CHAPTER 3

Hegel on Morality

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It is a commonplace that Hegel is a proponent of what he calls 'ethical life' (*Sittlichkeit*) and a critic of what he calls 'morality' (*Moralität*). Associated with this commonplace is the belief that the latter term is nothing but Hegel's disparaging nickname for the moral philosophies of Kant and Fichte. Common interpretations contrast *Sittlichkeit* – whose ordinary German sense implies the morality of custom and tradition – with *Moralität* as an individualistic and rationalistic stance, which might be critical of commonly accepted social practice. Hegel is supposed to be a proponent of the former and a foe of the latter. This consorts well with another commonplace: that Hegel is a social and political conservative, a foe of critical reason and also an enemy of individuality. Like many commonplace thoughts, both in philosophy and outside it, this one contains a grain of truth, but it oversimplifies and distorts that truth, and for this reason, when people allow such a commonplace to shape their thinking about the topic, it can badly mislead them.

The Development of Hegel's Conceptions of Morality and Ethical Life

The kernel of truth in the commonplace about Hegel on ethical life and morality is that, during his Jena period, Hegel adopted a critical attitude towards the philosophy of Fichte, who had just departed the university under a cloud, driven out by accusations of 'atheism'. It is also true that philosophers in Hegel's day, and for a long time afterwards, tended to identify Kant's moral philosophy with that of Fichte, and to take Fichte's *System of Ethics* (1798) as the definitive statement of Kant's views on ethics as well as Fichte's.[1] Hegel's expression of these criticisms, which is clearest

[1] The truth of this (perhaps surprising) claim is well documented by Michelle Kosch, 'Fichtean Kantianism in Nineteenth-Century Ethics', *Journal of the History of Philosophy* 53(1) (2015): 111–132.

in his early essay *The Scientific Ways of Treating Natural Right* (1802), does make use of the terms *Moralität*, as the name for a standpoint Hegel wants to transcend, and *Sittlichkeit*, as a higher standpoint (*Werke* 2: 459–468; NL, 75–82). Ethical life is the standpoint he identifies with the spirit of ancient Greece, celebrated in some of Hegel's unpublished earlier writings, in which there was supposed to be an immediate fusion of individuality and universality – individuals feel an immediate identity with their social order and its customary ways. Morality seems to be a modern falling away from this, in the direction of social atomism and a loss of cultural cohesion.

Things become more complex several years later, however, in the *Phenomenology of Spirit*. Hegel there uses the same contrast, but in a rather different way. In Chapter 6 (Spirit), 'ethical life' refers to the first or immediate stage of 'spirit', a shape of consciousness that transcends 'reason'.[2] In the chapter on Spirit, *ethical life* is only the first or immediate stage, corresponding to the shape of consciousness Hegel locates in ancient Greek society. *Morality* represents the outcome of the historical process, resulting from the breakdown of the beautiful immediacy of Ethical Life, and passing through the Condition of Right (Rome), Spirit in Self-estrangement (Christianity), the dialectic of Faith and Pure Insight, then Enlightenment, culminating in Absolute Freedom and Terror (the French Revolution) and ending with Morality. Morality is Spirit 'certain of itself'. In a fairly straightforward sense, then, within the structure of the system, modern Morality is presented in the *Phenomenology* as the highest stage of spirit, higher than the stage of ancient ethical life.

Of course, like all shapes of consciousness presented in the *Phenomenology*, Morality too suffers its own dialectic, and breaks down, leading to paradoxes of conscience, the need for forgiveness, and passing over into the higher stage of Religion. Moreover, even in the *Phenomenology*, Hegel retained his nostalgia for Greek *Sittlichkeit*. He therefore describes *Moralität* critically, pointing to the incoherences he finds in the moral psychology he attributes to Kant and Fichte, and to their view of the relationship of individual moral action to the order of

[2] The advance from 'Reason' to 'Spirit', however, represents a revision of Hegel's original plan for the work, and raises a number of vexed questions about the overall structure and subject matter of the *Phenomenology*. A recent presentation of these issues – one which takes the true end of the project of the *Phenomenology* to be Chapter 5, is to be found in Eckart Förster, *The Twenty-Five Years of Philosophy*, trans. Brady Bowman (Cambridge, MA: Harvard University Press, 2012), Chapter 14, 351–372. A more positive outcome to Hegel's decision to alter the structure of the *Phenomenology* is presented in considerable detail by Michael Forster, *Hegel's Idea of a Phenomenology of Spirit* (Chicago, IL: University of Chicago Press, 1998), Chapters 13–18.

the world (PhG, 365–383). These criticisms began even earlier, in the chapter on Reason, to which Ethical Life seemed to offer the solution (PhG, 228–235, 252–262). Hegel's discussion of morality at the end of the chapter on Spirit feels like a continuation of these criticisms. So, despite the structural superiority of morality over ethical life, it is understandable that those who get their impression of Hegel's views from the *Phenomenology* would naturally think that here, as in the 1802 essay on natural right, he has a favourable attitude towards ethical life and a negative attitude towards morality.

