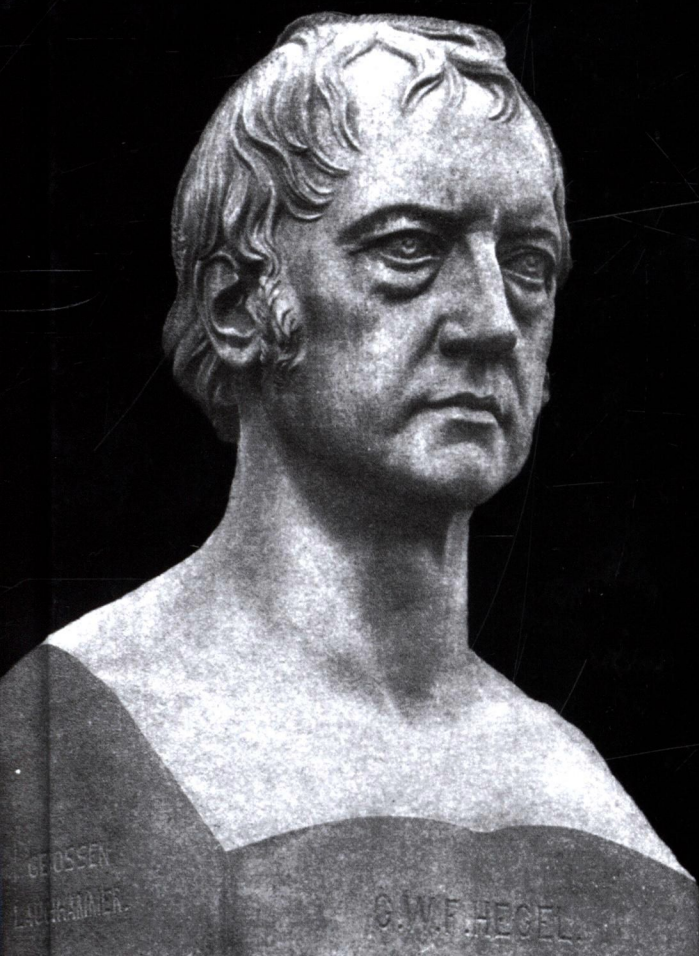


The Owl and the Rooster

Hegel's Transformative
Political Science

Alan Brudner



Since 1945, there have been two waves of Anglo-American writing on Hegel's political thought. The first defended it against works portraying Hegel as an apologist of Prussian reaction and as a theorist of totalitarian nationalism. The second presented Hegel as a civic humanist critic of liberalism in the tradition of Rousseau. The first suppressed elements of Hegel's thought that challenge liberalism's individualistic premises; the second downplayed Hegel's theism. This book recovers what was lost in each wave. It restores aspects of Hegel's political thought that are unsettling to liberal beliefs, yet that lead to a state more liberal than Locke's and Kant's, which retain authoritarian elements. It also scrutinizes Hegel's claim to have justified theism to rational insight, hence to have made it conformable to Enlightenment standards of admissible discourse in the public realm. And it seeks to show how, for Hegel, the wholeness unique to divinity is realizable among humans without concession or compromise and what role philosophy must play in its final achievement. Lastly, we are shown what form Hegel's philosophy can take in a world not yet prepared for his science. Here is Hegel's political thought undistorted.

"Brudner's account is, at once, broad and deep. The book is clear, engaging, erudite, and deeply intelligent. I believe that it will become widely recognized as a first-rate, original, and important contribution to our understanding of Hegel's political thought."

Peter Steinberger, *Robert H. and Blanche Day Ellis Professor of Political Science and Humanities, Reed College*

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Alan Brudner is Professor Emeritus of Law and Political Science at the University of Toronto, where he has taught Hegel's political and legal thought for over thirty years. He has previously published three books elaborating a Hegelian interpretation of public and private law. They are: *The Unity of the Common Law: Studies in Hegelian Jurisprudence* (1995, rev. ed. with Jennifer Nadler, 2013), *Constitutional Goods* (2004), and *Punishment and Freedom* (2009). He has held visiting fellowships at Oxford University and University of Cambridge. In 2011, he was elected a Fellow of the Royal Society of Canada.

