## HEGEL'S POLITICAL ARGUMENT AND THE PROBLEM OF VERWIRKLICHUNG

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NE OF HEGEL'S most important and certainly most controversial contributions to political theory is his claim about the nature of political philosophy itself. The first sentence of the Introduction to the *Philosophy of Right* states that claim boldly:

The philosophic science of right has as its object the idea of right, that is, the concept of right together with its actualization (Verwirklichung).

I want to discuss in the following what Hegel might mean by, and what difficulties might arise from, this characterization of the philosophic science of right. In particular, my question concerns the inclusion of "actualization" within the *idea* of right; what that means, how this "moment" of the idea figures in the development of "objective spirit," and especially what it means in Hegel's final claims about the state.

However, I want to raise this question in a different way than is traditional in virtually all the major commentaries. For well over a century now, since the publication of Rudolf Haym's Hegel und seine Zeit<sup>2</sup> in 1857, the issue of the relation between political theory and actuality in Hegel has been discussed almost exclusively in terms of Hegel's philosophy of history. The well-known discussions by Haym, Rosenzweig, Marcuse, Popper, Carritt, Avineri, and more recently a whole spate of new interpretations by Weil, Ritter, Riedel, Habermas,

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Fulda, and Theunissen, have concentrated on the infamous issue of whether Hegel "identified" the "rational" with the "actual," and by doing so accommodated himself to the Restoration, deified the state, endorsed *Machtpolitik*, abandoned his own "young Hegelian" criticism of existing political institutions, and so forth.<sup>3</sup>

Of course, attention to such an issue is wholly appropriate in discussions of Hegel, and especially in interpretations of the role that reflection on historical actuality must play in his theory. After all, he certainly clearly maintains that political philosophy is "the farthest thing from trying to construct the state as it ought to be."4 Further, and more broadly, it is also true that, while Hegel fully subscribes to the view that any political philosophy must be based on some sort of reflection about the nature of human beings, Hegel's own view of human nature, or the human spirit, is indeed "historical," grounded neither in an empirical view of basic human needs, nor in a classical or religious view of the human essence. Instead, he argues in probably his most influential claim, that Geist is self-actualizing or self-completing progressively, in time, and that thus the kind of understanding of "actual" human being important for political theorizing must be a reflection on the details of human history, most importantly the history of Western Europe. Such an account, when properly understood in correct theoretical terms, provides us with the only access we have to the knowledge of "the human things" indispensable in attempting to formulate an account of the right or just human political association. Thus it is that any full assessment of Hegel's political thought must be decisively informed by such things as his analysis of the decline of the Greek polis, the advantages and disadvantages of the Roman legal state, his unique phenomenology of the spirit of feudalism, and his assessment of the Enlightenment, of the French Revolution, and of Napoleon. Indeed, this kind of analysis turns out not only to be important in a full account of the rationality and legitimacy of "the state," but serves that unusual, larger Hegelian goal of a kind of "reconciliation" with "actuality," and even in the broadest terms a "redemption" of time itself.5

As indicated, though, prior to arriving at such large-scale issues, there is a more specific theoretical problem that needs examining; namely, the above quoted claim about the place of Verwirklichung within the "idea" of right, a claim that forms an important part of the theoretical basis for

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much of Hegel's detailed historical analysis, and especially of his argument about the legitimacy of the state. That is, while the traditional discussions of the "philosophy of history" and "theory-practice" problems prominent in the Preface to the *Philosophy of Right* are appropriate in their place, they tend to obscure an obvious fact about that book: that Hegel rarely appeals to his unusual historical "theodicy" to support what he wants to claim in the theory of right.6 However, he does frequently (indeed at every major point) appeal to the necessity for understanding the "actualization" of some concept as a way of understanding that concept's general adequacy. Verwirklichung, in other words, is primarily a technical term of art; it has some role to play in Hegel's argument, and that role is immediately confused if discussion of that issue is transferred to a concern with Hegel's understanding of the development of political institutions in Western history. As I will attempt to show, the introduction of this demand for Verwirklichung into a discussion of the concept of right is no more equivalent to a claim that concepts of right must be somehow "grounded" exclusively in just what has happened politically, or in what is now dominant historically, than it is equivalent to a claim that some rational political order "must occur," must come to be, if it is to be judged truly rational.

Rather, Hegel uses the notion of Verwirklichung in an almost exclusively theoretical way within the labryinthine details of the *Philosophy of Right*. For example, this theoretical dimension, i.e., the role of Verwirklichung in Hegel's case for the legitimacy of the state, is readily apparent in any adequate summary statement of Hegel's whole argument. Simply put, he claims that only in a particular form of political association, which he calls *der Staat*, can human beings live according to the concept of right (*das Recht*). Since Hegel believes that "actualizing" the concept of right is what it means to live freely, he also means to claim that only in the state can human beings be truly free. More precisely, it is *because* of that, because the state alone can actualize human freedom, that it is just or right.

In other words, the state turns out to fulfill a certain criterion for "right" established, explained, and defended throughout the course of the book, a standard that depends heavily on the notion of actualization. He begins to defend that standard in the Introduction. Indeed, a good deal of the groundwork is provided in one extremely condensed paragraph.

The basis of right is, in general, spirit (das Geistige). Its precise place and point of origin is will. The will is free, so that freedom is both the substance and determination (Bestimmung) of will, and the system of right is the realm of actualized

(verwirklichte) freedom, the world of freedom brought forth out of itself like a second nature.

Given such claims, what needs to be investigated is simply by what means Hegel intends to advance this argument that only der Staat can "actualize" human freedom, that, outside the state, human beings could not be "really" free. And in answering such a question, one needs to admit straightaway that Hegel approaches that issue in a variety of different ways in the Philosophy of Right. I shall discuss four separate components in his overall argument; (i) his general characterizations of the relation between the will and the intellect in the Introduction (i.e., his explanation of how any "concept" is "actualized"); (ii) the relation between his general methodology in philosophy and the "demand" for actualization in the assessment of a concept's adequacy; (iii) the specific arguments against competing concepts of right; and (iv) his final case that his theory of the state meets the "actualization" objections raised against competitors. Finally, I shall argue that Hegel's account, even when correctly understood and presented, suffers from an unresolved dilemma.

