

## The Authority of Conceptual Analysis in Hegelian Ethical Life

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### *1. Introduction*<sup>1</sup>

There is among many philosophers a recurring attraction to the idea of philosophy as conceptual analysis: namely, that philosophy has as its aim the clear explication of the central terms governing ordinary and scientific thought. This idea can be traced back even to Plato's Socrates, who at least initially used dialogues to draw out clearer definitions from his interlocutors of key terms such as virtue, knowledge, and justice. For Plato, at least at one stage, such explication can result in genuine and deep knowledge, even if this is only a more explicit and recollected form of a knowledge that was once merely implicit; he used the concept of forms (*eidé*) to say what the object of such knowledge is. For later thinkers, especially linguistically minded philosophers of the twentieth century, the attraction of the 'conceptual conception' of philosophy was not to credit philosophy with a distinct form of knowledge as much as to distinguish its activity from empirical science. Philosophy was to be regarded not as a first-order inquiry into a special set of rational objects, but a second-order determination of meanings in support of the claims of first-

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order sciences. It was, in fact, essential to this conception that conceptual analysis not introduce anything that was not at least implicit in ordinary empirical judgments.<sup>2</sup>

Though the conceptual conception of philosophy perennially attracts as many critics as it does adherents, it seems to reappear in a new form with each generation.<sup>3</sup> Absent the conceptual conception, the line between philosophy and other disciplines tends, for better or worse, to blur. Nevertheless, a central strand of dissatisfaction with this conception may be identified in its post-Platonic modern form. This is that conceptual analysis seems only (and often by design) to express *what we mean* rather than *how things are*, or what is true. There seems to be no standard of correctness or objectivity, especially if conceptual analysis involves an appeal to merely subjective “intuitions.”<sup>4</sup> Critics demand that philosophy be held to a higher standard than this, and even that philosophy as currently practiced does meet higher standards of knowledge or truth. Older conceptions of conceptual analysis could make assumptions about the objective validity of concepts that are no longer admissible. For example, in the eighteenth century Moses Mendelssohn could write: “All our concepts are like the seeds of grain of dying plants which, as bad as they look, are nonetheless full of inner virtue and conceal forests of beauty in their husks” (1997, 271-72). Mendelssohn believed that an analysis of the concept of something would lead to knowledge of its nature, but this by virtue of the theological catchall of preestablished harmony. For us, however, attributing truth to the products of conceptual explication may seem to be a form of epistemic self-congratulation.

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<sup>2</sup> See especially Schlick (1931, 56): “And the totality of sciences, including the statements of daily life, is the system of cognitions. There is, in addition to it, no domain of ‘philosophical’ truths. Philosophy is not a system of statements; it is not a science. ... [P]hilosophy is that activity through which the meaning of statements is revealed or determined.”

<sup>3</sup> See, e.g., Part II (“Conceptual Analysis and the Naturalistic Challenge”) of D’Oro and Overgaard (2017) for some recent accounts.

<sup>4</sup> Machery (2017) details criticisms of the use of intuitions stemming from thought experiments (“the method of cases”) to provide modal or conceptual knowledge in philosophy.

Absent such a theological device or a world of Platonic forms, there seems to be nothing on which to hang the validity or truth of conceptual analysis. Let us call this the *authority problem* of conceptual analysis. (It will be seen later why “authority” is felicitous here.) The problem breaks into two parts. On the one hand, conceptual analysis seems to lack *objective* authority: namely, we lack the presumption that the explication of meaning can express how things are. On the other hand, conceptual analysis may seem to lack *intersubjective* authority. That is, lacking objective authority, it cannot even properly articulate what *we* mean by our concepts, and instead expresses the parochial conceptual schemes of individual *I*'s.<sup>5</sup> In this paper, I wish to show that Hegel's understanding of concepts and their role in constructing the social world helps to solve the authority problem of conceptual analysis, at least in the domain of socially-oriented (*sittliche*) philosophy. Hegel's philosophy can in this way be considered an ally to the conceptual conception of philosophy in a contemporary form.

While I will not simply identify Hegel's metaphilosophy as conceptual analysis of the linguistic variety,<sup>6</sup> it is worth noting that there are enough similarities between the approaches to merit more than a superficial comparison.<sup>7</sup> Hegel frequently insists that philosophy is distinguished from other areas of inquiry by its uniquely conceptual character, and, much like the twentieth century variety, Hegel thinks of one of the distinguishing marks of conceptual inquiry as its non-empirical character.<sup>8</sup> At times, moreover, Hegel even makes use of the metaphor of

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<sup>5</sup> For criticisms along such lines, see Baz (2017, 47). Machery (2017, Ch. 4) argues that philosophical intuitions are also culturally parochial.

<sup>6</sup> Yet see the work of Stekeler-Weithofer (1992, 2005, 2013) for the perhaps the boldest claim that Hegel is a conceptual analyst *avant la lettre* (2005, 9).

<sup>7</sup> Quotations from Hegel (unless otherwise specified) will cite the 1969 German *Werke* edition, the English translation, and (if applicable) the section or paragraph number. See *Abbreviations* of key works. In citations from the *Encyclopedia or Philosophy of Right*, “R” refers to the paragraph remarks added by Hegel, and “Z” to *Zusätze* (additions), added from Hegel's students' lecture notes.

<sup>8</sup> “[P]hilosophical thinking has its own *peculiar forms*, apart from the forms that they [philosophy and the empirical sciences] have in common. The universal form of it is the *concept*” (EL 52/33/§ 9). Hegel strongly criticizes an empirical conception of conceptual content in “The Concept in General” from the *Doctrine of the*

analysis to describe the form of conceptual thinking.<sup>9</sup> Clearly, Hegel would not think of the proper form of conceptual analysis as a piecemeal enterprise, but rather a systematic and holistic one. The same is true, however, of the many of the classical proponents of twentieth century conceptual analysis.<sup>10</sup> Hegel does not identify concepts with the meanings of terms in ordinary language (cf. *WL* II: 406/628), but neither do most twentieth-century analysts. On both conceptions, an analysis of meaning may introduce a local revision into our way of thinking. These similarities do not entitle us to identify Hegel's method as conceptual analysis. But even so, differences between the Hegelian and twentieth century conceptions of philosophy do not mitigate the shared need to explain how it is that the expression of a concept or system of concepts (especially if they are not grounded through direct empirical intuition) is sufficient for truth in some sense. My suggestion will be that Hegel's solution to this problem in the social realm is broad enough to generalize to a solution for a conceptual conception of philosophy.

