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Toward a Reconstruction of Hegel's Ethical Liberalism

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Abstract

Hegel's political philosophy is often regarded as a prototype of contemporary communitarianism. In this paper I contend that ethical liberalism is a more adequate approach to interpret Hegel's political theory in view of his effort to synthesize the modern ideas of freedom and ethical integration. Hegel's political vision is developed out of his criticisms of the dichotomies of modernity, such as the divided self and the disparity between private self and citizen. Ethical liberalism attempts to realize political principles in the constitutional arrangements of the regime as well as the civic culture of the political community. I argue that the philosophic project of the *Philosophy of Right* consists of two principles -- self-development and concentric institutionalization. These two principles conceptualize the subjective consciousness and objective institutions for ethical liberalism. They are also complementary, and constitute a comprehensive vision of sociopolitical life under modern conditions.

Keywords: Liberalism; Communitarianism; Hegel.

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1. Introduction

In this article I attempt to explore the philosophic underpinning of the *Philosophy of Right*.¹ I also want to provide a theoretical reconstruction of Hegel's political theory that can contribute to the contemporary discussion concerning the ethical foundation of liberalism.

There are two reasons for my inquiry. The first is to relocate the relevance of Hegelianism in political theory. Too often Hegel is regarded as an enemy rather than a friend of liberalism. One or two decades ago, he was considered a forerunner of Marxism. In the contemporary debate between liberalism and communitarianism he is mostly regarded as the champion for communitarian ideal. This identification is due to his attack on Kant's moral theory and his elusive idea of ethical life (Mulhall and Swift, 1992: xii). In this article, I interpret Hegel's political thought in the *Philosophy of Right* as an ethical liberalism. Contrary to the belief of radical communitarians (Sandel, 1982, 1984, 1989; MacIntyre, 1984), I contend that the liberal state is the locus by which the institutional ethics and contextual politics can be realized. The second reason for my inquiry is that the *Philosophy of Right* can considerably fortify the philosophic foundation of liberalism. Recently Ronald Dworkin (1989, 1990) began to explore the ethical foundation of liberalism. I believe political liberals can learn a lot from Hegel's effort in this direction. Ideas that are commonly associated with communitarianism, such as constitutive community, ethical integration, and patriotism, have been incorporated by Hegel into the theoretical framework of ethical liberalism. In this article I examine Hegel's grand synthesis, its validity, and its relevance for contemporary liberalism. Hegel's

ethical liberalism provides sophisticated arguments concerning the ethical foundation of liberalism that goes beyond the gradually futile liberal-communitarian debate.

In the second and third sections, I elaborate the meaning of Hegel's ethical liberalism and contrast it with political liberalism. I also explore the possibility and mode of a liberal *Sittlichkeit* in the third section. In the fourth section, I argue that the philosophic project of the *Philosophy of Right* consists of two principles -- self-development and concentric institutionalization. These two principles conceptualize the subjective consciousness and objective mode of human association for ethical liberalism. They are complementary to each other and constitute a comprehensive vision of sociopolitical life under the conditions of modernity. The philosophic underpinning of the *Philosophy of Right*, consequently, is important for the further development of liberalism. It attempts to establish a concept of the state that is constitutive and liberal at the same time. The integrated liberal state can actualize more internal goods than other types of constitutive communities.

2. The Relevance of Ethical Liberalism

The philosophical underpinning of the *Philosophy of Right*, I suggest, is ethical liberalism. By ethical liberalism I mean a mode of liberalism whose political principles are not only realized in the institutional arrangements of the government but also internalized as a civic culture. In a liberal state based on ethical liberalism, citizens are integrated into the ethical practices² of family, social groups, and the state itself. All these ethical practices are constitutive communities that are able to cultivate recognition and trust among their members. The liberal state performs a foundational role in this plurality of constitutive communities, because in the state

citizens are elevated from the self-centered enterprises to engage themselves in rational discussions about public affairs. The ensuing mode of ethico-political cohesion is reflective patriotism.³ In this way the liberal state has the dual characteristics of being universal and constitutive, which make the state possible to maintain the common life of a nation.

The relevance of ethical liberalism can be brought about through a glance of the development of liberal discourse in the past three decades. The change is indeed drastic. The dominant paradigm has shift from libertarianism exemplified in the works of Friedrich Hayek and Robert Nozick to the welfare liberalism represented in the works of John Rawls, Ronald Dworkin, and Michael Walzer. The historical circumstances of the rise of liberalism are not constitutive of it as libertarians have assumed. These contingent circumstances and the resulting perspectives include the fight with absolutism (thus regarding individual rights as opposed to the state or government), its affiliation with capitalism (thus the alleged possessive individualism that centers on the idea of self-interest), and its association with social contract theories (thus an atomistic concept of human agent). In a well-functioning liberal state it is possible, and indeed necessary, to reconsider issues like the ethical foundation of the political community, a positive relation between citizens and the state, and civic education. These issues, regarded as anti-liberal by libertarians, need to be addressed if the liberal states are to keep their ethical cohesion. The main themes of liberal discourse, such as Dworkin's idea of liberal community and Walzer's concept of complex equality, are efforts to bring political and ethical issues back to the discourse of liberalism.

My contention in this article is close to some recent effort to incorporate "what is living" in communitarianism and civic republicanism into the discourse of

liberalism. The result is the emerging paradigm of civic liberalism. Prominent cases includes Dworkin's idea of liberal community, Charles Taylor's idea of patriotic liberal regime,⁴ and Michael Walzer's critical associationism.⁵ These recent developments indicate the timely relevance of Hegel's ethical liberalism. Dworkin's case is most relevant since he is a liberal beyond any doubt. After having examined four issues raised by communitarians (democratic majoritarianism, paternalism, contextualism, and integration), Dworkin considers integration most relevant for political liberalism. He then proposes an idea of liberal community:

What then is the communal life of a political community? I said that the collective life of a political community includes its official political acts: legislation, adjudication, enforcement, and the other executive functions of government. An integrated citizen will count his community's success or failure in these formal political acts as resonating in his own life, as improving or diminishing it. On the liberal view, nothing more should be added. These formal political acts of the community as a whole should be taken to exhaust the communal life of a political body, so that citizens are understood to act together, as a collective, only in that structured way (Dworkin 1989: 500).

