

## HEGEL'S CRITIQUE OF KANTIAN MORALITY

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**I**F the great contrast in contemporary meta-ethics is between utilitarian and deontological conceptions of how the theory of morality should be formulated, the major figures in the history of ethics will be Kant and Mill. However, having died in 1804, two years before Mill was born, Kant himself could not have perceived his theory in the light of this contrast. Of course, he did stress the opposition between his conception of morality as based on duty for duty's sake and a teleological conception of morality according to which the purpose of moral action is to maximize human happiness. Today we typically describe this contrast as that between teleological theory where the morally right is specified through an antecedent conception of the good, and deontological theory where the right is not defined in terms of the good.

While this schematic characterization is consistent with Kant's own attempt to distinguish his conception of morality as duty-based from "heteronomous," happiness-based conceptions, it does not capture other motivations behind his moral theory. For one thing, thinking of a deontological theory as that which defines the right independently of the good can be misleading. As John Rawls has pointed out, we might infer that a deontological theory entirely disregards the consequences of action, which would be crazy.<sup>1</sup> Although Kant does think that the moral worth of an action is determined by the agent's intention, he is concerned with the intentions of real actions with determinate consequences, not simply with empty intentions that are never put to the test in action.

For another thing, our present-day understanding of what makes an ethical theory deontological can also cause us to distort the historical context influencing Kant's understanding of what is to be included in a complete account of morality. Deontological theories may not start with a theory of the good, but that does not mean Kant should have completely ignored the relation of morality and the good. Kant scholars in the past have maintained that Kant need not have added arguments that the pursuit of the moral life entails the supposition of the highest good, and that these arguments endangered his effort to separate the moral concern for the right from the prudential hope for reward.<sup>2</sup> Kant, however, recognizes that a theory of the right ignoring the good could lead to the formulation of eccentric principles, or could not rule out a conception of moral worth and the moral life which would be fanatical.

Furthermore, Kant's own understanding of the major alternatives to his view is different from ours, given our tendency to contrast him with Mill. Again it is John Rawls who reminds us that Kant was arguing not only against teleological theory, but also against a rival form of deontological theory which Rawls calls rational intuitionism. This tradition runs from Plato eventually to Moore and Ross, although Kant knew it in the guise of Leibniz' and Wolff's perfectionism. The theories contrast with Kant's "constructivism": "The distinctive feature, then, of intuitionistic views is not their being teleological or deontological, but the especially prominent place that they give to the appeal to our intuitive capacities unguided by constructive and recognizably ethical criteria."<sup>3</sup> Both Mill's principle of utility and Kant's construction of the categorical imperative are intended to provide reflective procedures that substitute for intuition. Rational intuitionism is still "heteronomous" for Kantians, although in a less obvious sense than happiness-based theories are. It accepts the distinction between the natural order and the moral order, and it recognizes that moral concepts are non-natural and cannot be intuited through the sensory media. But it maintains that the moral principles reflect an independently given moral order that is grasped through a different intuition, one that is purely rational. Kant's notion of autonomy would make the postulation of a prior, independent (and therefore heteronomous) moral order unnecessary. His theory shows instead how moral principles are obtained not through intuition but through thought alone, that is, through the formal procedures of reason.

Too much stress on these formal procedures, however, has also distorted our perception of Kant's full theory of morality. In addition to the most general formulation of the categorical imperative, Kant offers four other versions, without explaining exactly how these are derived from the original formula or how they are conceptually connected with one another. Since Kant himself does more to illustrate and explicate the first two principles (the law of nature and the end-in-itself formulations) than the autonomy and kingdom of ends principles, commentators have worked through these in greater detail, even though the latter two probably have greater appeal.

These formulations can be characterized roughly as follows. The categorical imperative is not a specific moral command, but a general formula to which any specifically moral command would have to conform. "Act only on that maxim through which you can at the same time will that it should become a universal law"<sup>4</sup> is admittedly formal, since it does not give me enough content to tell me exactly what I must do in a particular case. The first step in employing this principle is thus that I find out what is meant by "universal law," and I do this by following a procedure for seeing whether the rule I want to follow in a particular action could be a "universal law of nature." To follow the procedure, I ask whether the personal principle or maxim on which I am about to act in a particular case could be generalized so that anybody could act on it

in comparable circumstances. I try to see what would happen if the principle were a law of human nature, such that everybody could always be expected to act on the principle. If I could not coherently *conceive* of everybody acting consistently on this principle, or could not really want (or "will") what would result, I then conclude that the principle is not one I could include in the set of rationally acceptable reasons on which everyone could act consistently. While this test might not provide sufficient reason for thinking that I had thereby identified moral as distinct from other kinds of principles, it would at least establish *prima facie* a necessary condition that any moral principle would have to satisfy. On this conception of morality moral principles are valid universally; that is, if I find that a type of action is right or wrong for me, I must also believe it to be right or wrong for anyone.

While the first, or "law of nature," formula thus readily "derives" in a certain sense from the most general statement of the categorical imperative, the next formula depends on the apparently unrelated supposition that every rational being has an absolute value in itself, and ought not be treated simply as a means to my own ends, but as an end in itself. However, if I value myself because I can apply the universalization test and conform to the categorical imperative, but recognize when I perform the procedure that the implication is that any other person could and should also perform it, then I should value in them what I value in myself, namely, the capacity for self-determination. There is thus a natural connection after all between the first and second formulations. In turn, this capacity leads me to think of both myself and others as autonomous. This thought becomes the third formulation, whereby "the will of every rational being" is acknowledged as a will that "makes universal law" (p. 98). The fourth, or kingdom of ends, formula then posits a systematic union of these autonomous agents under common principles. These principles are laws because they apply to all, but also because the laws are the same principles each rational being could agree to legislate to itself and thus to generalize to others.

