

# *Property, Use and Value in Hegel's Philosophy of Right*

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Hegel is aware that it is only in the modern world, with the emergence of civil society, that 'the *freedom of property* has been recognized here and there as a principle' (PR § 62R).<sup>1</sup> Nonetheless, he contends, property is made necessary by the very idea of freedom itself. The purpose of this essay is to explain why this is the case by tracing the logic that leads in Hegel's *Philosophy of Right* from freedom, through right, to property and its use. I conclude by briefly comparing Hegel and Marx on the topic of 'value'.

## **Free Will and Right**

The first task is to explain why freedom, or the free will, must give itself the form of *right* (*Recht*). What Hegel calls 'intelligence' is the knowing of what *is* (PM § 465). Will, in contrast, seeks to realize, and realizes, its subjective aims in the external world. It is, therefore, the activity of giving objective 'existence' (*Existenz*) to the content of its aims (PR § 8; PM § 469).<sup>2</sup> Insofar as will actively objectifies itself in this way, it is 'self-determining' and *free*. Initially, however, its aims are determined by nature, rather than by itself: they are its immediately given needs, drives and inclinations. Accordingly, Hegel maintains, will is at first not fully free, but free only implicitly or 'in itself' (*an sich*) (PR §§ 10–11; PM §§ 471–475).

Will is, however, explicitly free, or free 'for itself', insofar as it distinguishes itself in thought from its given drives and inclinations and understands itself to be the power to *choose* which aims it will realize: the

<sup>1</sup> See also PR § 182A, and VRP 3: 565, 641. Translations from VRP are mine.

<sup>2</sup> In Hegel's logic there is a difference between *Existenz* and *Dasein*. This difference, however, plays no role in the discussion of abstract right in the *Philosophy of Right*, so in this essay both terms are translated as 'existence'.

power of *Willkür* or 'arbitrariness' (PR §§ 12–15; PM §§ 476–478). Yet, as such, will is still only implicitly free, since the aims among which it can choose remain determined by nature. Arbitrariness is thus contradictory, even though it is what most people take true freedom to be: for, although it is the explicit and unfettered freedom to choose, it can choose only what is given to it and so is completely *dependent* on the latter (PR § 15A; VRP 3: 134).

Will avoids this contradiction and is truly free, Hegel contends, when its principal content is not just a given need or drive but its *freedom* itself (PR § 21; PM § 480). The truly free will is thus '*the free will which wills the free will*' (PR § 27). This will, however, is still subjective and so still seeks to give, and gives, *objectivity* to its content (PR §§ 25–26). It is thus 'the absolute drive ... to make its freedom into its object' *in the world*, both as the 'rational system' of freedom and as an 'immediate actuality' (PR § 27). In the words of Hegel's *Encyclopaedia*, the truly free will aims to give 'existence' (*Dasein*) to its freedom (PM § 469). That *existence* of freedom in turn is what Hegel understands by 'right' (*Recht*): '*right* is any existence [*Dasein*] in general which is the *existence* of the *free will*' (PR § 29; PM § 486). Right, for Hegel, thus does not belong to what is merely alive and sentient but without consciousness of freedom; right is *freedom* as something objective and existing.<sup>3</sup>

We do not yet know all that right will prove to be, or exactly what is meant by 'freedom'; we know, however, that the truly free will cannot just be the will that exercises choice (since the latter is caught in contradiction), but must be the will that wills its freedom as right. Moreover, this will both *aims* to give its freedom the form of right and *actually gives* its freedom 'existence' as right. As such, the truly free will is '*actually free will*' (*wirklich freier Wille*), whereas the choosing will is merely the '*capacity*' (*Vermögen*) for freedom (PM §§ 480, 482; PR § 22). This is not to deny, by the way, that the will may not always be able to realize its freedom as right (for example, under conditions of poverty) (see PR § 244; VRP 4: 609); but, if this happens, the will will not be truly free.

There is, however, another modal category, besides 'actuality', that is inseparable from the concept of right, namely 'necessity'. Right is the 'existence' that the truly free will *actually* gives to its freedom, but also that it *must* give to its freedom if it is to be truly free. In Hegel's (largely) *a priori* philosophy of spirit, each form of freedom is shown to be logically

<sup>3</sup> Animals, therefore, have no rights (which is not to say that we should not protect, feed and conserve them); see PR §§ 47A, 56A; VRP 3: 225; VRP 4: 173, 183, 195.

ecessary. For philosophy, therefore, it is necessary that freedom take the form of choice (before proving to be the willing of right). Freedom of choice itself, however, consists in the absence of necessity, that is, in not *having* to affirm any particular inclination or object but *being able* to affirm whichever one pleases: the freely choosing 'I' is the pure '*possibility* [*Möglichkeit*] of determining myself to this or to something else' (PR § 14).

In contrast, the truly free will *must* have itself and its freedom as its content – as what it aims to realize, and actually realizes, in the world – since this is the only way it can avoid the complete dependence that accompanies choice (PR § 23). Moreover, such necessity is there not merely for philosophy but also for the free will itself, and it forms part of the latter's concept of right.

The choosing will is free 'for itself' since it is explicitly aware of its capacity to choose, yet it is also still only free 'implicitly' (*an sich*). This means not only that it is not truly *free* (but dependent on what is given to it), but also that it is not truly *for itself* and so is not aware of its contradictory character (though it can be made aware of it). This is why the choosing will takes itself, mistakenly, to be completely free (PR § 15R). The truly free will, on the other hand, has its own *freedom*, rather than something given, as its 'content and purpose' and so is truly '*for itself as free will*' (PM §§ 480–481). This means that, in contrast to the choosing will, the truly free will is, and must be, *aware* of the character of its freedom; and that in turn means that it understands its freedom to entail *having* to will itself and give itself objective existence. For the truly free will, therefore, its right is not only the 'existence' of its freedom, but also the existence that it *must* give to its freedom if it is to be free. For the free will, in other words, its right is its own freedom, conceived as that which it must will and affirm – that which it must aim to realize and actually realize.