The idea of "resonance" is a metaphor, which highlights the increasing concern for ethical-political integration in the liberal discourse. However, Dworkin himself does not work out an clear theory regarding the mode and functioning of the identity between individuals and the political community. In this regard, Hegel's ethical liberalism is an important intellectual resources for the further development of liberalism.

According to Mulhall and Swift (1992: 289), the debate between liberals and communitarians has evolved to a critical juncture where it is necessary for liberals either to develop "a comprehensive liberal doctrine of human well-being" or to count on Richard Rorty's anti-foundational liberalism (Rorty, 1983, 1988, 1989). In my interpretation, Hegel's political theory in the *Philosophy of Right* successfully incorporates the principle of ethico-political integration into liberal discourse. Consequently, his ethical liberalism provides exactly such a comprehensive theory of human well-being under the conditions of modernity, which can contribute to the further development of liberalism. However, liberals are not always at ease with Hegelianism. In the *Patterns of Moral Complexity*, Charles Larmore expresses the typical suspicion about Hegel's thought. He accepts Hegel's idea about "the central importance of universal morality in our time is sustained and fostered by the institutions and practices characteristic of our society." (Larmore, 1987: 102-03) He nevertheless believes that Hegel "... demanded a renewal of the Aristotelian idea that the function of the state is not simply in protecting property and personal freedom, but most importantly in fostering and sustaining the ethical substance of its members, which includes not just universal morality but a full conception of the good." (*ibid.*) In this paper, I attempt to rectify this common misunderstanding among political liberals that Hegel's idea of the ethical life presupposes a full conception of dominant good, consequently incompatible with liberalism.

3. Constituting the Liberal *Sittlichkeit* out of Dichotomies of Modernity

Since justifying liberalism has been generally preceded from individualistic methodology in the neo-Kantian paradigm, communitarians can easily attack the atomistic individualism inherent in this proceduralism. I contend that it is feasible to justify liberalism as a mode of practice (in MacIntyre's definition), and that Hegel's idea of ethical life (*Sittlichkeit*) provides a solid framework for such justification. In this section I examine two interrelated concepts of Hegel's practical philosophy -- free will and ethical life. I shall argue that both concepts are Hegel's responses to the disintegrating tendencies of modernity. Hegel synthesizes freedom and ethical life into an idea of liberal *Sittlichkeit*, which attempts to establish an adequate relationship between individuals and the sociopolitical practices for modernity.

Hegel takes the ideas of will and freedom to be the core of the *Philosophy of Right* (PR, §4-§26). This fact shows that he is definitely modern. The central characteristic of modernity for Hegel is subjectivity, without which freedom would be unthinkable. However, the philosophy of subjectivity that brings human freedom to the forefront also results in some trade-off. The most important ones are the loss of totality and the problem of dichotomy (*Entzweiung*)⁶ Like many of his contemporaries, Hegel attempts to solve the impasse of modernity. What is original in Hegel's solution, I shall argue, is that he incorporates the principle of integration into the project of modernity without disintegrating the project. For political theory, there are two dichotomies that are relevant -- the divided self and the split between the status of citizen and private individual.

Hegel discusses the issue of divided self in his criticisms of Kant's philosophy. In attempting to establish a philosophy of pure subjectivity following Descartes, Kant proposes a transcendental epistemology that makes the synthetic power of the subject the condition of knowledge. When Kant explores practical aspect of the human agent, he discovers a dichotomy within the subject: it is composed of both free will and natural inclinations. Human will is free only when it acts unconditionally on its ideas of freedom -- categorical imperatives that can become universal laws. However, Kant has to concede that there are naturally given desires and inclinations. The Kantian subject is therefore a divided self: "The moral 'I ought' is thus an 'I will' for man as a member of intelligible world; and it is conceived by him as an 'I ought' only insofar as he considers himself at the same time to be a member of the sensible world." (Kant, 1980: 123) The problem, for Hegel, is that the human agent belongs to both the sensible world and the intelligible world at the same time. Elevating one element while suppressing the other is a partial view of human nature. Hegel proposes his theory of concrete freedom as a more adequate solution of the problem of the divided self.

The second dichotomy is the political expression of the divided self. It is the dichotomy of human being as citizen and as private person. With the development of the modern state and capitalism, human life is released from the social cohesion of traditional society. The subjectivity merely meditated by Descartes became a social reality. However, what modern subjectivity engenders is not the exercise of pure will but the feeling of loss and alienation. Rousseau is the first philosopher to deal with this dichotomy (Löwith, 1964: 235-40). The dichotomy of human being into citizen and private person brings us into the theoretical core of the *Philosophy of Right*. It is necessary to see how Hegel responds to these dichotomies. He responds to the

dichotomy between pure will and empirical self in his theory of concrete freedom, and to the dichotomy of human being as citizen and private person in his theory of ethical life. I consider each of these in turn.

Dichotomy of the divided self and Hegel's notion of concrete freedom. The divided self is regarded as the fundamental dichotomy that philosophy has to reconcile by Hegel (cf. Smith, 1989: 18). In the *Phenomenology of Spirit*, for instance, he uses the divided consciousness to expound the methodology of immanent critique. Through self-examination by the consciousness, the self would be able to overcome its own inner diremption: "Consciousness provides its own criterion from within itself, so that the investigation becomes a comparison of consciousness within itself; for the distinction made above (the divided self as in-itself and for-us) falls within it." (Hegel, 1977, §84) The idea of immanent critique highlights the difference between Kant and Hegel concerning the problem of divided self.

