Hegel’s Ethics

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The word “ethics” is commonly taken to be a synonym for morality. In more formal contexts it serves as the name for codified conduct that governs individuals by virtue of their voluntary membership of particular institutions or professions. Although both of these significances are encompassed within Hegel’s conception of ethics he intends a yet broader meaning for it. The German word Hegel uses is Sittlichkeit, a word that is sometimes translated into English as morality as well as ethics. The stem of Sittlichkeit is Sitte, meaning customs and suggesting practices that partly form ongoing ways of life.¹ In Hegel’s philosophy the sphere of ethics concerns both the actions of the individual moral agent and the normative environment that gives those actions their moral value. Considerations of ethics in its moral philosophical and its political institutional contexts cannot therefore be adequately treated in isolation from each other. It is of crucial importance in understanding Hegel’s ethics that his claim about the inextricability of the moral agent from its ethical environment runs much deeper than the notion that the community simply furnishes the agent with sets of approved or disapproved options. It says that we are constitutively communal beings whose judgments about the preferability of one choice over another are already influenced by our communal situation.

Although Hegel acknowledges the diverse configurations of ethical communities historically it is not the case that he takes a relativist view of ethics. He explicitly

² See Inwood 1992: 91-93 for a discussion of the philosophical significance of the etymologies of Sittlichkeit and Moralität.
identifies what he perceives as deficiencies in past forms of the ethical life. And equally, he urges his readers not to lose sight of the unique potential of the ethical life of modern society. What is finally available to modern ethical beings is “reason”, a capacity for the governance of freedom and morality that is without precedent in earlier forms of social life. The ethical life of modern societies can be rational, unlike the apparently organic communities of the ancient Greeks (whose ethical life was vulnerable to Socrates’ requests for justification). For Hegel “rationality” entails autonomy. Autonomy is present when agents endorse only those motivations for practical action which they can justify to other beings like them. It is Hegel’s view that the autonomy of the individual requires rational institutions that will structure that individual’s community. In this respect, as we shall see, his notion of autonomy is a critical departure from that of Kant in that Kantian autonomy appears to be grounded in a universal rationality that requires no reference to any existing social arrangements.

In developing his account of what it means to be an ethical agent within an ethical community Hegel introduced to moral philosophy a number of significant innovations. Central among them is the notion of the intersubjective basis of the moral life, an innovation that culminated in his theory of “recognition”. That theory accommodates many of the elements that had preoccupied Hegel from the beginning of his time as an independent philosopher: namely, his initial efforts to rescue the moral teachings of Jesus from the rigid institutions of religion; the reflections on love that mark his early work; an account of ethical experience that would contrast with Kant’s transcendental moral philosophy. This chapter will offer an historical

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2 See Patten 1999: 59.
examination of the emergence of Hegel’s conception of ethics by tracing through the various forms that conception would take throughout his career.

The “Tübingen Essay”

“The Tübingen Essay” (1793) is Hegel’s earliest worked-through piece on the nature of ethical motivation. Among the essay’s concerns is identification of the form of religion that would enable the most authentic variety of moral life. At this stage Hegel is still some distance from a theory of the intersubjective basis of ethics. Yet for all that “The Tübingen Essay” contains a number of commitments which would persist throughout the ongoing elaboration of his conception of ethics, as well as others which were to be discarded.

In “The Tübingen Essay” Hegel holds the romantic view that our motivation for practical action in accordance with “sacred teaching” can be found in “the uncorrupted human sensibility” (TE 30). As it stands, this position suggests that moral agency comes premade into the world, and the world, if anything, carries with it the threat of corrupting that agency. But Hegel also adds that instruction in morality somehow complements the “seed of finer sentiments” that lies within us. Without that natural propensity there could be no receptivity to the content of religious morality. Hegel defines the purpose of morality in quite non-religious terms. It involves “satisfaction of the instinct for happiness” (TE 31). Yet he also conceives this as a rational enterprise, though not one which can be pursued if we ignore both “external and internal nature” and “sensuality”, which he glosses as “both the surroundings in which” the moral agent lives and “his sensual inclinations and blind instinct” (TE 31). Nevertheless, Hegel insists, that sensuality is to be animated by reason. Beside that
claim, though, is the remark that “religion engages the heart” (TE 32). The content of religious morality can engage us because religious feelings are themselves sensuous: they are not the directives of “cool reason”, which is without the capacity to determine the heart. Hegel may appear to offer us a conundrum here: he has claimed both that reason animates sensuality and that sensuality can be appropriately determined only by sensuous motives. What then is the character of reason?

