

## HEGEL ON JUSTIFIED DISOBEDIENCE

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### I. THE PROBLEM

Under what conditions are citizens justified in refusing to support or comply with the demands of their state, or in resisting its institutions and laws?<sup>1</sup> This article explores G.W.F. Hegel's answer to this question. Hegel's approach to this question differs markedly from that of contemporary political philosophers. But it receives scant attention. Few recognize that Hegel even allows for justified disobedience, let alone that he can tell us anything about the conditions under which disobedience is justified. This is partly attributable to the fact that important texts concerning Hegel's views have only recently been discovered and published. My purpose is to articulate a distinctive Hegelian theory of justified disobedience, show how it differs both from the traditional understandings of Hegel's views and from contemporary approaches to the problem of justified disobedience, and briefly to point to some difficulties with Hegel's position that need to be worked out if it is to be a satisfactory alternative.

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### II. CONTEMPORARY APPROACHES TO JUSTIFIED DISOBEDIENCE

Contemporary political philosophy is characterized by a commitment to rational criticism. Rather than defer to the authority of tradition or custom, political philosophers seek moral principles to determine whether our traditions, laws, and practices are worthy of our commitment.<sup>2</sup> The implication for

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a theory of justified disobedience is that if our compliance with the demands of our state cannot be justified by valid principles, we have no obligation to obey.

Several theories of political obligation hold that an obligation to support and comply with the demands of the state is entailed from the fact that we receive benefits from the state, although the ways in which the obligation is derived from benefits received are quite different. According to the principle of utility, subjects have an obligation to comply with the state's demands insofar as doing so is beneficial. Jeremy Bentham writes, "It is [the subjects'] *duty* to obey just so long as it is their *interest*, and no longer."<sup>3</sup> According to the principles of fairness and gratitude, an obligation is entailed from receipt of benefits regardless of whether fulfilling a specific obligation is beneficial to the subject. On the fairness theory, receipt of public goods from which we benefit entails an obligation based on fairness to contribute to the cooperative ventures that provide these goods so long as the benefits and burdens of these ventures are distributed fairly.<sup>4</sup> On the gratitude theory, every citizen who has received benefits from the state owes the state an obligation of gratitude not to act contrary to the state's interests, and this means, among other things, complying with the law.<sup>5</sup> On both theories, those who receive no benefits may have no obligation to comply with the law.

Another sort of theory of political obligation holds that political obligations arise from consent.<sup>6</sup> While we might need some other principle—such as utility—to decide whether we should consent, the idea here is that if we have obligations, it is because we have voluntarily undertaken them by consenting. If we never consented, we have no obligation. Finally, natural duty theorists argue that we have a natural duty to support the laws and institutions of a just state. We owe this not because we ever promised to support these laws and institutions, nor out of fairness or gratitude for benefits received. "The law does not predicate its demand for compliance on any contingency such as consent or receipt of benefits."<sup>7</sup> The claim is that we have a general duty to promote institutions that do something justice requires wherever these institutions may be, a duty that does not depend on our having special ties to these institutions, special ties of the sort we have to the institutions of our own government.

Of course, there are ambiguities within each theory regarding how it is to be applied, and whether in particular circumstances it would support either noncompliance or active resistance. My purpose is not to address the details of this debate, but to see whether to this debate we can add a strikingly different voice worth hearing.

### III. HEGEL'S APPROACH TO POLITICAL OBLIGATION

For theorists committed to rational, principled criticism, deference to long-standing traditions, practices, and institutions is but the "worshipping of dead men's bones," a prejudice perhaps resulting from "sinister interests."<sup>8</sup> For a practice, institution, or law to be justified, there must be some good reason for it apart from its sheer existence or pedigree. Hegel is often seen—not without reason—as opposing the spirit of rational criticism. In his *Philosophy of Right*,<sup>9</sup> he opposes the construction of a state as it "ought to be." To determine what our duty is, he argues, we need to turn not to "a one-sided and empty ratiocination," but to the existing norms of our ethical life.<sup>10</sup> Hegel rejects the idea, which surfaces in the work of some contemporary political philosophers, that we can ignore customs and traditions and start from scratch each generation. For Hegel, the political theorist's task is "to comprehend what is" and not design blueprints for ideal states:

It is just as foolish to imagine that any philosophy can transcend its contemporary world as that an individual can overleap his own time or leap over Rhodes. If his theory does indeed transcend his own time, if it builds itself a world *as it ought to be*, then it certainly has an existence, but only within his opinions—a pliant medium in which the imagination can construct anything it pleases. (*PR*, Preface, pp. 21-2)

Hegel's respect for custom and tradition, his refusal to imagine ideal futures, his conviction that philosophy must comprehend what is "for *what is* is reason" (*PR*, Preface, p. 21), has led several commentators to interpret Hegel as deferring to tradition and leaving no room for criticism, let alone justified disobedience.<sup>11</sup> In this section, I argue that while Hegel insists we turn to our social practices to find out what our obligations are, he does not advocate unprincipled deference to or acceptance of whatever practices or customs we happen to have. Hegel insists that our laws, institutions, and practices should be justified, and if they aren't, I shall argue, he is committed to saying we need not support them. But the approach Hegel takes in deciding whether the demands of our state are justified differs strikingly from the prevailing principled accounts of justified disobedience.

In his *Philosophy of Right*, Hegel addresses the question of why we should obey the law and otherwise discharge our political obligations, and his answer is *not* "because it is the law" or "because they are our obligations." Hegel acknowledges that there can be unjust laws, and he does not think we are bound to them merely because they are called "law."<sup>12</sup> Hegel thinks we are obligated to support just institutions—institutions that are right (*Recht*)—but not from a natural duty to support just institutions. The reason Hegel gives is a

reason to support only the just institutions that have a special place in our life, that are *our* institutions. As we shall see, for Hegel it is because they are *our* just institutions and not out of a sense of duty to support any just institutions that we feel, and are, obligated to them. Nor, on Hegel's view, is the reason we obey the law or commit ourselves to the state to augment social utility. While Hegel does not explicitly take up utilitarian theories of political obligation, he is opposed to the general project of utilitarianism. "Utility," he says, "is never capable of giving the last decision on a matter" (Rph V, 3:687, 18-21). Nor does Hegel think we are obligated to support our political institutions out of either fairness or a sense of gratitude. Hegel might not deny that fairness or gratitude are reasons for discharging at least some political obligations. He notes that one condition of our having obligations to the state is that the state provides for our welfare, calling to mind the fairness argument that bases political obligations on benefits received, and there is at least one passage in which Hegel suggests that gratitude to the state is an appropriate feeling to have: Hegel criticizes those who always find fault with the state, instead of focusing on all the good the state does for us, which we take for granted—Hegel suggests we are not grateful enough (PR 268 Z). But in his account of why we should be committed to the state and comply with its demands, Hegel points to neither utility, fairness, nor gratitude.