For Kant, the divided self is given. He attempts to establish a moral theory based solely on free will. Moral autonomy can be achieved when the subject directs its actions according to universal maxims instead of letting its actions follow natural inclinations. According to Kant, the will is free insofar as it is independent from the determinations of alien causes. A free will, therefore, is the one that is morally autonomous (Kant, 1980: 114). To be free is to obey the universal moral laws postulated by reason out of no other cause than duty. Any considerations that are related to the empirical self are not a concern for moral philosophy. The empirical part of the self -- including desires, needs, and inclinations -- belongs to the realm of legality, not morality. Aristotle's practical philosophy used to take ethics to be the study of the conditions for the realization of human well-being. This traditional view is abandoned because it brings the heteronomous elements into the realm where Kant

believes should consist of only autonomous will. Morality and legality thus become antithetical in Kant's thought. In contrast to the unconditional autonomy of morality, laws and institutions can at most perform the passive function of removing obstacles.⁷

Hegel grants the contribution of Kant's moral theory, which is that it postulates the absolute freedom of the will (Hegel, 1968, 3: 462; 1970-71, 20: 369). In this regard, Hegel believes that Kant is following Rousseau. Hegel objects, however, that Kant is unable to provide the concrete determination, or content, of the duties of the free will (Hegel, 1968, 3: 460; 1970-71, 20: 368). This objection leads to Hegel's famous charge of Kant's idea of morality as merely "empty formalism," a charge that has been discussed extensively (cf. Smith, 1989: 73-80, Smith, 1992; Wood, 1990: 154-73). The current situation is rather paradoxical: On the one hand, Hegelians concede that Hegel's charge is based on a somewhat distorted picture of Kant's moral theory (Wood, *op. cit.*); on the other hand, most Kantians do try to ground Kantian moral theory on a more substantial foundation.⁸ The debate concerning the pros and cons of Kantianism versus Hegelianism in moral theory will certainly continue, and mutual adjustment is inevitable. Here I will only highlight the central difference between Hegel's ethics and Kant's moral theory in order to explain Hegel's practical philosophy. Hegel's criticisms focus on the need for concrete determination of duties. This is not just an arbitrary proposal but is grounded deeply on his philosophical anthropology. Hegel observes that human agents would always attempt to base their subjective certainty or conviction (*Gewißheit*) on truth (*Wahrheit*).⁹ Kant's moral theory cannot fulfill this basic human aspiration. For Kant, pursuing freedom means suppressing natural inclinations. It is an endless task because natural inclinations are intrinsic to the human agent; they may be suppressed

but cannot be eliminated. Moral perfection is therefore a permanently unreachable "beyond" (*Jenseits*) for the subject. The Kantian moral subject, according to Hegel, is caught in an endless process of purification without the possibility to know whether its moral conviction is really moral truth (Hegel, 1968, 3: 461-62; 1970-71, 20: 369-70). This is a more interesting observation on Kant's moral theory than the "empty formalism" thesis. It is also the clue to Hegel's theory of freedom, which is his solution of the diremption of divided self. Hegel discusses the concepts of freedom and will extensively in the Introduction of the *Philosophy of Right*.

Hegel's theory of will emphasizes both the active and contextual dimensions of the human will, which realizes itself in historical institutions (PR, §28). The divided self is overcome not through endless suppression of natural inclinations but by educating the natural inclinations and developing the context of ethical practices. The mode of freedom disclosed in this developmental process, or "concrete freedom" as Hegel calls it, is very different from the everyday usage. The *Random House Dictionary* makes the following distinctions: "Freedom, independence, liberty refer to an absence of undue restrictions and an opportunity to exercise one's right and powers. Freedom emphasizes the opportunity given for the exercise of one's right, powers, desires, and the like.... Liberty, though most often interchanged with freedom, is also used to imply undue exercise of freedom." (p. 565) This usage reflects in Berlin's idea of negative liberty. It is a subject-centered concept of freedom in which other people and sociopolitical institutions are regarded as potential or real restraints on one's exercise of freedom. Hegel's concept of freedom, on the contrary, is a relational concept. Allen Wood (1990: 45-47) expounds persuasively the Hegelian expression "*Beisichselbstsein in einem Andern*" (being with oneself in another). He remarks that freedom "involves a self, an object (in the

widest sense of that term) and a rational project of the self.... A self is with itself or free in an object with respect to a rational project if that object belongs to that project, becoming a part of that self." (*ibid.*: 47) The capacities of rational projection and execution constitute the quintessence of Hegel's idea of freedom. He regards freedom as activity (*Tätigkeit*) that is "the essential development of the substantial content of the Idea." (PR, §28) In this way Hegel establishes a practical relation between subject and object. And only based on this idea of freedom can we understand how the objects of the *Philosophy of Right* can be different modes of right: "Right is any existence in general which is the existence of the free will. Right is therefore in general freedom, as Idea." (PR, §29) The *Daseins* of free will are its embodiments in the sociopolitical practices and institutions without which concrete freedom would be impossible.

Dichotomy of human being as citizen and private person and Hegel's concept of ethical life. According to the historians of ideas, Rousseau's *homme* refers specifically to the private individual in bourgeois society.¹⁰ For Rousseau, bourgeois individual is a degenerated type of human agent compared with either the natural *homme* or *citoyen* of the classical *polis*. Rousseau attempts to overcome bourgeois society by a theory of social contract that is a total revival of classical republicanism. A new type of civic freedom can be created through complete alienation of all associates' natural freedom and simultaneously subsuming their particular wills under the general will (Rousseau, 1978: 10). In this republican political community, the associates have the following identities -- citizens (with respect to the sovereign authority), subjects (with respect to the laws), and people (collectively), none of which is private. Rousseau overcomes the dichotomy of *homme* and *citoyen* simply by eliminating the private social sphere out of his civil state (Taylor, 1994: 45-49).

Rousseau concedes that it needs nothing short of radical transformation of human nature to realize his vision of republican community. What is required is to "deprive man of his own forces in order to give him others which are foreign to him and which he cannot use without helping others." (Rousseau, 1978: 27) Rousseau attributes this radical transformation to a mystical legislator.

Hegel's response to the dichotomy of human being and citizen -- the idea of ethical life -- may at first glance seem similar to Rousseau's project in going back to the political experience of the *polis*. Hegel indicates that the etymological root of the German word *Sittlichkeit*, *Sitt*, is the equivalent of the Greek word *ethos* in his handwritten remarks on his own copy of the *Philosophy of Right*.¹¹ Both terms refer to the habitual practice of ethical living. He defines the concept of the *Sittlichkeit* as follows:

The ethical life is the idea of freedom as the living good which has its knowledge and volition in self-consciousness, and its actuality through self-conscious action. Similarly, it is in ethical being that self-consciousness has its motivating end and a foundation which has being in and for itself. Ethical life is accordingly the concept of freedom which has become the existing world and the nature of self-consciousness (PR, §142, emphases original).

