THE RIGHT AND THE GOOD IN HEGEL'S SOCIAL AND POLITICAL PHILOSOPHY

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ABSTRACT

It is a commonly held idea that modern and contemporary societies, insofar as they aim to guarantee the principle of pluralism, must remain neutral towards specific moral or religious beliefs. John Rawls sums up this idea by claiming the priority of the right over the good. The aim of this contribution is to critically explore this view in light of Hegel's *Elements of the Philosophy of Right*. To this end, I first address the core features of Hegel's social ontology and the role of recognition in it. I then consider its political implications in detail. My ultimate goal is to provide an alternative account to political liberalism that allows, on the one hand, for a reinterpretation of the concept of a 'just society' and, on the other, a reassessment of the role of values in public debate.

KEYWORDS

Hegel, Rawls, social ontology, recognition, values.

> Only when the human being has recognized and organized his 'own forces' as *social* forces and therefore no longer separates the social force from himself in the form of the *political* force, only then is human emancipation complete.
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> (Karl Marx)

1. INTRODUCTION

It is a commonly held idea that modern and contemporary societies, insofar as they aim to guarantee the principle of pluralism, must remain neutral towards specific moral or religious beliefs. The concern underlying this idea is that if a legislator were to direct policy towards a particular worldview, he or she would thereby risk discriminating against the beliefs of those individuals or groups who do not recognize themselves in that view. Contemporary examples of such policies are the ultra-conservative transformations of states such as Orbán's Hungary or Erdoğan's Turkey, which are rapidly changing into inhospitable, if not explicitly

hostile, places for moral and religious values different from those institutionally codified.

In contemporary philosophical debate, the neutrality ideal has been defended above all in the context of liberalism, and in particular by John Rawls, without doubt the most prominent among contemporary liberal thinkers. According to Rawls, the main political task is to establish principles of justice on the basis of which to regulate the coexistence of individuals or groups. In order to be compatible with modern societies, these principles must be understood exclusively as *boundaries* within which a certain moral or religious belief can be held to be acceptable. Since liberalism must assume pluralism as its constitutive presupposition – i.e. the existence of different, and sometimes competing, forms of life within the same social space – a genuinely liberal state cannot, for Rawls, intervene into the intrinsic value of these forms of life by passing judgment on the validity of moral or religious beliefs. In other words, legislators can only determine the *rules* of the political game, not its content, nor the ends that the different participants must pursue. Rawls sums up this view by speaking of a "priority of the right over the good" (Rawls, 1999: 28).

Several philosophers, however, have pointed out how the neutrality ideal constantly risks overturning into an institutionalized attitude of indifference towards those traits and values that significantly define the specific identity of individuals or groups.[1] In this way, neutrality turns into a public delegitimization of moral or religious contents (and the practices that convey them) and thus determines their confinement within the sphere of private beliefs. And as we often see, policies of this kind can easily generate a sense of humiliation and social resentment, which sometimes also leads to forms of fanaticism and violence.

The task facing contemporary states, accordingly, is to adequately address the tension between respect for pluralism and the institutional recognition of forms of life. In what follows, I explore this issue in light of Hegel's *Elements of the Philosophy of Right*. In particular, my aim is to show the relevance of Hegel's view compared to some of the difficulties facing Rawls' liberal perspective. I proceed as follows: (2) I reconstruct to the thesis of the priority of the right over the good; (3) I then analyze Hegel's *Philosophy of Right* with a focus on his social ontology; (4) I consider the role of recognition within this conception to (5) show in more detail its political consequences. (6) In conclusion, I summarize my view of the most promising aspects of Hegel's account of social justice and the public role of values.

2. THE PRIORITY OF THE RIGHT OVER THE GOOD

In philosophy, the concepts of 'right' and 'good' name two different ways of conceiving normativity, that is, two perspectives that look at our agency, its rules and

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[1] See Sandel (1982; 2009: ch. 10).

its ends, from different points of view.[2] Although they are often used interchangeably ('*x* is right' apparently means the same as '*x* is good'), it is possible to point out some relevant differences in the use of these terms. Approximately, we can say that while the notion of 'right' has a *deontic* or regulative function, the concept of 'good' has an *axiological* or evaluative meaning.

When we talk about *right* we refer above all to the scope of the *rules* (and, more generally, to the whole spectrum of normativity in the deontic sense, which includes laws, prohibitions, permits, duties, obligations, rights and so on) that organize our practices. Saying '*x* is right' – where *x* can, for example, stand for an action – means stating its compliance with certain logically pre-existing normative standards. Accordingly, the notion of 'right' serves as a criterion for measuring the correctness of *x,* i.e. the degree of correspondence between *x* and the rule (or system of rules) *R*: *x* will be all the more right the more it conforms to *R*. The concept of 'right' is therefore used in the moral and political field to establish conditions, limits and possibilities for our individual and social behavior.