I will argue that Hegel's concept of ethical life (*Sittlichkeit*) provides the basis of his solution to the authority problem of conceptual analysis in both its dimensions. Hegel's concept of ethical life is important because it reveals a domain in which concepts are not merely representative, but constitutive, of reality. This shows how a concept can have objective authority in that domain. On the other hand, given that ethical life is not only conceptually but socially constituted, the problem of intersubjective authority is of a different nature. Hegel's

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*Concept*. See *WL* II: 257-69/517-25. He is elsewhere committed to the importance of empirical inquiry as preceding philosophy, especially in the philosophy of nature (cf. *EN* § 246). But this does not preclude the distinction of conceptual and empirical inquiry for Hegel.

<sup>9</sup> “[Q]uite generally, the whole course of philosophizing, being methodical, i.e., *necessary*, is nothing else but the mere *positing* of what is already contained in a concept” (*EL* 188/141/§ 88R). Just prior, Hegel describes the deduction of a concept as “to this extent entirely *analytic*.”

<sup>10</sup> See especially Ryle: “[T]he philosopher's task is never to investigate the *modus operandi* just of one concept by itself; the task is always to investigate the *modus operandi* of all the threads of a spider's web of inter-working concepts... To fix the position of one concept is to fix its position *vis-à-vis* lots of others” (1971, Vol. 1, [1962], 189).

account does not solve it—because it turns out not to be a *philosophical* problem at all—but shows rather how the institutions of the modern world itself are attempts to solve it practically and pedagogically. In short, the second problem is a key problem of modern politics as such. In the first section of this paper, I will lay out some interpretive groundwork on my conception of *Sittlichkeit* in relation to Hegel’s theory of concepts and their realization from his *Logic*. Here it will become clearer what sense of “conceptual analysis” can appropriately characterize Hegel’s ethical philosophy. In the second section, I will show how Hegelian *Sittlichkeit* provides the foundation of a social ontology, and that social ontology is widely recognized as permitting “transparent” conceptual access. Finally, I show that Hegel’s use of social ontology to explain conceptual authority does not allow philosophy to adopt an authoritarian attitude toward concepts. Rather, in modern ethical life, the truth of conceptual analysis is co-constituted by the rational evaluations of fellow institutional participants.

## *2. Modern Ethical Life as the Realization of the Concept*

The foundation of Hegel’s philosophical method in the realm of political philosophy is his conviction that modern ethical life involves the realization of “the concept” (*der Begriff*). In this section, I will try to show how the realization of the concept is central to Hegel’s project especially in the *Philosophy of Right*. The realization of the concept in modern ethical life becomes the foundation for a philosophical method centered on the explication of a system of concepts. To put the issue somewhat crudely, it is ultimately because concepts are the ‘input’ of modern ethical life that philosophy can produce a conceptual ‘output’: a system of concepts that expresses the nature of actual modern institutions.

Hegel tells us in the Introduction to the *Philosophy of Right* that the “subject-matter of the philosophical science of right is the *Idea of right*, i.e. the concept of right together with the actualization of that concept” (*GPR* 29/17/§ 1). He goes to explain that philosophy is not concerned with concepts in the sense of mere general abstract representations, but rather with “the concept” which “has actuality, and further...gives this actuality to itself” (29/17/§ 1R). Hegel’s use of *der Begriff* in the singular is somewhat notorious.<sup>11</sup> However, in the context of the *Philosophy of Right*, it becomes clear that the singular concept that is of interest is *right*, or as it is defined, the existence (*Dasein*) of freedom (§ 30). As such, *right* represents the complete practical aims of concrete subjects. The reality of the concept of right also involves the development of a number of ‘lower’ concepts which are necessary for its realization. As Hegel says later, “The determinations of the concept in the course of its development are from one point of view themselves concepts, but from another they take the form of existents, since the concept is in essence *Idea*” (85/49/§ 32). Thus, even though Hegel speaks of the concept in singular terms, this singular concept also “engenders and dissolves the particularizations of the universal” (84/48/§ 31R). So the development of the one concept is equally a development of a system of related concepts, each of which are necessary for the existence of right.

In describing the realm of right as the realization of the concept, Hegel develops a theme in Kant and Fichte’s practical philosophy. Kant and Fichte treated theoretical and practical cognition as holding asymmetric relations to their objects. A theoretical concept is beholden to an object that already exists, which it is accountable to represent. A practical concept, by contrast, represents an object that the subject aims to bring about. The object is accountable to the concept. Kant writes of the “ought” of practical reason: “Now this ‘ought’ expresses a

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<sup>11</sup> See Wolf (2018) for a fuller account of the approach taken here to Hegel’s *Begriff*.

*possible action, the ground of which is nothing other than a mere concept*" (A 547-48/B 575-76; emphasized). Kant calls the general "faculty" to cause an object by means of a representation "desire" (*Begierde*): "The *faculty of desire* is a being's *faculty to be by means of its representations the cause of the reality of the objects of these representations*" (Ak. 5: 9/1997, 8). There is in practical reason a form of conceptual causality.

