Ethical Form in the External State: Bourgeois, Citizens and Capital

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Abstract: Geist is self-conscious life. Life itself must be conceptualized in terms of the form of organisms as having their organs serving a purpose, namely, the production and reproduction of the organism. Because of this, things can go well or badly for organisms. Human subjectivity emerges out of the background of life, not in opposition to it nor as something separate from it. Human subjects are life in which "the concept which has come into existence." As such, the subject brings itself under conceptual demands that have the force of the practical demands of life itself. Those demands constitute what counts as a successful life. On Hegel's own terms, the citizens (*Bürger*) of the Hegelian state cannot succeed. To do so, they must become, as Hegel argued, citizens (*Citoyen*) of genuine state based on freedom and equality. Hegel's argument for this fails on his own terms since it fails at curbing the domination of capital, as he himself, surprisingly, argues.

Keywords: Hegel, civil society, teleology, self-consciousness, Sittlichkeit, Bürger, citizen, citoyen

I. Introduction

The dominant older reading of Hegel's political philosophy as culminating in a kind of idealist version of a totalitarian state has by now been put aside, and it is now fairly commonplace to cite the many passages where Hegel stresses that the universality of the state has to make room for the particularity of its subjects. Although it is obvious that Hegel endorses both the value of individuality and the need to a commitment to the common interest, so do lots of other political theorists. Given that is established, we should instead now ask: what does Hegelian dialectic bring to our understanding of this commitment and if so, how does it do it? Answering this question takes its usual Hegelian three steps: First, there will be some brief remarks on the nature of the logical form that characterizes human subjectivity.[1] Second, we then go over some familiar ground to see how a particular historical shape (in this case, modern market society) is to be conceived in terms of logical form. Third, we then see how the work of external and internal determination functions within the logical forms that emerge.

1 In this paper, I will here use the Hegelian term, "subjectivity," and "subject," rather than the more common Anglophone term, "agent" and "agency." Although closely related, "agency" and "subjectivity" are not exactly equivalent, but teasing out the differences between them is not the topic here.

II: Dialectic and Life

A. The concept of Life as involving purposes

One of the major issues confronting any interpretation of Hegel – and especially those who look to see on how it might bear on any of today's concerns – is the longstanding critique of its "idealism" from the camp of those who characterize if from the standpoint of "materialism" (Marx is the most prominent, but not the only, member of those critics). Much of this has to do with Hegel's conception of *Geist*. It is not terribly controversial to say that the central defining project for *Geist*, the central defining term for Hegel, is that of comprehending what it is to be *Geist*. To state the general thesis of this account in a few words: "*Geist*" in Hegel's philosophy is more or less equivalent to "self-conscious life." In fact, the term, "self-conscious life" can be substituted for almost all uses of "Geist" in Hegel's writings without there being any obvious incoherence or garbling of the text.[2] Or, rather, it should be put: "Geist" is Hegel's term for the species on the planet that is self-conscious. Why this makes a difference has to do with the following.

In the terms of Hegel's *Logic*, the concept of life plays a role in the judgments and inferences which are characteristic of what he calls the "concept," of what, in the misleading but ubiquitous term in Anglophone philosophy, is called "normativity" (Hegel's own term for practical normativity is often simply the German term, "*Recht*"). In the judgments and inferences we make in "Being" (the title of the first part of Hegel's *Logic*), we make judgments about individual things by pointing them out, characterizing them, generalizing about them, and counting them. In the judgments and inferences we make in terms of "Essence" (part two of the *Logic*), we explain things as appearances of something else which is both distinguishable and identical with the appearance (such as the tie that looks green in the dimly lit tie shop but blue in sunlight) and things which are the result of the causal processes that make up the things themselves (such as the spark which caused the fire).

Judgments and inferences about the "concept" (which Hegel identifies with Kant's synthetic unity of apperception[3]) have to do with

2 The most obvious cases where there might a worry are in phrases such as "self-conscious *Geist*." However, there the term, "self-conscious" is being used in two distinct but related senses. The phrase, "self-conscious *Geist*" means self-conscious life that is now explicit, or more fully aware, of its status *as* self-conscious life. It is thus, as the phrase would have it, self-consciousness about self-conscious life.

3 "Es gehört zu den tiefsten und richtigsten Einsichten, die sich in der Kritik der Vernunft finden, daß die *Einheit*, die das *Wesen des Begriffs* ausmacht, als die *ursprünglich-synthetische* Einheit der *Apperzeption*, als Einheit des „*Ich denke*" oder des Selbstbewußtseins erkannt wird. - Dieser Satz macht die sogenannte *transzendentale* Deduktion der Kategorie[n] aus; sie hat aber von jeher für eines der schwersten Stücke der Kantischen Philosophie gegolten, - wohl aus keinem anderen Grunde, als weil sie fordert, daß über die bloße *Vorstellung* des Verhältnisses, in welchem *Ich und der Verstand* oder die *Begriffe* zu einem Ding und seinen Eigenschaften oder Akzidenzen stehen, zum *Gedanken* hinausgegangen werden soll." Hegel 1969g, p. 254. ["It is one of the profoundest and truest insights to be found in the Critique of Reason that the *unity* which constitutes the *essence of the concept* is recognized as the *original synthetic* unity *of apperception*, the unity of the "*I think*," or of self-consciousness. –This proposition is all that there is to the so-called *transcendental* deduction of the categories which, from the beginning, has however been regarded as the most difficult piece of Kantian philosophy – no doubt only because it demands that we should transcend the mere *representation* of the relation of the *"I" and the understanding*, or of the *concepts*, to a thing and its properties or accidents, and advance to the *thought* of it." Hegel and Di Giovanni 2010, p. 515.

4 "*Zweitens* ist es der *Lebensprozeß*, seine Voraussetzung aufzuheben, die gegen dasselbe gleichgültige Objektivität als negativ zu setzen und sich als ihre Macht und negative Einheit zu

proprieties, such as, for example, whether a conclusion follows from a premise, or whether a claim coheres with another claim). In such judgments, we are not just pointing out or counting, nor are we looking for the reality behind the appearance. Rather, we are evaluating something. On Hegel's account, such evaluations go further than merely judging about the goodness or badness of inferences and claims, they also have to do with how good or bad certain types of things are themselves, given their relation to themselves and other things. Now, we can evaluate things either "subjectively," in which case we examine various proprieties of judgment and inference (in our subjective thinking), or we can evaluate things "objectively," in which case we are looking at systems of things and evaluating them in terms of whether they measure up to their concept (or evaluate even whether the concept of "measuring up" is appropriate to that system). Finally, we can examine things that are objective (as systems measuring or failing to measure up to their concept) but which themselves also have a subjective interiority to themselves which means that they have an active self-relation in measuring up or failing to measure up to their concept. "Life" is such an "objective-subjective" concept. How does this work?

Living creatures have an interiority in that they are what they are – or, perhaps better put, they have the powers they have – in terms of the purposes intrinsic to the overall shape of their kinds. For example, the fern is what it is in that it has the power to produce fern-like things (fronds, etc.) and also has no power at all to produce, say, acorns. Of course, it will do this only in certain objective conditions (the correct sunlight, water, nutrients in the soil, and so forth), but this is a phase of its overall purpose, which is to produce and reproduce itself and other ferns. The fern is part of a biological and ecological system, and explaining how it does this involves explaining its biochemistry. But that the fern produces other ferns (in this case, through its spores taking to the winds) is a power it has by virtue of being the species it is. The fern produces neither acorns, roses nor fish. Rather, it produces itself as a fern, and it produces other ferns.[4] Those are its powers, and they

are biochemical in nature. The interiority of a fern is limited and almost barren, but its parts – fronds, spores, etc. – do what they do by virtue of the kind to which they belong (ferns), and thus its parts exist within its overall kind, which organizes itself around what it is. Moreover, its kind is itself contingent and can vary in terms of a variety of changes (given the mechanisms of Darwinian evolution), and its own determinateness as the kind it is must also be fluid. (Hegel, who was not an evolutionist, shared this view.[5]) Nature, after all, has no way of ordering itself into better or worse, and the forces of evolution put great demands on all natural kinds.

Life is thus a form of self-organizing matter. It defies no natural physical or chemical laws – and thus does not require us to posit a separate natural law, force or underlying non-chemical substrate, such as an *élan vitale*, to explain it - but it is a different concept in terms of how it relates things to each other, namely, as not merely "negative" (not just in terms of this not being that), nor in terms of determination by something other than the matter at issue, but as organizing itself. The parts of a fern organize themselves in terms of the species of fern itself, such as the ability to produce spores. However, life is not fully self-organizing. The living creature can manifest its powers sometimes only by its being triggered by something outside of itself, but in those cases, it is its own nature (as being a fern) that responds to such externalities. The same externality does not trigger the same thing in a turtle as it does in a fern.

This much has to do with the explanation of life, namely, that it is not to be seen as the kind of system (the living individual) that is to be fully explained in terms of the judgings and inferences of "Essence" (as a stage in the *Logic*). On the one hand, life is a series of chemical processes. That these and not those chemical processes take place in ferns is because of the overall system that constitutes the fern. Fern-like processes occur because of the nature of ferns. This is not because the

verwirklichen.", Hegel 1969g, p. 473. ["*Second*, it is *the life-process* of sublating its presupposition, of positing as negative the objectivity indifferent to it, and of actualizing itself as the power and negative unity of this objectivity. By so doing, it makes itself into the universal which is the unity of itself and its other." Hegel and Di Giovanni 2010, p. 679.

5 "So ein Allgemeines wie „Fisch" ist eben als Allgemeines an keine besondere Weise seiner äußerlichen Existenz geknüpft. Indem man nun annimmt, daß so ein Gemeinschaftliches in einer einfachen Bestimmtheit, z. B. Flossen, bestimmt dasein müsse, und solches sich nicht findet, so wird es schwer, Einteilungen zu machen. Es wird dabei die Art und Weise der einzelnen Gattungen und Arten zugrunde gelegt, sie als Regel aufgestellt; ihre Mannigfaltigkeit, die Ungebundenheit des Lebens läßt aber nichts Allgemeines zu." Hegel 1969b, §368, p. 503. ["For example, if we take the general concept 'fish' as the common feature of what this name connotes in our concept, and ask, 'What is the simple determinateness in fish, their one objective property?', the answer, 'Swimming in water', is insufficient, since a number of land animals do this, too. Besides, swimming is not an organ or a structure, and in general, is not any specific part of the shape of any fish, but a mode of their activity. A universal of this kind, like fish, simply as a universal, is not linked to any particular mode of its external existence." Hegel and Miller 2004, p. 417.

fern is the identity of the individual as an instance of the species, fern, and the chemical processes that on their own are not necessarily fern-like at all (even if there are some that only occur in ferns). (That would be a paradigm of essence-explanation, such as the tie looking green in the shop and being blue in the sunlight). Artifacts and living things have parts which are to be identified as the parts they are because of the function they serve in the whole. The difference is that artifacts require an artificer, whereas life simply requires itself and its own biochemical processes. Living things reproduce themselves out of their own internal systemic makeup.[6]

Out of the concept of the living organism, one thereby develops a logic of internal as opposed to external determination. The individual organism becomes the individual it is by differentiating itself from others instead of being differentiated by some other thing of its type. (The organism thus evidences what Hegel calls a self-relating negativity. It distinguishes itself rather than being distinguished by some external thing.)

Judgments and inferences about living things thus include a purposive element to them, and the category of life includes an evaluation of how things go for the organism in question. With regard to living things, it is therefore not merely our subjective judgments and inferences about going well or badly for them that is at stake. What is at stake is whether things are actually going well or badly for them in terms of the species they are.[7] Such judgments and inferences are not merely "subjective," not merely an unavoidable but species-bound feature of our own powers of judging – something like that would be Kant's view – but also "objective," part of the systems of the world itself.