But there remains a tension, even a contradiction, in the way Hegel treats the two in the *Phenomenology*. Modern spirit, which has gone through the experience of self-estrangement, the struggle of Enlightenment with superstition and the trauma of the revolution, should have emerged as something higher and deeper than the innocent immediacy of ethical life with which the historical process began. But, in the *Phenomenology*, Hegel seems still unable to conceptualize the way in which modern morality is higher than ancient ethical life. That is why, despite the structural superiority of morality implied by the structure of the system of stages of consciousness, Hegel still gives the impression that ancient ethical life is to be preferred to modern morality. In the chapter on Reason, Kant seems to be the problem, Antigone the solution (PhG, 261–262). Yet the stage of spirit represented by Antigone has now vanished forever, and for good reasons. We are left with Kant (or Kant filtered through Fichte) and with the Romantic turmoil of conscience that ensues from critical reflection on the moral view of ourselves and the world (PhG, 383–409). Religion comes to the rescue, but only by transporting us to a higher stage. The paradoxes of morality motivate religious consciousness, but they have not been resolved on the practical level.

It was over a decade later that Hegel again took up these questions, first in the Heidelberg *Encyclopaedia*, then in his lectures on right and – now definitively – in the *Philosophy of Right*. The superiority of ethical life to morality is now given a structural form. Ethical life is the concrete shape, the truth, of the abstract spheres of right: abstract right and morality (PR §§ 33, 141). But ethical life itself has undergone a decisive transformation in Hegel's thought during the intervening years. It is no longer a nickname for ancient Greece. What it now names is the distinctive rationality of *modern* society. In *modern* ethical life, the fusion of individual and universal (of the self and the social order) no longer takes only the form of beautiful, innocent immediacy, as it did in ancient Greece, but now can be grasped as a series of increasingly reflective stages, passing

through immediacy to faith and conviction, then the one-sided insight of the understanding, and it finally reaches fulfilment in conceptual thought, the rational system which the *Philosophy of Right* itself proposes to offer (PR § 147R). It is only here that ethical life is truly to be found.

Ethical life, as modern ethical life, is also rationally structured differently from ancient ethical life. In ancient ethical life, the only institutions were the family and the state, represented in Sophocles' play by Antigone and Creon: and their immediate juxtaposition led to the tragic clash, which was the downfall of the beautiful harmony of universality and individuality (PhG, 266–289). Between 1806 and 1816, Hegel began to appreciate – and began to give a name to – a distinctively modern institution, which determines the shape of both the modern family and the modern state, and explains the way in which modern ethical life is superior to every pre-modern social order. His name for this institution is 'civil society' (*bürgerliche Gesellschaft*). This term might be even more accurately translated as 'bourgeois society', since its basis is economic, rather than political, so it is *bürgerlich* in the sense of the French word *bourgeois* (urban middle-class participant in a modern market economy), rather than the French word *citoyen* (member of a political state) (PR § 190R). Civil society determines the modern character of the *family*, which is the bourgeois nuclear family, not the pre-modern feudal 'clan' or 'kinship group' (*Stamm*) (PR § 172). It also determines the character of the modern *state*. In the modern state, citizens have a distinct sphere – the 'private' social sphere of their estate (*Stand*), grounded on their trade or profession (*Gewerbe*) within the market economy – in which to develop their individuality and what Hegel calls their 'subjective freedom'. From the standpoint of civil society, one's estate is one's private life, but through it one is also social, since estate membership is one's organic connection to the life of society. It is the *Stände* that constitute the representative body within the legislature in the *political* state (PR §§ 308–314). It is the principle Hegel calls 'subjectivity' – manifesting itself most purely in the moral sphere (*Moralität*) – that determines every aspect of modern society, constituting its decisive superiority over the ancient Greek world, and over every pre-modern social and political form. Social harmony and individuality are now seen to be reconciled not immediately, as in the beautiful, innocent harmony of ancient Greece, but reflectively and rationally. Hegel's criticism of Plato (essentially the same as Karl Popper's) is that Plato's philosophy, along with ancient ethical life itself, did not recognize the standpoint of subjectivity but instead tried to suppress it (PR §§ 185R, 185A, 206R, 262A). In modern ethical life, personal particularity and

individuality, in the form of subjective freedom, at last reach fulfilment; they do not subvert the modern state, but, on the contrary, constitute its strength, just as the modern social order gives individuality its true significance: 'The principle of modern states has enormous strength and depth because it allows the principle of subjectivity to attain fulfilment in the *self-sufficient extreme* of personal particularity, while at the same time *bringing it back to substantial unity* and so preserving this unity in the principle of subjectivity itself' (PR § 260).

Moral Subjectivity in Hegel's Mature Thought

If we are to understand Hegel's mature concept of morality (*Moralität*) in the *Philosophy of Right*, we must leave behind the thought that his only stance towards morality is a negative one. For in the section on Morality (PR §§ 105–140), Hegel is attempting to develop an alternative conception of the moral subject, which incorporates elements of Kantian–Fichtean moral philosophy, but locates them within Hegel's systematic development of the concept of right, giving modern subjectivity its due as an element in the ethical life of the modern world.

