous and that the essential questions of the good, namely political questions, are not capable of being addressed in precise, unambiguous fashion. Indeed, to do so invites tragedy.

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16 For a full discussion of the narrowing strategies of Antigone and Creon, as well as a marvelous inquiry into the ethical theories behind them, see Martha Nussbaum, *The Fragility of Goodness: Luck and Ethics in Greek Tragedy and Philosophy* (Cambridge: Cambridge University Press, 2001).
To say that the partisan debates on public policy in America have begun to take on the character of a Sophoclean tragedy, at least one interpreted in the fashion of Hegel, is to state the obvious. More will be said about this phenomenon later, at least in so far as it relates to the language of rights and the language of duties. For now, however, it needs be re-emphasized that Antigone also represents the introduction of the subject into the community; and, thus, she signifies the aforementioned existential path of being, attempting to actualize itself in the name of a substance. In Antigone’s case that substance is the higher law. Yet, as Hegel acknowledges, that very claim of subjectivity casts her in moral conflict with a community that does not have the capacity to recognize such subjectivity. Hegel will claim that modernity faces a very similar task, the integration of subjectivity into community, but not just on the level of the existential subject. Cultures and institutions will have to learn the difficult lessons that Creon had to learn, if an ethical life (sittlichkeit) is ever to emerge. The challenges of this second order of being trying to reconcile subject and substance will be examined later in this essay. For now, it is important and necessary to examine a more startling example, given by Hegel, of the introduction of subjectivity into human history, namely the case of Socrates.

**The Emergence of Subjectivity: The Case of Socrates**

Hegel’s lectures on the philosophy of history represent one of his most accessible works and are often studied as an introduction to his method and thought. As he outlines the historical development of the growing relationship between subject and substance, and, with that, the development of freedom, Hegel offers a fascinating commentary on various civilizations, from ancient Asian empires to German Protestantism. The most fascinating of these historical commentaries, however, is his analysis of Greece in general and Socrates in particular. Indeed,
in his discussion of Greece, Hegel makes a powerful case for Socrates being the “founder” of modernity, because Socrates represents a pivotal moment in human history, the emergence of “the principle of subjectivity.” As Hegel writes: “it was in Socrates, that at the beginning of the Peloponnesian War, the principle of subjectivity—of the absolute inherent independence of Thought—attained free expression.” Because Socrates was intent on teaching that human beings were to discover what is right and good for themselves, he was not a teacher of morality, but rather an “Inventor of Morality.” The Greeks’ customary morality now became a self-conscious, willed morality; and essentially, therefore, Socrates taught that “the moral man is not he who merely wills and does that which is right—not the merely innocent man—but he who has the consciousness of what he is doing.” Teaching in this manner, Socrates elevated the individual, the subject, to an extraordinary status. Now, the human subject, through insight and conviction, was capable of making “final decision[s] in contraposition to Country and to Customary Morality.”

The principle of subjectivity that Socrates represents was, for Hegel, a monumental development in human history. With the emergence of what he called the “inner world of subjectivity,” there was a concomitant rupture of reality. “Though Socrates himself continued to perform his duties as a citizen, it was not the actual State and its religion, but the world of Thought that was his true home.” As Socrates went about Athens, questioning any who would listen and illustrating to them that their knowledge of the Good was incomplete, he invoked the principle of subjectivity; and when, at his trial, he admitted that he had, since childhood, listened

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to an inner voice (daimonion) that instructed him on matters of good and evil, he invoked the image of himself as an Oracle. Thus, when Athens convicted him of inventing new gods and sentenced him to death, it was a decision, in Hegel’s mind, “of unimpeachable rectitude.” Yet, the tragedy of that sentence lay in the fact that Athenians had now recognized “that what they had reprobated in Socrates had already struck firm root among themselves, and that they must be pronounced guilty or innocent with him.”

