

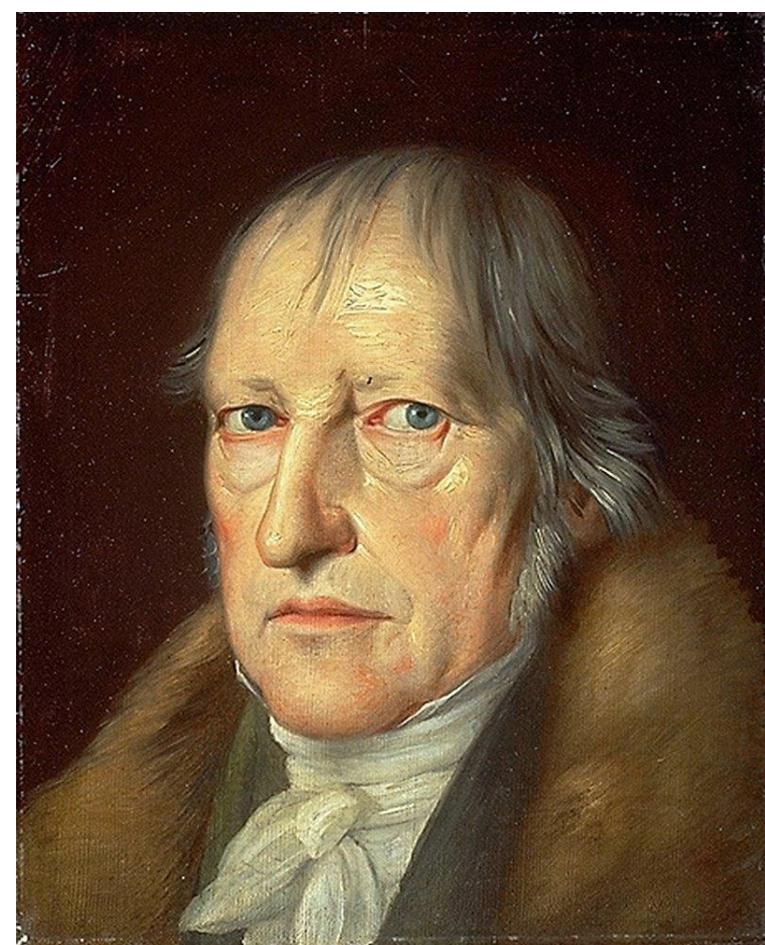


HEGEL

Dr. Stephanie Spoto
11/21/2019

Monterey Peninsula College
GENT 11/411: Reaction and Revolution (1775-1815)

Georg Wilhelm Friedrich Hegel (1770-1831)

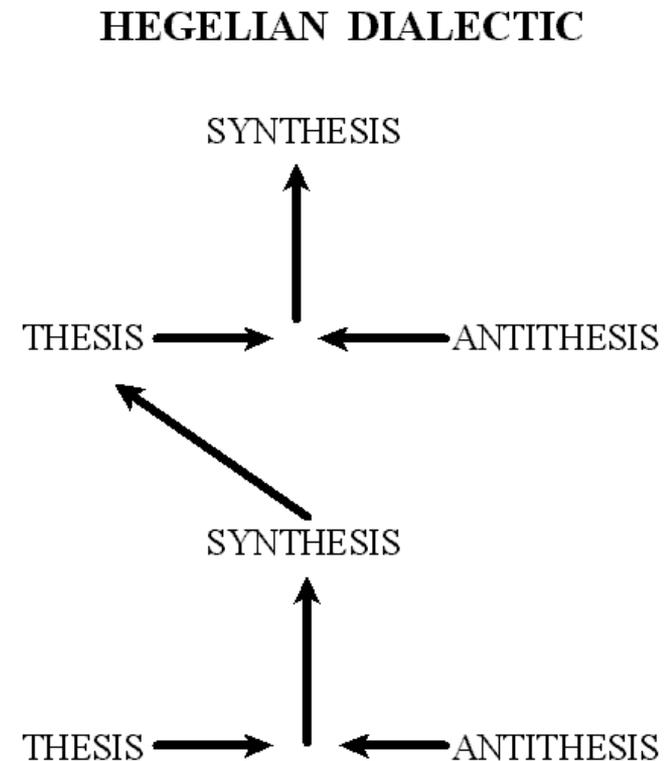


Portrait by Jakob Schlesinger, 1831

- German philosopher
- Important thinker in German idealism
- Primarily influential in the continental tradition of philosopher - becoming increasingly important in analytic tradition as well
- In his day, he was widely recognized for his achievements
- Hegel is a divisive figure → but his importance to Western philosophy universally acknowledged.

