

The State as Organism: The Metaphysical Basis of Hegel's *Philosophy of Right*

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In the *Critique of Judgment*, Kant outlines features of nature considered as an organism. We can without contradiction think or conceive of nature in this way, in his view, but we can never know or experience nature in this way. Indeed, the kind of causality that governs nature qua organism, he says, "has nothing analogous to any causality known to us."¹ To conceive of nature as an organism is to conceive of it as governed not merely by mechanical laws but also by what Kant refers to as a causality of purposes. We explain natural phenomena mechanically when we discover, for any particular appearance, its antecedent causal conditions. We explain from a mechanical point of view the growth of a tree, for example, when we isolate the elements and forces of nature which go into its production: the seeds, soil, and climate it needs to grow. We say the tree is an *effect* of these and other (efficient) causes. Considered from the standpoint of the causality of purposes, however, any particular phenomenon is, as Kant puts it, "both cause and effect of itself" (*CJ* § 64 [370]).² Mechanism does not and cannot explain how the tree is able to *use* or *process* the elements and forces required for its growth. The tree has the remarkable capacity, Kant writes, to "separate and recombine" the raw material given to it until that material takes on "the quality of the species." The quality of the species, he tells us, is not itself something that "the natural mechanism outside the plant" can supply (*CJ* § 64 [371]). It is by means of this process of separation and recombination, whereby the tree processes and uses the matter given to it, that the tree is able to generate or reproduce, and so *cause*, itself.

The causality of purposes may be invoked to explain the relation of the tree to its parts as well. We can consider the leaves of a tree, Kant tells us, not merely as effects of natural forces but as in some sense also causes. From the mechanical point of view, their growth is the product of efficient natural conditions; when considered from the perspective of the causality of purposes, however, the leaves may also be thought of as *self-generated*. Since, as Kant points out, repeated defoliation would kill the tree, the leaves aid the tree's growth

(*CJ* § 64 [371 f.]). In helping to sustain the tree, the leaves sustain themselves in turn. They are thus not merely *effects of* or *determined by* the natural processes necessary for their growth but, in *using* those processes, also in part *determine* them.

Kant's aim in these examples is to explain how nature considered as an organism has a causal role to play in its own reproduction. Its parts are more than simply effects of the mechanical forces of the whole; rather, parts of nature (like the leaves of a tree), thanks to "*their own causality*," as he puts it, "produce one another as regards both their form and combination, and ... in this way ... produce a whole..." (*CJ* § 65 [373], my emphasis). Because parts of nature and nature considered as an organic whole sustain or "reciprocally determine" one another, they can be thought to stand to each other in a relation of "purposive agreement" or "harmony."³ Considered as an organism, nothing in nature, Kant writes, is "gratuitous, purposeless, or to be attributed to a blind natural mechanism" (*CJ* § 66 [376]). Moreover, the relation of harmony that exists between nature and its parts is not caused by something *outside* nature itself. Unlike artifacts that depend for their organization upon some *external* rational plan or cause, nature qua organism is a "*self-organizing*" being (*CJ* § 65 [374]). Its parts stand in a purposive relation to the whole in that they sustain and reproduce the whole "*through their own causality*."

In a footnote, Kant draws upon the domain of political theory for a further illustration of this idea of organic totality. Referring, presumably, to the formation of the United States, he mentions the recent "complete transformation of a large people into a state." In this organization, he writes, not only does the idea of the whole determine each member's "position and function," but "each member contributes to making the whole possible" (*CJ* § 65 [375]). Here in the realm of political theory we have an "analogy," he says, of the idea of natural purposes. Notice that the harmony or agreement supposed to obtain between the state and its members derives from the fact that the state and its members *reciprocally determine* each other. Their harmony is not, then, *externally* caused or planned. Notice, too, that Kant's insistence upon reciprocal determination implies that neither the state as a whole nor its members, on this conception, is simply the effect of the other. *Each* has a causal or determining role in maintaining organic unity. So not only is the state more than just the product of (the will of) the people, the "position and function" of the people are likewise more than mere determinations of (the authority of) the state. The people, then, are not just effects but also causes; as Kant says, they "make the whole possible."

This brings us to Hegel and the topic I want to explore in this paper: the role of the idea of organic unity in his *Philosophy of Right*. What does Hegel have in mind when (in writing of the

transformation of civil society into the state) he tells us that in the state, spirit is "objective and actual to itself as an *organic* totality in laws and institutions"?⁴ How does he use Kant's model of nature qua organism to articulate what he takes to be the proper way to understand the relation of the state to its citizens?

One thing we need to bear in mind at the outset is that Hegel rejects Kant's claim, mentioned above, that organic unity cannot be known or experienced by us but must remain for our understanding an idea only. For Hegel, the idea of organic unity can indeed have objective reality, can somehow be actual in experience. The idea suggests to him the way we should think about the actual, not merely ideal, relation between form and content in the domain of theoretical knowledge, as well as the actual, not merely ideal, relation between the rational state and the ends of its citizens in the domain of the practical. As we shall see below, Hegel borrows from the idea of organic unity a conception of rational form or law that not only determines but is also in some way determined by nature. He in turn undertakes to persuade us that particular phenomena of nature have a causal role to play in the production of the rational. He uses the idea of organic unity to undermine the distinction between reason and nature upon which Kant's Critical philosophy rests and to provide in its place a new metaphysics and a new metaphysical basis of right.

