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## Hegel and Social Philosophy

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### Hegel's Citizen

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#### Introduction

Hegel's account of freedom is complex and difficult. It integrates a doctrine of free agency, a theory of social freedom, and a self-determining theodicy of Spirit. To achieve full understanding, if full understanding is possible, the student must both disentangle and articulate the components, and then fit together the separate pieces into an intelligible whole. And what is true of the whole is true of the parts; each element is in turn complex and controversial.

In this paper, I want to investigate one very small aspect of this picture — the political phenomenology of the citizen of Hegel's rational state. Whether we are delineating the contours of free agency or re-telling Hegel's story about the modes of freedom constitutive of the institutions of the modern state, sooner or later we shall have to interpret Hegel's description of the self-consciousness of the typical citizen. We shall have to give some account of what citizens take to be their political standing, and show how both this standing and the citizens' understanding of it contribute to freedom.

This should not be a controversial claim. To paraphrase portions of the famous statement at *PR* §260<sup>1</sup>: The state is the actuality of concrete freedom. Members of families integrated into civil society knowingly and willingly acknowledge their citizenship and actively pursue the ends of the state. They do not live as private persons merely; in understanding, endorsing and acting out their ethical status as citizens they achieve such subjective fulfilment as is *necessary* for them to be truly free.

For citizens of the modern rational state to be free, it is not sufficient for this state to have developed the right institutions; they must think about the institutions in the right kind of way. To repeat: they must understand and endorse them, and act in light of this understanding. So it is a good critical question whether the institutions that Hegel describes are fully intelligible to the fair-minded citizen, and it is a further question whether the citizen who has understood these institutions can endorse them, in view of other ethical commitments she is known to have. And in answering each of these questions we should bear in mind the possibilities of political action which the constitution of the rational state permits and encourages.

I want to tackle these questions in what some may believe to be a perverse fashion. I want to see if Hegel's theory can be reconstructed as an answer to the problem of political obligation as it is commonly construed. I take this route because I believe that if Hegel's account of the subjective freedom of the citizen of the modern state is at all plausible, then it must be possible to reconstitute it in the first person as the terms in which the citizen accepts the duties imposed on her by the state.

### The Problem of Political Obligation

The applicability of the literature concerning political obligation should be clearer if I insist at the outset that I do not have in mind the narrow question of what grounds may be adduced for requiring citizens to obey coercive laws. Obviously this will be part of the story; obedience and disobedience are paradigms of political activity. But the whole story, as Hegel rightly sees, is wider than this, comprising all those activities which dutiful citizens habitually perform, as well as extraordinary and presumably supererogatory efforts (*PR* §268).

I take the problem of political obligation (citizens' duties) to be a philosophical problem which emerges in a familiar dialectic: the state proposes, the citizen disposes. The state (or fellow citizens) asserts that citizens have duties. The claim may be wholesale or retail, to adapt the terminology used by Jeremy Waldron,<sup>2</sup> covering in the first case whatever may be deemed a duty, perfect or imperfect, and in the second case specific duties as cited. General or specific duties may be ascribed to all or some sub-set of citizens. Since we are dealing with a philosophical problem as opposed to ancient questions of optimal rhetoric or 'spin', such attributions need to be backed up by a reputable argument. Citizens, in turn, will respond to the state, not as a devious manipulator, but as the proponent of a putatively valid argument. They will assess such arguments as are put forward on their merits. This is not the real world.

If this characterisation of the problem of citizens' duties (political obligation) is correct, we can recast the dialectic (as opposed to the rhetorical confrontation) of state and citizen as a sequence of proposal/evaluation/acceptance or rejection of putatively good reasons why the citizen should accept such duties as are imputed to him. The most ambitious claims put forward by the state, the most compendious 'good reasons', will seek to ground all duties of all citizens, but notoriously such reasons are very hard to find. The approach that I prefer to this problem is more modest and more useful. I believe that whereas it has proved very hard to find one reason that captures citizens' duties wholesale, it has been comparatively straightforward to produce good reasons that have a parochial appeal, being applicable to some citizens (of some states) but not others, grounding their acceptance of some duties, but not all.<sup>3</sup> Some duties of some citizens may be over-determined as the good reasons which may be adduced to command citizens' acceptance overlap in their applicability. The state may find, if it is lucky, that the range of 'good reasons' which are available, when these are deployed together, yields the result that almost all citizens have good reasons to accept the duties which the state imputes to them. In this way, most of the traditional arguments — from consent and contract (actual or hypothetical), from democratic participation, from accepted benefits, fairness and justice, from utility and from gratitude will find a place in the dialectic.