Things can be good or bad for organic life in ways that cannot exist for non-organic things.[8] (For example, for ferns, a dry environment is a

6 The distinction between the purely chemical process and the self-replicating organic chemical process might not quite be as sharp as the distinction Hegel wants to make, but it is a distinction he explicitly notes: "Der chemische Prozeß ist so ein Analogon des Lebens; die innere Regsamkeit des Lebens, die man da vor sich sieht, kann in Erstaunen setzen. Könnte er sich *durch sich selbst* fortsetzen, so wäre er das Leben; daher liegt es nahe, das Leben chemisch zu fassen." Hegel 1969b, §326: ["The chemical process is an analogy to life... If it were to *continue itself on its own*, it would be life; that is what suggests that life is to be grasped chemically." Hegel and Miller 2004, p. 236.] It was only in 1828 that Friedrich Wöhler accidentally synthesized urea in his laboratory (down the street, as it were, from Hegel's lectures), thereby inadvertently ushering in the new field of organic chemistry.

7 This is why Hegel says, "... und insofern diese Wirklichkeit es nicht ist, so ist es *ihr* Mangel." Hegel 1969b, §368, p. 503. ["and in so far as this actual existence does not do so, the defect belongs to *it*." Hegel and Miller 2004, p. 417.]

8 "Noch tritt an den konkreten Dingen neben der Verschiedenheit der Eigenschaften gegeneinander der Unterschied zwischen [dem] *Begriff* und seiner *Verwirklichung* ein. Der Begriff in der Natur und im Geiste hat eine äußerliche Darstellung, worin seine Bestimmtheit sich als Abhängigkeit von Äußerem, Vergänglichkeit und Unangemessenheit zeigt. Etwas Wirkliches zeigt daher wohl an sich,

bad thing, since the fern cannot grow into an adult plant when the spores land in such dry spaces.) Of course, the plants cannot register things as being good or bad for them, whereas at least many animals can. What things are good or bad for organisms depends on the species since the standards for what is going well or badly depends on what the species needs to have things go well for it, and what counts as going well for such creatures has to do with its self-maintenance (its reproduction of itself) and its ability to reproduce more of its kind. This is crucial for Hegel's dialectical conception since it sets the background of his conception of subjectivity (or what he would call "subjectivity"). The normativity that characterizes subjectivity is not something that is completely at odds with natural normativity but is a development from out such primitive, natural normativity. In the case of living organisms, such norms are also facts about the organism. Many reef-building corals grow optimally in water temperatures between 73° and 84° Fahrenheit (23°–29°Celsius), and for most of them, when the water becomes much warmer, they become more stressed and are likely to die. If this is a fact about corals, it is also the norm for the species.

B. The Idea of life

It is worth noting a word or two about Hegelian language (or as it is sometimes put belittlingly, his "jargon"). Hegel puts both life and rational animality under the heading of the "Idea" (*Idee* in the German). Why use such language? Because the "Idea" is, as Hegel uses it, the unity of subjectivity and objectivity, or as we might put it much more

was es sein *soll*, aber es kann auch nach dem negativen Begriffsurteil ebensosehr zeigen, daß seine Wirklichkeit diesem Begriffe nur unvollständig entspricht, daß sie *schlecht* ist. Indem die Definition nun in einer unmittelbaren Eigenschaft die Bestimmtheit des Begriffes angeben soll, so gibt es keine Eigenschaft, gegen welche nicht eine Instanz beigebracht werden könne, in der der ganze Habitus zwar das zu definierende Konkrete erkennen läßt, die Eigenschaft aber, welche für dessen Charakter genommen wird, sich unreif oder verkümmert zeigt. In einer schlechten Pflanze, einer schlechten Tiergattung, einem verächtlichen Menschen, einem schlechten Staate sind Seiten der Existenz mangelhaft oder ganz obliteriert, welche sonst für die Definition als das Unterscheidende und die wesentliche Bestimmtheit in der Existenz eines solchen Konkreten genommen werden konnten. Eine schlechte Pflanze, Tier usf. bleibt aber immer noch eine Pflanze, Tier usf." Hegel 1969g, pp. 517-518. [In the concrete things, together with the diversity of the properties among themselves, there also enters the difference between the *concept* and its *realization*. The concept has an external presentation in nature and spirit wherein its determinateness manifests itself as dependence on the external, as transitoriness and inadequacy. Therefore, although an actual thing will indeed manifest in itself what it *ought* to be, yet, in accordance with the negative judgment of the concept, it may equally also show that its actuality only imperfectly corresponds with this concept, that it is *bad*. Now the definition is supposed to indicate the determinateness of the concept in an immediate property; yet there is no property against which an instance could not be adduced where the whole *habitus* indeed allows the recognition of the concrete thing to be defined, yet the property taken for its character shows itself to be immature and stunted. In a bad plant, a bad animal type, a contemptible human individual, a bad state, there are aspects of their concrete existence that are defective or entirely missing but that might otherwise be picked out for the definition as the distinctive mark and essential determinateness in the existence of any such concrete entity. A bad plant, a bad animal, etc., remains a plant, an animal just the same. Hegel and Di Giovanni 2010, p. 712.]

loosely, the unity of norm and fact.[9] There is no single English term for such a conception (and none in the other European languages as far as I know), so Hegel (and Kant and Schelling) decided to appropriate an older use and put it to work in a special way. When other people try to state this unity of norm and fact, they too generally have to adapt an old term or coin a new term. For example, Philippa Foot, who argued for a related position vis-à-vis the relation between facts about species and norms, called such conceptions "Aristotelian categoricals."[10] Michael Thompson calls them "natural-historical judgments" (and at one time, called them "life-form-words").[11] Hegel uses the term, "Idea," because (like Schelling) he is taking it over from Kant where it is used to indicate a concept that has to do with a totality, a whole that organizes its parts.[12]

The value of Hegel's so-called jargon consists in its moving away from the more empiricist and atomist assumption that if anything like "values" are indeed objective and (as the saying goes,) "in the world," they must therefore be individual things of some sort. On that empiricist view, since goodness is not a thing like a chair or even a number, it cannot be encountered and must therefore not be real or else be something we merely project onto things.[13] Goodness is, however, not an individual

9 The argument is, of course, more complicated than this. There is the "subjective" logic of the proprieties of inference and judgment, and there is the "objective" logic of describing systematic concatenations of things in the world such as mechanical, chemical or teleological facts. The solar system, for example, is a fact of nature in the way it relates individual things (planets, the sun, asteroids, etc.) into one mechanical system governed by gravitational laws (among others). The "Idea," on the other hand, is the logic that is both subjective and objective, that is, both fact-stating and norm-stating. Hegel says: "Die Idee hat aber nicht nur den allgemeineren Sinn des *wahrhaften Seins*, der Einheit von *Begriff* und *Realität*, sondern den bestimmteren von *subjektivem Begriffe* und *der Objektivität...* Die Idee hat sich nun gezeigt als der wieder von der Unmittelbarkeit, in die er im Objekte versenkt ist, zu seiner Subjektivität befreite Begriff, welcher sich von seiner Objektivität unterscheidet, die aber ebensosehr von ihm bestimmt [ist] und ihre Substantialität nur in jenem Begriffe hat." Hegel 1969g, p. 466. ["But the idea has not only the general meaning of *true being*, of the unity of *concept* and *reality*, but also the more particular one of the unity of *subjective concept* and *objectivity*... Now the idea has shown itself to be the concept liberated again into its subjectivity from the immediacy into which it has sunk in the object; it is the concept that distinguishes itself from its objectivity – but an objectivity which is no less determined by it and possesses its substantiality only in that concept" Hegel and Di Giovanni 2010, p. 673.] In a remark on his lectures on Aristotle, Hegel simply notes: "Der Begriff sagt: Das Wahre ist die Einheit des Subjektiven und Objektiven und darum weder das eine noch das andere wie sowohl das eine als das andere. In diesen tiefsten spekulativen Formen hat Aristoteles sich herumgearbeitet." Hegel 1969f, p. 163. ["We in our way of speaking designate the absolute, the true, as the unity of subjectivity and objectivity, which is therefore neither the one nor the other, and yet just as much the one as the other; and Aristotle busied itself with these same speculations, the deepest forms of speculation even of the present day, and he has expressed them with the greatest determinateness." Hegel 1963, vol. II, p. 148.]

10 Foot 2001

11 Thompson 2008; and Thompson 1995

12 It is worth noting that parts for Hegel only the "absolute Idea," that of thought thinking about its own conditions of intelligibility qualifies as a totality that has all of its conditions within itself.

13 This was part of J. L. Mackie's well known objection to objective values, that they were "queer." On

thing (if it were, it would be described in the terms at use in the chapters on "Being" in the *Logic*) but something having to do with the organism as an individual belonging to a species, for which certain things will be significant for its living well and certain things will not. Perhaps "Idea" is not the right term, but that is more of a fact about current linguistic usage and the cultural world it inhabits than it is about the real issue at stake.[14]

III. Dialectic and Subjectivity

These considerations about life should hopefully dispel whatever lingering notions there are that the only honest way to interpret Hegel is in terms of a scheme of grand teleological causality producing life out of non-living chemical processes (which either involves another entity, *Geist*, performing the causation or involves chemical processes as the means to a plan that cosmic *Geist* is carrying out).[15] This has similar implications for Hegel's conception of self-conscious life and the norms – the *Recht* – to which it may or may not be inadequate, since, as Hegel clearly states, although "right's [normativity's] source is in the concept... right comes into existence only because it is useful in relation to needs."[16]

Subjectivity itself as self-conscious life can be looked at in two ways. On the first way, one can take the external view of agency (that favored by "the understanding") and explain agency in terms of distinct types of things interacting in law-like ways. For example, in explaining human action, one would picture action as a compound of some inner

Hegel's view, they are no more queer than, say, the solar system. Mackie 1977

14 This also has to do with a deeper issue about Hegel's charge that Kant was an "empiricist" at heart. For Kant, concepts were rules (for the unification of experience), and as rules as such, were empty, requiring therefore empirical content from sensibility to have any real determinateness. A priori concepts (such the categories and the basic principles of geometry and mathematics) were possible only because there were a priori intuitions of space and time to provide such a priori content to the categories. As Robert Pippin has argued, it is perhaps the oldest misreading of Hegel to claim that Hegel accepted Kant's view of concepts and then proceeded to discard the conditions under which such concepts could have content, thus leading to the charge that Hegel resurrected the kind of pre-critical metaphysics that Kant thought he had so thoroughly undermined. Hegel actually differed from Kant on the very nature of concepts, claiming that they could have content on their own apart from sensibility. That is another, longer story. See Pippin forthcoming

15 That particular reading of Hegel, historically as influential as it is, rests on the mistake of thinking that all explanation must be invoking some deeper substrate that explains the matters at the level of appearance (such as forces explaining the movement of bodies). It makes sense on that view to suppose that *Geist* is the deepest of all the substrates, explaining everything. That simply confuses one of Hegel's most fundamental points in his *Logic*, that of the difference in form between Essence-explanation and Concept-explanation. On the confusion of substrate and concept explanation, see Kreines 2015

16 Hegel 1969d, §209., vol. 7, p. 361. "Wenn es auch aus dem Begriffe kommt, so tritt es doch nur in die Existenz, weil es nützlich für die Bedürfnisse ist." ["Even if its source is the concept, right comes into existence only because it is useful in relation to needs." Hegel 1991, p. 240.]

events (paradigmatically, a psychological state) and outer events (paradigmatically, bodily movement), and the debate becomes over how to state the "inner/outer" relation correctly without leaving that picture behind.[17] The inner would then be conceived as an inner act of willing (or "trying") or as simply a psychological state causing something like bodily movement. On both these accounts, the inner is fully determinate and identifiable independently of its connection (whatever that might be) with the outer.[18]

In the case of understanding subjectivity, as we might put it very loosely, there is the "phenomenal" grasp of subjectivity as that of empirically determinable individuals bringing about certain events in the world of appearance, and there is a "noumenal" grasp of subjectivity, that is, of the subject as a metaphysically significant subject for whom the proprieties of judgment and inference are binding and whose reasons determine its actions. In such "noumenal" terms, we do not conceive of subjects so much in terms of their dispositions (for example, in terms of what inferences they are likely to make or typically do draw) but rather in terms of the proprieties of their inferences (which are the correct ones?). What therefore is the relation between the subject as "phenomenally" conceived and as "noumenally" conceived? For the Hegelian, the simple answer is that the noumenal and the phenomenal subject are identical. In "noumenal" terms, the subject as a center of dispositions, desires and social forces is now to be viewed in terms of proprieties of thought, that is, as having a concept to which it is to measure up. The "noumenal" world – the world as grasped in rational thought – is the same as the phenomenal world but grasped differently. This is because the "noumenal" subject just is the "phenomenal" subject as comprehending him-or herself as doing something in light of the thought of what he or she is doing.[19] The "noumenal" subject has, as we might put it, a point of view, whereas the phenomenal subject can be studied independently of anything like a "point of view." From the "phenomenal"