Because I believe we benefit from considering Hegel's critique of Kant's approach to right against the background of his critique of Kant more generally, I begin with a brief review of Hegel's treatment of the role of the idea of organic unity in Kant's theoretical philosophy. Once we have some grasp of the grounds of his frustration with Kant's insistence that the idea can never become real for us, we will be in a position to piece together key features of his critique of Kant's metaphysics. This will allow us to then consider the way in which the idea of organic unity inspires his own alternative to Kant and how it guides his effort to improve upon Kant's conceptions of human freedom and of the role of the state.

1.

It is no accident that Kant's account in the third *Critique* of the above-mentioned features of nature as an organism occurs in the context of a discussion devoted to reminding us of the *limits* of our form of understanding. It is because of those limits, he insists, that nature as an organic unity must remain for us an idea only. The limits Kant has in mind follow necessarily from the fact that our form of understanding is, as he tells us, "discursive" rather than "intuitive." As discursive, we must in our cognition of nature rely upon an independently given sense content. Unlike an intuitive intellect, we lack the power to

produce the matter of sensation out of our own cognitive activity. In our efforts to know nature, we must first be affected by an independently given matter of sensation that we then unify into a thinkable content by means of a priori concepts or categories.

Kant argues that two forms of contingency result from this discursive nature of our form of understanding. First, *how* the independently given sense content is given to us is contingent, simply because how it is given is not within our control (*CJ* § 77 [406]). Second, the *relation* between that content and our concepts is contingent, since our form of understanding (qua discursive) cannot produce sensible particulars from its concepts. Kant points out that this second contingency has the following important implication: it implies that we can never know whether the given particulars in fact fit or conform to our conceptual determinations.

Kant goes on to tell us, however, that even though we can never know whether there is a conformity or fit between our concepts and the given matter of sensation, we have no option but to presuppose such a fit. We must presuppose a fit because, without the assumption that the matter of sensation is *susceptible* to our conceptual determinations, our empirical inquiries could never get underway.⁵ As he explains not just in the third *Critique* but already in the first, the very formation of empirical generalizations or laws requires our division of appearances into genera and species. We cannot perform this division without assuming that it is possible to discover, in the appearances, a certain homogeneity. We assume, that is, that in the “seemingly infinite variety” of nature there is a “unity of fundamental properties” rather than a unique causal power determining each effect.⁶ We furthermore presuppose a certain diversity. We assume that nature is not *just* homogeneous but admits of some specification, some separation into species (A 684 f./B 682 f.). In assuming homogeneity and diversity in this way, Kant says, we in effect treat nature as more than a “contingent aggregate” (A 645/B 673). We presuppose, that is, that nature is a systematic unity. We presuppose a conformity between its given particulars and the concepts supplied by our understanding.⁷

The model of nature as an organic unity in the third *Critique* provides Kant a means for elucidating this idea of a necessary fit or harmony between parts of nature and nature as a whole. For nature conceived as an organism, there *is* no contingency either in how its particulars are given or in their relation to the whole. Not surprisingly, Kant accounts for this lack of contingency with reference to the fact that, on the organic model, the parts or particulars are not taken to be independently given. Were they independently given, they would be originally formless and related to the whole of nature in the following way: they would gain form or determination

only from our system of concepts. Recall, however, that Kant tells us that parts of nature qua organism are not adequately described as simply undergoing determination. In nature considered as an organism, parts are related to the whole not merely as effects of mechanical laws or forces but also as purposes. They not only undergo determination, they also determine; they have a causal role to play in making the whole of nature possible. They stand to the whole in a relation of reciprocal determination and harmony.

As Kant tells this story, then, the contingency and lack of harmony that characterize *our* cognition of nature are necessary consequences of our discursivity—of the fact that in our cognitions of nature we must rely on an independently given content. This is why he insists that nature as an organic unity, as a perfect harmony between whole and parts, can never be more than an idea for us. Kant tells the story in this way—but it is important that we bear in mind that this is not, for him, the whole story. The contingency and lack of harmony that characterize our cognition of nature are indeed not, in his view, consequences merely of the fact that we, qua discursive, must rely on an independently given sense content. Rather, contingency, for Kant, follows from *two* features of our discursivity *taken together*: one has to do with our necessary dependence upon an independently given sense content; the other concerns the particular nature of some of our concepts.

Kant tends not to make explicit this point that contingency results only from the combination of these two features of our cognition, but it is undoubtedly his view. He is surely aware that the fact that we must rely on an independently given content does not by itself imply that there can be no necessary connection between our concepts and that content. Contingency in the relation between our concepts and sense content is not implied if we assume—with his empiricist predecessors, for instance—that our concepts simply derive from (and therefore can indeed reflect) the content of sense experience. Contingency *is* implied, however, if we assume (with Kant) that in addition to having to rely on an independently given content, we have to rely on concepts that are independently given as well. The categories that ultimately govern the way in which we unify the matter of sensation into a thinkable content are, in his view, independently given in the following sense: they rely neither for their origin nor for their nature on that sense content. This is why he characterizes them as *a priori*.