It was Socrates, then, who set in motion the inevitable tension between subject and substance; and it was Socrates who precipitated the journey of human consciousness that Hegel describes so vividly his lectures on the Philosophy of History and analyzes so profoundly in his Phenomenology of Spirit. The journey Hegel describes is deceptively simple. At some juncture in its history, the self becomes aware of itself. The tribal “we” is transformed slowly but unequivocally into the modern “I.” This new found consciousness is the beginning of individuality and it is highly troubling. It literally separates the newly self-conscious individual from the tribal community and thereby initiates a search for a new communal order, now through the rational calculation of the purposes of the community and the proper means of achieving those purposes. The principle of subjectivity leads directly to political consciousness, or the self-conscious, rational search for new order. The “homeless spirit” is in search of a new home. Not surprisingly, for Hegel, this search has a dialectical quality to it. On the one hand, the self becomes aware of its individuality and with that there appears accompanying notions of conscience and of rights. On the other hand, the self is equally aware of others as others and that inevitably raises questions of one’s duty and obligations to those others. Thus, the conscious self

turns to the world of politics and its emphasis on the moral and rational order that makes it possible to be a free individual and a citizen.

**First Interlude on Freedom and Modernity**

Hegel has so far explicated the fundamental principle of modernity, the emergence of the subject. He has done so in the context of the development of freedom, in the individual and in the cultural practices of a civilization. A key to understanding his concept of freedom is revealed in the epigram to this essay, which was discussed in another context above, namely that “the moral man is not he who merely wills that which is right . . . but he who has the consciousness of what he is doing.”

It should be noted that Hegel begins here with the notion of morality or the moral man, the person who wills that which is right. The freedom to choose that which is right, however paradoxical that might seem, is the essence of his concept of liberty and it will be the basis of his development of the ethical life. What is more, for the subject to reconcile with the substance, the good, it must be conscious of its choice. The self-conscious subject wills the good. The tragedy of the human condition occurs when subject and substance are in irreconcilable conflict, when the will is nothing more than the servant of egoism, and the substance of the good is as an external dogma: abstract and wholly other. How, then, is this to be avoided? How does history record the ever increasing development of self-conscious freedom and with it a reconciliation with the substance of the good? Hegel attempts to answer that question in his most political work, the *Philosophy of Right*. In the process of doing so, he both defends and attacks liberalism; and, at the same time, he outlines the shape and form of the modern ethical community.

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It should be emphasized that Hegel is not a reactionary; he welcomes modernity, most especially its expansive notion of freedom. Modernity’s task, he thought, was to reconstruct the ethical community that was so characteristic of Greece and that has been destroyed by the principle of subjectivity. To be sure, he greatly admired the ancient Greek polis and lamented its fall, but the fragmented character of modernity made it virtually impossible to resurrect that ancient ethical community (*Sittlichkeit*). Yet, modernity possessed what the ancient world did not, the aforementioned expansive notion of freedom, particularly as exemplified in Protestant Christianity and its doctrine of the priesthood of the believers, and a powerful rationality that was not as evident as it needed to be for moderns to appreciate what a modern *Sittlichkeit* might entail.

Freedom, for Hegel, was decidedly not doing simply as one pleased. The will, or freedom, is both an ontological and a phenomenological act. To will something is to take responsibility for that willing, to reflect upon the consequences of that willing, to possess what both Kant and Hegel called “practical reason.” To act otherwise is to be demonstrably in the control of desire or social convention; and that is not freedom. Moreover, to be free is not merely a private matter: “one can be an agent only by being recognized as an agent, and thus the conditions of free agency exist fully in the relations of mutual recognition among agents, on the norms to which we can mutually hold each other.”  

Hegel knew it. Thus, in the *Philosophy of Right* he attempted, as much as he was capable of doing, to put more precise content to these abstractions about freedom and modernity.

**Abstract Right, Morality, and Ethical Life**

The practical reason that Hegel believed was so powerfully required if modernity was to realize its potential and reconstruct a semblance of ethical life was often expressed in terms of the universal and the particular, with the universal referring to conceptions of the good, social norms and customs, and the claims of the community, and the particular referring to individual actions, specific instances of choice, and the notion of human right. Throughout the *Philosophy of Right*, he examines the relationship between the universal and the particular, first in two immediate (undeveloped) forms, Abstract Right and Morality, and then in a mediated form, Ethical Life.