17 This is stated as the "decompositional" approach by Lavin 2016

18 This is the point where Pippin argues that such a picture breaks down, since he defends an interpretation where the inner cannot be fully determinate until it is linked with the outer, so that the determinateness of an "intention" cannot be specified until the action has taken place (resulting in the "deed"), and further that the action (or the deed) itself is not fully determinate until its relevant social context is determined. In turn, the social context is not fully determinate until its own location in the history of such contexts is provided. This continues to see the problem as set in terms of "inner" and "outer" and thus in terms of the judgments and inferences of "Essence." Christopher Yeomans argues against Pippin but himself also looks to "Essence" and its account of causality to link the inner and the outer. See Pippin 2008 For Yeomans' account, see Yeomans 2011 See Yeomans' critical account of Pippin in Yeomans 2009

19 See the discussion of the related themes about the noumenal status of power relations in Forst 2015

standpoint, there is simply some set of events that lead to the action, and the action is something else, more than this earlier set of events (as we would conceive of action if it were just a bodily movement caused by a psychological state).[20] The noumenal subject is the phenomenal subject conceived in terms of its logical form, and in Hegelian terms, that means that subjectivity is not just life but self-conscious life. Or, to put it in even more up-front Hegelian terms, self-conscious life (*Geist* itself) is the truth of the phenomenal conception of subjectivity. The "inner" as it is conceived in terms of psychological states and dispositions is not so much denied as it is shifted into another conceptualization that also changes the way in which such states and dispositions are to be conceived. In Hegel's German term, these states and dispositions are *aufgehoben*. The "inner" of a psychological state is transformed into the "inner" of a shape of self-conscious life.[21] Life becomes self-conscious life, that is, *Geist*, the species of life that is conscious of itself.[22]

Self-conscious life is not simply life with self-consciousness added onto it. Self-conscious life is a different species, for which Hegel adopts the term, *Geist*. This is not a claim that *Geist* appeared from nowhere and had no *anthropos* ancestors. It is the claim that with the new type of self-relation, this *anthropos* became something different from its predecessors, namely, a *geistig* being, self-conscious life. Or, rather, by acquiring the capacity to think – to be not merely an animal but a rational animal – it became self-conscious life.[23] As the self-consciousness animals we are, we are thereby, in Hegel's terms, "the concept which has come into existence."[24] In being able to make judgments, life becomes self-conscious life in that judging is always – although only occasionally – self-conscious. To be thinking is for a living being to be doing something, and it must know what it is doing for it to count as thinking. To use Matthew Boyle's term, self-conscious life is thus a transformative, not an additive concept.[25]

20 See Ford 2016 and Ford's arguments against corporealism, volitionalism, instrumentalism. https://www.academia.edu/29928490/The_Province_of_Human_Agency

21 This is also suggests why without Hegel's dialectical approach, we most likely seek to show the unity of the "phenomenal" and the "noumenal" either through some metaphor of sight or some appeal to a standard external to the distinction itself. We just have to "see" how they are a unity or how they fit some independently established standard, (such as, for example, our pre-theoretical intuitions or some independently established metaphysics of causality). On the way in which external standards get brought into discussions of agency, see Ford 2016: "The reason for their lack of interest is fairly obvious: the reason is that everything that happens with everything we use is standardly theorized as an effect of bodily movement, and, as such, it is slated to be covered by a generic account of causation, which is not supplied by the action theorist, but by her favorite metaphysician, whose job it is to explain how causality works in general." On the other hand, it the metaphors of sight that drive Schelling's insistence on "intellectual intuition" to drive his account and Sellars' conception of "stereoscopic vision" as necessary for combining the manifest and scientific images.

22 As Hegel puts it in, Hegel 1969a, p. 143: „Sie ist die *einfache Gattung*, welche in der Bewegung des Lebens selbst nicht *für sich als* dies *Einfache existiert*; sondern in diesem *Resultate* verweist das Leben auf ein anderes, als es ist, nämlich auf das Bewußtsein, für welches es als diese Einheit, oder als Gattung, ist.... Dies andere Leben aber, für welches die *Gattung* als solche und welches für sich selbst Gattung ist, das Selbstbewußtsein, ist sich zunächst nur als dieses einfache Wesen, und hat sich als *reines Ich* zum Gegenstande" ["It is the *simple genus*, which in the movement of life itself does not *exist for itself as this "simple*." Rather, in this *result*, life points towards something other than itself, namely, towards consciousness, for which life exists as this unity, or as genus... But this other life for which the *genus* as such exists and which is the genus for itself, namely, *self-consciousness*, initially exists, to itself, only as this simple essence and, to itself, is an object as the *pure I*." (my translation)]

23 Hegel 1969g, p. 487: "Das Leben ist die unmittelbare Idee oder die Idee als ihr noch nicht an sich selbst realisierter *Begriff.* In ihrem *Urteil* ist sie das *Erkennen* überhaupt./ Der Begriff ist als Begriff *für sich*, insofern er *frei* als abstrakte Allgemeinheit oder als Gattung existiert. So ist er seine reine Identität mit sich, welche sich so in sich selbst unterscheidet, daß das Unterschiedene nicht eine *Objektivität*, sondern gleichfalls zur Subjektivität oder zur Form der einfachen Gleichheit mit sich befreit, hiermit der Gegenstand des Begriffes, der Begriff selbst ist. Seine *Realität* überhaupt ist die *Form seines Daseins*; auf Bestimmung dieser Form kommt es an; auf ihr beruht der Unterschied dessen, was der Begriff *an sich* oder als *subjektiver* ist, was er ist in die Objektivität versenkt, dann in der Idee des Lebens. In der letzteren ist er zwar von seiner äußerlichen Realität unterschieden und *für sich* gesetzt, doch dies sein Fürsichsein hat er nur als die Identität, welche eine Beziehung auf sich als versenkt in seine ihm unterworfene Objektivität oder auf sich als inwohnende, substantielle Form ist. Die Erhebung des Begriffs über das Leben ist, daß seine Realität die zur Allgemeinheit befreite Begriffsform ist. Durch dieses Urteil ist die Idee verdoppelt - in den subjektiven Begriff, dessen Realität er selbst, und in den objektiven, der als Leben ist. – *Denken*, *Geist*, *Selbstbewußtsein* sind Bestimmungen der Idee, insofern sie sich selbst zum Gegenstand hat und ihr *Dasein*, d. i. die Bestimmtheit ihres Seins ihr eigener Unterschied von sich selbst ist." (Underlining by me.) ["Life is the immediate idea, or the idea as its still internally unrealized *concept*. In its *judgment*, the idea is *cognition* in general. The concept is *for itself* as concept inasmuch as it freely and concretely exists as abstract universality or a genus. As such, it is its pure self-identity that internally differentiates itself in such a way that the differentiated is not an *objectivity* but is rather equally liberated into subjectivity or into the form of simple self-equality; consequently, the object facing the concept is the concept itself. Its *reality* in general is the *form of its existence*; all depends on the determination of this form; on it rests the difference between what the concept is *in itself*, or as *subjective*, and what it is when immersed in objectivity, and then in the idea of life. In this last, the concept is indeed distinguished from its external reality and posited *for itself*; however, this being-for-itself which it now has, it has only as an identity that refers to itself as immersed in the objectivity subjugated to it, or to itself as indwelling, substantial form. The elevation of the concept above life consists in this, that its reality is the concept-form liberated into universality. Through this judgment the idea is doubled, into the subjective concept whose reality is the concept itself, and the objective concept which is as life. – *Thought*, *spirit*, *self-consciousness*, are determinations of the idea inasmuch as the latter has itself as the subject matter, and its *existence*, that is, the determinateness of its being, is its own difference from itself." Hegel and Di Giovanni 2010, p. 689.]

24 "Der Begriff, insofern er zu einer solchen *Existenz* gediehen ist, welche selbst frei ist, ist nichts anderes als *Ich* oder das reine Selbstbewußtsein. Ich *habe* wohl Begriffe, d. h. bestimmte Begriffe; aber Ich ist der reine Begriff selbst, der als Begriff zum *Dasein* gekommen ist." Hegel 1969g, p. 253. ["The concept, when it has progressed to a concrete existence which is itself free, is none other than the "I" or pure self-consciousness. True, I *have* concepts, that is, determinate concepts; but the "I" is the pure concept itself, the concept that has come into *determinate existence*." Hegel and Di Giovanni 2010, p. 514]

25 (Boyle 2015).

IV: Dialectic and Ethics

A. The good of the species

The bindingness of practical normativity is therefore that of life itself, just as the necessity for nutrition and the like are practical binding demands on the organism. Just as a particular animal may need various forms of plants for nutrition which place general practical demands on the organism to sustain itself, self-conscious life by its very nature falls under demands placed on itself by its species. However, because it is self-conscious life, it falls under its concept by virtue of bringing itself under its concept, and for it to be adequate to its concept means that it must actively strive to be the kind of being its concept demands. These "concepts" make up what Hegel calls a form of life (*Gestalt des Lebens*), and it is the most crucial part of Hegel's overall idea that a form of life is most basically composed of certain concepts which for the participants in that form of life are experienced as unavoidable (even if, at a different point in time, some of them may seem not only to be avoidable or even to be irrational). Those unavoidable demands placed on a subject because of his or her "concept" are commitments to be honored, as the phrase goes, as if one's life depended on it. A *geistig*, minded species falls under different demands of life than do non-minded species. For example, a moose falls under the species "moose," and there are therefore ways in which it flourishes and ways it does not. *Geistig* beings, on the other hand, fall under a concept having to do with their social life, but they must bring themselves under that concept, unlike other social animals. (Sartre's famous example of the café waiter striving to be a café waiter is an example of somebody bringing himself under a concept that, although socially given to him, is something to which he struggles to adequate himself.)

Hegel's point here is largely Aristotelian (something he never disguises[26]), in that it claims that certain ways of leading a life – which, for Aristotle, are those of the virtuous life – are mandatory for a successful life for the kind of being that humans are. Hegel's departure from Aristotle has to do with his other equally strong commitment to a Kantian-inspired conception of self-consciousness. Because of that, Hegel argued that we had to take self-conscious lives to be historically indexed in ways that Aristotle did not and could not countenance. If a successful life is one that is adequate to its concept and in which the concept itself is adequate to itself (that is, ultimately adequate to reason itself), then a successful life will be one that attends to the form of the species at stake, which, for self-conscious creatures, is always to be specified in terms that have the same logical structure as that of the life of a self-conscious human within a historically shaped form of life (such as warrior, actor, dressmaker, etc.). A successful life is one in which the person can actualize – make real – a set of objective values (or, put more loosely, actually do things that are worthwhile), where the objective values will be those that can be justified given the reasons available to the subject. This end is not that of happiness, which is both too indeterminate for that kind of general use and which when being made more determinate and therefore action-guiding is contingent upon individual eccentricities and thus once again not useful as a general principle.[27] When people have achieved something objectively good, they are, as Hegel puts it, satisfied (*befriedigt*). They have done something worthwhile even if they are not made happier by doing so.[28]

26 Hegel 1969c §378: "Die Bücher des *Aristoteles* über die Seele mit seinen Abhandlungen über besondere Seiten und Zustände derselben sind deswegen noch immer das vorzüglichste oder einzige Werk von spekulativem Interesse über diesen Gegenstand. Der wesentliche Zweck einer Philosophie des Geistes kann nur der sein, den Begriff in die Erkenntnis des Geistes wieder einzuführen, damit auch den Sinn jener Aristotelischen Bücher wieder aufzuschließen." ["The books of Aristotle on the Soul, along with his discussions on its special aspects and states, are for this reason still by far the most admirable, perhaps even the sole, work of philosophical value on this topic. The main aim of a philosophy of mind can only be to reintroduce unity of idea and principle into the theory of mind, and so reinterpret the lesson of those Aristotelian books." Hegel et al. 1971 p. 3.] And: "Das Beste bis auf die neuesten Zeiten, was wir über Psychologie haben, ist das, was wir von Aristoteles haben; ebenso das, was er über den Willen, die Freiheit, über weitere Bestimmungen der Imputation, Intention usf. gedacht hat. Man muß sich nur die Mühe geben, es kennenzulernen und es in unsere Weise der Sprache, des Vorstellens, des Denkens zu übersetzen, was freilich schwer ist." Hegel 1969f, p. 221. ["The best that we have on psychology, even up until the most recent times, is what we have from Aristotle; the same goes for what he thought about the will, freedom, further determinations about imputation, intention, etc. One must only take the trouble to get to know it and to translate it into our language, ideas and thoughts, which is of course difficult." (my translation)]

