

HEGELIAN EQUALITY AS INSEPARABLE FROM FREEDOM

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Hegel is not usually taken to have much to contribute to discussions of equality. In the few places he discusses it at any length, he generally rails on about unnamed people who think everybody should have exactly the same or who think that there should be no relations of command or authority of any kind in society, both of which he regards as ridiculous.

However, despite his various denunciations against these straw men, he also tips his hand about his deeper views on equality when he begins the section in the *Encyclopedia* (§ 539) on the subject by noting that freedom and equality are indeed the fundamental determinations of a modern rational constitution and are indeed even the final ends, the ultimate purpose of any such constitution¹. It is thus fair to ask: What are his views and what do they imply? We will not get a good answer unless we go more deeply into his views to ferret out what they might be.

1. Dependence and independence in equality

Although Hegel does make it clear that he thinks that equality is the final end of rational political life, he also argues that, like freedom, it needs greater development if it is to be actual (that is, to be real, to be at work) in life. He summarizes his point this way: «For while people are certainly equal, they are equal only as persons, that is, with regard to the source of that possession; what follows is that everyone must have property. Hence, if you wish to talk of equality, it is this equality which you must have in view»². We might start by parsing Hegel's claim about basic equality in terms of Hannah Arendt's well known claim

¹ G.W.F. Hegel, *Grundlinien der Philosophie des Rechts*, Suhrkamp, Frankfurt a.M. 1969, § 539, p. 332: «Freiheit und Gleichheit sind die einfachen Kategorien, in welche häufig das zusammengefaßt worden ist, was die Grundbestimmung und das letzte Ziel und Resultat der Verfassung ausmachen sollte. So wahr dies ist, so sehr ist das Mangelhafte dieser Bestimmungen zunächst, daß sie ganz abstrakt sind». «Freedom and equality are the simple categories in which have often been the condensations of what should constitute the fundamental determination of the final end of the constitution and its result».

² Ibid., § 49 Z.: «Denn die Menschen sind freilich gleich, aber nur als Personen, das heißt rücksichtlich der Quelle ihres Besitzes. Demzufolge müßte jeder Mensch Eigentum haben. Will man daher von Gleichheit sprechen, so ist es diese Gleichheit, die man betrachten muß».

that the single basic human right is the «right to have rights»³. If so, we need now ask: How would that apply to Hegel?

First, there is his general point about how abstract rights are not genuine, not fully real, not *wirklich*, unless they are rights embedded in a developed social and political order that makes them real. A «stateless» person (to summon up Hannah Arendt) has no real rights in that sense.

Second, this has to do with the one thing Hegel does in fact discuss – over and over again – namely, freedom. In an often cited section of the *Philosophy of Right*, Hegel says of freedom that in its concrete, true form, it consists in a relation of one willing agent to another, such that «in its restriction, in this other, the will is at one with itself (*bei sich selbst*) so that in determining itself it still remains at one with itself and does not cease to hold fast to the universal», and he gives love and friendship as obvious examples of such freedom⁴. This determining feature of freedom comes up again and again in Hegel's writing as iterations of the idea being «*bei sich selbst*», literally, being «with oneself». In the *Phenomenology*, for example, the first time that freedom comes up as a specific topic is in the section on stoicism, skepticism and the unhappy consciousness. (The section itself goes under the title, «The Freedom of Self-Consciousness» to distinguish it from the preceding section on «The Self-Sufficiency and Un-Self-Sufficiency of Self-Consciousness»). In both those sections, freedom emerges as what the slave and the master are pushed into thinking about as a result of the respective failures of the attempt to establish self-sufficiency, i.e., independence (on the master's part) and the failures in living a life of ethical and juridical dependence (on the slave's part). So it turns out, it was not really independence but freedom that both were really after. Freedom, as it were, was the name for what the slave lost when he became enslaved. In losing his original claim to full independence, he lost something he did not until that time fully know he even wanted: Freedom.

Both stoics and skeptics draw a false lesson from the failure of mastery and servitude. They are presented as learning from the experience of the failure of mastery and slavery that what they indeed needed was

³ H. Arendt, *The origins of totalitarianism*. Harcourt, New York 1966.

⁴ G.W.F. Hegel, *Grundlinien der Philosophie des Rechts*, cit., § 7 Z: «Das Dritte ist nun, daß es in seiner Beschränkung, in diesem Anderen bei sich selbst sei, daß, indem es dann der konkrete sich bestimmt, es dennoch bei sich bleibe und nicht aufhöre, das Allgemeine festzuhalten: dieses ist Begriff der Freiheit, während die beiden vorigen Momente durchaus abstrakt und einseitig befunden worden sind. Diese Freiheit haben wir aber schon in der Form der Empfindung, z. B. in der Freundschaft und Liebe».

freedom, and that kind of freedom thereby had to be secured by themselves alone, by creating, again as it were, another, new arena of independence, namely, that of thinking for themselves. Thus, Hegel says that the stoic (and the skeptic in a different way) are pushed into the view that «within thinking, I *am free* because I am not in an other, but rather I remain utterly at one with myself (*bei mir selbst*)»⁵. They draw the lesson that masters and slaves failed because of dependency: The master made himself dependent on the slave for the recognition that the master denied in principle that the slave was capable of giving, and the slave was required to give a type of recognition that he was denied having the authority to give. Rather than concluding that all attempts at living lives of complete and utter independence was the problem, the stoics and skeptics mistakenly concluded that the earlier failures consisted in looking for the wrong kind of independence. They drew the correct conclusion that it was freedom as being «*bei sich*», but they misinterpreted freedom as consisting therefore in a type of utter independence from others. This is a mistake repeated over and over again not merely in newer forms of stoicism but its offshoots in various forms of Locke-inspired liberalism.