This last formulation sums up the others and adds the attractive ideal of a moral community produced by unanimous, uncoerced agreement to the principles regulating permissible action. Autonomy and agreement to respect it are central moral and social ideals. If they are only ideals, however, and can never be realized in moral practice, they become abstract, and their appeal becomes thin. This abstractness is precisely what worries Hegel, who is the most notable early critic of Kant in that he recognizes the attraction of the Kantian notions but thinks they are inadequate without a fuller, more concrete social-historical philosophy. Hegel's worries are shared by later critics who have fears in turn about Hegel's own solutions. To show both why Hegel's response to Kant is justified, but why Kant's moral philosophy remains vital, I will continue my discussion of Kant's ethics by considering how it looks when viewed through Hegel's eyes. In this way I will be reconstructing an important

but frequently ignored chapter in the history of ethics while showing its pertinence to present-day ethical theory.

### I. HEGEL'S SOCIAL ETHICS

Commentators disagree markedly about what Hegel's criticisms of Kant tell us about Hegel's own conception of ethics. Hegel attacks Kantian morality in many of his writings, but instead of then stating a different moral theory, he goes on to discussion of some other topic, for instance, religion or the state. Herbert Marcuse concludes from this tendency to change the topic that Hegel does not have a systematic ethics, but T. M. Knox infers the contrary, namely, that Hegel's ethics is surreptitiously Kantian.<sup>5</sup> W. H. Walsh thinks that the logical consequence of Hegel's position is "the dissolution of ethics in sociology" (p. 55), and that his position appears unsatisfying because it "leaves no room for personal morality of any kind" (p. 18).<sup>6</sup> Alan Donagan expresses this dissatisfaction by inverting Hegel's argument that Kantian *Moralität*, which allows the private individual to appeal beyond social mores to universal moral standards, is empty, and that concrete values come instead from *Sittlichkeit*, the social order. Citing a case in Nazi Austria, Donagan argues that what is empty is *Sittlichkeit*, not *Moralität*, since individuals need to be able to dissent in times when the society is manifestly evil.<sup>7</sup> To charges that Hegel's theory is socially relative in dangerous ways, Viggo Rossvaer responds in turn that Hegel's notion of *Sittlichkeit* is a "legitimate extension" of Kant's theory, one that recognizes that social institutions are themselves designed to make the moral oughts become what actually is the case.<sup>8</sup>

So if thinking of morality as a purely private matter of the individual's conscience seems too abstract, the Hegelian criticisms should show that moral reflections are vacuous unless they take account of the social world in which they will be realized as concrete actions. From the Hegelian's perspective on morality as seen from the more inclusive context of *Sittlichkeit*, social action that is also moral will not need to be analyzed in terms of Kant's metaphysical dualisms between reason and inclination, intentions and consequences, or the sensible and the intelligible realms. Whereas Kant thinks moral theory leads directly to religious and metaphysical postulates, Hegel deliberately leads it in another direction. He can be understood historically as going beyond Kant's effort to secularize moral philosophy. Kant begins this process by grounding moral philosophy in reason alone, not in religion. Religious postulates may follow from moral beliefs, says Kant, but morality is not derived from religious premisses. In going from private moral conscience not to religious beliefs but to social, political, and historical considerations (which could include religion seen as a social institution), Hegel extends the process of secularizing moral philosophy.<sup>9</sup> Marcuse and Knox could thus both be right, since Hegel's goal is not to replace Kant's moral philosophy with another, competing moral philosophy, but to accept it,



while recognizing its limitations, as a special case of a larger theory of social action. In the Hegelian jargon, from a standpoint recognizing *Sittlichkeit*, *Moralität* is thus *aufgehoben*, that is, Kant's formal procedures will be both "negated" (criticized for their limitations) and "preserved" (embedded in a more inclusive philosophy).

Given this sketch of Hegel's intentions, I will now turn to his criticisms. The most well-known objections to Kantian ethics are those in the *Philosophy of Right* (1821) and the *Phenomenology of Spirit* (1807). A complete summary is found in the entry on Kant in the *Lectures on the History of Philosophy*, and somewhat sketchier is the comparable piece in the smaller, "Encyclopedia" *Logic* (1817). Despite the various purposes of these different works, the line he takes against Kant is remarkably consistent. He formulates his line early, as we can see from his notebooks of 1798. Other than unpublished work, a good indication of his earlier polemics are the essays he wrote while under Schelling's influence, particularly the "Natural Law" essay of 1802-03.<sup>10</sup> There Hegel begins his discussion of Kant by lauding the great accomplishment of Kant in placing the Absolute wholly within practical philosophy. What is striking about this claim is that while this project of giving priority to practical reason was a principal task of post-Kantian philosophy, for many of us today the project is mainly of historical interest. Ethics is simply one division of philosophy, and epistemology another. Clearly neither Hegel nor Kant would understand the present lack of interest in their connection.

Although Kant was right in Hegel's eyes to give the priority to practical reason, Hegel believes Kant did so only abstractly, not concretely. What, however, does he mean by "abstract" and "concrete"? Hegel certainly cannot mean that Kant speaks too much about the sheerly formal categorical imperative and not enough about real moral issues or the application of moral rules to concrete situations. Hegel knows Kant's later *Tugendlehre* as well as the *Grundlegung*, and more significantly, Hegel spends less time than Kant in talking about how abstract moral rules are to be applied in concrete situations. The terms abstract and concrete are not coterminous with form and content, but have more to do with overcoming dualism, and with explaining what Kant thought we could not, namely, how the dualistic oppositions are really related. To think abstractly, as the faculty of understanding (or *Verstand*) does, means to make artificial distinctions and to consider multiple elements not in their unity (as reason or *Vernunft* does, concretely) but in their diversity.

The examples in the "Natural Law" essay are intended to bring out what Hegel calls the "formalism" of the Kantian position. The term is misleading because it suggests that the form-content and not the abstract-concrete distinction is at stake. Hegel includes in his critique of formalism a critique of social contract theory. This critique could extend to more recent contractarian theories, especially those where the contract is counterfactual, since the point is that a contract to which no one has agreed is not really a contract at all, and not binding. A theory hypothesizing a

state of nature and a social contract proceeds by abstracting from human interaction whatever seems to be possible only in a state of law. Then it takes what is left (for instance, sympathy, antipathy, or indifference) and postulates this as human nature. Hegel thinks this operation is simply a way of presupposing the desired outcome. Abstraction breaks persons into atomic entities with atomic qualities, and loses their concrete unity. Or at most this unity is given an empty label, which simply says we do not know what else to say. As Hegel says, social contract theory has to call this unity by "the empty name of a formless and external harmony called 'society' and 'state'" (p. 65). Hegel repeats this criticism in the *Phenomenology* where he attacks the Roman conception of the state for thinking of the state as simply an aggregate of individuals, all of whom are essentially alike, without differentiation.<sup>11</sup> An abstract conception of society will yield only an abstract conception of its members. Seeing ourselves from such an external, objective view alienates us from the desires and interests that most motivate us, and even from the non-egoistic, communal projects that transcend individual self-interest.