Hegel's view on consent theory is more complicated. There is for Hegel a sense in which we must consent to the institutions of our state. But Hegel does not think the state is legitimate and deserves our support *because* we consent to it. Hegel repeatedly discounts the importance of consent. "The objective will is rational in itself, i.e. in its *concept*, whether or not it is recognized by individuals and willed by them at their discretion."<sup>13</sup> He says the state must enforce what is rational against the criminal, through punishment, "*with or without the consent of individuals*" (PR 100 Rem, p. 126). In other passages, Hegel speaks out specifically against the democratic ideal that each individual should have a say in government, with decisions determined by the majority. Echoing Burke, Hegel says "it is not essential that the individual should have a say as an abstract individual entity; on the contrary, all that matters is that his interests should be upheld in an assembly which deals with universal issues" (PR 309Z, p. 348. Cf. PR 308 Rem, p. 348). There is a sense, however, in which consent is important for Hegel. In the same passage in which he criticizes the idea of majority rule, he defends the "principle that I should be personally present in anything which imposes an obligation on me," though he goes on to explain that this principle does not entail "majority decisions" or participatory democracy (PR 309Z, p. 348). Just after he rejects the view that everyone should have a vote to determine policy outcomes, saying this is premised on the "false" assumption that "everyone is an expert on such

matters," he proceeds to say that everyone should have, not a vote on policy, but a chance to express their views as part of "public opinion" (*PR* 308 Rem., p. 348. Cf. *PR* Pars. 316-19). After declaring that the state must punish the criminal "with or without his consent," Hegel adds that consent, nevertheless, is important: "Beccaria is quite right to demand that human beings should give their consent to being punished, but the criminal gives this consent by his very act" (*PR* 100Z, p. 127). Hegel declares that "the principle of the modern world requires that whatever is to be recognized by everyone must be seen by everyone as entitled to such recognition" (*PR* 317Z, p. 355). Liberal theorists committed to the principle that obligations must derive from consent will concur with this, but will not agree with what Hegel goes on to suggest—that freedom of speech itself satisfies this demand: "Each individual wishes to be consulted and to be given a hearing. Once he has fulfilled this responsibility and had his say, his subjectivity is satisfied and he will put up with a great deal" (*PR* 317Z). On Hegel's view, the principle of subjectivity requires that we have a say, but this does not mean that what we say is the standard for ethical judgments. This principle of subjectivity declares that we have the right to be "held responsible for an action . . . as right or wrong, good or evil, legal or illegal, according to [our] cognizance of the value which that action has in objectivity," "but," Hegel quickly adds, "whatever I may require in order to satisfy my conviction that an action is good, permissible, or impermissible . . . in no way detracts from the right of objectivity"; action "must in general conform to what is recognized as valid in [the] world" (*PR* 132 Rem., pp. 158-9).

There are strong and weak senses of consent. To consent in a strong sense is to authorize, or grant permission.<sup>14</sup> To consent to your representing my interests in Washington, D.C. is to authorize you to act on my behalf. Hegel does not think obligations derive from consent in this strong sense. He does not think we grant permission, or are the authors of, or authorize, our laws, practices, and institutions, nor does he think that if we did author a law, then that would justify it. There are weaker senses of consent: to "agree to," which itself has many senses, such as to explicitly agree to something, or agree to something tacitly, by just going along. Consent might mean "approve of," which we can do reluctantly of something with which we do not agree, as when we would have chosen an alternative. Still a weaker sense of consent is to "accept," which we can do without actually agreeing or approving. Or consent might mean "find subjective satisfaction in," or "reconcile ourselves with," or "be resigned to." Consent is compatible with different degrees of voluntarism.<sup>15</sup> It is difficult to say according to which of the weaker senses of consent Hegel is a consent theorist. He believes that citizens of a modern state have a duty to comply with the institutions and laws of that state regardless of

whether they ever promised to comply, and even if they themselves do not grasp a principled justification for those institutions and laws. However, we shall see that for Hegel an individual is free obeying laws only if the individual recognizes the laws as rational and such recognition, we might want to say, amounts to a sort of consent.

So far we have seen how Hegel distances himself from the views toward justified disobedience dominating contemporary political philosophy. I now formulate what I take to be Hegel's own, distinct view.

According to the leading principle-based accounts of political obligation, I ought or am bound to carry out a specific political obligation such as paying taxes, obeying a law, or serving in the military, if doing so either augments utility or is required by fairness or out of gratitude, or because I promised to do so or to comply with the institutions or practices of which the specific obligation is a requirement, or out of a natural duty insofar as carrying out the specific obligation is a demand of just institutions. Hegel's position is, rather, that I am bound to carry out the specific obligation because

- (a) the specific obligation is a requirement of my ethical life (*Sittlichkeit*) and
- (b) this system of ethical life is rational.

In this section, I discuss Hegel's position generally, including his standard of rationality. In the section following, I discuss how the position allows for justified disobedience.

On Hegel's view, we determine what is right and what our obligations are by turning to our existing ethical life, or *Sittlichkeit*. Our obligations are dictated to us by our laws, customs, and practices, but what justifies these obligations and explains why we are not unfree in discharging them is not the fact of their existence. We should comply with the demands of our ethical life only if that ethical life is rational: "Whatever is to achieve recognition today no longer achieves it by force, and only to a small extent through habit and custom, but mainly through insight and reasons (*Einsicht und Gruende*)" (*PR* 316Z, p. 353, modified translation). The state is based on reasons and principles, and unless we understand the reasons for complying with its demands, then our political obligations are based *merely* "on authority" (*PR* 270 Rem, p. 299). The state's demands are legitimate only insofar as they have a rational basis: "Legitimacy comes from rational principles grounding law, not from tradition or custom."<sup>16</sup> Hegel, then, in deriving obligations from social practice, is not rejecting the Enlightenment project of subjecting our conventions to rational scrutiny. He would be no more tolerant than Jeremy Bentham of the Burkean conservative who wants us to be happy with

pleasing illusions merely because we are used to them. (Bentham considers such traditionalists as "labouring under a general and incurable imbecility."<sup>17</sup>)

Hegel insists that the laws, practices, and institutions that make demands on us conform with a principle of rationality. But he distinguishes this principle from another sort of principle, what I refer to as an "abstract" principle. An abstract principle is a principle with which we can make judgments without reference to the rules, purposes, or shared understandings associated with social practices. Some principles, which are to be distinguished from abstract principles, are immanent in practices. For example, a teacher grading a paper might use a principle such as "coherence or grammatical correctness merits a good grade," and in doing so is appealing to a principle that makes reference to a particular practice of assigning essays and to a shared understanding of what counts as a good paper. This principle is inapplicable in other contexts, such as judging moral guilt or deciding when to punish legally, whether to keep a promise, or what level of taxation to impose, precisely because it is not abstract. Abstract principles can be used to make all sorts of judgments because they do not depend on features of particular practices. A teacher who judged papers on the basis of whether the paper augmented her utility would be appealing to an abstract principle. Another example of an abstract principle is Kant's categorical imperative, that demands we act upon a maxim that we could also will as a universal law and that we treat every rational being as an end.