Morality emerges from the dialectic of abstract right, and specifically from the breakdown of this sphere in the determination of 'wrong' or 'injustice' (*Unrecht*). The concept of wrong is that of an abstract free will, the 'person', in which its own individual volition stands in opposition to the universal volition of (abstract) right. The possibility of this opposition leads to a new conception of the free will. The person actualizes free will only in relation to external objects or things. But once the will of the person is divided, as in wrong, between the universal will that wills the right and the individual will that opposes it, this internal opposition within the free will gives rise to a new concept of it: that of the moral subject (PR § 104).

The free will is the will that is 'with itself in an other' (PR § 23). The only 'other' for the person (the free will as abstract right) is the external world. But once the will itself has been sundered into universal and particular, freedom can take a new form: that of the *moral subject*, where the possibility of being with oneself can be actualized within the will itself, through its own actualization of the universal in its individuality. This actualization has several different aspects.

(1) The moral subject recognizes as valid for it only what belongs to it as its own (PR § 107). The moral subject is self-governing, not governed by external coercion, as happens both in wrong and in its cancellation through punishment (PR §§ 100–102).
(2) In this self-governing, the relation of the universal to the particular takes the form of 'obligation or requirement' (PR § 108). The moral subject stands under a norm or duty, a law that is self-imposed, its own universality to which its particular volitions ought to conform.
(3) The subject, like the person, stands in relation to an external, objective sphere in which it acts. So the conformity of individuality to universality is to be manifested in relation to this objectivity; and the objectivity of its action places the moral subject in relation to the will of other moral subjects (PR §§ 110–114).

Hegel's exposition of morality is then divided into three sections. They do not follow these three moments separately, but deal with three different ways in which all three are combined in the action of the moral subject. The first section deals with the way the moral subject recognizes external occurrences subject to obligation as its own: responsibility or imputability (PR §§ 115–118). The second deals with the way the moral subject fulfils its own individuality through action: the role in moral action of the subject's self-satisfaction or welfare (*Wohl*) (PR §§ 119–128). The third covers the moral conception of the *good* (*Gut*) to be actualized by the moral subject, and the way this good is determined by the subject's *conscience*.

Hegel's Theory of Moral Responsibility

Many theories of moral responsibility are concerned not directly with actions – events in the external world – but with inner mental events, such as volitions, which are taken to be the causes of actions. These theories ask about the kind of causal relations that volitions have to actions, and also about the way the volitions themselves are caused in the psychology of agents. We are held responsible for what we do if our doing is related in the right way to willing, and we are responsible for willing if our volitions are caused psychologically in a way that manifests who we are as agents.

Hegel's approach is quite different from this. He does presuppose, based on his account of the free will in PR §§ 4–21, that the human will is free (like Fichte, he regards an unfree will as a contradiction in terms, PR § 4), and he holds that this freedom consists in the capacity both to abstract entirely from our particularity and also to identify with the particularity of who we are and what we will (PR §§ 5–6). But he thinks of volition as essentially related to external happenings, rather than being merely an

inner event (PR §§ 7–9). He supposes that it is up to us to take up different attitudes towards ourselves, our natural drives and desires, and also to *choose* to identify with some rather than others, and between different expressions of our free will (PR §§ 10–15). But none of this as yet, as Hegel sees it, settles questions about 'imputability' – about what we are morally responsible for: which events in the world are 'ours' in the sense pertaining to moral subjectivity, and how we should think about these events as ours, regarding moral credit or blame.

Hegel has three basic concepts in terms of which we are to think about the relation of moral subjectivity to happenings in the world. The first of these is 'being responsible' (*Schuld sein an*), a purely causal notion of responsibility for objects or events, where something about us – such as our bodily motions – brings about an object or state of affairs. A deed (*Tat*) is an alteration in the objective world for which the will is 'responsible' in this sense (PR § 115). We can be responsible in this causal sense in cases where we do not impute what happens at all to ourselves as moral subjects.

The other two concepts of 'responsibility' for deeds on which imputation depends have to do with the way the effects of outer behaviour are cognized or thought about by the moral subject. There are two such concepts, which Hegel designates by the German words *Vorsatz* ('purpose') and *Absicht* ('intention'). Neither corresponds precisely to the meaning of the English word 'intention', but that word might in the right contexts translate either word as it is used in ordinary German. The ordinary uses of these words, however, matter somewhat less because Hegel provides his own rather technical accounts of them.

'It is … the right of the will to recognize as its *action*, and to accept *responsibility* for, only those aspects of its *deed* which it knew to be presupposed within its end, and which were present in its *purpose*' (PR § 117). The purpose of a deed, in this sense, is whatever I knew would happen as a result of the deed. It is the *intention* of the deed in the sense in which we say that something I do might be done either intentionally or unintentionally. Even those aspects of my deed I regret or wish I could have avoided belong to my purpose, because, since I know they will occur, I necessarily do them intentionally rather than unintentionally. My will is not held responsible for what is done *unintentionally* in this sense – what I did not know would happen – but only for what belongs to my purpose. Hegel therefore calls this 'the right of knowledge' (PR § 117). Hegel's example of someone who is not responsible for an aspect of his deed, because it did not belong to his purpose, is Oedipus, who did not know he was killing his father, and is therefore not responsible for committing parricide (PR §§ 117R, 118R). Hegel takes it to be an important difference between the ancient and the modern world – connected with the emergence of the idea of moral subjectivity in modernity – that, for the ancients, Oedipus was held responsible for the entire compass of his deed, even what did not belong to his purpose (see PhG, 281–284).