What emerges after the breakdown of other such attempts at independence or of that of abandoning oneself to a life of pure dependence on an absolute, other-worldly master is that the original situation of mastery and servitude had the right idea implicitly within itself, namely, that freedom is essentially a dyadic relation, not a monadic relation to oneself. Mastery and servitude are dyadic relations; one is only a servant to another or a master of another. Likewise, friendship and love (Hegel's example) is also dyadic. Justice is also a relation to an other, since you cannot be unjust to yourself. The stoics, the skeptics and all their conceptual descendants took freedom to consist in some kind of relation to one's own acts that evinced independence (in various ways) from relations to others. (If nothing else, it required Augustine to develop a concept of the faculty of willing to account for such a thing.) They wanted to be masters of themselves and turned the relation inward, only to fail once again at sustaining it. What they needed was a way of combining what seems to be antithetical, both dependence and independence, and freedom, as a dyadic structure, was supposed to do that.

However, it is not self-evident that freedom in its dyadic form can serve that end. One can easily think of the numerous examples of the peculiar two-in-one of self-consciousness, where «I» think of «me», in

⁵ G.W.F. Hegel, *The phenomenology of spirit*, a cura di T. Pinkard, Cambridge University Press, New York 2018, pp. 117-118.

which one can carry on an internal dialogue with oneself. How is that «dyadic», except in an either metaphorical or extended sense?

2. The two-in-one of subjectivity

Hegel's most succinct statements about it occur in the *Phenomenology* and in §§ 5-7 of the *Philosophy of Right*. His first point about this two-in-one is essentially Kantian: To be a subject is to be a unity of consciousness, which is not the unity of a «thing» (or, at first, a substance), but a unity that is instituted by the subject itself. Moreover, it is a unity that in instituting this unity is conscious of the unity itself (that is, is at the most basic level self-consciousness as a unity conscious of its unity) and, in possessing a cognitive access to the world, it is conscious of this access as an access. The subject is what it is only in its taking itself to be what it is and is thus different from things like rocks, from artifacts like chairs, and from various forms of animal life (like paramecia – higher forms of animal life may be more like us than we have previously suspected).

However, the unity and thus the identity of a self-conscious life are, without anything else, empty. This is Kant's point in the «Paralogisms» in the *Critique of Pure Reason*, where he showed rather effectively that from the self-identity of the «I», one can infer nothing substantial. That the «I» is «one» does not imply that it is material, immaterial, etc. When that idea is transferred to the practical realm, from the mere identity of the «I» over time, one can make no further inference as to what or even who the «I» is. That you are the same «I» does not license any inference as to what it is that you would will or that you have willed. Now, Kant of course went a bit further on that line and thought he could show that the very concept of being a rational practical agent in fact did license all kinds of inferences about the makeup of the moral world⁶. Notoriously, Hegel thought that without the addition of other premises, nothing per se followed from the idea of a rational being except that one should not contradict oneself and that one should follow the proper rules of inference. (That is a long, still ongoing debate about the validity of this charge of formalism against Kant, which I shall leave aside here.) However, if we accept for the moment Hegel's point to be right, then the additional premises for a more substantial inference must begin with the concept of the will (as practical reason working within self-conscious life) and then fill it out either by way of some

⁶ This is hardly a controversial interpretation of Kant. See, among many others, the masterful discussion in A.W. Wood, *Kant's ethical thought*, Cambridge University Press, Cambridge-New York 1999.

natural feature of the agent (desires, impulses, needs or whatever else) or by way of features instituted by self-conscious life itself (such as social statuses and the kinds of derivative obligations they carry with them)⁷.

Those additional premises are necessary to make any inferences about practical life work, but what status do they have? Doing what one happens to feel like doing as opposed to what one thinks one ought to be doing is not ruled out by the self-identity of the «I». (No inference from one to the other is licensed by mere identity.) It is clear that much of the content of willing comes from our status as self-conscious lives and not merely animal lives. Much of the goals and aims of life (such as being a loyal and brave member of the tribe, being a good citizen, fulfilling the job of rail master or postmaster, etc.) come, as Hegel says, from *Geist*, self-conscious life itself as it assumes various social, political and cultural shapes. But which shapes count as free, or do all of them? For Hegel, the bare idea that the additional premises are supplied by the rules of one's own time is not enough. For example, «be a real man» might have been, and surely still is, a rule in lots of social orders, and there is very good reason to think that in a lot of cases, the content of that rule is stifling for development, wildly irrational, or even toxic for the common good (or all three together).