So Kant is not telling the whole story when he suggests in the third *Critique* that we are unable to know or experience a harmony between the given particulars of sensation and our concepts simply because sense content for our discursive understanding must be independently given. The fact that harmony can be no more than an idea for us is a function of his parti-

cular account of the nature of conceptual form as well. As Hegel often puts it, sense content and a priori concepts are, on the Kantian conception, "originally heterogeneous."⁸ Neither depends for its nature or origin on the other. Because originally heterogeneous, sense content and a priori concepts stand to each other in anything but a relation of reciprocal determination and harmony.

2.

When Hegel charges that Kant should have recognized in the model of nature as an organism more than a mere idea, it is clear that his frustration is directed at this account of the consequences of our discursivity. Hegel complains that, in the domain of theoretical philosophy, discursivity for Kant implies an ultimately *skeptical* thesis about the possibility of human knowledge. This is because, as we have just seen, discursivity for Kant implies that we can have no way of knowing whether the given matter of sensation is susceptible to or in harmony with our categorial determinations. Not only is this implication of the limits to what we can know *consistent* with Kant's insistence in the opening pages of the first *Critique* that he has discovered a way to secure some necessary knowledge of nature (to "save metaphysics"), it determines his strategy for doing so. The key to saving metaphysics, according to Kant, lies in surrendering all hope of knowing objects wholly independent of our a priori forms. Saving metaphysics, that is, requires that we give up the expectation that it is possible to demonstrate a necessary fit between our categories and the independently given matter of sensation. We are to content ourselves, instead, with demonstrating a necessary fit between our categories and objects as they must be known by us.

This is the strategy of Kant's "Copernican Revolution" in philosophy. As far as Hegel is concerned, it is a strategy that concedes a clear victory to the skeptic. Even granting the success of Kant's effort to secure for us some necessary material knowledge, the material knowledge that gets "saved," in Hegel's estimation, is merely "subjective."⁹ Hegel labels it subjective not because he ignores or misunderstands Kant's claim to have discovered that human experience depends upon necessary a priori conditions but because the validity of those necessary conditions extends, as Kant himself admits, to objects *only as they may be known by us*. Hegel's charge of subjectivity is in other words directed at Kant's own representation of the outcome of his Copernican experiment, his claim that "we can know a priori of things *only what we put into them*" (B xviii, my emphasis).

More to the point of our main topic here, Hegel is convinced that this subjective character of Kant's revolution has undesirable consequences for his practical philosophy as well. As in the

case of theoretical philosophy, Kant understands his task in the domain of practical philosophy to be that of "saving" morality. As in the theoretical philosophy, he adopts the strategy of setting out to demonstrate that the very possibility of morality and its central object—human freedom—depends upon a necessary subjective form. That form, the a priori law of practical reason or categorical imperative, is in his view what determines an originally formless content: the inclinations and desires that derive from our animal or merely empirical natures. These are originally formless in the following sense: they cannot themselves be the source of moral norms. They take on such form only when subject to the determination of the moral law. And just as Kant's theoretical philosophy leaves us with the conclusion that we can never know whether our categorial determinations are in harmony with the independently given matter of sensation, so in the domain of the practical, he tells us, we cannot hope to realize in this life a harmony between the formal or a priori law of morality and our empirical inclinations and desires.¹¹

3.

I have so far drawn attention to the way in which Kant's account of the relation between nature and law, in both his theoretical and his practical philosophy, reflects his understanding of the consequences of our discursivity. As discursive intellects, we must rely upon a matter of sensation that is independently given. If that matter is to become either unified into a thinkable content or rendered morally fit, it needs to be conditioned by a form that derives from the subject. On this account, the given content is originally formless, and the form that conditions it is a priori. As we just saw, this commitment to the heterogeneity of form and content has two important implications for Kant's practical philosophy. First, human inclination, because it is originally formless, can never itself be the source of moral law; laws of morality and right must instead derive from our faculty of pure practical reason. Second, because inclination and reason are supposed to be originally heterogeneous, inclination can never be thought of as in perfect harmony with law. Inclination, on this conception, is what needs to be brought under the governance of law; it cannot itself be lawful or rational. The harmony between inclination and reason, between happiness and morality, must therefore remain an ideal hoped for but not realizable in this life. As Kant writes in the *Critique of Practical Reason*, their harmony is "a perfection of which no rational being in the world of sense is at any time capable."¹²

These implications indeed follow from Kant's commitment to heterogeneity, but why is Hegel convinced that they stand in the way of a fully satisfactory theory of right? One of the reasons this question is difficult to answer is because, to a

significant extent, *The Philosophy of Right* is indebted to Kant. It is no exaggeration to say, even, that in important respects, Hegel's own conception of right is the fulfillment of aims first clearly articulated by Kant. He considers Kant's approach a great advance, especially beyond that of Hobbes, and he incorporates some of Kant's key assumptions into his own conception of right.