27 This does not imply, as Hegel notes, that happiness is somehow an illegitimate claimant on human loyalties. He notes at Hegel 1969d, §123: "Insofern die Bestimmungen der Glückseligkeit vorgefunden sind, sind sie keine wahren Bestimmungen der Freiheit, welche erst in ihrem Selbstzwecke im Guten *sich* wahrhaft ist. Hier können wir die Frage aufwerfen: hat der Mensch ein Recht, sich solche unfreie Zwecke zu setzen, die allein darauf beruhen, daß das Subjekt ein Lebendiges ist? Daß der Mensch ein Lebendiges ist, ist aber nicht zufällig, sondern vernunftgemäß, und insofern hat er ein Recht, seine Bedürfnisse zu seinem Zweck zu machen. Es ist nichts Herabwürdigendes darin, daß jemand lebt, und ihm steht keine höhere Geistigkeit gegenüber, in der man existieren könnte." ["In so far as the determinations of happiness are present and given, they are not all determinations of freedom, which is not truly present for itself until it has adopted the good as an end in itself. We may ask at this point whether the human being has a right to set himself ends which are not based on freedom, but solely on the fact that the subject is a living being. The fact that he is a living being is not contingent, however, but in accordance with reason, and to that extent he has a right to make his needs his end. There is nothing degrading about being alive, and we da not have the alternative of existing in a higher spirituality. It is only by raising what is present and given to a self -creating process that the higher sphere of the good is attained (although this distinction does not imply that the two aspects are incompatible)." Hegel 1991, p. 151.]

28 Hegel identifies Aristotle's eudemonia with happiness (*Glückseligkeit*) and claims that although Aristotle's conception shares with his own concept of *Befriedigung* (as "satisfaction") the idea of a more general concept that straddles a whole life and not just a part of it, it is still too indeterminate and bound to individuality to serve as such a measure. Thus, for Hegel, the species aim is not that of flourishing , as it is for Aristotle and the host of naturalist-neo-Aristotelians such as Philippa Foot and Michael Thompson, but is the aim more appropriate to a self-conscious species that conceives of itself as giving itself the law (to put it in Kantian terms). Kant's conception of being worthy of

There are two sides to this idea, both of which are relatively well known about Hegel's thought. First, in the modern period, Hegel argued that the development of a ground-level commitment to the claim that all are free itself has itself generated an almost equally ground-level commitment to the idea that modern people can legitimately lay claim to certain abstract rights (life, liberty and property), be committed to a universalist morality, and find binding guidance for their individual lives in the spheres of ethical life (*Sittlichkeit*), namely, in the bourgeois family, civil society and the state. These each give more determinateness to what counts as a successful life in modern conditions, and none of them could have had any genuine reality in the condition of, say, early modern Europe (where a deeply hierarchical form of life inherited from the medieval firmly excluded the idea that "all are free"). Moreover, to the extent that a form of life cannot provide these kind of determinate shapes for what counts as a satisfactory human life, it cannot under modern conditions long maintain any normative allegiance to itself on the part of its members.

Second, part of the force of the conditions of modern life is that the general terms by which a successful life is envisaged cannot be legitimate if they are imposed by an alien authority. Under modern conditions, for example, that this and not that counts as a successful marriage and therefore as a legitimate right is legitimate only when it can be comprehended as rational – only when, to put it more loosely, it makes sense to the parties involved – and not as a brute fact of nature or a divine command whose rationality itself cannot be comprehended but must be simply accepted. (Note that this is not the neo-Kantian claim that each individual must autonomously legislate for himself but rather that each individual must be able to exercise some insight into the justifiability of that "species" of life, even if the principles and pictures of it are not generated by him-or-herself autonomously but by tradition, history, cultural conditions and the like).

Third, Hegel's conception of *Sittlichkeit* and his argument for its necessity is not just the weak sociality thesis that we need connections with each other and that much of the content of our moral deliberations come from traditions and so-called "thick" commitments that only have places in special communities, nor is a "communitarian" view that holds that we are bound to the ethos of our community because it is "our own." Hegel's view is a thesis about ethical form, that is, the way in which the "universal" the species has to take its shape in the particular. The species of Robins only take shape in individual robins, but in self-conscious lives,

happiness is, as we might put it, *aufgehoben* into Hegel's conception of satisfaction.

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the species takes shape in individuals shaping their lives in terms of standards that are generated by their history and environment. It cannot take shape just as the "human" in general since "man in general... has no existence as such"[29] The species of courtier, for example, only takes shape in terms of the expectations and practices of a courtly culture that produces the type, "courtier," who is always instantiated in a particular way.[30]

B. Modern ethical life

Hegel's view also involves a more radical thesis about modernity itself, namely, that it is false that an inhabitable shape of modern life need only concern itself at its baselines only with abstract rights of life, liberty and property and universalist morality itself, and that it is false that everything other than that is a matter of policy and not part of the ground-level commitment that the general principle that "all are free" demands. Hegel's argument is that the moral life, at least as exemplified in Kantian and immediately post-Kantian thought, is in principle too limited to provide any genuine guidance. The categorical imperative is, as Kant says, only "the supreme limiting condition of the freedom of action of every human being," and does not provide any more guidance than that.[31] Beyond that people have to do what will make them happy, and the injunction, "do what will make you happy" is itself so indeterminate as to be of little value in guiding action. (Kant's own principle of justice is simply that everybody should be free within the conditions of the same right being real for others.[32])

It is worth underlining the ways in which Hegel's conception of

29 Hegel and Hoffmeister 1994, p. 85; Hegel 1975, p. 72.

30 In this way, learning one's place in a given social setup requires learning the material inference rules of that setup – that from, "I occupy such and such a position," it follows that "one ought to treat me in these particular ways." These material inferences make up the "social space" for those individuals. This is a point I have argued in Pinkard 1994

31 This is an obviously contentious point, since it rests on Hegel's taking Kant at his word, namely, that the conception of the practical law contains only the thought of universality of the maxim and that, contra Kant, nothing substantive other than the supreme limiting condition is going to follow. Hegel does not contest the interpretation of Kant that would have the much of the further content that Kant himself claims to be synthetic a priori follow from the categorical imperative supplemented by a few non-contentious empirical assumptions. Hegel's skepticism about that strategy is that it only ratifies the particular ideological setup of those drawing the conclusions (i.e., it simply ratified the moral ideas held at a particular time and place without providing any genuine critical distance from them).

32 "No-one can compel me to be happy in accordance with his conception of the welfare of others, for each may seek his happiness in whatever way he sees fit, so long as he does not infringe upon the freedom of others to pursue a similar end which can be reconciled with the freedom of everyone else within a workable general *law* — i.e., he must accord to others the same right as he enjoys himself.", Kant and Gregor 1996, p. 812.

modern *Sittlichkeit* emphasizes the "modern." As new forms of commerce spread throughout Europe, a new shape of life was taking form in which the older social life of close, communal ties was giving way to a form of life in which subjects were called to live a more abstract life, that is, a life in general terms that applied to people who had to learn to deal with others who were, both figuratively and literally, at a distance from them.[33] This affected everything in its path – the family, commerce and politics. Whereas standards of action had previously rested on the "thicker" relations of communities and families (which Hegel knew firsthand from his youthful experience in Württemberg with its "hometown" structures[34]), the life-world taking shape in Europe as a whole was much thinner and, so it seemed to many, also becoming more fragmented. The problem animating Hegel's thought in the practical sphere was that of whether there really could in any substantive sense be any genuine "ethical life" above and beyond Locke's triad of "abstract rights" and that of morality interpreted in term of Kant's "supreme limiting condition on action." Was there any way in which practical reason, in the shape it had assumed in modern life, was to provide any guidance other than that offered by worldly wisdom and the hodge-podge compendia of common sense advice and the desire to somehow pound all those into a form that looked consistent? Or should practical reason, having established Lockean rights and Kantian morality, simply content itself after that to reasoning about things in terms of utility or some other instrumental goal?

The idea that practical reason's goodness is by and large restricted entirely to some form of instrumental reasoning is itself rejected in Hegel's conception in favor of an argument to the effect that its goodness has to do with the goods of the species, and for a self-conscious life, this has to do with the way the "species" particularizes itself into historically indexed "shapes of life." Hegel's conception of the "family" as the basic building block of a modern shape of life is illustrative here, since it is one of the places where a good many contemporaries of all kinds of different philosophical persuasions are united in the certainty that he failed. Hegel, as is well known, argues for a modern "bourgeois" family structure centered around distinct spheres for the employed husband and the homemaker wife responsible for child care. To be sure, that offered a model for living a life that had quite a bit of determinacy on both sides. Hegel also thought that demarcating the spheres in this way were not

33 My discussion is shaped here not just by Hegel's own views but also by the wide ranging and deep discussion of the contentious relation between the "bourgeoisie" and "modernity" in the innovative work by Seigel 2012

34 See Pinkard 2000

at odds with the natural temperaments of men and women but fit them almost perfectly. Hegel's view is decidedly bourgeois and sexist.

Hegel's model thus finds few defenders nowadays. However, although defending Hegel's overt sexism and bourgeois tendencies would be impossible, it is nonetheless worth stressing the very "modernity" of Hegel's conception. First, he defends an idea of companionate marriage, in which as one seventeenth century Englishman put it, was to be that of "two sweet friends."[35] This version of marriage was supplanting the older idea of a strict hierarchy in which husbands dominated their wives and controlled their property, even though the newer companionate form of marriage, as originally conceived in terms of its uplifting "spirituality," was not understood to be uprooting or putting into question the older hierarchical conception or the gender inequality at work in it at all. Its effect, however, was to put great stress on the inequality it was not intending to put into doubt.

Second, Hegel supports the partially "modern" idea the family's property is not the husband's exclusive possession but belongs to the family as a whole, and that women have the right to preserve some portion of their property after entering the marriage. However, like so many of his counterparts, Hegel could not bring himself to see that the idea of a marriage of equals was completely at odds with his own preferred idea of maintaining a high level of gender inequality (even if, especially oddly from the standpoint of the 21st century, he himself saw his views as vigorously defending the equality of women and men).[36] Even more oddly, in many ways Hegel's treatment of marital equality and his defense of gender inequality were almost paradigmatic for what in all other places he treated as a shape of life heading for crisis and breakdown. (But, after all, he never claimed that philosophy was predictive, not even his own.)

What one sees most generally in Hegel's treatment of the family are two things. First, there is the dialectical relation between internal and external determination. People entering into marriage are determined externally in a variety of obvious ways: Age, gender, status, and the fact that the institution itself sets the norms for the participants. On the other hand, whereas the participant in the older institutions of marriage (most of which Hegel dismisses as what he calls "patriarchal") took the

35 Stone 1977, p. 137. See also Simon Schama's short discussion of how companionship and its accompanying informality began appearing in Dutch paintings of the seventeenth century – a period which Hegel found immensely appealing both socially and artistically. Schama 1987, pp. 426-27.

36 In his own marginal comments to the *Philosophy of Right*, he notes: "die Frau als *sich gleich achten* und setzen – nicht höher... Gleichheit, Dieselbigkeit der Rechte und der Pflichten – Mann soll nicht mehr gelten als die Frau – nicht niedriger." Hegel 1969d, p. 321, remarks to §167.

standards to be set by nature or some form of divinity and to be valid independently of whether we mortals can understand them, moderns find that they cannot accept the standards unless they themselves can understand their rationality, or, put more loosely, unless they make sense to them within a more general framework. Second, this conception of the family was itself a response to changing social conditions, in particular to those having to do with the way in which subjects individually and collectively were becoming more dependent on distant rather than closer and more familiar relations. (The emerging market conditions of European life at this time were a major feature of this but not its cause.[37]) Whereas marriage once came with a very determinate hierarchical structure, modern companionate marriages were increasingly reliant on the parties making up the structure (within the nonetheless determinate hierarchy of the bourgeois family) for themselves as they went along. This form of marriage was more abstract than earlier forms in that its very informality and its marked view on working out and sustaining emotional ties was far less than determinate than the thickly embedded marriages and families of the immediate past.