Whatever the extra premises are, they come from outside the individual self-conscious agent. This is not obvious or apparent at first glance. Self-conscious life involves a splitting of oneself, making oneself into a two-in-one where one can entertain oneself as an «other» in a silent dialogue with oneself. In such an internal dialogue, one is still caught up in a conceptual order of things; one is not simply observing a bundle of non-conceptual perceptions. One is thereby the «negative» of oneself, carrying on with oneself as if oneself were another interlocutor, and it can seem, falsely, that this kind of internal dialogue of the

⁷ Hegel's explicit statement about the need for additional premises (what he calls «content» for the otherwise formal identity of the «I») is in G.W.F. Hegel, *Grundlinien der Philosophie des Rechts*, cit., § 6, p. 52: «(ß) Ebenso ist Ich das Übergehen aus unterschiedsloser Unbestimmtheit zur Unterscheidung, Bestimmen und Setzen einer Bestimmtheit als eines Inhalts und Gegenstands. – Dieser Inhalt sei nun weiter als durch die Natur gegeben oder aus dem Begriffe des Geistes erzeugt». Ivi, § 6, p. 52. And, as he makes clear, he equates this “abstract subjectivity, spoken of in § X, with practical reason: «Diese abstrakte Subjektivität ist dasselbe, was Kantische praktische Vernunft [nennt]». Ivi, p. 231. The connection of «dife» with «subjectivity» is almost too pervasive in Hegel's thought to mention. See the extended discussion in T. Pinkard, *Hegel's Naturalism: Mind, Nature, and the Final Ends of Life*, Oxford University Press 2012.

two-in-one manifests one's own free independence from all others⁸. This also suggests, again wrongly, that self-conscious life must already (or at least by its adult phase) possess all the authority it needs to be able to make substantial cognitive and practical claims, and that whatever authority other things have over it – such as any kind of social requirement given by one's place in society – must be built over and on top of that basic level of personal, self-conscious authority. For example, the way in which it might seem that since the vassal's acknowledgement of the authority of his feudal overlord over himself is indeed contingent, it thus must be a social authority that can only exercise itself by enlisting (or maybe hijacking) the prior self-conscious authority of the individual agent himself.

That this is only the *appearance* and not the full reality of self-conscious life to itself is a point made in the Jena *Phenomenology* (and the corresponding sections of the later *Encyclopedia* under the title «Self-Consciousness»). Self-consciousness builds itself out of what we can call the second-person point of view. «A *self-consciousness is for a self-consciousness*», as Hegel opens 177 of the Jena *Phenomenology*⁹. This is not a «we» nor is it just an «I» confronting another «I» – that is, not just a set of isolated and contrasting first-person points of view but of a reciprocity of such points of view, involving an «I know that you know that I know that you know...» kind of iteration. The two-in-one of inner dialogue with oneself is already a version of the kind of self-conscious second-person involvement that is intrinsic to self-consciousness outside of its merely formal identity with itself. Outside of that original duality of the two agents confronting each other, neither self-conscious agent can have any content to what they are willing or thinking except for the knowledge of their own formal self-identity as requiring its filling-out by an other. The «appearance» that is at stake comes from the way in which the two-in-one in its inner dialogue with itself can fantasize, as it were, that it is in fact alone and that the «other» is a point of view virtually included within itself.

The original authority that the singular self-consciousness has as the «negative» of itself is itself a precipitate from the authority that each

⁸ Hegel covers this ground in a variety of introductory paragraphs to the *Philosophy of Right*, ivi, § 7, he notes the subject here is «*Einzelheit; die Selbstbestimmung des Ich, in einem sich als das Negative seiner selbst, nämlich als bestimmt, beschränkt zu setzen und bei sich, d. i. in seiner Identität mit sich und Allgemeinheit zu bleiben, und in der Bestimmung, sich nur mit sich selbst zusammenzuschließen*». He then goes on to note that this identity is purely formal (§ 25).

⁹ G.W.F. Hegel, *The Phenomenology of Spirit*, cit., p. 108: «Es ist ein *Selbstbewußtsein für ein Selbstbewußtsein*».

has in the awareness of the other as having a first-person point of view. Each of these «moments» is a distinguishable but not separable factor in the other. Put into the linguistic register, it is that the first-person use of «I» and second-person use of «you» are bound up with each other¹⁰. If self-consciousness is constituted in this kind of dyadic relation, then our common conceptual access to the world, both human and natural, emerges from it. The dependence on others is not simply a matter of our social animal nature nor of the inherent weakness of each person compared to the sum total of tasks confronting him. It is the deeper, even metaphysical nature of agency itself that is only truly real in its dyadic structure, even though that deeper metaphysical structure may be partially obscured by the way in which it enables the two-in-one of internal dialogue (which Hegel describes in his own inimitable terms as «reflection into self»).