Immanent principles have weight only for those sharing in social practices from which the principles are derived. Hegel, we shall see, is critical of abstract principles, and the significance of his opposition to such principles is that for Hegel political obligations will be justified, and *felt* to be justified, only for people sharing in an ethical life that engenders shared understandings and standards of right conduct. Hegel is critical of abstract principles such as the categorical imperative because they do not account for what motivates us to carry out our obligations. Hegel implies that we often carry out our duties not from knowing that our duty conforms with abstract principles but, rather, from feelings such as love for the object of our duty. The categorical imperative's requirement to respect every rational being as an end, like the Christian prescription of universal love, calls on us to treat people in certain ways regardless of who they are and in the name of some abstract ideal when in fact what motivate people to perform their duties usually are concrete feelings toward particular individuals. In his lectures and own marginal comments to the *Philosophy of Right*, Hegel criticizes the Christian prescription of universal love, saying it is "empty" and ignores how "human beings are concrete individuals",<sup>18</sup> and in his lectures he asks, "how can I demand the welfare of the Chinese . . . the bible is more rational in saying love thy

neighbor as yourself, i.e. the people with whom you come into relation."<sup>19</sup> For Hegel, ethics is "implanted in the child in the form of feeling" (PR 175Z, p. 213). We are brought up with the practices, laws, and institutions that determine what our obligations are. Acting in accordance with their demands has become second nature to us, is what we have come really to will.<sup>20</sup> We are disposed to carry out our duties not because they are dictated by some abstract principle we know to be true, but because we are involved in concrete relations that require us and make us want to act in certain ways.

But—and this is absolutely crucial—Hegel does *not* think that practices or institutions are justified *because* we have strong feelings for them. Their legitimacy comes from "rational principles." While Hegel usually opposes abstract principles,<sup>21</sup> he does not reject appeals to principles and at different times appeals to at least three sorts. Sometimes Hegel appeals to principles that are immanent in discrete practices or institutions, such as marriage (PR 168), private property (PR 41, 46Z), hereditary monarchy (PR 279, 280), or legal punishment (PR 99 Rem.). Here a principle is a formulation of the purpose of the practice or institution. For example, by turning to features of legal punishment, we might conclude that the purpose of punishment is to mete out just deserts, and this purpose becomes a principle of punishment, used to determine whether we should punish in a particular case. Such principles are not abstract. Rather, they articulate the point of a preexisting shared behavior or practice.

There is a second sort of principle to which Hegel appeals at least on one occasion. In his discussion of property, Hegel notes that some aspects of property law, while conventional, are justified not because they are our conventions, but for logical or practical reasons. Hegel gives this example: "that a thing belongs to the person who *happens to be the first* to take possession of it is an immediately self-evident and superfluous determination, because a second party cannot take possession of what is already the property of someone else" (PR 50, p. 81. Cf. PR 52Z, p. 83). Here Hegel appeals to a principle of first-possession. What sort of principle is this? It does not seem to be an abstract principle, for it presupposes the concepts of possession and ownership and is not a principle that can be applied to many institutions other than property. It is not merely a rule of property, for it means to justify an existing rule. We might call it a logical or practical principle.

A third principle to which Hegel appeals is the principle of rationality, which plays a central role in Hegel's views on justified disobedience. As we have seen, one condition of our having political obligations is that the system of ethical life of which the obligation in question is a requirement be rational. To understand Hegel's position, we must see what he means in saying something is rational.



### *Hegel's Principle of Rationality*

Hegel never explicitly lays out his criteria of rationality, and sometimes what he does say is confusing. For example, in one passage he says that to be rational is to accord with "recognized principles," suggesting that something is rational if it conforms with an abstract principle (*PR* 270, p. 291). But Hegel implicitly distinguishes principles of the right sort from abstract principles. "Predicates, principles, and the like get us nowhere in assessing the state, which must be apprehended as an organism" (*PR* 269Z, p. 290). Something is rational, for Hegel, not if it conforms to abstract principles, but if it can be apprehended in a certain way.

While Hegel does not expressly state his criteria of rationality, three conditions can be singled out from his texts. A practice or law is rational, and commands our commitment, if it is part of a system of ethical life that is (1) coherent and (2) functional and enduring, and (3) if we are "at home" in this system of ethical life.

Ethical life is rational in part if it is a coherent system. "The fact that the ethical sphere is the *system* of these determinations of the Idea constitutes its *rationality*."<sup>22</sup> A particular practice or law is rational, in part, if it belongs to a system that we can understand to be a coherent whole. A system of practices that generates irresolvable conflicts of duty is not rational by this first criterion. Hegel praises Montesquieu for understanding that particular laws or practices "should not be considered in isolation and in the abstract, but rather as a dependent moment within *one* totality, in the context of all the other determinations which constitute the character of a nation and age; within this context they gain their genuine significance, and hence also their *justification*" (*PR* 3 Rem., p. 29, emphasis added). A rational practice is closely interwoven with other practices, so that to change one would require changing others. They all hang together as part of a coherent system. Take away any one of these practices and the entire system may unravel.

Hegel, in the passage above, is not offering merely a coherence theory. To be rational, our practices, laws, and institutions must not only cohere with each other but also reflect "the character of a nation." They must promote our values and have a special place in our lives: they must satisfy the other two criteria of rationality.

Hegel characterizes the modern state, which he calls an "ethical substance," as "a fixed and *enduring* determinacy."<sup>23</sup> To be rational, a law or practice must be an integral part of an enduring system, and to be enduring, the system of laws, practices, and institutions must be functional. In discussing proposals for absolute equality of property, Hegel notes how such a system would not last very long since the more diligent would soon acquire more,

and he concludes, "But if something is impracticable, it ought not to be put into practice either" (*PR* 49Z, p. 80). Institutions that conform with abstract principles such as equality may be appealing in theory, but for Hegel one test for whether an institution is rational is that it is a well-functioning part of an enduring system of ethical life.<sup>24</sup>

The third of Hegel's criterion for rationality is that the system of ethical life of which a rational practice is an integral part not just endures, but is one in which we are "at home," or free: "Only the will that obeys the laws is free, for it obeys itself and is at home [*bei sich selbst*] and free."<sup>25</sup> To say they are truly rational, the coherent and enduring set of practices must promote our freedom.