This moment of necessity is integral to Hegel's concept of right and explains why right commands respect. A right does not have the compelling force of a natural event or law and so cannot actually prevent us from disregarding it; nonetheless, it demands recognition from the will and thereby confronts the latter with normative, if not natural, necessity. As Hegel shows in his discussion of crime, it is always possible for a free will to violate the rights of another; yet, if such a will does not understand that the rights it violates must be respected, then it does not understand what a right is. A right is thus the objective existence of freedom that, as a norm, leaves the free will no choice but to affirm it, even if such a will can in fact choose not to affirm it. This moment of normative necessity in right is

not made fully explicit in the *Philosophy of Right* itself. It is made explicit, however, in Hegel's lectures: 'People say that the will is free, because it can *choose*. Rational freedom, the will in and for itself, does not choose, but also has necessity ... Right is *necessary* [*Das Recht ist notwendig*]' (PR 1821/22, §§ 14, 29).<sup>4</sup>

### Right and the Person

The free will that no longer merely exercises choice, but that wills, and knows it must will, its freedom as right, is the *person*. We will now consider the logical structure of the person and his freedom in more detail.

In speculative philosophy, as Hegel conceives it, the examination of a concept always begins with the latter in its undeveloped immediacy.<sup>5</sup> The truly free will, or person, in its immediacy is the will that relates immediately to *itself* and so, Hegel maintains, is the '*inherently individual* [*in sich einzelner*] will of a *subject*' (PR § 34). It is not just a will in general, but the will of a specific individual. Furthermore, such a will, like the choosing will, still has given drives and inclinations that supply it with particular aims, and it still confronts an 'external', immediately given world in which it must realize its freedom.

Yet the free will is also the 'self-conscious, but otherwise contentless and *simple* relation to itself in its individuality' (PR § 35; translation modified). As such it is an utterly indeterminate, non-specific, and in that sense *universal*, will. As Hegel explains in § 5 of the *Philosophy of Right*, the self-conscious subject first becomes an explicitly (though not yet truly) free will by distinguishing itself in thought from its particular 'needs, desires, and drives' and conceiving itself as a purely abstract, universal 'I'. This abstract will then chooses between those drives (and their objects) and so gives itself a particular content. When it becomes truly free, however, it has its abstract *universality* as its content. The 'freedom' to which the will gives, and must give, objective existence as right is thus precisely this abstract universality.

<sup>4</sup> Translations from PR 1821/22 are mine. See also VRP 4: 149; *Werke* 7: 81: 'it is *necessary* that I be a person *with rights* [*eine rechtliche Person*]' (translations of Hegel's marginal notes to PR are mine); and Stephen Houlgate, 'Recht und Zutrauen in Hegels Philosophie des Rechts', in Gunnar Hindrichs and Axel Honneth (eds.), *Freiheit. Stuttgarter Hegel-Kongress 2011* (Frankfurt am Main: Vittorio Klostermann, 2013), 615–616.

<sup>5</sup> See EL § 238: 'The moments of the speculative method are (α) the *beginning*, which is *being* or the *immediate*'.

Yet the free will in its immediacy is also always a specific, individual will. It thus is, and knows itself to be, both specific and universal at the same time: the will that in its 'finitude' is 'infinite, universal, and free' (PR § 35). The free will, or the person, therefore, is, and understands itself to be, *this* 'I' that is equally a bare, indeterminate 'I' like any other – an 'I' that is utterly abstract and universal in its specificity (PR § 35R). Accordingly, the freedom that the will affirms as its right is the universality or 'personality' that is inseparable from being a specific individual.<sup>6</sup>

Now in the *Encyclopaedia* Hegel argues that the individual free will necessarily relates to other individual wills (PM § 483). A similar point is made in Hegel's 1817–18 lectures on the philosophy of right, when he draws on the logic of the 'one' (*Eins*) in the *Science of Logic* to claim that 'the immediate one of personality is a repulsion into infinitely many ones' (LNR § 31; translation slightly modified). We have also just seen, however, that the personality the free will must will as its right is abstract, non-specific and so *universal*. It does not, therefore, belong to just *one* person but belongs to *all* persons alike. Accordingly, in willing his own freedom as his right, the person must also will the freedom of all other persons as *their* right, because the freedom that any will affirms is the same in all of them: each person must affirm the right of the person in *every* person. The 'commandment of right' is thus not just 'respect my freedom as a person' but '*be a person and respect others as persons*', and the sphere of right is that of *mutual recognition* between persons (PR § 36).<sup>7</sup> Earlier in the *Encyclopaedia* Hegel showed that mutual recognition is a logical precondition of all reason and spirit (see PM § 436). At the start of the *Philosophy of Right*, however, mutual recognition is made necessary by the logical structure of the person (as the bearer of right): for in recognizing that he must will his own abstract and thus 'universal' freedom, the individual person recognizes that he must will the same freedom in all persons, and every person recognizes this in exactly the same way.<sup>8</sup>

Note that right precedes and makes necessary mutual recognition and is not itself constituted by the latter. It is, therefore, not true that 'right is

<sup>6</sup> See Klaus Vieweg, *Das Denken der Freiheit. Hegels Grundlinien der Philosophie des Rechts* (Munich: Wilhelm Fink, 2012), 97–102.

<sup>7</sup> See also PM § 490; LNR § 31.

<sup>8</sup> In PR § 49R Hegel suggests that at this point there are not yet 'several' (*mehrere*) persons. Yet what he means, I think, is that we are not yet in the sphere of *contract*, in which there is a 'plurality' (*Mehrheit*) of wills (VRP 4: 179) and freedom has its *existence* in 'the relation of will to will' (PR § 71). He is not denying altogether that, prior to contract, a person relates to other persons. (On my reading, by the way, Hegel's claim in PM § 490 that my personality has its 'existence' in being recognized by others also anticipates contract, even though contract is not introduced until PM § 492.)

grounded in mutual recognition'.<sup>9</sup> Hegel will argue later in the *Philosophy of Right* that rights must be generally recognized and codified in law if they are to attain 'the power of actuality', and that this occurs in civil society; yet laws confer universal 'validity' on what is already 'right in itself' (PR §§ 210–211). Recognition through law does not, therefore, first establish the sphere of right; right is made necessary by the concept of the person and commands that there be, rather than presupposes, mutual recognition between persons.

