

從自然法到自由意志： 黑格爾意志概念的背景與結構

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在《法哲學》的導論章中，黑格爾透過普遍性、特殊性、與個體性三個「環節」，提出了一套關於自由意志結構的分析。本文的目的，在於探討他提出這套奇特的理論時，所考慮的是什麼問題。

黑格爾聲稱，法哲學的主題是「法之理性」。傳統上，這屬於自然法的領域。但黑格爾認為，以霍布斯為代表的近代自然法理論所使用的自然一詞有其「曖昧」，混淆了自然與理性兩個截然不同的世界。康德在自然欲望與理性意志之間嚴加區分，視後者為普遍律的源頭，方克服了這項「曖昧」。不過黑格爾又批評他的意志概念只重形式面，無法說明意志的實現在什麼意義下是自由的。

本文指出，黑格爾的意志理論，深受他對霍布斯及康德的不滿所影響。文中進一步說明，弗朗克弗及泰勒關於人格概念的分析，乃是協助我們了解黑格爾三個「環節」說的有效架構。

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一、前言

黑格爾《法哲學》¹一書在內容上涵蓋的範圍相當廣，不過他認為「我們這門學問的主題」清楚而明確——考察「法的理性」(die Vernünftigkeit des Rechts)。 (Preface A)他表示，自然界有其法則(Gesetze der Natur)，但自然律以存在為已足，無可矯變，也就沒有妥當與否的問題。可是涉及「法」的法則(Gesetze des

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From Natural Law to Free Will: The Context and Structure of Hegel's Concept of the Free Will

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Abstract

In the "Introduction" to his *Philosophy of Right*, Hegel proposes to analyse the formation of free will in terms of the "moments" of universality, particularity, and individuality. This paper intends to look into some of the considerations behind this unusual construction.

Hegel claims that his subject-matter is the "rationality of law". By tradition, this belongs to the realm of natural law. But Hegel contends that modern natural law theory, as exemplified in Hobbes, was based on an "ambiguity" in the concept of nature, obliterating the essential distinction between what is natural and what is rational. Kant solved this ambiguity by sharply differentiating between natural desires and the rational will, designating the latter as the source of universal law. Nonetheless, the Kantian conception of the autonomous will is criticized by Hegel for being too formal to elucidate the sense in which the will is free in its "actualization".

In this paper, Hegel's theory of the will is shown to be heavily informed by his critical reading of Hobbes and Kant. It is further suggested that his tripartite construction can best be understood when recast in the framework provided by Harry Frankfurt's and Charles Taylor's analyses of the concept of the person.