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GENDER AND THE ETHICAL GIVEN

Human and Divine Law in Hegel's Reading of the *Antigone*

Molly Farneth

ABSTRACT

G. W. F. Hegel's discussion of the *Antigone* in the *Phenomenology of Spirit* has provoked ongoing debate about his views on gender. This essay offers an interpretation of Hegel as condemning social arrangements that take the authoritativeness of identities and obligations to be natural or merely given. Hegel criticizes the ancient Greeks' understanding of both the human law and the divine law; in so doing, he provides resources for a critique of essentialist approaches to sex and gender. On this interpretation, Hegel views the conflict between Antigone and Creon as tragic because the gendered identities and obligations inherent to Greek *Sittlichkeit* are naturalized and withheld from scrutiny and revision. In the conclusion, I suggest how Hegel's criticisms pose a challenge to certain approaches to religious ethics.

KEY WORDS: *Hegel, Antigone, feminist ethics, natural law, divine command, gender essentialism*

Among the best-known sections of G. W. F. Hegel's *Phenomenology of Spirit* is his discussion of Greek *Sittlichkeit*, in which Hegel presents Sophocles's *Antigone* as a touchstone for his discussion of the contradictions and conflicts inherent in ancient Greek life.¹ The central conflict of the play is simultaneously a conflict between Antigone and Creon, between the obligations of men and of women, and, more broadly, between human law and divine law. It is, in Hegel's view, a conflict between two sets of one-sided stances, each of which stubbornly asserts itself as natural, fixed, and immediately given. Through his discussion of this

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¹ This essay focuses on Hegel's discussion of the *Antigone* in the *Phenomenology of Spirit*, which has been the source of most feminist reflection on Hegel's views of gender. Hegel also discusses the *Antigone* in the *Philosophy of Right* and in his *Lectures on Aesthetics*. The latter discussion of the play is most relevant to understanding Hegel's theory of the tragic. See Hegel 1975.

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conflict, Hegel argues that those religious and political communities that justify their beliefs and practices through an appeal to the natural or the given are subject to tragic conflict and eventual collapse.

Because Hegel's discussion of the *Antigone* focuses on the conflict between male and female characters in the context of an ancient Greek society organized around strictly divided gender roles, it has been the site of ongoing debate about Hegel's views on gender. Is Hegel presenting an essentialist view of gender? Does Hegel provide resources for feminist philosophy and ethics? Readers have come to dramatically different answers to these questions. For instance, while Judith Butler accuses Hegel of gender essentialism, Robert Brandom claims that Hegel is *critiquing* that very thing. Indeed, Brandom goes so far as to say that Hegel's critique of gender essentialism in the *Antigone* section should earn Hegel a place in the feminist pantheon. Kimberly Hutchings, meanwhile, finds resources in the section for a feminist project, but argues that Hegel must be read against himself in order to critique what she takes to be Hegel's misogynistic claims at the end of the section (see Butler 2000; Brandom n.d., 23; and Hutchings 2003, 80–111).²

Like Brandom and Hutchings, I argue that Hegel condemns social arrangements that take the authoritativeness of identities and obligations to be natural or merely given. Beyond Hutchings and in more detail than Brandom, however, I argue that Hegel is consistent within the text in including naturalized gender roles in his critique of Greek *Sittlichkeit*. This interpretation affirms Hegel's relevance for contemporary feminist ethicists who trouble the conflation of biology and gendered social norms. Furthermore, Hegel's argument, if it is successful, poses a challenge to ethical theories that appeal to nature or divine law as a given repository or guarantor of the moral law.

I begin by briefly discussing the context of this section within the *Phenomenology*, including a summary of Hegel's effort to provide a positive account of the human and divine law in Greek *Sittlichkeit*. Then, I provide a close reading of his description of the collapse of this form of social life, drawing attention to two key concepts in the text—character and the acknowledgment of guilt. Hegel describes both *Antigone* and *Creon* as “characters,” not only in the sense that they are literal characters in *Sophocles's* drama but also in the sense that they take on identities that they believe to be natural, fixed, and each independent from the other. In acting in the world, however, each realizes that he or she is responsible to the other. By acknowledging their responsibility, these two characters break down. Yet, these acknowledgments and the breakdown of

² Other works relevant to these questions about Hegel's views on gender and the resources that his work provides to feminist philosophy include Hoy 2009, Hutchings and Pulkkinen 2010, and Mills 1996.

the one-sided characters are insufficient to resolve the conflict. In fact, Hegel tells us that resolution is impossible because the identities and obligations in Greek *Sittlichkeit* are grounded in the immediately given authority of the human and divine law, and thus withheld from critical reflection or revision. Along the way, I draw distinctions between Judith Butler's influential interpretation of the section and my own. Against Butler's critical reading, I conclude that Hegel argues that when the authority of the law—human or divine—is taken as immediately given, irresolvable conflict will result; conversely, ethical conflict can only be overcome in a community that acknowledges that naturalized identities and obligations in fact embody normative commitments that may be open to contestation and revision.

1. Greek *Sittlichkeit*: The Harmonious View

Broadly speaking, the *Phenomenology of Spirit* offers Hegel's account of the various ways that individuals and communities have attempted to ground the authority of their beliefs and norms.³ The text moves dialectically through these attempts, their failures, and the subsequent attempts to learn from these failures. Hegel's discussion of Sophocles's *Antigone* comes at the beginning of Chapter 6 of the *Phenomenology*, titled "Spirit," in an account of the pre-modern spirit. Unlike the shapes of consciousness discussed in the previous chapter, which tried to ground authority in a conception of abstract and ahistorical reason, this chapter focuses on what Hegel calls "shapes of spirit." This is a significant shift; indeed, Terry Pinkard has argued that the "dominant distinction in the *Phenomenology* is that between 'shapes of consciousness' and 'shapes of spirit'" (2008, 112). Whereas a shape of consciousness is a conceptual scheme—the way a particular individual or group characterizes itself, the source of authority for its beliefs or norms, and its relationship to the world in which it finds itself—a shape of spirit is an embodied form of social life, including its norms and laws, social practices, and language. As Pinkard notes, "a 'shape of spirit' is thus more fundamental than a 'shape of consciousness,'" for it

³ A growing body of Anglophone Hegel scholarship emphasizes Hegel's efforts to extend and to radicalize Kant's critique of metaphysics. According to this recent scholarship, one of the key questions with which Hegel is grappling throughout his work is how human beings are able to ground our claims to knowledge about the world. I have benefited immensely from the work of Robert Brandom, Thomas A. Lewis, Terry Pinkard, Robert Pippin, and Paul Redding. See, for instance, Brandom n.d., Lewis 2011, Pinkard 1996, Pippin 1989, and Redding 1996. For criticisms of this interpretation, see Beiser 2005, Desmond 2003, Franks 2005, Inwood 2002, and Westphal 2000. Although the present argument does not stand or fall on the basis of the success of the post-Kantian interpretation of Hegel, my emphasis on Hegel's arguments about the source of normative *authority* is particularly indebted to and situated within this interpretation.