In this definition, Hegel highlights two components of modern ethical life: objective ethical substance and subjective self-consciousness.

The first element, objective ethical substance, refers to the system of laws and sociopolitical institutions that are above individual caprice.¹² The relation between ethical order and individuals is similar to the relation between the substance and

accidents. The ethical order appears to be an ethical power, or "a circle of necessity," that regulates the life of individuals (PR, §145). Individuals are mere accidents or instances of the ethical substance.

The second element, subjective self-consciousness in ethical life, consists of two modes -- reflection and the inclusion of subjectivity into ethical life. Reflection is individuals' capacity to take ethical life as an object of their thinking (PR, §146). Since sociopolitical institutions are embodiments of freedom, reflective cognition enables individuals to understand that these institutions constitute the indispensable context of their well-being. The ethical order is in turn consolidated by this rational cognition. When individuals are conscious about the foundational role of the ethical order, an ethical cohesion is formed that is more stable than the unreflective ethical bond. Consequently, individuals develop self-esteem (*Selbstgefühl*) in living within modern ethical institutions. The second mode of self-consciousness (the inclusion of subjectivity) refers to the fact that the practices which nourish subjective freedom (the most important one is civil society) are included in the modern ethical life (PR, §154; §261).

Ethical life is Hegel's solution of the split between citizen and private person. Hegel's view about ethical substance is indeed inspired by the Greek way of life. However, the inclusion of subjective self-consciousness into ethical life vindicates Hegel's effort to establish a mode of ethical life that incorporates modern subjectivity. It would be illuminating to compare the idea of ethical life in the *Philosophy of Right* with Hegel's conceptualization on this issue during his youth. In the *System of Ethical Life* (Hegel, 1979; written in 1802-03), for example, freedom is excluded from ethical life. Freedom is negatively treated as transgression of the objective (*ibid.*: 131). In the *Phenomenology*, similarly, the term "ethical life" is

applied specifically to the Greek *polis* (Hegel, 1977, §444-§476). Freedom is always presented as capricious individuality that is repressed or crushed by the dialectical process (Riley, 1982: 176-77). In other words, subjective freedom is not a constitutive element in Hegel's concept of ethical life in his early writings. The entirely different conceptualizations of the ethical life in Hegel's early writings and the *Philosophy of Right* represent his sublimation from the youthful nostalgia for the beauty of the Greek *polis* to the mature effort to face modernity.¹³

Unlike contemporary communitarians, Hegel regards subjective freedom as a constitutive element of the modern ethical life (PR, §258 Rem.). Hegel's idea that subjective freedom and substantive ethical cohesion are complementary can contribute to a theory of liberal *Sittlichkeit*. Moreover, the Hegelian approach can be a non-individualistic justification of liberalism as a mode of practice. The two-dimensional liberal *Sittlichkeit* demonstrates that the liberal state is a more comprehensive mode of human association than other forms of association such as family, cultural community, nation, and economic society. Consequently, the modern liberal state is "superior" to other types of association not in any pejorative sense but in a strictly Aristotelian connotation: The liberal state realizes more internal goods than all other associations because it is the only association that has the potential to actualize both individual freedom and substantive ethical order simultaneously. Ethical liberalism therefore incorporates the Aristotelian method of justification that takes self-sufficiency (*autarkeia*) as the criterion for evaluating the goodness of human association. The liberal state thus attains a higher mode of self-sufficiency than, for example, family and corporation which can only substantiate ethical bond. Unlike radical communitarians, Hegel considers these modes of community not institutionally self-sufficient. Only when mediated by the rational

state do they become the "ethical roots" between civil society and the state (PR, §255). Thus we have a *coup de main* against radical communitarians by demonstrating that the state based on ethical liberalism could realize more internal goods than other communities. The "actuality" the modern liberal state discloses most clearly in this regard.

4. Concentric Institutionalization and Self-Development: Two Fundamental Ideas of Hegel's Ethical Liberalism

I have shown in the previous section how the principal categories of Hegel's practical philosophy are responses to the dichotomies of modernity and how these categories constitute a theory of liberal *Sittlichkeit*. My objective in this section is to provide an overview of Hegel's project and underpinning principles of the *Philosophy of Right* when this work is interpreted from the perspective of ethical liberalism.

Most readers first encountering the *Philosophy of Right* would be amazed by the comprehensiveness and systematic method of discussion, beside Hegel's idiosyncratic way of expression. Indeed, the three parts of this work are a grand synthesis of jurisprudence, moral theory, and sociopolitical theory. Hegel takes the objects of his discussion to be the determinate embodiments of freedom in sociopolitical institutions. Consequently, it may be helpful to list the content of the *Philosophy of Right* in Table 1 for our further discussion.

In Table 1 I also enlist the mode of individual existence or the self-image¹⁴ of human agents that corresponds to each practice. Hegel does not exhaustively specify each corresponding mode of individual existence. He does have this idea is

Table 1 The Content of the *Philosophy of Right* and the Corresponding Individual Existence

Practices/Institutions	Modes of Human Agent
(Part One) Abstract Right Property Contract Wrong	Legal person
(Part Two) Morality Purpose and Responsibility Intention and Welfare The Good and the Conscience	Moral subject
(Part Three) Ethical Life	Ethical characters
The Family	Family member (love)
Civil Society System of needs Estate Legal framework Police Corporation	Private person (cooperation) Estate member (social solidarity) Legal person (universal recognition) Corporation member (self-esteem)
The State The legislative power The executive power The monarchical power	Citizen (patriotism)
International Law	Citizen of a state
World History	Member of a nation

nevertheless confirmed by the following remark: "In right, the object is the person; at the level of morality, it is the subject; in the family, the family member; and in civil society in general, the burgher (in the sense of bourgeois); here, at the level of needs it is ... the human being (*Mensch*)." (PR, §190 Rem.: translation modified¹⁵) As a

result, I fill out some lacuna based on Hegel's text. Table 1 brings out two issues that need to be addressed: first, the relation between different practices; and second, the relation between different modes of individual existence, as well as the relation between practices and modes of individual existence. The first issue concerns the rational arrangement of sociopolitical institutions; the second issue concerns the development of ethical character of individuals. I shall consider these issues in turn.