Ι

Though often unnoticed by commentators, and rarely discussed explicitly by Hegel, the basic line of argument throughout the Philosophy of Right is relatively straightforward. In the Introduction, Hegel offers his own account of all intentional human action; that is, he sets out some general principles he thinks govern any possible, distinctively human conduct. In doing so, he describes what he regards as an indispensable relationship between the formulation and execution of any intention (any agent's self-understanding, or "concept" of his action), and "actuality," any set of given circumstances within which that intention must be understood and "actualized." Once these general principles are established, Hegel proceeds to investigate systematically various ways particular concepts, in this case concepts of "right," could be actualized, given the principles just set out. That is, he investigates whether some candidate account of self-conscious principles of conduct could really be principles of conduct, given the relation between such self-understanding and possible actualization as formulated early in the Philosophy of Right. So, for example, some system of right, some rational account of political association which, however internally consistent, or even "rational" in some larger sense, could not be

actualized, is simply by virtue of that alone not an adequate "idea" of right. A simple example of such inadequacy for Hegel is Plato's Republic. A critique of that idea of right based on the impossibility of actualization thus not only involves Socrates' admitted difficulty with the "third wave," with a state ruled by philosophers ever "occurring," but involves as well a criticism of the alleged role the legitimizing principles of the state could be said to play in the actual lives of all its citizens. Accordingly, a Hegelian critique of Socrates' polis does not merely echo Descartes' charge that the morals of the ancients were "unrealistic," "palaces built on mud and sand," nor merely charge that Socrates' understanding of the humanly possible was historically restricted. Instead, he needs to develop his own account of the correct relation between any concept of right, the rational legitimization of a regime, and its possible role in such an actual regime, and then go on to use such a standard in assessing various alternatives.

Before introducing more of Hegel's own understanding of this Verwirklichung criterion, and thus more of his own terminology, it should be stressed that this demand that an account of political legitimacy include both that "concept" and its "actualization" is, taken by itself in the general terms sketched above, very much in the spirit of many, especially modern, political theories. Restricting our theoretical attention to the "humanly possible" rather than attending first of all to the "human best" is a prominent aspect of almost all Enlightenment and contemporary political theory. Of course, Hegel is not Machiavelli; he does not orient his whole system from a minimal view of what human beings are "really" like, but he does mean to include some such discussion of actuality in his assessment of political theories. In that respect, his demand is similar to claims recently made by Rawls when insisting on the necessity for "publicity" as a criterion for a well-ordered society. He writes:

There is no necessity to invoke theological or metaphysical doctrines to support its (a well ordered society's) principles, nor to imagine another world that compensates for and corrects the inequalities which the two principles permit in this one. Conceptions of justice must be justified by the conditions of our life as we know it or not at all.

Admittedly, such prefatory remarks make it difficult to see at this point how one should answer such questions about possible actualization. It is easy enough to admit that political theory would be senseless if no attempt were made to integrate substantive claims about human practice into a formal or conceptual analysis and assessment. But having admitted that, one has to ask how such integration should occur. Do we

turn to the social scientist?<sup>10</sup> To the philosophical anthropologist? We have already noted that Hegel believes that at some level such substantive understanding depends on very different historical situations. But we also noted that some general principles of such an assessment are defended in the *Philosophy of Right*, and a theory of a completely actualized state is presented without specific reference to historical actuality.

The defense of these principles begins with very general reflections on human action, especially on the relation between the will and the intellect. As the quotation above indicates, Hegel defines the will and its freedom in terms of spirit (Geist). In effect, this turns out to be a claim that the will should not be regarded as some separate faculty "alongside" reason, but that the will simply is "practical reason." Said more abstractly, Hegel believes that making or "willing" a decision is not something over and above coming to a practical conclusion as a result of some sort of reflection. Of course, he admits that this reflection may be incomplete, sunk in immediacy, and far from arriving at "true universality." But what he will not admit is that any human action can be understood strictly as an "immediate" result of desires, impulses, inclinations, feelings, and the like. Merely having such desires is enough to insure that they form part of a subject's reflective self-comprehension. A desire acted on is a desire understood as worth acting on. Such practical intelligence is simply the mark of human action for Hegel, and any act not conceivable reflectively just doesn't count as such an action, as an element of spirit. Hegel's own way of putting this point is to claim that in all willing, there is a kind of "absorption" into universality, an indispensable relation to some form of universalizability in all action, an absorption he calls the "activity" of thought. Thus, for example, he writes.

The self consciousness which purifies (reinigt) and raises to universality its object, content and aim, does this as thinking accomplishing itself (sich durchsetzend) in the will. Here is the point at which it becomes clear that the will is only a genuinely free will as a thinking intelligence.<sup>11</sup>

This claim, and in particular the claim against the possibility of an arational or strictly "particular" willing, one divorced from all relation to universality, will have a large role to play in what follows, and we shall return to it later. Hegel labels this first, reflective aspect of willing a "subjective" moment. No matter how external a ground for action can initially seem—a random desire, a sudden impulse to do something, a need one seems burdened with—simply "thinking" such externally appearing grounds for action "cancels" their independence and "raises"

(erhebt) them to "the pure thought" of oneself. As thought, such elements in action become simply a part of one's relation to oneself, not to something else, and so can be conceived as the basis or reason for action only if they are so conceived. But that is far from the whole story for Hegel. We need as well what he calls an "objective" moment.

Such a second moment is referred to in Hegel's logical language as the "negative" moment of the will. It is so called because this aspect of any willed action can be said to "negate" the pure indeterminacy of a will conceived wholly in terms of thought, a will which wills only that the subject direct or determine action without specifying how. That is, stated simply, it is not enough simply to consider action as the result of reflective intelligence, and so "purely" self-willed. Such a will is still not really an acting will until one acts in some manner or other, in terms of some specific situation, or until one "actualizes" the potentiality of the will. In effect, what this second requirement comes to is that the particularity of some context within which a decision must be made is as much a component of a rational will as is the "abstract universality" of pure willing. Human action is indeed defined by Hegel as autonomous, as human because always reflectively self-determined. But it is not for that reason totally self-constituting, as if any determinate action about which one has to decide were decideable in terms of such universal reflection alone. This second condition simply reintroduces the problem of exteriority or "actual" content as a component of a rational will. One cannot act as if one simply has desires or impulses which cause one to do certain things (just by being aware of them as components in acting, one "cancels" their supposed independence), but neither can one act as if one didn't have such desires, as if the content of action were purely determinable. Hegel wants such a self-determination to be neither an abstraction from the content of one's determinate, sensual being, nor a direct "acceptance" of such desires, and hence a mere calculation of their satisfaction.