The thrust of Hegel's remarks in both texts is that the Kantian kingdom of ends is not a useful model for understanding the construction of social norms. A society is a complex unity of diverse elements, not a logical class or an aggregate of individuals sharing a single essence or aim.<sup>12</sup> Hegel is opposed to Kant's "cosmopolitan" ideal of a universal history in which social and cultural differences are gradually dissolved as we try to produce a society in which everyone is like everyone else. Kant had in mind, of course, that people would be like one another only in their rights and obligations. Citing Montesquieu, Hegel in the "Natural Law" essay prefers an account that will identify the specific characters of different peoples and recognize differences between different times and places even as it attempts to find the historical unity of these various configurations. Hegel makes these points again in the later philosophies of right and of history, but even here he is clearly opposed to Kant's cosmopolitan, universal history and to Schelling's Kantian interest in a League of Nations, or social union of social unions. For Hegel the Kantian theory of persons expects too much of philosophy, which can only try to understand the individuality of past cultures without projecting the necessary outcome of the future. In a passage that anticipates the famous "owl of Minerva" image in the preface to the *Philosophy of Right*, Hegel says,

We must look for a time in which the specific feature, fixed in law but now dead, was a living *ethos* and in harmony with the rest of the laws. But beyond precisely this aim to know, the effect of a purely historical explanation of laws and institutions cannot go. It would exceed its function and truth if it were used to justify, for the present time, the law which had truth only in a life that is past.<sup>13</sup>

Philosophy can try to discern the best features of the past or the present, but it should not project an ideal world as the measure and goal for the present. On a note also sounded in the later *Philosophy of Right*, Hegel

concludes the "Natural Law" essay with an attack on the separation of the real and the ideal societies. Philosophy cannot glimpse the absolute shape of spirit, he says, "by escaping into the shapelessness of cosmopolitanism, still less into the void of the Rights of Man, or the like void of a league of nations or a world republic. These are abstractions and formalisms filled with exactly the opposite of ethical vitality" (pp. 132-33).

## II. THE EMPTINESS OF THE MOST GENERAL MORAL PRINCIPLE

Another way Hegel expresses his dissatisfaction with Kant's formulations of moral laws is to argue that the laws are only analytic and tautological. Kant, of course, would have been stung by this charge since his aim was to explain the possibility of synthetic, not analytic, *a priori* judgments. Hegel's charge would also apply against Fichte, whose program is deduce everything from the formula  $I=I$ . Hegel's general point is that Kant makes a mistake in trying to derive all the details of a moral philosophy from a single abstract principle, the categorical imperative. Such a principle may explain everything, and therefore nothing, since it would be so general that it could not prevent conflicts arising either between passions and duties, or between different duties, or between different moralities. In the *Phenomenology*, for example, he takes Sophocles' *Antigone* as a paradigm of a conflict between two equally compelling moral frameworks, the public duties to the polis (human law) and the private duties to the family (divine law). Antigone's duty is both to bury her brother and not to bury her brother, and she cannot do her duty without violating her duty.

Hegel's analysis of Antigone's plight could be disputed, but his worry is genuine. He believes that Kant is too sanguine about the prospect of eliminating conflicts of duties through the construction of a complete moral theory based on a single principle. Kant's expectations of what moral theory could accomplish are too inflated as a result of his equally overconfident meta-philosophical beliefs about what philosophy as such can accomplish. While Hegel's "absolute idealism" seems to expect much more of human reason than Kant's "transcendental idealism," which sets rigid limits on the use of reason, Hegel's conception of philosophy is less absolutist and foundational than Kant's. Rather than basing philosophy on a single principle, or on the secure foundation of the transcendental deduction of the objective validity of the subjective categories, Hegel thinks there is no single privileged starting point for philosophy, and the best we can try to do (but will probably never finish) is to show how all our concepts and principles are tied to all our other concepts and principles. If there is a single Idea or absolute, it is only the philosophical *hypothesis* that all our rational principles are somehow connected, and we can find out how.

The antecedent for this criticism of Kant's moral philosophy is a point

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application of the categorical imperative which that it is too formal to be applied, and these charges are not self-contradictory simply the former if any behavior could interpretation of the situation. So to as opposed to another, one could change on and universalize a feature from the mentions a case where a person does something one's duty to oneself, but to other rifice or wrongdoing.<sup>18</sup> Other cases are describing an action not as "stealing food" the only means possible" to show the aim to moral justification. Sartre provides "essentialism is a Humanism." Each of two treat some people as ends, but others as means would violate the injunction not to

Hegel's own example makes change of description accuse Hegel of being cynical or hypocritical precisely that the *Kantian* position cannot be reasoning into cynicism or hypocrisy. His change of description were simply a matter of general claim is that what the situation is

like or how it is perceived depends on a particular description, and there is no general procedure for arbitrating between conflicts of interpretive descriptions. If I see the situation one way, and you see it another, the most we can do is try to get each other to see it the other way. But there is no reason to think conflicting perceptions of what is morally salient can always be resolved into a single, correct description.