3. Antigone's revolt of the excluded

Thus, the actual, *wirklich*, status of freedom as dyadic emerges most fully, so Hegel thinks, in the ancient democratic Greek polis¹¹. There the citizens encountered each other as free in their plurality. The full development of individual personality found expression there. Free action can only really exist, to take up another of Hannah Arendt's phrases, in the context of the actors confronting each other where neither is ruler or ruled, for it is only in such a dyadic formation that the full spontaneity of free action can be realized¹². In that idealized

¹⁰ On the relation between the second-person and self-consciousness, see the discussion in S. Rödl, *Self-consciousness*, London, Harvard University Press, Mass Cambridge 2007;. See also my discussion in T. Pinkard, *Does history make sense? : Hegel on the historical shapes of justice*, Harvard University Press, Cambridge-London 2017.

¹¹ G.W.F. Hegel, *Vorlesungen über die Philosophie der Geschichte*, Suhrkamp, Frankfurt a.M. 1969, p. 318: «In Athen war eine lebendige Freiheit vorhanden und eine lebendige Gleichheit der Sitte und der geistigen Bildung, und wenn Ungleichheit des Vermögens nicht ausbleiben konnte, so ging dieselbe nicht zum Extreme über. Neben dieser Gleichheit und innerhalb dieser Freiheit konnte sich alle Ungleichheit des Charakters und des Talents, alle Verschiedenheit der Individualität aufs freieste geltend machen und aus der Umgebung die reichste Anregung zur Entwicklung finden; denn im ganzen waren die Momente des athenischen Wesens Unabhängigkeit der Einzelnen und Bildung, beseelt vom Geiste der Schönheit».

¹² H. Arendt, *The human condition*, University of Chicago Press, Chicago 1958, p. 32: «To be free meant both not to be subject to the necessity of life or to the command of another and not to be in command oneself. It meant neither to rule nor to be ruled».

Athenian polis, each participates, some may give pieces of grand oratory, but nobody is by nature in command of the rest. One is thus only fully «with oneself» (*bei sich*) in the condition of such plurality of points of view. Thus, the ancient polis – along with friendship and love – form one of the set of paradigms of free action. In each paradigm, none of the agents are the natural rulers of the others, each participates, and thus nobody is ruled by another. Such freedom does not rule out conflict, but it does rule out command of another or even command of oneself (contra what the Stoics thought despite the experience of the polis).

Nonetheless, the condition of freedom for those men had to be that of equality, and is in that context that Hegelian equality makes its appearance. Hegelian equality – seen in its rosy, idealized Greek paradigm – is the equality of peers, of those who have equal standing with oneself. Hegelian equality as a development of Greek equality is not that of focusing on «luck inequality» (where all inequalities in basic goods that are the result of bad luck are to be ameliorated)¹³. It is rather that nobody in the polis could exercise any untoward authority over others. Nobody had, as it were, a right to be followed, and nobody had conversely a natural duty to follow. Each had to be convinced by the others to assume their place in a course of concerted action.

Unfortunately, the Greek conception of freedom carried its own undoing with itself. The worm in the apple, the toxic condition for such freedom, was slavery (which, to make matters worse, they accompanied with the devaluation of women). In the polis, there was neither ruler nor ruled among the citizens, and this made the freedom and the delight of the public world real for them (as Arendt had it). However, for that to work, some had to be excluded to do the dirty work that permitted the «freemen» of Athens to stage such a political show. For the male citizens, freedom required recognition by an other who had the authority to bestow such recognition, and this could therefore only be carried out among equals, since any inequality of authority would introduce something like the master/slave dialectic once again. Each thus possessed the equal authority to produce and confirm the others as free citizens. For them, the inequality and instability of the master/slave relation was thus resolved. For them and the slaves who supported them, the matter was as unresolved as ever.

¹³ Hegelian egalitarianism is thus a special form of «relational egalitarianism», at least as that term is used in E. Anderson, *The Fundamental Disagreement Between Luck Egalitarians and Relational Egalitarians*, in «Canadian Journal of Philosophy», 40, 1, 2010, pp. 1-23.

Hegel took Sophocles' *Antigone* as the ultimate statement of the problem. Much has been written on Hegel's treatment of the play, so most of Hegel's account does not need to be retold here in any detail¹⁴. In the *Phenomenology*, as is well known, Hegel treats it as an unavoidable conflict of right against right – Antigone's action commanded by the divine law versus Creon's action carried out in terms of the human law. There is also the chorus' condemnation of Antigone for her attempt at «autonomy».

However, what most clearly distinguishes Antigone is not just her (female) adherence to the divine law. Antigone desires, as she says, «glory» – that is, she desires the freedom she is denied as female – and to achieve this freedom, she needs recognition from an equal. But who could be Antigone's equal, especially since she is a royal by birth? In her speech in her own defense, she gives a variety of reasons that have perplexed many readers, as she wanders on in a speech about the replaceability of husbands and children contrasted with the irreplaceability of a brother (since the parents are both dead). However, her real issue is about who could be her equal, that is, who could give her the recognition she demands. No husband could be her equal (since Greek women are never the equals of their husbands). Nor can the child ever be her parents' equal. Nor can Ismene, her sister, be her equal, since Ismene, being female, could never have the requisite authority. Only her brothers could do that, but they were both dead. Antigone's carrying out of the burial plans for Polynices is her way of «staging» recognition and thus staging her securing the «glory» she tells Ismene at the outset is her goal. Antigone's demand is twofold: It is an ethical demand for herself, that she be recognized as free, and a demand that she be recognized and included as a participant in the social order in which she already lives, that is, she demands a kind of full reciprocity in the polis (as a matter of justice).