Hegel's account of rationality draws us to his distinctive conception of freedom and to his philosophy of historical development, according to which history is a rational process of development from less to more adequate forms of social life, where adequacy is measured by the ability of *all* (and not just some) human beings to arrive at the self-consciousness of themselves as free beings, or "Spirit" (*Geist*). In the modern world, Spirit realizes itself through appropriate practices and institutions that allow for individuals fully to realize their implicit freedom. *Only with* such a system of ethical life can human beings be fully at home in their world, or free. That they provide for the realization of freedom is what makes the practices and institutions of ethical life rational. Freedom is the "goal" of history, and it is man's essence as Spirit, man's very nature, to realize this freedom.<sup>26</sup>

Hegel speaks of freedom as a principle that in the course of history may differ from that "which is real."<sup>27</sup> With the institutions and practices in the world prior to the modern era, individuals were not truly free, and therefore these institutions and practices were not rational. Hegel speaks of practices and institutions such as slavery, Athenian democracy, and feudal property law as inadequate for the realization of freedom and regards these practices and institutions as not rational, although they may be "appropriate" for people at an inferior stage of historical development.<sup>28</sup> On Hegel's teleological account of history, such systems of ethical life necessarily fail to endure. Looking at the course of history, Hegel observes how world-historical peoples such as the Persians, Greeks, and Romans experienced the inadequacy of their practices and institutions, and their systems of ethical life inevitably dissolved, with new ones arising in their place. Spirit outgrows the institutions and practices of such an ethical life and comes to adopt a new one better suited to the realization of freedom: "ruin is at the same time emergence of a new life . . . out of life arises death, but out of death, life."<sup>29</sup>

The reason Hegel is unwilling to say any state prior to the modern state was rational is not simply that all such states eventually came to their own

demise, thus failing to endure, but that no prior state recognized the rights of *all* its members, and so it was never the case up until the modern state that every member could be at home in their ethical life. The great significance of the French Revolution, for Hegel, is that it recognized for the first time in history the right of all citizens to have their welfare needs met and their personality respected, and with this the right of all human beings to be free (as Hegel understands freedom).

Hegel's account of rationality lets him criticize a coherent and functional system of practices in which not every individual of that society is "at home." His teleological view of history, according to which history is a course of development in which human beings, who are implicitly free beings, or Spirit, arrive at the consciousness of their freedom and realize their potential, leads him to say that a society in which all members are not at home will not endure very long. But if a people could all be at home in a coherent and enduring system of practices, then Hegel is committed to saying these practices are right. If his criteria of rationality are met, there is nothing more to be said; the practices are right. Hegel does not think these criteria are met by societies practicing slavery, or feudal societies that failed to recognize the right of *every* human being to own some private property, for not only did these societies fail to endure, but in these societies some individuals did not have the opportunity to be free or at home—their free wills did not come into existence. His observation of history leads Hegel to the empirical conclusion that no rational system of ethical life existed prior to the rise of the modern state, and he speculates that the ethical life of the modern state *is* such a coherent system, the first ever.<sup>30</sup>

The obligations that arise from rational social institutions and laws are obligations to people with whom we identify, to whom we feel a special bond and commitment. One way these feelings and bonds arise among citizens is through their being brought up with and educated to share in the same practices. That the institutions and laws from which our obligations arise are part of a shared ethical life that creates these bonds and instills a sense of shared commitment in its members is part of what makes them rational. Private property, contracts, marriage, and military service are rational institutions and practices, on Hegel's view, not merely because they are interdependent, but because they create bonds that preserve the system of ethical life and get each of its members to feel and be at home in it. In the *Philosophy of Right*, Hegel details how through the institutions of private property and contract, individuals objectify their wills and are recognized by others in a common will; how through marriage, an individual comes to be an ethical being; how in civil society, by working in corporations, we work for still a greater universal objective; and how all of these stages prepare us to be citizens at home in

the state and satisfied in carrying out the duties of citizenship. States lacking these or functionally equivalent institutions are not rational because without these institutions we would not be truly free, we would lack the experience of recognizing and being recognized by others as meaningful contributors to a shared ethical life in which we are at home, an experience that for Hegel constitutes freedom.<sup>31</sup>

Hegel's view is that one is bound to fulfill a specific political obligation if (a) that specific obligation is a requirement of ethical life (*Sittlichkeit*) and (b) the system of ethical life is rational. Of course, we might disagree that a specific demand by the state is a requirement of ethical life. If the demand is a demand of a practice, such as keeping a particular promise, we might dispute the claim that the specific demand—for example, keeping a particular promise—is indeed required by the practice, or we may disagree that the practice is a requirement of ethical life. Hegel's position takes account of different levels of justification. For those who are concerned not with the specific content of our obligations, such as why we are bound to do x instead of y, but rather with why we have any obligations at all, Hegel points not to the reasons supporting x, but to the rationality of the system of ethical life of which x is a part. In the preface to *Philosophy of Right*, Hegel criticizes "superficial" philosophers who declare the law and political duties to be shackles. These philosophers are objecting not to the specific content of our duties, but to the claim that we have any duties at all to the state. Hegel thinks the appropriate response to these critics is to get them to "grasp the form of rationality in right and ethics" (*PR*, Preface, pp. 16-17; cf. p. 11). But pointing to the rationality of ethical life will not satisfy the critic who objects not to the very idea of political obligations, but to the claim that we are bound to do x rather than y. Hegel does not ignore this critic. Where x is said to be a requirement of a practice, then if the critic disagrees that the practice indeed requires x, Hegel could respond by pointing out that x conforms with the principle(s) immanent in the practice. One of the great strengths of Hegel's *Philosophy of Right* that is seldom appreciated is that it addresses in surprising detail specific, concrete demands associated with many of our practices and institutions. Hegel provides rich accounts of the underlying purposes of private property, contracts, punishment, marriage, and other institutions and practices, and uses his accounts to explain why given these purposes certain actions are justified and other actions inconsistent with these purposes are not.<sup>32</sup>

If the critic objects to the claim that the practice of which x is a requirement is required by ethical life, Hegel cannot appeal to the principles immanent in the practice, for they cannot themselves justify the practice. To justify practices, Hegel would turn to the standard of rationality. Rationality is a predicate of individual practices or laws and of ethical life as a whole. The

former are rational if they are integral parts of the latter. Hegel argues that a practice is justified in part if it coheres with the other practices and institutions in a system of ethical life that promotes freedom. It is closely interwoven with these other practices. To change a practice would require changing others, since they all hang together as part of a coherent system. For example, respecting property or contract laws, paying taxes, or serving in the military all can be regarded as rational demands because they are necessary for maintaining ethical life and are carried out in a way consistent with our other practices and promote the mutual recognition of individuals that is essential to being free.