Before we move on to consider why Hegel thinks that Kant's commitment to heterogeneity prevents him from providing a fully satisfactory theory of right, let's take a moment to review some of the principal assumptions *The Philosophy of Right* borrows from Kant. Very roughly, Hegel's appreciation for Kant's approach amounts to this: He believes Kant makes important progress in overcoming the problem of the externality of right, the problem of the coercive character of law. Hegel, for example, stands firmly behind Kant's insistence that there can be no system of right unless we presuppose that the will is free. He is convinced by Kant's insistence that right must be based on consent rather than coercion and that there can be no consent (in any nonempty sense) if we hold that the only laws governing human behavior are deterministic laws of nature. He sides with Kant against Hobbes, then, in defining right as "an existence in general which is the existence of the *free will*" (PR § 29).

Hegel moreover praises Kant for recognizing an instability inherent in Hobbes's conception of the respective ends of the particular will and of the state. For Hobbes, the ends each of us is driven by nature to satisfy are private or particular—ends determined first and foremost by self-love. The instinct of self-preservation motivates us to secure, above all else, our *own* safety and comfort.¹³ It is rational for us to agree to be governed by laws of an impartial third party, Hobbes argues, because we lack any *natural* means of regulating the competition that threatens us in the state of nature. We, therefore, best secure the satisfaction of our private ends by agreeing to submit to a common power (a sovereign or state). The role of that power is to secure peace by insuring that law gets applied impartially—without regard, that is, to particularity. This model is unstable, however, because cases will inevitably arise in which a will's private ends conflict with the ends of the state. Given that, on the Hobbesian account, a particular will is motivated to seek the satisfaction of its private ends alone, on such occasions it will lack even prudential grounds for recognizing or obeying what impartiality commands. This is why Hegel argues in his discussion of "Abstract Right" that if we insist upon defining right as the *indifference* to particularity, what inevitably results is wrong.¹⁴

So Kant correctly identifies at least two reasons why the Hobbesian state cannot be a rightful or legitimate state: since

according to Hobbes we have no free will, the Hobbesian state cannot be grounded on consent. Moreover, it can provide no rightful resolution to the conflicts that are bound to arise between the particular will and impartial law. Because, for Hobbes, a particular will is motivated to seek the satisfaction of its private ends alone, the state has to extract its compliance, in the end, by fear or force.¹⁵

Agreeing with Rousseau that no one would consent to be a slave, Kant undertakes to determine the conditions under which a rational person would permit her actions to be governed by state power. Superficially, his answer looks very much like Hobbes's: A rational person would agree, only if she is able to discover her aims and interests *reflected* in the aims and interests of that power. As we just saw, however, the Hobbesian model is unstable because, for Hobbes, the only ends a particular will is motivated to satisfy are her own particular or private ends. She therefore cannot expect to discover those ends, qua particular, necessarily reflected in impartial law.

Kant's strategy for avoiding this instability, of course, is to introduce a new conception of the nature of human motivation, a new conception of practical subjectivity. He begins with the idea that a particular will seeks not merely the satisfaction of its private ends but also the satisfaction of ends shared in common with other wills. A particular will, more precisely, is not just determined by nature to satisfy its private ends (the ends that distinguish it from other wills); it is also, qua rational, motivated by practical reason to respect ends valid for rational nature as such. On this account, practical reason has a genuinely legislative employment. Its role is not merely that of calculating the means to secure ends set by nature; rather, practical reason itself sets ends. And the ends it sets, Kant insists, are necessarily valid for all rational agents.

We achieve an advance beyond Hobbes, then, thanks to the fact that Kant provides us a means for arguing that the particular will can indeed find its interests reflected in impartial law. It can do so because, qua rational, what it wills is impartial law. Thanks to Kant, we can now think of the will as, in Hegel's words, "a particular subjective will" that also "wills the universal as such" (*PR* § 103). In *The Philosophy of Right*, this innovation makes possible the transition from the standpoint of "Abstract Right" to that of "Morality."

To summarize, Hegel endorses Kant's claim that a particular will awards legitimacy only to those laws in which it finds its ends reflected. He refers to this Kantian insight as the "right" of the "moral point of view." In accordance with this right, he tells us, "the will can *recognize* something ... only in so far as that thing is *its own* ... [*das Seinige*]" (*PR* § 107). Hegel furthermore praises Kant for acknowledging that in order to provide for the possibility that a particular will may find itself reflected in

impartial law, we need an alternative to the Hobbesian conception of human subjectivity. Thanks to the fact that, on the Kantian account, we are not merely animal natures determined by natural drives and instinct but in addition have an "intelligible nature" and, therefore, the capacity for self-legislation, our theory of right can accommodate the idea that even laws supposed to be valid for all rational natures are laws that reflect a particular agent's will. On the Hobbesian conception, Hegel explains, right appears "only as an *obligation* because the will is not yet present as a will which has freed itself from the immediacy of interest in such a way that, as a particular will, it has the universal will as its end" (*PR* § 86).¹⁶ For Kant, in contrast, if a particular will is motivated by the rational or intelligible part of its nature, it will honor the legitimacy of right even when doing so conflicts with its private ends. Because Kantian practical reason belongs to and is an expression of part of our subjectivity, it has no need to extract our obedience by force. Kantian practical reason thus seems to give us all we need to solve problem of the coercive or external character of law. When we submit to its commands, we in effect become our own masters. We realize an essential part of our nature (our nature qua intelligible or rational beings). In doing so, we secure independence from the natural forces that determine us. We express our freedom or autonomy.