Antigone sets the stage for all the future revolts by the excluded in the name of the equality that is necessary for their freedom. In Hegel's shorthand for his not always fully attentive students, history progressed from one being free, to some being free (male aristocrats) up to the modern world in which all are free. Antigone is the spearhead for what will become the revolt against the conception that some are free while others are merely to be ruled by them. Hegel underlined that point in his lectures, noting that in the Roman states where the citizens were free and equal vis-à-vis each other, «there arose bloody wars in

¹⁴ See my discussion in T. Pinkard, «Tragedy with and without Religion: Hegelian Thoughts», in J. Billings e M. Leonard, *Tragedy and the idea of modernity*, Oxford University Press, Oxford 2015, pp. 137-158.

which the slaves sought to free themselves, to achieve recognition of their eternal human rights»¹⁵. Equality is not a given in history; it is the result of struggle, but it is also the «logic» of a history that is working itself in the contingencies of such struggles¹⁶.

4. The facts of social life and progress

Greek freedom and Antigone's revolt set the stage for an adequate comprehension of the relation between freedom and equality, namely, for a world in which «all are free» and therefore all are equal in Hegel's sense of basic human equality. However, egalitarianism as an overall political stance is not exactly self-evident. It was not only never historically obvious that the conception of all being free and equal would win the day, the very idea was itself opposed throughout history, especially by the masters. There is the obvious way that in Hegel's own day, the French Revolution changed the political landscape with its motto of liberty, equality and fraternity, but it also fell quite short of making that idea into reality. (The American Declaration of Independence with its own call for liberty and equality was thus more Greek and Roman in its not really even implicit denial of those same ideals for slaves and natives.) Nonetheless, the «Declaration of the Rights of Man» confirmed for Hegel and many in his generation that his own view of history as having decisively shifted from «some are free» to «all are free» was now in the process of making itself real.

For Hegel, this was the appearance of one of the great antinomies of history: the idea of some as naturally subservient to others versus nobody being by nature subservient to anybody else¹⁷. Both were true

¹⁵ G.W.F. Hegel, *Enzyklopädie der philosophischen Wissenschaften*, Suhrkamp, Frankfurt a.M. 1969, vol. III, pp. 224, § 433Z: «Deshalb gab es in ihren Freistaaten Sklaverei und entstanden bei den Römern blutige Kriege, in denen die Sklaven sich frei zu machen, zur Anerkennung ihrer ewigen Menschenrechte zu gelangen suchten».

¹⁶ I have given an account of the complement to this story about the struggles for equality in T. Pinkard, *Does history make sense?: Hegel on the historical shapes of justice*, cit. There is a further issue not discussed here, namely, whether Antigone's staged recognition is in fact taking the male world as its paradigm and trying to make herself equal to that, as opposed to putting the very concept itself of «equal to whom» in question. This has come up in feminist discussions of the role of equality. For an overview see, L. Zerilli, «Feminist Critiques of Liberalism», in S. Wall (a cura di), *The Cambridge Companion to Liberalism*. Cambridge University Press, Cambridge 2015.

¹⁷ See the discussion in G.W.F. Hegel, *Grundlinien der Philosophie des Rechts*, cit., § 57, p. 123

in their respective spheres. Slavery was always intrinsically wrong, even though the ancients could not have been in a position to assert that with any real justification. For history to progress to the point where «all are free» would be real itself requires that people *make* themselves equal to others, that is, it has required conflict and struggle. Naturally, there are various inequalities across the spectrum of human life, and it was in taking those natural facts to be normative facts that the inequalities of the ancients were generated. Given that point of view – that some are entitled by virtue of some natural feature of themselves to rule over others – it was not irrational for them to think that slavery was simply a part of the world, necessary for running the economy and necessary, as Hannah Arendt reconstructed the ancient world, for the «labor» that keeps life as such going¹⁸. It was not irrational for the Greeks to think that freedom required slavery, given their form of life. It was their form of life that was irrational.