Before we examine whether or not Hegel's account of citizens' duties in the rational state is hospitable to the reconstruction I propose, I want to draw out a number

of implications of this way of presenting the problem which will have important consequences for our evaluation of Hegel's project. In the first place, my characterisation (or caricature) of the argument form as one wherein the state proposes and the citizen disposes may mislead if it is taken to imply that individual citizens have a right of veto as arguments are put to them. What I have in mind is the formulation of an argument concerning the relation between the state and typical citizens, or citizens in clearly described sets of circumstances (for example, voters, or citizens who accept familiar benefits). Such an argument will yield a conditional conclusion: thus, for example,

if citizens willingly accept a certain benefit, gratitude should motivate a willingness on their part to accept a liability (a duty) to pay taxes.

The philosophical issue is controversial, but if we assume that this conclusion can be vindicated by careful argument,<sup>4</sup> it is now an open question how far this good reason applies to particular citizens in specific, concrete circumstances. But if the argument and its conclusion are accepted as reasonable in principle, and if the antecedent is judged truly to describe the circumstances in which a citizen finds himself, then the duty is fairly ascribable to that citizen regardless of his ignorance, obtuseness, commitment to heterodox religious beliefs — whatever might cause him to disavow the imputed duty. For this reason, I judge the good reasons, as these apply to citizens, to be *external* reasons in this specific sense: their applicability does not depend on the contingency of a citizen's recognition or disavowal of their imputation.<sup>5</sup> For reasons that we shall encounter later in this essay, this construal of good reasons should suit Hegel.

That said, there is another implication of the good reasons account of citizens' duties which takes us in the opposite direction. If citizens can reject soundly imputed duties for bad reasons, they can also willingly endorse illegitimate regimes, regimes that cannot be vindicated by any good reasons. Decent people have happily supported otherwise appalling regimes. Political correctness urges that I not name names, but I cannot forbear recommending readers to study Suki Kim's account of a visit to North Korea in February 2002. Ms Kim visited Kim Il Sung University. She writes: 'it seemed not so different from most American schools. There was the familiar sight of students rushing about everywhere; girls in groups of three or four, laughing and chatting; boys trailing behind with bundles of books under their arms. Encouraged by the cheerful scene, I turned to Kim [a third-year student of poetry named Kim Ok Kyung] and asked what she wanted to do after graduation. With heartbreaking sincerity she answered, "I want to write poems worthy of our Great Leader".'<sup>6</sup> These observations should prompt us to qualify consent theories, insisting that consent be rational and fully informed. But since Hegel is not a consent theorist, the point is strictly speaking irrelevant. Nonetheless we shall bear in mind the implication that habitual (indeed enthusiastic) compliance with the state's demands is not probative.

A third implication is trickier to explicate. I shall dub it 'the publicity constraint'. The philosophical point is raised in the work of Plato and Hobbes; it has re-surfaced in recent times in the work of John Rawls. When Plato is discussing the institution of the Just City in Book III of the *Republic*, he assumes that members of the constituent classes will find it difficult to hold to a conviction 'that what they think to be the interest of the State is to be the rule of their lives' (*Republic*. 413c). It is not clear (at least at this stage of the argument) whether the source of the problem is epistemological or motivational, whether, that is, members of each of the classes of guardians, auxiliaries and workers are unable to fathom the philosophical reasoning that Socrates has adduced or whether they will find the philosophical account insufficiently motivating, unlikely to produce the unstinting allegiance required in citizens of a stable state. I shall assume that it is a mixture of both. The solution to the problem is the 'noble lie', 'the old Phoenician tale' of the metals, communicated 'gradually, first to the rulers, then to the soldiers, and lastly to the people' (414c-d). Note that the noble lie is to be told by Socrates to all classes. It is not told by the rulers to gain the compliance of the ruled. It is not government propaganda, as many have believed. What Plato is offering here is a sharp distinction between a proper philosophical vindication of the constitution of the Just City and the actual account, here a lie, a myth or a fiction, of how the citizens are to understand themselves and the relations in which they stand to the state and their fellow citizens.