I think that Hegel is most concerned with the Kantian's inference from the claim that there are procedures for establishing the principles of conduct to the conclusion that conduct will therefore be regular and harmonious. Hegel is worried by our hermeneutical capacity to change the situation by changing its interpretation, and he thinks that the abstractness of the Kantian program makes hermeneutical re-interpretation all too easy. In the essay on natural law he suggests, for instance, that the Kantian moralist slides toward a casuistry he typically attributes also to the Jesuits and the Eudaemonists, whose "perversion and trickery" is generated by turning "anything specific into a duty" (p. 79). He thinks that in practice they all generalize the matter rather than the form of the moral judgment, for example, by making property itself an absolute duty.<sup>19</sup> "But when a specific and individual thing is elevated to something inherently [necessary]," he says, "absurdity and, in the moral sphere, immorality are posited" (p. 78). Later, in the section on Kantian *Moralität* in the *Phenomenology* (Chapter VI, Section C), he will dramatize the dissemblance of this logical absurdity to show that in practice it leads to hypocrisy, or to what Kant himself calls in the *Lectures of Philosophical Theology* an *absurdum practicum*.<sup>20</sup>

Hegel's own approach is to make hermeneutical variability more difficult (although not impossible) by spelling out in addition to the moral theory a social and historical theory. Of course, by writing a different "philosophy of right" another theorist could still change the interpretation of what is required in a particular situation, but that task is much less easily done. In sum, Hegel cannot accept the Kantian insistence on the primacy and autonomy of personal morality *vis-a-vis* all other practical (social, political, and historical) considerations.

#### IV. KANTIAN REBUTTALS

Has Hegel missed the point of Kant's procedural tests of moral maxims? Two lines of response must be considered. One is that Hegel misunderstands the Kantian requirement that moral maxims be generalized. Another is that Hegel underestimates the constructivist emphasis on procedures for establishing principles, so that even if his objections to Kant were valid, they are too specific to undercut the more general Kantian point that generalizable principles will not promulgate doctrine but establish procedures. The broader appeal of the Kantian conception of ethics is that it does not first insist on a particular content, but instead suggests that agents will act to achieve certain ends only if the ends are determined by



fair procedures. The second point may well be valid, although to press it against Hegel would be anachronistic since it involves a present-day interpretation of the Kantian program which Hegel could not have anticipated in detail. The first point, however, bears close attention.

A good illustration of the first line of response, which I will discuss in detail in this section, is in Marcus Singer's *Generalization in Ethics*. Accusing Hegel's objection of being "almost incredibly simple-minded," Singer believes that it "entirely ignores the fact that the maxim of an action, which is what the categorical imperative is designed to test, is itself a 'determinate principle of conduct' and 'already possesses a content'" (p. 251). If what I have said so far is right, Hegel himself is claiming precisely that only the given maxims, and not the contradiction or end-in-itself tests, have content. So what Hegel wants to know is where this content comes from, and why. Hegel is urging that there is a more basic question, namely, why the given content and its implied conditions (for instance, a society with private property) is necessarily desirable.

Singer mentions two corollaries of Hegel's objections to Kant, but sells them short. One is the objection that since the categorical imperative is strictly formal, it can be applied only by presupposing the content of a determinate maxim. Thus, some might think that they can flout the practice of keeping promises even though they recognize that if everybody did so all the time, there could be no promises. The promise-flouter might assert simply that a society without promising was conceivable, and might be able to give reasons for preferring such a society. Singer underestimates the promise-flouter's potential for sophistry when Singer says, "By the very fact that one has made a promise . . . , one indicates that he regards the practice as a useful one, whether he now wishes to break a promise or not, and thus that he would regard the elimination of the practice as undesirable" (p. 293). This inference does not necessarily follow, however, since the anarchist promise-flouter could simply exploit the gullibility of bourgeois promise-keepers, perhaps with the intention of bringing about a society in which people were no longer involved in the kinds of exploitative relations that required promises. So although I think that to believe promise-making useful only in our society and not in the best one is seriously mistaken, I do not think the belief is *unintelligible*.

The second corollary has to do with whether the contradiction test would preclude apparently immoral or fanatical maxims. Singer expresses the Hegelian objection as if it said "any conduct can be universalized provided one does not care what happens" (p. 294). He then slightly misrepresents the point of the objection by arguing in reply that no one can really not care about anything at all since no one can be completely indifferent to outcomes of actions. Even if he were right, and indeed Hegel could well agree, the crux must lie elsewhere. Hearing the ambiguous idiom, "one does not care what happens," in the relevant way would not rule out a fanatic caring about and wanting to accomplish some outcome (for instance, the outcome where everybody, including himself, would

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what in Roman law is called *res nullius*. Kant thinks that this concept leads to the absurdity of property that is not property. His argument applies the contradiction-in-willing test, maintaining roughly that the will cannot place its own objects outside itself by decreeing that they cannot be used by itself or anybody. Hegel is using Kant's own strategy of argumentation to show that the same method could be used to prove that property is contradictory:

What I possess is a Thing, i.e., something which is for others in general and is only for *me* in a quite general, undefined way; that *I* possess it, contradicts its universal thinghood. Consequently, property is just as much an all-round contradiction as non-property . . . [p 259.]

Hegel does think that the absence of property would become problematic as soon as the question of need and distribution arose. He believes that an individual cannot settle for taking and using what is needed at the moment, but must think universally, where universally means at first, for the sake of one's own life. So one will want to provide for meeting one's basic needs whenever they arise, and one will therefore want to secure something permanently, by acquiring property. If one is an anarchist thief, one will not necessarily be self-contradictory. But given the potentially conflicting needs of others, one will have to explain how one plans to provide for one's own needs in a world without the guarantees provided by property.

The sections on legislating and testing laws in the *Phenomenology* make clear that Hegel is objecting not to the idea of moral rules *per se*, but to the thought that isolated rules can be constructed and tested by isolated individuals. Only when we consider what other features we would want in a society can we decide whether we would want property, and only then will we see whether we need moral injunctions against stealing. Hegel's lexical ordering of these reflections thus differs from Kant's, and leads to the larger issue of whether morality and legality can be kept strictly separate, as Kant wants. Hegel is opposed to Kant's metaphysical dualisms, and overcomes the separation of legality (or "abstract right") and *Moralität* through the more inclusive *Sittlichkeit* of the modern state. The abstraction or thinness that results from leaving out the common social aspirations of a moral community can be seen in the Kantian ideal of a perfect constitution attainable even by a nation of devils acting solely on narrow self-interest.