Hegel's conception of the modern family was thus dialectical. The abstractness of modern familial and marital life meant that it had to take much of its bearings not from an alien natural or traditional structure but from the features of the people involved themselves. Whereas on the one hand, that might appear as arbitrary and as external determination – external in the sense that it had to be in large part the individual emotional temperaments and not the simply structure of the family unit itself that determined the way it worked itself out – the concrete marriage became an internal feature of a relationship shaped in terms of freedom and respect for individual standing and emotional attunement to the others in the family. Modern families were the result of a kind of thinning out, but that thinning out implied a new shape of a free life which included a new resonance within itself. The modern family, as we might say, was dyadic in its ethical structure. More or less undetermined by the rules, its ethos and motion was set by the emotional innovative attunements of its members as it moves forward in time.[38]

37 See Seigel 2012

38 Hegel claims Hegel 1969d, §75 that marriage cannot be assimilated to a contract and dismisses Kant's idea that marriage is a contract for the mutual and exclusive use of each other's sexual organs as "disgraceful." That is because Hegel argues that marriage should be seen as embodying an ethical form, which mere legality cannot capture. As far a external legality is concerned, any two people can become married (emotional attunement or lack thereof is not a legal consideration), and one clear ground for dissolution of the marriage would be sexual infidelity. This is a smaller part of Hegel's overall argument that Kantianism can only comprehend the "external state" and not the state – that is, true citizenship – proper.

V: Dialectic and the External State

A. The citizen as *Bürger*

Hegel was not the first, but still among the very earliest to mark a firm distinction between "state" and "civil society."[39] Prior to Hegel, civil society was not necessarily conceived as really that distinct from the state, since civil society was taken to be an organization of sorts of individuals and families according to laws, and thus all the issues that surround conceptions of political authority (law, economic regulation, administration of justice, etc.) – all of which were typically paradigmatic "state" matters –were also taken to be intrinsic to civil society. (John Locke, for example, equated "political society" with "civil society."[40])

It was already clear before Hegel's treatment of civil society that the emerging conception of civil society embodied certain moral ideas, especially Kant's conception of a kingdom of ends.[41] Civil society thus put moral limits to the otherwise unfettered freedom of individuals interacting in it, and from those moral limits some relatively substantive commitments about justice also followed.[42] Hegel did not take issue with that. For him, the issue was whether civil society also embodied any ethical form, that is, any way of specifying what would be appropriate to the life-form of *geistig* beings in the context of an underlying commitment to the modern concept of "all are free." From the moral point of view, it seemed that in fact it could not take any ethical form since what the individual is to do with his or her freedom does not follow from the forms

39 As is well known, Hegel used the German term, *bürgerliche Gesellschaft*, which might look as if it literally meant, "bourgeois society." However, since it was the preferred translation of the Latin "societas civilis," it best rendered as "civil society." In fact, rendering it as "bourgeois society" is in a deep sense misleading. The "*Bürger*" of whom Hegel was speaking were not yet the French bourgeoisie. See Seigel 2012.

40 Locke and Macpherson 1980, "Those who are united into one body, and have a common established law and judicature to appeal to, with authority to decide controversies between them, and punish offenders, are in civil society one with another: but those who have no such common appeal, I mean on earth, are still in the state of nature, each being, where there is no other, judge for himself, and executioner; which is, as I have before shewed it, the perfect state of nature."

41 Kant seems to accept at least generally Locke's identification of civil society with political society. See Kant's mature statement in Kant and Guyer 2000: "Die formale Bedingung, unter welcher die Natur diese ihre Endabsicht allein erreichen kann, ist diejenige Verfassung im Verhältnisse der Menschen untereinander, wo dem Abbruche der einander wechselseitig widerstreitenden Freiheit gesetzmäßige Gewalt in einem Ganzen, welches bürgerliche Gesellschaft heißt, entgegengesetzt wird; denn nur in ihr kann die größte Entwickelung der Naturanlagen geschehen." §83. Von dem letzten Zwecke der Natur als eines teleologischen Systems. My underlining. "The formal condition under which alone nature can attain this its final ambition is that constitution in the relations of human beings with one another in which the abuse of reciprocally conflicting freedom is opposed by lawful power in a whole, which is called civil society; for only in this can the greatest development of the natural predispositions occur." Kant and Guyer 2000, pp. 299-300.

42 See also the discussion about the purity of such commitments as following from the moral law in Ripstein 2009 On this point, also see the different although related discussion in Kervégan 2015

of judgment and inference having to do with what it is to be a subject in civil society in general. Beyond that, the individual bearing that form simply had to decide for him-or-herself what to do with their freedom. (Study at night for an exam qualifying oneself to be jeweler or secretary? Make a living repairing carriages? Stay on the farm? Try to become a professor?)[43]

Hegel's position was that, on the contrary, civil society did have a thin but nonetheless significant ethical form to itself, and it also served thereby to prepare people for a more truly political status, that of citizenship. To see how he got there, though, one has to distinguish, as Hegel did not completely clearly do, the *bourgeois* from the *Bürger* in *bürgerliche Gesellschaft* (civil society).[44] On Hegel's view, one of course is not born a *Bürger*, one has to become one. In good Rousseauian fashion, he identifies such *Bürger* not simply as seeking to maximize their utility but also just as much seeking self-esteem in the eyes of others. The true *Bürger* acquires a sharp eye for social action, and he (or she) modifies his behavior in terms of the behavior of others, which requires a special type of education in order to learn how to do it and do it well. Each *Bürger* is compelled by others and himself to do things as he sees others do.[45] For this to be real, the person has to become "educated" in terms of the German *Bildung*. He is not merely to acquire technical skills

43 It is probably obvious, but one should distinguish those positions in social life that involve ethical form from those that are merely "roles" or even "mere positions" in social life. Thinking of the positions that are particularizations of ethical form as "roles" involves an element of theatricality that is not present in the full cases of ethical life. Such theatricality enters only in a fully alienated life, when the role is merely a role and not a requirement of a successful life itself.

44 The French term, "bourgeoisie," became the default name for a class of people that were property owners and who on the whole opposed more equitable social change. They thus became the foot-dragging conservatives – the "bourgeoisie" – denounced by everyone from Marx to Flaubert to Sartre only really after the so-called "bourgeois monarchy" of Louis-Philippe in 1830. For one explanation for why it was that it was the French term and not, for example, the English term, "the middling classes" nor the German term, "*Bürger*," that filled this role, see Seigel 2012 Thus, "bourgeoisie" came to have an odd place in social discourse since many *Bürger*, who took themselves to be progressives, did not think of themselves as "bourgeois." Wealthy property holders funding opera houses did not think of themselves, for example, as "bourgeois." On this latter point, see Gay 1995

45 "Unter gebildeten Menschen kann man zunächst solche verstehen, das sie alles machen wie andere, und die ihre Partikularität nicht herauskehren, während bei ungebildeten Menschen gerade diese sich zeigt, indem das Benehmen sich nicht nach den allgemeinen Eigenschaften des Gegenstandes richtet." Hegel 1969d, p. 345. Hegel 1991, §187, *Zusatz*: "By educated (*gebildeten*) people, we may understand in the first place those who everything as others do it and who do not flaunt their particularity, whereas it is precisely these characteristics which the uneducated display, since their behavior is not guided by the universal properties of its object... Thus, education (*Bildung*) irons out particularity to make it act in accordance with the nature of the thing.", p. 226; This is following Nisbet's correction (which he does according to Hotho's notes) of the standard German text, which has "alles machen können, was andere tun" but which makes no sense. Both Rousseau and, following him, Kant thought that the propensity to seek self-esteem in the eyes of others and thus to make one's own personal choices dependent on how others will view them was itself a natural propensity of humans, even though Rousseau thought this propensity was only unlocked once the rules of property had been established.

(reading, writing, adding, subtracting) or merely general knowledge (such as history) but also to acquire the right emotional responses and proper aesthetic taste. In becoming so "educated" (*gebildet*), he also acquires thereby a mind of his own, even though he is cultured enough not to flaunt it, nor to let it interfere with his social interactions.[46]

The uneducated fail the test of being such a *Bürger* (they fail at the abstract status of *Bürgerlichkeit*, "citizenship" of a special sort). Likewise, the aristocrats of the older order also typically fail at such *Bürgerlichkeit* since they have to think of themselves as more vaunted than others, and therefore as (befitting aristocracy) somebody special who is beyond the laws regulating the relations among the *Bürgertum*. The true *Bürger* thus has in mind his own advancement and place in society (which is heavily dependent on the opinion of others), but he also has, in the most abstract sense, the "society" itself in mind as he acts. The *Bürger* is thus not to be identified straight-out with the neo-classical economic creature whose supposed first-order interest is maximizing its own utility, even though any at least partially canny *Bürger* will be doing exactly that. In fact, given the setup of civil society, one can easily understand how the proper *Bürger* will be tempted and even pushed by the forces of social imitation off of which he lives to become such an individual utility maximizer.

Through *Bildung*, the *Bürger* becomes an exemplary modern character even though there seems to be no real ethical content to his actions. Both Rousseau and Kant in fact deprecated such people as living a not truly free life, since their lives are so completely determined by something external to them, namely, the opinion of others. The *Bürger* thus exhibits in his heart a mild contradiction. The purpose of *Bildung* is to develop a kind of virtuosity so that one can have a mind of one's own – be capable of making, for example, the proper aesthetic judgments – yet the *Bürger's* plan of action always has to do with how it and he will look to others, so that his "own mind" – his internal determination – is in fact set by others – an external determination.

What is attractive about being such a *Bürger*? This kind of creature is best attuned and more likely to develop the virtues necessary for living in an abstract world where the givens of daily life in a more customary, hierarchical and closely knit world have either vanished or are in the process of fading out. These new *Bürger* have to learn to breathe thinner

46 This emphasis on *Bildung* and acculturated self-development was to become a central feature of classical German liberalism, finding its most well known articulation in Humboldt and Burrow 1969 (The book was apparently written in 1792 but not published until 1851). That aspect of classical German liberalism found its English expression in Mill and Rapaport 1978 in 1859. (The book should actually be credited to John and his wife, Harriet.)

air than their ancestors did.[47] Thus, unlike the older city-dwellers (the *Stadtbürgertum*) who preceded them, they have to learn to be citizens of a state (*Staatsbürgertum*). If the older version of a *Bürger* was replete with "thick" (and in particular, hierarchical) concepts, the newer version of the *Bürger* was thinner. The older form of *Bürger* played its part in a local economy where the rule of contract was not so fully established, and widely shared (or at least recognized) standards of conduct ruled some things and other things out (as iniquitous). As patterns of communication and trade increased among traditionally more isolated communities and, importantly, as markets began to be less local and more cosmopolitan, increasingly strangers had to interact with each other without having any backdrop of local "thick" standards to which they would have to keep faith. Modern morality (especially in its Kantian form) filled part of that gap but only part of it. The *Bürger* operating in the new and expanded world of commerce and the arts had to be self-reflective and a bit wary while at the same time laying the grounds for a good reputation to accompany him as he learned to deal with and rely on strangers.

These expanding systems of linkage and the new forms of life they were creating undermined the traditional hierarchical systems (however the older hierarchies had been established) which accompanied the way in which the general idea that "all are free" was beginning to flesh itself out institutionally. The thinned-out civil society populated by the abstract people emerging from the new bourgeois family was thus generating and finding itself more and more firmly committed to the twin ideas of freedom and equality.[48]

B. the *Bürger,* freedom and equality

The reason that freedom and equality remain thin (or "abstract") in civil society is that the equality of the *Bürger* in this thinned out form of life is forever under the pressure that comes from the necessity of securing one's acquisitions within this kind of setup. Civil society is therefore also, at first incipiently and then later robustly, a market society, where prices are determined by some kind of equilibrium between consumer and producer. The larger "whole" which makes up *Bürgertum* (the social sphere of such *Bürgers*) constitutes a kind of thin and

47 The metaphor is Nietzsche's: the ascetic person who desires "freedom from compulsion, disturbance, noise, business, duties, worries; clear heads; the dance, bounce and flight of ideas; good, thin, clear, free, dry air, like the air in the mountains, in which all animal existence becomes more spiritual and takes wings." Nietzsche and Smith 2008, p. 78.