We should notice the implications of Plato's doctrine for an account of citizens' duties. Presumably the differential duties ascribable to members of the different classes are vindicated by the claim that the constitution which determines them is just, and this claim in turn is backed up by a theory of justice which is itself vindicated as the product of sound reason. The just state is the rational state. It is unfortunate that the citizens cannot perceive this, but the philosopher's task is accomplished when the philosophical demonstration is complete. Suppose Plato is right: the philosophical grounding of the just state is not accessible to (most) citizens, or is insufficient to motivate a fixed loyalty, or both. Assume further that stable institutions grounded in firm allegiance are a universal good. What exactly is wrong with Legislators (to use Rousseau's term anachronistically) treating their citizens in this fashion?

A first and obvious answer is that Socrates is telling a lie. Indeed he acknowledges as he tells it that he finds it hard to look his listeners in the face. But the obvious reply to this is that some lies are fine, and that this is a needful falsehood. I stress: it is not the philosopher-rulers who are telling the lie, it is Socrates the philosophical constitution drafter and ethos creator who fashions it with sufficient plausibility to cascade down to all citizens, and who, if the *Crito* story is correct, came to believe some of his own propaganda.

We find a different answer to this question in Thomas Hobbes. Hobbes was well aware of the tradition of *arcana imperii*, the noble lie, but he rejected this approach to the art of ruling. He did not reject it because it is straightforwardly immoral; he rejected it

because it was foolish and unnecessary.<sup>7</sup> It is foolish because the project of securing stability is undermined if the method employed is vulnerable to being exposed as a falsehood — and that is the trouble with myth and allegory. Their proponents may get found out and then the normative edifice collapses. It is not necessary for citizens to be able to work out the whole truth in order to smell a rat, and as soon as they do, the motivation which deception was designed to induce will vanish. These are empirical claims, and they have some plausibility. More importantly though, Hobbes thought the noble lie was unnecessary because he believed, unlike Plato, that the truth of the matter concerning the grounding of citizens' duties was not arcane. It could be spelled out demonstratively on the basis of premises evident to everyman. Careful argument is needed; the terrain is not uncontroversial since competing doctrines are in play. But Hobbes was sure, not only that it is of the utmost practical importance that correct doctrines are established and widely understood — being a matter of war and peace, life and death — but that *he* had established the groundings of citizens' rights and duties in a style that is publicly demonstrable.

Following Hobbes, we can now state what was introduced earlier as the 'publicity constraint'. Negatively, it prohibits any account purporting to ground citizens' duties based on lies, myths, allegories, or falsehoods generally. Positively, it requires that the account be comprehensible to fair-minded, decently educated citizens generally. Since publicity in this sense is a constraint, it cannot establish that such an account is available for promulgation. That remains to be seen.

In recent times, John Rawls has drawn attention to the centrality of a principle of publicity in the liberal tradition. Rawls' discussion of what he calls 'the publicity condition' is not easy to unravel because publicity operates in his writings both as a basic standard of ethical reasoning, a 'formal constraint of the concept of right' with Kantian credentials (*TJ*: 130-33), and as a natural implication of reasoning from a contractarian standpoint which seeks to model the principles of justice that regulate a well-ordered society as the terms of a hypothetical agreement amongst all reflective citizens.<sup>8</sup> It is clear, though, that Rawls' publicity condition has the negative and positive features that we distinguished in Hobbes' theory. Explicitly, 'such devices as Plato's Noble Lie in the *Republic*, bk. III, 414-415, are ruled out, as well as the advocacy of religion (when not believed) to buttress a social system that could not otherwise survive, as by the Grand Inquisitor in Dostoyevsky's *The Brothers Karamazov*' (*TJ*: 454, footnote 1). Elsewhere he insists 'that a well-ordered society in which the full publicity condition is satisfied ... is a society without ideology (understood in Marx's sense of false consciousness)' (*JF*: 121). Positively, the account that is given of the principles of justice, and derivatively of the legitimacy of the well-ordered society, must respect the standing of citizens as moral persons, with 'the capacity for a sense of justice: the capacity to understand, to apply, and to act from (and not merely in accordance with) the principles of political justice that specify the fair terms of social co-operation' (*JF*: 18-19). Though Rawls, like Hobbes,

believes that public recognition of the just state contributes to the stability of the social system, it is arguable that the Kantian echoes in this positive account mark an advance on Hobbes, whose aim might be characterised as strategic.<sup>9</sup> Publicity, Rawls believes, enhances self-respect and, derivatively, mutual recognition among persons who claim, and are worthy of, the respect of others. An important element in the natural duty of mutual respect which requires that citizens deal with each other civilly is that they 'be willing to explain the grounds of their actions, especially when the claims of others are overruled' (*TJ*: 179).