provides the social and historical context in which particular conceptual schemes can even appear as live options (2008, 114). In Hegel's own words, "Spirit is thus self-supporting, absolute, real being. All previous shapes of consciousness are abstract forms of it" (PhG 325/§440).⁴

In Chapter 6, Hegel discusses a succession of shapes of spirit, considering not only the accounts that particular individuals and communities within these shapes of spirit give of themselves, but also the norms, laws, institutions, and practices that actually appear in their form of life. In this chapter, Hegel repeatedly presents us with individuals and communities who cannot provide an adequate account of the authority of their norms, laws, institutions, and practices. One interpretive challenge facing Hegel's readers in this chapter is to determine when Hegel is describing a shape of spirit in the terms in which its members describe it (that is, a shape of spirit *for itself*), and when he is stepping back to show us, his readers, a contradiction or conflict within a shape of spirit that its members have not yet seen (that is, that shape of spirit *for us*). In general, he begins with a sympathetic description of a shape of spirit *for itself*, the best account that its members can give of themselves, before showing how that account is self-defeating.

The first shape of spirit that Hegel describes in this chapter is Greek *Sittlichkeit*, in which norms, laws, institutions, and practices have the authority that they do simply because they have always had that unquestioned authority. As Hegel writes of the Greeks' conception of their laws and norms:

They *are*, and nothing more; this is what constitutes the awareness of [the self-consciousness's] relationship to them. Thus, Sophocles' *Antigone* acknowledges them as the unwritten and infallible law of the gods.

They are not of yesterday or today, but everlasting,
Though where they came from, none of us can tell.

They *are*. If I inquire after their origin and confine them to the point whence they arose, then I have transcended them; for now it is I who am the universal, and *they* are the conditioned and limited. If they are supposed to be validated by *my* insight, then I have already denied their unshakeable, intrinsic being, and regard them as something which, for me, is perhaps true, but also is perhaps not true. Ethical disposition consists just in sticking steadfastly to what is right, and abstaining from all attempts to move or shake it, or derive it. (PhG 321–22/§437)

⁴ Further references to Hegel's *Phänomenologie des Geistes* include the abbreviation PhG, followed by the page number of the Suhrkamp German edition (Hegel 1970) and the paragraph number of A. V. Miller's translation of the *Phenomenology of Spirit* (Hegel 1977). I have generally followed Miller's translation, although I have altered his capitalization of nouns (such as family, nature, reason, and spirit).

In this shape of spirit, the authority of the laws that govern human activities is taken as immediately given. These laws simply *are*. To be ethical, Hegel writes, consists in “sticking steadfastly to what is right,” rather than seeking to understand or critically justify the laws and norms.

Hegel is responding to a view that was widely held by his contemporaries, in which Greek *Sittlichkeit* is viewed as a “fully harmonious and non-alienated social order and self-understanding” that provides an appealing alternative to the fragmentation of modern life (Pinkard 1996, 136). Hegel’s task in this section of the *Phenomenology*, however, is to expose the deep contradictions at the heart of Greek *Sittlichkeit*, which make it an unsupportable option for Hegel’s contemporaries. Accordingly, the section has two parts. In the first part, Hegel develops what he takes to be the account of Greek *Sittlichkeit* that the ancient Greeks would themselves give. In the second part, Hegel reveals the conflicts and contradictions inherent in this shape of spirit. While this essay focuses on the conflict in the second part of the section, I will briefly sketch out the “harmonious” conception that Hegel puts forward.

According to Hegel, the apparent harmony of Greek *Sittlichkeit* does not result from the non-differentiation of spirit, but rather from differentiations that are taken to be reconcilable. Most important for the ancient Greeks is the differentiation between human law and divine law. Regarding the first, Hegel writes:

Ethical substance is *actual* substance, absolute spirit realized in the plurality of existent consciousnesses; this spirit is the community which, when we entered the sphere of reason in its practical embodiment, was *for us* absolute essence, and here has emerged *on its own account* in its truth as conscious ethical essence, and as essence *for* the consciousness which here is our object. . . . As *actual substance*, it is a nation, as *actual consciousness*, it is the citizens of that nation. (PhG 329/§447)

According to the Greeks, ethical substance is absolute, or self-sufficient, spirit that has been actualized in the nation and its citizens. The community of citizens—“*on its own account*” (that is, according to the Greeks’ own view of themselves)—has emerged as the bearer of the true ethical essence. This, Hegel concludes, is the human law, which is immediately known by all in the community. Hegel writes, “Its truth is the authority which is openly accepted and manifest to all; a *concrete existence* which appears for immediate certainty in the form [of] an existence that has freely issued forth” (PhG 329–30/§448). In other words, ethical substance as the human law is taken to be immediate and given.

Standing alongside the ethical substance of the human law is the divine law. The divine law consists of the “the simple and immediate essence of the ethical sphere,” those unquestioned norms and laws issued by the gods that are not raised to critical self-consciousness but are simply accepted

(PhG 330/§449). The divine law is made actual and concrete in the institution of the family. Hegel writes, “This moment which expresses the ethical sphere in this element of immediacy or [simple] being, or which is an *immediate* consciousness of itself, both as essence and as this particular self, in an ‘other,’ i.e. as a *natural* ethical community—this is the family” (PhG 330/§450). In other words, the family, based in the household, is the site of the natural ethical community, which takes the divine law as immediately given and authoritative for it. Furthermore, accompanying these divisions between *polis* and household, government and family, and human law and divine law is the division between men and women. Men, as citizens, have primary identities and obligations defined by the human law, the *polis*, and the universal self-conscious ethical community. Women, whose primary identities in Greek *Sittlichkeit* are related to their roles within the family, have obligations issuing from the divine law, the family, and the immediate or natural ethical community.

The supposed harmony of this form of life depends upon the fact that the self-conscious universality of the human law and the immediacy of the divine law are part of the same spirit, or form of life, and thus reconcilable. For this to be the case, what is taken as social and normative within the *polis* must be compatible with what is taken as given and natural within the family, and the natural relations of the family must carry universal ethical meaning. Hegel suggests two ways in which these divisions are taken to be reconciled through the recognitive functions of the family. The first involves burial rites. Through burial, the family takes what was assumed to be merely natural and contingent, namely *death*, and gives it social meaning, thereby “interrupting the work of nature” (PhG 333/§452). Burial reinstates the dead individual as a member of the ethical community. In this way, the family serves not only as a natural (that is, biological) unit, but also as a locus of ethical activity that reconciles the natural and the normative, the family and the community, and the individual and the universal. Hegel writes, therefore, that “this last duty [burial] thus constitutes the perfect *divine* law, or the positive *ethical* action towards the individual” (PhG 334/§453).