Hegel’s contention is that religious morality degenerates into principles and dogmas as it seeks to become “objective”, whereas subjective religion allows morality to be expressed in feelings and actions. He suggests that objective religion is attractive to those whose who give priority to the understanding and “whose hearts simply do not resonate to the gentle stroke of love” (TE 34). The understanding might make us “smarter but not better” (TE 40). Nevertheless, Hegel does not jettison reason altogether. The significance of his claim that reason animates sensuous beings is clarified when he speaks about wisdom, which turns out to be the conception of reason that can work harmoniously with our sensuous being: “Wisdom is something quite different from enlightenment, from ratiocination. But wisdom is not science. Wisdom is the soul’s elevation through experience deepened by reflection, over its dependence on opinions and the impressions of sense” (TE 43, emphasis added).

Hegel observes that objective religion has little interest in wisdom of this kind as it encourages instead an inflexible approach to “the letter and the convention” of religion. This is in some ways worse than a religion of the understanding alone as it excludes any rational basis for adherence: it is a pure following, devoid of justification. What Hegel proposes as an alternative might be seen as an early effort to
set out a radically new socio-ethical form of life that is sympathetic to the actual practical needs and tendencies of moral beings. His proposal is “folk religion”. The characteristics of such a religion are (i) “universal reason” – i.e. that its ethical principles apply to every human being – (ii) its resonance with the senses, and (iii) integrity, that it informs all of our actions, not simply those required in our public and outwardly observable duties (TE 49). Individuals whose ethical life is lived within this folk religion will not be constrained by rigid principles and nor will they experience alienation from sensuousness. In this way folk religion “goes hand in hand with freedom” (TE 56).

The “Tübingen Essay” sets out in rudimentary form the elements of the ethical life of the moral being that Hegel would further develop: a sympathetic alignment of reason with sensuousness that ensures a flexible – not principle-laden – approach to action; a form of religion that reconciles the subjective with the objective. And characterizing understanding in a particular way it also identifies non-rational sources of moral motivation that can be experienced as the agent’s own.

In sketches that followed this early essay Hegel continued to reflect on the characteristics of the ethical life, conceiving it in contrast with the narrow institutional forms of objective Christianity. While Hegel does not reject the Christian view of Jesus’ divinity he represents him primarily as an exemplary and inspirational moral individual. In certain respects, Hegel contends in a fragmentary work that survives from his time in Berne (1793–4), Socrates might be likened to Jesus as a teacher and ethical agent. The essay “The Life of Jesus” from 1795 again highlights Jesus’

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3 The relevant pieces are contained in Hegel 1984.
outstanding ethical character. Hegel cautiously deflates some of the biblical reports of Jesus’ supernatural powers.

**The Positivity of the Christian Religion**

In *The Positivity of the Christian Religion* (1795/96) Hegel produces a substantial account of the ethical life as consisting in a de-institutionalized Christian morality. His target is positive Christianity, that is, Christianity that had surrendered the dynamic ethical attitude of Jesus and given itself over to inflexible laws. In fact, positive Christianity, in Hegel’s account, is a relapse to the very form of religiosities that Jesus has endeavoured to correct in his confrontation with the legalisms of ancient Judaism. Those legalisms stifled the moral life. As Hegel puts it: Jesus “undertook to raise religion and virtue to morality and to restore to morality the freedom which is its essence” (PCR 70). The freedom at issue is that which human beings naturally possess but which is destroyed when we take our ethical life as the business of living in accordance with authoritative precepts (PCR 71). Jesus, Hegel claims, “was the teacher of a purely moral religion, not a positive one” (PCR 71).

Hegel is fully aware that this conception of Jesus as a teacher rather than as an authority is quite at odds with the orthodox view. And by insisting on this picture Jesus becomes a kind of *phronimos* – that is, like Aristotle’s image of a virtuous moral agent – albeit an unnaturally gifted one whose articulations of the moral life are not intended as declarations of law. The contrast between the religious life based on authority and the ethical life of a non-positive Christianity rests on two differing forms of reason. Hegel labels these forms “passive” and “legislative” respectively.
Those who turn Christian ethics into a positive system reduce reason to “a purely receptive faculty, instead of a legislative one” (PCR 85).

Hegel sees a further substantial gain to be made by extricating morality from receptive reason. He argues that the reduction of the content of the ethical life to positivity – i.e. existing authorities – *ipso facto* reduces morality to adherence. It may be tempting, he speculates, for the state to use religion as its method of moral instruction – i.e. to makes its citizens virtuous – but this would serve only to undercut the very essence of morality. It reduces the understanding and practice of morality to what the laws of the state happen to be. In this way it gives the false signal that obeying the law is all that morality requires: it “seduces men into believing that morality has been satisfied by the observance of these state-regulated religious practices” (PCR 98). Indeed, the idea that we can subsume our behaviour under laws and thereby become ethical beings, Hegel claims, produces a kind of moral inertness in which individuals may deceive themselves about their true or inner character or experience a false tranquillity in which they can satisfy themselves that they have performed with sufficient morality (PCR 140).