A typical example that helps illustrate this argument is the game of chess. If I want to teach someone how chess works, I first try to explain the rules through which it is played. It is these rules, after all, that 'enable' the game, connecting the players and forcing them to make only certain moves or to act only within certain schemes. In this sense, the rules express what can and cannot be done on the chessboard, determining the criteria to be obeyed and on the basis of which decisions are made concerning whether the game is played correctly, i.e. whether it is right or not.

The notion *good,* on the other hand, refers to the scope of the purposes that something or someone pursues. In this case, we do not talk about rules but about *values*, that is, those goods that an object, an event or a person has to realize. Therefore, saying '*x* is good' or 'it is good that *y*' means acknowledging in *x* and *y* positive qualities *V* that we consider worthy of being pursued: *x* will be all the more good the closer it is to realizing *V*. With the notion 'good,' then, we do not determine (at least not primarily) rules of conduct, but the *ends* that this conduct must achieve.

Accordingly, when we talk about a 'good doctor,' we refer to someone who professionally promotes people's health, or when we say that 'this is a good pen' we mean that this particular object enables writing smoothly and without stains. In the moral and political field, the notion of the 'good' appears in the concept of 'the good life,' by which we mean, Socratically, an existence 'worth living,' i.e. a way of being that realizes those values, abilities or ends that, within a certain context of reference, we acknowledge as positive and desirable.

To speak of 'the priority of the right over the good' therefore means giving primary importance to the rules and principles that govern our individual and social

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[2] See Thomson (2008).

practices, and taking as secondary, or even as irrelevant, the values and ends that these practices realize.

In *A Theory of Justice*, Rawls argues that the thesis of the priority of the right not only implies that the definition of the rules of the social and political game must methodologically precede the identification of the ends that the participants in the game can achieve, but that it is precisely these rules that determine the validity of the ends, i.e. that serve as criteria for evaluating conduct. In this respect, for Rawls "something is good only if it fits into ways of life consistent with the principles of right already on hand" (Rawls, 1999: 348). The principles of right circumscribe and regulate forms of life and make it possible to establish their actual goodness; what goes beyond these limits, being incompatible with the criteria of justice in a liberal society, must be considered worthless and expelled from the public space of legitimacy.

> [The] desires and aspirations [of people] are restricted from the outset by the principles of justice which specify the boundaries that men's systems of ends must respect. We can express this by saying that in justice as fairness the concept of right is prior to that of the good. A just social system defines the scope within which individuals must develop their aims, and it provides a framework of rights and opportunities and the means of satisfaction within and by the use of which these ends may be equitably pursued. The priority of justice is accounted for, in part, by holding that the interests requiring the violation of justice have no value. (Rawls, 1999: 27-28)

These remarks summarize the conceptual structure underlying two basic principles of Rawlsian liberalism, namely the *neutrality ideal* and *respect for autonomy*. The concept of 'neutrality' designates the thesis that institutions must remain impartial towards the plurality of forms of life and ideas of the good available in modern societies. In this regard, the state must refrain from stating what constitutes a good life, fostering thereby a particular form of life or an idea of the good over others.[3]

This ideal is to some extent the counterpart of the principle of respect for autonomy. According to this principle, every human person, as a rational being, must be guaranteed the possibility of self-determination, that is, of defining for herself the ends according to which she lives. Consequently, the capacity of individuals to decide their own values requires that institutions 'take a step back,' so to speak, letting citizens choose how to conduct their lives. In Rawls' perspective, the task of the state is thus not to promote or paternalistically foster a certain idea of the good over others, but rather to ensure the conditions of possibility for individual self-determination.[4] In this way, the priority of the right is to be conceived not only as a principle of institutional neutrality towards the contents of forms of life, but also as a moral and political *laissez-faire*: every individual can freely adopt

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[3] For a critical analysis of the neutrality ideal in Rawls' liberalism see Arneson (2014).

[4] On the contrast between autonomy and paternalism see Christman (2018).

any idea of the good she prefers, on the condition that she remains within the limits established by the principles of justice.

In an essay after *A Theory of Justice*, and which partly corrects its theses, Rawls summarizes this point very clearly by writing:

> the priority of right implies that the principles of (political) justice set limits to permissible ways of life; hence the claims citizens make to pursue ends that transgress those limits have no weight (as judged by that political conception). [...] In a phrase: justice draws the limit, the good shows the point. (Rawls, 1988: 251-252)

3. HEGEL'S INTERACTIONIST SOCIAL ONTOLOGY

We can now turn to the *Elements of the Philosophy of Right* in order to clarify Hegel's conception of the good and the right.[5] To situate this discussion, I begin by considering some central features of his social ontology, where by this term I mean the philosophical theory of social reality and the fundamental entities that constitute it (such as individuals and institutions).