In this “harmonious” picture of Greek *Sittlichkeit*, the family also serves a second recognitive function for women. While men can attain recognition in the *polis*, women are primarily identified with the household and therefore cannot. Since the relationship between husband and wife is characterized by sexual desire, and the relationship between parents and children is unequal, Hegel thinks that neither can serve as the basis for reciprocal recognition. The relationship between brothers and sisters, however, can serve this function. The brother-sister relationship is natural (by which Hegel once again means biological) but free from desire, and the brother, as a member of the *polis*, is already an ethical agent capable of bestowing recognition. One might object that the disparity

between the social roles of brothers and sisters already points to a fundamental inequality in their relationship and, hence, a barrier to mutual recognition. At this point in the section, however, Hegel is merely describing what he takes to be the Greeks' account of their shape of spirit and is not yet evaluating whether that account is sound. In the Greeks' account of themselves, as Pinkard writes, "the sister is thus able to achieve selfhood in the process of reciprocal recognition between her and her brother, and thus the harmony of Greek life seems not to be threatened" (1996, 143). In this view, both burial and the recognition bestowed through the brother-sister relationship connect the ethical functions of the family and the *polis*, showing both to be sites for ethical consciousness. The union of man and woman in the family, Hegel writes, serves as the mediator between the two, even as man and woman take on distinct roles in Greek *Sittlichkeit* (PhG 341–42/§463).

Many commentators have noted that Hegel's dismissal of the possibility of desire between brothers and sisters is puzzling here, given his later discussion of Antigone. As Judith Butler notes, for instance, Antigone is an odd representative of the principle of kinship in Greek *Sittlichkeit*, given that Antigone is the offspring of the incestuous relationship between Oedipus and Jocasta and given the strong intimations of sexual desire and possible incest between Antigone and her brother Polyneices. While Butler's critique requires a more detailed treatment than I am able to provide here, we should remember that Hegel is not presenting his own view of the matter, but attempting to provide an approximation of the ancient Greeks' own account of their form of life. In using Antigone as a stand-in for "woman" and "kinship," Hegel will demonstrate that these categories are *overdetermined* in Greek *Sittlichkeit*. Antigone, identified as a woman, is thus understood *within* Greek *Sittlichkeit* as simply a bearer of divine law and a representative of the principle of kinship, despite the complex details of her genealogy, her desires and loves, and the very obvious ways in which she enters the play as a social and political agent. In this reading, it is not Hegel but that shape of spirit known as Greek *Sittlichkeit* that ignores Antigone's particularity and the challenges that her particularity poses for the Greeks' social arrangements.

Thus, Hegel gives us a complete picture of Greek *Sittlichkeit*. According to Hegel, the question remains whether this account of harmonious Greek life actually provides a non-contradictory account of the norms and obligations internal to it. As we turn to the second part of his discussion, we will see that Hegel's answer is a resounding no.

2. Character, Conflict, and the Acknowledgment of Guilt

Hegel turns to Greek tragedy to provide an account of the way Greek *Sittlichkeit* proves to be self-contradictory. In particular, he relies heavily

on an idiosyncratic reading of Sophocles's *Antigone*. Because Hegel does not elaborate on the details of the play, it is worth taking a short detour through its plot before returning to the text of the *Phenomenology*. After the death of Oedipus, his two sons Eteocles and Polyneices engage in a struggle for control of the Greek city-state of Thebes. When Eteocles ascends to the throne, Polyneices gathers an army to wrest control of Thebes from his brother. Just prior to the opening of the *Antigone*, both Eteocles and Polyneices are killed in the resulting battle. Their uncle Creon assumes the throne of Thebes, and declares that while Eteocles will be given a hero's burial, Polyneices will be denied burial as a traitor to Thebes. Eteocles's and Polyneices's sister, Antigone, resolves to bury her disgraced brother, in accordance with the dictates of the divine law regarding the obligation to bury one's kin. The play opens on a dialogue between Antigone and her sister Ismene, in which Antigone declares her intention to bury Polyneices. Ismene refuses to help Antigone and urges her to reconsider her intention, but Antigone's mind is made up. She buries Polyneices. She is caught in the act, and once apprehended, Antigone acknowledges that she has done the deed. She is thereby condemned to death by Creon. Despite the protestations of his family members and advisors, Creon refuses to reconsider the condemnation until it is too late; by the time he reconsiders and takes action to free Antigone, she has committed suicide, and so has her betrothed, Haemon (Creon's son), and his mother (Creon's wife). The play ends with Antigone dead and Creon ruined.

2.1 *Character and conflict*

As he begins the next section of the text, entitled "Ethical action. Human and Divine knowledge. Guilt and Destiny," Hegel describes how each individual comes to be defined by either the human or the divine law, according to his or her sex. Hegel writes:

The ethical consciousness, however, knows what it has to do, and has already decided whether to belong to the divine or the human law. This immediate firmness of decision is something implicit, and therefore has at the same time the significance of a natural being as we have seen. Nature, not the accident of circumstances or choice, assigns one sex to one law, the other to the other law; or conversely, the two ethical powers themselves give themselves an individual existence and actualize themselves in the two sexes. (PhG 343/\$465)

At the beginning of this passage, Hegel affirms that each individual, or "ethical consciousness," has decided whether to take its identity and obligations from the divine law or the human law. Although this is a decision, it takes on the significance of a natural distinction for the

Greeks. Thus, Hegel states the Greeks' own view of the matter: nature assigns the human law to men and the divine law to women. The Greeks believe this sex-based distinction to be natural, rather than contingent or chosen. Immediately, however, Hegel contradicts the Greeks' account, stating "conversely," that it is the ethical powers themselves that divide and "actualize themselves" in men and women. Hegel is showing his hand; he will go on to argue that this sex-based distinction of identities and obligations is normative rather than natural. It is not nature but the ethical norms of that shape of spirit that decide which laws apply to which people, even though the Greeks do not recognize this. For the Greeks, nature dictates which law applies to each person, depending on his or her sex. Therefore, each ethical consciousness, male or female, takes one of the ethical powers, the human law or the divine law, as determining his or her obligations. The result is that men and women experience themselves as having distinct identities and obligations, each exclusive of and opposed to the other (PhG 343/§466).

An individual's decision to follow the human law or the divine law gives rise to what Hegel calls "character" [*Charakter*]. He writes, "The ethical consciousness, because it is *decisively* for one of the two powers, is essentially character; it does not accept that both have the same *essential* nature" (PhG 343/§466). What are we to make of this term "character"? We have several hints from elsewhere in the *Phenomenology*. When Hegel uses the term in other contexts, it refers to one side of a conflict that is unresolved, and it typically carries the negative connotation of something stubborn or incorrigible. For instance, Hegel writes of the "lasting character" of the human brain in his discussion of misguided scientific efforts to "observe reason," and later of the "stiff-necked un-repentant character" of the judging consciousness in his discussion of confession and forgiveness (PhG 250/§331, 490/§667). In his discussion of morality, Hegel provides a more explicit description of character. He writes, "[self-knowing consciousness] is *immediate*, like the ethical consciousness which knows its duty and does it, and is bound up with it as with its own nature; but it is not *character*, as that ethical consciousness is which, on account of its immediacy, as a specifically determined spirit, *belongs only to one of the ethical essentialities and has the characteristic of not knowing*" (PhG 442/§597, emphasis added). Character, as Hegel presents it here, is a form of identity that is immediate, one-sided, and unknowing or unreflective.