The concept of the person also gives a distinctive character to the right that arises from it. Like the choosing will, the person sets his wholly abstract, 'universal' identity apart from his particular desires. Accordingly, such 'particularity' – unlike individuality – is 'not yet contained in the abstract personality as such' (as it will be contained in the moral and ethical subjects) (PR § 37). This in turn means that there is no right, inherent in being a *person*, to satisfy this or that particular desire. It is already clear that I do not have a right to something just because I *desire* it, since right is grounded in freedom, not desire. We now see that my freedom as a person does not itself confer rights on particular desires. If a particular desire were built into being a person, then I would have to will it and it would have a right to be satisfied. No desires are built into being a person, however, since personality is utterly abstract. Accordingly, persons have the right to be free *as* abstract persons, and that is all.

Yet precisely because a person is conscious of himself as an abstract I, just like the choosing will, the freedom of the person – like freedom of choice – consists in being able to (though not having to) affirm any of one's desires, that is, in the *possibility* of such affirmation. Unlike the choosing will, however, the person is conscious of his freedom as his right, as that which *must* be willed by the free will. The person thus understands his freedom to consist in the *necessary* possibility of willing any particular desire (and its object). Accordingly, the right of the person, which just *is* this necessary possibility, is, in Hegel's words, 'a *permission or warrant*' (PR § 38). I am thus permitted as a person to affirm whatever desire I choose; but I do not have to affirm any particular one, and, as we have just seen, none of my particular desires itself has the right to be satisfied. If a person satisfies a desire, therefore, it is because he, as a free person, is entitled to do so, not because any 'right' of the desire requires him to.

<sup>9</sup> Robert R. Williams, *Hegel's Ethics of Recognition* (Berkeley, CA: University of California Press, 1997), 138. There is a similar misunderstanding in Dudley Knowles, *Hegel and the Philosophy of Right* (London: Routledge, 2002), 102.

Yet right, as we know, is the objective existence or 'actuality' of freedom. The necessary possibility of affirming a desire (and its object) – in which the person's freedom consists – must, therefore, be actualized if the person is truly to enjoy his right. This is why Hegel will later insist that every person must own *some* property, even if they do not all have to own the same amount (PR § 49A; VRP 3: 216–218). Nonetheless, the right that the person enjoys in *actually* affirming a desire (and owning something) consists in the necessary, rightful *possibility* of so doing: it is the actual embodiment of the person's 'warrant' or entitlement. The person is entitled, therefore, to withdraw his will from that desire (and its object) and invest it in another, if he so wills.

The fact that personality is abstract and empty means, further, that no particular, positive commandments follow from it. Accordingly, all a person's right requires is that it be respected and not be violated. 'Hence', Hegel writes, 'there are only *prohibitions of right*, and the positive form of commandments of right is, in its ultimate content, based on prohibition' (PR § 38). The 'positive' commandment 'respect others as persons' thus in fact just directs us *not* to violate their rights.

Personality's abstract character also means that no particular conditions must be met for the person to have rights beyond understanding oneself to be a person and 'realizing' one's freedom in the world. In other words, there is nothing one needs to do, or can do, to *merit* rights: one cannot earn rights, for example, through good actions, or deserve them through being needy (PR § 37). Right belongs *immediately* to a person, as soon as he asserts or 'realizes' his freedom in the world in a way that enables, and requires, others to recognize it.

Note that the immediate – or what Hegel calls 'abstract' – right of the person is not a *natural* right that one has simply by virtue of being human (though it is what others call 'natural right' [*Naturrecht*]).<sup>10</sup> Abstract right belongs only to those who are explicitly conscious of their *freedom* and who give that freedom 'existence' both in their own eyes and in those of others. Yet it is a right that *anyone* conscious of his freedom, whatever his social or legal status, can give himself.<sup>11</sup> This applies as much to slaves as to other people.

<sup>10</sup> See PR 1819/20, 67. Translations from PR 1819/20 are mine.

<sup>11</sup> Under Roman law, Hegel notes, rights came with a particular social and legal 'status' (*Stand*) (PR § 40R). For us, however, right is independent of status, since freedom itself is 'not a status at all' (*gar kein Status*) (PR 1819/20, 69–70).

Slaves, in Hegel's view, do not need to earn their freedom; as he states in 1817–18, 'even if I am born a slave ... I am free the moment I so will it, the moment I come to the consciousness of my freedom' (LNR § 29). The slave then turns that freedom into his right the moment he gives it objective existence by, for example, running away. In his 1824–25 lectures, Hegel maintains that 'the slave has the absolute right always to run away' (VRP 4: 239). It accords more with Hegel's concept of right, however, to say that the slave establishes his right precisely *by* running away. His consciousness of his freedom, if it is properly developed, will bring with it the necessity of asserting that freedom as right; yet it is only in actually being asserted – for example, in flight – that it becomes a right that others must respect. This explains Hegel's otherwise harsh suggestion (in 1819–20) that no 'injustice' (*Unrecht*) is done to one who, in the eyes of his captors, lets himself be enslaved (PR 1819/20, 73). For Hegel, all human beings are born to be free, so there is a clear moral demand not to enslave anyone; but I can demand respect for my *right* only if my freedom 'shows itself in existence' *as* right (PR 1819/20, 74). If I fail to realize my freedom in this way, therefore, I cannot claim that my *right* is being violated (though as soon as I do realize my freedom, my right is established and commands respect). In Hegel's view, each person must aim to promote, and must actually promote, the rights of all persons; but, equally, an individual must show others that he *is* a person, if his rights are to be promoted and respected by them.<sup>12</sup>

### Property

As we have seen, the person conceives of himself as such by abstracting himself from all that is merely given to him. Indeed, the person *excludes* such givens from himself (PR § 34). The latter are thus reduced to merely external 'things' (*Sachen*) without any personality, and so without any freedom or right, of their own (PR § 42). Such things, however, are actually of two different kinds.