Abstract right in Hegel is very close to what some would call natural rights philosophy. Individuals are possessed of rights and they recognize, perhaps grudgingly, the necessity for recognizing the rights of others, particularly in the realm of the acquisition, ownership, and exchange of property. Inevitably, these rights come into conflict and a system of contracts, wrongs, and punishments comes into practice to resolve those conflicts. This system may work as far as it goes, but it is essentially an undeveloped system of rights, essentially a particularistic system. What must come into being is a broader sense of the mutual obligations we owe one another, on property rights as well as other kinds of rights. In other words, a moral system of universals must be created that characterizes what “ought” to be for a society; but if abstract right was too particular, this moral system is too universal. The superior, fully developed form of right is one that recognizes what Aristotle called practical wisdom, or the ability to espouse a
universal that can be brought to bear on a particular. Or, as Hegel puts the matter in the form of a question: Is it not possible to imagine a situation in which the individual will chooses to embrace a universal will as its own and thus to bring about a rapprochement between universal and particular? His answer was yes and he chose to call this rapprochement the “ethical life.” In the modern world, conscience was the catalyst for its creation.

In modernity, individuals are conceived as moral agents with subjective purposes. This means that as individuals we have particular goals and as moral agents we have universal intentions. Indeed, in this context, morality itself is paradoxical: it may appeal to a sense of duty, or sacrifice or altruism; or it may appeal to a sense of happiness or personal fulfillment. To achieve a balance or equilibrium between these two legitimate pursuits requires some notion of the good, and in the modern world the conscience functions as that individual judgment that creates an objective good, with which it inevitably comes into conflict. From the recognition of that fate, as well as the experience of it, comes the hope: is it not possible to create a rapprochement between subject and substance? Is not the ethical life possible? Again, Hegel’s answer is yes; in the abstract he calls it self-determined determination; and it has a remarkable and unsurprising kinship with the pronouncement of Paul in his letter to Corinth in which he writes: “For though I am free from all men, I have made myself a slave to all.”

Self-determined determination is a very abstract way to describe the ethical life and Hegel was necessarily compelled to illustrate, analyze, and critique various manifestations of ethical life in the modern world. His three choices were the family, civil society, and the state;

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all are reflections of how modernity can adjust to the demands of ethical existence. The modern family, for example, is a classic example of how individual prerogative (romantic love) leads to social union; and it inevitably creates mutual obligations, to one’s spouse and, if there are children, to one’s offspring. Yet, the family is not sufficiently universal and it is subject to dissolution. It may serve as an indispensable “school” for instruction in the possibility of equilibrium between universal and particular, but it is insufficient to the task of providing a social institution capable of sustaining that equilibrium. Civil society is another matter.

Hegel’s analysis of civil society lies at the heart of his commentary on the fate of the subject in the modern world and it provides the basis for a remarkable defense and critique of liberalism. The foundation of civil society is the free market and its modus operandi is universal egoism. Economic life is portrayed as a system of needs, wherein individuals pursuing their own self-interests are mediated by others doing the same and by the inevitable laws of supply and demand. (Hegel had read his Adam Smith.) Critical to this system of needs is Hegel’s admission of the importance of property in such a society. As the subject struggles for recognition in the world, property becomes a critical part of human personality; Hegel calls it the “embodiment of personality.” As Shlomo Avineri so nicely summarizes the matter: “Property is thus an objectification of the self which raises it from the realm of pure subjectivity into the sphere of external existence.” Hegel is very consistent and very pertinent on this notion of property. If property is essential to the development of personality, literally of a self, then every

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22 G. W. F. Hegel, Hegel’s Philosophy of Right, trans. T. M. Knox (New York: Oxford University Press, 1967), §51, p. 45. See Hegel’s entire section on property (pp. 40-57), which, because of its importance, is placed well before his discussion of civil society.
society must be concerned with how it distributes that property; and while Hegel rejects Plato’s communism and other egalitarian schemes of distribution as solutions to the dilemma of the property-less and therefore the self-less, and offers no real solution for some form of minimal, universal acquisition of property, he has at least raised the most vexing problem of modernity and discussed it squarely in terms of the ethical life of the community. If property is essential to the formation of a self; then the ethical community has an obligation to see that it is widely and meaningfully available.\textsuperscript{23}

There is yet another side to the political economy of civil society and its effect on the distribution of property that is equally disconcerting. Civil society is a particularistic system of needs, of human beings, through their labor, experiencing the liberating effects of transforming nature and fulfilling those needs; and that very particularity “by itself, given free rein in every direction to satisfy its needs, accidental caprices, and subjective desires, destroys itself and its substantive concept in this process of gratification.”\textsuperscript{24} As Avineri points out, poverty is the result of this particularity and endless need for gratification. “Poverty is then not an accidental by-product of civil society; it is inherent in it.”\textsuperscript{25} Or, as Hegel concludes the matter: “civil society affords a spectacle of extravagance and want as well as of the physical and ethical degeneration common to them both.”\textsuperscript{26}

\textsuperscript{23}Shlomo Avineri, \textit{Hegel’s Theory of the Modern State} (Cambridge: Cambridge University Press, 1972), p. 136 and pp. 132-139. For an explication of Hegel’s \textit{Philosophy of Right}, Avineri remains, in my view, the authoritative source. I have used his commentary throughout this section, as noted.