Of course, all actions governed by a principle of right must be related somehow to a specific situation wherein such action is required. But Hegel's brief remarks are intended to deny that this relation between concept and actuality should be understood in either of two "one-sided" ways. First, it is not the case that principles of right are simply "applied" in various specific contexts, as if general "forms" of conduct could be formulated independently and then applied in the manner of what Hegel calls "scientific understanding." If such principles were so abstractly formulable, their range of application could never be determinately specifiable, various descriptions of the circumstances in question could easily lead to contradictory formal principles being "applicable," and

the circumstances themselves would end up being viewed as wholly contingent, an "external" and ideally dispensable element in any reflection on what to do. They would be mere problematic complications in a decision which under this model would ideally be arrived at by pure reflection alone, and then simply "applied" or imposed. Second, Hegel is equally opposed to a notion of maxims of action as formulated wholly instrumentally in the face of the mere existence of certain desires and impulses to be satisfied. Actuality is, in such a case, indeed a component of a rational decision, but an actuality which itself has not been "raised to the level of thought," or which stands in no philosophic relation to the concept of right. Thus "actuality"—the circumstances and desires which are not subject to the will's control—is neither to be abstracted from, nor seen wholly in terms of purely formulated rational maxims, nor as a mere foundation, a "given" basis for utilitarian calculation.

Of course, abstract claims like these depend on a great many others in Hegel's system. He himself constantly points out that a proper understanding of the relation between "universal" and "particular" in "individuality," or between the "indeterminate" concept and determinateness in "concrete universality," is the central issue in all of German Idealism. 12 He also admits that the "proof" for his understanding of the issue in this way (what he calls his Anfangspunkt), is presupposed here, and that the relevance of that point of view to the will and its freedom is only worked out in detail in the Encyclopedia. 13 But we can at least note here some general components of this full understanding of the relation between concept and actuality, and then test that criterion as it appears in the criticisms of Abstract Right and Morality, and in Hegel's defense of the state.

II

The relevance of Hegel's systematic understanding of many of these issues is readily apparent the moment one dips back into his own terminology. He puts the points made above about the relation between concepts and actuality as follows:

The will is the unity of both these moments—particularity reflected into itself and thereby brought back to universality—it is individuality. That is, it is the self-determination of the ego, positing in one ego itself as the negative of itself, namely as determined, limited, and yet remaining by itself; i.e., remaining in its self-identity and universality, and in the determination of itself only together with itself. 14

This sort of claim, once one makes one's way through Hegel's terminological obscurity, indicates how much in general is at stake for him in this inclusion of actuality within the idea of right.

Indeed, one could first say that all of what Hegel wants to say about Geist lies behind it, particularly his claims against considering Geist (or mind, in this context) an "inner" cause of behavior. 15 More generally, the idiosyncratic terminology itself already indicates a deep connection between Hegel's notion of proper "account giving" in political theory and his general theory of all account giving, that methodology for thinking about the adequacy of concepts known as "dialectic." This connection, while quite complicated, is worth stressing at the outset.

This is particularly important with respect to the problem of actualization, since such a "moment" in the idea of right is also important in any dialectical analysis of a concept. That is, Hegel always claims that the proper way to analyze any claim about a concept's adequacy, its formal unification of various common elements of actuality, is to "test" that concept against the standards for objectivity or adequacy internal to such claims about its descriptive or prescriptive adequacy, to see if it "actually" corresponds to its own standards. As it turns out, in Hegel's universe any such concept short of der Begriff, since incomplete, will "contradict" or negate itself, requiring a further, more comprehensive attempt to formulate its claim successfully, a further attempt explicitly guided by the former incompleteness. So, in the Phenomenology, a claim that experience is exclusively a matter of sense certainty is contradicted by what an actual, purely sense data experiencer could be said to experience; or a claim that a discursive understanding adequately and exclusively formulates laws of nature is "shown" to be actually contradicted by the experience of this understanding; or the immediate harmony of Greek political life is shown to be contradicted by the actuality of that association, where the association judges itself by its own criteria, and so on. Verwirklichung should thus first of all be understood in these broad terms, as the way in which Hegel wishes to understand any concept. Nowadays we are accustomed to such arguments in a much less systematic way, but we are familiar with them nonetheless. There is something of such an argument in claims that a skeptic's account of what experience could be like contradicts the "actual" conditions of experience, or that the concept of a private language can be shown to be actually incoherent given the conditions for any actual language, and so forth. To say that such positions contradict one of the conditions under which they could be asserted at all is not the same as Hegel's dialectical method. But they are not that far away when Hegel, for example, argues that political associations founded wholly on

contractual relations among property owners contradict, when actualized, the actual conditions of contracts (contractual obligations).

In sum, the notion of including a consideration of actualization in an assessment of a concept's adequacy does not mean some appeal to an external set of "facts" as, for example, in the claim that a conception of all experience as sense certainty is simply factually wrong. But it does mean an attempt to ascertain just what concept of actuality, of the facts in general, is presupposed by some characterization of experience or conduct, and then an attempt to see if all the elements of that characterization are consistent with this notion of actuality. 16 Thus, one could imagine, say, a Thomistic conception of natural law, and this kind of account of what presuppositions about human beings would have to be assumed for such a notion actually to function in human conduct. These assumptions would have to include claims about the soul, the power of the intellect, the will's freedom, and so forth, and it might be that a full consideration of these presuppositions would show that such a notion of "right" could not actually play the role in human conduct that proponents of such a concept themselves assert. Whether this in fact occurs with all concepts of right other than that defended in the third section of the Philosophy of Right will have to be seen.

But to return to the general political context, such considerations make clear how much Hegel is after in his analysis. He wants a full account of what concept of right could be finally and noncontradictorily actualized in political life. That is, although Hegel certainly defines political relations in terms of the set of rules recognized as governing conduct (i.e., civic, or public conduct), his analysis of which set of rules is finally right proceeds by constant reference to the possibility of a political association self-consciously functioning in terms of such legitimizing principles.