For my students in Political Science 444Y, 1984-2012

Preface

Since 1945, there have been two waves of Anglo-American writing on Hegel's political thought. The first sought to undo the damage done to Hegel's reputation by works such as Karl Popper's *The Open Society and its Enemies*, which portrayed Hegel as a theorist of the totalitarian nationalism from which the world had just been saved.¹ To our benefit, the authors in this group showed convincingly that the totalitarian reading was false, but in doing so they went to the opposite extreme. They presented Hegel as a rather ordinary sort of Enlightenment thinker, "not radically different . . . in level of theorizing," as one writer put it, "from Hobbes, Locke, Montesquieu, and Rousseau."² In this way Hegel's political thought was rescued from distortion, but at the cost of domesticating its difference and making it seem bland. Everything unsettling about Hegel's description of the state – that it is the "divine Idea on earth," "ethical Spirit *qua* the substantial will manifest and revealed to itself," an "absolute unmoved end in itself" having "supreme right against the individual, whose supreme duty is to be a member of the state" – was airbrushed away.³

The second wave, dating from the mid-1970s, presented Hegel as a counterweight to the resurgence of a contractarian form of liberalism in John Rawls's *A Theory of Justice*. Against the individual-centered, ahistorical, anti-perfectionist liberalism of Rawls, the writers in this group juxtaposed a Hegel they saw as furthering the civic humanist tradition flowing from Aristotle through Renaissance republicanism to the revival of classicism in the work of Rousseau, Herder, Goethe, and Schiller.⁴ In opposition to liberalism's dominant strain of atomistic individualism, this tradition affirmed the rootedness of free agents in a common life, devotion to whose laws liberates them from external dependencies, and from whose historical and cultural particularity individual rights take their content and shape. In presenting Hegel as an exponent of this noble counter-tradition in Western thought, the second wave corrected the impression left by the first that Hegel was a conventional liberal thinker.

As valuable as that contribution was, however, it came with an airbrushing of its own. Perhaps to make Hegel's civic conception of freedom persuasive to a contemporary audience, the second-wave authors scuttled the theistic framework in which his political thought is embedded.⁵ Some denied Hegel's theism outright, straight-facedly presenting the thinker who described his Logic as "the exposition of God as he is in his eternal essence before the creation of nature and of a finite spirit" as one for whom spirit is nothing but human spirit, whose self-originated common life alone delineates the contours of reality.⁶ Others acknowledged Hegel's avowed theism but with the embarrassment an adolescent might show in introducing his behind-the-times grandfather to his friends. Either they sidelined it or read it out entirely, arguing that it was unnecessary to Hegel's core civic humanist, communitarian, or social ethics teaching.⁷ Whereas, repelled by Hegel's theism, Marx and his followers jettisoned his system as a whole after plundering what was useful to them, these writers jettisoned the theism and retained what they thought was a Hegel relevant to the modern world. In this (knowingly or not) they followed an interpretive method begun by Alexandre Kojève.⁸ They reinvented Hegel as a spokesman for a counter-tradition in Western philosophy of which there are other representatives. What was lost, then, was the idea that precisely distinguishes Hegel's position from all others in the history of philosophy and, with it, the *unique* contribution Hegel's thought can make to our understanding the nature and possibility of political justice. What was lost was the divine-human nexus Hegel calls Spirit.

This book seeks to recover what was lost in each wave. First, it restores aspects of Hegel's political thought that are unsettling to ordinary liberal certitudes, even to those of civic humanism, yet that paradoxically produce a state more liberal than Locke's and Kant's, which retain authoritarian elements. So it counters the totalitarian distortion without airbrushing the features that gave it a foothold and that make a perfect liberalism, in which there is no legally unconstrained authority, possible.

Second, the reading offered here takes Hegel at his word when he says that the truth that absolute knowledge knows is the same truth that religious faith believes.⁹ It thus highlights, critically but sympathetically, Hegel's attempt discursively to validate theism to rational insight, hence to make theism conformable to Enlightenment standards of admissible discourse in the political realm. So it too seeks to commend Hegel's thought to a liberal audience, but without indulging the latter's assumption (rooted in the equation of theism with faith-based theism) that theism must be for subjective belief and private associations. Indeed, the book presents Hegel as offering the reconciling middle for what is perhaps the defining controversy of contemporary politics: that between the Rawlsian view that theism as such must be banished from the public sphere along with all other thought-systems incapable of a public justification, and the view that *faith-based* theism belongs in the public sphere along with all other faiths that compete for legislative

authority. Hegel's middle is a rational theism capable (he argues) of a public justification.