I trust that we now have a tolerably clear view of the publicity constraint on the form and content of the 'good reasons' that may ground citizens' duties. I want to make one final point concerning the 'good reasons' thesis. It might be thought, correctly, that it is at bottom a liberal view. In light of this, one might be tempted to leap to the conclusion that it is quite inappropriate to discuss Hegel's project in these terms since Hegel was fundamentally hostile to the liberal treatment of the relation between state and citizen. I am not happy discussing interpretative issues in terms quite as capacious as this, but I shall state my views succinctly in a preliminary fashion here, trusting that some of the detail will be filled in later.

One thing of which we can be completely confident in this area is Hegel's rejection of the social contract as the ground for citizens' allegiance to the state. In the *Philosophy of Right*, the point is stated directly at §75 in the context of his discussion of marriage as a contract (guilt by association with Kant), at §100 in the context of a discussion of Beccaria's contract theory of punishment, and at §258R in a long discussion of the 'highest right' of the state in relation to its citizens and the '*highest duty*' of citizens as members of the state. So, if liberalism requires subscription to the social contract theory of the state, or more broadly an actual consent theory, then Hegel is hostile to liberalism.

That said, the variety of social contract theory that Hegel was discussing was uniformly what one might call actual or historical social contract theory which purports to justify the rights of states and the duties of citizens in virtue of their provenance in contractual or consensual acts. On this reading, which can be attributed to some of the great contractualists, it is the *origins* (the *provenance*) of the state that are probative of present institutions. Hegel has many objections to this view: an important one is that 'it follows from this that membership of the state is an optional matter' (*PR*: §258R), a matter of individuals' choosing their allegiance in light of their particular, prior interests.

Hegel's criticisms of social contract theory as he construes it may be right or wrong. Most would I think conclude that in some respects they are valid; in others, not. But we should take note that Hegel's critique does not embrace all varieties of liberalism, just as it does not embrace all varieties of social contract theory. As Stephen Houlgate has noticed,<sup>10</sup> the particular objection mentioned above does not apply to John Rawls, who goes out of his way to emphasise, in all of his major publications, that citizens are

born into states willy-nilly and exit them at death, and further: 'we have no prior identity before being in society' (PL: 41). Just as important for our present discussion, many modern readers of Hegel have noticed that his critique does not apply to hypothetical contract accounts of states' and citizens' rights and duties.<sup>11</sup> Putting to one side the vexed issue of the optimal formulation of hypothetical social contract theory, the aspiration of such an account is to furnish, directly or by implication, a description of the 'good reasons' citizens severally will discover as they review the normative framework of the state. Liberalism as I conceive it requires such a good reasons account, although of course it does not have to take the form of a social contract theory.

### Hegel and 'Good Reasons'

If this is what liberalism amounts to, it is perfectly straightforward to cast Hegel as a liberal. Hegel, too, believes that good reasons are available to vindicate the respective rights and duties of states and citizens. These good reasons amount to the deliverances of philosophical science. So far as the detail of the rights and duties is concerned, this can be read off from the positive prescriptions of the rational state: not simply the laws, but also the prevailing cultural mores, the rules of family, economic and social life as dictated by (positive) morality and religion. 'The *truth* concerning *right, ethics and the state* is at any rate *as old* as its *exposition and promulgation in public laws and in public morality and religion*' (PR Preface: p.11).

These prescriptions may be true as given, but authors of, or spokesmen for these rules cannot stamp their feet or pound their fists on the table when their deliverances are questioned. Those who press them hard may be and indeed are in the modern world disingenuous, so Hegel believes. All the same, good philosophy can set them straight. Evidently, the rational state will bespeak its rational credentials to radicals, sceptics and honest enquirers alike. '[This truth] needs to be *comprehended* as well, so that the content which is already rational in itself may also gain a rational form and thereby appear justified to free thinking' (PR Preface: p.11).