For Hegel, the contrast between that narrow conception and Jesus’ dynamic teachings is emphatic. An individual guided by those teachings is freely committed to them: “he adopts no duties except the one imposed by himself” (PCR 100). Individuals self-legislating in this way become members of a moral community, of what Hegel calls “the invisible church” (PCR 100), in contrast to those who submit themselves to the laws of a religious sect which prescribes their moral identities. Religious morality in the positive sense, Hegel writes, “is not a datum of our own minds, a proposition
which could be developed out of our own consciousness, but rather something learned. On this view morality is not a self-subsistent science or one with independent principles; neither is the essence of morality grounded on freedom, i.e. it is not the autonomy of the will” (PCR 135). Of course, there is also a learning process as one grows towards the non-positive form of Christianity Hegel is proposing: we must learn about the teachings of Jesus and the specific ways in which he made moral decisions. But Hegel’s point is that that learning is only the beginning of the ethical life: it forms our character and must not petrify into a set of rules. As we have seen Hegel describe it, genuinely free morality is “developed out of our own consciousness” and we are never subservient to it.

When Hegel speaks about autonomy he borrows from Kant’s negative dimension of the term, namely, the absence of motivations that are external to me. He writes: “The sole moral motive, respect for the moral law, can be aroused only in a subject to whom the law is itself the legislator, from whose own inner consciousness this law proceeds. But the Christian religion [i.e. the positive variety] proclaims that the moral law is something outside us and something given” (PCR 144). Respect for the moral law in this autonomous form is demanded by our humanity. Self-legislation is something we cannot “renounce” without ceasing to be human beings (PCR 145). There are, though, unstated qualifications in Hegel’s use of the Kantian notion of autonomy. To speak of the moral law is to suggest precepts, whereas Hegel actually intends nothing more than the form of life that is manifest in the practice and example of Jesus. Furthermore, in Kant’s hands self-legislation means governing oneself through reason and not permitting ourselves any non-universalizable motivation – such
as desire or happiness – to shape the principles we give ourselves. Hegel, as we have seen, believes we must accommodate our sensuous side in any account of morality.

The Spirit of Christianity and its Fate

In *The Spirit of Christianity and its Fate* (1788-1800) Hegel initiates the process of making explicit the various ways in which he will depart from Kant. It is here that he begins to name as morality the deficient form of ethical life that is merely “reverence for the laws” (SCF 212). Again, Jesus is his exemplar and he represents him as “a spirit raised above morality” (SCF 212). What “morality” lacks is a place in the living character of the agent. Ethical practice consists in making that law one’s own. Jesus’ Sermon on the Mount teaches this, Hegel believes, in that fulfilling the moral law in a non-deficient sense is not the experience of constraint but of transcending that law by making it an act of one’s own freedom.

The rationalistic language of Kantian self-legislation is quite alien to Hegel’s version of ethical action. In *The Spirit of Christianity and its Fate* Hegel characterizes the ethical attitude towards the law as “reconcilability” (*Versöhnlichkeit*). The disposition of reconcilability means not simply obeying the law but entering into that law in ways that are responsive to particular human contexts. He writes: “In reconcilability the law looses its form, the concept is displaced by life” (SCF 215). An objection to this might be that if we abandon “form” and immerse ourselves entirely in “life” no recognizable sense of the ethical could remain: ethical principles, after all, should be universal in the sense of being principles that are respected by all who might take themselves to be ethical beings. But Hegel is aware of this concern and immediately addresses it with the further claim that “what reconcilability thereby losses in respect of the universality
which grips all particulars together in the concept is only a seeming loss and a genuine infinite gain on account of the wealth of living relations with the individuals (perhaps few) with whom it comes into connection” (SCF 215). In other words, the spirit of reconcilability opens us to the world of others and to what cannot be anticipated in general principles. A capacity for that openness is what Hegel regards as virtue.

Hegel elaborates further on the character of reconcilability by connecting it with a love that, at least in the example of Jesus, “goes beyond morality” (Wood 1990: 129). Hegel does not appear to recommend that all ethical agents can or should undertake to act through love. Yet the very meaning of acting in a way which is responsive to life is, at the very least, analogous to actions prompted by love. As Hegel puts it: it is the “extinction of law and duty in love, which Jesus signalizes as the highest morality” (SCF 223). Acting from a love of other human being overcomes the “immorality of the ‘positive’ man” (SCF 224).