That is, when we view Hegel's political argument, with its reliance on the notion of actualization, in terms of his general dialectical assessment of concepts and actuality, we arrive at a relatively straightforward claim to be defended: that the "idea" of right itself, while self-willed, or determined through concepts, also successfully develops a relation to determinate content (it becomes "actualized," verwirklicht) until some particular set of rules governing civic association, der Staat, fully actualizes the concept of right in history. Put another way, this will mean that political association, while still predominantly legal (Hegel certainly maintains a basically institutional view of the state, and in that sense "based on the concept" or reason), will hardly be "formally" legal (where laws are legitimate only because of their consistency with the will of each), and so will help define, presumably, a new kind of substantial

or actualized political whole (he does, after all, "develop" the state out of nonlegal associations like the family and civil society). I turn now to his defense of that claim.

III

The section on Abstract Right presupposes the concept of "persons," individuals who, while possessing "inner caprice, impulse, desire," and who are "determined by immediate external facts," also determine their actions intelligently, and so freely. We begin, in other words, with persons seeking to actualize some concept of right as the maxim for their action. More broadly, we begin with modernity, with two distinctively modern political ideas: individuals as bearers of rights seeking to reconcile those rights both conceptually and actually; and, in order to understand the relation of this attempt at reconciliation to political life, we begin with that modern fiction, the prepolitical, prestate situation of private wills seeking mutual satisfaction of rights privately.

As soon as we begin, we see at work the interplay of the two moments of the will sketched above. I wish, as an individual, to exist freely, to be able to determine all my actions as the result of my individual, personal willing. However, I cannot simply think of myself as so free. As an unactualized will, this purely self-relating I is simply the "empty" thought of me, and would thus actually contradict my being a personal or individual I. I have to act as such a person, be a person publicly, just in order to be this person. Now, there are a number of ways I could do this, but Hegel suggests that we begin by looking at what he regards as the most "immediate" relation between my personality and the objective conditions under which it could be made actual: the seizing of some piece of nature as "mine"—property. This actualization of my idea of myself presents us with the first concrete case of the two moments of will, my reflective self-determination, and the concrete existence of this concept "in the world" in some way.

It also suggests how this dialectic will continue throughout the *Philosophy of Right*. For now it becomes clear that I am not an owner of property simply by saying I am, simply within a "reflective" claim to possess nature. Such a newly developed concept must also be made objective somehow, and Hegel proceeds to detail the various ways in which I could be said to actualize or make objective my idea of my own property—through physically taking possession, through use, or through the alienation of my property. What emerges as decisive in such attempts is the continuing impossibility of actualizing my concept of

property and possession except in terms of the recognition of other individual subjects. I am no property owner simply by physically possessing and using nature. Some relation among "wills" must be established, as is especially clear in my attempt to transform some natural object for alienation, sale, or lease to another. I can be this actual individual, a possessor of property, only in my relation to others who recognize me as such, only in some "contract."

As Hegel's analysis proceeds, it becomes clear that his general line of argument continues to be that I fail actually to exist under the various partial concepts of right used in these initial attempts to exist freely. That kind of analysis then proceeds to show the overall inadequacy of exclusively "contractual" approaches to political obligation, and again does so by assessing such a view in terms of its own standards for "right". Hegel argues that such a stance would be unable, in its own terms, to deal with "wrong" or violations of contracts, and that we are thus required, if only in order to actualize the concept of contract as right, to make use of a "moral" standpoint, one which can universally account for the "wrong" in such transgressions, and of course also for what is right in actions between human beings. The same sort of problem, though, then develops in Hegel's famous criticism of just this moral standpoint, since upon analysis such a point of view ends up incapable of any determinate relation to actuality.

All of this simply prompts the important question of how we are to avoid such a stance, this abstract opposition between duty and inclination, a question that takes us to the most important claims about actuality and a more balanced relation to it. For it is in this context that Hegel introduces his account of Sittlichkeit, his attempt to understand public, and especially political life in terms both of the concept of right (with its now developed moral foundations), together with actual life in an ethical community. And again, initially it is not difficult to get some sense of what Hegel is driving at. An "ethical" individal is supposed to act neither in strict conformity with the law, independently of motive, nor out of the "purity" of good motives alone. but is supposed to "find" the content of conscience in the "ethical" life of the community. His initial examples provide clear cases where this is attempted. In the family, ethical obligations are present, but not because of any promises made, contracts drawn, formal duties, or external commands. They are simply directly obligatory in one's role as son, daughter, father, mother, husband, or wife. Briefly stated, he argues that I could not understand myself in any one of these roles (and certainly cannot deny that I am in such a role) without understanding the actual obligations immediately involved.

But that is only part of the answer. Relations like these, based on "love," cannot be truly ethical for Hegel since they are so immediate, without support of reflection, and without a rational inclusion of the principle of individuality. As Hegel points out, families are thus bound to dissolve. They accrue property and have civic relations to other families in a larger whole, thus placing more stress on such immediate unity than it can withstand. The state itself, for example, can require the most serious disruption of family obligations by demanding sons for its wars. This ethical unit is hardly universal for all these reasons, and so cannot provide a true, actual basis for right.

The same is true for membership in civil society which, while also establishing specific obligations (within different Corporations, for example), also achieves no universal ethical community within which autonomy and ethical actuality can be reconciled. It is true that in his analysis of civil society Hegel attempts to demonstrate that, while a purely formal understanding of political rules is inadequate, it is equally impossible to understand political life as (or at least exclusively as) the instrumental satisfaction of particular, actual needs. The very attempt to satisfy such desires effectively either leads to ever more complicated, rationally directed, and ethically binding sets of rules which, he finally argues, no longer serve individual and collective interests, even while they do not negate or exclude the satisfaction of those interests, or civil society "passes over" into the state. More precisely, Hegel takes himself to have shown that there can only be a civil society within the higher laws of the state. We thus come to the point where we can ask our central question specifically: what exactly does it mean for the state to have "actualized" the concept of right?

IV

It is apparent, first of all, that however differently the notion of actualization is used, there is a good deal of continuity thus far in its application within Hegel's line of argument. For example, in his scattered criticisms of the Greek polis, laws were said to have an "actual" place in the lives of citizens by being directly experienced as their own, individual maxims, not as external constraints. In Hegel's more theoretical comments on the will in general, the same requirements for an inclusion of the particularities of one's own situation and actual desires within rational self-direction was clear. At an even more abstract level, throughout the *Philosophy of Right*, any concept which was offered as a candidate for some understanding of political life could often be shown

to be self-contradictory just in terms of the "actual" experience it was said to make intelligible. More than anything else, actualization has come to signal a demand for self-legislation that is, in Hegel's view of the matter, truly free; not a mere prudential acceptance of external legislation, nor a self-imposition of rules obeyed out of "duty" alone, nor an acceptance of such regulation only to satisfy actual desires not yet raised to the level of thought. Such a demand is just the developed form of the two components of the idea of right—the "concept" together with its actualization.