#### IV. A REVISIONIST ACCOUNT OF HEGEL'S VIEWS ON JUSTIFIED DISOBEDIENCE

In determining what our obligations are, Hegel turns to the obligations we do have:

If men are to act, they must not only intend the good but must know whether this or that particular course is good. What special course of action is good or not, right or wrong, is determined, for the ordinary circumstances of private life, by the laws and customs of a state. It is not too difficult to know them.<sup>33</sup>

"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). Hegel does not purchase this ability to specify the content of our obligations at the price of blind devotion to existing practices and laws. He insists these practices and laws be justified—"What [the exposition and promulgation of public law and morality] needs is to be *comprehended* as well. . . . For [free] thinking does not stop at what is *given*" (*PR*, Preface, p. 11)—and the *Philosophy of Right* is his effort to justify some of the core practices of the modern state from which many of our obligations derive, by showing how they are functional and integral parts of a coherent system of ethical life that satisfies our needs and provides the mutual recognition that we need to be at home. His position is that we are bound to do what ethical life requires *if* that ethical life is rational. This suggests that Hegel should allow for the possibility of justified disobedience. In this section, I argue that he does.

On Hegel's view, discharging our political obligations is not something we feel forced to do; rather, doing so feels natural—is second nature to us—if the state truly is our ethical substance, if it is our home. For Hegel, turning to

abstract principles like utility, fairness, or consent obscures the real basis for our obligations. It also misdirects us when we seek criteria for when our obligations dissolve: obligations dissolve not simply for lack of benefits received; they dissolve when the state no longer is our home. On Hegel's view, when the bond between members of the ethical substance breaks, political obligations vanish.

Though much of the scholarship on Hegel's philosophy of right over the past three decades has emphasized the liberal strands in Hegel's political theory, little has been written about the extent if any to which Hegel leaves room for justified disobedience or for rebellion against the traditions and practices of one's community.<sup>34</sup> When the issue is faced, most scholars, drawing less on the liberal and more on the conservative strands of Hegel's thought, conclude that Hegel leaves little or no room at all. Among recent commentators, Carol Pateman says that Hegel's political philosophy implies "unquestioned and unconditional political obedience":

For Hegel, any questioning of the "absolutely valid" laws, let alone a claim by citizens of a "right to rebel," is based on wrong-headed notions of "abstract right" that treat membership as something optional and threaten the authority of the state.<sup>35</sup>

Patrick Riley reaches a similar conclusion: "the formalism of Hegelian conscience involves accepting the content of whatever customs obtain at a given time."<sup>36</sup>

These commentators rightly see Hegel as deriving obligations from existing rules and practices that we share. Yet they suggest that Hegel defers uncritically to practices.<sup>37</sup> I have argued, to the contrary, that Hegel shares in contemporary political philosophy's commitment to rational, principled criticism.

Hegel for the most part insists we support existing practices: they have endured, have socialized us, are our home. At times, Hegel seems to demand conformity, to leave no room for dissent or disobedience. "You must do something that counts universally, you cannot be just a private person. . . . To want to do something unheard of would be a crime" (Rph V, 3:637-8). Abstract principles (what Hegel sometimes refers to as the "abstract good") can lead us away from our concrete obligations and toward "evil":

Murder for hatred and revenge—i.e. in order to satisfy a self-awareness of one's own rights or of right in general [or to eliminate] this wicked individual who is wickedness personified, and thereby contribut[e] at least something towards the end of eradicating the bad[, is] transformed into well-intentioned and consequently good actions. [But] in this abstract good, the distinction between good and evil as well as all actual duties, has vanished.<sup>38</sup>

Hegel's point is not that those subject to the law must unreflectively obey; on the contrary, he thinks that man "must know about [right] if it is to have binding force for him," even suggesting we have a *right* to know.<sup>39</sup> His point is that not just any standards will do in deciding whether the law is right and therefore command our support. In deciding this, we must appeal not to subjective standards such as what I feel is right, nor to abstract principles like the categorical imperative, but to the standard of rationality.

Hegel sometimes discounts the revolutionary implications of our right to know the good of the law and the critical edge of the principle of rationality: we have the right to agree or be convinced that the law is right, or rational, but "on the other side . . . the state cannot wait for the understanding of others" (Rph VI, 4:352, 25-9). So long as the laws and practices of the modern state are rational, there is no excuse or justification for the citizen to oppose them (Cf. Rph VI, 4:352, 30-353, 2). Here Hegel's position is that we must not oppose the laws *if* the laws *are* right. Everything depends on the content of custom and law. Hegel does leave open the possibility that one's conscience can be *better* than "right and good in actuality and custom"—as he thought was the case for Socrates in his Athens (*PR* 138 Rem., p. 166).

Hegel gives great weight to the authority of the state and of custom. But Hegel does not leave the individual confronted with an unjust state powerless. To Hegel, we are obligated to obey the law if the state is our ethical substance; if we are at home in it; if its practices, institutions, and laws are rational; if the free will "comes into existence" in it. But in a passage from a set of notes of Hegel's lectures on political philosophy taken by one of his students, Hegel declares that if my free will does not come into existence in the state, I have no corresponding duty to the state: "Man also has the right that his free will should be realized, it is his own, and if it does not come into existence, then he is not bound . . . insofar as the free will as such does not come into existence, there is neither right nor duty."<sup>40</sup>

In a passage from another set of lecture notes made available only in the early 1980s, Hegel suggests that rebellion is sometimes justified. Just having depicted the plight of the marginalized "rabble," Hegel says, "Earlier [referring to *PR* 127-8] we had seen the right of distress as relating to a momentary necessity. Here necessity no longer has this purely momentary character" (Rph III, 195-6). In the earlier passage to which Hegel refers, he notes that in times of necessity, as when a hiker is lost and desperately needs food, there is a higher "right of distress" that justifies violating rights to property in order to survive—if the hiker comes across a cabin, she can justifiably break in and take food by virtue of this higher right. By saying that "here" (referring to the plight of the rabble) "necessity no longer has this purely momentary character," Hegel suggests the poor, too, have a right of distress. Dieter Henrich