4.

Turning now to Hegel's representation of the *limits* of this approach, we can formulate his main criticism as follows: this "moral point of view" offers us no more than a *partial* solution to the problem of the externality of law. What it in fact does, Hegel tells us, is trade one form of externality for another. Thanks to Kant, impartial law does lose its externality in *some* sense: law is no longer understood to originate *outside* the agent (in, for example, God's will, laws of an absolute sovereign, or forces of nature). But thanks to Kant, the externality problem simply gets reproduced within each particular will. To achieve moral fitness, the inclinations that derive from my empirical character must submit to the laws of my intelligible or rational character, to the governance of pure practical reason. As Hegel writes of this account, the "subjective will is not yet posited as assimilated to [the good] and in conformity with it. It thus stands in a *relationship* to the good ... whereby it *ought* to make the good its end and fulfil it" (*PR* § 131). Because the inclinations of my empirical character can never themselves generate form or law, my empirical character can never get beyond this mere *relationship* to the good. The good, in other words, must remain external to it. On this conception, Hegel points out, the rational can thus appear "only as a limitation ... and not as immanent rationality" (*PR* § 29). My empirical

character, in short, can never find itself reflected in impartial law; it can never perfectly harmonize with law. Effective self-legislation must ultimately take the form of coercion.

As I hope is now clear, this problem of the coercive or external character of law is a necessary consequence of the metaphysical foundation of Kant's practical philosophy—of his commitment, in particular, to the thesis of the original heterogeneity of form and content. In Hegel's view, the problem of the externality of law in the domain of the practical parallels the skepticism implied by Kant's understanding of the consequences of our discursivity for theoretical knowledge. As we have seen, Kant takes the fact of our discursivity to imply that we can know objects only as conditioned by our subjective forms. The preformed matter of sensation upon which our cognition of nature depends itself lies outside the scope of our knowledge. We must nonetheless presuppose a necessary unity or harmony between the matter of sensation and our a priori concepts, he argues, as a condition of the possibility of empirical inquiry. Kant likewise argues that, as a condition of the possibility of *practical* inquiry, we have to presuppose a harmony or unity that in fact can never be realized for us in this world, a harmony between inclination or happiness and the requirements of pure practical reason.

One way to represent what Hegel rejects in all this—what he finds unacceptable in the thesis of original heterogeneity—is to say that he seeks some way to replace disharmony with unity. In theoretical philosophy, he seeks a way to avoid Kantian skepticism, a way to demonstrate that our concepts *can* conform to the nature of things themselves. In practical philosophy, he sets out to defend the view that the state can be for us the realm of “actualized” versus merely hoped for but unrealizable freedom (*PR* § 4).

Although this representation of Hegel's aims is accurate, it tells us nothing either about how he undertakes to dislodge the thesis of heterogeneity or about what he intends to put in its place. As for what he intends to put in its place, I suspect we can derive some clue from the thesis with which this essay began: that Hegel's alternative to Kant's conception of the original heterogeneity of form and content is modeled after the idea of organic unity. We saw how, on Kant's account in the *Critique of Judgment*, there is a sense in which the form of a thing qua organism is not distinct from its matter or parts. It is not distinct because, on this model, the matter or parts of a thing play an essential role in causing or determining its form. Parts maintain and generate the whole, Kant writes, because “through their own causality they produce one another as regards both their form and their combination” (*CJ* § 65 [373]). The parts or matter of an organism thus are not properly described as capable merely of *undergoing* determination (by

some form external to themselves); as we saw, they also *determine or generate* form.

If we think of matter in this way—as capable not just of *undergoing* determination but also of *determining* form—and apply this way of thinking to the role of human inclination in the practical sphere, we get a clue to Hegel's solution to the problem of the externality of law. We know that, for Kant, our empirical ends or ends of inclination can never give themselves moral form—can never themselves be rational. This is a consequence of his commitment to the thesis of original heterogeneity. *The Philosophy of Right* calls into question this conception of human inclination. The key to Hegel's solution to the problem of disharmony, the key to his defense of the unity of the rational and the actual and of the state as the realm of "actualized freedom," is given in the idea that human inclination, rather than having to be subsumed under laws originating from an intelligible or nonempirical subject, can give itself or generate moral law, can itself be rational.¹⁷ Moreover, this new conception of inclination, or of the ends we have as empirical natures, implies for Hegel a new conception of practical reason as well. To admit that inclination can give itself law or can itself determine the rational, according to Hegel, is to trace the origin of rational requirements back to a capacity we have as beings of *this* world. Hegel, in other words, believes that we can account for our capacity for self-limitation or self-governance without having to posit an intelligible or nonempirical form of subjectivity. We can do this, he seems to think, if we replace the Kantian idea that reason and inclination are originally heterogeneous with the idea that, as on the organic model, the two faculties stand to each other in a relation of reciprocal determination.

