Hegel on Ethics and Politics

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CAMBRIDGE
UNIVERSITY PRESS

PUBLISHED BY THE PRESS SYNDICATE OF THE UNIVERSITY OF CAMBRIDGE
The Pitt Building, Trumpington Street, Cambridge, United Kingdom

CAMBRIDGE UNIVERSITY PRESS
The Edinburgh Building, Cambridge CB2 2RU, UK
40 West 20th Street, New York, NY 10011-4211, USA
477 Williamstown Road, Port Melbourne, VIC 3207, Australia
Ruiz de Alarcón 13, 28014 Madrid, Spain
Dock House, The Waterfront, Cape Town 8001, South Africa

http://www.cambridge.org

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First published 2004

Printed in the United Kingdom at the University Press, Cambridge

Typefaces Sabon 10/13 pt. and Trump Mediaeval *System* LaTeX 2_ε [TB]

A catalog record for this book is available from the British Library.

Library of Congress Cataloging in Publication Data

Hegel on ethics and politics / edited by Robert B. Pippin and Otfried Höffe; translated by
Nicholas Walker.
p. cm. – (The German philosophical tradition)
Includes bibliographical references and index.
ISBN 0-521-81814-1
1. Hegel, Georg Wilhelm Friedrich, 1770–1831 – Ethics. 2. Ethics, Modern –
19th century. 3. Political science – Philosophy. I. Pippin, Robert B., 1948–
II. Höffe, Otfried. III. Series.

B2949.E8H44 2003
170′.92 – dc21 2003048568

ISBN 0 521 81814 1 hardback

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I

Introduction

Robert Pippin

I

Postwar Hegel scholarship in the twentieth century developed along quite different paths in Anglophone commentary on the one hand, and in Continental interpretation on the other. In England and America, the most important questions were often as much about historical fate as about Hegel's philosophy. Understandably, the great, pressing question after the war was the mysterious, baffling German question: Why had it happened? How could a country that is home to so much of such importance in European civilization have been the source of such unprecedented barbarity and insanity? Commentators looked for some dark underside to modern German culture and philosophy, stubbornly resistant to the liberal ideals of the Enlightenment and finally to social and political modernization itself. They thought they found what they were looking for in an irrationalist, anti-individualist nineteenth-century German romanticism, and they identified its chief spokesman as G. W. F. Hegel. To such commentators as Sidney Hook, Karl Popper, E. F. Carritt, and many others, Hegel's philosophy epitomized many aspects of this deadly virus:[1] a kind of deification of the state (especially the Prussian state that employed him in Berlin), along with a purportedly traditional "German" willingness to play an assigned social role with blind, completely submissive obedience (Bertrand Russell said that Hegel's notion of freedom was "the freedom to obey the police"), a mistrust of democratic politics or "the open society" in general, a politics that seemed to reject any role for the individual in

favor of the individual's fixed role in an "estate," class, or state, a nationalist self-glorification based on a faith in a providential history that had bequeathed to the Germanic peoples the leading world-historical role, a "might makes right" assumption about how such a history progressed, and therewith a justification of war and power politics. (All these charges of course were extensions and intensifications of criticisms of Hegel widely discussed in many languages since the very first reviews of the *Philosophy of Right*.[2]) When such claims were thought together with characterizations of Hegel's theoretical philosophy as a monistic theology that purportedly denied the independent existence of individuals (or even of contingency) and that was supposed to demonstrate its claims by appeal to a fantastic "dialectic" that suspended the law of noncontradiction, Hegel's philosophy stood for many convicted not only of a totalitarian rejection of liberalism but of a transformation of historical and philosophical analysis into a mystified terminological mumbo-jumbo.