The so-called antinomy is generated, so Hegel argues, in taking «the concept [of the human being] as such in its immediacy, not the Idea, as the truth»¹⁹. This requires some unpacking. The «Idea» so Hegel says is the unity of concept and objectivity (or, in some places, the unity of concept and reality). An «Idea» is thus in this Hegelian sense what Philippa Foot called a «fact-stating evaluation», that is, a description of some form of life (plant or animal) in terms of facts about it that are also evaluative of how that life flourishes or does best²⁰. If it is a fact that maple trees grow best in full sun but can tolerate some shade, and grow best in fertile, deep non-compacted soils, stating such facts is also stating an evaluation of how and under what conditions they flourish. Likewise, it is just as true of humans that there are facts about them that are also evaluative of how their lives go best, but humans make themselves moving targets for such «Ideas» since what they are as agents takes on different historical forms in different situations. (Since the concept of *Geist* is that of self-conscious life, Hegel is not committed to saying that everything about human flourishing is social in character. Adequate supplies of clean water, for example, are just as necessary for humans in whatever social and historical conditions they find

¹⁸ This was not for lack of imagination; a Greek visitor to northern India in the third century BCE, Megasthenes, was struck by how their society functioned without slaves, finding it baffling as to how such a society could even work especially as well as King Chandragupta's did. See M. Scott, *Ancient worlds: a global history of antiquity*, Basic Books, New York 2016.

¹⁹ G.W.F. Hegel, *Grundlinien der Philosophie des Rechts*, cit., § 57, p. 123: «den Begriff als solchen in seiner Unmittelbarkeit, nicht die Idee, als das Wahre nimm».

²⁰ P. Foot, *Natural goodness*, Clarendon, Oxford 2001.

themselves.) The logic of recognition is such that it cannot make sense of itself until it reaches the point where the recognition is fully mutual, and that can only be the case when finally the idea that «all are free» is reality and not merely something that «ought» to be but cannot yet really be given the way of the world.

Historical progress has to do with working out both the conceptual and the empirical aspects of «all are free». There is a necessity to this progress in that only such a view of freedom and equality makes sense of self-conscious life, but there is no other kind of necessity that implies that history has to work out that way. For all kinds of reasons, history may have taken, and may still take, a completely irrational path, since self-conscious life is, after all, life, and that comes with all kinds of other psychic and social forces at work in it.

Hegel seemed to have two minds about this. After the fall of Napoleon and the inability or unwillingness of the Congress of Vienna to completely turn back the clock and to put Europe where it had been before the French Revolution, Hegel was emboldened to think that his views on history had been shown by history itself to be substantially correct, which thus motivated him to plunge ahead in the development of his political philosophy, giving lectures on more or less the finished product at Heidelberg in 1815 and publishing it in 1820. In it, he provided the *Grundlinien*, the fundamental outline of what a social, moral, and political order would look like that took freedom and equality as coeval with each other. It would consist of a structure of very general recognition of the abstract rights of life, liberty and property, which on the most abstract level would embody the dyadic structure of genuine freedom in which in rights of contract (as the modern legal realization of the more fundamental act of promising) we see that «the relation of will to will is the true distinctive ground in which freedom has its existence». The rights of life, liberty and property are the forms in which equals recognize each other precisely as free and equal but only in the most abstract sense. Likewise, there is a universalism of morality at work in such an egalitarian world (in the kind of rule-bound ethics of obligation so effectively worked out by Kant and Fichte), which provides the universal rules under which free and equal agents would be rationally compelled to recognize each other. That is also ultimately abstract and relatively thin.

Finally, there is what Hegel thought of as the way in which the institutions that historically had taken shape in the emerging bourgeois world themselves provided a way of making fact-stating evaluations of how the lives of free and equal persons go in that emerging bourgeois world. The modern family embodies, so Hegel thought, an equality between men and women (although Hegel's own characterizations of that

family life have turned out to be so sexist as to make it seem as if he might have been writing a parody of sexism in marriage)²¹. The equality of men and women is a condition of freedom, the kind we find in «love and friendship». Likewise, the modern state is that of citizens, not subjects of a prince, and it too thereby incorporates dyadic relations among its members. Hegel was not friendly to democracy (something he shared with almost all nineteenth century liberals²²), but he was in favor of representative government, which so he thought, had its roots in egalitarianism²³. (His views of the proper state in modern life was more or less basically that of the British state as a constitutional monarchy balanced by its representative institutions but incorporating a German bureaucracy²⁴).

In between these two dyadic formations – love and friendship on one end of the pole, and citizens of a representative constitutional state on the other end of the pole – was modern civil society, «bourgeois society» (*bürgerliche Gesellschaft*). Or, to put it in terms Hegel did not use but which are implicit in his usage: in between citizenship and love was capitalism. In civil society, the modern stress on individuality and the production of previously unimaginable wealth come to full expression. Such a «civil» society is monadic in nature, not dyadic – there are no essential bonds between people. In it, the individual is conceived to be simply choosing one course of action over another, and it is this

²¹ Hegel was simply incapable of taking anything like the women's movement for more equal participation in public life seriously, but he did think of his views as egalitarian, even if, especially in hindsight, they were so obviously anti-egalitarian: he says in his marginal notes to §167 in G.W.F. Hegel, *Grundlinien der Philosophie des Rechts*, cit.: «Der Mann nach seiner Individualität - die Frau als *sich gleich achten* und setzen - nicht höher - wie im Rittertum seine Religion gleichsam in der Frau haben - sich einen Kampf, unendliche Abenteuer, Heldentum - um ihrer willen kreieren - oder *Galanterie* in modernen Staaten - Intriguen - Frau geht auf Persönlichkeit - nicht das an und für sich Allgemeine des Staates - / Gleichheit, Dieseligkeit der Rechte und der Pflichten - Mann soll nicht mehr gelten als die Frau - nicht niedriger, - in Sklaverei - oder Vielweiberei - behält noch seine Individualität für Andere».