The first is the '*natural* existence' that is inseparably attached to, but also distinct from, the person: namely, his body together with all his particular needs and desires. The second comprises those things that are

<sup>12</sup> Since rights are not natural but dependent on the consciousness of freedom, all children, as *implicitly* free, must be raised to such consciousness through *education* (PR §§ 174–175). In a rational state, therefore, all will be aware of their freedom and right and there will be no slavery (*Werke* 7: 124–125).



distinct from both the person and his body: namely, inanimate objects and living things in the external world (PR §§ 34, 43, 47).<sup>13</sup> These two kinds of 'thing' thus constitute what Hegel calls the 'external sphere' in which the person must give his freedom objective 'existence' (PR § 41). Moral freedom will be embodied in the actions of the subject itself, and ethical freedom will be embodied in human institutions governed by habit and law. Personal freedom, however, must be embodied in 'things' that are immediately distinct from the person and so are 'unfree'. As Hegel puts it, therefore, 'personal right is essentially *right over things* [*Sachenrecht*]' (PR § 40R; translation modified).

When the person embodies his freedom in a thing, he places his will in it and *appropriates* it, and in this way the thing becomes the person's *property*. The person, for Hegel, thus has the 'absolute *right of appropriation*' over things (that have not been appropriated by another person), or the right to property (PR § 44). More precisely, the person has his right *in* property: for his freedom becomes something objective and external only in a thing owned. This is not to deny that the person conceives of his right of ownership before he appropriates something; but what he is conceiving of, and aiming to realize, is his right *as* ownership itself. My right to own is thus – and must become – coextensive with my actually owning something.

An important consequence of this conception of property is that property is not – or not principally – a *means* towards furthering the person's freedom. Property is, rather, the 'first *existence* [*Dasein*] of freedom' itself and as such is 'an essential end for itself' (PR § 45R). *Pace* Alan Patten, therefore, we do not own property so that we can develop and maintain 'the capacities and self-understandings that make up free personality'.<sup>14</sup> Persons own property because it is only *in* such ownership that they are actual bearers of right, both for themselves and for others (see PR § 51).

Since the external sphere comprises not only external objects but also my body, I must appropriate the latter and place my will in it (for example, by training it to do what I will), if it is to embody my right (PR §§ 47–48; VRP 4: 195). When I do this, my body commands respect from others and so 'may not be misused as a beast of burden' or enslaved (PR § 48R). (Slaves can thus assert their freedom and right, not only in running away, but also in the way they hold their bodies.) As free, I can, if I choose, 'withdraw into myself from my existence' and deny that harm

<sup>13</sup> On living things as 'external' to the person, see PR § 44A; VRP 3: 209.

<sup>14</sup> Alan Patten, *Hegel's Idea of Freedom* (Oxford: Oxford University Press, 1999), 140.

done to my body affects my person as such. For *others*, however, my body – once I have appropriated it – is the objective ‘existence’ of my personal freedom. Others may not, therefore, inflict harm on my body, because in doing so they violate my *right* as a person: in Hegel’s words, ‘violence done to *my body* by others is violence done to *me*’ (PR § 48R).<sup>15</sup>

For Hegel, therefore, the right to bodily inviolability is an integral component of my right to property (PR § 57). There is, however, a significant difference between my ownership of my body and that of other things. All things are external to the freedom of the person, and so no thing, *qua* thing, is such that my freedom requires that I own it. My freedom as right consists, therefore, in the rightful possibility, but not the necessity, of owning any particular thing, and anything I own can thus be disowned or ‘alienated’ (PR § 65). My body, however, is not merely a *thing*. It is, indeed, a thing in the world distinct from my abstract personality, yet it is also ‘the real possibility of all [my] further-determined existence’ (PR § 47; translation modified) and so the natural condition of my personality. My right as a person cannot, therefore, include the right to alienate my body (and my life), since in doing the latter I would forfeit all right as such (PR § 70; see also PR 182I/22, § 70). Accordingly, as a person I am not just permitted to own my body, but I must do so and must continue to do so.<sup>16</sup>

Ownership of my body and of other things coincide, however, in requiring that I actually ‘take possession’ of the thing concerned; for only in this way do I give objective existence to my freedom and so turn the latter into a right able ‘to be recognized by others’ (PR § 51). Yet Hegel points out that possession itself does not constitute ownership of *property*. I possess something when I have it in my ‘external power’ (in ways we will consider in a moment) (PR § 45). A possession counts as my property, however, only when it embodies my right as a person: property is *rightful* possession (PR § 45; VRP 4: 186). Only free beings, as bearers of right, can own property, therefore, whereas any being with a need or desire for a thing can seize possession of it.

<sup>15</sup> Children, who are not yet persons, are protected by the family (and if necessary by the state) (PR § 174; LNR § 85). Adults who, for whatever reason, are not able to train their bodies to do their will can appropriate their bodies (as they can other things) through the use of signs; see PR § 58.

<sup>16</sup> In Hegel’s view, therefore, there is no right to suicide (PR § 70; VRP 3: 260–261). On the ‘inalienability’ of a person’s body (and mind), see Peter G. Stillman, ‘Property, Contract, and Ethical Life in Hegel’s *Philosophy of Right*’, in Drucilla Cornell, Michel Rosenfeld and David Gray Carlson (eds.), *Hegel and Legal Theory* (London: Routledge, 1991), 210–212.