This situation began to change with the publication of Marcuse's *Reason and Revolution* (especially Marcuse's defense of Hegel against the old charge of collaboration with and support of the reactionary forces in Prussian politics) and then with later books such as Avineri's *Hegel's Theory of the Modern State* and especially Charles Taylor's very important *Hegel*. Hegel's objections to the deracinating and alienating effects of modern liberal society, his insistence on the character of modern civil society as the key to understanding modern political life, along with his equally strong insistence on the separation of civil (and economic) society from the proper concerns of politics (and the state) and his emphasis on the subjective experience and affirmation of modern citizens as ineliminable in any case for the normative legitimacy of political authority, all together with his appeal to the role of reason in modern societies came to look not like an irrationalist antiliberalism but like a broader consideration of and ultimate defense of liberal democratic society itself. This broader treatment made a consideration of the social and historical conditions necessary for a sustainable, free society an aspect of the philosophical understanding of the nature of such a society and its claim to authority. It was also based on a refusal to compartmentalize various questions about the components and structure of such a society, and instead to stress the interdependence of questions about rights claims, welfare, punishment, familial organization, economic life, and state power, all within some "ethical whole." Perhaps the late-twentieth-century erosion of the reach and authority and even independence of the modern state and the political sphere in general, along with the ever more apparent limitations

of a politics oriented wholly from the protection of rights and entitlements or from issues of general welfare, have altered the way Hegel now looks to Anglophone commentators or have placed on the agenda issues that traditional rights-based theories are ill equipped to handle. At any rate, a string of sophisticated, philosophically rich, and largely sympathetic books on Hegel's social and political thought has been appearing in English for some time and the interest shows no signs of abating. There are even some indications that the textbook characterizations that have for so long made Hegel's speculative philosophy look so unappealing have begun to lose their authority, and that a thorough reconsideration of Hegel's holism, his theory of concepts and conceptual change, his practical account of knowledge, and his objections to all forms of dualism is under way.

On the continent in the last fifty years or so, the situation has been quite different. It suffices merely to note the importance of Marxism and "critical theory" (or what has sometimes been called "neo-Hegelian Marxism") for French and German and Italian intellectuals and philosophers in order to point to one major reason for such a different reception. One would also have to take careful account of such things as the influence of Kojève's idiosyncratic Hegelianism on a couple of generations of French intellectuals and writers, the "Hegelian" rediscovery of the problem of (and the threats to) modern subjectivity, as well as the turn from a mainly class to a larger cultural and more holistic framework in Frankfurt school critical theory to do justice to the attention to Hegel. In very general terms, for many, the only modern philosopher who had begun to develop the resources to understand and "theorize" the distinct aspects of the rapidly changing, unprecedented nature of modern society was Hegel. Prepared by attention to Hegel's historical approach, one might then have the resources to be able to understand the development of liberal democratic society into a mass, anonymously administered, all-encompassing, and soul-deadening consumer society. (For many, of course, this preparation required eventually Marx and neo-Marxists.) This is not to say that Hegel did not also assume a somewhat demonized role for thinkers such as Heidegger, Deleuze, Derrida, and Adorno, but he assumed this role as representative of some much larger fate – the philosophy of subjectivity, of totality, of Western metaphysics, the fate of modernity itself – and thereby benefited enough from such sweeping back-handed compliments at least to retain a role as a "Master Thinker."

In the midst of such renewed postwar attention (although not necessarily in any direct response to political and cultural concerns), German