While contrasting the ethical character of Jesus with the positivity of ancient Judaism Hegel is also implying a contrast with the formalism of Kantian ethics. And he is attempting to rescue morality from his great contemporary’s conception. Hegel is clearly sympathetic to a familiar worry about Kant’s apparent notion of the moral agent as moral only when acting under laws that exclude any content provided by our “pathological” – i.e. feeling based – character. Hegel argues that one might be moral or virtuous in action while pursuing a purely positive ethics, in that one’s actions could appear to be no different from those undertaken in the spirit of reconcilability and love, but one is not thereby an ethical person: “the agent’s specific positive service”, he writes, “has a limit which he cannot transcend and hence beyond it he is
immoral” (SCF 224). Because such an agent is not virtuous – in the sense Hegel intends – ethical action is a matter of rule following for the sake of those rules. Hegel’s argument – one to which he will return in the Philosophy of Right – is that the “moral” agent does not exclude viciousness in merely endorsing the law. What is covered by the law does not exhaust the ethical environment and hence adherence to a few principles leaves untouched, with its good and its evil, much of that environment.

As we have seen, then, the very notion of positivity is the basis of the deficient form of the ethical life, a form which Hegel generally terms “morality”. In addition to the ways in which “morality” contradicts ethical virtue Hegel also considers its correlative contradiction of our humanity. It is correlative because for Hegel the ethical life must encompass what we are rather than confront us as a kind of external coercive force. Hegel interprets the biblical prescription “judge not that ye be not judged” as a warning against making “righteousness and love” subordinate to law. The consequence of that misguided subordination is to set up “an alien power over your deed” (SCF 238). The laws are brutal and indifferent to the living situation. The consequence of this is, Hegel claims, that we enslave our “sensuous side” and “individuality” to those laws. The contrast with Kant is once again evident, and Hegel specifies the difference between the form of virtue – love – taught by Jesus with “the self-coercion of Kantian virtue” (SCF 244).

Virtuous action – ethical action – is neither rationalism nor legalism. Positively it is a willingness to adjust to the particularities of any given situation: to “the many-sidedness of the situation” (SCF 245). This adjustment, Hegel argues, does not come at the cost of the unity of the ethical agent. There is an enduring unity of the agent
throughout its diverse encounters. The virtuous agent whose disposition is love identifies with the moral law as a living spirit, not as a rigid set of options which would narrow our capacity for ethical response. The agent whose concept of virtue is free of love, however, experiences conflict in any given situation in that it does not know which “virtue” it should act under and which it should disregard. It is not, therefore, a unified agent, merely an adherent of separate virtues. The virtue of the ethical agent, however, is infinitely flexible: “it will never have the same shape twice” (SCF 246).

Hegel is keenly aware that ethical life which takes the character of love excludes conventional characterizations of ethics as law or duty. Indeed, in Hegel the very idea of “the moral law” as something determinable – i.e. as issuing specific codes of behaviour – is absent. Instead, the moral law refers to the character of the virtuous agent. In this way it cannot be determined because it is always discovered only in unrepeatable concrete living circumstances. Furthermore, the actions of an agent cannot be produced by “reflection”, since reflection gives rise to “objectivity”, which Hegel regards that the annulment of love (SCF 253). Objectivity has the effect of detaching individuals from each other since their interconnection is now mediated through laws or principles. As Hegel put it in a contemporaneous essay on “Love”: “love completely destroys objectivity and thereby annuls and transcends reflection, deprives man’s opposite of all foreign character, and discovers itself without any further defect. In love the separate does still remain, but as something united and no longer as something separate” (Hegel 1970: 305).
The notion of ethical virtue Hegel sets out in *The Spirit of Christianity and its Fate* refers to the interaction among individuals. But unless we are in possession of a character as remarkable as that of Jesus it is surely quite unrealistic to think that all interactions could meet Hegel’s standards. Hegel himself also sees this. Admitting to the appeal of “a nation of men related on one another by love” (SCF 275) he also acknowledges that such an arrangement, if it is to be found at all, exists only within small scale communities (SCF 279). Were it possible to conceive of a community as “ethical” it could not be one bonded by love.