This idea is developed at greater length in Fichte's practical writings. He explains that the agreement of concept and reality is inverted in the case of practical cognition. In this case, "[W]hat is objective is supposed to follow from what is subject; *a being is supposed to result from my concept* (the concept of an end [*Zweckbegriff*])" (FW IV: 2/2005, 8; emphasized). A practical concept is specifically a purpose, and realization of that concept results in a new "being." Fichte calls such beings "products of freedom" and defines them thus: "A reality that has its ground in a concept is called a product of freedom" (134/128). Going beyond Kant, Fichte believes we can have cognition of such products, namely as the objective deeds resulting from freedom:

The concept (of an end) immediately becomes a deed [*wird zur That*], and the deed immediately becomes a (cognitive) concept (of my freedom)...It would have been quite correct to deny that freedom can be an *object* of consciousness; freedom is indeed not something that develops by itself, without any assistance from a conscious being, in which case the latter would only have to be an observer. Freedom is not the object but the subject-object of a conscious being. (137/130-31; italics mine)

Unlike Kant, then, Fichte does not rule out that we can have some objective knowledge of the results of free practical achievement.

When Hegel speaks of the philosophy of right as the realization of a concept, I believe this Kant-Fichte background should be held in view. Though these thinkers glimpsed the idea that concepts can be causes in practical causes, they did not anticipate the full scope Hegel would give to this idea. Hegel's development of Kant and Fichte's idea of practical-conceptual causality

can be found in the *Science of Logic*. Just as Fichte credited *Zweckbegriffe* as causes, so Hegel speaks of a teleological process as “the *translation* of the concept that concretely exists distinctly as concept into objectivity; as we see, this translation into a presupposed other is the rejoining of the concept *through itself with itself*” (WL II: 454/664). Likewise, Hegel sees the teleological process as yielding an object that is conceptually constituted, namely the “product” of the process: “[T]he product is an objectivity which is identical with the concept, is the realized purpose in which the side of being a means is the reality itself of the purpose” (459/667). In the context of the *Logic*, Hegel is treating teleology only according to its logical structure, and not as identical either to a natural or social process. For Hegel, teleology is logically pertinent because it involves a universal determining itself in an object, rather than objects determined by a universal externally.<sup>13</sup> Nevertheless, when Hegel comes to discuss practical cognition (“The Idea of the Good”), there is a clear implication that human practical cognition leads to objective results in the way his discussion of teleology anticipates. On the cusp of his introduction of the “absolute Idea” he speaks of the way the knowing subject can encounter an *objective world* that is the result of the realization of practical purposes:

Thus the subject now exists as *free, universal self-identity* for which the objectivity of the concept is a *given [eine gegebene]*, just as immediately *present [vorhandene]* to the subject as the subject immediately knows itself to be the concept determined in and for itself. Accordingly, in this *result cognition is restored and united with the practical idea*; the previously discovered reality is at the same time determined as the realized absolute purpose, no longer an objective of investigation, a merely objective world without the subjectivity of the concept, *but as an objective world whose inner ground and actual subsistence is rather the concept*. This is the absolute idea. (548/733-34; italics mine)

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<sup>13</sup> “[P]urpose [*Er = Der Zweck*]... manifests *rationality [Vernünftigkeit]* by being the concrete concept that holds the *objective difference in its absolute unity*. Within, therefore, it is essentially *sylogism*. *It is the self-equal universal; more precisely, inasmuch as it contains self-repelling negativity, it is universal though at first still indeterminate activity*. But since this activity is negative self-reference, it *determines* itself immediately and gives itself *the moment of particularity, and this particularity, as likewise the totality of the form reflected into itself, is content as against the posited differences of the form*. The same negativity, through its self-reference, is *just as immediately the reflection of the form into itself and singularity*.” (WL II: 445-46/657-58; italics mine)



Here Hegel takes a step beyond Kant and Fichte. Both of them acknowledged that practical reason has a different kind of cognitive content than theoretical cognition, but neither of them sufficiently realized that the results of rational activity can themselves be theoretically cognized. There is, namely, an objective world whose “inner ground and actual subsistence is...the concept.” This is especially the logical-metaphysical groundwork for the concept of “ethical life.”

Thus, the *Philosophy of Right* carries out in a specific way a possibility described in the *Logic*: for a concept to be realized as an objective world through a teleological process. Specifically, Hegel thinks that <right> as such represents *the* concept that can be realized practically. Ethical life is his term for what right is when it is objectively realized.<sup>14</sup> This is why ethical life is not just the concept but also the “*Idea of freedom*” (*GPR* § 142): the concept of right together with its actualization (§ 1). It is “*the concept of freedom that has become the present world* [vorhandene Welt] *as well as the nature of self-consciousness*” (292/155/§ 142; modified). This Idea is specifically manifest in the “laws and institutions” of the objective social order (§ 144), which are also constitutive of the subjects of ethical life (§ 147). Namely, the laws and institutions of ethical life realize *purposes* that the subject can recognize as his or her own (§ 152). For this reason, the subject of modern society can have true and adequate *conceptual knowledge* of the institutions of ethical life (§ 147R, § 152R). For if the connection with Kant and Fichte detailed above is on the right track, conceptual knowledge will be coextensive with the knowledge of a realized practical purpose. The conceptual explication of modern ethical life

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<sup>14</sup> See already in the *Phenomenology*: “[I]f we bring out this still inner spirit as the substance that has already advanced to its existence [*Dasein*], then in this concept *the realm of ethical life* opens up. For this is nothing else than, in the independent *actuality* of individuals, the absolute spiritual *unity* of their essence” (*PhG* 264/141/§ 349; slightly modified).

will be at the same time an explication of the purposes implicit in modern institutions and how those institutions must be designed to carry them out.<sup>15</sup>

It is true, however, that *Sittlichkeit* cannot simply be equated with institutions that realize concepts. In its broadest sense, *Sittlichkeit* applies to the social institutions and customs, whatever their origin or quality. Hegel's claim is that *modern* ethical life, in contrast to other historical forms, realize "the concept" in the sense of a system of purposes that subjects themselves can identify with. Hegel points out, for example, that in Roman law "there could be no definition of 'human being', since 'slave' could not be brought under it—the very status of slave indeed violates the concept of the human being; it would appear just as hazardous to attempt a definition of 'property' and 'proprietor' in many cases" (31/18/§ 2). That is, Roman institutions were such that no clear definition of the concepts *human being* and *property*, among others, were possible. *A fortiori*, these concepts were not adequately realized in Roman institutions. Even though there was "ethical life" among Romans, this ethical life was not the realization of purposes that could be conceptually explicated. Because the basis of modern institutions, according to Hegel, is the recognition of subjectivity, these institutions are appropriately described as "realizations of the concept" in a way that others are not.