\textsuperscript{24}Hegel, \textit{Philosophy of Right}, §185, p. 123.

\textsuperscript{25}Avineri, \textit{Hegel’s Theory of the Modern State}, p. 146.

\textsuperscript{26}Hegel, \textit{Philosophy of Right}, §185, p. 123.
Civil society, then, is a mixed blessing in so far as the ethical life is concerned. As a system of political economy it provides a remarkable collaboration and competition of self-interest and work to provide human beings with essential expressions of their value and worth. Its rationality, its efficiency, and its ability to produce are impressive accomplishments. Yet, its distributive abilities are extraordinarily limited and the egoism on which it is based is unforgiving and endless. Indeed, as Hegel continues his analysis of civil society he presciently concludes that it will be characterized not just by inevitable poverty, but also by class polarization and the constant need for expansion into new and foreign markets. Hegel placed some hope in palliatives within civil society, but there is no question that he believed that civil society was not up to the task of building an ethical life, necessary but not sufficient. The development of estates and/or social classes (most especially a large middle class), largely based on division of labor, and with them corporations and organized police might provide the educative tools to soften the contingent and particular nature of civil society. Nonetheless, it is significant that for all its rationality and in spite of these palliatives, civil society is still an immediate phase in the development of the ethical life; and it is even more significant that Hegel regarded the participants in civil society as Bürgers, members of the bourgeois, an economic class, but not citizens. This should give considerable pause to those who equate civil society with a form of politics. Just so, it should give pause to those in modern politics who, from tax policy to the conduct of war, refuse to appeal to the citizen in all of us, for sacrifice and duty, and instead appeal only to the Bürger in all of us.

Hegel’s solution, or more accurately, counterpart, to the dilemmas of civil society is the universal state, a form of constitutional monarchy; but it is a solution that begins with the
formation of a civil servant class in civil society. “The universal class [the class of civil servants] has for its task the universal interests of the community. It must therefore be relieved from direct labour to supply its needs, either by having private means or by receiving an allowance from the state which claims its industry, with the result that private interest finds its satisfaction in its work for the universal.” He hoped that this class would provide the transitional and universalist concern sufficient to the development of the state. At the very least it is a bridge to the more universal community of the state. As Terry Pinkard nicely puts the case: “Whereas civil society is the sphere of free individuals, political life has for its purpose the establishment of the conditions necessary for a free people. For this goal to be actualized, the state must be articulated into a set of appropriately modern governmental institutions, whose legitimating principle is again that of freedom, not efficiency or preference satisfaction.” For Hegel, those institutions include constitutional government, which must protect the basic rights of citizens, a limited, symbolic monarchy, a pluralism of religions, estates, and corporations, representative government, and an executive bureaucracy of administrative civil servants.

Hegel’s universal ethical community is decidedly controversial. He has been variously charged with advocating the creation of an authoritarian system, glorifying the Prussian state, contending that the state was the culmination of the God’s march through history, and advocating war as a means of evoking patriotism. All of these interpretations are demonstrable.

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distortions or simply false. The state is the culmination of an historical process, a process that is rational, perhaps indicative of divine intention, and the culmination of the ethical idea, the unity of subject and substance. One can surely find enough with which to disagree in those contentions, without resorting to other distortions. As Hegel writes: “The state is the actuality of the ethical Ideal. . . . The state is absolutely rational inasmuch as it is the actuality of the substantial will which it possesses in the particular self-consciousness once that consciousness has been raised to consciousness of its universality.”

Hegel’s ethical community bears very close resemblance to the ancient and idealized Greek polis, particularly as described and analyzed by Aristotle. In this sense, it is that community in and through which human beings realize their fullest potential, which for Hegel meant freedom. Hegel even retains the Aristotlean distinction between private life and public life, or in Aristotle’s case oikos (household) and polis (community). However, in keeping with his sensitivity to the modern condition, Hegel transforms the private realm into the universal egoism of civil society and the public realm into the universal altruism of the state. The former can suffice to satisfy an abundance of human needs, most notably the development of identity

30Shlomo Avineri, Hegel’s Theory of the Modern State and Terry Pinkard, Hegel: A Biography are among those scholars who attempt to combat these interpretations. See Avineri, pp. 176-241, especially his Epilogue and Pinkard’s Preface, p. ix.