48 "*Freiheit* und *Gleichheit* sind die einfachen Kategorien, in welche häufig das zusammengefaßt worden ist, was die Grundbestimmung und das letzte Ziel und Resultat der Verfassung ausmachen sollte. So wahr dies ist, so sehr ist das Mangelhafte dieser Bestimmungen zunächst, daß sie ganz abstrakt sind." Hegel 1969c p. 332.

boundless medium of market exchanges between thinly but discretely identified individuals operating in a social space where each is free and equal. In this new world, the old order where some (the wealthy, the aristocracy) consume and others produce finds itself dissolving. Rather, all are now participants in consumption, spurring what the historian Jan De Vries has called the "industrious revolution," a change in life forms which produced in people the motivation to produce more so they could buy more, thus spurring on the development of even wider market opportunities, and all of this long before the industrial revolution provided the extra spark for the industrious revolution to speed up.[49] Prior to this, production and consumption was more or less local. However, the "industrious revolution" spurred on trade among different communities, which meant that such trade was not just in terms of luxury goods that only the very wealthy could afford to consume but was for matters that a wider variety of people could consume.

On Hegel's view, since each is a discrete individual trying to maximize his own utility, the behavior of these units of consumption and production can be studied empirically and scientifically in terms of the laws they follow as the *Bürger* move around in the very medium which sustains their activity but which they, by being the modern *Bürger* that they are, also create. Within that medium, they are not merely producers and consumers, they are also *Bürger* with a sense of reputation and amour *propre* to sustain them in what has to seem like a monadic existence. The "monads" of the economy – whose monadic appearance to themselves and each other is a feature of the medium that sustains such a form of subjectivity – find their *pathos* in following the rules and learning to master them to their own benefit. The scientific study of this is political economy, and it promises to be able to treat all aspects of the structure and flow of this medium mathematically and the logical form of judgments and inferences befitting such seemingly monadic units leads to its possible systematization.[50] For civil society, it seems that the fundamental theoretical system would certainly not be theology, and almost as certainly not philosophy, but rather modern economics.

Because of this, civil society has the semblance that it has no ethical form but only a moral form (of mutual respect under conditions of legal equality). Thus, as Hegel says, "the ethical is lost in its extremes," since there are no inferences to the determinate shape of life of each *Bürger* from the form they take in people becoming those types of subjects in the new far-flung and abstract relations among people. The

49 De Vries 2008.

50 See Hegel 1969d, §189, where Hegel discusses the power of explanation by political economy.

idea of emotional attunement, so central to modern marriage, is thinned even more in civil society.

In the historical German situation of the early nineteenth century, it also did not spring up on its own. Napoleon's invasion of Germany spurred the German lands into developing reforms so that they could generate the kind of wealth which the dominant French state demanded from them or to militarily fight back. The old order was rotting out within itself, as Hegel saw things, and Napoleon simply knocked the dead idol off the shelf. (As Hegel commented sarcastically to his friend Immanuel Niethammer in 1822, the Bavarians do not have themselves to thank for their new political order but only "God and Napoleon."[51]) The creation of civil society was itself a creation by the state in the German lands, and in Hegel's eyes, it was up to the reformed states (Prussia first and foremost) to create as it were the conditions for these new abstract people to form themselves. In the German lands, it was a top-down creation.[52]

C. The *Bürger* and the state

Even if civil society is not constructed by state action, it still rationally has to create a state out of itself, and this is the "external state" based on "*Not*" (distress, danger, need and necessity). These *Bürger*, circulating in their medium under the moral conditions of freedom and equality, require an administrative way of making those moral conditions effective, all of this because of collective action problems, the need for security in market dealings and because of what would otherwise be irresolvable contradictions among the *Bürger*. Such an external state would in effect look much like the political body for which Kant argues in the *Metaphysik der Sitten*. It requires a functioning market with the right and abstract rules for competition firmly in place, a system of justice for adjudicating disputes (articulated in courts, published legal codes, and the like), and official state units to regulate that market where there are market failures. The last is especially important since producers and consumers can have entirely different, even deeply contradictory, interests. Left to its own, the market overreaches, and even though it has within itself a large self-correcting element, it still requires external regulation that fairly balances the differing interests on all sides (and particularly those between producers and consumers, which includes everyone).[53] This external state, even in its Kantian form, need not be

51 Hegel and Hoffmeister 1961, II, #390.

52 See the discussion in Seigel 2012.

53 Hegel 1969d, §236: "Die verschiedenen Interessen der Produzenten und Konsumenten können in Kollision miteinander kommen, und wenn sich zwar das richtige Verhältnis *im Ganzen* von

democratic.

These features of the external state are supposed to follow from the purely moral considerations about mutual respect and freedom. Something like Kant's argument for leaving the state of nature is supposed to show how this state could arise out of purely moral demands (even though in Germany it in fact arose out of a response to Napoleonic hegemony). In the state of nature, the moral law would permit people to seize those things that have no rights (all items of nature) to provide for their needs; and it would prohibit anybody from wronging anybody else; and, where there was an issue about possible wrongs, the basic moral principle of justice would prohibit anybody from being a judge in their own case. Thus, when there is dispute in such an imagined state of nature about the possession of something, the two parties must turn to or appoint a third party to settle the dispute, and, so the Kantian argument goes, following out the implications of pure practical reason in this case leads to the idea of a sovereign governing civil society whose role it is to settle the law on such matters and to take on further obligations, such as stating who is to count as legislating the law and so forth. Hegel seems more or less to accept this as an account of the moral justification of the external state. This state thus arises not out of anything like a social contract – Kant's "Idea" of a social contract is not an actual contract – but is generated out of the needs of the *Bürger* who populate the civil society that generate it and from their reciprocal recognition of the moral demands it places on them.

This state is external because it does not follow a law of its own but arises only out of the various collisions and interests that make it necessary. It is the "third" party to adjudicate disputes between two "monadic" *Bürger*. The rules that guide it are the same rules that govern civil society. It has, as it were, no rules of its own. It is more of the actualization of the basic principles that animate the flowing medium of civil society itself. The external state has no special form of ethical life for itself.

The external state, however, remains external. It sets boundaries to individual and collective action, and it establishes some weak duties to promote general welfare, but it has its only motivational roots in (Kantian) morality itself. Since even Kant himself thought that this was too unstable to sustain collective action – since as Kant put it, "man is not thereby expected to renounce his natural aim of attaining happiness as soon as the question of following his duty arises; for like any finite

selbst herstellt, so bedarf die Ausgleichung auf einer über beiden stehenden, mit Bewußtsein vorgenommenen Regulierung."

rational being, he simply cannot do so" [54] – the reality of clashes between personal motivation (for "happiness") and duty are bound to be present, and, as Kant himself recognized moral "duty" on its own seems to be too weak to do the job all by itself. For the *Bürger* to be adequate to their concept – to exhibit the more general characteristic of *Bürgertumlichkeit* – more is needed.

Since each *Bürger* is expected to look out for himself, it follows that where his own particular interests coalesce with those of others, he needs to establish a bond with them to further their joint interests. Moreover, an uneven system of welfare for those who cannot provide for themselves may also, on moral grounds alone, be established. (An example would be Locke's familiar claim from his *Second Treatise* that in conditions of initial appropriation of un-owned things, we have to "leave enough and as good" for others – as well as his earlier and stronger claim in the *First Treatise* that the needy have a moral right to the surplus of the more well-off.[55]) To become a *Bürger*, one must be willing to deal and compromise, which also means that one must have some things with which to deal.

To make good on those needs, the coalescence of interests would lead to the formation of two distinctive types of groups, which Hegel identifies as the Estates and the Corporations. (Hegel is actually not clear on how distinct the groups are, nor on which of the two are more basic.[56]) Within such estates and corporate bodies, a type of life becomes possible that is associated with each estate. (As we shall see, this is the crucially weak link in Hegel's argument.) Each estate establishes a kind of life that is appropriate to that estate. Thus, the agricultural estate, for example, develops a life where success is not bound up with being related to distant markets but rather with sticking to family and community as protection against ruin (such as natural disasters or prince-induced warfare), and it thus stubbornly resists the pressure to lead a thinner,

54 "I had provisionally designated morals as the introduction to a discipline which would teach us not how to be happy but how we should become worthy of happiness. Nor had I omitted to point out at the same time that man is not thereby expected to renounce his natural aim of attaining happiness as soon as the question of following his duty arises; for like any finite rational being, he simply cannot do so." Kant, "**Theory and Practice**," in Kant 1991 p. 64

55 Locke, *(Locke and Macpherson 1980)* Ch. 4, §42:; First Treatise: "But we know God hath not led one Man so to the Mercy of another, that he may starve him if he please: God the Lord and Father of all, has given no one of his children such a Property, in his peculiar Portion of the things of this World, but that he has given his needy Brother a Right to the Surplusage of his Goods; so that it cannot justly be denied him, when his pressing Wants call for it."

56 In the Hegel 1969d, Hegel at one time credits one as basic and at another time the other as more basic. For example, in Hegel 1969d)§201, he claims in addition to the family as a basic "root" of the state, the estates the second such "root"; however, later at §255, he again, after noting the family as one "root" of the state, identifies the *Korporation* as the second. His strategy suggests that he regards them both as two sides of the same coin.

more abstract life. In this way, Hegel claims that civil society, which looks like it has either none or only the most abstract relations to ethical life, turns out to embody a kind of thickness to itself that is appropriate to modern times.[57] The estates become threefold: Agricultural laborers, those who work in trade and industry (who have to lead lives that are more reflective and thus more abstract than the members of the agricultural estate), and those fully abstracted individuals who do more or less fully symbolic work aimed at civic improvement and public policy. The last is called the "universal estate," who have the "universal interests of social conditions for their business."[58] Each provides a distinct model for a form of life, each gives some rather thin but nonetheless determinate enough purposes around which individuals working within them can stake their lives as if they were born to it. In this way, each estate gives such modern, abstract people a slightly more firm anchor in life. As Hegel puts it, in the formation of these groups, genuine ethical as distinguishable from moral form arises in civil society, and it does so as the very medium of civil society itself and not just within one's own place in it as it becomes an object of reflection and concern.[59]

B. The *Bürger* and the *Citoyen*

Why not then end the *Philosophy of Right* with the external state? First, of all there is the motivational issue: If it is impossible to leave civil society at the level where individual interest (Kant's "happiness") threatens to pull apart the civil society, organizing the individual interests into groups of interests will not solve that problem. The problem that

57 C. Yeomans tries to make a case for the different estates and corporations as expressing different strategies for individuation as self-appropriation. However, as intuitive as his classifications are, they are far from being necessary expressions of the logical form of the inhabitants of civil society as Yeomans reconstructs them. His argument is more that, given the particular historical conditions under which Hegel wrote, something like these three estates are likely and plausible strategies for individuation. There is, of course, much more to Yeomans' careful sifting of the various Hegelian arguments than this indicates, but there is not nearly enough room here to go into them. Yeomans 2015

58 Hegel 1969d, §205: "Der *allgemeine Stand* hat *die allgemeinen Interessen* des gesellschaftlichen Zustandes zu seinem Geschäfte; der direkten Arbeit für die Bedürfnisse muß er daher entweder durch Privatvermögen oder dadurch enthoben sein, daß er vom Staat, der seine Tätigkeit in Anspruch nimmt, schadlos gehalten wird, so daß das Privatinteresse in seiner Arbeit für das Allgemeine seine Befriedigung findet." ["The universal estate has the universal interests of society as its business. It must therefore be exempted from work for the direct satisfaction of its needs, either by having private resources, or by receiving an indemnity from the state which calls upon its services, so that the private interest is satisfied through working for the universal." Hegel 1991, p. 237.]