The intention (*Absicht*) of a deed, however, is that universal concept in terms of which I think of the deed when I will it (PR § 119). It is the *intention* in the sense of what you were trying to do, *what you intended* to do, in your deed. The subjective will has the right that it should be held responsible for its deed, and that part of its deed that constitutes its purpose, by considering the deed in terms of the universal conception or description under which it willed the deed. If the fireman ruins your books by spraying water on them when he puts out the fire in your house, the ruining of your books might belong to his purpose, but it would not belong to his intention, because the concept under which he was doing it was 'putting out the fire' not 'ruining the books'. When we are held responsible for a deed, we have the right that it should be judged in the light not only of its purpose, but also of its intention. This Hegel calls 'the right of intention' (PR § 120).

But there is an important qualification to be appended both to the right of knowledge and to the right of intention. Hegel says we are to include both in the purpose and in the intention of a deed whatever belongs to the 'nature' of the action. According to Hegel, the 'nature' of anything includes what we would grasp about it from rational reflection on it and its connection with other things (EL § 23). In the case of a deed, these include connections with its consequences (PR § 118). Consequently, the nature of an action includes all the consequences that would be known by rational reflection: 'In general it is important to think about the consequences of an action because in this way one does not stop with the immediate standpoint but goes beyond it. Through a many-sided consideration of the action, one will be led to the nature of the action' (*Werke* 4: 230). Both the purpose of an action – what makes it intentional rather than unintentional – and also its intention – the concept or description under which the agent is regarded as intending it – include anything that rational reflection would have brought to light, even if a careless, thoughtless or negligent agent did not in fact think of them. I am held responsible not merely for my failure to be reflective, but also for whatever I did that I would have realized I was doing if I had been as reflective as I should have been. Consequently, corresponding to the 'right of intention' is also

'the right of the objectivity of the action to assert itself as known and willed by the subject as a thinking agent' (PR § 120).

One result of including the 'nature' of the action as part of its purpose and its intention is that, if a certain development can be known to be a possible consequence of the action, then the agent cannot disclaim responsibility for it on the ground that it occurred by 'bad luck'. In acting, a thinking agent accepts responsibility for all the consequences that belong to the nature of the action, even if they occurred as a result of misfortune. An arsonist, for example, must accept responsibility for the destruction of an entire neighbourhood, even if his aim was only to destroy a certain dwelling, or a certain stick of furniture, because the possibility that a fire might spread out of control belongs to the nature of that kind of action (PR § 119, 119R, 119A): 'By acting, I expose myself to misfortune, which accordingly has a right over me and is an existence of my volition' (PR § 119A). Because we are originally responsible for external deeds, not inner volitions, there is nothing 'the same' in the deed of an arsonist who, through good fortune, destroyed little or nothing and an arsonist whose deed brought about a terrible conflagration.

The provision that the purpose and intention include everything belonging to the nature of the action applies especially to aspects of the action that have significance from the standpoint of abstract right, morality or ethics. A deed is to be judged as right or wrong depending on the agent's 'cognizance' (*Kenntnis*) – that is, what a thoughtful rational agent would have known about it, even if a thoughtless or misguided agent did not know or believe it. Neither a 'good intention' nor beneficial consequences can justify or excuse a deed which is wrong (PR § 126).

Moreover, the wrongness of wrong action must be considered to be part of the agent's intention as well as the agent's purpose (PR § 132). An action of whose wrongness the agent had cognizance – because it is contrary to abstract right, moral duty or ethical duty – need not be thought of as intending wrong for its own sake (unless that is the description under which the agent intended the action), but our conception of the agent's intention must take account of the fact that the agent had cognizance of its wrongness. We might express this by saying that 'The agent knew, or should have known, that it was wrong, and intended to do it anyway'.

Hegel's theory exculpates only those who are not fully functioning rational subjects. It implies that 'the *responsibility* of children, imbeciles, lunatics, etc. for their actions is either totally *absent* or diminished' (PR § 120R). Hegel's theory thus allows both for mental or agential incapacity,

and for degrees of it, in determining the responsibility of subjects for their deeds. His theory also allows for *liability* – harm or wrong done by things, animals or non-responsible persons (such as children) which are in my possession or under my care (PR § 116). By possessing or caring for them, I take responsibility for the effects they bring about, just as I take responsibility for the results of any good or bad fortune my actions carry with them as part of their nature.

Subjective Satisfaction and Welfare

The moral subject as a rational agent must care about the external outcomes which are its deeds, and take an interest in them as regards their content (PR § 122). Hegel distinguishes two sides of this interest, the formal and the material. Formally, the subject finds satisfaction in the successful exercise of its agency, especially as regards its positive effect on other people. It belongs to my welfare, and my happiness, that I have done certain things, that my projects have succeeded, that I have promoted whatever causes and achieved whatever ends I set myself. Materially, I also care about, and consider part of my own welfare and happiness, the particular 'needs, inclinations, passions, opinions' that belong to the intention of my action (PR § 123). These are for Hegel a positive aspect of my moral subjectivity. If doing good for others also benefits me, or if I receive honour and fame on account of my good deeds, this is nothing to be ashamed of. The self-satisfaction I take in what I have done is not something for which I need to apologize, or from which I ought to abstract myself in my moral action. On the contrary, it constitutes something essential to the expression of my subjective freedom, which is the fundamental value constituting moral action.