By now, admittedly, such a demand seems to require quite a bit. Indeed, it almost sounds like Kant's version of a "holy will." And, as one looks at Hegel's more detailed comments on the state, he does indeed appear to make some fairly sweeping claims. Consider first his general description:

The state is the actuality of concrete freedom; concrete freedom consists in the fact that personal individuality and its particular interests not only have their complete development and the recognition of their rights for themselves (für sich) (in the system of the family and civil society), but partly, they pass over through themselves (durch sich selbst) into the interests of the universal, and partly do so knowing and willing, and indeed recognizing the universal as their own substantial spirit, and actively pursue it as their end (Endzweck). The result is that the universal does not prevail and is not completed without the particular interests, knowing and willing of individuals, and individuals do not live merely as private persons for their own ends alone, but at the same time will in and for the universal, and have a conscious attempt to actualize this purpose.<sup>17</sup>

The words stressed above indicate the beginning of the difficulty with the meaning of citizens being actually related to the ethical universality of the state. The problem, stated simply, is that they must not simply be so related, nor apparently do they merely believe they live in a universal state; they must know, will, and consciously recognize that they are so related. If not, much of what Hegel says here would be far from his attempt to reconcile the principles of individual autonomy and personal, moral conscience with his long-cherished, ancient ideal of an integrated, "actual" community life. Without this moment of explicit recognition by citizens, this part of his position would not be much different from Aristotle's, with which it nonetheless has profound similarities. As is clear from many passages, particularly from Hegel's distinguishing such ethical systems as the family and civil society from the state, he does not want to argue only that the state is "in itself" an ethical community, but "for itself" as well, recognized as such by its free, individual citizens.

On the other hand, a full explanation of this relation between citizens and the actualized state is important in order to distinguish Hegel's

position from more formal or legalistic views of the state. A look at the actual details of Hegel's description of this state's constitution reveals far more similarities with such a formalist tradition than is usually admitted by commentators eager to associate him with his most famous follower. In particular, while the state is said to satisfy the ultimate interests of individual citizens, such interests are everywhere defined conceptually, and never in terms of any common, substantive goal or end. It remains the legal structure of the state itself, its actualization of individal freedom, which unites the citizens into a common whole, and not a state concern with their wealth, welfare, health, or any other aspect of individual interests clearly left in the realm of civil society by Hegel. Again though, the state, as we have seen throughout, is supposed to offer more than this structure of laws, and so far this "more" has to do with the actual experience of the state enjoyed by citizens who view such laws not as necessary constraints, nor as external commands to be obeyed, but as the source of their own individual worth and dignity in such a universal. 18

It should also be mentioned that this concern with the problem of subjective consciousness is not a new one in Hegel. It dominates an extraordinary amount of his political thought at least since the time of Berne, is clear in his concern with the mere positivity of the Christian religion, and surfaces later in his dissatisfaction with the Jacobin attempt to forcefully effect a return to the ideals of Republican virtue, and in his disenchantment with the proposals of von Humboldt and Schiller concerning the role of education. And here as well, such a concern assumes a decisive role. We know that for Hegel the Aristotelian model is too "immediate" or insufficiently subjective and reflexive, and that a purely legal state, one where all questions of the interests of the citizens are dismissed as private, is unacceptably formal. Everything seems to come down to what this moment of the actualization of right actually means for individual citizens.

If that is so, however, if this "moment" of individual recognition is supposed to allow citizens to retain their autonomy within the "actual" structure of ethicality, then I would maintain it is extremely unclear what this "consciousness" is supposed to involve. Consider a series of explicit remarks Hegel makes in trying to explain and deepen this "moment" wherein citizens of a universal state will for themselves that universality as the end of their actions. For example, Hegel writes:

Since the state is no mechanism, but the rational life of self-conscious freedom, since it is the system of the ethical world, it follows that an essential moment in the actual state is the mental attitude (Gesinnung) of the citizens and the consciousness of this ethical world in its principles.<sup>20</sup>

What is of utmost importance is that the law of reason should be shot through and through by the law of particular freedom, and that my particular end should become identified with the universal end, or otherwise the state is left in the air. The state is actual only when its members have a feeling of their own selfhood and it is stable only when public and private ends are identical.<sup>21</sup>

A claim that the basic laws or constitution of the state must be seen as the expression of the will of the citizens is not a new one in political theory. The problem was always to understand how we should understand the will's expression: through direct voting, a theory of implied consent, and the like. It is in this context that Hegel introduces the notion of historically transcending incomplete concepts of right in the actual recognition by citizens of the universality of their constitution. In this way, he hopes as well to reconcile traditional defenses of the authority of law. Hegel is implicitly arguing that obligations to obey the law come neither from the wisdom of the law itself, its objective expression of the truth about human nature, nor exclusively from the consent, or implied consent, of the parties involved. Such authority stems from both such objective and subjective moments, from the explicit recognitions of citizens, and from the fact that they now will the universal itself ("in its principles").

Again, though, one must ask what this can mean for individual, nonphilosophic citizens, and again the passages in question are unclear. There are quite a few places, rarely if ever commented on in the literature, where Hegel's claims about this actual comprehension of the state's universality are quite strong. When he first introduces the concept of the state, he quite clearly distinguishes a distinctively political relation to an ethical institution from an immediate or nonreflective one. While the state is said to exist "immediately" in custom, it exists mediately in "individual self-consciousness, knowledge and activity."22 Or, as he puts it in the Zusatz, "Familial piety is feeling, ethical behavior directed by feeling; political virtue is the willing of the absolute in terms of thought." Again and again, Hegel does not interpret such claims about the state as a longhand way of claiming that the laws of this state are simply rational, or that the subject of such a self-conscious recognition of the state's universality is some metaphysical subject, Absolute Geist, or a "cosmic spirit." That is, at this stage in the political realm, the agents of the actualization we have been tracing throughout are and remain individual subjects in a state. The argument still is that the state cannot be the ethical institution within which action according to the concept of right is possible, unless that state embodies a fully developed concept of human individuality and unless it is recognized, thought, and willed as such by such individuals.