Hegel's major contributions

- One of his most principal achievements: absolute idealism
 - ▣ Dualisms (like mind/nature or subject/object) are overcome
- Philosophy of Spirit: integrates psychology, history, religion, art, the state
- Master-Slave dialectic: especially important in later French theory and philosophy
- Spirit (*Geist*, also sometimes “mind”): logical understanding of the “sublation” of seemingly contradictory factors
 - ▣ Sublation: being integrated without reduction or elimination
 - ▣ Examples include opposition between immanence and transcendence or necessity and freedom
- Seen as the creator of the thesis, antithesis, and synthesis triad



Elements of the Philosophy of Right (1820/1821)

- Seen as Hegel's most advanced and well thought out statements of his social, moral, legal, and political philosophy.
- An expansion of ideas and concepts dealt with briefly in the *Encyclopedia of the Philosophical Sciences* (1817/1827/1830)
- Law is the cornerstone of the modern state.
- Critiques *The Restoration of the Science of the State* by Karl Ludwig von Haller
 - ▣ Haller claims that law is superficial → natural law and the right of those who are the most powerful is enough
 - ▣ For Hegel: absence of law is despotism



"Hegel and Napoleon in Jena"
(illustration from *Harper's Magazine*, 1895)

Recht as Right



- *The Philosophy of Right*, as part of the *Encyclopedia*, deals with the Objective Spirit
 - ▣ Deals with human concerns: social institutions, like marriage, social class, etc. As well as issues of morality, legality, religion, and the economy
- *Recht* → German word often translated as ‘Law’
 - ▣ However, Hegel gives the word much broader meaning
 - ▣ Can now include the good or the just society → this society is “rightful” in its practices, composition, and structure

Scientific Approach to Law

- Wants to explain the relation between these three concepts
- The Idea of right (together with its actualization) is the subject for a philosophical science of right
- Inquiry is scientific because it deals with something rational in a systematic way → scientific procedure is laid out by philosophical logic
- Spends time exploring the two approaches:
 - ▣ Historical Legal Approach to “Positive law” (*Gesetz*): mere description; compiling laws a total legal facts
 - ▣ Philosophical approach to the Idea of right (*Recht*): searches for the inner meaning and vital determinations of right or of law.
- Seeking justification for something means studying it conceptually and finding the logic in it → not in looking at it historically

Freedom and Will

Universal Will

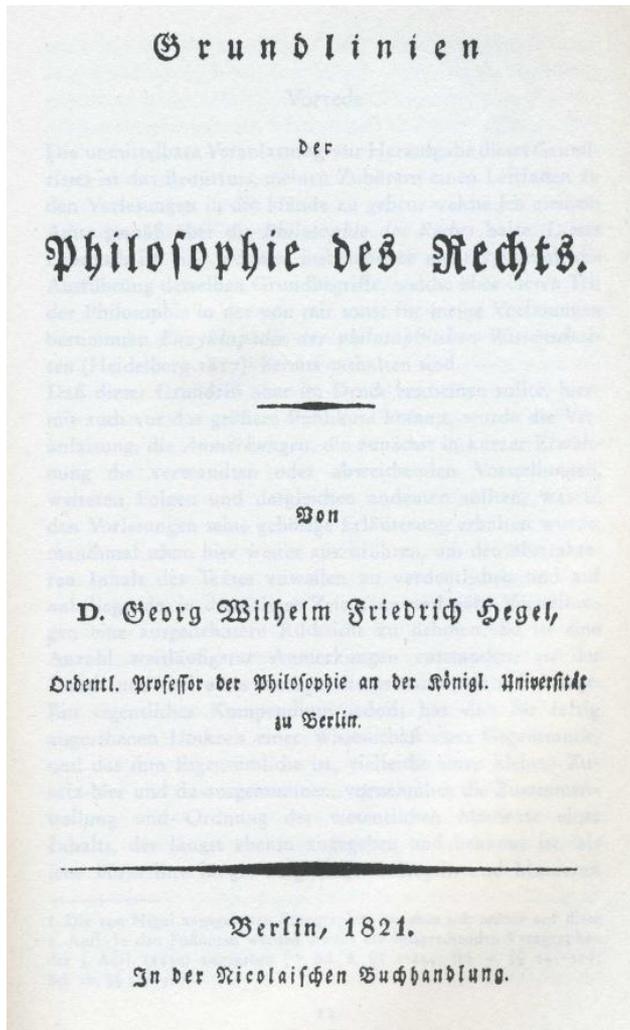
- History/Origins of right relevant to the study of one thing: free will.
- Free will is the origin of right → mind/spirit (*Geist*) objectifies itself in social/political institutions which give expression to freedom
 - ▣ This expression of freedom is both the goal and the substance of right
- This goal = ethical life in the state → the unity of the universal and the subjective will
- Universal will: freedom as its essence (but separate from the subject will is only abstract or indeterminate)
 - ▣ Considered separately from subjective will, it is "the element of pure indeterminacy or that pure reflection of the ego into itself which involves the dissipation of every restriction and every content either immediately presented by nature, by needs, desires, and impulses, or given and determined by any means whatever"
- Universal will: in the Idea of freedom, the moment where the will is thought of as a state of unconstrained volition, not hindered by circumstances or limitations → a pure form of willing
 - ▣ The modern libertarian view of unrestricted and uncoerced choice and as the absence of restraint
 - ▣ "Negative liberty" → Hobbes