With this conception of character in mind, let us return to the passage at hand. Antigone and Creon, as woman and man, are obligated to obey the divine law and the human law, respectively; that is, each plays a given role, taking her or his character to dictate in an immediate, one-sided, and unreflective way what must be authoritative for her- or himself. Meanwhile, neither Antigone nor Creon recognizes that what is authoritative

for her- or himself stems from the same ethical source as that which is authoritative for the other, namely, Greek *Sittlichkeit*. Hegel continues:

For this reason, the opposition between them appears as an *unfortunate* collision of duty merely with a reality which possesses no rights of its own. The ethical consciousness is, *qua* self-consciousness, in this opposition and as such it at once proceeds to force into subjection to the law which it accepts, the reality which is opposed to it, or else to outwit it. Since it sees right only on one side and wrong on the other, that consciousness which belongs to the divine law sees in the other side only the violence of human caprice, while that which holds to human law sees in the other only the self-will and disobedience of the individual who insists on being his own authority. (PhG 343–44/§466)

Antigone and Creon each assume a privileged position relative to the other, condemning the other's position as merely subjective. Antigone views Creon as committing the "violence of human caprice," while Creon views Antigone as willfully disobedient in the name of self-legislation. Because each character takes the law that it expresses as authoritative over against the law that the other expresses, it proceeds in casting the other character in reductive terms. Believing that the other is merely subjective, each character believes that she or he alone follows the objective law. Hegel writes that each ethical consciousness experiences "the antithesis of the known and the unknown," and therefore the "absolute right of ethical self-consciousness comes into conflict with the divine right of essential being" (PhG 344/§467). Thus, Antigone and Creon find themselves in a tragic conflict, in which the right of explicit and self-conscious norms of the human law stand in opposition to the essential or authoritative existence of the divine law, and in which the pursuit of one right entails the violation of the other.

Already in conflict in terms of their gendered identities and obligations, Antigone and Creon soon become embroiled in practical conflict. Hegel has presented two characters, each of whom understands her or his identity and attending obligations as immediate and objective, while taking the other to be its antithesis. When Antigone and Creon take action, they each do what they are obligated to do; that is to say, they play the roles assigned to their characters. Antigone obeys the divine law by burying her brother. Creon obeys the human law and attempts to maintain social order by forbidding Polyneices's burial and condemning Antigone for breaking the law. In so doing, however, Creon and Antigone reveal a deep contradiction between the differentiated gender roles on which Greek *Sittlichkeit* stands. When Antigone buries Polyneices, for instance, she not only fulfills her obligation to the divine law but also disobeys the human ordinance against his burial. Likewise, in condemning Antigone under the human law, Creon ignores the dictates of the divine law. Hegel writes,

“The deed has only carried out one law in contrast to the other. But the two laws being linked in the essence, the fulfillment of the one evokes the other and—the deed having made it so—calls it forth as a violated and now hostile entity demanding revenge” (PhG 347/§469). Simply put, obedience to one law entails the violation—and provocation—of the other.

2.2 *The acknowledgment of guilt*

This is the pivotal point in the story for Hegel: Antigone is caught in the act of burying her brother and, confronted by Creon, *acknowledges* that she has committed this deed. This acknowledgment [*Anerkennen*], according to Hegel, entails Antigone’s recognition that she is *guilty* of violating the human law. Moreover, this involves her recognition that the human law is more than mere caprice.

In order to illustrate his point about the acknowledgment of guilt, Hegel abruptly turns to the Oedipus myth. Oedipus, without intending to do so or understanding the implications of his actions, has killed his father and married his mother. His actions, undertaken with a particular intention, prove to have consequences quite apart from what Oedipus intended to accomplish with the action. Therefore, what Oedipus understood himself to be doing is bound up with consequences that he did not anticipate, which is to say that the earlier antithesis between the known intention for the action and its unknown consequences falls apart. As Hegel writes, “For the accomplished deed is the removal of the antithesis between the knowing self and the actuality confronting it” (PhG 347/§469). When it sees the accomplished deed and its consequences, the ethical consciousness—the character—can no longer deny its entanglement in something beyond the one-sided story that it told itself about what was authoritative for it. Hegel continues, “the doer cannot deny the crime or his guilt: the significance of the deed is that what was unmoved has been set in motion” (PhG 347/§469). Oedipus therefore acknowledges and takes responsibility for the full range of intended and unintended consequences of his actions.

Antigone, unlike Oedipus, knows ahead of time that she is following the divine law over against the human law, which forbids her to bury Polyneices. However, taking the latter to be merely human caprice, she buries her brother anyway. In so doing, Antigone commits a crime against the human law and is therefore guilty of the consequences (in the objective rather than subjective sense of guilt). Because she knew of this opposition beforehand, Hegel writes, her guilt may be more inexcusable than Oedipus’s, a point to which we will return momentarily.

To fully understand the role of guilt and acknowledgment in Hegel’s account of Antigone, let us briefly return to one of Hegel’s critics, Judith Butler. In *Antigone’s Claim*, Butler argues that Hegel casts Antigone “not

as a political figure, one whose defiant speech has political implications, but rather as one who articulates a prepolitical opposition to politics, representing *kinship as the sphere that conditions the possibility of politics without ever entering into it*" (2000, 2). Moreover, Butler continues, Hegel inaccurately describes Antigone as confessing to a crime against the human law that she defied, and then he denigrates the divine law and the principle of kinship (and hence Antigone herself) in favor of the human law and the *polis*. Guilt—and the acknowledgment of guilt—play an important role in Butler's criticism of Hegel. Butler challenges Hegel's claim that "guilt becomes explicitly experienced in the doing of the deed, in the experience of the 'breaking through' of one law *in and through* another, 'seiz[ing] the doer in the act'" (2000, 32). Antigone, Butler protests, does not seem to feel guilty at all, "even as she acknowledges that the 'law' that justifies her act is one that Creon can regard only as a sign of criminality" (2000, 32). Butler continues:

[Hegel] distinguishes Oedipus from Antigone, establishing the excusability of his crime, the inexcusability of hers. . . . As if taking the point of view of Creon who cannot get Antigone to perform a full enough confession for him, Hegel concludes this discussion with the claim that "The ethical consciousness must, on account of this actuality and on account of its deed, acknowledge its opposite as its own actuality, [and] must acknowledge its guilt." The opposite of her action is the law that she defies, and Hegel bids Antigone to acknowledge the legitimacy of that law. (2000, 33–34)

According to Butler, then, Hegel describes Antigone's crime as "inexcusable" and wrongly casts her as acknowledging the legitimacy of the human law that she defied and the illegitimacy of the divine law that she obeyed.