It might be questioned whether Hegel actually has a theory in this sense. In my opinion, this can be answered convincingly by appealing to two orders of questions: the first has to do with the overall scope of Hegel's philosophy and the second more specifically with his philosophy of right. Regarding the first aspect, it is important to remember that at the basis of Hegel's thought lies the view, systematically justified in the *Science of Logic* and then summarized in the Preface to the *Philosophy of Right*, that philosophy must deal with rationality as it operates in reality or, in other words, with reality as the actualization of reason. In this sense, philosophy is (also) ontology as science (of the conceptual structure) of reality and its configurations.[6] As a consequence, since it is itself an expression of this view, the philosophy of objective spirit, secondly, also possesses *a fortiori* an ontological scope; more specifically, the *Elements of the Philosophy of Right* must also – though not exclusively – be read as a systematic account of the basic entities and structures of the social world.[7]

On the basis of these clarifications, in what follows I will try to demonstrate two interpretative hypotheses related to Hegel's social ontology:

(Hypothesis 1)   Social reality is determined through interactions between individuals and institutions.

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[5] Quotations from the *Philosophy of Right* are indicated directly in the text with the letter *R* followed by the reference to the paragraph; letter A, if present, indicates an Annotation. When no information is given, the reference is the same as the last quotation.

[6] I address this issue more extensively in Manchisi (2019: ch. 1), to which I refer also for discussion of the relevant bibliography.

[7] On the possibility of understanding Hegel's philosophy of right as a social ontology, see the contributions collected in Ruggiu, Testa (2016: part 1); cf. also Ikäheimo (2011).

(Hypothesis 2)   These interactions are structured in the form of relationships of mutual recognition.

These hypotheses will help me later clarify Hegel's account of the good and the right and its social and political implications.

Hegel provides important insights regarding Hypothesis 1 in the paragraphs of the Introduction to the *Philosophy of Right*. In particular, he clarifies how social reality must be understood not as a simple association of individuals, but as a complex structure that is normatively articulated and oriented towards the realization of ends. The foundation of this structure is what Hegel calls the *free will* (*freier Wille*):

> The basis of right is the *realm of spirit* in general and its precise location and point of departure is the *will*; the will is *free*, so that freedom constitutes its substance and destiny [*Bestimmung*] and the system of right is the realm of actualized freedom. (*R* § 4)

The free will is for Hegel the principle that organizes the whole complex of objective spirit and therefore represents the fundamental structure of his social ontology: every norm, action, practice or institution must be understood as an expression of the work of the will, as the way through which human beings try to give rational form to things and thereby ensure a world in which to fulfil themselves both individually and collectively.[8]

This is made possible by the logical structure that animates the will, that is, by the dialectic between universality, particularity and individuality, which for Hegel is notoriously the fundamental grammar of rationality (and which is analyzed in detail in the *Science of Logic*).[9]

The first determination is that of "*absolute abstraction*" or "*universality*":

> The will contains (α) the element of *pure indeterminacy* or of the 'I''s pure reflection into itself, in which every limitation, every content, whether present immediately through nature, through needs, desires, and drives, or given and determined in some other way, is dissolved. (*R* § 5)

First and foremost, the will involves the capacity of detaching from inclinations, interests and particular aims: it is the distance of subjects from themselves and their own evaluations. Universality, in this sense, marks the complete abstraction from any context of action: it is normativity understood as law or the universal standpoint of institutions.

Yet, the will is free only insofar as it is able to effectively determine practice, that is, to make distinctions, evaluate and choose something instead of something else. Hegel writes:

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[8] See Quante (2011, 264-270; tr. 194-199).

[9] See Thompson (2019, 45-48).

> (β) In the same way, '*I*' is the transition from undifferentiated indeterminacy to *differentiation, determination,* and the *positing* of a determinacy as a content and object. – This content may further be given by nature, or generated by the concept of spirit. Through this positing of itself as something *determinate*, '*I*' steps into existence in general – the absolute moment of the *finitude* or *particularization* of the '*I*'. (*R* § 6)

The will, therefore, is not only abstraction, i.e. elevation to universal principles or norms, but also "*particularization*." This constitutes the condition of possibility for subjects to act concretely and for norms to settle into specific institutions.

The unity of universal and particular is the true 'engine' of the self-determining will and thus what establishes the freedom of the social world:

> (γ) The will is the unity of both these moments – *particularity* reflected *into itself* and thereby restored to *universality*. It is *individuality* [Einzelheit], the *self-determination* of the '*I*', in that it posits itself as the negative of itself, that is, as *determinate* and *limited*, and at the same time remains with itself, that is, in its *identity with itself* and universality; and in this determination, it joins together with itself alone. (*R* § 7)

The free will articulates itself both as transversality towards particular subjects and as the capacity to determine itself in concrete practices and institutions; this logical structure allows the will, on the one hand, to claim objective validity and, on the other, to constitute itself as practical reality. Such a conceptual framework is consequently able to ensure both the supra-individuality of norms and institutions and the ability of individuals to recognize themselves in them.