philosophical scholarship on the entire German Idealist tradition developed very rapidly after the war and came to make up the core of German philosophical activity, in the same sense that neo-Kantianism played that role at the end of the nineteenth century. And such scholarship was undertaken with a sense of philosophical urgency, not merely as the kind of scholarly journalism that often results from work in what is called "the history of philosophy." The idea was not just to state as accurately and fully as possible "what philosopher X really meant," however bizarre and philosophically hopeless, and then to trace the historical influences that would have led X to say such things. Rather, in some cases, the hope was to understand Kant, or Fichte, or Hegel on some topic of philosophical relevance to which these philosophers could contribute. In some cases this relevance was possible only after considerable "rational reconstruction," in other cases by appeal to different, unprecedented readings. (This was especially true of theories of self-consciousness, and the conditions that must be met in any successful account of self-consciousness, as in the so-called Heidelberg school of the 1960s and 70s.[3]) In other cases the goal was to state more carefully (and less polemically, in a way more sensitive to the texts) just what Hegel got wrong or where he went astray, and why it might still be philosophically interesting that he did. And of course in many other cases the primary goal was simply to develop interpretations that did proper justice to the genuinely philosophical complexity and ambitions of Hegel's project, interpretations not part of the fixed positions available in the "left"- or "right"-wing Hegelianism of conventional readings. In many cases, philosophers working on the Idealist tradition were also familiar with current topics in Anglo-American philosophy and could begin suggesting ways in which Hegel's work could be brought to bear on such controversies. And of course, in a way typical of European philosophical scholarship in general, there were several attempts to put Hegel in a dialogue with other classic figures and positions in the tradition, to distinguish his position by comparison and contrast with Aristotle, Hobbes, Rousseau, Fichte, and Kant, and to understand his mature position by carefully accounting for the development of his views. Finally, all such efforts were aided by an intensification of scholarly research (especially about the figures and issues "between" Kant and Hegel, and even more especially, in Jena), by the concentration of research materials at the Hegel archives in Bochum, by the publication of a new, exhaustive and carefully re-edited "critical" edition of Hegel's works, as well as the volumes that we treat as his, but that were compiled from student lecture notes (both series by Felix Meiner Press), and by such

valuable resources as K.-H. Ilting's four-volume set of the notes on the political philosophy lectures,[4] and Dieter Henrich's edition of and introduction to the notes of the 1819–20 edition of Hegel's *Rechtsphilosophie* lectures.[5]

II

The chapters in this volume partly and roughly follow the structure of Hegel's best known presentation of his ethical and political theory, his *Elements of the Philosophy of Right.* The first section is called "Methodological Issues," and several topics related to Hegel's famous claims in the Preface to that book are discussed by Hans Friedrich Fulda and Karl-Otto Apel.

To be sure, it should also be noted parenthetically that that "methodology" title could also cover a large number of other articles in the collection. Indeed, one distinguishing aspect of much of the German work on Hegel in the last couple of years has been the attempt by scholars to understand the connection between Hegel's substantive claims and the highly unusual form of presentation he adopts, one that he tells us frequently relies on claims worked out and defended only in his most difficult book, his *Science of Logic.*[6] The most pressing such "logical" problem in his practical philosophy concerns his proof or demonstration procedure (how he gets from A to B in his claims or from, say, a claim about the "incompleteness" of "abstract" rights claims to an argument about the "priority" of ethical life (*Sittlichkeit*), something like the customary, habitual, "lived" experience of norms) as the necessary completion of such rights claims. The striking methodological fact, obvious on the surface of the text but notoriously hard to reconstruct, is the fact that the "logic" of such a Hegelian demonstration appears to be "developmental" in some way, and not deductive. And this is linked to a broader claim: Hegel appears to have thought that the traditional criteria of explanatory success, common to most science and philosophy, were inadequate to account for natural and spiritual phenomena when these were viewed "speculatively" (in their relation to each other, and within some "whole" of which they were parts), and completely inadequate indeed to account for human doings and sufferings, for the "moving," self-transforming, self-directing character of human life, both individually and collectively. He adopted a method that thus attempted to show the internal limitations of overly "abstract" ways of thinking about conceptual and normative

issues, limitations the inadequacy of which could, on their own, suggest the development of more determinate or "concrete" concepts and norms. Such speculative ambitions are most of all at issue in his most important claims about social and political associations, because the most important question one can raise about modern forms of such association – *what sort of unity* is a modern civil society and a modern state (or *what sort* of connection to others does the claim that I am a participant in such a unity entail) and in just what sense am I *both* a member of such a unity *and* still a concrete individual like no other – cannot possibly be answered with what Hegel would regard as a conventional account of whole-parts relations, or classical concept-instance, universal-particular models (an abstractly formulated universal rule that governs all in the association, applied to concrete particulars by an unformalizable "judgment"), or as a kind of additive unity, or as the result of contractual agreements, or on the model of a family, and so on.