The relation between different practices. The conventional wisdom tells us that there is a dialectical development among these practices. For instance, ethical life is higher than the abstractness of the moral point of view because ethical life "overcomes and preserves" morality in itself. This type of interpretation is not wrong. However, just as the thesis-antithesis-synthesis triad reveals little about the essence of Hegel's dialectic, the idea of dialectical development does not disclose the project of the *Philosophy of Right* either. We should replace the "overcome and preserve" formula with a more precise question: Does it mean that citizens in the rational state have no need for legal framework, morality, family, civil society, and corporation, since legal framework, etc. have been overcome and preserved in the state? The answer, I think, is a definite "no." For Hegel, the state realizes the most comprehensive scope of internal goods and consequently has a higher ethico-political actuality, but it is no substitute for other forms of human association.

A clue for what Hegel has in mind concerning the relation between practices is in his interpretation of Plato's idea of justice:

[Plato] makes it justice which first gives wisdom, courage, and temperance the power to exist at all, and when they have once come into existence, the power to continue.... To express it more definitely, the

notion of justice is the foundation, the idea of the whole, which falls into organic divisions, so that every part is only, as it were, a moment of the whole, and the whole exists through it (Hegel, 1968, 2: 103-104; Hegel, 1970-71, 19: 118-119; my own emphasis).

Just as justice is the foundation (*Grundlage*) of other cardinal virtues, the state also performs this foundational role with regard to other forms of human association. Take the relation between the state and civil society as an example: empirically civil society came into being before the modern state, but conceptually the state is prior (PR, §182, Add.). This relation can be interpreted in a teleological way as has been commonly done. In the teleological version, state is "higher" in that it functions to realize the dominant good. This is the reason for liberal's suspicion of Hegelianism (Larmore, 1987: 103-04). The teleological interpretation is not adequate in that it does not clarify what really is the dominant good for Hegel. "Realization of freedom" or "holography of reason" describes the historicity and institutional context, not the dominant good itself.

I suggest interpreting Hegel's idea of the state as "foundation" in a non-metaphysical way as "institutionalization," adopting a concept developed by Jürgen Habermas:

[T]he level of possible increase in complexity can be raised only by the introduction of a new system mechanism. Every new leading mechanism of system differentiation must, however, be anchored in the lifeworld; it must be institutionalized there via family status, the authority of office, or bourgeois private law. In the final analysis, social formations are distinguished by the institutional cores that define

society's "base," in the Marxist sense. These basic institutions form a series of evolutionary innovations that can come about only if the lifeworld is sufficiently rationalized, above all only if law and morality have reached a corresponding stage of development. The institutionalization of a new level of differentiation requires reconstruction in the social institution in the core institutional domain of the moral-legal (i.e., consensual) regulation of conflicts (Habermas, 1984-89, 2: 173; emphasis original).

Habermas distinguishes society into system and lifeworld (*ibid.*: 119-97), and he uses the idea of institutionalization to conceptualize the relation between system and lifeworld: system should be "anchored" in lifeworld. Consider the relation between different practices in the *Philosophy of Right* from this perspective. It is notable that both Hegel and Habermas distinguish two categories -- institutions (system) and mode of individual existence (lifeworld). Habermas' idea of institutionalization is nevertheless narrower than Hegel's. For Hegel, institutionalization is not limited to the fact that individual consciousness should be adequate to the practices it dwells (this is "anchoring" for Habermas). Beyond this sense of anchoring, Hegel contends that modern *Sittlichkeit* constitutes a special developmental pattern so that laws and morality are anchored in the rational institutions in the order of the family, civil society, and the state. I suggest designating Hegel's idea on this issue as concentric institutionalization. More specifically, the abstract concepts of personhood and moral subject are gradually institutionalized through the system of laws, family bond, social cooperation in civil society, solidarity in estate and corporation, and the civic culture of the state. This development is both the augmentation of the boundaries of the human associations and the continuous anchoring of the core ideal

of modernity (the idea of free personhood) in these institutions. The modern state, conceptually the last unit of this development, provides conditions by which the functioning of the legal system, economy, family, and intermediate associations can be stabilized. In this way the state performs the foundational role in the process of concentric institutionalization.

"Concentric" is of course a metaphor, a spatial metaphor. I use it to suggest that Hegel's dialectic needs not be understood as linear or spiral progression as is usually assumed in the teleological interpretation. The concentric metaphor is indeed used by Hegel himself in the *Logic* to describe the relation between the whole and particular moments of his system as "a circle of circles":

Each of the parts of philosophy is a philosophic whole, a circle that closes upon; but in each of them the philosophic Idea is in a particular determinacy or element. Every single circle also breaks through the restriction of its element as well, precisely because it is inwardly [the] totality, and it grounds a further sphere. The whole presents itself therefore as a circle of circles, each of which is a necessary moment, so that the system appears in each single one of them (Hegel, 1991b, §15; 1970-71, 8: 60).

Construing the arrangement of practices as concentric institutionalization means that, for Hegel, the modern state is not the final end or the highest form of human association to enforce a dominant good. It is rather a foundation by which the plurality of practices that concretize the idea of free person can be maintained. Hegel's ethical liberalism is compatible with political liberalism precisely because of this "foundational" view about the state.