Hegel's social ontology differs from both atomistic and hard holistic conceptions, since it conceives social phenomena not on the basis of the individual nor of society as a whole, but on the *interaction* between the two. On the one hand, Hegel refuses to consider the single agent, i.e. the self-sufficient subject, aimed merely at the pursuit of his own particular interests, as the sole reference point for understanding the social whole; this strategy conceives society "only [as] an atomistic *aggregate* of individuals" (*R* § 273 A) and thereby makes it not only difficult to understand the modalities of their association, but also to explain those social structures and goods (such as language or culture) that cannot be reduced to individual normative claims.[10] In this regard, atomism describes for Hegel the structure of civil society and not of the state, i.e. social reality taken as a whole:

> If the state is confused with civil society and its determination is equated with the security and protection of property and personal freedom, *the interest of individuals as such* becomes the ultimate end for which they are united; it also follows from this that membership of the state is an optional matter. – But the relationship of the state to the individual is of quite a different kind. Since the state is objective spirit, it is only through being a member of the state that the individual himself has objectivity, truth, and ethical life. (*R* § 258 A)

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[10] On the notion of 'irreducible social goods' see Taylor (1995: ch. 7).

On the other hand, however, Hegel does not go so far as to embrace a hard holistic perspective (as he is often accused of), if by this label we mean the conception that considers society as a system that completely overrides the value of individuals. As he explains shortly after the passage above:

> Considered in the abstract, rationality consists in general in the unity and interpenetration of universality and individuality. Here, in a concrete sense and in terms of its content, it consists in the unity of objective freedom (i.e. of the universal substantial will) and subjective freedom (as the freedom of individual knowledge and of the will in its pursuit of particular ends). (*ibid.*)

As we see here, the holism articulated in the *Philosophy of Right*, while acknowledging the irreducibility of social unity, in no way prevents granting adequate dignity to "subjective freedom," i.e. to the normative claims of individuals.[11]

In this way, focusing on the free will as a dialectical relationship between universal, particular and individual, Hegel develops a social ontology that can be defined as *interactionist*, since it takes as its minimum explanatory unit the interaction of individuals both among themselves and with society as a whole. To this extent, he understands social phenomena as the outcome of action processes and the dialectic between the ends and normative expectations embedded in them. These processes result in (i) dynamics of mutual adaptation, both horizontal (between individuals or groups) and vertical (between individuals or groups and institutions), and (ii) the definition of ends and norms that have genuine social validity and thereby allow the expression of the freedom of each and all.[12]

4. THE ROLE OF RECOGNITION IN THE MODERN STATE

In order to demonstrate Hypothesis 1, I examined Hegel's perspective on a rather abstract level. Now, focusing on Hypothesis 2, I would like to show more concretely what the dialectical interaction between individuals and society consists of. For this purpose, I turn to the section "Ethical Life" in the *Philosophy of Right* and in particular to § 260, which emphasizes in a very powerful way the crucial role

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[11] See Menegoni (2019: 171), who defines the model of Hegel's practical philosophy as "a holism that does not deny, but rather includes in itself the protection of particular rights." Cf. also Quante (2011: ch. 12).

[12] Hegel's conception can therefore be considered a forerunner of the social theory of symbolic interactionism, or at least of some of its central theses, which include: (i) the active constitution of the human being; (ii) the social nature of personal identity; (iii) the structure of society as interaction between individuals; (iv) the genesis of meanings, norms and values in the interaction of individuals with each other and with their environment. See Blumer (1969); for a contemporary defense of interactionist social ontology cf. also Frega (2018).

played by recognition within Hegel's social and political philosophy. First of all, I reproduce here the entire text of the paragraph:

> The state is the actuality of concrete freedom. But *concrete freedom* requires that personal individuality and its particular interests should reach their full *development* and gain *recognition of their right* for itself (within the system of the family and of civil society), and also that they should, on the one hand, *pass over* of their own accord into the interest of the universal, and on the other, knowingly and willingly acknowledge this universal interest even as their own *substantial spirit*, and *actively pursue* it as their *ultimate end*. The effect of this is that the universal does not attain validity or fulfilment without the interest, knowledge, and volition of the particular, and that individuals do not live as private persons merely for these particular interests without at the same time directing their will to a universal end and acting in conscious awareness of this end. The principle of modern states has enormous strength and depth because it allows the principle of subjectivity to attain fulfilment in the *self-sufficient extreme* of personal particularity, while at the same time *bringing it back to substantial unity* and so preserving this unity in the principle of subjectivity itself. (*R* § 260)

For the sake of interpretive clarity, I approach this text in three parts, each of which highlights a main step of Hegel's argumentation: the first raises the problem; the second points to possible consequences of the problem (in negative terms); the third identifies the 'solution.'

The problem lies in the difficulty of keeping two different social dynamics together, namely:

a) on the one hand, the demand by individuals of a "*recognition of their right*," i.e. of their own specific value.

b) on the other hand, the demand by the "universal," i.e. by the state, that individuals "acknowledge this universal interest [...] as their own *substantial spirit*, and [...] as their *ultimate end*," namely as what makes them what they are and represents the final purpose of their actions.