Fulda and Apel join these methodological issues at an equally controversial juncture, where Hegel claims to have succeeded so well in these philosophical ambitions that philosophy can now actually be said to be about, to have as its object, contemporary social and political reality, that the development and resolution at issue is manifested in actual forms of modern social life. (That is, he does not claim that philosophy is able to assess to what extent some society or regime "measures up" to a rationally formulated, pure standard. His claim appears to be that there cannot be such purity or independence in philosophical activity itself.) The famous question raised about this issue arises from the conjunction of two of the best known and controversial formulations of this issue that Hegel ever made: that "philosophy is its own time comprehended in thought," and that "what is actual is rational, and what is rational is actual." Taken together this would seem to commit Hegel to the view that philosophical "comprehension" of the actual world is a kind of rational legitimation or justification (a way of detecting the rational core of some form of life, or what he also called "the rose in the cross of the present"), and this would all seem to lead toward some sort of link between philosophical possibility and a given social world at some time, a link that most philosophers would find excessively conservative and an abandonment of philosophy's critical potential. Fulda takes up this problem in an original way by raising the issue from the standpoint of philosophy's actual social role within a society and by historicizing the issue of actuality. He notes first that since Hegel was manifestly intensely dissatisfied with many aspects of modern

actuality in general (the terror during the French Revolution, most obviously) and his own actual world in particular (enemies such as Fries, romantic nationalists, and legal positivists), he clearly thought he could fashion a version of such an account of actuality that left room for such critique without reintroducing an empty and critically useless abstract ideal. (In the preface to the *Philosophy of Right*, Hegel had said that his philosophy "must distance itself as far as possible from the obligation to construct a state as it ought to be."[7]) A good deal of how Hegel understood this role cannot be appreciated, though, unless one attends to what, for Hegel, was the distinctiveness of *modern* societies. For modern societies are, in effect, founded not on tradition or religion or mythology (and certainly not for Hegel on a common ethnicity) but on *philosophy*, on philosophical claims to legitimacy. Thus, philosophy plays an active, very different role in such a community, attempting to articulate to itself its own claim to normative authority in essentially philosophical terms. The important point is that it is only when the "actual" has *become* at least implicitly self-consciously "rational" in this sense that philosophy can itself participate as a social institution in such an attempted self-grounding and successfully find and explore the implications of the claim to rational authority *in* the actual. How it does so and whether it is more critical or more reconciliationist will depend on the circumstances, in ways that Fulda describes.

Apel's chapter takes off from the same point (Hegel's rejection of reliance on a "mere ought") but ascends to an even higher altitude. The general question is, What is implied by Hegel's rejection of Kant's philosophical formalism in theoretical and practical philosophy, Kant's attempt to specify formally necessary conditions for *any* experience and action? For one thing, Apel points out, Kant's approach left in effect what would emerge later in the nineteenth century as a kind of gap, left no "transcendental" room for an account of the conditions of the possibility of the new sociohistorical kinds of knowledge claims that were to emerge later in hermeneutics, Dilthey, and Weber. And in general the Kantian approach could not account for the social and historical dimensions of moral knowledge in everyday life. In a way inspired by Hegel's own objections to Kantian formalism, Apel proposes a transformation of transcendental philosophy into a "meaning critical" project, one that investigates the possibility of shared understanding of meaning, and so necessarily ties philosophy to the differing conditions of such a possibility in different social and historical settings (yielding what

is sometimes called in discussions of Hegel only a "relative" a priori dimension).

The chapters by Michael Quante, Joachim Ritter, and Manfred Baum all make especially clear why it can be so misleading to treat sections of Hegel's *Philosophy of Right* (*PhG*) or of the *Encyclopedia* versions of his "Philosophy of Objective Spirit" as if these sections were individual chapters that one could consult about Hegel's views on individual topics: the legal status of, or the rights claims of, "persons," or about "property" or "welfare" considerations. Property rights are indeed discussed in the first section of the *PhG*, but they are discussed again, in a much different way, in the last section, and the same is true of law, punishment, contract, need, responsibility, welfare, and so forth. The issue of property rights is a clear example of the Hegelian affirmation of a normative claim, even while charging the claim, when understood "abstractly," with a self-undermining incompleteness. (As Quante points out, it is important to remember, in the face of Hegel's criticisms, that rights claims are affirmed and are meant to be preserved in the subsequent stages of his analysis.) We can appreciate the concrete nature of property claims (the extent of such rights, the transferability or inalienable character of some of what one owns (such as labor power), the taxation and regulation claims of the state, and so forth) only within a certain kind of ethical life, and Hegel thinks he has identified the basic elements of ethical life (*Sittlichkeit*) in his discussion of modern *Sittlichkeit*. A good deal of the *PhG* is meant to establish the priority of such a context or whole for the successful understanding and legitimation of any such part or aspect.