Hegel points out that families and communities, such as religious ones, can own property (PR §§ 169–171, 270R).<sup>17</sup> In the sphere of abstract right, however, property is owned by *persons*, and this in turn explains two further features of it. The first is that such property is by its nature *private*. A subject is a person, insofar as he is conscious of his abstract identity and freedom as an 'I'; but such a person is also conscious of being an immediate individual (among other such individuals) (PR §§ 34, 36). Thus, if property is to embody the person's freedom and right, it must embody his universal right as an *individual*. That in turn means that it must be the private and exclusive property of the individual concerned (PR § 46; LNR § 26). Private property, for Hegel, is thus not simply the product of a social order based on the division of labour (though it emerges in history in such a society), but is made necessary logically by the very concept of a person (which is in turn made necessary by the nature of freedom). This is not to say that the right of private property cannot be trumped by other concerns. Hegel insists, however, that exceptions to the rule of private property 'cannot be grounded in contingency, private arbitrariness, or private utility, but only in the rational organism of the state', which is itself the highest embodiment of freedom and so the highest right (PR § 46R).<sup>18</sup>

The second feature of property to be noted here is that, in the sphere of abstract right, every person has an equal right to own (some) property but there is no need for possessions to be equal (PR § 49). The right to property is grounded in the 'personality' that is the same in all individual persons, so everyone has the same right to own (some) property. What we take into possession, however, is determined by our particular needs and desires, and the latter, as particular to us, will differ in some respect from those of others. What different persons take into possession will itself, therefore, be different and unequal. In his later account of civil society, Hegel shows that great differences in wealth between people can deprive the least well-off of their well-being (and so deny them their moral right to satisfaction). Civil society thus needs to be organized into corporations to prevent such great differences emerging (PR §§ 243–244, 253R).<sup>19</sup> Hegel also argues, however, that there is nothing at the level of abstract right to prevent the excessively unequal distribution of possessions (provided that every person owns something). This is a clear indication, therefore, that,

<sup>17</sup> See also *Werke* 7: 109, 421; VRP 3: 212.

<sup>18</sup> Moral concerns can also limit a person's right to property; see PR § 127R; LNR § 8.

<sup>19</sup> On the role of the corporations in preventing the emergence of poverty in civil society, see Stephen Houlgate, *An Introduction to Hegel: Freedom, Truth and History*, 2nd edn (Oxford: Blackwell, 2005), 204–206.

although personal right is the necessary beginning of freedom, it does not exhaust all that freedom can and must be.

### Property and Its Use

Property, for Hegel, is rightful possession, and the fact that a *person* owns property requires the possession it involves to take different forms. A person is an *individual* who is conscious of being an abstract, *universal* (and thus free) 'I', so the 'modes of taking possession' must 'contain the progression from the determination of individuality to that of universality' (PR § 54A; VRP 4: 204).

Since the person in his immediacy is an individual with *this* body, here and now, rightful possession must first involve 'physical seizure' of a thing, seizure that is limited in space and time (PR §§ 54–55; see PR §§ 43, 47). In his marginal notes to the *Philosophy of Right*, however, Hegel points out that the person has property 'as a *thinking* human being' and what such a person '*wills* as thinking is the *whole*, the *universal*' (*Werke* 7: 120). The first step towards possessing something universal, rather than limited, is taken by '*giving form*' to a thing (for example, by tilling the soil): for in this way my will's presence in the thing has an '*independently existing externality*' that continues *beyond* this place and this moment in time (PR § 56). The second step then involves taking possession of the whole thing (the '*universal*') in my mind and making this clear to others through a *sign* (PR § 58; VRP 4: 212). This, Hegel contends, is the 'most complete' mode of taking possession since it has the widest range, though it can also be 'ambiguous' and 'indeterminate' (as when a cross is placed on a coast to indicate 'that the whole land is mine') (PR § 58A; VRP 3: 227; *Werke* 7: 126).

Property, however, involves not just the possession, but also the *use* (*Gebrauch*) of the thing. Such use, like the different modes of possession, is made necessary by the fact that property is owned by a person or free will. In taking possession of a thing, Hegel writes, 'the will has a *positive* relationship to it' (PR § 59): it sees in the thing the 'existence' of its own freedom. At the same time, by making the thing 'mine' the will deprives it of its independence and in that sense *negates* it. This negation of the thing is made explicit in the use of the latter, which, as Hegel puts it, involves 'the alteration, destruction, or consumption of the thing' (PR § 59). The use of a thing is thus the 'completion of my ownership of it' (*Werke* 7: 128; PR 1821/22, § 59).

Now the person, as well as being an individual conscious of himself as an abstract, universal 'I', is also a particular subject with particular needs and desires (PR § 37). The latter determine what we take into possession, but our personality as such is indifferent to them. Consequently, a person, *qua person*, at first regards things solely as potential property, not as objects of need. A person's relation to things changes, however, when he takes them to be objects of use: for, *qua person*, he then regards them both as property *and* as objects of need. This change is grounded in the doctrine of the 'concept' in the *Science of Logic* and is not completely intelligible without reference to the latter. Put simply, the concept as something universal and as something individual is essentially self-related (even though the individual is one among 'many *other* ones'), whereas the concept as particular is essentially differentiated from, and so explicitly related to, another particular (SL, 601, 606–607, 621). Accordingly, as a bare owner, conscious of my individuality and universality as a person, I just relate to my own personhood in my property; as a user of property, however, I negate, and so differentiate myself from, the thing and in so doing take both the thing and myself explicitly to be *particulars* in relation to one another. This does not alter the fact that my right to own and use things is based purely on my being a person, *not* on my having particular needs. Nonetheless, as a rightful user (rather than mere owner) of things, I regard the latter explicitly as particulars related to my particular needs (rather than just as things that are owned) (PR § 59). As we shall see in the next section, this means that property has to have 'value' for its owner.

For Hegel, then, use is the logical extension of ownership, since it renders explicit the fact that my free will negates a thing by appropriating it. Since my freedom is given objective existence in use itself, the latter is a further embodiment of my right as a person. A person, therefore, has the *right* to use his property, and property ownership without the right of use would be incomplete (which is not to deny that moral and ethical considerations might limit how I use my property). Furthermore, since property in the sphere of abstract right is private, I have the right to full and exclusive use of it (though I can give another temporary use of it without forfeiting my ownership) (PR §§ 61–62). Conversely, if I have the right to full use of the thing, then I am its owner and 'nothing remains of the thing which could be the property of someone else' (PR § 61). A feudal relation, in which a serf has full use of the land but the lord retains ownership of it, is thus incompatible with the idea of property (see PR § 62R).