²² See J.-F. Kervégan, *L'effectif et le rationnel: Hegel et l'esprit objectif*, Vrin, Paris 2007.

²³ All the basic branches of society have a right under the regime of freedom and equality to such representation: «Jeder solche Zweig hat aber gegen den anderen gleiches Recht, repräsentiert zu werden». G.W.F. Hegel, *Grundlinien der Philosophie des Rechts*, cit., § 311, p. 480.

²⁴ See the discussions in T. Pinkard, *Does history make sense?: Hegel on the historical shapes of justice*, cit.; T. Pinkard, *Hegel: a biography*, Cambridge University Press, Cambridge 2000; A.W. Wood, *Hegel's ethical thought*, Cambridge University Press, Cambridge-New York 1990.

choosing individual – the individual as *Willkür* – that is the fundamental unit of analysis for civil society. In that monadic setup, the individual's relation to other individuals is regulated by shared rules, much as a game or a sport is so regulated. There are rules that forbid certain things, and, for all that, there may even be a kind of idea of an Ultimate Umpire at work behind the scenes who blows the whistle and gives out yellow cards and red cards to those who violate the rules. What justifies such a «civil» society is precisely its productivity and the way in which it gives expression to individuality and thus more fully embodies freedom in its proper dyadic form. It does that by providing a greater productivity, the totality of which forms a pool from which each member or family can draw the resources it needs to live lives as free and equal agents, and it is justified only in those terms. To the extent that it does not satisfy that requirement, it cannot be justified²⁵. This newly competitive, highly atomized and monadic social formation constitutes even the «loss» of ethical life itself, and it represents freedom as simply arbitrary free choice, not as the dyadic conception of genuine freedom²⁶.

5. Struggles over equality

Hegel's picture is this: sandwiched in between the freedom found in love, family and friendship and the freedom found in the life of an engaged citizens, is civil society, which since Hegel's own day has turned simply into capitalism, which is busy eating up the other two poles and, by promoting aggressive inequality, undermining both of them as embodiments of freedom. Hegel's own German experience of market society was more or less restricted to the consequences of a market organized around independent artisans, although he read of (and disapproved) of the emerging shape of industrialization in Britain. Now, Hegel thought – quite wrongly – that this voraciousness on the part of the market could be temporized and stabilized by means of the resurrection of the more ancient medieval and early modern «estates» and «corporations», since only in those corporations and estates could the *Bürger* of «civil» society participate in social life as equals. Why?

²⁵ G.W.F. Hegel, *Enzyklopädie der philosophischen Wissenschaften*, cit., § 524, p. 321: «Die Besonderheit der Personen begreift zunächst ihre Bedürfnisse in sich. Die Möglichkeit der Befriedigung derselben ist hier in den gesellschaftlichen Zusammenhang gelegt, welcher das allgemeine Vermögen ist, aus dem alle ihre Befriedigung erlangen»

²⁶ It thus represents in Hegel's terms freedom as *Willkür*: *ivi*, § 477, p. 299: «Er ist auf dem Standpunkt, zwischen Neigungen zu wählen, und ist *Willkür*».

Even if the members of the estates and corporations were in many respects unequal members of society, still in that smaller grouping they lived within a sphere of their peers, their equals. Hegel's hopes for tempering market forces rested with these social groupings. In them, people could in their second-person dealings with each other as equals freely form a first-person plural in the constitutive sense (a «We») that was consistent with those principles. These different «We's» of «civil society» would then be expected to harmonize with each other in the unity of citizenship («We all together» as committed to rule of law, etc.) within a constitutional state, thereby forming a stable set of commitments to work out the conflicts among the various estates and corporations²⁷.

It is not hard to see how this turned out to be one of Hegel's most misguided predictions since even at his own time, the corporations and estates were vanishing in the few places where they had not already vanished. They were shapes of life that would die out without any hope of revival. It could be that they were simply his last hope at damming the deluge that capitalism was in the process of bringing in its wake. In any event, the setup was expressive of his view that the very concept of self-conscious life was egalitarian in the way it determined ultimate normative authority among an extended and constitutive «we» (a «universal self-consciousness»), or, in another formulation by Hegel, how it eventuates in the condition for all «to want to be neither a slave nor a master; [for there to be] no slaves, no masters just as equally as no masters, no slaves»²⁸.