Hegel's scepticism about this ideal is probably justified by reflecting on the prisoner's dilemma. If each of two prisoners who are isolated from each other could be rationally expected to minimize the freedom of the other by accusing the other of an alleged crime, there is no reason to think that a self-interested devil would be forced to protect the freedoms of others so that its own freedoms would also be protected. A civil society insisting only on legality and rights rather than mutually recognizing shared obligations and objectives is for Hegel a degenerative form of

*Sittlichkeit*. His larger concerns receive support when one tries to explain why members of a country feel morally distressed or even morally strained by the actions of that country (for instance, in an unjust war), despite their individual inability to prevent the repugnant deeds.

Another example that illustrates Hegel's line and that does not depend on the arcane issue of *res nullius* occurs in both the *Natural Law* and the *Phenomenology*. The case concerns the apparent conflict between one's personal maxim to increase one's fortune and one's promise to return on demand money held in trust. Kant, of course, thinks the personal maxim could not be universalized without destroying the practice of entrusting financial deposits. Singer is right to amend Kant's formulation into the more restricted form, "everyone may keep a deposit of which no one can produce a proof," since the case as described by Kant would not destroy the institution of entrusting funds, but only the practice of entrusting funds without keeping a sanctioned receipt. Hegel is willing to grant that the contradiction of conception test would lead to an inability to entrust funds. The problem that then emerges is a deeper one, namely, whether entrusting funds is a desirable practice: "But where is the contradiction if there were not deposits? The non-existence of deposits would contradict other specific things, just as the possibility of deposits fits together with other necessary specific things and thereby will itself be necessary."<sup>22</sup> Hegel's own approach is to see how certain concepts and practices are necessary if other ones are, and to construct these interconnections into a complex description of the whole society. But he thinks that this approach is not open to Kant, because it invokes unrelated consequences and other material ends instead of settling the rightness or wrongness of a specific type of conduct across all possible social worlds.

While Hegel's point is well-taken, it raises a problem that his own overstatement heightens. When dealing with this example, especially in the *Phenomenology*, Hegel unfortunately gives the impression to some readers that the person entrusted with the funds can keep them cavalierly:

If I should keep for myself what is entrusted to me, then according to the principle I follow in testing laws, which is a tautology, I am not in the least guilty of contradiction; for then I no longer look upon it as the property of someone else: to hold on to something which I do not regard as belonging to someone else is perfectly consistent.<sup>23</sup>

But Hegel is aware that although consistent, the action would be morally wrong. So he is not condoning it, but instead suggesting that the Kantian who insists that the consistency test determines what is permissible would have to condone it. In present-day parlance, Hegel is showing how the theory and practice of Kantian morality deconstructs itself.

The further problem is, however, that Hegel himself does not go beyond deconstruction and identify better grounds for condemning the violation. To say that the social practices as a whole condemn it is at best problematic. What about a society of thieves? In their own terms are their own

violations of trust then moral, and the keeping of trust immoral? Can an evil group consider itself good, and other groups as less clever? That Hegel is not willing to relativize values to this extent is shown by the fact that his paradigm case of conflicts of moralities is ancient Greece, not hypothetical nations of devils or societies of thieves.

He wants to hold on to deontological commitment to the morally right just because it is right, not because of other extraneous factors. He thinks the Kantian tests, however, are not enough to block the possibility of fanatics who start from entirely different premisses. His main point is thus summed up clearly in the next sentence: "Alteration of the point of view [*Ansicht*] is not contradiction" (p. 262). The mistake of the Kantian procedures is to emphasize too much the standpoint of the individual practical reasoner. Hegel argues in contrast, "It is not, therefore, because I find something is not self-contradictory that it is right; on the contrary, it is right because it is what is right" (p. 262). He is trying to show that "all such thinking" as is involved in the Kantian universalization of abstract rules could upset a person's understanding of what the right thing to do in a particular situation would be. Too much abstraction from context, and too much abstract reflection, will lose or destroy the perception and understanding of the demands of moral obligation in concrete situations.

#### V. THE LIMITATIONS OF KANTIAN AUTONOMY

For Hegel Kant's reflective procedures imply the wrong phenomenology of moral experience. A more adequate phenomenological description of moral consciousness would have to start from the immediate claims moral obligations impose on us. Of course, we cannot go back to Antigone's Greece, or to a culture in which no reflective procedures are needed to ascertain one's obligations. Perhaps such a culture never really existed, and certainly our modern times lack this moral immediacy. The modern state is for Hegel the attempt of modern consciousness to regain the sense of social union in a mediated way, through its social institutions.

Reflecting on Antigone, then, leads Hegel to a different phenomenology of duty. From one perspective, Hegel thinks that Kant underestimates moral conflict. Antigone's case is modern enough in that it shows that genuine moral conflicts are unlikely to be avoided by the Kantian program of deriving all moral principles from the categorical imperative. Kant's *Doctrine of Virtue* could be thought of as representing duties in a hierarchy, or as lexically ordering duties, so that later duties are not legitimate claims if a more primary duty is invoked. Hegel thinks that because duties reflect our social roles, and because these roles are not only multiple but often at odds with one another, a real conflict of duties cannot be resolved without some morally undesirable consequences.

From another perspective Hegel thinks that Kant makes too much of moral conflict. Genuine clashes of duties occur, Hegel believes, only excep-

reduced to explicit rules or algorithms. I thought that a teacher could state principles, the practical wisdom that guides action is appropriate in specific situations. Autonomy as a set of metaphysical or counter-temporal rational being, but as a system in an existing ethical order.

and practices that cannot be fully articulated in a moral system, namely, the ideal of autonomy. Hegel's intention is not to jettison autonomy, but to show that "the pure unconditioned self-determination" is, he asserts, an original achievement.<sup>25</sup> He emphasizes the powers of individual reason in thinking and acting, and the ability to create the law using reason alone. Hegel is critical of the point in the *Phenomenology* (Chapter V, "The Actuality of Reason as 'law-giver' and 'law-tester.'") where he criticizes individualism, that is, to his assumption of autonomy based by a single rational agent, and that of an independent reality in and of itself. In contrast to Kant's reduction of morality to a strictly individualistic "I ought to do, as if my self-interest were my primary concern. Hegel is designed to show in contrast that the self-interest of the autonomous Kantian agent is actually a concern for the "We."<sup>26</sup>