5.

Let's recall, very briefly, Kant's own example from the third *Critique* of the state as an organic totality. He tells us there that, on the one hand, the idea of the organization as a whole determines each member's "position and function" and that, on the other, "each member contributes to making the whole possible" (*PR* § 65). The relation of harmony between the parts of the organism and the organism as a whole is not externally caused or planned; rather, he says, it is a product of reciprocal determination. Because the determination is reciprocal, neither the whole nor its parts is the mere effect of the other. Each has a causal role to play in maintaining organic unity.

The question before us now is: How does this idea of reciprocal determination get played out in *The Philosophy of Right*? As I just mentioned, the idea suggests to Hegel a new conception of the faculties of reason and inclination (and a new conception of the realms of the rational and the actual). Rather

than originally heterogeneous, the faculties are somehow parts (or "moments") of an original unity.¹⁸ Neither is the mere effect of the other; each is also a cause—each, that is, in some way determines the other. If we consider more closely the point that, on this conception, inclination not only undergoes determination but also causes or determines, we can in these final paragraphs provide at least a rough idea of how the model of reciprocal determination is responsible for key features of Hegel's treatment of right.

If, as the model of reciprocal determination suggests, our inclinations or the ends we have as merely animal or empirical natures have a role to play in determining form or law, then what we get is, again, a new conception of the nature of practical reason and of the origin of its requirements. What this model rules out, clearly, is the idea that practical reason's requirements are already given or a priori—that they can be taken to derive from a realm wholly external to or independent of the realm of the actual. Hegel sets out to convince us that, instead, they in some way owe their origin as well as their content to who we are as historically situated beings.

One way this new conception of practical reason shows up in *The Philosophy of Right* is in Hegel's concern to distance his approach from those that set out from the assumption that some of our rights and liberties are *pregiven* (given in a 'state of nature', for example, or by pure reason). The thesis that there are "natural" or "original" rights and liberties, rights and liberties that *preexist* any actual political organization, is in Hegel's view empty or abstract. It depends upon ignoring how it is that, independent of a system of social recognition secured by law, there *can be* no rights or liberties (no property, no freedom of choice) in any meaningful sense. There can be no *pregiven* rights and liberties, Hegel argues, because of the way in which what is rational depends upon what is actual. What he has in mind, I believe, is more than the idea that without actual social and political institutions, our rights and liberties would enjoy no effective protection or recognition. Nor is he simply out to endorse Kant's claim in the essay "Idea for a Universal History from a Cosmopolitan Point of View," that in the absence of natural inclinations (in particular the inclination of "unsocial sociability"), reason would never be awakened into action at all.¹⁹ Rather, in claiming that the rational depends upon the actual, Hegel seeks to draw attention to the fact that what we come to *recognize or identify* as our rights and liberties is itself conditioned by the ends and commitments of our actual historical situation—by our particular conception of human nature, for example, and our particular understanding of the kind of freedom of which we are capable. Part of what Hegel sets out to demonstrate in *The Philosophy of Right* is that these aims and commitments are not and cannot be fixed. Rather

than pre-given, they reflect the actual state of consciousness and material reality of the moment of history from which they emerge.

This point about the way in which the realm of the rational depends upon or is determined by the realm of the actual shows up in Hegel's critique of *liberal* conceptions of the state as well. The problem with the liberal conception, which reduces the role of the state to that of merely limiting our rights and liberties for the sake of social well-being, is that it is parasitic upon the natural rights approach we just considered.²⁰ As just noted, the natural rights approach posits the existence of original or natural rights because it ignores the way in which what we identify as rational depends upon the realm of the actual. The liberal conception commits this very same abstraction, according to Hegel: it ignores the fact that it is only *in* the state (in a system of social recognition secured by law) that freedom and rights first come to be.²¹

Finally, Hegel is convinced that the model of the reciprocal determination of reason and inclination opens up for us new possibilities for self-perfection. For Kant, a perfect harmony between reason and inclination is not realizable for us in this world. It is not realizable because reason and inclination are originally heterogeneous: our inclinations can never themselves be rational. On Hegel's alternative conception, what follows from our nature as rational animals is that our inclinations can indeed be self-limiting or self-governing. They can become morally fit or rational, as we have seen, because they are themselves capable of generating form. On this conception, inclinations don't merely undergo determination; like parts of an organism, they also produce form or law "through their own causality."