The relation between different modes of human agent and between practices and modes of human agent. Just as in the *Phenomenology* Hegel gives us a historic-generic recapitulation of the development of human consciousness, in the *Philosophy of Right* he gives us a systematic account of how the ethical characters of the human agent can be cultivated in the modern *Sittlichkeit*. Ilting calls Hegel's account a "phenomenology of the consciousness of freedom."¹⁶ Indeed, corresponding to the process of concentric institutionalization, there is a developmental process of ethical characters of the human agent in modernity. These ethical characters can only be cultivated in the practices and they contribute to the proper functioning of the practices in return. The cultivation of ethical characters can be designated as self-development.¹⁷

Self-development, however, bears similarity to the Aristotelian ethics that is sometimes regarded as the paradigm of perfectionism incompatible with liberalism (Rawls, 1971: 325-32). Indeed, neo-Aristotelian interpreters have established the close relationship between Aristotle's practical philosophy and Hegel's ethical theory. Because Hegel conceives the objective spirit as the "realm of freedom made actual," Ritter (1982: 147) suggests that Hegel reinstates the Aristotelian doctrine that the nature of human being comes to its fully realization ethically and politically in the *polis*. Both Aristotle's *ethos* and Hegel's *Sittlichkeit* refer to the realm of civil life as determined by the customs and institutions of the *polis* or the state (Ritter, 1983: 46); both believe "the behavior of the individual becomes ethical by learning and growing up within the given ethical customs, and by adopting its virtues, which becomes the forming element of his own disposition." (*ibid.*) However, Hegel intends to revive neither Aristotelian *eudaimonia* nor ethical naturalism. Wood points out a crucial aspect that distinguishes Hegel from Aristotle:

Hegel's self-actualization theory represents a distinctive type of ethical theory, different from both deontological and teleological theories.... Its starting point is the conception of a certain self or identity to be exercised or actualized, to be embodied or expressed in action. The theory selects the actions to be performed and the ends to be pursued because they are the actions and ends of that kind of self. In such a theory, laws and commandments owe their force to the fact that they turn out to be principles which the right sort of self would follow. Ends owe their desirability to the fact that they turn out to be the ends which that sort of self would pursue (Wood 1990: 31; my own emphases).

What makes the phrase "turn out to be" in this passage not merely incidental is the fact that both self-development and concentrically articulated institutions are based on the modern idea of freedom. This concurrent leads to the third issue -- the relation between the modes of human agent and practices they belong to. Still drawing on Habermasian analysis, we can say that they constitute two-directional anchoring and mutual support. Hegel's ethics is therefore an "institutional ethics" in that "[o]ur duties arise from the concrete situations in which we happen to find ourselves." (Smith, 1992: 280) Duties and inclinations, "ought" and "is," disjoined in Kant's moral theory, can therefore be unified into a totality (*ibid.*: 295).

The concurrent developments of modern institutions and ethical characters that are mutually supporting should not be understood to mean that state ought to regulate public issues according to a dominant hypergood. Just as his idea of the development of practices is concentric institutionalization of plural practices, the

process of self-development aims at cultivating plurality of ethical characters that are adequate to specific practices.

Reviewing Table 1, we can find three major stages of self-development that constitute three main parts of the *Philosophy of Right* -- legal person, moral subject, and ethical characters in *Sittlichkeit*. Individual consciousness is "developed" in this educational process because in the first two stages it is only related to itself. As a bearer of legal rights and moral actions, it is subject-centered mode of existence. In the *Sittlichkeit*, in contrast, individuals move from subject-centered egoism and become intersubjective towards each other through the mediation of the practices they dwell. Individuals belong to the larger human associations; they do not have ethical characters independent from the roles they perform in these associations (cf. Sandel, 1982: 178). Hegel declares that individuals are to ethical life just as the instances (or accidents) are to substance (PR, §145). In this ontological analogy, individuals are particular manifestations of substantive ethical order to which they belong; the substance determines the characteristics of particular instances. This idea will make Hegel sound like a radical communitarian until we notice what are these ethical orders. They include family, economic society, social classes (estates), professional corporations, and the universal state itself. What distinguishes Hegel from the nostalgia of radical communitarians is that he understands that the constitutive attachment can be formed in various sociopolitical institutions, including the specifically modern practices such as civil society and the universal state.

5. Conclusion

Through a reconstruction of Hegel's theory of modern *Sittlichkeit*, I have attempted to vindicate the claim that Hegel's ethical liberalism is a comprehensive liberal doctrine of well-being, which can broaden the theoretical frontier and consolidate the philosophic foundation of liberalism. The starting point for Hegel's ethical liberalism is the modern concept of personality and the need to actualize its freedom through rational arrangements of sociopolitical practices. A political community based on ethical liberalism is the one that embraces the idea of concentric institutionalization. All the practices and institutions should contribute to concretize and expand the possibility of the self-development of the human agent.

Civil society is the social sphere in which human interactions based on private perspectives occur. In civil society, the economic needs, external welfare, the need of recognition, and the demand to constitute self-identity are satisfied through social interactions and integrative institutions. Human individuality and difference have infinite possibilities to be developed in the most diverse way, either by individuals themselves or through the mediation of social groups. Social activities in civil society are therefore originated from the essential longing for subjective freedom in modernity.

The rational state, in contrast, embodies the universal aspect of the modern *Sittlichkeit*. There are three aspects of the universality of the state. First, the state is a reflective-constitutive community where patriotism performs the ethical cohesion indispensable for the prosperity of common life (Shaw, 1994). Second, the state is a public space where citizens in civic engagements may transcend their self-centered perspectives (Shaw, 1993, Chap. 4). Last but not the least, the state is a public

organization centered around on modern bureaucracy and judiciary that are the pillars of the constitutional norms (Shaw, 1992). Hegel thus summarizes the theoretical underpinning of his ethical liberalism:

The right of individuals to their subjective determination to freedom is fulfilled in so far as they belong to ethical actuality; for their certainty of their own freedom has its truth in such objectivity, and it is in the ethical realm that they actually possess their own essence and their inner universality (PR, §153; emphases original).

Hegel's political theory is consequently ethical liberalism that emphasizes institutionalization and the self-development of human agent. The modern persons undergo the educational process through the concentrically articulated practices -- from the most general commandment of right "be a person and respect others as persons," (PR, §36) to the self-conscious moral actions of the subject (PR, §113), and ultimately to the ethical characters of virtue (PR, §150), dignity (PR, §152), and self-esteem (*Selbstgefühl*; PR, §147) by abiding in the modern *Sittlichkeit*.