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infers from this passage that for Hegel "the poor have in civil society a right to rebel [*Recht zum Aufstand*] against the order which prevents the realization of their freedom."<sup>41</sup> While Henrich's suggestion that Hegel advocates revolution may seem an implausible reading,<sup>42</sup> the passage remains important because in it Hegel implies that the marginalized who are not at home in the state have no corresponding obligations to the state. Hegel compares the rebellion of such people to the struggle of a conquered people against their master. Hegel says such rebellion is not a crime against the state, since it is no violation of the idea of the state (*PR* 281 Z, p. 289). We could use various principles to reach this conclusion. The utilitarian would say it is not in their interest for these people to obey; an advocate of the fairness principle would argue that these people receive few benefits and so it would be unfair for them to contribute what the state demands; the proponent of the gratitude theory would argue that these people have nothing for which to be grateful, have no debt of gratitude. While Hegel might happily borrow these arguments for reinforcement, the thrust of his own argument would be different. For Hegel, a citizen has obligations to the state because the state is her ethical substance; in it the citizen has a place, is at home. Part of what this means is that the institutions of the state provide for this person's welfare and that through them the individual can achieve her subjective ends. Hegel says that "if their welfare is deficient, if their subjective ends are not satisfied, and if they do not find that the state as such is the means to this satisfaction, the state itself stands on an insecure footing."<sup>43</sup> Failure to receive benefits puts the state on an "insecure footing." But the satisfaction we receive in return for our allegiance and commitment is not merely the satisfaction of material needs and desires; it includes as well the satisfaction of our "substantial essence, and the consciousness and self-awareness of being a member of a whole" (*PR* 261 Rem., p. 285). Obligations truly dissolve, then, only when the state no longer brings us this deeper satisfaction, when it no longer provides the means for our recognizing and being recognized by others, when it no longer is our home.<sup>44</sup>

Hegel's account, I have argued, because it is not opposed to principled criticism of social practices, is able to articulate conditions for justified disobedience. Hegel also addresses the conditions when obligations are outweighed by other moral considerations, as when a citizen refuses to serve in the military for religious reasons. Hegel says that Quakers and Anabaptists may fulfill their direct duties to the state in other ways if their religious convictions preclude military service (*PR* 270 Rem., p. 295). It is disappointing that he does not spell out these conditions in much detail. Some might find it disappointing as well that while his theory leads us to the conclusion that we are not obligated to obey unjust laws, Hegel is, as Allen Wood writes, "completely silent on the question of what we should do when we are confronted

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with an unjust law which the authorities expect us to obey."<sup>45</sup> Hegel recognizes the possibility of justified disobedience and acknowledges that the inequalities of civil society in his day call into question the validity of obligations for a large class of poor people; yet he does not tell us what concrete form if any disobedience should take. Hegel seems more concerned with meeting the criticism of those who do not think we have obligations at all to our state than addressing conflicts of duty, or *how* to confront demands of an ethical life that is not rational. He does not imply there is a "right," in the legal sense, of disobedience.<sup>46</sup> Yet an individual might be bound by conscience or justified by history in not obeying a law, or even taking part in a revolution—as Hegel thought Socrates was. Without a minimum of well-being, without objectively being at home, the marginalized are morally justified not to obey, but Hegel does not give this right convincing legal form. Still, we have missed the principled, rationalist character of his political philosophy if we fail to see that Hegel leaves open the possibility of justified disobedience.

Hegel's acknowledgment of the importance of shared practices and understandings in judgments of right has been mistaken for an antirationalist conservatism and for a rejection of the possibility of justified disobedience. I have argued that Hegel's approach to justified disobedience is not inherently conservative, and it is unlike any of the approaches prevalent in contemporary political philosophy. Unlike these other theories, Hegel's focuses on the importance of political identity to the legitimacy of the state.

In this essay, my purpose has been primarily to advance a revisionist understanding of Hegel's views on justified disobedience and to show how they contrast with contemporary theories. Before Hegel's approach can realize its potential, some of its difficulties need to be worked out. On Hegel's view, noncompliance or resistance is justified if the state is not rational. If Hegelian metaphysics precludes the possibility of breakdown in modern states, then there would be no room for justified disobedience in Hegel's political philosophy. I have pointed to passages that show, though, that Hegel was not blind to the difficulties of maintaining agreement in ethical life, and he was aware of some deep contradictions that led him to come at least tentatively to the conclusion that disobedience might be justified. But before we could confidently apply Hegel's theory, ambiguities in his conception of rationality, including its metaphysical roots, need to be addressed further, most notably precisely how we tell whether we are "at home" in our society. While "being at home in," or being free in, might strike us as an extremely subjective criterion for rationality, Hegel does not intend it to be. As recent commentators have emphasized, there are objective conditions for being at home: my basic needs and welfare must be met, and the practices and laws of my ethical life must reflect the character of my people—its values must

express my values.<sup>47</sup> I have attempted to clarify Hegel's principle of rationality, but even so, at present it falls short as a standard that could provide an unambiguous guide for moral or legal judgment. Another difficulty, already noted, is that Hegel's texts don't clearly address the form justified disobedience might take. One can show resistance in many ways, from obeying but with reluctance, to noncompliance, to advocating violent overthrow of government. Elsewhere I have argued that the passage from the lecture notes where Hegel refers to a right of necessity on the part of the poor might better be interpreted as a justification for a legal defense in a prosecution of certain crimes that we might call "political crimes" than as a call for justified revolution.<sup>48</sup>

Each of the prevailing approaches to justified disobedience have their own ambiguities in application, and most fail to discuss strategies of disobedience as well. The ambiguities in Hegel's theory, then, should not rule his theory out as a candidate for inclusion in contemporary debates. Perhaps the core claim in Hegel's political philosophy is that the demands of the state reflect the true will of its citizens, who have been brought up and shaped by its practices and laws, so that complying with these demands is to be not forced but free. We should *want* to comply with these demands (if they are rational). This idea that citizens identify with their state and its ethical life is virtually absent from contemporary political philosophers' accounts of political obligation. Theorists holding that an obligation to support and comply with the demands of the state is entailed from the fact that we receive benefits from the state have a difficult time explaining why any distinction should be made between citizens and noncitizens also receiving benefits. A social utilitarian is hard pressed to explain why we should be committed to promoting the interest of only those humans who fall within the borders of our polity, or how those borders are to be drawn. Philosophical anarchists deny that there *is* any special obligation of citizens to their state.<sup>49</sup> Despite important difficulties that need to be worked out in a Hegelian account, I believe contemporary political philosophy can benefit from an added voice, one that uniquely points to the role ethical practices shared by members of the state play in citizens' political identity and how this may bear on the extent to which citizens are obligated to comply with the state's demands.