## Value

In § 63 of the *Philosophy of Right* Hegel notes that an object of use is an individual thing 'determined in quality and quantity'. This object also satisfies a particular or 'specific' need (as we have just noted) and so has a 'specific utility'. Such specific utility is 'comparable' (*vergleichbar*) with that of other things in relation to the same need: this scarf may be more useful than that one in keeping me warm. Furthermore, different needs are themselves comparable in that one may be more urgent than another. This means in turn that a thing's utility in relation to one need must be comparable with the utility of things that meet *different* needs. Yet, since there is in this case no one need that all things satisfy, such things cannot be more or less useful in meeting one *specific* need. So how can their utility be compared? This is possible, in Hegel's view, only insofar as the things are more or less useful in meeting 'need at all' (*Bedürfnis überhaupt*) (PR § 63; translation modified). Things with a different specific utility must, therefore, have a comparative utility in relation to needs that, in the comparison, are not specified but just count as needs *tout court*. This is not to deny that my raincoat may keep me dry (and so meet its specific need) better than my scarf keeps me warm (and so meets its specific need). The two objects can be compared directly, however, only insofar as there is a common measure – namely, need as such – and my coat is just understood to meet *a* need of mine more successfully than the scarf does. The objects can be compared directly, in other words, only in relation to needs that are left unspecified.

Note that a thing's comparative utility, in the sense just explained, is not utterly separate from its specific utility, but is the latter *compared with* the specific utility of a thing meeting a different need (as in the example of the coat and scarf above). A thing's utility can become directly comparative, however, only when we disregard its connection to a specific need – and so disregard its own specificity – and conceive of it as an unspecified utility serving an unspecified need (in comparison with another such utility). My scarf keeps me warm, not dry, and my raincoat keeps me dry, not warm. The *comparative* utility of each, however, is not relative to the specific need that it serves, but is relative to need as such: the coat is simply better than the scarf at meeting a need of mine at all.

Since a thing's comparative utility is unspecified in this way, Hegel argues, it is something 'universal' (PR § 63; VRP 3: 239). Such 'universal utility', it should be noted, does not consist in wide-ranging *specific* utility, in being useful in many specific ways. A thing's comparative utility

is 'universal' because it *abstracts from* the thing's specific utility and consists in its ability, compared with that of other things, to meet needs that are not further specified – in the simple 'possibility of satisfying a need' (*Werke* 7: 136). The name that Hegel gives to this comparative utility is 'value' (*Wert*). An object of property, therefore, must have *value*, and to understand it to do so is to disregard its specific utility and to consider it just to be comparatively useful at all (PR 1819/20, 76; VRP 3: 236–240). The value of a thing, in other words, is its comparative (or relative) unspecified usefulness.

Now, as we have noted, an individual thing owes its specific utility to its 'quality and quantity'. Yet when the comparative utility, or value, of a thing is considered, abstraction is made from the thing's 'specific quality' (PR § 63), so that value must take the form of a 'quantitative determination' – quantity being, in Hegel's view, the mode of being that is 'indifferent' to quality (PR § 63A; VRP 3: 238–239). The value, or relative unspecified utility, of a thing can thus only be 'more' or 'less' than – or equal to – that of another.<sup>20</sup>

Hegel insists, however, that the specific quality of a thing is not completely absent from its quantitative value but is preserved in it, since the *magnitude* of that value is itself a function of its specific quality and utility. A thing's value is its being 'more' or 'less' useful than another; yet it is not indeterminate but has a definite character, expressed as a quantum or ratio: a thing is three or four times more valuable than another, and so on. That quantum, Hegel insists, is ultimately determined by the specific quality and utility of the thing concerned. Various factors, in Hegel's view, contribute to determining a thing's value, including the rarity of the thing and the 'time and talent' required to produce it (*Werke* 7: 136–137; see also VRP 4: 228–229). Above all, however, the magnitude of a thing's relative unspecified ability to meet a need is determined by its specific utility: my coat is more valuable than my scarf at all because it meets my (unspecified) need better than my scarf does, but the coat is *four* (rather than three) times more valuable than the scarf because of its specific ability to keep me dry and to do so well (and perhaps because of my greater need or desire to stay dry). Accordingly, 'the qualitative supplies the quantum for the quantity, and is, as such, both preserved and sublated [*aufgehoben*]' in it (PR § 63A; translation modified; VRP 3: 239).<sup>21</sup> The quality, or specific

<sup>20</sup> Hegel also thinks that things of the same utility are comparable only as 'quantitatively determined' (PR § 63).

<sup>21</sup> See Jean-Philippe Deranty, 'Hegel's Social Theory of Value', *The Philosophical Forum* 36(3) (2005), 315. Christopher Arthur, in contrast, insists that Hegel 'makes no attempt to derive a *measure* of

utility, of a thing is 'preserved' in the thing's value, since it determines the latter; but it is also 'sublated' or hidden in that value, since the mere fact that a coat is worth four times as much as a scarf does not tell us what the coat is good for.

Note that, for Hegel, value is made necessary – before contract and exchange – by the fact that property must be used and, in being used, is explicitly related to need.<sup>22</sup> More precisely, the person, who thinks of himself as something universal (as well as individual), seeks the *universal* in the specific thing he uses; he thus takes the thing to relate not only to specific needs, but also to 'the universal of my needs' or my needs as such, and so deems it to have a relative unspecified utility or value (VRP 4: 226). The person becomes conscious of the value of things, therefore, through 'bringing out the universal' in objects of use (*Werke* 7: 136).

It is thus, ultimately, my being a *person* – not just need (and certainly not exchange) – that makes it necessary for my property to have value. Moreover, the fact that a person's property is by its nature private and exclusive means that I must be the exclusive owner of that value. When a thing is understood not just to be a thing, but also to have value, it is understood to be a 'good' or 'ware' (*Ware*); and when value becomes something objective in its own right, it becomes money. Ownership of money – alongside the ownership and use of things – is thus integral to being a person; indeed, Hegel states, money is 'the most intelligent [*verständig*] possession, which is worthy of the thought of the human being' (VRP 4: 228–229).<sup>23</sup>

## Contract

As a person, I must own some property, but I am not required to own any particular thing; I own this, rather than that, only because I choose to. I can, therefore, always choose to own something else instead: I can always withdraw my will from this thing and 'alienate' it by abandoning it or handing it over to another person (PR § 65). Alienating a thing also completes the process of negation that becomes explicit in use. By owning

value from utility'; see Christopher J. Arthur, 'Hegel on Political Economy', in David Lamb (ed.), *Hegel and Modern Philosophy* (London: Croom Helm, 1987), 113.