31Hegel, Philosophy of History, §257 and §258, pp. 155-56.

through work and the acquisition of property, and therefore personality; the latter focuses on the life of virtue, especially the virtue of recognizing the needs of others and of the community itself. In this manner Hegel thought he had reconciled subject and substance in the modern world.

It is tempting to view Hegel’s *Philosophy of Right* as a discussion of a linear process in which the individual, the subject, moves through progressive stages of existence, from the family to civil society to the state. Hegel’s philosophy of history as a journey of the spirit progressively realizing itself in the every growing freedom of the subject certainly encourages such a reading. However, Hegel is careful to insist that in analyzing the three variations of abstract right in the *Philosophy of Right*, he is not examining a linear process, but three essential moments in the life of the subject. These moments coexist; and each contributes essentially to the “education” and to the freedom of the subject. For the purposes of this essay it is the co-existence of civil society and the state that is of most interest, because that confluence is a manifestation of the subject’s necessary and dual loyalties to egoism and altruism, to private gain and public duty, and it marks Hegel’s definitive attempt to reconcile subject and substance in the modern world. It would appear that despite the brilliance of his analysis, Hegel underestimated the power of civil society and the egoism that drives it, for it has come to dominate the modern world, or at least that portion of the modern world in which liberalism has triumphed. It is certainly the case that Hegel underestimated the power of nationalism, which, when coupled with the principle of sovereignty, turned the 19th and 20th centuries into savage, tribal warfare. The irony here is that Hegel himself was often, albeit wrongly, regarded as an advocate of the new nationalistic spirit.\(^{33}\)

\(^{33}\)See comments in note 30.
The most vexing issue of the subject in the modern world, however, was the problem of poverty; and here Hegel admitted defeat.

If left unimpeded, civil society will ineluctably lead to the amassing of great wealth; but the inevitable effects of the vicissitudes of the market will also and inevitably lead to poverty. “It hence becomes apparent that despite an excess of wealth civil society is not rich enough, i.e. its own resources are insufficient to check excessive poverty and the creation of a penurious rabble.”34 The rabble to which Hegel refers here are more charitably called “paupers.” Their existence is a threat not only to civil society, because they threaten the linkage between labor and wealth, but also to the state itself, because their indignation is directed not just to the wealthy classes but also to the state. The risk here is that poverty will create in the rabble (paupers) “the evil of lacking self-respect enough to secure subsistence by its own labour and yet at the same time of claiming to receive subsistence as its right. Against nature man can claim no right, but once society is established, poverty immediately takes the form of a wrong done to one class by another. The important question of how poverty is to be abolished is one of the most disturbing problems which agitate modern society.”35 No matter how much civil society expands its productive capacity and its markets, poverty remains. No matter how many private and religious institutions appeal to the charitable sympathies of their members, poverty remains. It would fall to the state at least to mitigate the effects of poverty and protect those who have been disadvantaged by the excessive egoism of civil society; and Hegel suggests many ways this can be done, the most noteworthy being taxation, price controls, and public works, thereby making

34Hegel, *Philosophy of Right*, §245, p. 150.

35Hegel, *Philosophy of Right*, Addition to §244, pp. 277-78.
him one of the first social theorists to advocate state intervention into the economy. Yet, Hegel felt that the state could do this with only limited effect, so long as the essential principles (the particularisms) of civil society were left intact; and they must be so if his mediated scheme of freedom is to have any meaning. This becomes the weakness, some would say the “tragedy,” of the Hegelian reconciliation of the modern subject into the world of substance.

**Second Interlude on Freedom and Morality**

Hegel has shown us what experience has confirmed, that the self-conscious, free subject is blessed and burdened by two conceptions of freedom: one is the freedom to do as one pleases; the other is freedom to do what is right. The subjective individual has an ego that is expressed through self-interest and a moral conscience that is expressed through a sense of duty.