After the 1830 revolution in France, Hegel grew more pessimistic about how this «we» would take shape. In the new world that the 1789 French Revolution had helped to bring to existence, the point of view of civil society – of freedom as individuals simply choosing among various inclinations, in other words, the productive and consumer market

²⁷ The sense of «we» here is stronger than that of an accidental «we», as in the sentence, «Suddenly I noticed that we were all wearing blue shirts». It is stronger even than the «we» of a common project. It is more like the «we» that indicates the identity and practical knowledge belonging to a group, as in «We are all bilingual here». Hegel says of this «we» that it is «more nearly that of identity» (*identischen*) than that of sharing even a trust in each other. G.W.F. Hegel, *Grundlinien der Philosophie des Rechts*, cit., § 147, p. 295: «es gibt das Zeugnis des Geistes von ihnen als von *seinem eigenen Wesen*, in welchem es sein *Selbstgefühl* hat und darin als seinem von sich ununterschiedenen Elemente lebt, – ein Verhältnis, das unmittelbar noch identischer als selbst *Glaube* und *Zutrauen* ist»

²⁸ *Ivi.*, § 57, p. 125. marginal comment: «es ist das eigne allgemeine Selbstbewußtsein – nicht ein Sklave – noch ein Herr sein zu wollen; kein Herr, kein Sklave – ebenso aber kein Sklave, kein Herr»

– seemed to be proving itself to be overwhelming the «we» of constitutional legality. Instead, the society seemed to be fracturing continuously into factions in which no overarching sense of «citizenship» becomes possible. For Hegel this «collision, this knot, this problem is where history now stands, a problem which is yet to be solved»²⁹. (He also hedged on this a bit, wondering if the German system had somehow managed to circumvent that historical roadblock. But clearly he was not thinking of this as anything like the «end of history»).

Since equality found in reciprocal freedom has now appeared on the world stage as making sense – so Hegel’s philosophy has argued – it is a legitimate object of struggle and thus a possible ground for (possibly intense) conflict. Why intense? In Hegel’s understanding, slave revolts need not obey all the limits found in other conflicts. After all, in Hegel’s statement of the dyadic basis of ethical life, it is «by being in the ethical order [that] a human being has rights insofar as he has duties, and duties insofar as he has rights» and in several places, he draws the conclusion that «slaves can have no obligations; only free persons can have such obligations»³⁰. Or, as the third chorus of the *Internationale* has it, «L’égalité veut d’autres lois/Pas de droits sans devoirs dit-elle/ Égaux, pas de devoirs sans droits» (Equality wants other laws/No rights without duties, she says, /Equally, no duties without rights.)

Freedom-Equality is the order of the day, so Hegel thought, and although the fire has been lit, that does not mean it cannot go out again. As he told his acquaintance, Christian Weisse in 1829, the future holds itself open for forms of life beyond what he himself imagined³¹. A more egalitarian form of life was one he did imagine, but he had trouble

²⁹ This is taken from Karl Hegel’s version of the notes from his father’s lecture: «Diese Kollision, dieser Knoten, dieses Problem ist es an dem die Geschichte steht und das sie noch zu lösen hat». G.W.F. Hegel, *Die Philosophie der Geschichte: Vorlesungsmitschrift Heimann (Winter 1830/1831)*, Fink Verlag, Munich 2005, p. 231. Other versions of the same thing appear in other notes and in the Eduard Gans-Karl Hegel version of the lectures on the philosophy of history, G.W.F. Hegel, *Vorlesungen über die Philosophie der Geschichte*, cit.

³⁰ G.W.F. Hegel, *Grundlinien der Philosophie des Rechts*, cit., § 155, p. 304: «der Mensch hat durch das Sittliche insofern Rechte, als er Pflichten, und Pflichten, insofern er Rechte hat [...] Der Sklave kann keine Pflichten haben, und nur der freie Mensch hat solche. Wären auf einer Seite alle Rechte, auf der anderen alle Pflichten, so würde das Ganze sich auflösen, denn nur die Identität ist die Grundlage, die wir hier festzuhalten haben». He also repeats himself on this point: «Sklaven haben deswegen keine Pflichten, weil sie keine Rechte haben, und umgekehrt – (von religiösen Pflichten ist hier nicht die Rede)» (§ 261).

³¹ G.W.F. Hegel, *Briefe von und an Hegel*, a cura di J. Hoffmeister, Felix Meiner, Hamburg, 1961. [C. H. Weisse to Hegel Leipzig 11 July, 1829; Vol. 3, #603].

seeing where it would go. Wherever it was going, it was going to be the result of a struggle from those excluded from power and recognition with those already on the inside.

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Abstract

Nel 1827 Hegel aggiunge all'*Encyclopedia* una sezione per spiegare perché non solo la libertà, ma anche l'uguaglianza è il pilastro dello stato moderno. Questa questione emerge nei suoi argomenti riguardanti la dipendenza e l'indipendenza, il carattere sociale dell'autocoscienza, il modo in cui Antigone diventa il paradigma della rivolta degli esclusi, nonché il modo in cui i mercati nella società civile minacciano lo stato moderno e le famiglie moderne.

Parole chiave: Hegel, uguaglianza, spirito oggettivo, libertà

In 1827, Hegel added a section to his Encyclopedia to explain why not only freedom but also equality were the cornerstones of modern states. This emerges in his arguments about the dependence and independence; about the social character of the two-in-one of self-consciousness; of how Antigone becomes the paradigm of the revolt of the excluded; and of how markets in civil society threaten the equality of modern states and modern families.

Keywords: Hegel, Equality, Objective Spirit, Freedom