59 Hegel 1969d, §249: "Indem nach der Idee die Besonderheit selbst dieses Allgemeine, das in ihren immanenten Interessen ist, zum Zweck und Gegenstand ihres Willens und ihrer Tätigkeit macht, *so kehrt* das *Sittliche* als ein Immanentes in die bürgerliche Gesellschaft *zurück.*" ["In accordance with the Idea, particularity itself makes this universal, which is present in its immanent interests, the end and object of its will and activity, with the result that the ethical returns to civil society as an immanent principle." , p. 270. Hegel 1991

Aristotle already noted is taken up again by Hegel, namely, that in modern times at least one of these estates – that of trade and industry – is likely to accumulate disproportionate wealth in its hands, and that will mean that it will also disproportionate control over (external) state power.[60] At the same time, another force gets set in motion – all too visible in Hegel's day – to create a sub-society of have-not's (the rabble, the *Pöbel*, as Hegel calls them) who lose all motivation to cooperate and thus fail to be genuine *Bürger*.[61] When that happens, there can only be some type of moral reflection on the part of the wealthier that can stop the disintegrating forces.[62] Moral reflection on its own, however, is too weak to stop the slide. And, in any event, the wealthy have a tendency not to let the more stringent parts of morality get in their way.

Instead, as civil society itself becomes an object of reflection and concern for the various *Bürger*, and they themselves begin to think not just of their place in the medium but of the medium as a whole, they find that they are now thinking not really as *Bürger* any more but as something else: as citizens. In several places (although, interestingly, not explicitly in the *Philosophy of Right*), Hegel notes that to make that distinction, we need a different word altogether, the French word, *Citoyen*.[63] It is

60 Hegel 1969d, §244, where Hegel famously remarks that the problem of poverty in modern civil society, like that of the problem of poverty in ancient Athens, "Das Herabsinken einer großen Masse unter das Maß einer gewissen Subsistenzweise, die sich von selbst als die für ein Mitglied der Gesellschaft notwendige reguliert - und damit zum Verluste des Gefühls des Rechts, der Rechtlichkeit und der Ehre, durch eigene Tätigkeit und Arbeit zu bestehen -, bringt die Erzeugung des *Pöbels* hervor, die hinwiederum zugleich die größere Leichtigkeit, unverhältnismäßige Reichtümer in wenige Hände zu konzentrieren, mit sich führt." ["When a large mass of people sinks below the level of a certain standard of living – which automatically regulates itself at the level necessary for a member of the society in question – that feeling of right, integrity, and honour which comes from supporting oneself by one's own activity and work is lost. This leads to the creation of a rabble, which in turn makes it much easier for disproportionate wealth to be concentrated in a few hands." Hegel 1991, p.266.] This echoes Aristotle in Aristotle 1941 1295b: "Now in all states there are three elements: one class is very rich, another very poor, and a third in a mean. It is admitted that moderation and the mean are best, and therefore it will clearly be best to possess the gifts of fortune in moderation; for in that condition of life men are most ready to follow rational principle. But he who greatly excels in beauty, strength, birth, or wealth, or on the other hand who is very poor, or very weak, or very much disgraced, finds it difficult to follow rational principle. Of these two the one sort grow into violent and great criminals, the others into rogues and petty rascals. And two sorts of offenses correspond to them, the one committed from violence, the other from roguery. Again, the middle class is least likely to shrink from rule, or to be over-ambitious for it; both of which are injuries to the state. Again, those who have too much of the goods of fortune, strength, wealth, friends, and the like, are neither willing nor able to submit to authority. The evil begins at home; for when they are boys, by reason of the luxury in which they are brought up, they never learn, even at school, the habit of obedience. On the other hand, the very poor, who are in the opposite extreme, are too degraded. So that the one class cannot obey, and can only rule despotically; the other knows not how to command and must be ruled like slaves. Thus arises a city, not of freemen, but of masters and slaves, the one despising, the other envying; and nothing can be more fatal to friendship and good fellowship in states than this: for good fellowship springs from friendship; when men are at enmity with one another, they would rather not even share the same path. But a city ought to be composed, as far as possible, of equals and similars; and these are generally the middle classes." (My underlining.) Since Hegel locates the problem in terms of ethical form, he also argues, as does Aristotle, for a comparable attitude among the very wealthy (say, the 1%), who also have no stake in the "state" since their motivational structure is marked by the bad infinite, and hence their ties are to the market, not the community. They think they can buy everything and see no need for any solidarity with those who in turn have no means to purchase their loyalty. In locating the problem in terms of ethical form, Hegel is not, it should be added, arguing for any kind of individualist, "moral" answer to the problem. The very problem of ethical form among the *Pöbel* and the 1% itself arises because of the nature of the market as unfettered by deeper ties of solidarity.

61 Frank Ruda has made this conception of the *Pöbel* into a key element for interpreting Hegel's social and political philosophy as recognizing and responding to a key feature of modern life without Hegel himself having drawn the proper Hegelian conclusions. Ruda's account deserves a more thorough description than can be given here. Nonetheless, while Ruda and I share a good bit in our general approaches, we differ on many of the specifics about the dialectic. In particular, Ruda's account of the unbinding between the *Pöbel* and civil society differs from the account of the decoupling of production and consumption given here. The Aristotelian connection – the way in which Hegel is practically translating Aristotle on the rich and poor rabble – is also not present in Ruda's account Ruda 2011. Moreover, the arrival of the *Pöbel* on the scene is, as Hegel and others note, something relatively new. Hegel is taking note of this new development and bringing his classicist Aristotelian sympathies to bear on it. As Timothy Blanning notes, the development of European life between 1648 and 1815 had resulted in "impoverishment for that large proportion of the population that was not self-sufficient. A new kind of poverty emerged, not a sudden affliction by famine, plague, or war but a permanent state of malnutrition and underemployment. It was also a vicious circle, for the undernourished were not so wretched as to be unable to produce the children who perpetuated their misery. They were also increasingly at the mercy of market forces, as capitalism eroded the traditional society of orders and its values," Blanning 2007. In making his Aristotelian reference, Hegel is claiming that this modern problem of poverty has appeared for different reasons than it did in the ancient world, but from the standpoint of ethical form, it was in effect the same problem. Since modern society could not recreate the ethical form of ancient life, it also required a different solution. (See the preceding note.) Part of his pessimism had to do with the way in which, given the communications and travel technology of his time, European states were hamstrung in confronting the problem of poverty (along with the additional problems brought on by the failing harvests of the post-1815 period). On that, see the discussion in (Evans) Is Hegel's *Pöbel* the forerunner (or the same thing *an sich*) of Marx's proletariat, as Ruda suggests? For Hegel, the answer would be negative. Rather, the *Pöbel* form an apparently insoluble problem for civil society that, on Hegel's terms, has to be resolved by the "state" (as the self-consciousness of *Citoyen*). The orthodox Marxist thesis has always been that the contradiction between capital and labor does not allow the interests of the classes branded by that contradiction to be balanced in the way that Hegel claimed it had to be.

62 Hegel is responding here not so much to the problem of poverty encountered in early industrialization but to the more specific and widespread problem of his own day, that of former serfs and peasants who had lost their depressingly meager early protections against destitution when the various forms of land reform and enclosure had taken place across Europe. The eruption of poverty and the ensuring peasant discontents and revolts had also led to the sporadic creation of charitable organizations to assist the "deserving poor" (and, shortly after Hegel's time, to the infamous English workhouses). These charitable organizations of course inevitably failed to meet the problem. See the discussion in Evans, See the more Marx-influenced discussion in Hobsbawm 1996, especially pp. 47-52.

63 In civil society, Hegel says that "the basis here is an external civil (*bürgerliches*) relationship . . . here the burgher is a bourgeois. . . . The third stage is public life (*das öffentliche Leben*), where life in and for the universal is the aim . . . where the individual exists for universal life as a public person, in other words is a citoyen." See Hegel, Wannenmann, and Ruhr-Universität Bochum. Hegel-Archiv. 1995, pp. 137–38. He also made a point about this in his dictations to his students in Nuremberg in 1810 as he was explaining the Greek polis to them: "(Schöner Patriotismus der Griechen. – Unterschied von Bürger als **bourgeois** und **citoyen**.)" Hegel 1969e, p. 266. He also makes the point in some other lectures on the philosophy of right. He makes it again in his lectures on Aristotle in his courses on the history of philosophy: "Freie Völker haben nur Bewußtsein und Tätigkeit fürs Ganze; moderne sind für sich als einzelne unfrei, - bürgerliche Freiheit ist eben die Entbehrung des Allgemeinen, Prinzip des Isolierens. Aber bürgerliche Freiheit (für bourgeois und citoyen haben wir nicht zwei Worte) ist ein notwendiges Moment, das die alten Staaten nicht kannten, oder nicht diese vollkommene Selbständigkeit der Punkte, und eben größere Selbständigkeit des Ganzen, - das höhere organische

when they think of themselves as citizens that they no longer think of themselves as moving solely within the sphere of civil society but as moving within another sphere whose existence consists in their thinking of themselves that way. They become *Citoyen* by being the people who bring themselves under the concept of *Citoyen*. In this way, as Hegel puts it, "the ethical substance takes on its infinite form... the form of *thought* whereby the spirit is objective and actual to itself as an *organic* totality in *laws* and *institutions*, i.e., in its own will as *thought*."[64] The status of *Citoyen* is a form of thought that can be actual – that is, effective – only if it itself is made into a form of life.[65] The form of life, for its part, requires a set of institutions and practices for itself to be effective and enduring.

In the way that Germans of Hegel's day spoke of the matter, the point was not only to be a *Bürger*, it was also to be a "patriot."[66] The true patriots were the *Bildungsbürger*, whom Hegel identified as the "universal Estate," since it was they who represented the members of civil society to themselves as a whole, as a "state." This "state" is thus not external to the self-consciousness of its members. It is not another thing standing over and against each of us, nor is it something that we might in some reflective sense identify with or resist identification with it. The state is the first-person plural of the *Bürger* but in a special sense.[67] This is not a

Leben." Hegel 1969f , p. 228; Hegel 1963, Vol. II, p. 209. ["Free people have only consciousness an activity for the whole. The moderns are for themselves unfree as singular individuals – bourgeois freedom is the dispensing with the universal, the principle of isolation. However, bourgeois freedom (for *bourgeois* and *citoyen* we do not have two words) is a necessary moment, which the ancient states did not know, or not complete self-sufficiency of "points" and even greater self-sufficiency of the whole – the higher organic life."]

64 Hegel 1969d, §256. "... in der Entwicklung der bürgerlichen Gesellschaft gewinnt die sittliche Substanz ihre *unendliche* Form... der Form des *Gedankens*, wodurch der Geist sich in *Gesetzen* und *Institutionen*, seinem *gedachten* Willen, als *organische* Totalität objektiv und wirklich ist." ["In the development of civil society, the ethical substance takes on its infinite form... the form of thought whereby the spirit is objective and actual to itself as an organic totality in laws and institutions, i.e. in its own will as thought." Hegel 1991, p. 273.]

65 See Hegel 1969d, §260: "Das Allgemeine muß also betätigt sein, aber die Subjektivität auf der anderen Seite ganz und lebendig entwickelt werden. Nur dadurch, daß beide Momente in ihrer Stärke bestehen, ist der Staat als ein gegliederter und wahrhaft organisierter anzusehen.", p. 407. ["Thus, the universal must be activated, but subjectivity on the other hand must be developed as a living whole. Only when both moments are present in full measure can the state be regarded as articulated and truly organized." Hegel 1991, p. 283.]

66 See Seigel 2012. Esp. pages 125-126.

67 I am drawing on the piece by Haase 2016. The suggestion here is that Haase's three senses are too restricted. Hegel's conception of the state as a "we" is that of a common project that is so fundamental that once it has been adopted, it is as difficult to disentangle oneself from it as it is to disentangle absolutely scheme from content. It is thus stronger than Haase's second sense of "we" but not a definitive as his third sense, where "We English speakers..." are said to have an immediate knowledge of what it is to count as a correct sentence of English that is not available to people who are not among the fluent speakers. This understands the "we" as a presupposed structure always already at work in life. Hegel's "we," however, is an activity continually actualizing itself. (That the

"we" in the thinnest sense in that they become conscious that all of them share some feature accidentally (as might be the case if all of us suddenly realized that we all own copies of Hegel's *Philosophy of History*). Nor is it the "we" that accompanies a common project (as one might say that "we" are now building a house together). The state is the self-consciousness of a "we" as having a common life whose standards both precede any individual self-consciousness and are constituted and sustained by the political and social acts of the subjects who make up the state.[68] As "Idea," it is activity, not a fixed and settled thing.