From the very beginning of the discussion of ethicality, Hegel has made that clear, and also made clear how much stress he places on the reflective nature of this relationship. Hegel denies that this relation should be considered as initially like "faith" or trust (even though in everyday life it may be finally experienced that way), and again speaks of knowledge of this identity between self and state, but one that depends on "thinking in terms of the concept." (In paragraph 146, the substantial ethical order is called an "object of knowledge.") Even when Hegel speaks of the "self-will of the individual" vanishing "together with his private conscience," he adds that this is only true because the subject "knows that his own dignity and the whole stability of his particular ends are grounded in the same universal."

Certainly some initial components of such a claim are clear enough. One can at least begin by noting that one aspect of this realization is the recognition by citizens that the laws of the state are indeed universally obligatory. They apply to everyone equally and serve no private, particular end. Second, such laws are viewed as expressions of my freedom, are regarded as posited by my "actual," or truly universal and not particular, contingent will, and so are not viewed as imposed externally.

But this can hardly be all of what Hegel meant by the actualization of freedom in the state. To leave the situation as expressed above would conflict with much of what has been said about actuality before, and would make Hegel's criticisms of Kant (and less directly Hobbes) difficult if not impossible to understand. He goes on to criticize this view of the law, arguing that it is incomplete, that there is a variety of "actual" laws which could be considered self-imposed and formally obligatory. A claim that the law must not be applicable arbitrarily or that it must not be imposed externally does not tell us what laws *could* actualize such "conceptual" demands. It would leave only half-fulfilled the standard for the idea of right quoted at the beginning of this article.

Of course, such a criticism by Hegel does not mean that a philosophy of right must deduce all the specific laws of the state. (It also does not deny that there may be actual laws which are excluded by such purely formal requirements, like laws requiring belief in a specific religion.) While Hegel himself often violates his own restrictions about such particularity, he is generally clear that this problem of actual content concerns only the *constitution* of the state, and that that issue is a general one. It concerns the problem of which set of rules for political association can "actualize" the formal requirements for universality and freedom outlined so far. In short, if Hegel argues that the state must include a class of civil servants who serve no interest other than the state's

as a whole, then the question of how to insure such indifference to their private interests, while addressed by Hegel, is marginal. But demonstrating that such a class is needed is not.

The general problem here is Hegel's assertion that the state is the universal ethical institution, and not the family or institutions in civil society, because only the state is founded on a truly universal, fully rational, reflective, self-conscious relation of individuals. Having argued this, he cannot retreat from such claims about self-consciousness, but must press on, even to the point of attributing a reflectiveness to individual citizens which seems highly exaggerated. In fact, it sometimes seems in the passages quoted above that an essential requirement for citizenship in a Hegelian state which successfully reconciled ethical life with individuality, is that one simply be a Hegelian, that one understand the universality of the state and the notion of its actually embodying the will in fully philosophic, Hegelian terms. As we have seen, this reconciliation is not achieved unless both moments of the will which we have been discussing throughout are brought to completion in this institution. This means that such an institution cannot just (actually or materially) embody my will; I must be aware of the state as truly a relation to myself. There is, though, not a great deal of help in the Philosophy of Right in understanding what this reflective understanding is supposed to be. We know that it cannot be the ortha doxa of Greek political life, Aristotelian habit, or a medieval faith in natural rights given by God. If the state is finally to embody the universal will, it seems to do so either in an incomplete, hardly fully selfconscious way, or else there seems to be only one fully satisfied citizen the philosopher.23

It should be stressed here that this criticism does not merely charge Hegel with a strangely exaggerated view of the rational capacities of citizens. Of course, Hegel does not believe that every citizen will be carrying around his copy of the *Philosophy of Right*, fully versed in the details of dialectic. The point is that if we exclude such an alternative, as we must, and exclude as well a Kantian or Hobbsean recognition of the formal universality of law, and the force of custom in generating a day-to-day acceptance of the *nomos*, as we have done, the question is simply what is left to explain this "willing of the universal" by citizens.

While many of Hegel's criticisms of the formalist and naturalist traditions are quite suggestive, the central doctrine in his own teaching, the claim that the "concept" of right is finally and directly "actualized" in the experience of citizens, is remarkably unstable. When pressed, it threatens to collapse either into the kind of theoretical satisfaction (and reconciliation with actuality) possible only conceptually (and so only to

philosophers), or into an institutionalized opposition between the formal, and so universal requirements of law, and the private, material interests of the members of civil society. At least, if there is a Hegelian position other than these various traces of sublated alternatives, it does not appear very clearly expressed in his remarks on der Staat.

Lest further confusion arise here, it should also be stressed that such a problem is not an invitation to begin a wholesale attack on the notion of the state itself, or on Hegel's "idealism," as in Marx's famous critique. As we have already seen, aside from the self-willed conceptual universality of the state, for Hegel there are simply no substantive or natural ends universal enough to form any truly common bond in a social whole, whether those ends be defined as a kind of political arete. or some "species being." Besides being insufficiently universal, such substantive ends acquire a distinctive worth only when "negated" conceptually, wherein and only wherein a true universality can be found. In the struggle between humans that constitutes self-consciousness itself for Hegel, a final resolution occurs, if you will, only spiritually, only in Anerkennung, recognition. It is true that in Hegel's version of the myth of the Garden of Eden, it is Adam's labor which frees him finally from a subhuman, merely natural state, but the most distinctively human aspect of that labor is, revealingly, Adam's naming the animals.24

Clearly, some of this is admitted by Hegel himself. The system of objective spirit is only a partial analysis of the concept of spirit. In the *Encyclopedia*, there is a further "development of the concept" into the finally "actual" realm of "Absolute Spirit," or Art, Religion, and Philosophy. The problem in the *Philosophy of Right*, however, is that Hegel does not stress (indeed, barely mentions) these limitations on the state, sounding instead as if the state simply actualizes the human will in the end, and by so doing greatly confuses, I think, the way in which we are to understand the actuality of ethical institutions.