If the inclinations deriving from our empirical natures have a role to play in generating form or law, then, again, form or law is dependent upon who we are as actual versus "intelligible" or "noumenal" agents, agents locatable in space and time. According to this view, the fact that we have the idea of form or law should not be taken as evidence that we can, somehow, "overleap our time"; rather, it attests to the fact that rationality is already present or actual in our world. The rational is not an antecedently given ideal, nor is it unattainable, on Hegel's account. It cannot exist as an idea without at the same time revealing to us the reality of the institutions of social life. The same goes for philosophy. As Hegel writes in his Preface, it is "just as foolish to imagine [*wähnen*] that any philosophy can transcend its contemporary world as that an individual can overleap his own time." Philosophy, instead, is "*its own time comprehended in thoughts*."

For reasons that are hardly surprising, critics of Hegel have time and again conflated this 'historicized' conception of reason

with a positivist approach to right. Positivism, after all, also asserts that the rational reflects the actual. But I hope it is now clear where this conflation goes wrong. For Hegel, the state is an organic totality—a unity in which the rational and the actual are contained as moments. The two moments, as we have seen, stand to each other in a relation of *reciprocal* determination; neither can therefore be the mere effect of the other. For the positivist, however, the ends or laws we call ‘rational’ are in fact just that: mere effects or reflections of our empirically given aims and desires. For the positivist, in other words, the rational doesn’t just depend upon but rather *reduces to* the actual, and the realm of the actual, on this account, is not itself capable of generating form or law. In charging Hegel with positivism, the critic in effect suggests that he is committed to the view that our rational natures are *nothing but* effects of our merely empirical or animal drives and that the institutions we consider rational are simply those that exist. What this charge ignores is the fact that, as far as Hegel is concerned, the positivist’s conception of the actual is no less abstract than the Kantian’s conception of the rational. No less than the Kantian who supposes that human reason is “pure” and its laws pregiven or “a priori,” the positivist abstracts from the fact that, as moments of an organic totality, the realms of the rational and of the actual stand to each other in a relation of reciprocal determination.²²

Notes

¹ Immanuel Kant, *Kritik der Urteilskraft*, ed. Karl Vorländer (Hamburg: Verlag von Felix Meiner, 1974), § 65 [375]. Except where indicated, I rely on Werner S. Pluhar’s translation, *Critique of Judgment* (Indianapolis/Cambridge: Hackett Publishing Company, 1987). Hereafter, references to this work will be cited in the text as *CJ* followed by a section number and, in brackets, the page number of the Academy edition.

² Kant uses this language also at *CJ* § 65 [372].

³ Here I am relying on Kant’s discussions in especially §§ 62–65 of the *Critique of Judgment*. The idea of the “reciprocal determination” of parts and whole is given in § 65 [373].

⁴ G. W. F. Hegel, *Grundlinien der Philosophie des Rechts oder Naturrecht und Staatswissenschaft im Grundrisse*, vol. 7 of *Werke in zwanzig Bänden: Theorie Werkausgabe*, ed. Eva Moldenhauer and Karl Markus Michel (Frankfurt am Main: Suhrkamp Verlag, 1971), § 256. I occasionally alter the translation, *Elements of the Philosophy of Right*, ed. Allen W. Wood, trans. H. B. Nisbet (Cambridge/New York: Cambridge University Press, 1991). Hereafter, references to this work will be cited in the text as *PR* followed by a section number. Other passages in which Hegel refers to the state as an organism, in the *Philosophy of Right*, include §§ 258 and 269.

⁵ This discussion occurs in Kant’s second Introduction to the *Critique of Judgment*, section 5 [184].

⁶ Kant, *Kritik der reinen Vernunft* (Hamburg: Felix Meiner Verlag,

1956), A 652/B 680. I rely on the translation by Norman Kemp Smith, *Critique of Pure Reason* (New York: St. Martin's Press, 1929). Hereafter, references to the "A" and "B" editions of the Prussian Academy will be cited in the text in parentheses.

⁷ For the sake of brevity, I have provided a summary of only two of the principles necessary for our thinking of nature as a systematic unity. I omitted mention of the principle of "affinity" or "continuity." See in the first *Critique*, A 658/B 686.

⁸ This language is already present in Hegel's earliest ("Jenaer") writings. See, e.g., his discussion of Kant's philosophy in his 1802/03 *Glauben und Wissen*, and the section "Manchelei Formen, die bei dem jetzigen Philosophieren vorkommen," in his 1801 *Differenz des Fichteschen und Schellingschen Systems der Philosophie*. Both essays appear in vol. 4 of G. W. F. Hegel, *Gesammelte Werke*, ed. Hartmut Buchner and Otto Pöggler (Hamburg: Felix Meiner Verlag, 1968–). For English translations see, G. W. F. Hegel, *The Difference between Fichte's and Schelling's System of Philosophy*, trans. Walter Cerf and H. S. Harris (Albany: State University of New York Press, 1977) and G. W. F. Hegel, *Faith and Knowledge*, trans. Walter Cerf and H. S. Harris (Albany: State University of New York Press, 1977).

⁹ The charge of subjectivism is present in Hegel's many discussions of Kant. For two good examples, see the section on the Kantian philosophy in "Faith and Knowledge." There Hegel tells us that the "task and content" of Kant's philosophy is the "cognition of subjectivity" (Meiner, ed., 326; Cerf/Harris trans., 68). See also the discussion of the "Critical Philosophy" in Hegel's *Encyclopaedia Logic* §§ 40–42, 45.