Moreover, these conceptions of freedom, self-interest and duty are dialectically related and in the modern world, in particular, they are expressed in two social forms, civil society and the state. The system of universal egoism or natural rights is particularly suitable to a modern, commercial society driven by contract; but it is a system that lacks a sense of universal altruism, or moral obligation. For that, we need the ethical community, the state, where the universal and the particular can achieve some semblance of reconciliation. Recalling Hegel’s theory of tragedy and how it is embedded in the narrowing strategies of Antigone and Creon, we can only conclude, as Hegel concludes in the *Philosophy of Right*, that both of these “moments” are essential. The elevation of rights to the exclusion of duty will only create a society of economic interests, a society that recognizes the importance of property in the development of the self, but cannot envision what to do with the wealth it produces. Thus, the society that is dominated by particularistic, economic self-interest will inevitably be a society of great disparities in wealth.
and a society characterized by estrangement, dislocation and fragmentation. The better voices of
the self, concern for others, require a different mode of social interaction, the political mode; and
that is what Hegel attempts to create and justify with his conception of the state, an ethical
community that focuses on the good life, the needs of others. If Hegel is not completely
convinced or convincing on the efficacy of the state fulfilling this ethical role, particularly as it
relates to the alleviation of poverty, he has at least given us a vision of a community beyond self-
interest and he has attempted to integrate the modern subject into a life of substance. More
importantly, on the necessity and the limitations of civil society, he has provided a compelling
defense and critique of modern liberalism.

Hegel and Modern Liberalism

During the last two decades there has been an interesting and provocative debate, in
academic journals, between liberal and communitarian theorists.36 The work that no doubt
stimulated the debate was John Rawls’ A Theory of Justice,37 a neo-Kantian justification of
liberal politics based on a rigorous application of rational self-interest and utility. In spite of its
unique quality and its wide-spread currency, Rawls’ defense of liberalism was one of a long line
of social contract theories, dating from Hobbes to Jefferson, all of which contributed to the

36Steven B. Smith has a very nice summary of that debate, on which I have relied in this discussion,
also among those scholars who have engaged in the rehabilitation of Hegel. See especially: Steven B. Smith, “What
Is ‘Right’ In Hegel’s Philosophy of Right? American Political Science Review, vol. 83, No. 1. (March, 1989), pp. 3-

dominance of the liberal paradigm in American political thought.\textsuperscript{38} Opposition to Rawls came from a variety of communitarians who argued essentially that the public good was not simply a coalescence of private pursuits but that our social and political communities should constitute a significant element of who we are and who we might become.\textsuperscript{39} As Stephen Smith argues, and as we have seen in the course of this examination of the journey of the self toward modernity, Hegel stands in the middle of these two traditions, attacking the atomistic individualism of liberalism without abandoning its economic power and the institutions that reflect that power. Yet, again as we have seen, while Hegel is willing to embrace the civil institutions of liberalism, he is unwilling to concede that its view of politics is sufficient to the task of engendering true citizenship. Here, it is Hegel’s critique of the liberal tradition of natural rights that is most relevant and most compelling\textsuperscript{40}.

As Smith again points out, Hegel developed his critique of natural rights theory almost two decades before the publication of the \textit{Philosophy of Right}, in a work entitled \textit{On the}

\begin{itemize}
\item[38] The definitive study of American liberalism is still Louis Hartz, \textit{The Liberal Tradition in America: An Interpretation of American Political Thought Since the Revolution} (Chicago: Harcourt Brace, 1965).
\item[40] Smith, “Hegel’s Critique of Liberalism,” p. 123.
\end{itemize}
In that work, Hegel takes specific issue with the so-called empirical claims of Thomas Hobbes that at least some human needs, most especially the need for life and safety, precede civil society and that those needs are the foundation for the building of a political order. “The state for Hobbes is no longer conceived as it was by Plato and Aristotle, as a duplication of principles already ‘out there’ in nature that can be discovered by dint of human reason. Rather, for Hobbes, the state is the result of an active choice by which we impose our wills upon nature.” For Hegel, this transforms political obligation into the question of why we should obey the law instead of how should we live. “Questions of obligation, not virtue, have become primary in the new political science.” Hegel took specific exception to an empiricism based on the “thought-experiment” of the state of nature, in which Hobbes made an unverifiable assumption about human inclinations. That assumption was that human beings, in a state of nature, are fundamentally driven by the desire for self-preservation; and this, in turn, provides the foundation for the creation of the sovereign. Hegel rightly argues that Hobbes has failed to distinguish between the necessary and the contingent in nature and has abstracted out of nature only one inclination. He might have added that Hobbes conveniently ignores the apparent fact that in the primal state, human beings are possessed of a highly sophisticated notion of reciprocal exchange, namely a social contract. Why not claim that as empirical evidence of the sociality of human beings?