Two crucial points in this passage from Butler require further attention. First, Butler mischaracterizes Hegel when she claims that, according to him, Oedipus's crime is excusable while Antigone's crime is inexcusable. As we have seen, Hegel states that Antigone's *guilt*, not her crime, is purer or more inexcusable than Oedipus's, and it is important to understand exactly what Hegel means by "crime" and "guilt" in this context (PhG 348/§470). Throughout the section, Hegel uses the word *guilt* to refer to an objective state of affairs in which a person is responsible for the consequences of her actions, regardless of whether these consequences were intended. In the heroic conception of agency that Hegel develops here, an individual recognizes that she is responsible not only for her intention and the intended consequences that follow from her action, but also for those consequences that were not intended or desired.⁵ To say that the hero acknowledges her guilt in bringing about a state of affairs that

⁵ For an excellent discussion of Hegel's distinction between the heroic conception of agency and the modern conception of agency, see Brandom n.d., 29–37.

she neither anticipated nor endorsed is not to say that she feels badly about that state of affairs, but to say that she recognizes her responsibility for it. Hegel's discussion of Oedipus makes this point explicit. Although Oedipus is unaware that he is killing his father and marrying his mother, once he does the deed "[he] cannot deny the crime or his guilt" (PhG 347/§469).⁶ According to Hegel, Antigone, who knows beforehand that she will violate the human law by burying Polyneices, has as much, if not more, reason to take responsibility for the full range of consequences of her action. As Hegel writes, "the ethical consciousness is more complete, its guilt more inexcusable, if it knows *beforehand* the law and the power which it opposes, if it takes them to be violence and wrong, to be ethical merely by accident, and, like Antigone, knowingly commits the crime" (PhG 348/§470). In this sense, Antigone is *objectively responsible* for the violation of the human law—she did the deed—which is the same as saying, in Hegel's words, that her guilt is inexcusable.

This sort of guilt is not unique to Antigone, however. Hegel argues that guilt is unavoidable in Greek *Sittlichkeit*, for, as we have seen, the divisions within Greek *Sittlichkeit* create a situation in which a one-sided character, in playing out her role, will fulfill one law while violating another. A character may recognize her responsibility only *retrospectively*. She cannot take responsibility for her commitments *prospectively*, because she takes the authority of the law as immediately given to her. Under such conditions, Hegel writes:

Innocence, therefore, is merely non-action, like the mere being of a stone, not even that of a child. As regards content, however, the ethical action contains the moment of crime, because it does not do away with the *natural* allocation of the two laws to the two sexes, but rather, being an undivided attitude towards the law, remains within the sphere of natural immediacy, and, *qua* action, turns this one-sidedness into guilt by seizing on only one side of the essence, and adopting a negative attitude toward the other, i.e. violating it. (PhG 346/§468)

In this passage, Hegel begins to stand back from the perspective of Greek *Sittlichkeit* and from the perspectives of the two ethical consciousnesses in

⁶ As Danielle Allen has pointed out to me in personal correspondence, Hegel's reading of *Oedipus Tyrannus*, in which Oedipus takes full responsibility for all of the significant consequences of his or her acts, may be troubled by developments in *Oedipus at Colonus*. In that play, which takes place after *Oedipus Tyrannus* and before *Antigone*, Oedipus denies full responsibility for the consequences of those actions, which he believes he was fated to commit. Hegel recognizes this in his later *Lectures on Aesthetics*, in which he casts *Oedipus at Colonus* as already moving beyond his conceptions of classical tragedy, action, and heroism. Hegel writes that "more beautiful than this rather external sort of denouement is an inner reconciliation which, because of its subjective character, already borders on our modern treatment. The most perfect classical example of this that we have before us is the eternally marvellous *Oedipus Coloneus*" (Hegel 1975, 1219).

order to access this shape of spirit. According to Hegel, the crime and guilt follow from the ancient Greeks' supposedly "natural allocation of the two laws to the two sexes" and their inability to overcome the one-sidedness that these naturalized gender identities entail. Any action taken by a one-sided individual in this shape of spirit will realize the human or divine law at the expense of the other. Hence, each individual will be guilty in the sense in which Hegel uses the term here.

There is a second point in Butler's criticism that demands our attention. When Hegel writes that Antigone must "acknowledge [her] opposite as [her] own actuality," Butler is correct that Antigone's opposite is the human law, and, therefore, that Hegel casts Antigone as recognizing the authoritativeness of this law. As I have argued, however, this is because the human law is part of the same *Sittlichkeit* that she herself already acknowledges as authoritative. To reiterate a point made above, Hegel argues that the two characters that come into conflict are products of—and responsible to—the same shape of spirit. The problem is that they do not yet realize this.

The sentence that Butler quotes from Hegel in the passage above and the subsequent sentence in the *Phenomenology*, which Hegel draws from Sophocles's text, are absolutely crucial for understanding the claims that Hegel is making in this section. Let me repeat them here. Hegel writes, "The ethical consciousness must, on account of this actuality and on account of its deed, acknowledge [*anerkennen*] its opposite as its own actuality, must acknowledge its guilt. 'Because we suffer we acknowledge we have erred'" (PhG 348/§470). This passage and the ensuing paragraphs prefigure a discussion of confession and forgiveness that comes much later in the *Phenomenology of Spirit*. Toward the end of the text, Hegel describes two modern characters who are embroiled in a conflict of a different sort: a conflict between one who acts in the world and one who judges the other's actions. These characters become known as the wicked consciousness and the judging consciousness. The wicked consciousness takes action in the world, and the judging consciousness condemns the wicked consciousness for acting in a way that sullies dutiful action with subjective intentions and desires. The wicked consciousness recognizes that this is true, not only for itself but also for the judging consciousness who has made the condemnation. The wicked consciousness realizes that the judgment made by the judging consciousness is not simply a "correct consciousness of the action" but also a form of action that can likewise be marked by subjective intentions and desires (PhG 489/§666). Therefore, the wicked consciousness confesses this realization to the judging consciousness. According to Hegel, the confession is an acknowledgment that what the wicked consciousness had taken as alien to it, namely the judging consciousness, is in fact "identical with himself" (PhG 489/§666). Hegel writes:

His confession [*Geständnis*] is not an abasement, a humiliation, a throwing-away of himself in relation to the other; for this utterance is not a one-sided affair, which would establish his disparity with the other: on the contrary, he gives himself utterance solely on account of his having seen his identity with the other; he, on his side, gives expression to their common identity in his confession, and gives utterance to it for the reason that language is the *existence* of spirit as an immediate self. He therefore expects that the other will contribute his part to this existence. (PhG 490/§666)

The confession, then, is not an admission of subjective guilt, or guilty feelings. Rather, it is an acknowledgment of the shared, normative ethical life of itself and the other. Thus, the wicked consciousness confesses, “I am so [*Ich bin’s*],” and expects the judging consciousness to say the same. While the judging consciousness initially refuses to do so, his “hard heart” eventually breaks, he recognizes the position shared by himself and the other, and the two consciousnesses enjoy forgiveness and reciprocal recognition (PhG 490–94/§667–71).