Freedom and Will

Subjective Will & Universal Will Unified

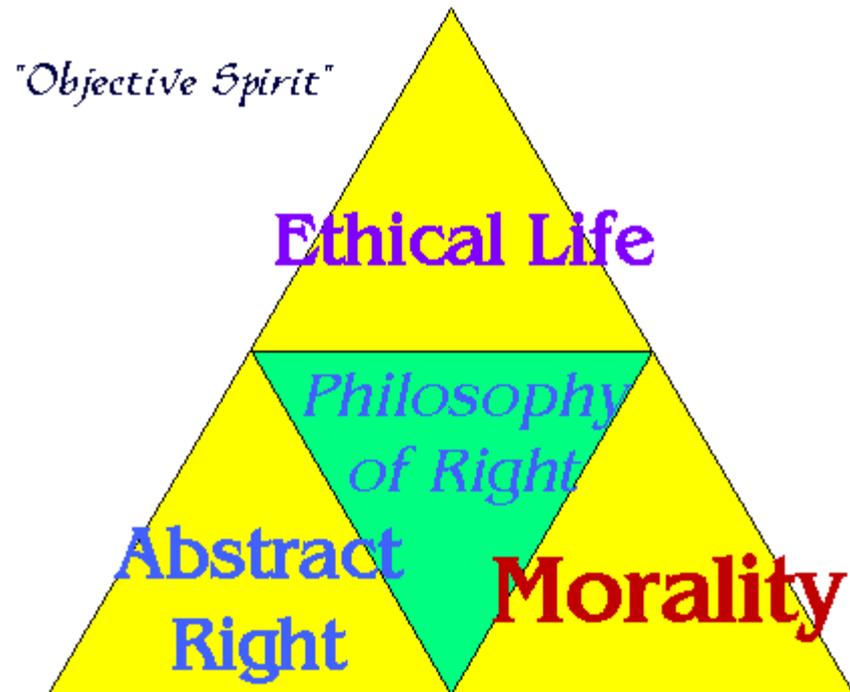
- Subjective will: activity that incorporates “differentiation, determination, and positing of a determinacy as a content and object”
 - Meaning that the will is not only unconstrained in action → but can actually manifest the doing of certain things, like through expertise or talent (“positive freedom”)
- The Unity of the Subjective (the will for-itself) and Universal Wills (the will in-itself) is the true individuality or the concrete universal (the will in-and-for-itself)
- Maintaining a distinction between the subjective and universal wills in the unity (identity-in-difference) is what helps produce the rational self-determination of the self → and understanding of state as a whole
- Freedom as self-determination = unity in difference of subjective and universal will (either as individual or group)
- Negative self-relation of freedom: the subordination of natural impulses and desires to purpose, goals, and self-reflection → requires commitment to rational principles

Free Will and Participation



- Free will is a central concept to *The Philosophy of Right*.
- Hegel argues that free will can only realize itself in the complex social relations of contracts, property rights and relations, moral commitments, the legal system, the polity, etc.
- In order to be truly free, a person must participate in all of these different arenas of the life of the state.

The Three Spheres of Right



- The majority of the book focuses on discussions of the Three Spheres of Right → each sphere larger than the previous and encompassing them
 - ▣ Abstract Right (*Recht*): “non-interference” is a way of respecting others. This alone is not enough
 - ▣ Morality (*Moralität*): Human reflect on their own being and subjectivity → see their own subjectivity and therefore the subjectivity of others → necessary in order to respect them
 - ▣ Ethical Life (*Sittlichkeit*): Integrates subjective/individual feelings and universal concepts of right → here is the realm of Hegel’s exploration of the family, society, and the state.

Subsumption of the State under World History

- While creating these layers of right (with the ethical life being related to the state), the state is subsumed by history
 - ▣ World history is a higher totality → individual states arise in this totality, they have conflict and then they eventually fall
- History moving on a course towards ever-increasing actualization of freedom → the *telos* of history
- Each historical era remedies the failures of earlier ones
- However, history has not yet been able to tackle certain vital tasks associated with the state's inner organization

Theory & Philosophy Reading Group

Marx's Critique of Hegel

Friday November 22
7pm

Old Capitol Books
559 Tyler St
Downtown Monterey

Free and open to everyone