By becoming a *Citoyen*, the *Bürger* seeks not just to fill out his own place in civil society, he also has a central purpose (to give it the appropriate nineteenth century expression) the "civic improvement" of the common life. The cultured-educated *Bürger* now wishes to have a common life that is itself cultured and educated. To continue in the familiar language of the nineteenth century: The cultured–educated *Bürger* becomes personally devoted to civic improvement, progress, personal and social advancement, the correction of crude mores, elevation to the finer things – in short, to all the elements of classical *Bildung*.

Why have such a different form of self-consciousness? This "infinite form" of the "ethical substance" provides the re-integration of civil society driven only as it is by the dictates of morality and the market. The form of life in civil society comes into being as that form of self-consciousness appropriate to the thinned-out lives of those living through the "industrious revolution" and the expansion of market economies into something like "capitalism" once the industrial revolution (after Hegel's time) had really gone into high gear.

On its own, civil society (embodying the proper object of "political economy") is structured around the bad infinite. Needs get multiplied to infinity, the necessity for either expanding capital or being swallowed by other traders pushes the traders themselves to more and more distant connections, and production and consumption become decoupled once trade extends beyond the bounds of local communities. The structure of civil society is the n + 1 of the bad infinite: Always one more in the

conception of a "we" as a presupposed structure already there also is too essentialist a conception of language itself is another story to be left for another time.)

68 It is always tempting to read Hegel's conception of the state as something external to individuals for whom an extra reflective step is needed for them to "identify" themselves with it. Yet Hegel himself says "it is the self-awareness of individuals which constitutes the actuality of the state." Hegel 1969d, §265, p. 287 (Zusatz) This is also why Hegel says of such Sittlichkeit in general that "the subject lives within its element which is not distinct from itself – a relationship which is immediate and closer to identity than a [relationship of faith or trust." Hegel 1969d, §147, p. 101; Hegel 1969d, p. 295. ("...und darin als seinem von sich ununterschiedenen Elemente lebt, - ein Verhältnis, das unmittelbar noch identischer als selbst Glaube und Zutrauen ist.")

series, all the way up to the infinite and all the paradoxes it seems to bring with it. The "state" in Hegel with its *Citoyen*-citizens puts a communal authority on a different plane than the market mechanisms of civil society and provides more bonds than Kantian morality is able to provide: It furnishes, to use a word Hegel does not, solidarity as an ethical form of life and not just a Kantian moral commitment to promote the happiness of others (as a "wide" duty). Whereas civil society opens up to the world and at the same time hollows out local communal structures, the "state" (supposedly) gathers local communities to provide the resources necessary to keep civil society functioning properly in a way it on its own cannot if civil society thinks of itself purely in terms of civil society – purely in the terms of the external state and does not arrive at a representation of itself as more than a union of *Bürgers* working in an expanded and expanding market. On its own, "civil society" points itself toward the incipient globalization taking place in Hegel's day. As Hegel notes, "the sea [is] the natural element for industry... it creates trading links between distant countries... the source from which commerce derives its world-historical significance."[69] The "state" is a more bounded community that is supposed to preserve the civil society from hollowing itself out in the process. [70]

The move to the "state" is properly dialectical. One will never get there from civil society if one remains bound to the logical form under which judgments and inferences about civil society are to be carried out. One will only get as far as "morality" and end up with a set of contradictory commitments to provide for the communal good without there being a way to specify that good in any non-arbitrary way. Introducing the "state" as civil society's self-reflection on itself shows how what was at stake in the dilemmas civil society creates for itself was something not formulatable in the terms of civil society itself.

Hegel himself thought this only made sense if civil society develops within itself the conditions of freedom and equality and it then takes the self-reflection of the state (as the inclusive political community) to make it actual, effective: The market society of the *Bürger* makes sense only when bound by the political community of a constitutional, representative

69 Hegel 1969d, p. 392

70 It is worth noting that Hegel himself was not clear how to describe the way in which the "state" is a unity in self-consciousness (a unity of the medium of civil society) and not a "thing" and how this reflective unity is to be characterized: At Hegel 1991, §259, he says that the "organism" of the state just is its constitution. At Hegel 1969c, §541, he says that it is the government which is the "living totality." At Hegel 1969c, §545, he speaks of a "natural and singular people" as the state. It is not clear that these are all mutually consistent with his own dialectical derivation of the "state." They may, of course, perfectly reflect his view of what very specific form the Prussian state was taking (although I doubt it), but in any event, that would not be dialectic.

unity. The life of the citizen as *Citoyen* has a different logical shape than the life of the *Bürger* since it is a matter of solidarity and concern (of, as it were, "fraternity" or at least solidarity) and not just orienting oneself in the social space of civil society. For that to work, civil society has to establish an ethical life within itself that makes freedom and equality basic to itself. (One of the most often cited lines in Hegel nowadays having to do with equality of citizens as completely transcending ethnicity or affiliation occurs in fact not in the section on the state but in the section on civil society.[71]) Civil society is pushed to moral doctrines of freedom and equality, but they cannot become real until freedom and equality is pursued at the political level of the constitutional state. The state as the self-consciousness of civil society in terms of freedom and equality takes priority for securing the genuine (actual) freedom and equality of *Citoyen*-citizens over the purely market mechanisms of civil society. Solidarity as form takes precedence over the decoupling market of civil society.

VII: Where now with Hegel?

There is a real problem with all of this. Hegel's system requires civil society to generate a form of ethical life within itself that makes the self-reflection of civil society possible (so that the freedom and equality within civil society can be actual in the state). However, Hegel also thinks that means that the Estates and the older medieval-early modern corporations are necessary for the "state" to exist at all, at least in the sense he intends. This makes no sense historically, as Hegel himself seemed to be aware when he bemoaned the fact that the older corporations had already been abolished before he wrote his book.[72] He is also at odds with himself about whether it is the collective body of corporations or it is the systems of estates (or maybe both) that are the bedrocks of the state, and he gives no real argument for their necessity except for his insistence that they fit the way the concept articulates itself in terms of universality and particularity. Unfortunately, even on his terms, that is no real argument but at its best only an exhibition that they are consistent with the shapes of the concept (that is, are consistent applications) of it, not that they are conceptually required in the shape Hegel actually gives them. (Even in terms of argument, one might concede that they are illustrations of the general principles, but they hardly follow from the general principles.) Moreover, the very idea of recreating the

71 "A *human being counts as such* because he is a human being, not because he is a Jew, Catholic, protestant, German, Italian, etc." Hegel 1969c, p. 240; Hegel 1969d, p. 360. ("Der *Mensch gilt so, weil er Mensch ist*, nicht weil er Jude, Katholik, Protestant, Deutscher, Italiener usf. ist.")

72 See Hegel 1969d, §255 Zusatz.

early modern *Ständesstaat* – the state of estates – in the modern, thinned out terms Hegel relies upon for his account of civil society is peculiar. Besides being at odds with historical development, Hegel's conception that there can be a "universal estate" contradicts the basic idea of estates in the first place, since within the "state," each estate is what it is in terms of the special privileges it possesses. Remove special privileges, and you have no estates.[73]

So it seems, Hegel is not drawing out the full force of his argument. If civil society decouples consumption and production in local community through its expanding network of trade, then the state cannot be a self-reflection of civil society itself taken apart from its makeup. It has to be the self-reflection of civil society as organized into ethical spheres. All of civil society is bounded by morality, but for the ethical life of a *Citoyen*--citizen to be real, it has to be that these *Citoyen*-citizens are themselves faced with the demands of an ethical life from within civil society. If that ethical life cannot come from the estates and corporations, then civil society is returned into being the medium that is inevitably dominated by the processes described in political economy, which lead to a progressive decoupling of production and consumption, then of production itself (as the firms from the smaller towns move to the cities, hollowing out the towns) and eventually as the firms from the cities move to other cities (hollowing out the cities). (This, so I would argue, is essentially the form in which one of Hegel's most famous readers criticized Hegel. Stated that way, however, it remains, however, a criticism made from within Hegelianism.)

If that the case, then, if Hegel's dialectic is to be followed out to its conclusion, the state as the self-consciousness of civil society would under those conditions have to revert into an external state. In other words, the *Citoyen*-state would break down and collapse or simply never get going in the first place. It would follow the line of development that a species, confronted now by stresses in its environment, fails to develop the features necessary for its flourishing. Instead, it develops into be the external state most likely pretending to be a *Citoyen*-state. The external state is an accidental "we," a body set up out of need to adjudicate

73 There is another way of taking Hegel's argument for the estates, which I shall not pursue here. That would be see them and the corporations as professional bodies, all of which require licensing from the state in order for the members to perform their functions. For example, we might regard the practice of medicine as universally illegal unless practiced by somebody licensed by the state. If that is the correct view, then Hegel's argument would be that all professions must be legally (by the state) certified before anybody can practice what they embody. That would be an extreme position – nobody may teach philosophy unless certified by the state? – but it would perhaps be a consistently Hegel-by-the-letter stance. One last argument might be that the universal estate has the special privilege of not having to compete in market society but having instead its sustenance drawn and guaranteed from general revenue of the state.

justice and serve as a regulatory body. It is an other confronting the others who set it up, and they set it up only on moral grounds. Left to its own resources, the external state is an "other" setting norms for the *Bürger* – who may or may not on contingent grounds identify themselves with it – but which cannot really set boundaries to itself as a community, since the standpoint of morality alone has no resources for drawing such boundaries. Left to itself, morality pushes towards cosmopolitanism, and that provides the commercial elite of civil society with the moral permission to look the other way as they hollow out the towns. As it expands or collapses under conditions of market competition, the external state has to leave the *Bürger* to their own means, with perhaps a residual but weak moral obligation to do something about those made most vulnerable by the collapse of the towns and maybe even with compassion about it means to be living in the ruins.

Moreover, if the true state (as a self-consciousness of *Citoyen*) fails to take shape, this external state is dialectically suited to transform itself into a mere appearance of the political state, which remains the "Idea" against which civil society is measured, since it is civil society itself that generates the *Citoyen*-state as the way that civil society, as it were, adequately folds in on itself. Instead, the external state becomes a noxious version of the *Citoyen*-state, since it must find itself having to perform the impossible – preserving the "we" under the conditions that prevent any such "we" from being more than a fiction helping to preserve the power of a few. Hegel, of course, did not see this – the owl of Minerva flies only at nightfall, so he says[74] – but the external state was already hastily on the way to preserving the fictitious "we" through the means of the poisonous nation-state by which the nineteenth century rulers manage to stabilize themselves.

Now, although there is in Hegel's dialectic no historical necessity for this transformation of the *Citoyen*-state into the noxious nationalist version of the external state, that does not exclude there being be a different kind of historical necessity lying in the way that the market worked itself out in those conditions (when one views it not from the standpoint of dialectical thought but from the standpoint of "political economy," that is, from the logic of the "bad infinite"). The decisions made by the propertied elite under the weight of historical conditions at the time managed to undermine the creation of such a *Citoyen*-state in the first place.[75] The dialectic, after all, only tells us what would make

74 Actually, it does not, but that is irrelevant to this story. It flies in the day, an oddity for owls in general, something the species, "owl," does not typically do. See Knowles and Carpenter 2010/2011

75 It is another topic altogether, but Hegel's diagnosis of the problem facing the emerging European states bears some comparison to Hannah Arendt's diagnosis for the failure of American democracy

sense, but it does not, cannot ensure that people really do make sense. In the wake of a failure of the *Citoyen*-state to establish itself, we would on Hegelian grounds have an unintelligible practical reality. "Capital" plays a big role in rendering that world unintelligible. How to get that practical reality to make sense is another, but very closely, related matter, even if it is clear that it involves how to tame or overcome capital's stranglehold. Minerva's owl flying over the ruins in darkness might see only a few new lights at work, but a few lights are better than nothing.

to take its true shape: "What [Jefferson] perceived to be the mortal danger to the republic was that the Constitution had given all power to the citizens, without giving them the-opportunity of being republicans and of acting as citizens. In other words, the danger was that all power had been given to the people in their private capacity and that there was no space established for them in their capacity of being citizens." Arendt 1963, p. 253

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