Hegel is similarly critical of a Kantian liberalism. Indeed, Kant’s formalism (which abstracts the moral will from the *noumenal* world) suffers from the same weaknesses as Hobbes’ empirical naturalism; and is just as vacuous in so far as inculcating a sense of moral obligation in the existential life of the subject and the life of the community. What is missing from both Hobbes and Kant, indeed from the entire discourse on rights, is a philosophy of virtue adequate to the formation and sustenance of an ethical community. Hegel would spend much of his adult life, from the publication of the *Phenomenology of Spirit* in 1807 to the appearance of the *Philosophy of Right* in 1820, trying to create that language. It should be added that Hegel admired Kant and thought that the idea of the “rights of man” was truly revolutionary. Kant’s elevation of the human being, as a subject capable of moral will, only confirms the dignity and respect with which human beings ought to be treated. Nonetheless, he saw Kant’s abstraction as just that, an abstracted moral will divorced from the reality of the ethical community. At the very beginning of the section on ethical life in the *Philosophy of Right*, Hegel makes explicit what a language of the ethical community requires. “Ethical life is the Idea of freedom in that on the one hand it is the good become alive—the good endowed in self-consciousness with knowing and willing and actualized by self-consciousness. . . . The objective ethical order, which comes on the scene in place of good in the abstract, is substance made concrete by subjectivity as infinite form.”

The self-conscious subject, as a self possessed of natural rights or of rational will is an insufficient abstraction; the ethical order must be concretized by subjects and made concrete in social form.

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43 Hegel, *Philosophy of Right*, §142 and §144, p. 105

Post-Modern Foretastes By Way of A Conclusion

The issue of language in the reconciliation of subject and substance, which Hegel has emphasized in the Philosophy of Right, is not trivial. Language may not be sufficient, but neither is it trivial. Language poses the question of how we are to frame and express our questions of rights and our sense of the good, and it acts either as an impediment or an encouragement for the expression of those rights and that good in our social practices. Michael Ignatieff is among those who have addressed the question of language and how we express ourselves in the modern world, most especially how we express the needs of strangers, but Ignatieff does this in a most imaginative and challenging fashion.\(^45\) Ignatieff’s convincing claim is that liberal societies, most especially American liberalism, have a highly sophisticated language of rights. We are so imbued with the language of the subject in civil society that we frame most of our public policy issues in terms of those rights. “Rights language offers a rich vernacular for the claims an individual may make on or against the collectivity, but it is relatively impoverished as a means of expressing individuals’ needs for the collectivity.” For example, it would appear that we are capable of expressing our mutuality only in terms of a “mutual respect for rights.” Or, more often than not, we insist on framing the question of human dignity only in terms of the abstract proposition that each of us possesses “rights” and are therefore deserving of respect. As Ignatieff insists, “we are more than rights-bearing creatures, and there is more to respect in a person than his rights.” The consequence of the dominance of a language of rights is that policy matters in

\(^{45}\)Michael Ignatieff, The Needs of Strangers (New York: Picador, 2001), p. 13. Though a relatively recent publication, 1984, Ignatieff’s book was for a time out of print. Thankfully, it is readily available once again. In his own fashion, and in a most literate manner, Ignatieff traces the story of the subject in modernity, much as Hegel presented the story to us in the 19\(^{th}\) century.
American liberal culture,\textsuperscript{46} from poverty to war, are framed in terms of those rights and not, as Ignatieff or Hegel would insist, in terms of the human needs beyond those rights. All too often, the consequences of this framing are to privatize need, even, shockingly without significant public discussion, to privatize the conduct of war. We appear no longer to have the desire or the capacity to engage a language of common interest or of mutual obligation. What we lack is a language of the good. Ignatieff expresses in contemporary terms what Hegel had insisted would be the classic problem of modernity when he writes: “a decent and humane society requires a shared language of the good. The one our society lives by—a language of rights—has no terms for those dimensions of the human good which require acts of virtue unspecifiable as a legal or civil obligation.”\textsuperscript{47}