Third, the book seeks to show how, for Hegel, theism is crucial to understanding what political justice is, how (*contra* the ancients) the wholeness unique to divinity is realizable among humans without concession or compromise, and what role philosophy must play in its final achievement. In all these particular aims, the book tries to present Hegel in his undistorted originality. While Hegel is indebted to all great philosophers who preceded him, his political philosophy belongs to no traditional category – not nationalism, not liberalism, not civic humanism. It is *sui generis*, and it is time that its unexpurgated insights gain a hearing among students of political theory.

Frederick Beiser wrote that an expositor of Hegel must unfortunately choose between the real Hegel and a Hegel relevant to our age.¹⁰ He meant this as a judgment on an age that has lost an appetite for the Absolute and chose the first. This book takes that choice to the implicit next step. It presents the real Hegel as a thinker relevant to our age.

What is offered here has developed over a very long time. It began in the 1970s as a doctoral dissertation in the Department of Political Economy (as it was then called) of the University of Toronto. Among the people to whom I am indebted for it are those who aided my efforts back then, whether in an official or unofficial capacity: Professor Sanford Lakoff, the late Professor Emil Fackenheim, the late Professor H. S. Harris, and the late Professor George Heiman. However, the dissertation only initiated an education to Hegel's political thought that continued through my teaching it for almost thirty years to graduate and undergraduate students in the university department in which I myself was educated. My greatest debt of gratitude for the work in its present form is to the students with whom I studied over all those years.

Parts of this book draw from and develop material previously published as either a journal article or volume chapter. Chapter 5 borrows from "Constitutional Monarchy as the Divine Regime: Hegel's Theory of the Just State," *History of Political Thought*, vol. II (1), (spring, 1981). Chapter 6 develops "Hegel on the Relation between Law and Justice," which appeared in Thom Brooks, ed., *Hegel's Philosophy of Right* (Oxford: Blackwell, 2012).

Concerning my translation of Hegel's terms, only one comment is needed. Hegel's *Geist* is rendered throughout as either "mind" or "Spirit" depending on whether the context implies the human or divine nature. So, human *Geist* is mind, divine *Geist* Spirit. I chose "Spirit" over "Mind" because the latter might suggest something limited (for example, by matter or by another mind) whereas Hegel's divine *Geist* is unlimited. Of course, what makes "Mind" inapt for the divine nature is just what makes "mind" suitable for the human. Capitalization of such nouns as self (or ego), reason, will, state, and whole generally obeys the same principle. The lone exception occurs with Schelling's objective Reason, which, though it can be understood non-theistically, I capitalize to distinguish it from Kant's pure reason of individuals.

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For things too ineffable to name, I thank my wife, Fern.