And so, as Quante points out, Hegel defends the normative claim that human beings are owed treatment as "persons," rights-bearing individuals just qua human beings (or "abstractly," no matter a person's status, background, talents, and so forth) even while he presents the issues so as to argue that there are numerous questions that this claim to "person" status raises that cannot be answered "abstractly," but only by consideration of such persons within a legal system, itself understandable only as a component of a larger, whole *Sittlichkeit*. The first norm defended in the book is thus: "*be a person and respect others as persons*," where that clearly means respecting abstract rights. (It is also important to note, as Quante does, that the status of "person" is one that must be actively claimed in order to exist; one "is" a person only by subscribing to the injunction to "be" one, and by virtue of being in a society where such a claim has actual status.) But the question of just what counts as respecting another as a person is not something that can be left to the vagaries of "judgment."

Such a concrete status is not bestowed individually as the result of individual acts of judgment but acquires its meaning in a concrete practice, a use. If we want to understand that, we have to look at that use in an ethical community. By comprehending this community and its practices properly, Quante points out, Hegel hopes to have developed a way of avoiding conceiving of the normative status of individuals as "merely one (abstractly) among many," or as a distinct, fundamentally isolated particular, or as both, shifting back and forth between such perspectives, now qua universal, now qua particular.

Ritter, while pointing to the importance of the Roman notion of the legal status of person and property (and its legacy in the French *code civile*) also points out the very great importance of Hegel's distinctive account of property at the opening of his entire account of the "realization" of freedom, the central theme of the *PhG*. Property is the gateway to that account of freedom as a kind of self-liberation from nature and from natural dependence and so represents an indispensable humanizing of the natural world. (Ritter's account of Hegel can be fruitfully compared with a similar argument in Kant: that it would be irrational for a free being to continue to subsist in the natural world, "allowing" a dependence on nature that could be overcome, that it would be irrational to act as if one were not a free being, as if one were not in one's freedom in principle independent from nature.) Ritter also helpfully notes that, *pace* Hegel's famous attacks on the atomistic tendencies of modern societies, the temptation to self-interest, egoism, the potential decline of public spiritedness, and so forth – that is, notwithstanding his full awareness of the great dangers of widespread ownership of private property – Hegel still argues that, in effect, one cannot "actually" be free except as a member of some form of private property–owning society.

In Manfred Baum's chapter we turn again to the very distinctive characteristics of Hegel's political and ethical thought, his resistance to formal treatments of normative principles, and his ambition to reconcile positions in political philosophy that he clearly considers both partly right. As Baum points out, he hopes especially for a reconciliation between the ancient political ambition, the achievement of the good life, "welfare" in the broadest sense, and the formal universality of principle and especially procedure insisted on by modern principles of legitimacy. That is, as Baum shows, Hegel accepts the principle that the modern "*Rechtsstaat*" or the rule of equality before the law and rights protection acquires its legitimacy by being understood as the product of "what a rational will would will," that our allegiance to such a state is in effect, as Hegel says