To show the problem that would result from ignoring the difference in scope between "I" and "we," Hegel considers the obligation to defend one's country: "So the maxim of honorably defending one's country against its enemies, like an infinite number of other maxims, is self-cancelling as soon as it is thought as a principle of universal legislation; for when so universalized, for example, the specification of country, enemies, and defense is cancelled."<sup>27</sup> Kant's cosmopolitan world where there was no war would rule out this example, but Hegel's point is that there are maxims that are recognized as duties even though not every rational being could interpret the duty the same way. So if there is such a duty, it applies to me not as an ideal rational agent like everyone else, a "we" that is merely the "I" many times over. Instead, it applies to "us" as opposed to "them," that is, to me as a concrete historical person with an obligation to a particular country. Although Hegel does not explicate the example any further, the difficulties are easy to imagine. For instance, if I believe defending one's country is a duty, do I really want my enemies to defend their country? To avoid questions about unprovoked aggression, let's imagine two nations disputing the same territory. In this case one side does not really want the other side to defend that part of the country. So normally "defend your country" is something said by members of one nation to other members of the same nation, not to members of some other warring nation.

To challenge the autonomy of the isolated ego further, Hegel gives other illustrations of how the moral reflection appears to be pure and unconditional, when in reality it is conditioned by implicit background assumptions. He takes the maxim, "everyone ought to speak the truth," which seems like a fine ideal until we reflect on the tacit conditions that would also be invoked in considering how to apply it.<sup>28</sup> Of course, Hegel's example is not a direct counterexample to Kant, since one could think there is a moral injunction against lying, as Kant does argue, without thinking this injunction also entailed a moral command always to speak the truth. Some truths are best left unsaid.

Hegel's real point is, surely, that understanding an assertion involves more than simply taking the words in some narrow sense and disregarding the tacit limitations provided by the context about what is and is not meant. His example is similar to Wittgenstein's, where a parent instructs a sitter to teach the children a game and is startled on return to find they have been taught to gamble. The point is that a complex prior understanding of conditions is always required to understand an utterance. An explicit rule or belief is already nested in a background, and only against this background does the rule make sense. The point is more than that there are implicit assumptions about the meaning of the rule which could never be fully articulated, but without which the rule could never be understood. The implication for practical reason is that the concepts, beliefs, and rules are only part of what is involved in morality,

it.<sup>31</sup> Hegel's objection amounts to saying that, in order to help the poor, a single individual cannot do anything and for efficacious results only action by the state is possible. He is trying to show that the scope of the obligation is too general, for if the obligation is so general it would have little or no real effect, then the objection is serious. He is also objecting to moralistic actions as long as one tries to help the poor, it will not succeed.

As we saw once by Hegel. In every instance his theory is one-sided, stressing subjective moral principles. In early practical questions about the efficacy of moral actions like the "Natural Law" essay make Kantian morality seem explicitly unrealistic. He says that the poor would eliminate poverty, which is not a moral action in this respect, or everyone would have sufficient resources), and no one would have to count as objections against the Kantian moral struggle as the highest achievement. He would not have accepted the situation where the effort is unnecessary or impossible. Like the moralist prizes moral virtues such as pity, and anything else, and could not really want a world where no one is in need of pity, mercy, and charity.

One advantage that it gives the impression

that since a single person can do little to alleviate poverty, the person has no obligation to try, but should leave the problem of alleviating poverty up to the state. This would be a mistaken inference, however, since the proper conclusion could be that we have an obligation to help other individuals and an obligation to make sure the state does all that can be done to assure public welfare. The *Philosophy of Right* corrects this impression by recognizing that both private and state beneficence are needed, although the emphasis is still on what is required in the public sector (see paragraphs 242 and 245). Apart from Hegel's polemical uses of the example the significant feature to note, then, is the way his analysis leads from the moral directly to the social and political. On his view, to separate the moral and the social entirely is a mistake. While the freedom of conscience should be protected by society, morality is in turn a social institution itself. The autonomy of morality should not be interpreted, therefore, as implying that morality can ignore questions about its social efficacy.

## VI. ETHICS IN HISTORY

While Hegel's demand that the social basis of morality be recognized is well-taken, the Kantian will not be satisfied with the way the historical Hegel connects the moral to the social. Today we could point to John Rawls's theory of justice as one way the moral and the social could be connected. Although Rawls himself argues in "The Basic Structure as Subject" that his theory takes Hegel's critique of Kantian morality into account, the Hegelian will still find the theory all-too-Kantian. The assumption of the original position represents an unhistorical idealization that abstracts from the concrete interests of particular individuals. Since the Hegelian believes these concrete interests are most often implicit features of background practices that could never be fully articulated in an explicit system of rules, the Hegelian would not be convinced by Rawls's claim that the concrete interests could be adequately represented by the indifferent rational beings behind the veil of ignorance.

Even if this criticism of present-day contractarian theory is potentially right, Kantians will charge in turn that Hegel's theory is inadequate if it fails to explain the problem of moral and social conflict. Advocates of Hegel's theory may reply that its advantage over Kantian abstraction is that it recognizes that there will be moral and social conflict, and describes why this must be the case. But Hegelians may also admit that as a guide for action the theory is not obviously helpful. Of course, perhaps philosophy should not be expected to produce a theory with algorithms to decide the outcome of every particular practical action. Kant's theory is misleading in implying that philosophy could generate such algorithms. But the Kantian will object further that Hegel's theory often seems to imply that the moral considerations can be disregarded in the name of social and historical progress. If that were a necessary consequence of his theory, his view could be accused of sanctioning the immoral.

and on Caesar's abolition of the supposed  
of Rome. So the "innocent flowers" are  
political rights of a social elite. Hegel  
an expected reaction to the abolition of  
ret and moral censure, but we should be wa  
on to what he believed to be a decadent a  
political climate.