Here Hegel does part company decisively from both Kant and Fichte. Kant thinks that I should feel self-contentment when I have done my duty, but this is no part of my happiness (KpV, 119). For Kant, it is no ground for reproach that I am beneficent because I have an inclination to make others happy, or promote the common good out of a love of the honour that it brings me; indeed, these inclinations are amiable and deserving of praise and encouragement; but they do not give my actions that inner, true or authentic worth that is central to morality. That belongs only to actions done from duty (G, 397–399). And even if I do perform good deeds also from these inclinations, I ought to cultivate a moral character that gives priority to doing my duty solely for the sake of the moral law and it alone (G, 390; KpV, 81). Self-satisfaction cannot be a motive

for moral action, since it is felt only when we are conscious of obeying the moral law and of the inherent value of conformity to it for its own sake (KpV, 38). Fichte is even stricter than Kant on this point. He thinks that self-satisfaction for its own sake is the direct opposite of morality (SW 4: 260; SE, 249). Morality involves tearing yourself away from the drive to enjoyment for its own sake (SW 4: 141–142; SE, 134–135). Like Kant, he thinks the pleasure of self-approval has nothing to do with happiness or self-interest (SW 4: 147; SE, 140). But Fichte goes further: 'The ethical drive must ... be involved in all acting' (SW 4: 156; SE, 148). Moral action must not seek one's own good or one's own glory: it must be entirely selfless: 'It is precisely by means of this disappearance and annihilation of one's entire individuality that everyone becomes a pure presentation of the moral law' (SW 4: 256; SE, 245).

For Hegel, in contrast, what matters chiefly is what one accomplishes in the world: 'What the subject *is*, *is the series of its actions*. If these are a series of worthless productions, then the subjectivity of volition is likewise worthless; and conversely, if the individual's deeds are of a substantial nature, then so also is his inner will' (PR § 124). Hegel even identifies the 'motive' (*Beweggrund*) of a moral action with 'the particular aspect of the intention' (PR § 121A). In other words, what motivates any moral action is precisely the self-satisfaction the subject takes in the action, the way it contributes both formally and materially to the subject's self-interest. The subject has a right to find self-satisfaction in its action (PR § 121). And since 'the *subjective* satisfaction of the individual himself (including its recognition in the shape of honour and fame) is also to be found in the implementation of ends *which are valid in and for themselves*', it is 'an empty assertion of the understanding' to separate the two, and 'to take the view that ... objective and subjective ends are mutually exclusive' (PR § 124).

The distinctions of the understanding, Hegel thinks, lead to the envious pettiness of moralists who condemn those that do genuine good because they find personal satisfaction, including the satisfaction of honour and fame, in their accomplishments. It was a well-known saying: 'No man is a hero to his own valet'. But Hegel adds 'Not because the former is not a hero, but because the latter is only a valet' (PR § 124R). This seems to me a dispute on which the truth cannot lie only on one side. Hegel is surely right that the satisfaction an agent takes in the success of a good action is part of the value of moral subjectivity itself. It is an indispensable aspect of the very autonomy that philosophers like Kant and Fichte place at the foundation of morality.

Kant thinks we are permitted to pursue our own happiness, and there is nothing morally wrong or shameful about it. But we must not treat this as the same as duty, or confuse the good of our person with the good of our condition, or think we have done good just because we have done what serves our self-interest, or brings us honour (KpV, 110–113; TP, 278–289; MS, 385–387). What worries Kant is that as soon as we allow our own happiness, and especially our self-conceit, to have pride of place among our motives, we are in danger of no longer doing what is right and good for their own sake, and subject to the self-deception that leads corrupt agents to do whatever benefits them – especially what might bring them honour and fame – whether or not it is substantively right.

Fichte seems to agree with Hegel that the ethical drive involves self-satisfaction (SW 4: 152, 156; SE, 144–145, 148), and even that our happiness consists in doing our duty: 'Not *what makes us happy is good*, but rather, *only what is good makes us happy*' (SW 6: 299; EPW, 151). Hence those who seek the good because it makes them happy are, in Fichte's view, likely not to do what is truly good, and if they do it because they suppose it will make them happy, then it is not going to make them truly happy either. Happiness is not to be got by pursuing it directly. People will be happy when they unselfishly serve the moral law, seeking their own freedom, the freedom of others and the ends on which all can agree – especially when others do likewise.

Hegel seems to be right, but Kant also seems to be right, and Fichte as well seems to be right. Perhaps there is a way of reconciling the truth in Hegel's view with the contrasting truths found at this point in Kant and in Fichte. But I will leave it to another Fichte or another Hegel to synthesize or mediate these opposites and determine where exactly that truth lies. The point I wish to emphasize is that Hegel here shows a distinctive conception of moral subjectivity. Even as he criticizes Kant and Fichte, he does so not by rejecting morality, but by developing a positive conception of morality that contrasts with theirs.