There are, though, a few indications in the *Philosophy of Right* that Hegel has shifted emphases in a way that confuses his overall position. For example, in explaining one of that book's central transitions, that from morality to ethical life, we are explicitly referred to a different interpretation of what is required in order to actualize the purely formal position of conscience.<sup>25</sup> In the *Philosophy of Right*, Hegel simply acts as if only life in "the state" will accomplish this task. However, in Chapter 6 of the *Phenomenology*, wherein Hegel analyzes the problem of political association from the Greeks to post-French Revolution Europe, the very same problem of conscience (i.e., pure duty in a "beautiful soul") requires in some sense a total transcendence of the

political realm, first into religion, an initial, "representative" form of universality, and then to "Absolute Knowledge." No mention is made there of a state which could satisfy the demands for universality and for subjective recognition, which Hegel here asserts. Here he simply refers us to the *Phenomenology* and, oddly enough, directs us especially to the section on the transition to a higher stage, simply remarking that the state there is otherwise determined (anders bestimmte).<sup>26</sup>

The results of the interpretation presented above should suggest that these different emphases do not simply reflect different concerns in different contexts. In fact, at the deepest level, the one issue involved in all these different kinds of claims is the central one in the German Idealist critique of Kant—the attempt to overcome the subject's alienation from the world, classically expressed by Kant's insistence on a distinction between noumena and phenomena, freedom and necessity, spirit and nature. Our point of view on an issue of such overwhelming generality has been a modest one: how the notion of actualization functions in Hegel's argument that the state can accomplish this goal with respect to at least one aspect of the subject's freedom, namely that defined by the notion of right. But we have continually found in section IV that, given our interpretation of what the notion of actualization demands, any adequate satisfaction of that demand continually tends to push Hegel towards a more and more comprehensive description of what must be involved in a subject's actualization of freedom in the state. In one sense, this is as it should be, since however adequately the idea of right is actualized, the idea of right is not the Idea (die Absolute Idee), and so cannot count as the full actualization of human freedom. However, we have found that if the state is to count in any way as the actualization of any aspect of human freedom, it is impossible (and apparently was impossible for Hegel as well) to consider that actualization as simply "otherwise determined" than that of the Absolute Idea in wisdom. Instead, such actualization turns out not to be "free," even in its own terms, unless those otherwise determined aspects of actualization stressed in the *Phenomenology* are included within the political realm. At the level of the argument in the Philosophy of Right, Hegel appears to want it both ways: a standard of political legitimacy based on the actualization of the concept of right, and a standard for such actualization which necessarily transcends the political altogether.<sup>27</sup>

At this point, of course, one is tempted to find some other way to understand the tensions described above. The most familiar is biographical. One can point to the difference between the Hegel of 1804 and the state philosopher in Berlin in 1821. But the problem here, whether

the will can be fully actualized in the state or only in philosophy, and thus whether only philosophic citizens are reconciled to the state in the way Hegel argues is, as indicated earlier, a part of a larger and much older problem. What I have suggested here is that the origin of this problem in Hegel does not lie in the details of his personal political history, but much deeper in his entire enterprise. In fact, I am again suggesting that we seem simply "left" here with two familiar alternatives.

One is what could be called the "platonic" view—that the "actualization" of freedom occurs only for the few, not the many, and that this reconciliation occurs only "ideally." This becomes an especially clearer component of Hegel's final claim when one also realizes that the state's actual universality is finally comprehensible only within a reflective comprehension of the entire course of world history. And even so, in this Platonic side to Hegel, no full reconciliation with "the actual" is possible, since nonphilosophers in any actual state do not have a fully reflexive or comprehensive relation to "the concept," and so are not fully satisfied. Such a full Verwirklichung could only occur if either the philosopher rules (and persuades everyone to accept his rule), or if everyone were a philosopher.

On the other hand, especially given the difficulties of the above, we might revert to what one could call (summarizing positions somewhat loosely) the "Hobbes-Kant" view of the relation of law to individual citizens. It must be admitted, though, that this view is difficult to incorporate fully into even a "moment" of Hegel's position, because it depends on a view of the will which he does not accept. That is, on this view, we should regard the laws of the state not as natural laws, nor as moments of Absolute Reason, but as commands, as expressions of a will, but a will understood to be very different from Hegel's "thinking" or rational will. Most of the reasons for this "formal" or "positive" notion of law stem from claims about the limitations of reason, which Hegel also does not accept. On this view, though, the state could be seen as "actually" reconciled with individual citizens, but not with their individual reason, just with their formally universal will. A state's legitimacy should thus not be understood in terms of a "concrete universal," but in terms of sovereignty. Again, this position would not be acceptable to Hegel because it stops too short; it does not specify what the content of this will should be.

However, from all we have seen, asking for any more than such a basis for political unity seems to involve Hegel in at least as many problems as he (rightly, I think) claims are involved in asking for "less," i.e., for an unreflective unity based on feeling, trust, and habit. At this

point, perhaps all one can say is that Hegel's analysis of the relation between formalist and more substantive or "actualized" types of political unity has left the issue an open question rather than a dialectically resolved whole.

## **NOTES**

- 1. G.W.F. Hegel, Grundlinien der Philosophie des Rechts (Hamburg, Felix Meiner Verlag, 1955; hereafter PR). All translations are my own, although I have frequently consulted that of T. M. Knox, Hegel's Philosophy of Right (Oxford, Oxford University Press, 1967).
  - 2. Rudolf Haym, Hegel und seine Zeit (Neudruck Hildesheim, 1962).
- 3. For a summary of many of the positions in this controversy, and an interesting analysis, see Michael Theunissen, Die Verwirklichung der Vernunft. Zur Theorie-Praxis-Diskussion im Anschluss an Hegel, Philosphische Rundschau Beiheft 6 (Tübingen, J.C.B. Mohr, 1970). Some less interesting but much more well-known aspects of the dispute can be found in Walter Kaufmann's collection, Hegel's Political Philosophy (New York, Atherton Press, 1970).
  - 4. PR, pp. 15-16.
- 5. I have discussed this aspect of the controversy about Wirklichkeit in "The Rose and the Owl: Some Remarks on the Theory-Practice Problem in Hegel," forthcoming in a special Hegel issue of *The Independent Journal of Philosophy*.
- 6. Hegel himself explicitly contrasts "die Frage nach der wahrhaften Rechtfertigung" with a mere "Rechtfertigung aus Umständen," and vigorously opposes any such appeal to history (PR, p. 24).
- 7. This whole issue is discussed in a valuable book by M. B. Foster, *The Political Philosophies of Plato and Hegel* (Oxford, Oxford University Press, 1935). Although I think Foster's comparison of Hegel and Plato ends up making Hegel far too "Platonic," I have made use of a great deal of his book here. It should also be stressed here that the above criticism represents *Hegel's* view of Plato. Obviously there is a good deal more to this issue in Plato, particularly since philosophy is present in the second, less "natural" city. Other issues which would have to be discussed in any full account are the doctrine of *eros* in the *Symposium*, and the whole problem of the tension between philosophy and politics in Plato (issues which Foster neglects).
- 8. I will not be dealing here (at least not in any adequate detail) with Hegel's specific relation to his predecessors. See Manfred Riedel's "Natur und Freiheit in Hegels Rechtsphilosophie," in *Materialien zu Hegels Rechtsphilosophie, Bd. 2,* ed. Manfred Riedel (Frankfurt, Suhrkamp, 1974), and his book, *Theorie und Praxis im Denken Hegels* (Frankfurt, Ullstein, 1965).
- 9. John Rawls, A Theory of Justice (Cambridge, Harvard University Press, 1971), p. 454. Some ambiguities in just how Rawls wants to include this component in his account are pointed out by Gerald Doppelt, "Rawls' System of Justice: A Critique from the Left," forthcoming in Nous.
- 10. See Rawls, p. 158: "Now the point to stress here is that there is no objection to resting the choice of first principles upon the general facts of economics and psychology."