<sup>22</sup> In 1817–18 Hegel does not yet see (or, at least, highlight) the logical connection between use and value, and maintains that things acquire a value in being exchanged. He also contends that 'value depends on the labor needed to produce the thing' (as well as the latter's 'rarity') (LNR § 37). From 1819–20, however, Hegel understands value to be a thing's (relative) unspecified utility; see PR 1819/20, 76.

<sup>23</sup> On Hegel's concept of value, see also Vieweg, *Das Denken der Freiheit*, 129–130.



something, I reduce it to an embodiment of my will and so implicitly negate it. I negate the thing explicitly through use, in which I change or consume it. I then negate it even more profoundly by declaring that it is *no longer* the embodiment of my will and thereby freeing my will from it (VRP 4: 228). As noted above, however, I can alienate only external objects distinct from my body; I cannot alienate my body, except for a limited period (see PR §§ 67, 70).

Note that, in alienating things, I implicitly acknowledge that no *thing* can adequately embody my free will for me and that my will must rather become objective *as will*. In contract (*Vertrag*) my alienating of a thing coincides *explicitly* with my will's becoming objective in and for another will (PR §§ 71–73).

My will becomes objective *for* another will by being *recognized* by the latter (which I recognize in turn) (PR § 71R). My property is, of course, already recognized by others before the emergence of contract, but in that case my will has its objective 'existence' in the thing owned. In contract, in contrast, my will has its objective existence precisely in being recognized as a property owner by another will. In contract, however, my will is objective not just *for*, but also *in* and *as*, another will, since the other will wills what *I* will. Our wills thus form an identity. Yet we also remain distinct wills, so the 'identity' we form is in fact just a 'common will' 'posited' and sustained by the two of us (PR §§ 71, 73, 75). My freedom has its objective existence, therefore, in a common will that is also 'a relation of will to will' (PR § 71).

Contract, as Hegel conceives it, takes two fundamental forms (each of which has variants). The first is 'formal' contract, in which one party hands over property to another as a gift (though both still recognize one another as persons and property owners) (PR § 76). The second is 'real' contract or exchange. In this case, each party hands over property to the other (and so *ceases* being an owner), but also receives property from the other (and so *becomes* an owner). Furthermore, each party to the exchange *remains* the owner of the property with which he begins. This occurs because the goods exchanged are of the same value, and so each party retains that value (PR §§ 74, 77). Value, which is made necessary by the use of property, thus makes possible contracts of exchange.

Now such exchanges occur because a person needs or desires something that is owned by someone else (just as we appropriate something in the first place because we need or desire it). Hegel insists, however, that contracts are also made necessary by reason, since it is only in contract that a person's will becomes objective in the form of will, rather than a mere

thing. It is thus not just need (or the division of labour within civil society) but rather the *logic of freedom, right and personhood* that makes contract necessary, just as it also makes necessary property, use and value.

### Marx and Hegel on Value

To conclude this essay I will now briefly consider a difference between Hegel and Marx on the topic of value. This difference is subtle, but, I believe, significant.

Hegel derives the idea of value directly from property and its use. Marx, in contrast, maintains that value emerges only in the exchange of goods or 'commodities' (*Waren*).<sup>24</sup> Every commodity, for Marx, has – or is – a 'use-value', which is a specific utility or capacity to satisfy needs and which resides in the 'physical properties' or *quality* of the commodity (Cap. 125–126, 133).<sup>25</sup> This use-value, however, is distinguished by Marx from the commodity's 'value' (*Wert*), which is expressed in the latter's 'exchange-value' (Cap. 128, 152). This exchange-value is the 'quantitative relation' in which a commodity stands to another one (1:3, 1:4, and so on). Indeed, it just *is* a certain quantity of another commodity: so the exchange-value of one quarter of wheat *is* 'x boot-polish, y silk or z gold, etc.' (Cap. 126–127). Note that a commodity will have several different exchange-values, but each expresses the *same value* of the commodity.

Marx insists that every commodity must have both a use-value *and* an exchange-value (or value) (Cap. 131, 138, 310). Yet he also argues that there is an 'opposition' between the two 'latent' in the commodity (Cap. 181). This is due to the fact that a thing's 'value is independent of the particular use-value by which it is borne' (Cap. 295). This sharp difference reflects a further logical difference between quality and quantity: 'as use-values, commodities differ above all in quality, while as exchange-values they can only differ in quantity, and therefore do not contain an atom of use-value' (Cap. 128; see also Cap. 176). Since this difference is so sharp, the value of a commodity, for Marx, is not determined by the latter's specific utility or quality (as it is for Hegel). The magnitude of that value is determined, rather, solely by the 'socially necessary labour-time' required to produce the commodity, that is, the labour-time required under normal conditions

<sup>24</sup> Karl Marx, *Capital. Volume 1*, trans. B. Fowkes (London: Penguin Books, 1976) (hereafter Cap.), 138–139, 166, 179.

<sup>25</sup> See PR § 63.

and 'with the average degree of skill and intensity of labour prevalent in a society' (Cap. 129, 186, 293).