The Moral Good

> The *good* is the *Idea*, the unity of the *concept* of the will and the *particular* will, in which abstract right, welfare, the subjectivity of knowing and the contingency of external existence [*Dasein*], as *self-sufficient for themselves*, are superseded; but they are at the same time *essentially contained* and *preserved* within it – [The good is] *realized freedom, the absolute and ultimate end of the world.* (PR § 129)

The good, as presented here, is the good proper to morality – that is, the good *will*. It is also the good regarded as the end of moral striving, the end of the *world*. Both aspects of the good have their precursors in Kant, but in Hegel both are transformed.

For Kant, the good will is the will that acts in accordance with good principles, or the moral law. The other Kantian idea involved in Hegel's presentation of the moral good is that of the highest good, the end of the world. For Kant, this is morality or virtue (goodness of will), combined with the well-being or happiness of which that will has made itself worthy (KrV, A804–819/B832–847; G, 392; KpV, 110–113; KU, 447–459; R, 4–6).

In Hegel's presentation, both are significantly modified. The good will is not a will that acts according to some principle, but the will whose intention and insight accord with the good (PR § 131). The good with which they accord involves a conditional relation between two elements, and the second or conditioned element in both cases is well-being or happiness; but the conditioning cannot be the same as those in the Kantian highest good, because in Hegel what makes for a good will is determined by the will's relation (of insight and intention) to the good, so the good will cannot (on pain of vicious circularity) be determined, as in Kant, by reference to the relation between goodness of will and well-being. Instead, the conditioning element in the good is abstract right. The good is that external existence which includes well-being or happiness, but well-being that has been achieved without violation of abstract right. The good will is the will whose intention and insight are directed to the good in this sense. Both abstract right and welfare are necessary to the good: 'welfare is not good without *right*. Similarly, right is not the good without welfare (*fiat iustitia* should not have *pereat mundus* as its consequence)' (PR § 130). Further, the welfare that is in question here is no longer only the welfare of the individual moral subject, but must be conceived as the universal welfare of all, the common weal or welfare of the state (PR § 126R).

The moral will, or subjectivity, must be judged by the way in which it knows and intends the good. This Hegel calls its 'right of insight into the good' (PR § 132R). Both its insight and its intention must accord with the good. That is, the will must produce the good, and do so under the abstract concept 'good' (welfare conditioned by right); and it must have insight into what is objectively both right and good. It is therefore to be judged by its cognizance (*Kenntnis*) of the good, as well as its intention (PR § 132). A will that intends the good in the abstract, while being mistaken about what it consists in – thinking its volition is good even though it produces no welfare, or even though the welfare it produces involves the violation of right – is not a good will. We will see presently, in relation to conscience, that this feature of the good will for Hegel puts him at odds with the theorists of morality who are his most immediate predecessors – Kant, Fichte and Fries.

From the moral standpoint, what is willed by the good will is understood under the concept of *duty* (*Pflicht*). Hegel agrees here with Kant, and also with the proposition that duty must be done for the sake of duty (PR § 133). But he parts company with Kant over the question 'What is duty?' and over how this question is to be answered (PR § 134). Kant thinks that it can be answered by applying to particular circumstances the supreme principle of morality. Fichte parts company with Kant at this point, arguing that the principle of morality itself is purely formal, and that its content must be supplied by a separate deduction (SW 4: 54–65; SE, 56–67). Moreover, an adequate doctrine of duties cannot be developed without developing the concept of a rational society, and the roles or estates people might occupy in it (SW 4: 343–365; SE, 324–344). Hegel follows Fichte on both these points, but unlike Fichte he interprets them to mean that the moral standpoint as a whole, and Kantian ethics in particular, is incapable of developing an adequate objective theory of duties (PR §§ 135, 148, 148R).

Conscience

Fichte and Hegel are agreed on one further point as well. Both think that, from the subjective standpoint, that of the ordinary moral agent (Hegel would say: from the standpoint of the moral subject as such), questions about what to do must be answered by *conscience*. Hegel's treatment of conscience in the *Phenomenology* differs somewhat from his later treatment in the *Philosophy of Right*. In the earlier work, he recognizes no objective standard of moral rightness. Conscience functions through the subjective reflection of individual moral agents, and also through their relation to other moral consciousnesses. Conscience functions as long as others accept an agent's assurance that the agent has reflected honestly and that the action accords with the agent's conscientious conviction (PhG, 383–401). It breaks down when the possibility is recognized that the agent may not be sincere, or that others may not accept the agent's assurances to that effect (PhG, 401–403). This leads to an opposition between the acting consciousness and a pure or judging consciousness, the 'beautiful soul': the agent may be judged hypocritical and evil; but the judge remains

unable to act without incurring the same accusations, and is therefore just as hypocritical and evil in its own way (PhG, 403–407). The resolution comes when both confess and are reconciled in forgiveness, passing on to the higher realm of Religion (PhG, 407–409). The contradictions in conscience remain, from the practical standpoint, unresolved.