It is important to Hegel as a general proposition that there are no intrinsically ineffable mysteries, and this conviction finds application not only in his philosophy of religion, but in his political philosophy as well. So, for one who seeks a grounding at the most general level for the duties of the citizen of the rational state, the Hegelian answer would be that the rational state is rational. Both the strictly political state, and the whole social order within which the strictly political state is located, are 'grasped by means of *thoughts* and give themselves the form of rationality' (PR Preface, p.17). 'In so far as the authority of any actual state concerns itself with the question of reasons [as opposed to the question of origins], these will derive from the forms of right which are valid within that state. – The philosophical approach deals only with the internal aspect of all this, with the *concept as thought*' (PR §258R). There is something distinctly tautological here, but Hegel spends a whole book cashing out his conviction that the modern state is a rational



state. Again, to a modern reader, there is here an unmistakable echo (or better, prefiguration) of John Rawls, who insists that 'political power is legitimate only when it is exercised in accordance with a constitution (written or unwritten) the essentials of which all citizens, as reasonable and rational, can endorse in the light of their common human reason' (*JF*: 41).

I shall not examine here the conception of reason which is at play in these accounts. I agree: the careful reader will suspect that there are important differences. But one would find it difficult to claim that the metaphysical grounding of the modern state in thoughts which have the form of rationality can be regarded as a wholly separate issue from the thoughts of citizens concerning what good reasons there might be for them to recognise the duties imputed to them. This is not merely wishful thinking such as one sympathetic to Hegel might indulge. Within the argument of the *Philosophy of Right* an important place is assigned to 'the *right of the subjective will* [which] is that whatever it is to recognise as valid should be *perceived* by it *as good*' (*PR* §132); alternatively, 'the right to recognise nothing that I do not perceive as rational is the highest right of the subject' (*PR* §132R). I accept that these passages should not be deployed without the most careful exegesis. Hegel's discussion is complex, nuanced, and some might judge two-faced, taking away with one hand — the '*right of the rational* — as the objective — over the subject' (*PR* §132R) — what he grants with the other.<sup>12</sup> We can concede all this whilst insisting that the intentional idioms ('recognise', 'perceive') must denote properties which bear on the mindset of the subjects to whom they relate. Hegel says, 'I may require of myself and regard it as an inner subjective right that my insight into an obligation should be based on *good* reasons and that I should be *convinced* by it, and in addition, that I should recognise it in terms of its concept and nature. But ...' (*PR* §132R). Hegel's 'But', as the argument proceeds, registers, on my reading, the fallibility of the subject, the fair judgement that he later emphasises in his discussion of conscience (where the terrible figure in the background is Robespierre, Thomas Carlyle's famously 'sea-green incorruptible' who *conscientiously* consigned hundreds directly and thousands indirectly to the guillotine or worse) that no amount of conviction can guarantee that the conscientious subject gets things right (*PR* §137 & R). It does not attest to the irrelevance of how things seem to the subject, or, as the argument proceeds, the citizen. I think Hegel's position can be defended here. The state cannot, at bottom, respect absolutely the claims of honest conviction or conscience.

### Hegel and the Publicity Constraint

I have drafted, in the sketchiest fashion, the case for concluding that Hegel would accept the requirement that citizens' duties be vindicated by the specification of good reasons. I now want to argue that Hegel's account does not meet the publicity constraint. The charge will be that he countenances the applicability of good reasons at two different levels: a philosophical level which carries all the weight of argument and a non-

philosophical level which serves to settle the worries of that very great majority of citizens who do not have philosophical training. Recall that there were two aspects to the publicity constraint: a negative insistence that the reasons offered to citizens not be myths or falsehoods or ideologies in Marx's pejorative sense, and a positive requirement that the reasons offered be comprehensible to honest enquirers.

I trust that all will accept that Hegel does not fall foul of the negative requirement. He does not peddle noble lies. But this is not to say that he does not speak ignoble truths, telling stories which should satisfy the non-philosophically curious but which do not meet the probative standards that only philosophical science can supply.