¹⁰ Hegel surely does not mistake Kant for an empirical idealist, as many commentators have suggested. I defend this point in "Genuine' versus 'Subjective' Idealism in Hegel's *Jenaer Schriften*," in *Idealismus und Repräsentationalismus*, eds. R. Schumacher and O. Scholz (Suhrkamp Verlag, forthcoming), and in "Hegel, McDowell, and Recent Defenses of Kant," *Journal for the British Society of Phenomenology* 31, no. 3 (October 2000): 229–247.

¹¹ Support for this point that, in Hegel's view, the contingency problem that emerges in Kant's theoretical philosophy shows up in an analogous way in his practical philosophy is provided in *PR* § 14. In Kant's theoretical philosophy, as we have seen, the contingency is between our categories and the independently given matter of sensation; in his practical philosophy, as Hegel represents it here, it is between the "self-reflecting infinite 'I,'" which wills, and its "content" (*Inhalt*) or "drives" (*Trieben*).

¹² Kant discusses these points in the "Dialectic of Pure Practical Reason" of the *Critique of Practical Reason*. Reason, he says there, commands us to realize the "highest good," the "complete fitness [*Angemessenheit*] of intentions to the moral law" ([122]). But "there is in the moral law not the slightest ground for a necessary connection between morality and the proportionate happiness of a being who belongs to the world as one of its parts, a dependent being. Not being the cause of nature, this will cannot as far as its own happiness is concerned bring from its own power nature into complete conformity with its practical principles" ([124], all translations of this text are mine).

¹³ In *De Cive*, Hobbes writes, "All society ... is either for gain, or for

glory; that is, not so much for love of our fellows, as for the love of ourselves" (I, § 2). I rely on the edition of this work included in *Man and Citizen*, ed. Bernard Gert (Indianapolis/Cambridge: Hackett Publishing Company, 1991), 112 f.

¹⁴ "If the particular will *for itself* is *different* from the universal, its attitude [*Einsicht*] and volition are characterized by arbitrariness and contingency, and it enters into opposition to that which is right *in itself*; this is *wrong* [das Unrecht]" (PR § 81).

¹⁵ The origin of society, according to Hobbes in *De Cive*, is not natural sociability, but fear. "We must therefore resolve, that the original of all great and lasting societies consisted not in the mutual good will men had towards each other, but in the mutual fear they had of each other" (*De Cive* I, § 2. *Man and Citizen*, 113).

¹⁶ "Where liberty ceaseth, there beginneth obligation" (*De Cive* II, § 10. *Man and Citizen*, 127).

¹⁷ Because we are thinking, willing animals, Hegel argues at PR § 4, our inclinations can give themselves form. We can have feelings that have a moral content. See also PR § 7A, where Hegel writes of the emotion love that "we are not one-sidedly within ourselves, but willingly limit ourselves in relation to another."

¹⁸ The correct way to think of what for Kant are originally heterogeneous sides of human nature, according to Hegel, is to think of them (of particularity [*Besonderheit*] and universality [*Allgemeinheit*]) as *moments of the will* (PR § 5, 7).

¹⁹ Nature deserves to be thanked, Kant writes in Proposition 4; for without unsocial sociability "all the excellent natural capacities of humanity would forever sleep, undeveloped." I rely on the Lewis White Beck translation of this 1784 essay, included in Immanuel Kant, *On History*, ed. Lewis White Beck (Indianapolis: Bobbs-Merrill Company, Inc., 1963), 16.

²⁰ Kant is among those whom Hegel takes to task for conceiving laws of the state narrowly in terms of limitations on our freedom. At PR § 29 he quotes Kant in the *Metaphysische Anfangsgründe der Rechtslehre*: right is "the limitation of my freedom or arbitrary will [*Willkür*] in such a way that it may coexist with the arbitrary will of everyone else in accordance with universal law." On this view, Hegel goes on to tell us, "the rational can of course appear only as a limitation on the freedom in question, and not as immanent rationality."

²¹ At PR § 261A Hegel writes, "The determinations of the individual will are brought into objective existence through the state, and through the state first achieve their truth and actualization. The state is the sole condition of the achievement of particular ends and welfare." See also his discussion of these points at PR § 258. Those who continue to worry that the Hegelian rational state must violate the rights of the individual might find helpful PR § 184, where Hegel explicitly rejects this conception of the state qua organism, a conception he attributes in this passage to Plato.

²² Hegel explicitly distinguishes his approach to right from that of the positivist in, e.g., his Preface to and § 3 of *The Philosophy of Right*. For those not inclined to take his word seriously, I hope to have provided in this paper grounds for doing so. Part of what I have sought to establish is that Hegel *could* not be a positivist. This is because positivism (in common with Kantian formalism) denies a thesis Hegel

affirms: that the relation between reason and inclination (between the realms of the rational and the actual) is one of reciprocal determination.

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