In the *Philosophy of Right*, Hegel draws a crucial distinction: between merely *formal* conscience, which is subjectively certain of its convictions and its action according to them, and *true* (or truthful, *wahrhaftig*) conscience, whose convictions accord with objective standards of rightness and goodness determined by ethical life. True conscience has 'fixed principles'; it wills 'what is good in and for itself' (PR § 137). It alone commands recognition even from the moral standpoint. But equally, the right of moral subjectivity is that whatever the subject does must conform to its subjective insight and its formal conscience (PR §§ 136–138).

There remains, however, the possibility of opposition between what moral subjectivity, in its conscientious reflection, should determine for itself to be good, and what is good objectively according to correct standards of right, morality and ethical life. From the limited and abstract standpoint of morality, to the extent that it has not yet been taken up into that of ethical life, there persists the possibility of a conflict between the right of subjectivity, which is essential to the moral sphere, and what is objectively right in and for itself. This possibility represents moral *evil*.

Evil

Every phase of the *Philosophy of Right* constitutes a determinate stage in the actualization of freedom. But each is a limited actuality – there is always something beyond it, which it cannot comprehend. For this reason, each stage ends with its own downfall or opposite, requiring a transition to something higher. Abstract right ends with wrong or injustice (*Unrecht*), passing over into Morality (PR §§ 82–104). The phases of ethical life end the same way: the family dissolves with the death of the father and the maturation of the children (PR §§ 173–181). Civil society reaches its culmination in the honour of one's estate as member of a corporation, whose ends are particular, not universal. Universality is achieved only in the state (PR § 256). Even the state reaches its limit in its external relations with other states and its limited place in world history (PR §§ 341–360). It is not unique to morality, therefore, that its exposition ends with its opposite, its downfall – with evil. It did the same, as we have seen, in the *Phenomenology*, though Hegel tells us that conscience and evil were explained differently there (PR §140R), as I have tried to show above.

Hegel has a general concept of moral evil. Morality and evil have for their common root the 'self-certainty' of the moral subject. The good will is the conformity of the moral will to what is objectively right and to universal welfare. The evil will, in contrast, is the withdrawal of the subjective will into itself, its *Insichsein* (PR § 139R). Evil occurs, on Hegel's account, when the self-certainty of the subject is affirmed in its particularity in opposition to what is universally and objectively right and good. But evil also exists in degrees or stages. In PR § 140R, Hegel presents six stages of the corruption of moral conscience. They consist in a descent from the least aggravated or serious form of evil towards more aggravated forms. As the descent progresses, the conflict between conscience and the evil or wrong action diminishes. This might, in one way, seem a good thing, since you might think, naively, that conflict is bad and harmony is good. Hegel's point, however, seems to be that, when it comes to evil, the harmony of conscience with an (evil) action is a bad thing, not a good thing. Hegel's stages of evil have it in common with Kierkegaard's *The Sickness unto Death* that they represent a dialectical development which, unlike most dialectical movements in the works of Fichte, Schelling and Hegel himself, does not progress from lower to higher, but instead descends from lower to lowest. Perhaps Kierkegaard saw himself as presenting an ironical satire on German idealist dialectical theories, which represent the rational development of a subject matter (or of human history) as progressive and good. Kierkegaard's view is that the progressive development of human despair into sin leads downwards, not upwards, as the sinful human being asserts his own prideful reason against the authority of his Creator. But Hegel's treatment of the stages of evil shows that a rationalist can just as well do the same thing, when the subject matter requires it.[3]

Hegel's Six Stages of Evil

Stage (a). Acting with a bad conscience. Here the action, and, to that extent, also the moral agent, is wrong, corrupt and evil. But the agent's conscience is not corrupted. It tells the agent that what she

[3] See Allen Wood, 'Evil in Classical German Philosophy: Evil, Selfhood and Despair', in Andrew Chignell and Scott MacDonald (eds.), *Evil* (Oxford: Oxford University Press, Forthcoming). This article discusses Kant, Fichte and Kierkegaard, but, for reasons of space, I was unable to include Hegel. I hope the present section of this essay helps to compensate for that omission.

is doing is wrong. This stage is the starting point of the slide of the conscience itself into evil.

Stage (b). Hypocrisy. The moral agent is doing wrong, and knows it, but pretends that it is not wrong, or attempts to deceive some subject into thinking it is not wrong, or at least not believed by this agent to be wrong. There are two sub-stages.

(i) **Objective hypocrisy**. The agent herself clearly knows the action is wrong, but pretends to others that it is not wrong (or at least pretends to others that the agent herself does not think it is wrong, even if these others do think it is wrong).

(ii) **Subjective hypocrisy**. The agent knows the action is wrong, but deceives *herself* into thinking it is not wrong.

Stage (c). Probabilism.[4] The moral agent is confronted with a situation where she cannot be certain which of two alternatives is right and which is wrong. There are reasons on both sides. We assume for the sake of argument that the agent chooses the action that is objectively wrong. But let us suppose that it seems to the agent, ingenuously, that the action she chooses is more probably right than the alternative. The corrupt attitude of probabilism is involved when the agent convinces herself that, since it is more probable that the action she chooses is right, that suffices to make it right, in the sense that she cannot be blamed for doing it (even if objectively it is wrong). Here the agent permits the judgment that, given her present information, her action is probably right to supplant the whole question of whether it really is objectively right. This is a level of corruption one step deeper than subjective hypocrisy, since it in effect involves a hypocritical *principle* – that of substituting the mere probability that an action is right for the objective fact concerning its rightness or wrongness.