Hegel warned us that the very foundation of modernity, the ground on which it is built, namely the autonomous subject, is also the edifice on which it can fall. The endless and repetitive search for recognition by the autonomous subject cannot be the basis for ethical life. It may be the beginning of a necessary movement toward the development of personality, and it most assuredly is a means toward producing vast amounts of wealth and power; but it will not suffice to make us into virtuous creatures. Indeed, it makes no pretense at doing so, save to make a virtue of self-interest. The forces of civil society are so powerful that we often regard attempts to create a language of the good or direct our attention to the ethical life, such as

\textsuperscript{46}I am here using the phrase liberal culture in the sense of what Hartz and others have defined as the dominant cultural milieu of American politics; or what Hegel referred to as civil society. Contemporary political usage of the terms “liberal” and “conservative” have become so much a distortion of the classical traditions of both that they are meaningless.

\textsuperscript{47}Ignatieff, \textit{The Needs of Strangers}, pp. 13-14.
Ignatieff and Hegel have done, as anachronistically utopian in nature. Yet, the persistent unease of modernity, to say nothing of its devastation to human life, reveals the need to create the language of the good and the institutions that express it in concretized form. If Hegel’s state does not resonate with us, surely his diagnosis awakens our sensibilities to the discomforting effects of the privatized world of the subject and of the need to consider anew a public discourse of virtue. Ignatieff accepts that challenge by insisting that the human need most inadequately expressed by a language of rights is the need for “fraternity, social solidarity, for civic belonging,” not the “mass mobilization” of belonging or the renewed voice of modern tribalism, but the belonging of citizenship that respects the autonomy of the subject and yet reminds us of the pathos and joy we share and have in common.

Perhaps the musings of a postmodern like Emmanuel Levinas will serve to quicken our sensibilities toward such a sense of belonging. Levinas propounds an ethic of hospitality fundamentally based on the subject, save that now the subject is not just or simply the autonomous and isolated stranger with whom we compete. Now, the subject is the trace of the Other beckoning us to an ethical hospitality. As he writes of his project in Totality and Infinity: “This book does then present itself as a defense of subjectivity, but it will apprehend subjectivity, not at the level of its purely egoist protection against totality, nor in its anguish before death but as founded in the idea of infinity.” For Levinas, individuals should be respected not because they possess rights, but rather because they are singularly responsible for the welfare of the

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Other. As he writes: “As I see it, subjective protest is not received favourably on the pretext that its egoism is sacred, but because the I alone can perceive the ‘secret tears’ of the Other which are caused by the very reasonableness of the hierarchy.”

Levinas may be too much the theist to invite the attention of some, in which case the voice of the French novelist and philosopher, Albert Camus may attract our attention. Camus’ meditative and symbolic journey begins with an acknowledgment of the absurdity of existence and proceeds to a moment of creative freedom and recognition in which there is, perhaps, a new foundation for ethics, which Camus characterizes as “the only original rule of life today: to learn to live and to die, and, in order to be a man, to refuse to be a god.” Finally, that journey culminates in what Camus calls: “Not morality but fulfillment. And there is no other fulfillment than that of love, in other words of yielding to oneself and dying to the world.”

Or, perhaps the discourse on the ethical community simply needs a public expression of what it means to be a citizen, not constrained by the vicissitudes of self-interest but imbued with a desire for participation and duty; in other words, a conversation on the public forms this desire for citizenship may take, followed, of course, by concrete expressions of those desires in some institutional, political forms. Hegel’s musings on the phenomenology of war are instructive here.


He was intrigued by war precisely because it had the capacity to transcend the subjective interests of civil society and to engender a sense of solidarity in its citizens. Yet, war is immensely and tragically destructive, ultimately destructive of the very community to which it beckons. No small wonder, then, (and no small invitation) that the discourse of the ethical community consider other meaningful, concrete alternatives to the force that has the capacity to invite us to citizenry.\textsuperscript{53}

Whatever the case, Ignatieff is right to direct our attention first to the words we speak, the language we use to express our subjectivity and our substance. As he concludes, so can we:

“Our needs are made of words: they come to us in speech, and they can die for lack of expression. Without a public language to help us find our own words, our needs will dry up in silence. . . . Without the light of language, we risk becoming strangers to our better selves.”\textsuperscript{54}


\textsuperscript{54}Ignatieff, \textit{The Needs of Strangers}, p. 142.