The Antigone section parallels this later discussion in three illuminating ways. First, like the wicked consciousness, Antigone acknowledges her guilt. As in the later section, we should not read this as subjective guilt—feeling badly—but as objective guilt, that is, responsibility for the intended and unintended consequences of one’s actions. Antigone’s acknowledgment of her guilt is not an abasement or a humiliation, but her recognition that the repercussions of her actions extend beyond the intentions of her one-sided character.

Second, in the acknowledgment of her guilt, Antigone’s one-sided character breaks down. Like the wicked consciousness who “gives himself utterance solely on account of his having seen his identity with the other,” Antigone “acknowledges [her] opposite as [her] own actuality” (PhG 348/§470). The word that Hegel uses here, translated as “acknowledges,” is a form of the verb *anerkennen*, which can indicate both acknowledgment and *recognition* in the sense of granting a status to something. In *Hegel’s Hermeneutics*, Paul Redding helpfully parses the meaning of *anerkennen*:

Like the English verbs “recognize” and “acknowledge,” *anerkennen* has a *performative* dimension: to acknowledge another in some particular way is to acknowledge the *validity* of some implicit claim and thereby bind one’s actions in relevant ways. Thus, if I acknowledge some person’s greater expertise or knowledge in certain matters, I will in the future, all other things being equal, defer to that person’s judgments in such matters. But the word *anerkennen* is also closely connected with its cognates *kennen* and *erkennen*, which have predominantly epistemic senses. . . . A little reflection reveals that these performative and epistemic issues are actually interwoven in quite complex ways. (Redding 1996, 103–4)

This word is important throughout the *Phenomenology*, including in Hegel’s discussion of reciprocal recognition [*gegenseitiges Anerkennen*]

in the later section treating confession and forgiveness. At this point, however, we can see that through her speech act Antigone *acknowledges* her guilt, both in the epistemic sense of accepting the fact of her responsibility *and* in the practical sense of recognizing the validity of the human law that she violated, bestowing a status upon it that she did not previously. In this acknowledgment, Hegel writes, Antigone “*surrenders [her] own character and the reality of [her] self,*” abandoning the one-sided character that she inhabited as she acknowledges the position of the other (PhG 348/§471, emphasis added).

Third, as in the later section on confession and forgiveness, Hegel states that the confession of just one ethical consciousness is insufficient for the resolution of the conflict. He writes that “the victory of one power and its character, and the defeat of the other, would thus be only the part and the incomplete work which irresistibly advances to the equilibrium of the two” (PhG 349/§472). It is crucial to Hegel that both characters, Antigone and Creon, are ultimately destroyed. After doing their deeds, each acknowledges that both the human law *and* the divine law provide partial accounts of Greek *Sittlichkeit*. Hegel writes that therefore “the movement of the ethical powers against each other and of the individualities calling them into life and action have attained their true end only in so far as both sides suffer the same destruction. For neither power has any advantage over the other that would make it a more essential moment of the substance” (PhG 349/§472). Neither has the standing to trump the other.

Given these similarities between the Antigone section and the later confession and forgiveness section, why does Antigone’s acknowledgment of guilt fail to produce the reconciliation that the wicked consciousness’s confession produces? In the play, Antigone and Creon take the authority of the human and divine law as immediately given; they can recognize their responsibility only retrospectively, after the consequences of their actions are clear. Creon does not acknowledge his guilt until after Antigone kills herself and Creon’s wife and son have committed suicide. Only then does Creon cry out, “I’ll never pin the blame on anyone else that’s human. I was the one, I killed you, poor child. I did it. It is all true” (Sophocles 2001, 57).⁷ By that time, of course, reciprocal recognition and reconciliation are impossible for Antigone and Creon. Thus, while the human law is initially victorious over the divine law, the condemnation of Antigone ultimately undermines the human law itself: “Thus it is that the

⁷ Note that the “poor child” to whom Creon refers is his own son, Haemon, not Antigone. Thus, Creon is acknowledging his guilt, his indirect responsibility, for the death of his son. Again, this is consistent with Hegel’s emphasis on guilt as related to an individual’s responsibility for the *unintended* consequences of his or her actions as well as the intended consequences.

fulfillment of the spirit of the upper world is transformed into its opposite, and it learns that its supreme right is a supreme wrong, that its victory is rather its own downfall” (PhG 351/§474).

When Butler argues that Hegel casts Antigone as acknowledging the legitimacy of the human law, she is correct. But she is only *partially* correct, for Hegel also casts Creon as acknowledging the legitimacy of the divine law. Indeed, in Hegel’s discussion of the *Antigone*, both Antigone and Creon do retrospectively recognize their responsibility for the whole of Greek *Sittlichkeit*. Ultimately, however, there is no opportunity for reciprocal recognition either within the play or in Greek *Sittlichkeit* more broadly. Because the ancient Greeks take their immediate understanding of the human law as beyond criticism and of the divine law as infallible, there is no hope for reconciliation in this form of life. The confessions of Antigone and Creon fall on deaf ears.

3. Womankind and Other Identities

As I have argued, Hegel’s claim is that Antigone realizes, through her action, that her understanding of what was authoritative for her was incomplete. In acknowledging her guilt, she sheds her immediate and unreflective character. This entails relinquishing her sense of the divine law as something natural or immediately given. Unlike in the later discussion of the wicked and judging consciousnesses, however, Antigone’s acknowledgment does not lead to reciprocal recognition. Rather, Hegel concludes his discussion of Greek *Sittlichkeit* with the downfall of Thebes. Just as the divine law was sundered, so too the *polis*.

In this final section, Hegel brings to the fore the impossibility of resolving ethical conflict within the terms of Greek *Sittlichkeit*, precisely because of its sex-based distinctions. To this end, Hegel turns from the play to reflect upon its lessons about Greek *Sittlichkeit*. He writes that “since the community only gets an existence through its interference with the happiness of the family, and by dissolving [individual] self-consciousness into the universal, it creates for itself in what it suppresses and what is at the same time essential to it an internal enemy—womankind in general” (PhG 352/§475).