- 11. PR, p. 10.
- 12. PR, pp. 31-32.
- 13. G.W.F. Hegel, Enzyklopädie der philosophischen Wissenschaften (Hamburg, Felix Meiner, 1969), pp. 152-154.
  - 14. PR, p. 32.
- 15. Hegel is not Gilbert Ryle, but he is at least as far away from a "Cartesian" view of this relation between "inner" and "outer." For a preliminary look at some aspects of this issue, see Alasdair MacIntyre, "Hegel on Faces and Skulls," in *Hegel*, ed. A. MacIntyre (Notre Dame, University of Notre Dame Press, 1976). MacIntyre also defends, in his own name, some similar important "Hegelian" issues in Part II of Against the Self: Image of the Age (London, Duckworth, 1971).
- 16. One of Hegel's most detailed presentations of this methodology occurs in the Introduction to the *Phenomenology of Spirit*. For a fuller interpretation of that methodology than is possible here, see my "Hegel's Phenomenological Criticism," *Man and World* 8 (August 1975), and "Hegel's Metaphysics and the Problem of Contradiction," *Journal of the History of Philosophy* XVI (July 1978). A full exposition of the notion of *Wirklichkeit* would take one deep into the second book of Hegel's *Science of Logic*, and his claim that "Die Wirklichkeit ist die Einheit des Wesens und der Existenz," *Wissenschaft der Logik*, Bd. II, (Hamburg, Felix Meiner, 1969), pp. 156-210.
  - 17 PR, pp. 214-215.
- 18. At this point, compare the interpretation of Z. A. Pelczynski, "The Hegelian Conception of the State," in *Hegel's Political Philosophy*, ed. Z. A. Pelczynski (Cambridge, Cambridge University Press, 1971). Pelczynski argues the "state as legal institution" is only part of Hegel's view of the "state," that the latter includes the ethical life of the family and civil society, and so reconciliation to the laws of the state can only be understood within the historically grounded experience of this larger whole. While I differ somewhat with the interpretation of "institution" advanced by Pelczynski (it seems to me more a full *expression* of this "ethical life" than an element of it), I want only to point out here that Pelczynski himself, in the last paragraph, admits that what is often overlooked by Hegel's critics is the crucial role played by what is called "educated insight" in defining the proper relation of citizens to state. I find that notion problematic and will explore it in more detail below. It is not clear, I will suggest, how citizens are to "understand" the state, even admitting many of Pelczynski's helpful qualifications.
- 19. There are two excellent discussions of this problem in the development of Hegel's thought: H. S. Harris in *Hegel's Development* (Oxford, Oxford University Press, 1972), Chs. 3, 4, and 5, and Shlomo Avineri, *Hegel's Theory of the Modern State* (Cambridge, Cambridge University Press, 1972) especially Chs. 1-5 and 9.
  - 20. PR, p. 227.
  - 21. T. M. Knox, Hegel's Philosophy of Right, p. 281 (Zusatz, paragraph 245).
  - 22. PR, pp. 207-208.
- 23. Again, I do not take Hegel to be claiming here that in the state, every aspect of public life is "thought through the universal." He makes clear in his remarks on "oeffentliche Meinung" that this would destroy the individual, subjective freedom he wishes to preserve. But with respect to the individual's relation to the law, he does make such strong claims. See also his remarks on the "right of insight" in morality, paragraphs 132, 132A. Further, when Hegel remarks in paragraph 147 that it is one thing to be a pagan, another to believe in a pagan religion, the point being made here could be put by saying it would be still another to "know," "will," "recognize," and "affirm" the universality of paganism.

- 24. For Hegel's comments on the "negation" of nature, see Vorlesungen ueber die Philosophie der Weltgeschichte (Hamburg, Felix Meiner, 1968), p. 728.
- 25. The point is made by Judith Sklar in Freedom and Independence (Cambridge, Cambridge University Press, 1976), pp. 203 ff. I disagree, however, with her statement of the difficulty, and particularly with her opposition between "social rationality" which she closely associates with Hegel's interpretation of "passion," and "private" ratiocination. Most of the problems I have been discussing stem rather from Hegel's attempt to avoid this view of the dualism, not to emphasize it. Sklar is right, though, that when one compares the Phenomenology with the PR on this score, one ends up concluding that the state just seems "to attribute an occasional civic experience to the members of a market society" (p. 208).
- 26. On this general problem of "theory and praxis" in Hegel, compare S. Rosen, G. W.F. Hegel (New Haven, Yale University Press, 1974), Ch. 10. The above discussion represents the "other side" of the problem Hegel faces in overcoming this dualism, as that problem is stated by Rosen. Hegel's view, not just of the wise, but of the nonwise, fails to fulfill his own requirements for the completion of history, and thus, I think makes understandable the persistence of the stance of modern "Moralität."
- 27. Although this problem is more complicated than the above summary can indicate, I think enough has been said about it to claim that this problem of formulating adequately the criteria for actualization and the status of those criteria in the self-consciousness of the actualizing agents turns up again and again in post-Hegelian discussions, usually in the guise of the "theory-practice" problem, or the "class consciousness" issue.

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