(echoing Kant), the "free will *willing itself*," willing the rational will as the principle of authority.[8] But Hegel hopes to avoid the classic Kantian move at this point in the modern argument, that this freedom can be achieved only by "negating" or rendering irrelevant, disengaging from, the determinate drives, interests, attachments, and so forth that are just contingently "ours" and incline us to act one way or the other, and that cannot be assumed pressing or unavoidable for anyone else. Hegel accepts that this capacity (for reflection on various possible ends to which one might be inclined, and the capacity to determine to act on the basis of some view of what is best, not being compelled by what inclination is strongest) is a necessary condition of freedom, but he denies that it is sufficient, and much of the discussion of Hegel's alleged "completion" of the Kantian case turns on what such added conditions for actual freedom must be like (without in any way contradicting the "negative" capacity condition). Baum argues that the three forms of rational willing considered in the *PhG* can be considered aspects of a "free will willing itself" when considered not abstractly, merely as such a negative power, but qua concrete subject (who requires property, pursues welfare in a way that recognizes others' pursuits, who assumes responsibility for his deeds, and, who, as biologically reproducing members of the species, is tied to others in a system of divided labor and national welfare). This argument depends on Hegel's case in the introduction that the free will is also what he calls a "thinking will" or "intelligence" (not a causal power in the incompatibilist sense). This means that a condition for my being able to recognize a deed as my own is some way of understanding its goodness for me, not just having causally produced it, and much of the interest and controversy of Baum's reconstruction will depend on the appeal of such a more "intellectualist" account of freedom (apparent in such non-Christian thinkers as Socrates and Spinoza) and understanding how it can be integrated with the remainder of Hegel's case.

The account by Wolfgang Schild of punishment in Hegel takes up a theme that has produced some of the most pointed and dismissive criticism of Hegel. Many commentators read Hegel as arguing for a kind of "mechanical correction" theory of punishment, as if the criminal's "negation" of the social order must itself be "negated" in order for things to return to their "positive," rightful state, a position that not only is bizarre but seems to support a "like for like" or an "eye for an eye" notion of retribution and to claim that the criminal has a right to punishment that it be unjust to deny him, all of which would come as news to most criminals.

But like other commentators, Schild notes that Hegel takes up punishment both under "Abstract Right," where the main issue is the (abstract) distinction between punishment and revenge, and again in "Ethical Life," where the discussion is much broader and concerns both the concept of punishment and its purpose. In the latter discussion, Hegel again draws attention to the question of the social and legal conditions for "actual" freedom and treats the problem of punishment in that light (i.e., in light of the question, Is a free life for all "actually" possible if crime goes unpunished?).

In Schild's account of the heart of the case, Hegel is making no claim for an abstract restitution or "balance" justification of punishment, and certainly not arguing that an evil must be done to the evil-doer. In Schild's account, the criminal's act does unavoidably express a commitment to the principle that "persons may thus be treated," and that it is only a recognition of his status as a free person generally and abstractly to apply the same principle to him, but not in any equally criminal way. And Schild notes the somewhat ironic tone in Hegel's pronouncements about the issue. (It is the *value* of a victim's personal integrity and property that would *not* be respected if injuries to it were, in effect, accepted and condoned.[9]) But this leaves a wide area for discussion about the specific application of this principle, and Schild cites many helpful passages that demonstrate that Hegel is perfectly willing to consider issues of diminished responsibility, various degrees of punishment depending on various exculpatory claims, and even that, according to Hegel, attempting to improve the criminal's moral will represents a "higher way" of rejecting the "evil will" than punishment, where it is possible and consistent with the criminal's status as a person.

From what we have seen so far, then, it might seem that Hegel's *PhG* should best be read backward as well as forward, and that that would be a useful lesson. The last five chapters here, on ethical life in general and the state in particular, make clear that the concluding section not only brings Hegel's case to a kind of culmination but also has been casting a kind of backward shadow over the incomplete attempts he had been exploring earlier, such that those attempts cannot be fully understood without this source of the shadow.