This passage troubles many feminist philosophers who are repelled by the suggestion that women are an “internal enemy” of the community and who read Hegel as affirming the gender essentialism of Greek *Sittlichkeit*. Some, like Butler, argue that as Hegel abstracts from Antigone to “womankind in general,” he reduces her to a mere representative of her sex and thus “effaces her from [the] text” (Butler 2000, 36). Hutchings—who elsewhere argues persuasively against Butler that “to read Hegel as affirming the purity of the realms of divine and human law is to read him in terms of Antigone’s and Creon’s mistakes about the nature of ethical

life” (Hutchings 2003, 99)—is nevertheless puzzled when Hegel writes in this passage in his final reflections on Greek *Sittlichkeit*:

Womankind—the everlasting irony [in the life] of the community—changes by intrigue the universal end of government into a private end, transforms its universal activity into a work of some particular individual, and perverts the universal property of the state into a possession and ornament for the family. Woman in this way turns to ridicule the earnest wisdom of the mature age which, indifferent to purely private pleasures and enjoyments, as well as to playing an active part, only thinks of and cares for the universal. (PhG 352–53/§475)

According to Hutchings’s interpretation of this passage, Hegel is making a “generalized transhistorical claim about the role of woman in relation to the community” that is at odds with his earlier criticisms of the dualisms at the heart of Greek *Sittlichkeit* (Hutchings 2003, 99). Thus, Hutchings argues that contemporary readers can only account for this passage by reading Hegel against himself: “Hegel’s misogyny is confirmed on Hegelian grounds” (Hutchings 2003, 99).⁸

It seems unlikely, however, that Hegel would endorse a “generalized transhistorical claim” just paragraphs after arguing that Antigone and Creon’s tragic fate stems from seeing their identities and obligations as given. As I suggested earlier, we must be careful to distinguish between different types of passages, including those in which Hegel is describing Greek *Sittlichkeit for itself*—that is, according to the characterization that participants in that shape of spirit would give of themselves—and those passages in which he stands back to show his readers the inconsistencies and contradictions that plague a shape of spirit, but which its participants do not yet recognize.⁹ Passages of the latter type involve a kind of

⁸ A more radical claim is made in Oliver 1996. Oliver argues that, in the dialectical movement of the *Phenomenology*, “woman gets left behind as the unconscious of the family upon which all subsequent dialectical movements of the conceptualization of spirit rest” (70). She suggests that Hegel fails to bring to full self-consciousness all that spirit entails, thereby “undermining the entire project of that text” (83).

⁹ This argument is similar to the strategy pursued in Hoy 2009. In that article, Hoy summarizes a series of criticisms of Hegel made by feminist theorists, and she argues that, often, these criticisms stem from a failure to distinguish between positions that Hegel is merely describing and those he is endorsing. She writes that “exploring feminist critiques of Hegel in the *Phenomenology* shows that Hegel’s claims about sexual difference and gender roles need to be contextualized in terms of his dialectical strategy. Within the *Phenomenology* each shape of consciousness or spiritual world presents its own ideals or conceptions of knowledge. . . . Along the way Hegel cannot rightfully be assumed to identify with any one set of claims made from within the world under consideration” (186).

Karin de Boer also draws on the distinction of Hegel’s descriptions of Greek life as it appears “for itself” versus as it appears “for us.” In de Boer 2010, she argues that Hegel “does not characterize womanhood as ‘enemy’ from an external point of view but seeks to explain how the community, presided over by the government, threatened to oppose itself to one of

immanent critique. In the passage above, it is clear that Hegel is describing Greek *Sittlichkeit*; what is not yet clear is what type of description this is and whether it amounts to an implicit endorsement or criticism of what is being described. I will return to this question momentarily.

The passage continues as Hegel describes the irresolvable conflict at the heart of Greek *Sittlichkeit*. He writes: “The community, however, can only maintain itself by suppressing [woman’s] spirit of individualism, and, because it is an essential moment, all the same creates it and, moreover, creates it by its repressive attitude towards it as a hostile principle” (PhG 353/§475). Recall that the division between the human law and the divine law, and the assignment of one law to each of the sexes, was central to the differentiated-yet-harmonious view of Greek life. Here, Hegel argues that those divisions cannot be harmonious at all. Instead, Greek *Sittlichkeit* creates, naturalizes, and then suppresses its own “internal enemy” or “hostile principle” in women.

In his discussion of the *Antigone*, Hegel depicts a woman obeying the divine law and a man obeying the human law as per their naturalized social roles. Within the picture of Greek *Sittlichkeit* that Hegel has presented, it could not have been otherwise. Yet unlike the idealized portrait of harmonious and unalienated Greek life, the discussion of the *Antigone* and the passages that follow it reveal Greek *Sittlichkeit* to be burdened by the unresolvable conflict between women and men who take their ethical obligations to issue from different, at-times-conflicting, and yet non-revisable sources. It is in this sense that, within Greek *Sittlichkeit*, womankind generates that which is suppressed by the *polis* and yet essential to it, revealing the instability, self-contradiction, and tragic conflict that characterize this particular form of life. Because it cannot withstand the inconsistencies between its account of itself and its actual existence, Greek *Sittlichkeit* collapses.

In this context, the transhistorical claim that Hutchings takes Hegel to be making about women at the end of the discussion of Greek *Sittlichkeit*, is best understood as the claim that Hegel believes is true *from within* the perspective of Greek *Sittlichkeit*, a shape of spirit that he has already shown to be internally inconsistent and self-destructive. Hegel argues that, in Greek *Sittlichkeit*, people *believe* that their norms are generalized

its inherent moments” (141). Moreover, in contrast to most feminist readers of Hegel, de Boer argues that Hegel is no longer discussing the *Antigone* in his statement about “womankind;” rather, Hegel has turned from Sophocles’s tragedies to Aristophanes’s comedies, “implicitly draw[ing] on the insights of Greek comedy to argue that Greek culture, organizing its ethical life in accordance with the natural distinction between the male and female sex, contradicts the principle of individuality it harbors” (145). I take de Boer’s approach to the text to be largely compatible with my own. Unfortunately, a more detailed discussion of her fascinating analysis of this final section of Hegel’s discussion of Greek *Sittlichkeit* and its connections to Greek comedy is beyond the scope of the present essay.

and transhistorical. They believe that women and men have distinct sets of identities and obligations, which are immediately given and unreflectively enacted. What Hegel has argued in this section, according to my reading, is that these sexed characters are one-sided, inadequate, and bound for destruction just like Antigone and Creon. Thus, given what I have argued about Hegel's conception of character, the conflict of characters, and the mutual destruction of characters, we must read Hegel's discussion of the *Antigone* as an argument that identities and obligations must *not* be taken as immediate and natural—or generalized and transhistorical—and that ethical conflict can only be overcome in a community that acknowledges gender and other identities as normative commitments, open to revision.

My argument has been that Hegel's discussion of the *Antigone* and Greek *Sittlichkeit* in the *Phenomenology of Spirit* involves a critique of shapes of spirit that naturalize or divinize their norms, including gender identities and obligations. One objection to this argument may be that Hegel himself appears to naturalize gender roles in his later work and that, therefore, his views of gender in this section of the *Phenomenology* ought to be interpreted in light of the later work or disregarded all together. I do not think that this objection holds, however. While I lack the space required to weigh the evidence for and against Hegel's naturalization of gender roles in his later work, it is plausible that some of the same problems facing the interpretation of this section of the *Phenomenology* also affect the interpretation of Hegel's later work. If that is the case, we may find greater consistency than is assumed between the treatment of gender that I have argued is to be found in the *Phenomenology* and that of the *Philosophy of Right*, *Aesthetics*, and other subsequent texts. Even if Hegel does naturalize gender roles in his later work, however, one can still deny the claim that Hegel's views of gender in the *Phenomenology* ought to be disregarded. Given the strength of the evidence for construing Hegel's argument in the *Phenomenology* to be a critique of formations of spirit that naturalize or divinize gender norms, one would be justified in reading Hegel as having made a significant conceptual breakthrough on this topic without fully seeing or consistently accepting the conclusions that follow from it.