To make this point, I shall identify the distinctive features of the cast of mind of representative citizens. First, we should remind ourselves of the general remarks which Hegel makes in the introductory section on Ethical Life in the *Philosophy of Right* concerning the ethical disposition of the citizen. Individuals have been transformed by their education into creatures of habit, trained to resist arbitrary fancies. 'The self-will of the individual, and his own conscience ... have disappeared' (PR §152). Citizens have confidence or trust in their fellow citizens and in the institutions which frame their duties (E. §515).<sup>13</sup> Much has been made of these passages by Tugendhat who argues that genuine freedom is lost at the point where trust 'takes the place of "reflective choice"'.<sup>14</sup> This issue has been very carefully examined by Neuhaus, who makes a good case for resisting Tugendhat's severely critical conclusion,<sup>15</sup> but I do not think that the issue has been settled yet. We should recall Hegel's earlier claim that the individual finds his liberation in duty. Hegel is quite clear that one of the senses in which the individual is liberated in ethical life is that he is liberated 'from the burden he labours under as a particular subject in his moral reflections on obligation and desire' (PR §149). Maybe Neuhaus is right. Such liberation does not *exclude* the possibility, and perhaps occasional necessity, of citizens reflecting carefully on the provenance of their duties. It encompasses the general run of things.<sup>16</sup> All the same, Hegel's text does not read as though he is describing the mind-set of citizens with a lively sense of the publicly avowed credentials of authoritative institutions. The kind of philosophical effort required by reflection on one's duties is explicitly a burden that citizens are better off not having to carry.

Secondly, we should examine the most distinctive feature of the citizens' political disposition — which is his patriotism. This is described as 'certainty based on truth ... a volition which has become habitual ... This disposition is in general one of trust' (PR §268). To be fair to Hegel, this trust need not be blind trust: 'it may pass over into more or less educated insight' (PR §268). But often it *will* be blind trust. 'Habit blinds us to the basis of our entire existence. It does not occur to someone who walks the streets in safety at night that this might be otherwise, for this habit of [living in] safety has become second nature' (PR §268A). Patriotism is the disposition of the contented citizen who 'in the normal conditions and circumstances of life, habitually knows that the community is

the substantial basis and end' (PR §268R). He insists that this habitual conformity does not preclude grumbling and fault-finding, but I think that it does preclude the liberal self-awareness that continually holds the government to account in terms of public standards of justice. Of course, in the rational state, these standards are generally met, as the philosopher could explain, but, as described, I think that the patriotic citizen trusts and has confidence in the institutions of the state rather than in the philosophical demonstration that these institutions embody freedom.

Thirdly, I think we are drawn to the same conclusion if we examine another important element in the sense of allegiance of the citizens, that is, their religion. Hegel's view of the relation of the state to religion is very carefully orchestrated. Fundamentally, the claim of religious conviction to merit respect depends (in the same way as the claim of conscience) on the truth of that conviction. It is vital that such claims, for the most part, do not oppose the demands of the state. Where the claims of religion are genuine, they will support the state, and the state in turn will support religion, fulfilling 'a duty by giving the [religious] community every assistance and protection in the pursuit of its religious end. Indeed, since religion is that moment which integrates the state at the deepest level [of its citizens] the state ought even to require its citizens to belong to such a community — but to any community they please' (PR §270R). I take it that such a requirement would not be necessary if the body of the citizens had a clear philosophical understanding of the grounding of their duties. Since they do not and by implication cannot be expected to have such an understanding, the doctrines of religion will have to serve as necessary foundations for citizens' patriotism. It is a valuable and perhaps indispensable function of religion that it educates members into citizenship.

I think it should be uncontroversial that Hegel distinguishes two levels of grasp that citizens may have of their duties: that of the philosophers who achieve comprehension through their employment of science, and that of the run of citizens who have been educated into citizenship at home and in church.<sup>17</sup> It is important for Hegel that these levels should not be confused, as they become confused when so-called philosophers (Fries and his 'superficial brigade') teach the people that the philosopher's stone is in their grasp. Then 'everyone, whatever his condition is convinced that he knows all about philosophy in general and can pass judgement on it' (PR Preface, pp.14-15). Then, as a point of principle, the uneducated become critical of established institutions and enemies of the state and its law. At this point, I believe, what seems an obvious truth — that some citizens, being philosophically minded, think deeply about the credentials of the state, whereas others do not — tips into a contempt for ordinary citizens in some of Hegel's political writings.