In the modern world, then, institutions of ethical life have a privileged relation to conceptuality which we will explore at greater length in what follows. From what I have said so far, however, I hope a few ideas will have become clear. First, in contrast to the merely theoretical use of concepts to represent an objective world, Hegel builds on Kant and Fichte in claiming that concepts can help *constitute* an objective world. Second, Hegel's claims in the

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<sup>15</sup> I thus do not see the "logical necessity" of the conceptual transitions of Hegel's *Philosophy of Right* as in competition with their "practical necessity," as does James (2017b). For if *sittliche* concepts are purposive, then their logical content will also be paradigmatically practical.

*Philosophy of Right* assume that in the modern world, the practical aims of subjects have already helped to constitute the institutions of ethical life. For this reason, Hegel can rely on a conceptual explication of these institutions to articulate their very nature. That is, conceptual analysis has *objective authority* in modern ethical life. We will explore this idea in the next section.

### 3. Social Ontology and the Objective Authority of Concepts

From what has been said so far, one might think that there is still too much distance between Hegel's conceptual practice in the *Philosophy of Right* and anything that goes by the name of conceptual analysis for Hegel's practice to contribute to any general metaphilosophical solutions. However, Hegel's belief that the modern world already enjoys the realization of a system of purposive concepts seems to entail that commonly accessible linguistic concepts are closely connected to the purposes in question. Hegel sees the articulation of conceptually necessary purposes as going together with the exemplification of these purposes in common notions and language:

The truth is that in philosophical knowledge the *necessity* of a concept is the principal thing; and the process of its production as a result is its proof and deduction. Then, once its account has been shown in this way to be necessary on its own account, the second step is to look round for what corresponds to it in our ideas [*Vorstellungen*] and language. (GPR 31-32/19/§ 2R)

Thus, Hegel does not suppose that there is a one-to-one correspondence between the representations and linguistic meanings used in ordinary life and the concepts that will be made explicit in a systematic theoretical treatment. Nevertheless, because he believes that modern subjects can be satisfied with the institutions of the modern world as *actual*, he also thinks that we can “look round” to see that these concepts are typically bound up with our current linguistic practices.

However, this view by itself may seem only to exacerbate the problem of the objective authority of concepts as described in the introduction. To reiterate, why should we take an analysis of ‘what we mean’ to be any clue to how things are? When one considers a purely theoretical context such as that of natural science, this pathway seems foreclosed. As Francis Bacon bluntly insisted in the *New Organon*: “There is no soundness in our notions whether logical or physical...All are fantastical and ill defined” (Bacon 1999 [1620], 91, Book I, Aphorism 15). Bacon’s universal depreciation of the value of our empirically unrefined concepts may be too extreme, but his basic point seems to hold of many putatively scientific concepts. We should not, for example, examine what lies in the concept *heat* to understand its nature. For more than likely or ordinary notion in such a case is “false, confused, and over hastily abstracted from the facts” (66). An analysis of *heat* as we commonly understand it would have no objective authority. Moreover, an improved concept of heat will not be found by a more perspicuous analysis but by a closer examination of “the facts”. And isn’t this the general case?

Not necessarily. I take Hegel’s conception of *Sittlichkeit* as the “Idea” as a way of explaining why things *are* different in some cases. We may not understand the nature of water, or quarks, or heat, even if we frequently refer to them; and it would not be incoherent to say that such things like “quarks” exist, even though *no one* correctly understands them.<sup>16</sup> And we cannot simply introspect, or enter a Socratic dialogue, to understand such phenomena just in virtue of our implicit mastery of the terms. As Hegel writes in an illuminating *Zusatz*:

The laws of nature simply are what they are and are valid as they are; they are not liable to wither away, though they can be infringed in individual cases. To know the law of nature, we must learn to know nature itself, since laws are correct and it is only our ideas about them that can be false. *The measure of these laws is outside us.* (GPR 15-16/6; emphasized)

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<sup>16</sup> This delicate possibility is defended at length in Brandom (1994, Ch. 8, sec. IV).

This feature, however, stands in contrast to the laws and institutions of ethical life. As Hegel says in the same context, here the human being “claims to have in himself the measure of what is right” (16/7). It may indeed be the case that *you* or *I* do not “understand” some institution such as, say, criminal punishment or the market. There will indeed be “clashes” regarding the nature of these institutions (ibid.). But it is incoherent to think that the just-mentioned institutions exist, but *no one* understands them. For, unlike the things of nature, an understanding must play a role in *constituting* these institutions. While in the realm of nature, we posit things prior to comprehending them, in the realm of “objective spirit,” the positing of something depends on its purposive, conceptual genesis.<sup>17</sup> For this reason, a pattern of vengeful behavior among a group of higher primates, for example, simply wouldn’t be criminal punishment, as Hegel would say (cf. § 102), because criminal punishment depends essentially on the notion of restoring “right” against an infringement (see § 97). That practice couldn’t come to be apart from an articulable *concept* of right. This is what I take Hegel to mean in seeing ethical life as an expression of the Idea. Criminal punishment exists in a way that is conceptually accountable, and this isn’t just the view of a few idealistically minded philosophers. To cease thinking this way would simply be to abandon the institution.