tended as a justification of present politi  
benefits. In context, it concerns the evaluat  
event could occur at all, and what its sign  
at the action might be morally repugnant  
to grant that it is historically regrettable.  
forced to seize power at this moment, given  
republic. However, he is *not* saying that  
moral but nevertheless justifiable. I see  
statement about Caesar would force him  
Only an overly abstract conception of hist  
the political and historical differences betw  
s. The metaphor is misleading in that it d  
s context, but strictly speaking, if Hegel w  
would be going against his own methodo  
be understood as a unique whole.

g that an individual could sanction immo  
-historical advantages would be unHegel  
ion of the "cunning of reason" suggests

a means to other, unanticipatable ends. So a single individual or group could never justify immoral conduct for the sake of future ends. Only the historian looking back can say what was gained and what was sacrificed. The historian is not excusing the moral sacrifice, but only explaining the historical consequences. In another apparently immoral passage Hegel discusses the difference between the moralist's and the historian's points of view: "[N]o representations should be made against world-historical deeds and those who perform them by moral circles to which such individuals do not belong. The litany of private virtues—modesty, humility, charity, liberality, etc.—must not be raised against them" (p. 141). He is certainly overstating the case, since the historian might well need to note the character of the individuals to understand the deeds. But the lack of the virtues Hegel lists is not exactly the same as a moral crime, and he is not suggesting that the historian should excuse the world-historical agent from moral assessment. The historian will have other criteria for assessing the significance of the action seen from its relation to the social, political, or historical spheres.

We must remember that Hegel is describing the methods of the historian of *world* history, not the "ordinary" historian who portrays smaller slices of history, or who looks at special, restricted kinds of history. For the world historian the private moral worth of the world-historical agent is not the exclusive subject of concern. Hegel suggests that the particular agent as a private, particular person may be ignored altogether because the scale of the historian's focus will need to be much broader:

World history might well disregard completely the sphere to which morality and the much discussed and misunderstood dichotomy between morality and politics belong—and not merely by refraining from judgements (for the principles of world history and the necessary relationship of men's actions to these principles themselves constitute the judgement), but by ignoring individuals altogether and leaving them unmentioned; for what it has to record is the activity of the spirit of nations, and the individual forms which the spirit has assumed in the sphere of external reality could well be left to the attention of ordinary historians. (p. 90.)

In order not to misunderstand Hegel, one must not take these passages as justifying immoral means to historical ends, but as describing the scale and methods of world history, with its goal of seeing patterns in events that the historical agents themselves would not have been likely to anticipate.

Hegel thinks that the historian's point of view is thus of a different order than that of a present political agent who needs to act and cannot avoid getting what Sartre calls "dirty hands." Hegel is often accused of being a conservative precisely because he thinks political philosophy should explain only the present social and political structure. Unlike Sartre's revolutionary who wrestles with the tension between unjust present actions and the ideal society the actions might promote, Hegel condemns political reasoning based on an allegedly ideal model because of



... than those whose crimes have been traced to the instruments of realising its will" (p. 140). Not morally higher, of course, but is higher, more historical and less individual-oriented. It points the efficacy of moral resistance to be hopeless. No single individual could reverse the preordained from happening," says Hegel. "Morally justified but inefficacious given the actual events makes the action admirable, but free, empty. The world-historical agents will be those moral agents who resisted them with a kind of justice" (p. 141). Their individuality is preserved, but that will count for little if they are preventing the worldly events they deplore.

...ing that success is the historian's only criterion of cultures. That he does not ignore the historical moral praise and blame can be seen in that he identifies individuals who are members of a culture as degenerated. On the contrary, he condemns the degenerative value systems. On his view, individuals project them for themselves, and when people posit their own ends with full self-awareness philosophy of history, which projects an end that people will it or not, such that even a nation could attain it, Hegel maintains that "no truth is realized until individuals have become fully conscious



of Kant. Empirically these hypotheses  
has been historical backsliding. Some  
y, and all cultures come and go. These  
be expected, and do not need to be  
('). So progress should not be construed  
t in a linear direction, but as "a hard  
(p. 127). Each epoch will have to recover  
est possibilities and achievements, and  
ch as "goodness" leaves the individual  
unexplained. Hegel therefore abandons  
ess in favor a forward spiral that models  
esire self-consciously its highest ends:

is a return upon itself, whereby it makes  
erefore, is not an indeterminate advance  
im—namely that of returning upon itself.  
yclic movement as the spirit attempts to

cles and spirals may show that he does  
ory of the relation of the individual to  
arly knows how *not* to express it. His  
ng a dilemma by preserving it through  
causes much of his difficulty in holding  
s Kantian background forces him to rec-  
be treated as means, although he wants  
a as social, political, and historical ends.

His political theory, he admits, seems to force him to use language that is counterintuitive: "The state does not exist for the sake of the citizens; it might rather be said that the state is the end, and the citizens are its instruments" (pp. 94-95). But he qualifies this way of speaking immediately, and adds,

But this relation of end and means is not at all appropriate in the present context. For the state is not an abstraction which stands in opposition to the citizens; on the contrary, they are distinct moments like those of organic life, in which no one member is either a means or an end. (p. 95.)

The state and the individuals are not really different, even though there will be differences between one individual and others (p. 52). So finally the relation of the individual to the state is just one of several relations of the individual to other aspects of him- or herself. The state has no right to jeopardize these other aspects of the self:

This inner centre, this simple source of the rights of subjective freedom, the seat of volition, resolution, and action, the abstract content of conscience, that in which the responsibility and worth of the individual and his eternal court of judgement are contained—all this remains untouched and [protected] from the noisy clamour of world history . . . (p. 92.)

So the state must preserve the freedoms of conscience, and must enhance the *Sittlichkeit* of the community: "The essence of the state is ethical life" (p. 95). The state is not the government, or even the political structure and power, but is itself a function of the ethical force that holds the community together and enables a given political structure to work.

So while Hegel may not have illuminated completely the relation of morality and politics, he should not be accused of forgetting the role of moral reflection in public life. On the contrary, he wanted to describe the social place of morality in such a way that moral theory would be neither overestimated nor underestimated. If he does not solve the problem of the relation of the individual and the society, nevertheless he does force us to understand the complexity of the problem. A positive result of wrestling with the Hegelian difficulties is that we will be less likely to rely too easily on the overly optimistic and abstract Kantian hopes for inevitable progress.