In fact, I think that Hegel is operating with three, not two levels of political understanding, for between the high level of philosophical science and the low level of habitual compliance Hegel inserts the work of representative thought which deals in sub-philosophical concepts (*Vorstellungen*). This is most easily seen in Hegel's discussion of

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monarchy. Hegel is quite clear that hereditary monarchy has conspicuous advantages over other constitutional forms and that these advantages are well known. On the other hand, these advantages represent a judgement of contingent matters of fact and these may be disputed. 'The concept of the monarchy is therefore extremely difficult for ratiocination — i.e. the reflective approach of the understanding — to grasp, because the ratiocination stops short at isolated determinations, and consequently knows only [individual] reasons (*Gründe*), finite viewpoints, and deduction from such reasons' (PR §279R). Thus it may well be true that a hereditary, as opposed to an elective monarchy will be spared the strife of factions which dispute the succession, but this fact 'is merely a consequence [of the way things typically happen to be] and if it is made into a *ground* (*Grund*), it debases [the monarch's] majesty to the sphere of ratiocination and, regardless of its character of ungrounded immediacy and ultimate inward being, grounds it not upon the Idea of the state which is immanent within it, but on something *outside it*, on some thought of a different character such as *the welfare of the state or of the people*' (PR §281R).

Hegel is quite clear that at bottom '*philosophy alone* is in a position to consider this majesty [of the monarch and, by implication, other central elements of the constitutional settlement] by means of thought, for every method of enquiry other than the speculative method of the infinite and self-grounded Idea annuls [*aufhebt*] the nature of majesty in and for itself' (PR §281R). Put to one side the question of whether we can follow and endorse the operation of the speculative method (and on this particular topic, I suspect that few, from Marx onwards, have been convinced) we should notice that Hegel's serene appeal to '*philosophy alone*' excludes as constitutionally impertinent (if that is the offence of philosophical *lèse-majesté*) any defence of his favoured institutions which does not meet his rigorous standards.

As I read Hegel, the good reasons he offers for citizens' acceptance of the rational state are either valid but arcane or accessible but fallible — not quite good enough. And so I conclude that Hegel cannot meet the publicity constraint. This does not settle the question of the evaluation of Hegel's position, because it may be that Hegel is right: the unearthing of reasons that are good enough to legitimate the state and its component institutions requires the sort of technical competence in speculative philosophy that Hegel, as a university teacher, aspires to induce in his students. This would be an unhappy conclusion, since it implies that the authority of the state could not be vindicated to all those who seek a demonstration. Some other, less than adequate, story will have to be provided, and, as he tells us, such stories may convince or they may not.

My own conclusion in the face of this impasse is that Hegel has drawn the bar too high in his statement of probative standards. There are sound political reasons, as Hobbes understood, for assigning to philosophers the task of grounding the authority of the state in reasons that are accessible to otherwise competent, fair-minded enquirers. There are moral reasons of the sort that Rawls finds in Kant for respecting the capacity to reason of the typical citizen and drawing them into allegiance, on the basis of

arguments which can be grasped by the use of this capacity. And if, as recent commentators on Hegel have emphasised,<sup>18</sup> Hegel's core purpose is to engage a project of reconciliation of the citizen to the realities of the social world she inhabits, there are good Hegelian reasons why the philosopher should attempt to re-fashion the credentials of a broadly Hegelian rational state so that these credentials can withstand public inspection.<sup>19</sup>

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## Notes

<sup>1</sup> I cite Hegel's *Philosophy of Right* in Nisbet's translation, thus: G.W.F. Hegel, *Elements of the Philosophy of Right* [PR], ed. Allen W. Wood, trans. H.B. Nisbet (Cambridge: Cambridge University Press, 1991).

<sup>2</sup> Jeremy Waldron, 'Hobbes and the Principle of Publicity', *Pacific Philosophical Quarterly* (2001) 82: 448.

<sup>3</sup> Dudley Knowles, *Political Philosophy* (London: UCL Press, 2001), pp.240-7.

<sup>4</sup> Optimistically, for those with an interest, I refer readers to Dudley Knowles, 'Gratitude and Good Government', *Res Publica* (2002) 8: 1-20.