The core of the argument is the problem of *recognition* between individuals and the state. The challenge that Hegel highlights is to reconcile two apparently opposite tendencies through which "personal individuality" tries to fulfil itself. On the one hand, the "full *development*" of the individual seems possible only through the full expression of her "particular interests," in the form of what, in more recent times, has been defined a 'narcissistic' form of self-realization.[13] On the other hand, this development seems to have genuine social value only to the extent that individuals "*pass over* of their own accord into the interest of the universal," that is, they conceive the survival of the state as the purpose of their own existence. The role of recognition, therefore, is to reconcile this opposition, showing that the two

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[13] See Taylor (1991).

tendencies – individual self-realization and social unity – are in fact intertwined in a relationship of mutual dependence.[14]

Hegel discusses these aspects in detail in other places of his oeuvre (especially in the *Phenomenology of Spirit*). In the paragraph I am considering, however, the focus is above all on the risks of *non*-recognition, i.e. the consequences liable to follow if the two tendencies highlighted above are not properly reconciled. In this case, in fact:

a) on the one hand, "individuals" would conduct their lives only "as private persons," i.e. completely disregarding the "universal," the fact that they act in light of conditions and ends determined, at least to some extent, by social reality.

b) on the other hand, "the universal" would justify and fulfil itself "without the interest, knowledge, and volition of the particular," i.e. regardless of the existence and conscious participation of citizens in public affairs.

These two forms of non-recognition lead, at least in their most extreme cases, to radical individualism, on the one hand, and to despotism, on the other.

In light of this, the third step of Hegel's argument identifies in the modern state the structure that holds together the two tendencies mentioned above, thereby achieving successful relationships of recognition. This is why, for Hegel, the state can be defined as "the actuality of concrete freedom" only insofar as it allows the individual to realize herself, that is, "to attain fulfilment in the *self-sufficient extreme* of personal particularity," and not to the detriment of social unity, but precisely *because* of it and indeed in this way nourishing and cultivating it.

To understand this point, we must remember that, for Hegel, recognition is not only the structure that 'holds together' individuals and the state, but also the ontogenetic condition of subjectivity as such, meaning that one can only be a subject – a 'self-consciousness,' in the terminology of the *Phenomenology* – through social relationships of recognition. In this way, individual self-realization and social unity are not in opposition, but rather must be understood as each other's condition of possibility, since, on the one hand, individuals are always socially constituted and, on the other, institutions are the sedimentation of relationships and practices of recognition.[15]

The state thus represents for Hegel a fundamental possibility of conflict regulation, i.e. of managing the struggle between identities, goals and interests of

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[14] See Quante (2011: ch. 11).

[15] These issues have been investigated especially by Honneth (1992; 2001). Ferrarin (2016: ch. 1) rightly warns against the undue identification of sociality, intersubjectivity and reciprocity, particularly in reference to Hegel's late system; nevertheless, I believe that his interpretation is somewhat mistaken in understanding recognition as a dynamic of mere encounter between selves, and therefore in considering communities and institutions (in an Aristotelian fashion) as totalities that transcend individual normative claims.

individuals, between their material and social inequalities. This does not mean that the state merely pacifies every tension: the dialectical structure that innervates it – and therefore the fact that the recognition processes are dynamics not only of encounter, but also of clash and negotiation – implies that it can never completely suppress social conflict, for example through the use of violence. Rather, the state can – and indeed, if it wants to guarantee its subsistence, *must* – manage plurality and struggle only by ensuring that individuals and groups have adequate social and political expression, and that through this expression, and the structural changes it carries out at the institutional level, individuals can live a worthwhile and satisfying life.

5. THE POLITICAL IMPLICATIONS OF RECOGNITION

The above remarks have demonstrated Hypothesis 2 by showing that, for Hegel, recognition is the practice that carries out the dialectical interaction between universal, particular and individual at the base of his social ontology. We can also claim that if the free will is the general principle that organizes Hegel's practical philosophy (in its post-Jena form), recognition is the way in which this principle is concretely realized in the social domain.[16]

As already mentioned above, this account has an ontological scope both because it concerns two fundamental entities that make up social reality (individuals and institutions) and because it establishes their mutual dependence. This is particularly clear in the following quotation from the *Philosophy of Right*:

> Since the state is objective spirit, it is only through being a member of the state that the individual himself has objectivity, truth, and ethical life. *Union* as such is itself the true content and end, and the destiny [*Bestimmung*] of individuals is to lead a universal life; their further particular satisfaction, activity, and mode of conduct have this substantial and universally valid basis as their point of departure and result. (*R* § 258 A)

This quotation confirms what has been observed through the two hypotheses indicated above, namely, that for Hegel the individual "has objectivity," and can be considered as such – and not just as, for example, a highly developed animal – only to the extent that she is "a member of the state" and recognizes herself in its institutions. The latter, likewise, exist properly, and not as mere aggregates of