**Fichte – Foundations of Natural Right**

During the period that Hegel was engaged with his affective conception of ethics a significant philosophical innovation that would profoundly influence the future direction of his thought made its appearance on the German philosophical scene. This innovation, offered by J. G. Fichte, was the concept of recognition. Fichte was, perhaps, an unlikely source for this idea. In a number of works he had established himself as a polemical champion of the notion that independent-minded individuals possess the resources to be the authors of their own environments. The foundational work of this “subjective idealism”, as Hegel would later categorize it, was the *Science of Knowledge* (Wissenschaftslehre) of 1794. In two further works Fichte extended the theoretical reach of the *Science of Knowledge*, arguing that that book could provide the basis for an entirely new theory of law and of ethics. The two books were, respectively, *Foundations of Natural Right* (1796/97) and *System of the Science of Ethics* (1798). It was in *Foundations of Natural Right* that the concept of recognition was proposed. Fichte contended that the very notion of legal individuality is, in effect, a network of contracts that are maintained through a process of mutual recognition.
Legal individuals are free, rational beings, a status they maintain only through recognition. Fichte sets out the dynamics of a recognitive relationship out as follows: “Now he can recognize me as a rational being only under the condition that I treat him as one, in accordance with my concept of him as a rational being. Thus, I impose the same consistency upon myself, and his action is conditioned by mine. We stand in reciprocal interaction with regard to the consistency of our thinking and our acting: our thinking is consistent with our acting, and my thinking and acting are consistent with his” (Fichte 2000: 48). The individual who decides not to fulfil some specific contract is, on one level, simply a violator of the law, but more profoundly one who problematizes his legal individuality. That individual withdraws from the recognitive interaction which constitutes her or him as a legal individual. As Fichte puts it: “Anyone who does not fulfil this contract is not a part of it, and anyone who is a part of it necessarily fulfils it entirely. If someone exists apart from this contract, then he stands outside every rightful relation whatsoever and is rightfully excluded altogether from any reciprocity with other beings of his kind in the sensible world” (ibid.: 180).

Although Fichte’s account is limited to a theory of the legal subject who enters into social contracts its potential as a theory of ethical interaction was quickly seen by Hegel. The intersubjectivity that is suggested in Hegel’s affective ethics as “a spiritual union” but which demands too much as a social theory finds a new avenue of theorization in the concept of recognition.

**System of Ethical Life and First Philosophy of Spirit**

In *System of Ethical Life* (1802/03) and the so-called *First Philosophy of Spirit* (1803/04) Hegel begins to incorporate the concept of recognition into his account of ethics, thereby superseding his early affection based theory of the ethical life. In
certain respects his thinking is not far from Fichte’s: recognition is invoked to explain the status of the individual as a legal individual, and Hegel – like Fichte – devoted a significant part of his discussion to the relationship between that individuality and property. Various social conflicts are represented as violations of recognition (e.g. theft [SEL 175]).

However, Hegel adds to the Fichtean account in at least two fundamental ways. He makes striking claims for the intersubjective constitution of individuals. Hegel maintains that when individuals understand themselves to be constituted within an ethical order they will transcend the limited perspective of a self-constituting individuality. The individual’s “objectivity”, Hegel writes, “is not apprehended by an artificial independent consciousness”. Rather, this self-awareness – Hegel refers to it in this context as “intellectual intuition” – “is alone realized by and in ethical life” and in “ethical life alone he sees the spirit of his spirit in and through the ethical order” (SEL 143). Hegel is keen to emphasize the constitutive power of this relationship, and contrasts it sharply with the empirical account of the individual’s external – i.e. non-constitutive – relationship to a community of others: “in empirical consciousness” that interactivity “is posited only as relation” (SEL 144). In the ethical life “the individual intuits himself as himself in every other individual; he reaches supreme subject-objectivity” (SEL 144). Using this more formal account of the ethical life Hegel deduces some of the familiar virtues, such as courage, honesty and trust. And echoing claims made in earlier works he accounts for virtue as a unity of the “outer and inner” of the agent. It excludes, by definition, that separation of the two which characterizes hypocrisy (SEL 148).
The second major departure from the Fichtean theory is brought about by the further consideration of history. It might be said that Fichte’s account of recognition is synchronic: it pertains to the network of lawful interactions among citizens. Hegel wants additionally to consider recognition as a developmental phenomenon, one which gains its legitimacy only through some kind of mutually satisfying solution to a struggle. According to Axel Honneth Hegel’s effort to “to make Fichte’s model of recognition more dynamic” underpins the notion of a productive struggle which “leads, as a moral medium, from an underdeveloped state of ethical life to a more mature level of ethical relations” (Honneth 1993: 17). There is no prior criterion of a satisfactory outcome to the struggle since it is not a process of negotiation between fixed points, but rather one in which each party is transformed, in ways they cannot anticipate, through the various phases of that struggle. The struggle is understood as the effort of the individual to reverse some act of “denial” of that individual’s “particularity”. “Denial here”, Hegel writes, “is an injury to life” (SEL 137). Hegel posits acts of confrontation as responses to that denial. He discusses the emergence of “reciprocal recognition… the positing of one’s own consciousness as a singular totality of consciousness in another singular totality of consciousness” (FPS 236) as necessarily produced through “injury, which should lead to recognition” (FPS 238).