#### NOTES

1. This question is distinct from the question, not addressed here, of whether disobedience of a particular unjust law that is part of an otherwise just constitutional system is ever justified.

2. Formulation of principles for right conduct characterizes much contemporary political philosophy, as is apparent by consulting the journals *Ethics* and *Philosophy and Public Affairs* and the work of philosophers such as John Rawls, R. M. Hare, Thomas Scanlon, and Joel Feinberg. For a discussion of principled approaches to political theory that emphasizes the ways in which principles are constrained by social practices, norms, and shared understandings, see Mark Tunick, *Practices and Principles: Approaches to Ethical and Legal Judgment* (Princeton, NJ: Princeton University Press, 1998).
3. Jeremy Bentham, "Fragment on Government," in *Works of Jeremy Bentham*, ed. John Bowring (Edinburgh: William Tait, 1838), chap. 1, sec. 43.
4. George Klosko, "Presumptive Benefit, Fairness, and Political Obligation," *Philosophy and Public Affairs* 16, no. 3 (Summer 1987): 241-59; cf. H.L.A. Hart, "Are There Any Natural Rights?" *Philosophical Review* 64, no. 2 (April 1955): 175-91; and John Rawls, "Legal Obligation and the Duty of Fair Play," in *Law and Philosophy*, ed. Sidney Hook (New York: New York University Press, 1964), 9-10.
5. A.D.M. Walker, "Political Obligation and the Argument from Gratitude," *Philosophy and Public Affairs* 17, no. 3 (Summer 1988): 192, 205, 207.
6. Harry Beran, "In Defense of the Consent Theory of Political Obligation and Authority," *Ethics* 87, no. 3 (April 1977): 261-2. In some versions, each person must consent, in others the first generation of the political community, in still others the majority. See A. J. Simmons, *Moral Principles and Political Obligation* (Princeton, NJ: Princeton University Press, 1979), 60. Consent theories also differ about what must be consented to—particular laws? the procedures for passing laws?
7. Jeremy Waldron, "Special Ties and Natural Duties," *Philosophy and Public Affairs* 22, no. 1 (Winter 1993): 3. See also John Rawls, *Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), 113-15, 334-7. For criticism of the natural duty theory, see Mark Tunick, "The Scope of Our Natural Duties," forthcoming in *Journal of Social Philosophy*.
8. Jeremy Bentham, *Book of Fallacies*, in *Works*, ed. Bowring, 392, 398, 459.
9. G.W.F. Hegel, *Philosophy of Right*, ed. Allen Wood, trans. H. B. Nisbet (Cambridge: Cambridge University Press, 1992). I refer to this work as *PR* and cite paragraph numbers and, where paragraphs are lengthy, page numbers. "Rem" refers to Remarks, and "Z," to an Addition (*Zusatz*). I also make reference to lecture notes taken by students of Hegel's course on the philosophy of right. In doing so, I use the following abbreviations: "Rph III": G.W.F. Hegel, *Philosophie des Rechts: Die Vorlesung von 1819/20*, ed. Dieter Henrich (Frankfurt am Main: Suhrkamp, 1983); "Rph V": G.W.F. Hegel, *Vorlesungen ueber Rechtsphilosophie (1818-1831)* [Lectures on the Philosophy of Right], 4 vols., ed. Karl-Heinz Ilting (Stuttgart-Bad-Canstatt: Friedrich Frommann, 1973), vol. 3; "Rph VI": Hegel, *Vorlesungen ueber Rechtsphilosophie*, vol. 4; "Rph VII": Hegel, *Vorlesungen ueber Rechtsphilosophie*, vol. 4. When citing from the lecture notes, references are to volume, page, and line when needed.
10. See *PR*, Preface, pp. 20-1; *PR* 273 Rem; Hegel, *Reason in History*, trans. Robert Hartman (Indianapolis: Bobbs-Merrill, 1953), 37-8, 58-9.
11. See Sean Sayers, "The Actual Is the Rational," in *Hegel and Modern Philosophy*, ed. David Lamb (London: Croom Helm, 1987), 147-8; Andrew Arato, "A Reconstruction of Hegel's Theory of Civil Society," *Cardozo Law Review* 10, no. 5 (1989): 1365; Sidney Hook, "Hegel Rehabilitated?" in *Encounter* 24 (January 1965): 56; Ossip Flechtheim, *Hegels Strafrechtstheorie* [Hegel's Theory of Punishment] (Berlin: Duncker und Humblot, 1975), 16, 26, 119; Theodor Adorno, "Kritik," in *Die Zeit* 26 (27 June 1969); cited in Ernst Topitsch, *Die Sozialphilosophie Hegels als Heilslehre und Herrschaftsideologie* [Hegel's Social Philosophy as an Ideology of Mastery] (Munich: R. Piper and Co., 1981), 72; Bernard Yack, *The Longing for Total Revolution* (Princeton, NJ: Princeton University Press, 1986), 186-7; and the works cited in section IV.