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[16] There is no doubt, as many interpreters have pointed out (cf. e.g. Siep 2014), that in Hegel's late philosophy the free will takes the fundamental place that that recognition had in Hegel's Jena writings (until 1806). On the other hand, I believe that recognition, now itself understood as an expression of the self-realizing will, still maintains its decisive importance in the constitution of ethical life; as evidence of this, see especially *R* § 260, which I analyze in this essay.

persons or norms, only to the extent that they constitute the "point of departure" and at the same time the "result" of the self-fulfillment of individuals.[17]

At this point we can go back to the problem of the relation between the right and the good and look in more detail at the political implications of Hegel's account. In light of what has been said above about Rawlsian liberalism, I propose to address the issue on the basis of three main questions, namely:

a) Does the state in Hegel's conception remain *neutral* towards various forms of life?

b) Does the state in Hegel's conception allow adequate *respect for the autonomy* of individuals?

c) Does the state in Hegel's conception give *priority to the right* over various ideas of the good?

Based on our analysis, we can answer these three questions as follows:

a) The neutrality ideal requires the ability to draw a clear demarcation line between the state and forms of life; it is this demarcation, in fact, that enables the state to fulfil its role as arbiter of the social game and refrain from fostering or promoting certain values to the detriment of others. In Hegel's perspective, by contrast, the state can never completely abstract itself from the sphere of forms of life without causing a tear in the whole social fabric: on the one hand, the possibility for individuals to recognize themselves (to 'feel at home') in the complex of institutions and norms governing public life is, for Hegel, a basic condition for the subsistence of the state; but on the other hand, the latter's task is precisely that of providing the material and normative conditions for individual and social self-realization. The neutrality ideal upheld by Rawls outlines instead a picture of institutions as a purely bureaucratic apparatus, thereby providing a representation of the state, as Hegel would say,

> according to which its sole function is to protect and secure the life, property, and arbitrary will of everyone, in so far as the latter does not infringe the life, property, and arbitrary will of others; in this view, the state is merely an arrangement dictated by necessity. (*R* § 270 A)

Institutions conceived in this way fulfil a task that is undoubtedly essential, but nevertheless limited: they provide for the protection of citizens and the satisfaction of their material needs, but leave aside ethical determinations. This means, consequently, that the neutral state "is thus completely deprived of its proper ethical character [*das Sittliche*]" (*ibid.*). To this conception, Hegel replies:

> the state, too, has its doctrine, for its institutions and whatever it recognizes as valid in relation to right, to the constitution, etc. are present essentially in the form of

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[17] See Ikäheimo (2011: 175), which defines recognition as the "*core*" of both Hegel's "*social ontological holism*" and his "*normative essentialism about the human life-form.*"

> thought as law. And [...] the state is not a mechanism but the rational life of self-conscious freedom and the system of the ethical world. (*ibid.*)

The state is not a simple set of abstract norms, but "has its doctrine" and aims, through laws and institutions, at its realization. This doctrine, moreover, is expressed "in the form of *thought*," that is, it represents a rational content, whose claims to validity can therefore be discussed and justified publicly. For this reason, Hegel can declare that the state "is not a mechanism," as Rawls' conception seems to imply, "but the rational life of self-conscious freedom": it is that reality which allows each individual, on the one hand, to *understand* herself as free and, on the other, to *express* that freedom. Accordingly, institutions are by no means "deprived of [their] proper ethical character," i.e. of those values and practices which shape the common good of a society, but rather are the most authentic expression of it; and it is for this reason that the state can be properly defined as "the system of the ethical world."[18]

We can shed light on this point by referring to a concrete example that I think is perfectly captured by Hegel's account. The Italian Constitution begins with the following words: "Italy is a Democratic Republic, founded on work" (Art. 1). The first statement of the Constitution, the text that establishes the fundamental *rules* that organize the coexistence of citizens within a state, concerns a *value* (work). This does not mean that this text reflects a belief among others, nor that it is pointing to a particular end which, being compatible with the limitations determined by the Constitution itself, may then be acceptable within the public space. Rather, it establishes what must constitute the *fundamental good* of the Italian state, that is, an end that directs the entire normative system (so that, ideally, each law and institution is apt to promote and realize it) and thereby the concrete practices of the citizens within it. Accordingly, this idea of the good, whilst representing the product of a given social bargaining in a given historical period, can legitimately claim objectivity and thus enter the public space of rational debate.

If we turn back to the *Philosophy of Right*, we can say that Hegel's purpose is not to ensure the neutrality of the state towards various forms of life, but to define the characteristics of a social reality in which individuals and institutions can cooperate freely and consciously for the common good. For him this becomes possible, as we have seen, only insofar as successful relations of recognition at both horizontal and vertical levels are fostered. In an attempt to abstract from the aims pursued by single forms of life, Rawls' liberal state is, on the other hand, unable to respond adequately to their demands for recognition, thus risking the consequence of engendering a detachment between citizens and public affairs.