Notes

- 1 In this group belong Walter Kaufmann, *Hegel: Reinterpretation, Texts, and Commentary*, Z. A. Pelczynski, "Introductory Essay," HPW, and Shlomo Avineri, *Hegel's Theory of the Modern State*.
- 2 Pelczynski, HPW, p. 135.
- 3 For a similar observation see Peter Steinberger, *Logic and Politics*, p. viii. An exception, however, was Raymond Plant, *Hegel*.
- 4 Charles Taylor, *Hegel*; Peter Steinberger, *Logic and Politics*; Steven Smith, *Hegel's Critique of Liberalism*; Allen Wood, *Hegel's Ethical Thought*; Michael Hardimon, *Hegel's Social Philosophy*; Robert Williams, *Hegel's Ethics of Recognition*; Alan Patten, *Hegel's Idea of Freedom*; Axel Honneth, *The Struggle for Recognition*; Terry Pinkard, *Hegel's Phenomenology*; Robert Neuhouser, *Foundations of Hegel's Social Theory*; Robert Pippin, *Hegel's Practical Philosophy*; Timothy Luther, *Hegel's Critique of Modernity*.
- 5 Exceptions are Frederick Beiser, *Hegel* and M. J. Inwood, *Hegel*. However, the God-concept Inwood ascribes to Hegel is the one-sidedly universal "Mind" that Hegel criticized in Schelling; see pp. 246–58.
- 6 SL, p. 29. Robert Solomon calls Hegel an atheist whose explicit statements to the contrary are "an elaborate subterfuge to protect his professional ambitions in the most religiously conservative country in Northern Europe"; *From Hegel to Existentialism*, p. 57. Robert Pippin's revisionist accounts of the *Phenomenology*, *Logic*, and *Philosophy of Mind* read out Absolute Spirit and give us a Hegel whose basic position is a variation on the Kantian theme of human self-consciousness; see *Hegel's Idealism*, pp. 5–15, 168, 206; *Hegel's Practical Philosophy*, pp. 7–11, 113–5. Steven Smith, for whom Spirit is "nothing other than humanity or mankind in general," presents Hegel as a "classical humanist" for whom freedom means "humanity's awareness that it is... sovereign over nature..." and for whom truth issues from a community consensus reached under conditions of non-domination; *Hegel's Critique of Liberalism*, pp. 13, 177, 211, 221–2; Terry Pinkard asserts that the "world spirit is just the human community taken as a whole, seen from the standpoint of humanity's gradually coming to terms with itself through its developing sets of social and political institutions..."; *Hegel's Phenomenology*, p. 335; cf. *Hegel's Naturalism*, pp. 9, 194. Equating a transcendent Absolute with an "all-powerful puppet-master," Stephen Houlgate also denies transcendence in Hegel, who becomes a proponent of the historicity of mankind as a self-producing being whose becoming aware of this truth is all that history is about; *An Introduction to Hegel*, pp. 14, 21–25.
- 7 Charles Taylor understands Absolute Spirit as a "cosmic spirit" that is "neither the transcendent God of theism, nor simply equivalent to the spirit of man"; see *Hegel*, p. 71. Little wonder, then, that he views Absolute Spirit as an obscure, perhaps even incoherent notion from which Hegel's relevance must be salvaged; see

pp. 100, 537–71. Allen Wood admits that, in Hegel's self-understanding, his political philosophy is a "rational theodicy"; but he sets out to redeem its positive teaching for practical philosophy from the "official" theistic framework he considers dead; *Hegel's Ethical Thought*, pp. xiii, 1–14; Alan Patten, while not rejecting a theistic (or "metaphysical") reading of Hegel, puts it aside in favor of a "civic humanist" reading; see *Hegel's Idea of Freedom*, pp. 16–27, 34–40. Frederick Neuhouser presents the institutions of Hegel's Ethical Life as "securing for its members an important and recognizable human good ... without appeal to Hegel's theodicy of cosmic spirit," which theodicy he considers implausible, unappealing, and unnecessary to the intelligibility of "social freedom"; *Foundations of Hegel's Social Theory*, p. 52. Axel Honneth's "reactualization" of the *Philosophy of Right* removes from the latter's core Hegel's theistic (or "substantialist") conception of the state as well as his ontological concept of Spirit, which he considers beyond rehabilitation; *The Pathologies of Individual Freedom: Hegel's Social Theory*, pp. 4–5. Even Peter Steinberger's pioneering work linking the *Philosophy of Right* to the *Logic* cannot bring itself to take Hegel at his theistic word. Steinberger reads out ("despite what Hegel says at various times") Hegel's claim to understand the world from "a God's-eye point of view," which claim, he says, "would be best viewed in the usual manner, as an obscure and rather odd collection of assertions worth considering only for antiquarian reasons." *Logic and Politics*, pp. 105, 110–1.

8 *Introduction à la Lecture de Hegel*, ed. Raymond Queneau.

9 *Werke*, XVII, 341: "Faith already has the true content, but what it still lacks is the form of thought."