As I’ve said, this doesn’t mean that one can appeal directly to one’s own “intuitions” about criminal punishment to know its nature definitively—not to mention its justification. However, it does mean that a certain apparent *epistemic timidity* about the institution, what Hegel would call a “fear of error” that masks a “fear of truth” (*PhG* § 74), is an incoherent attitude for thinkers under the sway of that institution to take. Even to speak as if we need a “theory” of

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<sup>17</sup> The important caveat must be added that a conceptual genesis may only retrospectively articulated conceptually. A rational purpose does not require explicit thought to be rational, but being rational, it can be explicitly thought.

criminal punishment (to stick with this example), as if it's something there to be discovered, is at best misleading.<sup>18</sup> The institution exists in such a way that it must have a conceptual basis if it exist at all. To understand if and why the institution is justified, one must simply show, conceptually, how it follows from the concepts it is meant to realize.

Hegel's view about modern ethical life can be put in this way: the concepts involved in modern ethical life have objective authority because they help constitute a *social ontology*.<sup>19</sup> A social ontology, roughly speaking, is the domain of objects that exists because of the way it is recognized by social actors. Though the objects of social ontology are not "mind-independent" in the sense that they could exist without human subjects, they are objective in the important sense that they do not depend on the imagination or desires of individual actors.<sup>20</sup> The affirmation of social ontology is in this way distinguished from the antirealism of many social constructionists, who do not limit claims of social construction to explicitly social entities, but extend the explanation to what is putatively natural.<sup>21</sup> A social ontology of Hegel's variety uses the conceptual constitution of its objects as a *distinguishing* feature vis-à-vis the natural world.

Some contemporary social ontologists are surprisingly in harmony with Hegel's view on this matter. Even a realist and proudly commonsense philosopher such as John Searle can say of social ontology: "In a sense there are things that exist only because we believe them to exist. I am thinking of things like money, property, governments, and marriages" (1995, 1). Moreover, for Searle, such entities not only depend on our beliefs, but also on our use of language. He

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<sup>18</sup> Hegel disregards the suggestion that we need a "theory" of the state (*GPR* 15/6; 26/15). He expands, "Theories [*Theorien*] are set over against what exists and are meant to appear correct and necessary in and for themselves. ... [Y]et true thought is not an opinion about the thing but the *concept of the thing itself*" (16/7).

<sup>19</sup> See Krijnen (2015, 64 ff.) for further justification of the use of "social ontology" (in contrast to "practical philosophy") in the realm of *Sittlichkeit*.

<sup>20</sup> For a recent argument that mind-dependence does in general preclude realism about a topic, see Khalidi (2016). See also Searle (1995, 9-11).

<sup>21</sup> For a helpful taxonomy of various conceptions of social construction, see Haslanger (2012, Ch. 2).

writes: “Language seems to be essential not only to represent these facts to ourselves; but...the linguistic forms in question are partly constitutive of the facts” (37). Searle evidently does *not* think the same is true of facts about *water* or *quarks* (177-97). As Hegel would say, these are “the Idea in the form of its otherness,” or even *begrifflos*.<sup>22</sup>

Searle’s primary explanation of social ontology involves the way that “status functions” are attributed to objects, often in the form of “constitutive rules,” forms of collective agreement that enable new social realities. His favorite example is the way a piece of paper in a centralized economy has the status function *money* through collective attribution of this status. The general formula is “X counts as Y in context C” (28), where Y names a status function (such as the exchange value of money), and X some material object (such as a piece of paper). Facts about money would not exist, Searle contends, without collective attribution of such status functions. Once they do, it is an objective fact that someone has a twenty-dollar bill in their wallet. It is no longer just a piece of paper. Another contemporary social ontologist, Amie Thomasson, points out a limitation of Searle’s view. Namely, Searle supposes that social entities must have some relevant *material* basis. Thomasson (2003) points out that unlike paper money, not every object of social ontology has a material basis that is specifically necessary for its existence. She writes: “Corporations, laws and governments all seem to depend on the physical world for their existence, and are created by real and intentional acts of writing, voting, etc. Yet none of these abstract social entities is identifiable with some particular physical object or brute fact” (277). Thomasson does not suggest such entities could exist without a physical world at all, but that no specific material basis constitutes the entity. A law can be written in stone, communicated on the internet, or be merely verbal. Yet no specific material form is necessary for it to exist.

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<sup>22</sup> Thus does Hegel often characterize natural phenomena. Cf., e.g., *EN* 25/15/§ 247Z and *WL* II: 282/536.

Thomasson's de-materializing of Searle helps corroborate Hegel's view that concepts can have near-complete authority in the realm of social ontology. Concepts do not only merely *represent* the world; some concepts also *constitute* the world. While one cannot assume that the analysis of a conceptual representation reveals the nature of the entity the concept represents (like water or heat), one can assume that the analysis of a *constitutive* concept can do so. In such cases, concepts have an ontological hold on the things themselves, and the things themselves also have an epistemic "transparency". That is to say that there is no gap between what potential knowers know about social objects and what the objects are. As Thomasson writes:

[F]acts of these kinds remain conceptually transparent; indeed certain facts about the nature of the kinds of social entities constructed by means of the last two kinds of rules must be known...Since those rules *establish* the relevant conditions, they must be correct. Thus nothing of the kind S can exist without there being S-regarding beliefs (indeed without members of the relevant society collectively knowing of certain sufficient conditions for something to be S, or for there to be an S). (2003, 283)

Since conceptual knowledge is constitutive of the object, some conceptual knowledge of the object must always be extant.

On this point, speaking generally, we have already seen that Hegel agrees wholeheartedly. In the realm of ethical life, human subjects are the "measure" of what is, and concepts express the thing itself, or its nature or essence. One might even wonder what prevents contemporary social ontologists from speaking again of "absolute knowledge". For they admit that in social ontology, as Hegel says, "knowledge no longer needs to go beyond itself, ... knowledge finds itself, and the concept corresponds to the object and the object to the concept" (*PhG* 74/38/§ 80). Even if one avoided talk of absolute knowledge, it is clear that conceptual analysis has objective authority in social ontology. One does not even have to be an "idealist" to see this. Or perhaps recognizing this fact is already sufficient to become something of an



idealist.<sup>23</sup> What is clear is that concepts in ethical life need not exhibit the deference required by scientific theories.