**Phenomenology of Spirit**

The struggle that Hegel was thinking about is given its most comprehensive statement in the famous dialectic of Master and Slave in the *Phenomenology of Spirit* (1807). What Hegel believes that dialectic effectively tells us is that the achievement of the ethical life is an arduous process. Contrary to the notion that modernity corrupts our natural capacities for ethical life – a notion Hegel himself, as we have seen, once held
– that life must be realized through a process of growth, of a developing consciousness of what it is that produces the most stable and satisfying conditions of one’s freedom. And those conditions are not ad hoc arrangements between particular individuals: ethical life is embodied in intersubjectively constituted institutions in which every individual of a rational and freedom generating community is already involved. Through these intersubjective institutions the individual understands “the other” not as a limitation of its freedom but as a condition of that freedom since it is only within those institutions that recognition is possible.4

The dialectic of master and slave is an imaginative philosophical reconstruction of the beginning of the struggles that will lead eventually to the concept of the ethical life. Essentially, the struggle involves the growing and transformative dependence of two initially independent and mutually indifferent consciousnesses. The various phases of the relationship between the two consciousnesses are unstable. A demand for a more satisfactory arrangement is produced by the breakdown of each phase. Hegel sees those failures as inevitable for so long as each consciousness “does not see the other as an essential being” (PS 111). The story ends without reconciliation or the equality of statuses. Once the very possibility of an intersubjective world has been introduced – that is, by the appearance of more than one individual consciousness in the same space – relationships of recognition alone can ultimately provide that world with its sufficient conditions, that is, of the conditions that will support individual demands for freedom. “Self-consciousness” is the name Hegel gives to the individual’s awareness of itself as free being. He writes: “Self-consciousness exists in and for

4 As Ludwig Siep puts it: “Consciousness of individuality can never arise in the isolated individual self. Only through another consciousness, mediated by its utterances can I know who I am” (Siep 1992: 156). And further, “The individual must know itself to be recognized as a free self within the institutions of the nation” (ibid.: 157).
itself when, and by the fact that, it so exists for another; that is, it exists only in being recognized” (PS 111, translation adjusted). Without our knowing it, the history of our efforts to establish a community in which “self-consciousness” is possible is the history of the appearance of recognition. This claim radicalizes the theory first developed by Fichte in that recognition does not refer simply to the sphere of the legal personality but to the very ontology of what it is to be a modern human being. Such a being is an agent that understands both its capacity for freedom and that its freedom is possible only in an intersubjectively structured world, in contrast to the socially empty spaces of the first consciousness Hegel identifies in the dialectic of master and slave.

In a subsequent section of the *Phenomenology of Spirit* Hegel explores the failure of a variety of historical social models to provide the conditions in which individuals could experience freedom while acting within the established norms of their societies (the discussion of Antigone highlights those tensions in the “ethical” yet naïve world of the Greeks). We must wait until the *Philosophy of Right* to gain a better view of what Hegel regards as the model in which those tensions vanish and the ethical agent is not set at odds with the community.

In the *Phenomenology* Hegel carries forward his claims about intersubjective recognition into a number of criticisms of the “moral view of the world”. The moral consciousness is “completely locked up within itself” and it perceives its “other” purely negatively. It relates to its other “with perfect freedom and indifference” (PS 365). Hegel argues that a division is set up by the Kantian model of morality between moral duty and nature. By nature in this context Hegel means the “the happiness of

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5 See Speight 2004, Chapter 2 for an analysis of Antigone in Hegel’s idea of reflective ethical life.
performance and the enjoyment of achievement” of an action undertaken (PS 366). Separated from nature in that sense duty must act without any desire for happiness, a thesis which suggests to Hegel an incompatibility in Kant’s theory between duty and “existence” (PS 366). Kant did attempt to accommodate happiness to duty when he postulated the existence of God. In the *Critique of Practical Reason* he writes: “Accordingly, the existence of a cause of all nature, distinct from nature, which contains the ground of this connection, namely, of the exact correspondence of happiness with morality, is also *postulated*” (Kant 1997: 104 / AA 5: 125). This postulate, however, Hegel holds, does not integrate happiness with duty, as nature remains “external” to duty (PS 367). And since, as Kant puts it, happiness proportionate to morality is “an object of hope” (Kant 1997: 107 / AA 5: 129) Hegel – a “this-worldly philosopher” (Inwood 1983: 444) – points out that its realization “has to be projected into a future infinitely remote” (PS 368). What remains, though, is “the lack of harmony between consciousness of duty and reality” (PS 373). Hegel’s argument is that the moral perfection required by Kant’s purism cannot be found in reality, and that produces the mistaken outcome of “no moral existence in reality” (PS 373).