Siegfried Blasche makes an especially strong case for the centrality and priority of Hegel's analysis of civil society in particular for a proper understanding of abstract right and morality, as well as for the aspects of ethical life that commentators have tended to treat as favored examples of a kind of ethical unity in Hegel, the family and the state. (This is an approach – one oriented from civil society as that for which all else serves

as condition and consequence in Hegel's account of objective spirit – long favored by those influenced by Marx's critique, but it need not itself imply any such commitment. And there are controversies enough about the claim without the issue of Marx arising, as Rolf-Peter Horstmann shows in his chapter.) Blasche argues that the political subject discussed by Hegel – the private property–holding, rights-bearing subject, who seeks his welfare while appealing to conscience and who holds others responsible as individuals for their deeds – is a historically specific sort of subject, a bourgeois. And, in like spirit, his claim is that the family treated by Hegel in the *PhG* is a bourgeois family and hardly "the" family as such. (For one thing, the intimate ethical sphere so important in Hegel's account is only possible if the family and all its members are not themselves economic, productive units, where the demands of economic activity can be separated from the demands of familial life. Unlike the family shaped by the demands of agrarian life, in other words, Hegel's family is not an extended family; there is a great emphasis on preparing children to leave the family, and marriage is not understood as the incorporation of new members into the family, but as the creation of a new family.)

But Blasche also argues that the same situation could be described by saying that the modern family is "reduced" to these emotional, intimate bonds alone, and when so reduced, is much more vulnerable to far more intrusive influences of civil society and its imperatives than Hegel was prepared to admit.[10]

Rolf-Peter Horstmann denies that the *PhG* can be properly read as an extended essay on modern civil society, its conditions, and its consequences, and moreover, Horstmann claims, it is not an easy matter to summarize clearly Hegel's basic position on the decisive question, the relation of civil society to the state. There are already important differences in the presentation of objective spirit in the *Encyclopedia* of 1817 (where the differences between civil society and the state are not stressed) and the *PhG* of 1821 (where the difference is emphasized). And there are important developmental, historical, and rhetorical issues involved. Horstmann treats the difference between 1817 and 1821 as stemming from the public reaction to Hegel's essay, written just after he published the *Encyclopedia*, on the Wurtemberg Estates controversy, and to Hegel's desire to separate himself as far as possible from the restorationist tract published around this time by K. L. von Haller, and with which Hegel's strong defense of the monarchy and against the Estates was sometimes identified. Horstmann also tries to place Hegel's *PhG* position in the context of Hegel's long-standing interest in some way of constraining the individualist tendencies

of civil society in favor of a more classical conception of political life, and points out the consequences for Hegel's position when Hegel switched from a model of political development and unity based on an organic and "life" model to one based on the structure of and the conditions for self-consciousness.

After presenting this developmental history, the basic conclusion Horstmann draws with respect to Hegel's claims to "mediate" the desirable goal of a substantial sociopolitical unity with the unavoidable necessities of modern civil society is a skeptical one. In Hegelian language, this means that there remains an unmediated relation between universal norm and particular subject, a situation that still demands an identification with a substantial unity, and so a less than secure status for individuals within Hegel's state.

This issue is addressed in a different way in Dieter Henrich's "Logical Form and Real Totality." As in other discussions here, the problem is to understand the distinct ontological status of the sort of ethical unity, *Sittlichkeit* in general and the state in particular, with which Hegel seems to bring to some sort of resolution to what he had argued were inadequate earlier candidates. Henrich suggests that this problem is the heart of Hegel's speculative system as a whole, that the difficulty of comprehending this unique sort of "belonging together" is what is driving his speculative attempt to understand a form of "unity which permitted and required the dimension of difference."

Hegel's claim, as Henrich presents it, is that this unity (ultimately, our belonging together in the state) cannot be understood in functional or causal terms, that the state cannot be properly understood as the concatenation of individual attempts to pursue their interests or as a function of individuals attempting to solve rationally a collective action problem, and that if we do not understand properly what sort of claim for unity Hegel is making, we will inevitably present a picture that is subject to the standard criticisms. The characters brought on stage in the *PhG* – a rights-bearing person, the moral subject, and the need-satisfying, instrumentally rational empirical, individual agent – will look as if they forfeit any claim to independent status altogether, "vanishing," in effect, into the new ethical substantiality of the state. The alternatives of viewing the state either as the product of the rational will of individuals or as the substantial unity that erases their individual freedom and produces only individual citizens are both rejected; the former because institutions are transformative of individual wills as well as being results of them, and so transform individual subjects that the preinstitutional will can hardly serve as standard,