I argued that Hegel's practical philosophy is his effort to overcome the dichotomies of modernity. We can see that Hegel's ethical liberalism has indeed achieved his objectives. His theory of self-development as a process of constituting ethical characters is his rejoinder to Kantian type of continual -- for Hegel endless and monologizing -- process of suppressing empirical inclinations by the unconditional will. Hegel's theory of concentric institutionalization is his effort to show that the ancient type of an unmediated union between individuals and political community is not sufficient for overcoming the malaise of modernity. The plurality of the forms of modern life, when articulated in a concentric way with the rational

state as the foundation, can realize more goods and cultivate the multiple identities of individuals to achieve Hegel's depiction of the ideal of modernity -- concrete freedom.

Note

- 1 Hegel, 1991a. Cited as PR in this paper.
- 2 The term "practice" is adopted from MacIntyre (1984: 187) who relates practice with the realization of internal goods. However, Hegel would not accept MacIntyre's contention that institution aims only at external goods (*ibid.*: 194). For Hegel, the laws and institutions are expressions of actual free will. There must be some rationality or internal goods in these institutions. I therefore use the term practice and institution interchangeably, with the slight difference that institutions are "institutionalized practices" established legally or politically. I shall discuss the idea of "institutionalization" later in this paper. This involves more than quibbles on definition. MacIntyre regards the liberal polity as a mere institution (in his definition), whereas in this article I attempt to show how a polity based on ethical liberalism can actualize internal goods, even more than communities and traditions cherished by MacIntyre.
- 3 See Shaw 1994 for elaboration of the contemporary relevance of Hegel's theory of reflective patriotism.
- 4 See Taylor. "Cross-Purposes: The Liberal-Communitarian Debate," in Rosenblum ed. 1989: 159-182, esp. p.175
- 5 See Walzer, "The Civil Society Argument," in Mouffe ed. 1992: 89-107, esp. p. 105.
- 6 For detailed discussions, see Habermas, 1974; Ritter, 1982: 118-23 and Smith, 1989: 17-19.
- 7 Many Kantians concede the insufficiency of Kant's thought in this respect. See, for instance, Riley, 1982: 16. Some of them (e.g., Larmore, 1987: 85-89) try to improve this passive view.

- 8 Important cases include early Rawls, Habermas' discourse ethic, and Larmore's *modus vivendi* political liberalism.
- 9 Hegel remarks that, "Reflection, the formal universality and unity of self-consciousness, is the will's abstract certainty (*Gewißheit*) of its freedom, but it is not yet the truth (*Wahrheit*) of this freedom, because it does not yet have itself as its content and end, so that the subjective side still something other than the objective; the content of this self-determination therefore remains purely and simply finite." (PR, §15, Rem., emphases original).
- 10 Löwith (1964: 235) points out that, "Rousseau's writings contain the first and clearest statement of the human problem of bourgeois society. It consists in the fact that man, in bourgeois society, is not a unified whole. On the one hand, he is a private individual, and on the other, a citizen of the state, for bourgeois society has a problematic relationship to the state." Cf. Smith, 1989: 43, 92-93.
- 11 Hegel, 1973-74, 2: 565. On Greek concept of *ethos*, see Aristotle, *Nicomachean Ethics*, 1103a.
- 12 Since ethical order is beyond individual caprice, it does not belong to the category of artifact. This view is directed against social contract theories which ground the political community on the will of individuals.
- 13 Cf. Riedel 1984: 22-30 for a detailed discussion. On this issue Ilting is incorrect to suggest that, "The idea of ethical life, the subject of the third part of Hegel's theory of the modern state, is nothing else but the idea of good which lies at the basis of Plato's theory of the political community." (Ilting, "The Structure of Hegel's 'Philosophy of Right'," in Pelczynski ed. 1971: 100; my own emphasis) Ilting concludes that, "Hegel's idea of *Sittlichkeit*, then, is a pattern of thought borrowed from ancient political philosophy. Its content, too, is derived from the model of the ancient city-state. This is most easily proved from his early writings." (*ibid.*: 100-01; my own emphasis) Ilting's view is untenable since in his mature works Hegel emphatically expresses his intention to incorporate modern freedom into his theory of the *Sittlichkeit* (PR, §154, §270). Moreover, Hegel criticizes Plato's *Republic* as having only the substantive element of ethical life in both the *Philosophy of Right* (PR, §185 Rem., §262 Rem.) and the *Lectures on the History of Philosophy* (Hegel, 1968, 2:

- 98-99; 1970-71, 19: 120-21). Ilting's view is justifiable only in one situation: despite Hegel's intention to integrate subjective freedom and ethical life, he ultimately fails. This is indeed Ilting's conclusion (*op. cit.*, p.109). I cannot concur with either the view that Hegel's thought is nothing but ancient or the charge of failure. This paper is my effort to defend the modernity of Hegel's political theory and his overall success.
- 14 Cf. Wood 1990: 8-19, 27, 213-14 for the idea of "self-image" used here.
- 15 Nisbet translates "*Burgher*" as "citizen." In the present context it refers to the idea of "citizen" in its original sense -- the free people who dwell in the city. Cf. Weber 1978, 2: 1236-49 for a discussion of city dwellers. Because currently citizens are commonly referred to members of the state, I translate "*Burgher*" as "burgher" as Knox did to avoid unnecessary confusion. For a detailed treatment of Hegel's elusive phrase "*der Burgher als bourgeois*," see Schmidt, 1981.
- 16 Ilting, "The Dialectic of Civil Society," in Pelczynski ed. 1984: 212.
- 17 The following discussion owes much to Allen Wood's excellent discussion of Hegel's idea of "self-actualization." (Wood, 1990: 17-35, esp. p.31) However, I use the term "development" to avoid the metaphysical implication.

References

Dworkin, Ronald

- 1989 "Liberal Community," *California Law Review* 77: 479-504.
- 1990 "Foundations of Liberal Equality," *The Tanner Lectures on Human Values* 11: 1-119. Salt Lake City: University of Utah Press.

Habermas, Jürgen

- 1974 "On Social Identity," *Telos* 19 (Spring): 91-103.
- 1984-89 *The Theory of Communicative Action*, 2 Vols. Boston: Beacon.

Hegel, G. W. F.

- 1968 *Hegel's Lectures on the History of Philosophy*, 3 Vols. Trans. by E. S. Haldane and F. H. Simon. New York: Humanities.
- 1970-71 *Werke in Zwanzig Bänden*, 20 Vols. Frankfurt: Suhrkamp.