**Philosophy of Right**

Hegel’s reflections on the nature of ethical life culminate in the *Philosophy of Right* (1821). In that work Hegel revisits his longstanding strategy of contrasting ethics with morality. That contrast has a distinctive function in the *Philosophy of Right*, though, as Hegel now no longer opposes cold morality with the ethics of the living spirit. Instead he wants to establish the necessary intersubjective conditions of genuine morality – ethics – which alone can help us to avoid the explanatory limitations of
what he identifies mainly with Kantian morality. The contrast is between Sittlichkeit, the ethical life, and Moralität, moral practices considered in isolation from the ethical life. Hegel prepares us for the advantages of the ethical life by explaining early in the text what he means by freedom. The notion of a will which is free of all determinations is sometimes understood (exclusively by philosophers) to be the essence of a genuinely free-will. But Hegel dismisses this notion as “negative freedom” and “the freedom of the void” (PR § 5). The notion of freedom based solely in a pure subject – i.e. one without determinations – means artificially separating the will of the individual from the environment in which that individual lives. At the same time, freedom is lost if the individual is understood to be fully determined by that environment. An accommodation between these two explanatory extremes must be found. That accommodation is found within the fully realized ethical life.

Hegel holds that in the ethical life the agent effectively sublates “the contradiction between subjectivity and objectivity” because what that agent voluntarily wills is what is objectively right: the will of the agent remains “with itself in this objectivity” (PR §28), i.e. it is at one with what is objectively right. This, Hegel, believes is concrete freedom in that the ethical life encompasses the real wills of actual historical agents (in contrast to the essential will of purely rational agents). In a community in which there is no antagonism between what is objectively right and the volitions of the agent there is freedom, a freedom which Hegel characterizes as being “at home in the world” (PR §4A).

In the Philosophy of Right, the notion of morality follows Hegel’s discussion of abstract right. Once again, morality designates a limited account of ethics. Abstract
right is the sphere of the agent within a system of laws. Fulfilment of one’s role within that sphere requires no more than simple adherence to the laws. It is, minimally, an exercise in external compliance: the internal state of agents – that they admire or agree or otherwise with those laws – is not a consideration. Morality, by sharp contrast, refers to the perspective of the subject as an independent agent on what that subject ought to do. Hegel holds that the “moral point of view” determines “the person as a subject” (PR §105). The moral subject is free and understands itself as a being defined by “self-determination” (PR §107). Its actions are its mode of self-determination. Hegel speaks of “the right of the subjective will”, by which he means what can rightfully be ascribed to the individual moral subject as what “is its own” (PR §107).

Hegel does not sketch out the essence of morality in order then to reject it altogether. What he wants to show is that morality conceived in this typical way, is “abstract, circumscribed, and formal” (PR §108). It does not go far enough. Because it bases morality on “the right of the subjective will” (PR §107) the question of what is to count as moral is limited to “the subjectivity of the will” (PR §108). As W. H. Walsh expresses Hegel’s worry: “To lay exclusive emphasis on the personal side of action is to forget that an action is carried out in the public world, and is of interest for other reasons than that it embodies or fails to embody good will” (Walsh 1969: 13).

Hegel endorses Kant’s notion that the character of the will of the moral agent is that of the good. It is this which gives the moral will “unqualified obligation” to act in accordance with the good, because it is good. Kant is right, therefore, to perceive moral “duty” as duty for its own sake (PR § 133). The question “what is duty?” (PR
§134), however, exposes the limits of Kant’s rationalist approach. Hegel argues that Kantian morality refers only to the condition of the subjective will and understands morality as the exercise of autonomy, that is, of action whose moral content is determinable solely by standards of rational coherence which can motivate the agent as a rational being. He holds that Kant’s position is ultimately “an empty formalism” (PR §135). This charge refers primarily but not exclusively to Kant’s notion of the “categorical imperative”. The categorical imperative determines the moral content of a desire by testing it as a universal law. Its formalism has been noted by many readers, but Hegel’s broader point seems to be that the perspective of morality possesses only immanent resources. It will, in that way, always be “empty” as it cannot determine what we should do. Hegel even claims that “it is possible to justify any wrong or immoral mode of action” (PR §135) if the principle of consistency alone is to count as the standard of what is moral.