<sup>5</sup> This terminology echoes — I cannot claim that it is a straightforward usage of — Bernard Williams' characterisation of external, cf. internal, reasons in 'Internal and External Reasons', in Ross Harrison (ed.) *Rational Action* (Cambridge: Cambridge University Press, 1980), reprinted in Bernard Williams, *Moral Luck* (Cambridge: Cambridge University Press, 1981), pp. 101-113.

<sup>6</sup> Suki Kim, 'A Visit to North Korea', *New York Review of Books*, February 13, 2003, p. 16.

<sup>7</sup> For more detail on what follows, see T. Sorell, *Hobbes* (London: Routledge, 1986), pp.14-17, 127-44, and Jeremy Waldron, 'Hobbes and the Principle of Publicity' in *Pacific Philosophical Quarterly* (2001) 82: 447-74.

<sup>8</sup> Rawls discusses 'the publicity condition' in a number of places and contexts. It is obviously related to the concept of public reason as that concept is deployed in his post-*Theory of Justice* writings, but, emphatically, it is not the same concept. Rawls' use of this condition, linking up as it does with a wide range of classic modern as well as contemporary sources, deserves very careful study. See, for example, *A Theory of Justice* [TJ] (Oxford: Clarendon Press, 1972), pp. 130-33; *Political Liberalism* [PL] (New York: Columbia University Press, 1993), pp.66-71; *Justice as Fairness* [JF] (Cambridge, Mass: Harvard University Press, 2001), pp. 120-2, and the indices to these volumes.

<sup>9</sup> The point is controversial. Jeremy Waldron identifies a theme of 'respect for the individual intellect' in Hobbes' thought (Waldron [2001]: 448).

<sup>10</sup> S. Houlgate, 'Hegel, Rawls, and the Rational State' in Robert R. Williams (ed.) *Beyond Liberalism and Communitarianism: Studies in Hegel's Philosophy of Right* (Albany, NY: SUNY Press, 2001), pp. 249-50.

<sup>11</sup> A. Patten, *Hegel's Idea of Freedom* (Oxford: Oxford University Press, 1999), pp. 119-20; F. Neuhouser, *Foundations of Hegel's Social Theory: Actualizing Freedom* (Cambridge, Mass: Harvard University Press, 2000), pp. 175-224; D. Knowles, *Hegel and the Philosophy of Right* (London: Routledge, 2002), pp. 306-315.

<sup>12</sup> I discuss this issue in some detail in Knowles (2002): 193-7. For a very careful review of the question, and its implications for Hegel's account of *Sittlichkeit*, see Neuhouser (2000): 225-80.

<sup>13</sup> Hegel's *Encyclopaedia of the Philosophical Sciences* [E], (many editions) §515

<sup>14</sup> E. Tugendhat, *Self-consciousness and Self-Determination*, trans. P. Stern (Cambridge Mass.: The MIT Press, 1986), p. 315.

<sup>15</sup> Neuhouser 2000: 241-9.

<sup>16</sup> In correspondence, Stephen Houlgate has pressed this point, emphasising the cognitive content of the trust that the citizen places in the rational state. Trust, he intimates, is the felt recognition that the laws and institutions of the rational state guarantee our freedom. I accept that it is an open question whether such felt recognition meets the publicity constraint. In which case, the reader must examine very carefully the details of the institutions to which the subject 'bears *spiritual witness*' (PR §147). I begin that task in what follows.

<sup>17</sup> It is a very great oddity of the *Philosophy of Right* that Hegel has so little to say about the place of the schoolroom in the education of the citizen.

<sup>18</sup> I have in mind Michael Hardimon, *Hegel's Social Philosophy: The Project of Reconciliation* (Cambridge: Cambridge University Press, 1994), Frederick Neuhouser, *Foundations of Hegel's Social Theory*, and John Rawls, *Lectures on the History of Moral Philosophy*, ed. B. Herman (Cambridge, Mass.: Harvard University Press, 2000), pp. 329-71.

<sup>19</sup> This paper has benefited from comments made at the 2003 meeting of the Hegel Society of Great Britain, and from audiences in the universities of Glasgow, Dundee and Stirling. Thanks are due to Michael Rosen and Stephen Houlgate for helpful correspondence.