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#### NOTES

1. See John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971), e.g., p. 30, p. 396.

2. See, for instance, Lewis White Beck, *A Commentary on Kant's "Critique of Practical Reason"* (Chicago: University of Chicago Press, 1960): "The existence or even the possi-

bility of the *summum bonum*, therefore, cannot be held, in consistency with his settled views, to be logically or ethically necessary as a motive to genuine morality . . . . We must not allow ourselves to be deceived, as I believe Kant was, into thinking its possibility is directly necessary to morality or that we have a moral duty to promote it, distinct from our duty as determined by the form and not by the content or object of the moral law" (pp. 244-45).

3. Rawls, *A Theory of Justice*, *op. cit.*, p. 40. For further elaboration of Kantian constructivism see Rawls's Dewey lectures. Rational intuitionism is explained also in unpublished lectures on Kant given at the Summer Institute on "Kantian Ethical Thought" in 1983, co-directed by J. B. Schneewind and David Hoy.

4. Kant, *Groundwork of the Metaphysics of Morals*, tr. by H. J. Paton (New York: Harper & Row, 1964), p. 88.

5. See Herbert Marcuse, *Reason and Revolution* (Boston: Beacon Press, 1968), p. 200; and T. M. Knox, "Hegel's Attitude to Kant's Ethics," *Kant-Studien*, vol. 49 (1957-58); cited by Jonathan Robinson, *Duty and Hypocrisy in Hegel's "Phenomenology of Mind: An Essay in the Real and the Ideal"* (Toronto: University of Toronto Press, 1977), p. 8 and p. 14.

6. W. H. Walsh, *Hegelian Ethics* (New York: St. Martin's Press, 1969).

7. Alan Donagan, *The Theory of Morality* (Chicago: University of Chicago Press, 1977), p. 17.

8. Viggo Rossvaer, *Kant's Moral Philosophy: An Interpretation of the Categorical Imperative* (Oslo: Universitetsforlaget, 1979), p. 186.

9. At the conclusion to *Reasons and Persons* (Oxford: Oxford University Press, 1984; p. 453) Derek Parfit speculates that non-religious ethics begins only about 1960. Before then there were non-religious meta-ethical theorists, such as Hume and Sidgwick. This classification misses Hegel, who may or may not have been an atheist, but whose critique of the religious postulates of Kantianism and whose attempt to formulate a non-religious theory of "objective spirit" (for instance, in the philosophy of right) begins an alternative tradition to the modern British history of ethics.

10. G. W. F. Hegel, *Natural Law*, tr. by T. M. Knox (Philadelphia: University of Pennsylvania Press, 1975).

11. Hegel, *Phenomenology of Spirit*, tr. by A. V. Miller (Oxford: Oxford University Press, 1977), Chapter VI, A (c): "Legal status," pp. 290-94.

12. See H. B. Acton's introduction to Hegel's *Natural Law*, *op. cit.*, p. 25.

13. *Natural Law*, *op. cit.*, p. 130.

14. Cited by Hegel, *Natural Law*, *op. cit.*, p. 76.

15. *Ibid.*

16. H. B. Acton, "Introduction" to Hegel's *Natural Law*, *op. cit.*, p. 23.

17. Hegel, *Philosophy of Right*, tr. by T. M. Knox (Oxford: Oxford University Press, 1952), p. 253 ("addition" to paragraph 133).

18. Hegel, *Phenomenology*, *op. cit.*, p. 391 (paragraph 644).

19. The example of property is mentioned not only here in *Natural Law*, but in later writings as well, including the *Phenomenology* (Chapter V, Section C), and in the following passage from the *Philosophy of Right* (paragraph 135, p. 90), where Hegel denies that absence of contradiction is a *criterion* for deciding whether something is a duty, and states

that it can be used to justify "any wrong or immoral line of conduct":

The absence of property contains in itself just as little contradiction as the non-existence of this or that nation, family, etc., or the death of the whole human race. But if it is already established on other grounds and presupposed that property and human life are to exist and be respected, then indeed it is a contradiction to commit theft or murder; a contradiction must be a contradiction of something . . . .

20. "Our moral faith is a practical postulate, in that anyone who denies it is brought *ad absurdum practicum*. An *absurdum logicum* is an absurdity in judgments; but there is an *absurdum practicum* when it is shown that anyone who denies this or that would have to be scoundrel." Kant, *Lectures on Philosophical Theology*, tr. by Allen W. Wood and Gertrude M. Clark (Ithaca: Cornell University Press, 1978), pp. 122-23. For further discussion see my article, "Hegel's Morals," in *Dialogue*, vol. 20 (1981), pp. 84-102.

21. Marcus George Singer, *Generalization in Ethics: An Essay in the Logic of Ethics, with the Rudiments of a System of Moral Philosophy* (New York: Alfred A. Knopf, 1961), p. 252.

22. Hegel, *Natural Law, op. cit.*, p. 77.

23. Hegel, *Phenomenology, op. cit.*, p. 262.

24. Hegel, *Philosophy of Right, op. cit.*, paragraph 150 (p. 108): "In an existing ethical order in which a complete system of ethical relations has been developed and actualized, virtue in the strict sense of the word is in place and actually appears only in exceptional circumstances or when one obligation clashes with another. The clash, however, must be a genuine one, because moral reflection can manufacture clashes of all sorts to suit its purpose and give itself a consciousness of being something special and having made sacrifices."

25. Hegel, *Philosophy of Right, op. cit.*, paragraph 135 (p. 89).

26. Hegel, *Phenomenology, op. cit.*, p. 110.

27. Hegel, *Natural Law, op. cit.*, p. 80.

28. Hegel, *Phenomenology, op. cit.*, p. 254.

29. Hegel, *Phenomenology, op. cit.*, pp. 255-56.

30. David Hume, *An Inquiry Concerning the Principles of Morals* (New York: Bobbs-Merrill, 1957), Section II ("Of Benevolence"), Part II, p. 13.

31. Hegel, *Phenomenology, op. cit.*, pp. 255-56.

32. Cited from the translation by H. B. Nisbet (Cambridge: Cambridge University Press, 1975).