- 1973-74 *Vorlesungen über Rechtsphilosophie 1818-1831*, 4 Vols. ed. by Karl-Heinz Ilting. Stuttgart-Bad Cannstatt: Frommann-Holzboog.
- 1977 *Phenomenology of Spirit*. Trans. by A. V. Miller. Oxford: Oxford University Press.
- 1979 *System of Ethical Life and First Philosophy of Spirit*. Trans. by Harris & Knox. New York: SUNY.
- 1991a *Elements of the Philosophy of Right*. ed. by Allen Wood, Trans. by H. B. Nisbet. Cambridge: Cambridge University Press.
- 1991b *The Encyclopedia Logic*. Trans. by T. F. Geraetes *et al.* Indianapolis: Hackett.
- Kant, Immanuel
- 1980 *Groundwork of the Metaphysics of Morals*. Trans. by H. G. Paton. New York: Harper.
- Larmore, Charles
- 1987 *Patterns of Moral Complexity*. New York: Columbia University Press.
- Löwith, Karl
- 1964 *From Hegel to Nietzsche*. New York: Holt, Rinehart and Wilson.
- MacIntyre, Alasdair
- 1984 *After Virtue*. Notre Dame: University of Notre Dame Press.
- Mouffe, Chantal (ed.)
- 1992 *Dimensions of Radical Democracy*. London: Verso.
- Mulhall, Stephen, and Adam Swift
- 1992 *Liberals and Communitarians*. Oxford: Basil Blackwell.
- Pelczynski, Z. A. (ed.)
- 1971 *Hegel's Political Philosophy: Problems and Perspectives*. Cambridge: Cambridge University Press.
- 1984 *The State and Civil Society: Studies in Hegel's Political Philosophy*. Cambridge: Cambridge University Press.
- Rawls, John
- 1971 *A Theory of Justice*. Cambridge, Mass.: Harvard University Press.
- 1993 *Political Liberalism*. New York: Columbia University Press.

Riedel, Manfred

1984 *Between Tradition and Revolution*. Cambridge: Cambridge University Press.

Riley, Patrick

1982 *Will and Political Legitimacy*. Cambridge, Mass.: Harvard University Press.

Ritter, Joachim

1982 *Hegel and the French Revolution*. Cambridge, Mass.: MIT.

1983 "On the Foundation of Practical Philosophy in Aristotle," in D. E. Christensen *et al.* (eds.), *Contemporary German Philosophy 2*: 39-58. University Park: Pennsylvania State University Press.

Rorty, Richard

1983 "Postmodernist Bourgeois Liberalism," *The Journal of Philosophy* 80: 583-89.

1988 "The Priority of Democracy to Philosophy," in Merrill D. Peterson and Robert C. Vaughan (eds.), *The Virginia Statute for Religious Freedom: Its Evolution and Consequences in American History*. Cambridge: Cambridge University Press.

1989 *Contingency, Irony, and Solidarity*. Cambridge: Cambridge University Press.

Rosenblum, Nancy L. (ed.)

1989 *Liberalism and the Moral Life*. Cambridge: Harvard University Press.

Rousseau, Jean-Jacques

1978 *Of the Social Contract*. Trans. by R. W. Crosby. Brunswick: King's Court.

Sandel, Michael

1982 *Liberalism and the Limit of Justice*. Cambridge: Cambridge University Press.

1984 "The Procedural Republic and the Unencumbered Self," *Political Theory* 12 (1): 81-96.

1989 "Moral Argument and Liberal Tolerance: Abortion and Homosexuality," *California Law Review* 77: 521-38.

Schmidt, James

1981 "A *Paideia* for the 'Burger als Bourgeois': The Concept of 'Civil Society' in Hegel's Political Thought," *History of Political Thought* 2 (3): 469-93.

Shaw, Carl K. Y.

- 1992 "Hegel's Theory of Bureaucracy," *American Political Science Review* 86 (2): 381-389.
- 1993 "Hegel's Ethical Liberalism: An Interpretation of the *Philosophy of Right*," Unpublished Ph. D. Dissertation, Department of Political Science, Yale University.
- 1994 "Hegel's Idea of Reflective-Constitutive Democracy," Paper Presented at the Panel of "Three Theories Confronting Democracy," 90th Annual Meeting of the American Political Science Association.

Smith, Steven B.

- 1989 *Hegel's Critique of Liberalism: Rights in Context*. Chicago: University of Chicago Press.
- 1992 "Defending Hegel from Kant," in H. L. Williams (ed.), *Essays on Kant's Political Philosophy*. Chicago: University of Chicago Press.

Taylor, Charles

- 1994 "Politics of Recognition," in Amy Gutmann (ed.), *Multiculturalism: Examining the Politics of Recognition*. Princeton: Princeton University Press.

Walzer, Michael

- 1989-90 "A Critique of Philosophic Conversation," *The Philosophical Forum* XXI (1-2): 182-96.

Weber, Max

- 1978 *Economy and Society*, 2 Vols. eds. by Guenther Roth and Claus Wittich. Berkeley: University of California Press.

Wood, Allen W.

- 1990 *Hegel's Ethical Thought*. Cambridge: Cambridge University Press.

黑格爾倫理性自由主義之重構

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摘要

在當代自由主義與社群主義的論爭之中，黑格爾往往被視為社群主義的根源之一。本文嘗試將黑格爾的政治理論作一更適當之定位，提出以「倫理性自由主義」作為詮釋的基本概念。黑格爾的政治哲學乃基於其對現代生活之異化現象（例如分裂的自我以及公民與私人身份之割離）的批判，從而嘗試結合自由與倫理整合以資克服。這種思考方式以倫理性自由主義加以理解為最恰當，因為它試圖將政治原則落實到國家政制以及公民文化之中。本文並詳細說明「法哲學原理」乃由兩個基本原則所構成：自我發展以及漸進式的制度化過程。這兩個原則分別代表黑格爾的倫理性自由主義對主觀意識與客觀制度之具體理論。此二原則也必須同時俱成方能構成現代情境中整體性之政治理想。

關鍵詞：自由主義；社群主義；黑格爾。

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