#### 4. “Essentially Contested” Concepts and Intersubjective Authority

Concepts can have objective authority in social ontology because concepts constitute the objects in question. However, “concepts” in this case are articulated purposes, and the purposes that are realized in extant social institutions cannot simply be assumed to be available to each individual served by (or indeed subjugated to) those institutions. It would be trivially possible in the case of every institution, even evil or largely irrational ones, to identify *some* concept or purpose as realized therein, but in many cases these concepts will not be recognized by the relevant individuals. How then do the concepts of modern social life—and therewith the philosophical explication of them—have intersubjective authority as well? How, namely, can I and you treat the articulation as a concept with something binding on us?

As I mentioned above, this problem is recognized in contemporary discussions of conceptual analysis, which often suppose that conceptual analysis proceeds by examining individuals’ “intuitions” on a subject matter. For example, whether the concept of *person* or *self* should be seen as including the body or only mental states or memories is seen to rely on our intuitive reaction to certain thought-experiments involving body swaps or uploaded minds. Unfortunately, ordinary individuals have different intuitions in many such cases. Even or especially so-called experts (professional philosophers themselves) cannot agree about the

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<sup>23</sup> Hegel’s view is also *rationalist* in a way that distinguishes him from Searle and Thomasson, though space does not permit a detailed account of this feature. Suffice it to say that for Hegel, an institution following a single constitutive rule does not make it “conceptual” *qua* rational. For an institution to be genuinely rational, for Hegel, is not only for it to be individually dependent on human thought, but for it to find a place together in a system of reasons or norms that is *right* as such. This means the conceptual explication of *right* must take a systematic form.

analysis of concepts considered in this way.<sup>24</sup> Even if there were agreement, it is unclear that this should be treated as anything but psychological uniformity, rather than evidence of truth.

If the privileged site of objective conceptual authority is that of Hegelian social ontology, however, this problem can be seen in a different light. Hegel's conception of the realm of ethical life requires on the one hand that concepts are objectively realized, so that the social world is actual and enduring apart from the whims of individuals. But it also depends on the fact that objective institutions are the realizations of concepts that individuals can recognize as expressing their own purposes. Much as Hegel is reputed as an anti-individualistic thinker, I think the concepts he attempts to articulate as constituting modern ethical life are precisely those which he wagers as satisfying the considered purposes of the citizens of modern states. But this is also to admit that the concepts of Hegel's political philosophy are expressed in the full knowledge that they are "essentially contested".

I will explain the connection of Hegel's philosophical practice with the notion of an essentially contested concept more directly in a moment. First it is worth making clear that Hegel sees the system of concepts he articulates in the *Philosophy of Right* as in some sense *answerable* to the purposes of modern individuals. To be sure, Hegel is often dismissive of the unreflective "opinions" and reactions of modern individuals, and he is unconvinced that a purely democratic basis for modern ethical life is possible or desirable (cf. *GPR* § 308R). However, Hegel also firmly acknowledges that the assent of the "subjective will" of individuals is essential to ethical life. "In right," Hegel contends, "the human being must encounter his own reason..." (17/7/Preface Z.). Moreover, "the highest right of the subject" is "the right of giving recognition only to what my insight sees as rational" (245/127/§ 132R). Accordingly, speaking of the laws

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<sup>24</sup> See Weinberg et al. (2010) for a discussion and criticism of the "expertise defense" of philosophical intuitions.

and institutions that flow from ethicality, he writes: “[T]hey are not something alien to the subject. On the contrary, his spirit bears witness to them as to *its own essence*, the essence in which he has a *feeling of selfhood* [*Selbstgefühl*], and in which he lives as in his own element which is not distinguished from himself” (295/155/§ 147). The very aim of the philosophy of right, to recall, is to show what is required for the realization of concrete freedom. Even if this freedom is not conceived individualistically, it is freedom *of* individuals nonetheless. As Robert Brandom (2019, 11-16) argues, the normative statuses constitutive of modern ethical life (including rights and privileges) are ultimately instituted by the normative *attitudes* of modern individuals. Without those subjective attitudes, no modern institutions. The passage above even implies that the *feelings* of individuals (though not themselves responsible for institutions<sup>25</sup>) should be importantly in line with true ethical life. Though individuals may not be prepared at every time to consciously recognize when their freedom is realized in the fullest sense, the realization of their freedom is the measure of genuine ethical life.<sup>26</sup>

Thus, while Hegel does not have a subjective conception of the good, he demands that the good is subjectively satisfying. There is not only purely systematic criteria of adequacy for Hegel’s practical philosophy, but also the ‘external’ criterion of adequacy of the conformity of individual wills to the conceptual system as articulated. Despite Hegel’s occasionally paternalistic tone on such matters, it cannot be simply *stipulated* that the modern state satisfies the individual’s desire for concrete freedom, but must be recognized in the actual reactions of subjects of modern states to the institutions in which they find themselves. That is, Hegel’s own conceptual explication of the nature of modern ethical life must be accountable to the normative

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<sup>25</sup> E.g., Hegel’s polemic against J.F. Fries, *GPR* 18-19/9-10/Preface.

<sup>26</sup> Hegel implies it is “the position of *everybody*” who live in the modern state (though not everyone consciously) that they “find satisfaction there for their knowledge and volition” (*GPR* 16/8/Preface).

attitudes to modern subjects. In terms of our present problem, this means that the concepts of social ontology can have objective authority only if they also have intersubjective authority. Part of what it means to provide a correct analysis of *marriage*, for example, is to give an analysis that is compelling for all those who will live under it.<sup>27</sup> Here is what I mean by saying that the concepts of Hegelian ethical life are “essentially contested”.