12. On one view, to say that government or authority is legitimate means simply that one has a prima facie obligation to obey it. "We have not understood what it *means* to be a member of political society if we suppose that political obligation is something that we might not have had and that therefore needs to be *justified*" (Thomas McPherson, *Political Obligation* [London: Routledge and Kegan Paul, 1967], 64-5; cf. Hanna Pitkin, "Obligation and Consent II," *American Political Science Review* 60 [1966]: 39-52, esp. pp. 39, 48).
13. PR 258 Rem, p. 277; Hegel adds that contract and consent are too "abstract."
14. Plamenatz says that consent is the "granting to another the right to act in a certain way." John Plamenatz, *Consent, Freedom and Political Obligation*. 2d ed. (1938; reprint, Oxford: Oxford University Press, 1968), 8-9.
15. See Patrick Riley, *Will and Political Legitimacy* (Cambridge: Harvard University Press, 1982), 192.
16. Hegel, *Philosophy of History*, in G.W.F. Hegel *Werke in zwanzig Baenden* [Works in Twenty Volumes], ed. Eva Moldenhauer and Karl Michel (Frankfurt am Main: Suhrkamp Verlag, 1986), vol. 12, p. 417.
17. Jeremy Bentham, *Book of Fallacies*, in *Works*, ed. Bowring, 392-3.
18. Hegel, *Werke*, vol. 7, p. 238, corresponding to PR 126.
19. Rph VI: 4:338, 16-22. Cf. PR 280, p. 218: "Love, the ethical moment in marriage, is, as love, a feeling for actual individuals in the present, not for an abstraction."
20. See PR 151; Rph III, 124, 21-8; Mark Tunick, "Are There Natural Rights?—Hegel's Break with Kant," in *Hegel on the Modern World*, ed. Ardis Collins (Albany: State University of New York Press, 1994); and Tunick, *Practices and Principles*, chap. 2.
21. But not always. Hegel adheres to a principle of equality—all human beings are equally deserving of being free (as Hegel understands "free"). However, as we shall see, he opposes using the principle of equality as a basis of wealth distribution, and he does not regard all humans as having equal capacities.
22. PR 145, p. 190. Cf. PR 3 Rem; PR 261 Rem, p. 283: "the part should be considered only with reference to the whole"; and PR 211Z, p. 243: "right . . . must be a system in itself." Cf. Michael Hardimon, "The Project of Reconciliation: Hegel's Social Philosophy," *Philosophy and Public Affairs* (Spring 1992): 168. Hegel seeks to show that "the family, civil society, and the state formed a single coherent, intelligible system that promoted both individuality and community."
23. PR 270Z, p. 302, my emphasis; cf. PR 272, p. 305. Also, PR, Preface, p. 11 on "enduring."
24. Cf. Steven B. Smith, *Hegel's Critique of Liberalism: Rights in Context* (Chicago: University of Chicago Press, 1989), 225.
25. Hegel, *Werke*, vol. 12 (*Philosophy of History*), 57.
26. Hegel, *Reason in History*, 24.
27. *Ibid.*, 25, 27.
28. See Rph V, 3:227, 6-11: "slavery is wrong, but necessary for certain epochs, though it is an untrue appearance"; and PR 57 Rem on slavery being "absolutely unjust."
29. *Ibid.*, 88.
30. I cannot take up here the highly charged controversy of whether Hegel thinks the modern state as depicted in *Philosophy of Right* is also the last system of ethical life we shall see, whether on his view there is an "end to history."
31. For a detailed account of Hegel's conception of freedom that fills out what can only briefly be sketched here, see Mark Tunick, *Hegel's Political Philosophy* (Princeton, NJ: Princeton University Press, 1992), chap. 3.
32. For a treatment of how Hegel develops an account of the purpose of the practice of legal punishment in order to explain certain features of the practice and criticize others, see *ibid.* For a

discussion of his account of the institution of hereditary monarchy, see Mark Tunick, "Hegel's Justification of Hereditary Monarchy," *History of Political Thought* 12 (1991): 481-96.

33. Hegel, *Reason in History*, 36-7.

34. Examples of works that have challenged the nonliberal view of Hegel are Shlomo Avineri, *Hegel's Theory of the Modern State* (Cambridge: Cambridge University Press, 1972); Charles Taylor, *Hegel* (Cambridge: Cambridge University Press, 1975); Joaquim Ritter, *Hegel and the French Revolution*, trans. Richard Dien Winfield (Cambridge, MA: MIT Press, 1982); and more recently, Steven B. Smith, *Hegel's Critique of Liberalism: Rights in Context* (Chicago: University of Chicago Press, 1989); Alan Wood, *Hegel's Ethical Thought* (Cambridge: Cambridge University Press, 1990); and Tunick, *Hegel's Political Philosophy*. Allen Wood does take up the question of justified disobedience briefly, and I discuss what he says below.

35. Carol Pateman, *The Problem of Political Obligation* (Berkeley: University of California Press, 1985), 104-5, 113.

36. Patrick Riley, *Will and Political Legitimacy* (Cambridge, MA: Harvard University Press, 1982), 187.

37. See also Howard Williams, "Politics and Philosophy in Kant and Hegel," in *Hegel's Critique of Kant*, ed. Stephen Priest (Oxford: Clarendon, 1987): "to know how the citizens of a society ought to act the philosopher need do no more, in Hegel's view, than look closely at that society and the rules that govern it" (p. 200). See also the sources referred to in note 11, above.

38. *PR* 140 Rem, p. 175. Cf. *PR* 270 Rem, p. 301: "when [opinions] based on bad principles give themselves a universal existence which undermines actuality, the state must protect objective truth and the principles of ethical life."

39. *PR* 215Z, p. 247; cf. *Rph* V, 3:414-15; *PR* 107, 118, 132, 260Z.

40. *Rph* VI, 4:154, 12-21. Cf. *PR* 270 Rem., p. 295: "A state which is strong because its organization is fully developed . . . may . . . even tolerate communities whose religion does not recognize even their direct duties towards the state (although this naturally depends on the numbers concerned)." For an extensive discussion on the reliability of the lecture notes and on Hegel's reasons for not publishing all the views he espoused in his lectures, see Tunick, *Hegel's Political Philosophy*, chap. 1; see also Jacques D'Hondt, *Hegel in His Time*, trans. John Burbridge, Nelson Roland, and Judith Levasseur (Peterborough, Ontario: Broadview, 1988); and Karl-Heinz Ilting, "Der exoterische und der esoterische Hegel (1824-1831)" [The Exoteric and Esoteric Hegel], Introduction to *Rph* IV, pp. 45-66.

41. Dieter Henrich, "Vernunft in Verwirklichung" [The Realisation of Reason], in *Rph* III, p. 20. "Recht zum Aufstand" is Henrich's term; it does not appear in the lecture notes.

42. See Tunick, *Hegel's Political Philosophy*, 117-18.

43. *PR* 265Z, p. 287. I am reading "this satisfaction" narrowly, here, to refer to the satisfaction of welfare needs, but conceivably it can be construed more broadly.

44. Cf. *PR* 138Z, pp. 166-7: "only in ages when the actual world is a hollow, spiritless, and unsettled existence may the individual be permitted to flee from actuality and retreat into his inner life." See also *Rph* V, 3:573, 27-33: where there is misery (*Elend*), society is in the process of breaking apart.

45. Wood, *Hegel's Ethical Thought*, 105. Wood notes, however, that it is "positively inconsistent with Hegel's explicit account of legal obligation to maintain that we are obligated by right to obey unjust laws." His is one of the few statements acknowledging that Hegel in principle would be open to justified disobedience.

46. See Ludwig Siep, "Review of Hegels Heidelberger Rechtsphilosophie," *Hegel-Studien* 20 (1985): 291.

47. Hardimon, "The Project of Reconciliation," 183, 185.

48. See Tunick, *Hegel's Political Philosophy*, 116-18.

49. Philosophical anarchists argue that "we are not *specialy* bound to obey *our* laws or to support *our* government simply because they are ours"—Simmons, *Moral Principles*, 194.

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