The failure of the moral point of view demands an alternative grounding, one that is not restricted to understanding morality though an analysis the form of a moral judgment. Likewise, the idea of conscience is compromised when explained within the purely moral perspective. “True conscience”, according to Hegel, “is the disposition to will what is good in and for itself” (PR §135). Willing alone cannot produce moral content. For Hegel, the notion of the autonomy of the will can be defended only when we theorize it through “the concept of ethics” (PR §135). The objectively existing principles of morality inform the will. The ethical point of view involves the “union” of “the objective system of these principles and duties” with the subject. Hegel has emphasized the right each individual has to conscience and to moral freedom. The union he describes here is therefore not a renunciation of the
individual moral will but an explanation of how it actually works as a genuinely moral will, i.e. when it is determining which principles it will act under and when those principles have motivating force for that individual. If instead the subject should turn from those principles and towards what Hegel describes as “pure inwardness” it becomes “capable of being evil” since in its own “abstract” certainty of itself it gives priority to its own principles rather than those that already have objectivity (PR §139).

The content of “the objective sphere of ethics”, Hegel explains, “are laws and institutions which have being in and for themselves” (PR §144). Hegel means only those laws and institutions that are consistent with freedom. But ethical agents do not simply choose from the objectively existing values that they encounter in their well-ordered societies. Hegel stresses that ethical action is not a coincidence of internal preferences with objective norms. The ethical agent rather is constituted in the synthesis of those two dimensions. The dialectical relationship of individual and institutions can be described in the following way: “We cannot articulate the norms of subjective freedom without showing how they are actualized in the institutional structures of social life. And we cannot describe the institutions or practices of social freedom without detailing how these institutions are constructed from the intentional activity of those moral subjects whose behaviours such institutions comprise” (Knowles 2002: 224). The relationship of the subjective and the objective allows us, Hegel thinks, to overcome the difficulties of explaining purpose and intention within a purely “moral” theoretical framework. For Hegel the ethical agent is always already an individual within – not external to – institutions and laws. These are that individual’s framing resources when the question “what duty?” occurs.
Hegel argues that freedom is truly experienced in ethical action because there is a unity of the concrete agent and the duties that agent performs. Whereas the moral point of view understands a duty as the imposition of some kind of “limitation”, ethical duty, Hegel claims, “liberates” the individual from “dependence of mere natural drives”, from “the burden” of reflecting as an isolated individual on what one should desire (PR §149). The individual’s life within existing institutions and laws sets the scope of what is at stake in coming to any ethical decision.

According to Hegel ethical action within a community “whose relations are fully developed and actualized” is virtue (PR §150). In view of the contrast he made in his early works between morality and virtue it is perhaps surprising that he characterizes virtue as rectitude. He writes: “In the ethical community, it is easy to say what someone must do and what the duties are which he has to fulfil in order to be virtuous” (PR §150). When the institutions and laws are just the ethical person has no difficulty in acting upon them. Ethical action becomes habitual and “appears as a second nature” (PR §151). We recall that Hegel had once attempted to develop an account of virtue that freed it of all legalism and prescription. The difference in the earlier work, though, is that Hegel was then proposing a conception of ethics where the qualities characteristic of loving response were prior to any settled or enabling institutional life. (In the Philosophy of Right ethical relations that possess the property of love are ascribed only to the distinctive institution of the family.) A virtuous disposition might be sensitively attuned to the singularity of each ethical situation but in the early work that surely did not imply the habitual application of established norms. Hegel offers a thought, though, which helps us to see the differences these two quite contrasting contexts for virtue. The capacity for “individual discretion”, he
claims, “appears more frequently in uncivilized societies and communities” (PR §150). Virtue must be a matter of “the distinctive natural genius of individuals” where no satisfactory ethical order has been established. This contrasts with virtue as second nature within an ethical community.

The Philosophy of Right, then, can be seen as Hegel’s most advanced account of ethics in that it finely balances, under a cohesive theory, a number of elements that were evidently of sustained significance through earlier works. Those elements are affirmation of the modern demand for rational freedom (not compliance or mere adherence); ethics as a way of life (not a reflective detachment from that life, as it is allegedly for Kant); an account of our intersubjective being (opposing the notion of individual self-constitution) that is something more than romantic affection (in contrast to Hegel’s own early view); and the crucial importance of the right form of society based on those recognitively sustained institutions which alone enable individual freedom.

**Abbreviations used**


**SEL**  *System of Ethical Life*, in Hegel (1979).


**Other works**