The notion of “essentially contested concepts” was introduced by the twentieth century Scottish philosopher W.B. Gallie (1912–1998) in a 1956 paper intending to explain the persistence of philosophical controversy. Concepts like *art*, *justice*, and *democracy*, Gallie claimed, are essentially contested because (among other reasons) they are both *appraisive* (they mark something as good or bad) and because they are involved in ongoing development that has no sharply defined end goal.<sup>28</sup> To call something “art,” Gallie would contend, is to use a term contestably, since one is staking a claim to the work as carrying out goals of the practice of art that are only agreed upon to a minimal degree. There is no final court of appeal (an ultimate critic) for art, nor could there be. Now compare “freedom” as applied to a political regime. Like “art”, “freedom” designates so inchoately a political goal that it can be used to promote a spectrum of practices or institutions, including some evidently aberrant ones, however unfortunately. It is not *obviously* incorrect when an Orwellian totalitarian speaks of the “freedom” he has brought to a people; surely he can point to some descriptive similarity between his regime and common usage, so that it is not merely an equivocation. It is a way of

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<sup>27</sup> This example is pertinent in the United States, given the way participants appeal to “definition” in recent debates surrounding marriage equality. See, e.g., Corvino and Gallagher (2012, 39 ff.; 102 ff.).

<sup>28</sup> The historical nature of an essentially contested concept is important to Gallie’s account (as it would be to Hegel’s), but I will largely abstract from that here. See Evnine (2014) for more thorough account of Gallie’s notion of an essentially contested concept that emphasizes the historical dimension.

“contesting” the concept for one’s own purposes. According to Gallie, one could not use such a concept without promoting some such appraisal.

In a similar way, Hegel admits that the general concept of right (and freedom therewith) that structures his account of ethical life is indeterminate at the outset. The realization of freedom involves “the transition from undifferentiated indeterminacy to the *differentiation, determination, and positing* of a determinacy as a content and object” (52/30/§ 6). What concepts and institutions adequately determine and specify *freedom* is in part a matter of how well they are evaluated as satisfying this inchoate concept. This does not mean that an arbitrary evaluation is possible. Indeed, Hegel thinks that subjects will see that precisely his account shows what kind of rational self-evaluation *necessarily* requires.<sup>29</sup> But the necessity of the account does not preclude its essential contestability. It is arguably a defining feature of the modern liberal state that its citizenry is comprised of ‘contesters’. Modern individuals are “negative” subjects, who can subject the claims of freedom to criticism.<sup>30</sup>

The authority of *sittliche* concepts is thus measured (and contested) not only objectively but also by the standards of the concept-users themselves. What does this mean about the problem of the intersubjective authority of conceptual analysis? If a concept were merely representational, it would be odd indeed to pay attention to individual differences in intuitions concerning the use of that concept. The representational use of a concept is supposed to be answerable to the object being represented, not to the representers. Thus, a deviance among

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<sup>29</sup> Recall: “The truth is that in philosophical knowledge the *necessity* of a concept is the principal thing; and the process of its production as a result is its proof and deduction” (GPR 31-32/19/§ 2R).

<sup>30</sup> It is true that Hegel does not outline a substantial role for the dissent of individuals (see de Boer 2017). This is largely because of his desire to avoid letting particular interests determine the nature of institutions, which are meant to serve universally. Nevertheless, his lack of allowance for individuals to exert concrete political pressure in the state is not incompatible with the need for institutions to be rationally accountable to individuals. See James (2017b, 187 ff.) on the way that subjective attitudes may be transformed in the transition from civil society to the state proper. Education in a state, on Hegel’s view, must be devoted to leading individuals to “identify” with the universal *qua* state.

individual intuitions is most easily explained as a failure of correct representation on the part of some of them. However, a deviance among the intuitions for essentially contested concepts are significant for the content of those concepts. For here the content will be the same only where the goals and appraisals of the participants are the same. Difference among participants is in this case not necessarily a mark of the failure of some of them, but a failure of the practice (or the representation of it) to be compelling to all participants.

Unlike the problem conceptual analysis' objective authority, the problem of its intersubjective authority (in the realm of *das Sittliche*) does not seem, then, to be primarily a philosophical problem, but a pedagogical and political one.<sup>31</sup> Since the phenomena in question are subject to change in light of changing attitudes of participants, the conceptual explication of the phenomena can only be unified if the institutions succeed in being rationally satisfying to the participants. Hegel thinks the modern world can be satisfying in that way, but whether he is right or wrong, his view implies that the conceptual authority is subservient to the tacit authority of modern individuals. This means that in some cases, unless a prior conviction among individuals holds sway, there may be no use in a philosophical explication. This should not be surprising, given Hegel's view that philosophy "always comes too late on the scene" to provide instructions for how the world ought to be (*GPR* 28/16). There are clear limits, then, to the value of conceptual analysis. It cannot produce conviction *ex nihilo*. However, it still has a pedagogical role. It provides a reconciliation "to those in whom there has once arisen an inner voice bidding them to *comprehend* [*begreifen*], and not only to preserve their subjective freedom in what

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<sup>31</sup> On this score, the reader may recall Hegel's (egalitarian) pedagogical ambitions in the *Phenomenology of Spirit*: "The intelligible form of science is the way to science, open to everyone and equally accessible to everyone, and to attain to rational knowledge through the understanding is the just demand of the consciousness that approaches science" (20/9/§ 13). Hegel's phenomenological pedagogy is evidently an attempt to lead the reader to identify with the historical transition to the modern world. Consciousness now can "turn to its own world and present [*Gegenwart*], discover it as its property" (586/318/§ 803).

substantially is, but also to stand with their subjective freedom in that which is in and for itself” (27/15; modified). This, of course, provided that subjective freedom has already become something substantial. Participants in modern institutions must assume this has taken place, but they are also its ultimate source.