Seyla Benhabib's essay "On Hegel, Women, and Irony" involves a more nuanced alternative to my argument. Benhabib argues that Hegel's work advances ethical arguments for gender divisions even as it rejects arguments that naturalize these divisions. She writes that Hegel "show(s) a clear awareness of the cultural, historical, and social variations in family and sexual relations. Nevertheless, although Hegel rejects that differences between 'men' and 'women' are naturally defined, and instead sees them as part of the spirit of a people (*Volksgeist*), he leaves no doubt that he considers only one set of family relations and one particular division of

labor between the sexes as rational and normatively right” (1996, 30). Benhabib draws on several of Hegel’s texts to support her conclusion, and a full assessment of her claim is beyond my scope here. Benhabib concludes, however, with a brief analysis of Hegel’s interpretation of the *Antigone* that the present interpretation challenges. According to Benhabib, Hegel’s dialectic “will sweep away Antigone in its onward historical march. . . . Spirit may fall into irony for a brief historical moment, but eventually the serious transparency of reason will discipline women and eliminate irony from public life” (1996, 40–41). As I have argued, however, the Greeks’ view of women as the “everlasting irony” of the community is inextricably tied to their naturalization of gender norms. It is not women themselves who are sublated in the dialectic, but the naturalized gender roles that create and repress women as an “internal enemy” of the community. Thus, even if Benhabib is correct in reading Hegel as advancing patriarchal gender norms elsewhere in his work, Hegel’s move in this section of the *Phenomenology* opens up the possibility of normative arguments (including arguments with and against Hegel himself) that challenge the naturalization of such norms.

4. Conclusion

In Greek *Sittlichkeit*, the human law and the divine law are both taken as immediately given and above scrutiny. They are not recognized for what they are: socially and historically situated norms, made meaningful and authoritative through the social practices and relationships of individuals and communities who reflect on and revise them in the face of disagreement. Later in Chapter 6, Hegel suggests that norms, when understood in this way, are both human *and* divine. They are human because it is human beings who engage in the social practices of making commitments, upholding norms, and revising them when conflicts arise. They are divine because they are part of the self-sufficient locus of authority that Hegel calls absolute spirit.¹⁰

¹⁰ I am grateful to Jeffrey Stout for his insight on this point. Just what Hegel means by absolute spirit is, of course, a matter of contentious debate. This was already the case in the battles between Right and Left Hegelians in the decade after Hegel’s death, and it is being vigorously debated once again in contemporary Hegel scholarship. Hegel’s concept of absolute spirit has often been read in metaphysical terms, in which absolute spirit is a self-conscious substance, understood as a divine mind in which all subjects participate. In the last few decades, however, a number of influential interpreters have argued that Hegel is making a metaphysically minimalist claim, in which absolute spirit is akin to a self-conscious collective effort on the part of human communities to uphold norms, adjudicate conflicts, and revise norms when necessary. As I suggested earlier, my interpretation tends toward the latter, although I think that either interpretation poses a challenge for the “ethical given.” For key texts in the recent interpretive debate, see note 3.

Regardless of what one thinks of the latter claim, Hegel's critique of the ethical given poses a challenge to those accounts of identities and obligations that naturalize or divinize them. It is a challenge that continues to be relevant today, beyond both the Greeks' context and Hegel's own. For instance, Hegel's critique applies to more recent natural law and divine command theories of ethics that suggest that the authoritativeness of identity or obligation is immediately inscribed in nature or given by God. An example of the former is the young G. E. M. Anscombe's formulation of the natural law in "The Justice of the Present War Examined." Anscombe writes:

The natural law is the law of man's own nature, showing how he must choose to act in matters where his will is free, if his nature is to be properly fulfilled. It is the proper use of his functions; their misuse or perversion is sin. So, lying is the misuse of speech, and is therefore wicked. So, justice is the proper working out of relations between man and man, and between societies, each having his due. (1992, 125–26)

Anscombe's suggestion that authoritative rules for ethical conduct can be straightforwardly inferred from the "proper use of [man's] functions" appears susceptible to Hegel's criticism of the ethical given. If Hegel's argument is plausible, then accounts like this one must demonstrate how they avoid his criticism or else how the criticism is unsound.¹¹ A similar challenge may face certain forms of divine command ethics that ground authority in an unmediated knowledge of God's will.¹²

¹¹ The disagreements between the proponents of the "new natural law theory," such as John Finnis, and a more traditionalist natural law theory, such as Russell Hittinger, hinge on this issue. While Finnis's natural law theory has addressed the is/ought problem by contending that a set of basic goods are built into practical reason, rather than read off of nature, Hittinger contends that this approach is deontological and thus untrue to the natural law. As I see it, Hegel's criticism of the "ethical given" in this section of the *Phenomenology* is only a challenge for traditional natural law theories, although if Hittinger is right about Finnis's turn toward deontology, Hegel's criticism of Kantian morality elsewhere in the *Phenomenology* may pose a somewhat different challenge to the new natural law theories. See, for example, Finnis 1980 and Hittinger 1989.

¹² The ongoing exchange between Robert Merrihew Adams and Jeffrey Stout suggests one way in which a divine command theorist may respond to some of the social-practical concerns of the Hegelian critic. In *Finite and Infinite Goods*, Adams argues that obligations are indeed grounded in social practices and relationships, the most significant of which is humans' relationship with an omniscient and benevolent God. Our relationship with this God provides reasons for us (human beings) to take divine commands as authoritative obligations (1999, 249). Meanwhile, our understanding of these commands will depend on the ethical meaning we attribute to them; thus, in Adams's view, "it is crucial to the prospects for a divine command theory as part of a coherent philosophical or theological ethics that human claims about what God has commanded are subject to rational assessment and criticism" (1999, 264). For the early exchange, see Adams 1973 and 1979 and Stout 1978. More recently, see Adams 1999, 249–76; and Stout 2009. Related issues arise in Kavka and Rashkover 2004.

Against naturalized and divinized accounts of norms, including gender identities and obligations, Hegel advances a social and normative account. In his discussion of Greek *Sittlichkeit*, Hegel contends that the human and divine laws of the Greeks became contentful and meaningful through social practices over time. The Greeks, however, did not recognize this to be the case. They took the human and divine laws and their respective association with men and women to be fixed, given, and unrevisable; they did not see themselves as responsible for these norms. Thus, Antigone could not see her conflict with Creon as a moment in the ongoing refinement and revision of the communal norms of Greek *Sittlichkeit*. Neither could Creon. Such is the tragedy of the ethical given.¹³

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