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[18] For an alternative reading see Houlgate (2001), which compares Hegel and Rawls precisely on account of their shared idea of the rationality of the state; in my opinion, though, Rawls' state must be understood – to put it in Hegelian terminology – as 'intellectual' rather than 'rational.'

b) This leads us to the second question. If the state does not abstract from the level of practices and forms of life, is it not then in danger of exerting excessive pressure on the freedom of individuals? In other words: is a state that does not remain neutral towards the ends to be socially pursued really able to guarantee citizens the possibility of autonomously choosing the values upon which to direct their existence? To the extent that the end of institutions is the realization of freedom – meaning the promotion of those values and norms that guarantee individual and collective self-determination – then Hegel's conception avoids the risks of paternalism. After all, in analyzing § 260 we have seen that, for him, "the principle of modern states" consists precisely in letting "the principle of subjectivity to attain fulfilment in the *self-sufficient extreme* of personal particularity."

This position also highlights a key weakness of Rawls' liberalism. Hegel shows that individual autonomy is only possible within social relations and only to the extent that it takes the form of active and conscious participation in the common good. In fact, just as the state cannot fulfil its functions without regard to the particular ends of individuals, so the latter cannot realize themselves without regard to the social and political conditions in which they act. And this also means that the individual can be genuinely free only as long as she considers the ends of others as an organic component of her own. It is for this reason that Hegel writes "the *self-consciousness* of the individual [...] has its *substantial freedom* in the state as its essence, its end, and the product of its activity" (*R* § 257).

The reciprocity of recognitive relationships, in other words, ensures that the self-determination of the individual and the development of the state follow a 'common trajectory,' cooperating in the realization of the freedom of each and all.[19]

Of course, there may be cases where individual autonomy can move in eccentric directions with regard to the common good. Hegel takes the problem seriously – after all, as I have already pointed out, the recognitive relation is also, always, a *struggle* for recognition (something that perhaps does not emerge properly in *R* § 260, on which I focused above). In particular, he deals with the cases of forms of life which, for religious reasons, do not actively participate in public affairs, evading the normative demands for social recognition (Hegel's example is that of Quakers and Anabaptists, who refuse to resort to violence, even in the case of war, and abstain from political office, which makes them only "passive" citizens[20]). In these cases, the state need not necessarily demand obedience in a coercive way, but can exercise "*toleration*" and let civil society rebuild social unity (*R* § 270 A). Civil society, in fact, is not only the place of trade between particular interests, but also the domain of "*Bildung*" (*R* § 187 A), that is, the space that 'educates' the individual to the common good. For Hegel, civil society is able to produce unity where there

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[19] See Quante (2011: 273; tr. 201), where Hegel's social philosophy is defined as "liberal communitarianism."

[20] *R* § 270 A, footnote on p. 217 (tr. 295-296).

is fragmentation, so that "the power of custom and the inner rationality of [...] institutions" can "reduce and overcome the discrepancy" (*R* § 270 A). We can think here of all those social contexts (school, sport, economy, media, etc.) that not only foster aggregation, but also contribute significantly to the formation of collective identities, that is, the possibility for individuals to use the first person plural and understand each other as part of a community.[21]

In this way, the state for Hegel can guarantee social unity by promoting the processes of interaction and the public use of rationality, that is, by ensuring that each citizen resorts "to [her] own insight and conviction, and in general to thoughts concerning what should count as objective truth" (*ibid.*) – and this means, accordingly, *promoting*, rather than limiting, individual autonomy.

c) It then becomes clear that Hegel's account is incompatible with the thesis of the priority of the right. What is important to point out, however, is that this rejection does not imply a simple overturning of terms, that is, the defense of the priority of the good. If, on the one hand, it is not possible for Hegel to understand the state as an apparatus of neutral rules, on the other hand, it is equally impossible for him to consider the mere existence of certain forms of life as the foundation of social reality. The state cannot reduce itself to what exists, i.e. to the simple historical formation of certain values and traditions (as some contemporary communitarians seem to advocate), but must foster the development of rational forms of life by guaranteeing successful relationships of recognition.

The thesis of the priority of the good, instead, presupposes – just like that of the priority of the right – the separation between the particular and contingent values of individuals (or of the community) and the universal and abstract laws of the state.[22] But we have seen that Hegel's philosophy rejects this separation, conceiving social reality as an interactive unity. In this regard, just as there cannot be a system of norms detached from the recognition of individuals, so there cannot exist ideas of the good that are not mediated by the rationality of institutional conditions. Even what Hegel calls the "living good," and which sums up his entire practical philosophy, does not identify one value or system of values among others, but names the ensemble of practices and institutions through which human beings give rational form to the social and political reality they are members of.[23] Hegel discusses it in these terms:

> the living good [...] has its knowledge and volition in self-consciousness, and its actuality through self-conscious action. Similarly, it is in ethical being that self-consciousness has its motivating end and a foundation which has being in and for

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[21] For a more in-depth analysis of these issues I would like to refer to Manchisi (2020). See also Buchwalter (2017).