### 5. Conclusion

Hegel shows how a ‘conceptual conception’ of philosophy may address two sides of an outstanding problem of conceptual authority. Most accounts of conceptual analysis assume that the content of a concept is a representational function, and this raises the problem of the relation of these representations to the truth. But Hegel contends that in the realm of ethical life, conceptual content is constitutive of the phenomena. To the extent that this is true, we should not concede that the concepts about the social world we inherit are only contingently related to things. Rather, we have reason to expect that a conceptual explication will tell us how things are with ethical life. For our concepts express the purposes that have been realized in ethical life. However, since modern ethical life is meant to be structured by institutions that are rationally satisfying to individuals, the contestation about conceptual content among individuals is an essential feature of philosophy in the modern world. Though I have referenced contemporary philosophers whose views are parallel to Hegel’s on a number of points, Hegel’s combined appreciation of the constitutive dimension of conceptual content, along with the special pedagogical and political problem that it creates in the modern world is unique indeed. Likewise, even where philosophers allow for the important dimension of artifactual or social concepts in philosophy, Hegel’s way of prioritizing the realm of *Sittlichkeit* in philosophy is still unmatched. Contemporary philosophy struggles to explain the value and ‘authority’ of conceptual analysis

precisely because it marginalizes the human world in favor of the natural. Hegel's use of the concept of ethical life shows that concepts have authority not because we impose them on the world, but because part of the world is their product—and ours.

### *Abbreviations*

Fichte is quoted according to the German edition created by Immanuel Hermann Fichte:

*FW* Fichte, Johann Gottlieb. 1845-46. *System der Sittenlehre*. In *Johann Gottlieb Fichtes sämtliche Werke*. Edited by Immanuel Hermann Fichte, vol. 4. Berlin: Veit und comp.  
 Translation: *The System of Ethics*. Edited by Daniel Breazeale and Günther Zöller. Cambridge: Cambridge University Press, 2005.

Hegel is quoted according to volume and page numbers of the German *Werkausgabe* [W] and according to English translations as listed below.

*W + vol.* Hegel, Georg Wilhelm Friedrich. 1969 ff. *Werke in zwanzig Bänden*. Eds. Eva Moldenhauer and Karl Markus Michel. Frankfurt: Suhrkamp.

*EL* *Enzyklopädie der philosophischen Wissenschaften I. Werke*, vol. 8. Translation: *The Encyclopaedia Logic*. Translated by Theodor Francis Geraets, Wallis Arthur Suchting, and Henry Siltou Harris. Indianapolis: Hackett Publishing, 1991.

*EN* *Enzyklopädie der philosophischen Wissenschaften II. Werke*, vol. 9. *Philosophy of Nature*. Translated by Arnold V. Miller. Oxford: Oxford University Press, 1970.



- GPR*      *Grundlinien der Philosophie des Rechts. Werke*, vol. 7. *Outlines of the Philosophy of Right*. Translated by Thomas Malcom Knox, revised by Stephen Houlgate. Oxford: Oxford University Press, 2008.
- PhG*      *Phänomenologie des Geistes. Werke*, vol. 3. Translation: *The Phenomenology of Spirit*. Translated by Michael Inwood. Oxford: Oxford University Press, 2018.
- WL*      *Wissenschaft der Logik, I & II. Werke*, vols. 5-6. Translation: *The Science of Logic*. Translated by George di Giovanni. Cambridge: Cambridge University Press, 2010.

Kant is quoted according to volume and page numbers of the German *Akademieausgabe* [Ak.] and according to English translations as listed below.

- Ak.*      Kant, Immanuel. 1900 ff. *Kants gesammelte Schriften*. Edited by Königlich-Preußische Akademie der Wissenschaften. Berlin: Reimer/de Gruyter.
- Ak. 5*      *Kritik der praktischen Vernunft*. English translation: *Critique of Practical Reason*. Translated by Mary Gregor. Cambridge: Cambridge University Press, 1997.
- KrV*      1st ed. 1781 (A) = *Ak. 4*  
             2nd ed. 1787 (B) = *Ak. 3*  
             English translation: *Critique of Pure Reason*. Translated by Paul Guyer and Allen Wood. Cambridge University Press, 1998.

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### Final Page

#### 1. Biographical Sketch:

W. Clark Wolf received his Ph.D. in philosophy from Marquette University in 2019. His areas of research include German Idealism and the philosophy of language. Recent publications include "Rethinking Hegel's Conceptual Realism" (*The Review of Metaphysics*) and "The Myth of the Taken: Why Hegel Is Not a Conceptualist" (*International Journal of Philosophical Studies*).

#### 2. Abstract:

While the idea of philosophy as conceptual analysis has attracted many adherents and undergone a number of variations, in general it suffers from an *authority problem* with two dimensions. First, it is unclear why the analysis of a concept should have objective authority: why explicating what we mean should express how things are. Second, conceptual analysis seems to lack intersubjective authority: why philosophical analysis should apply to more than a parochial group of individuals. I argue that Hegel's conception of social ontology, focused on his concept of "ethical life" (*Sittlichkeit*), helps to explain how concepts (and their explication) have both objective and intersubjective authority in the social domain. Hegel claims that modern institutions are the product of self-conscious purposes, so that they are conceptually constituted. Concepts do not just represent these objects and so depend on a contingent relation to them. As many contemporary social ontologists agree, this means that our concepts of these institutions

are uniquely epistemically “transparent.” They have objective authority. Concepts have intersubjective authority in the modern world as well, according to Hegel. However, I show that this feature of Hegel’s account does not rely on the solution to a philosophical problem. Rather, since the concepts of modern ethical life are “essentially contested,” their content depends on the practical and political agreement of modern subjects. This means that concepts can only have objective authority if some prior intersubjective agreement has been reached. The role of philosophy as conceptual analysis is thus importantly dependent on political developments.

### 3. Key Words:

G.W.F. Hegel, Conceptual Analysis, Metaphilosophy, Social Ontology, Institutions, Essentially Contested Concepts, Epistemic Authority