My aim here, however, is not to examine Marx's theory of value in detail, but to note the important implication that Marx's distinction between value and use-value has for his understanding of wage-labour. In wage-labour both the capitalist employer and the worker consider the latter's labour-power to be a *commodity* to be bought and sold (for a limited period) (Cap. 270–273, 342–343). As such, labour-power exhibits the dual nature of commodities in general. On the one hand, labour-power is concrete, comprises the specific 'mental and physical capabilities', or *qualities*, of a human being, and (when set to work) produces 'use-values' (Cap. 270, 283). On the other hand, labour-power is a *quantity* of '*congealed labour-time*' – namely, the time required to produce and sustain it – and so has a *value* (expressed in its exchange-values) (Cap. 130, 277). This value, which abstracts altogether from the specific quality of labour-power, is what enables the latter to be an exchangeable *commodity*, just like any other. As such a commodity, therefore, labour-power is not the specific power of *this* or *that* individual, but simply labour-power in the abstract – power that can be used by the purchaser, just like any other commodity, 'such as a horse he had hired for the day' (Cap. 292).

To repeat: labour-power must be the power of a specific individual and produce use-values. As a commodity, however, that labour-power is also exchangeable for any other. It counts, therefore, not as the power of a specific individual, but simply as abstract labour-power, available in certain quantities. Furthermore, the capitalist purchases labour-power to produce not just use-values, but also new value, and indeed surplus value (Cap. 293, 301). To produce these, labour-power must again be abstract, for it must realize itself in a certain *quantity* of labour and labour-time (Cap. 296, 302–303).

The surplus value produced in the labour process – the value that exceeds that of the labour-power itself – belongs to the capitalist, rather than the worker, because he has purchased the latter's labour-power for the day. Yet the capitalist could, of course, share some of that surplus value with the worker. He does not do so, however, for three reasons. First, he is driven by 'selfishness' and 'private interest' (Cap. 280). Second, he sees it as his right to appropriate the surplus products of the labour-power whose use he has purchased (Cap. 303, 342). Third, insofar as labour-power is a commodity, and so an embodiment of value, it is labour-power in the abstract; the capitalist thus does not see it as the labour of this or that specific individual, and so has no reason to share

surplus value with any such individual. This third point, I think, is especially important: the capitalist is not just selfish and concerned with his rights, but is prevented from seeing the specific quality – and concrete human character – of labour-power by conceiving of such labour-power as an exchangeable commodity with a certain quantum of value. This in turn reflects the fact that the quantitative value of a thing is independent of, and bears no trace of, the quality and specific utility of that thing. Note, too, that it is not just the capitalist (as Marx understands him) who sees nothing of the quality and specific utility of a thing in its value; Marx himself thinks that value abstracts from, and blinds us to, the distinctive quality of things and human labour-power. That is why he insists that value and exchange-value must be abolished and with them the private production and exchange of commodities.<sup>26</sup> The problem with capitalism, for Marx, is not just that it extracts surplus value and leads to poverty, but that it is built on value and exchange-value that, by their very nature, ‘do not contain an atom of use-value’ and so completely hide the latter from view (Cap. 128).

In this respect, Hegel’s conception of value provides a significant alternative to Marx’s conception. Hegelian value does not coincide exactly with Marxian use-value or exchange-value. It is not the former because it does not consist in specific utility, and it is not the latter because it precedes, and so is independent of, exchange. It does, however, resemble Marxian *value*, insofar as it is a ‘quantitative determination’ of things that ‘abstracts’ from their ‘specific quality’ (PR §§ 63, 63A; VRP 3: 239). Yet, in Hegel’s view, value is not (or not principally) ‘congealed labour-time’, but the relative unspecified *utility* of a thing: its being more or less useful to us. Such utility is ‘unspecified’ because it is simply the capacity of a thing to satisfy a need at all. Hegel insists, however, that the unspecified utility or value of a thing ‘arises out of the thing’s particularity’ (and specific utility), and that ‘the qualitative [thus] supplies the quantum’ for the value (PR § 63A; VRP 3: 239). A trace of such particularity and quality must, therefore, be contained in a thing’s value. This does not mean that the specific quality and utility of a thing will be directly visible in its value; but the latter will *itself* indicate that the thing has a specific

<sup>26</sup> Karl Marx, *Selected Writings*, ed. D. McLellan, 2nd edn (Oxford: Oxford University Press, 2000), 257: ‘the Communistic abolition of buying and selling’. See also Patrick Murray, ‘Value, Money and Capital in Hegel and Marx’, in Andrew Chitty and Martin McIvor (eds.), *Karl Marx and Contemporary Philosophy* (Basingstoke: Palgrave Macmillan, 2009), 179: ‘The point of *Capital* is not to redistribute surplus value ...; it is to abolish value’.

utility and will suggest something of its strength (which is not the case for Marx).<sup>27</sup>

For Hegel, value arises, prior to exchange, out of the use of property, but it makes the exchange of goods possible and so in such exchange can be considered to be 'exchange-value'. In Hegel's view, however, *contra* Marx, value and exchange-value must contain a trace of the specific quality and utility of the thing, and so the former do not by their nature blind us to the latter. This does not mean that employers cannot disregard the humanity of their employees and selfishly appropriate the 'surplus' goods they produce. It means, however, that value and exchange-value do not themselves abstract completely from the quality of things and human beings, and so are not inherently dehumanizing. That in turn means that the system of economic exchange, which is inseparable from value, does not need to be abolished, as Marx contends, but rather needs to be made *ethical*.<sup>28</sup>

Marx borrows much from Hegel, including an often subtle grasp of the workings of dialectic in history. In his account of capitalism, however, Marx proves himself to be a thinker of the 'understanding', rather than dialectical reason: for, despite recognizing that a commodity must have both (exchange-) value and utility, he insists on the sharp distinction between the two (and, in this respect at least, also between quantity and quality).<sup>29</sup> In contrast, Hegel shows that a trace of a thing's specific utility is contained *in* its value, and in so doing he proves himself to be a thinker not of understanding, but of reason.

<sup>27</sup> To repeat: a commodity, for Marx, must have both a use-value and a value (or exchange-value); but the latter, which is simply congealed labour-time, does not contain 'an atom' of the former and so does not *itself* indicate that the commodity has a use-value.

<sup>28</sup> See Houlgate, *An Introduction to Hegel*, 206.

<sup>29</sup> In a different context, Marx also recognizes 'the law discovered by Hegel, in his *Logic*, that at a certain point merely quantitative differences pass over by a dialectical inversion into qualitative distinctions' (Cap. 423).