Stage (d). Willing the abstract good. Here the agent performs a wrong or evil action, but claims that her intention (in the sense discussed in PR §§ 120–122) is good, that is, that the universal under which she brings the action in willing it is 'the good'. Since the action itself is (*ex hypothesi*) wrong or evil, this good must be

[4] Probabilism is an ethical doctrine associated with the Jesuits, which was criticized by Blaise Pascal in his *Provincial Letters*. (Pascal was a Jansenist; Jansenists were the theological and political enemies of Jesuits in seventeenth-century French Catholicism.) Hegel makes several references to Pascal in the *Philosophy of Right*, all of them favourable.

the good in the abstract – in other words, it must be some positive feature or property of the action which the agent can cite as its 'subjective essence' in willing it. In probabilism, there was still the remnant of uncorrupted conscience that might distinguish between an action's being 'probably right' and being 'really and truly right'. At this further stage, the fact that the agent wills the good in the abstract is taken to be sufficient for conscience to consider the action right or good – ignoring or suppressing the possibility that the action in particular is wrong.

Stage (d'). The end justifies the means. Hegel categorizes 'the end justifies the means' as a sub-stage under this form of evil conscience. The positive aspect under which the agent brings the evil action is here: 'it promotes a good end'. This deceptively ignores or suppresses the possibility that an end that is good in the abstract might be an evil thing to promote if the means are evil.

Stage (e). The ethics of conviction.[5] At the previous stage, the agent persuaded herself that an action could count as objectively right if only it were willed with an abstractly good intention. But this still allows for a distinction to be made between an action that is willed with an abstractly good intention and an action which is nevertheless wrong considered in its particularity (even if the point of the previous stage was to conceal or suppress this distinction). At this new stage, the agent lets the action count as good or right in particular whenever the agent's conviction concerning this particular action is that it is right. It is no longer allowed that the action was objectively wrong, as long as it is willed with the conviction that it is right.

Stage (f). Irony.[6] Here the agent's subjectivity takes itself to be sufficient to justify an action, irrespective of all moral standards whatever. Irony is self-detachment from all objectivity – by implication, subjectivity as such or in itself is regarded as authoritative for the agent.

[5] Hegel associates the 'ethics of conviction' with J. F. Fries. This characterization of the ethics of conviction is not an accurate portrayal of Fries' position. For a further discussion of this topic, see my book *Hegel's Ethical Thought* (Cambridge: Cambridge University Press, 1990), 178–194.

[6] Hegel associates this ultimate stage of evil with Friedrich Schlegel's theory of irony. Again, the association is unfair, and misses the point of Schlegel's position in discussing the place of irony in art, communication and life.

Concluding Remark

The aim of this essay is to show that, for the mature Hegel of the *Philosophy of Right*, 'morality' does not designate merely an error found in Kant and other moral philosophers. Hegel's positive conception of morality represents the value of subjective freedom characteristic of modern ethical life. In this essay I have attempted to expound Hegel's conception of moral subjectivity, responsibility, the good, conscience and moral evil. Hegel has an affirmative account of moral subjectivity that contrasts interestingly with those of Kant and Fichte, and constitutes an important part of his mature ethical thought.

CHAPTER 4

Hegelian Conscience as Reflective Equilibrium and the Organic Justification of Sittlichkeit

Dean Moyar

In this essay I analyze two of the major conceptions of justification in the *Philosophy of Right* and unpack the relation between them. I argue that we should link Hegel's conception of conscience to the account of reflective equilibrium introduced by John Rawls because Hegel's view of conscience contains the holism, as well as the back and forth between universal principles and individual judgments, that are central to the reflective equilibrium account. In the transition from 'Morality' to '*Sittlichkeit*', Hegel switches the locus of justification from the moral individual to the whole ensemble of social institutions of modern life. This system of institutions is justified because of its organic, living structure characterized by the productive interplay of universal and particular ends. In contrasting these two models, my goal is to figure out just what Hegel thinks is wrong with the reflective model and what is gained in the move to organic justification. The main difference hinges on Hegel's orientation by *action* rather than by *judgement*, where the action-based organicism proves superior because it includes a public feedback process that supports a dynamic, self-correcting model of political justification.

Preliminaries

The recent proliferation of readings of the *Philosophy of Right* has not resolved a central interpretive issue. The issue is how to explain the relation between Hegel's theory of individual freedom, on the one hand, and his theory of the organic rationality of *Sittlichkeit*, on the other. Hegel does take pains to discuss the individual at every level of the account, yet he addresses some of his strongest polemic at political theories based on the individual will, and it is clear that the distinctiveness of his theory stems from his thesis about the social whole. There has been renewed attention to Hegel's concept of the free will as laid out in the *Elements of the Philosophy of Right* §§ 5–7, but that account of the structure of the