10 Beiser, *Hegel*, pp. 3–7.

Abbreviations

Works by G. W. F. Hegel

- A Addition (transcription by his students of Hegel's oral elaborations on the numbered paragraphs of the Enz and PR)
- Briefe* *Briefe von und an Hegel*, 4 volumes, ed. Johannes Hoffmeister (Hamburg: Meiner, 1952)
- D *The Difference Between Fichte's and Schelling's System of Philosophy*, trans. H. S. Harris and W. Cerf (Albany: State University of New York Press, 1977)
- Enz* *Enzyklopädie der philosophischen Wissenschaften im Grundrisse*, 3 volumes (1830). Cited by paragraph number.
- EL *The Encyclopaedia Logic*, trans. T. F. Geraets, W. A. Suchting, and H. S. Harris (Indianapolis: Hackett, 1991)
- ETW *Early Theological Writings*, trans. T. M. Knox (Philadelphia: University of Pennsylvania Press, 1971)
- F&K *Faith and Knowledge*, trans. Walter Cerf and H. S. Harris (Albany: State University of New York Press, 1977)
- GPR *Grundlinien der Philosophie des Rechts*, eds. Klaus Grotzsch and Elisabeth Weisser-Lohmann, *Band 14(1)* of Hegel, *Gesammelte Werke* (Hamburg: Meiner, 2009)
- HHP *Hegel's Lectures on the History of Philosophy*, trans. E. S. Haldane and Frances H. Simson, 3 volumes (London: Routledge and Kegan Paul, 1896)
- HP *Lectures on the History of Philosophy 1825–6*, 3 volumes, trans. R. F. Brown and J. M. Stewart with H. S. Harris (Oxford: Clarendon Press, 2006–9)
- HPW *Hegel's Political Writings*, trans. T. M. Knox (Oxford: Clarendon Press, 1964)

- JKS *Jenaer Kritische Schriften*, eds. Hartmut Buchner and Otto Pöggeler, *Band 4* of Hegel, *Gesammelte Werke* (Hamburg: Meiner, 1968)
- LNR *Lectures on Natural Right and Political Science* (Heidelberg, 1817–1819), trans. J. M. Stewart and P. C. Hodgson (Berkeley: University of California Press, 1995)
- MW *Miscellaneous Writings of G.W.F. Hegel*, ed. Jon Stewart (Evanston: Northwestern University Press, 2002)
- NL *Natural Law*, trans. T. M. Knox (Philadelphia: University of Pennsylvania Press, 1975)
- PH *The Philosophy of History*, trans. J. Sibree (New York: Dover, 1956)
- Phän *Phänomenologie des Geistes*, eds. Hans-Friedrich Wessels and Heinrich Clairmont (Hamburg: Meiner, 1988)
- Phen *Hegel's Phenomenology of Spirit*, trans. A. V. Miller (Oxford: Oxford University Press, 1977)
- PM *Hegel's Philosophy of Mind*, trans. W. Wallace and A. V. Miller (Oxford: Oxford University Press, 1971)
- PP *The Philosophical Propaedeutic*, trans. A. V. Miller, eds. Michael George and Andrew Vincent (Oxford: Blackwell, 1986)
- PR *Outlines of the Philosophy of Right*, trans. T. M. Knox, ed. Stephen Houlgate (Oxford: Oxford University Press, 2008)
- Realphil I *Jenaer Systementwürfe I*, eds. Klaus Düsing and Heinz Kimmerle, *Band 6* of Hegel, *Gesammelte Werke* (Hamburg: Meiner, 1975)
- Realphil II *Jenaer Systementwürfe III*, ed. R. P. Horstmann, *Band 8* of Hegel, *Gesammelte Werke* (Hamburg: Meiner, 1976)
- Sch&Ent *Schriften und Entwürfe (1799–1808)*, eds. Manfred Baum and Kurt R. Meist with Theodor Ebert, *Band 5* of Hegel, *Gesammelte Werke* (Hamburg: Meiner, 1998)
- SysSitt *System der Sittlichkeit* (in Sch&Ent)
- SE *System of Ethical Life and First Philosophy of Spirit*, trans. H. S. Harris and T. M. Knox (Albany: State University of New York Press, 1979)
- SL *The Science of Logic*, trans. and ed. George Di Giovanni (Cambridge: Cambridge University Press, 2010)
- VR *Vorlesungen über Rechtsphilosophie*, ed. K.-H. Ilting, 4 volumes (Stuttgart: Frommann-Holzboog, 1973–4)
- Werke *Werke in zwanzig Bänden*, eds. E. Moldenhauer and K. M. Michel (Frankfurt: Suhrkamp, 1970–1). Cited by volume number.
- Z *Zusatz* (see A)

When quoting from Hegel's texts, I cite the German edition if the translation is my own, followed by the English edition if the first reference is to a page (rather than a paragraph) number. Otherwise I cite only the English edition.