[22] See Giusti (2003).

[23] See Moyar (2021).

itself. Ethical life is accordingly *the concept of freedom which has become the existing world and the nature of self-consciousness.* (*R* § 142)

The good fostered by the state in the *Philosophy of Right* is then nothing but that *social freedom* which holds together personal self-realization and collective unity.[24] Accordingly, the institutions themselves, which in Rawls must remain neutral towards any idea of the good, in Hegel's account represent 'embodied values,' that is to say, those material and normative conditions which allow for the development of individual selves and the community: for example, adequate educational institutions are a necessary condition for the actualization of the values of culture and civic sense, without which neither could individuals achieve full self-determination nor could the state equip itself with active and conscious citizens.[25]

Hegel's conception of practical normativity has therefore both deontological and axiological aspects: it is *deontological* insofar as it acknowledges that it is only within a just society, i.e. in a society with adequate legal and social norms and sufficiently rational institutions, that values acquire objectivity, that is, concretely shape human life and not remain mere abstract ideals or subjective opinions. It is only under conditions of justice, in other words, that the free self-determination of individuals is possible. But this conception is at the same time *axiological* insofar as it acknowledges that the end of these norms and institutions, namely, what makes them properly rational, is the realization of the good. The ultimate end of the state for Hegel is therefore to guarantee the possibility for each individual to develop and exercise his own capabilities, promoting what we can call, in Aristotelian terminology, a 'flourishing life.'[26]

6. CONCLUSION

This contribution sought to explore the problem of how the state should deal with the normative demands of individuals. We have seen that a possible answer to this problem is provided by John Rawls' political liberalism, according to which institutions, in so far as they aim to avoid promoting or paternalistically favoring a certain idea of the good over others, must remain neutral towards competing forms of life; only in this way, it is said, is it possible to preserve the constitutive pluralism of modern societies, on the one hand, and to guarantee respect for the autonomy of citizens, on the other.

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[24] On the notion of 'social freedom' in Hegel see Neuhouser (2000).

[25] Cf. *R* § 175. For a contemporary development of this view see Sen (1999).

[26] On the presence of both deontological and axiological aspects in Hegel's recognition theory see Honneth (1992: ch. 9); Pinkard (2010); Ikäheimo (2011). Wood (1990) remains essential for an interpretation of Hegel's ethics as a theory of self-realization; cf. also Gleeson, Ikäheimo (2019). On the notion of 'flourishing life' in terms of capabilities see Nussbaum (2011).

Through our discussion of Hegel's account, some weaknesses of this perspective have emerged. In particular, two issues have been raised: the first is that the Rawlsian approach conceives the state in terms of what Hegel calls "a mechanical framework serving non-spiritual and external ends" (*R* § 270 A), that is, an apparatus incapable of authentically promoting the self-fulfillment of individuals; the second is that the principle of neutrality risks turning into an attitude of indifference, which leads to the impossibility of adequately addressing the claims for recognition demanded by various forms of life.

Hegel's conception succeeds, at least in principle, in avoiding both these issues. The "living good" analyzed in the *Philosophy of Right* does not designate a system of values among others, nor does it describe a particular form of life whose ends must be realized over different forms of life. What I have tried to demonstrate is that it is a universal and social good: it is *universal* since its realization is not at the expense of different goods, but rather their condition of possibility. This means that, from a Hegelian perspective, a just society is not one that provides individuals simply with identical opportunities for development (as is the case with Rawls' liberalism), but one that, given the inequality of the starting points and ends of each citizen or group, is able to respond efficaciously to the different demands for social recognition and thus guarantee each person what is specifically necessary for her or him to flourish (this point is summed up by Marx's well-known motto, "From each according to his ability, to each according to his needs," with which I think Hegel would have agreed). Accordingly, social freedom is also a fundamental demand for *social justice.*

Secondly, the "living good," since it arises from relationships of recognition, is strictly *social* and is therefore subject to the scrutiny of public rationality. This point is also very important. Rawls' defense of pluralism implies a sort of 'axiological non-cognitivism,' since it considers the good something that cannot be discussed in terms of truth or justifiability: accordingly, our moral or religious beliefs should not be the object of debate or criticism, but only of (possible) protection by a political order neutral towards them. But that means that within a liberal society it is not possible to legitimately ask 'how should we live?', that is, to question ourselves about the values that should shape our practices. In this way, Rawls confines the good to the sphere of private decisions or preferences, thus expelling it from the space of rationality. And this leads to an *a priori* delegitimization of every form of life at the very moment it faces the public sphere. In other words, the principle of neutrality is ultimately a principle of neutralization.

In this contribution I have tried to show that Hegel's account allows us to bring the good back into the space of reasons, enabling public debate on the values that must guide our lives, both individually and socially. In this way, it becomes possible

to take the state as capable of encouraging, rather than delegitimizing, the exercise of intelligence and self-realization in the public sphere.[27]

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