

German Idealism

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For over a hundred years, idealist philosophy has been often dismissed as a nineteenth-century aberration—a purportedly backward-looking philosophy that seeks consolation in religion in the face of a rapidly secularizing world. But from such an assessment it is difficult to see what could possibly have led the philosopher–literary theorist Friedrich Schlegel at the end of the eighteenth century to link the idealist philosophy of his contemporary, J. G. Fichte, to the French Revolution on the one hand and Goethe’s revolutionary novel *Wilhelm Meister* on the other as ‘the greatest tendencies of the age’ (Schlegel 1991, 46). Politically, idealism would eventually be replaced by ‘materialism’ in Marx’s transformation of Hegel’s ‘absolute idealism’, while philosophically idealism was replaced by various anti-idealist doctrines in the twentieth century. But idealism still has its advocates, one recent supporter, in claiming ‘idealism as modernism’ (Pippin 1997), essentially reinstating Schlegel’s assessment. For such a view, idealist philosophy, like the French Revolution and modern literature, is grounded in the characteristically modern idea of human freedom. In this chapter I present an account of some of the implications for political thought to be found in three leading idealists from the late eighteenth and early nineteenth centuries: Immanuel Kant, J. G. Fichte, and G. W. F. Hegel.

Kant’s ‘Idealist’ Philosophy and its Consequences for Political Theory

Immanuel Kant (1724–1804), perhaps the most recognized philosophical representative of the ‘German Enlightenment’, is known for his system of ‘transcendental idealism’, elaborated throughout the 1780s in his three great ‘critiques’: *Critique of Pure Reason* (1781, second edition 1787); *Critique of Practical Reason* (1788); and *Critique of Judgment* (1790). Clearly transcendental idealism represents an approach that is in many ways at odds with the more naturalistic and empiricist strands of philosophy prominent within the Anglophone tradition, and to appreciate its relevance for political philosophy some common misunderstandings need correcting. Perhaps the most common here is the assumption that links the ‘Idealismus’ of Kant and the German idealists with the type of ‘immaterialist’ theo-centric metaphysics of the eighteenth-century Bishop of Cloyne, George Berkeley.

Kant sometimes glossed the qualifier ‘transcendental’ with ‘formal’, contrasting an idealist approach to the *form* of the world as experienced and known with Berkeley’s idealism concerning its ‘matter’ (e.g., Kant 1999, 445). This underlying ‘form–matter’ distinction, coming ultimately from Aristotle, in fact plays a crucial role in the German idealist tradition and separates it from the empiricist-naturalist tradition more common in British philosophy. To be an idealist about ‘form’ is basically to construe the various aspects of the experienced world that *traditional metaphysics* had taken to reflect features of the world ‘in itself’ as somehow relative to the knowing subject’s own cognitive capacities. Kant, trying to link transcendental idealism to the modern ‘scientific’ point of view, famously used the analogy of Copernicus. While for experience it *seems* that the sun moves about the earth, in truth it is *our movement* that explains the sun’s *apparent* motion (Kant 1998, B113n). Analogously, what naively appear to be features of the world itself are actually features that result from our own ways of understanding it. Thus, rather than, like Berkeley, attempting to reduce ‘matter’ to a reality that is fundamentally mind-like, Kant’s idealism leaves the material world intact and sees its *formal properties* as relative to the rational subject who knows and acts within that world.

In *Critique of Pure Reason* Kant distinguishes two such subject-related ‘forms’ that organize our experience and knowledge of the world. First, he interprets the *tri-dimensionality* of space and the *unidirectionality* of time as resulting from the way we represent to ourselves objects in their spatio-temporal relations. That is, these are formal or structural features of our ‘pure intuitions’ of space and time, not objective properties of space and time themselves. But objects as experienced and known also have a morphologically distinct *conceptual* form that is reflected in the logical structure of the *predicative judgments* we make about them. Thus, besides the pure intuitions of space and time, our experience and knowledge is also organized by a universal set of ‘pure’ a priori concepts or ‘categories’. With his idealism about space and time, Kant was continuing Leibniz’s ‘relationalist’ critique of Newton’s substantivist interpretation of space and time (Leibniz and Clarke 2000). But with his thesis of *two* distinct representational forms—intuition and concept—Kant was also critical of Leibniz for not having distinguished them.

Kant’s appeal to the distinction between ‘matter’ and ‘form’ signals an implicit acceptance of features of Aristotle’s ‘hylomorphic’ conception of objects that had been largely rejected by the empiricist-naturalist tradition. Aristotle had effectively reinterpreted Plato’s doctrine of the ‘ideas’ or ‘forms’ such that they imparted an organization to the (otherwise formless) ‘matter’ of the world. That the matter making up a cat, say, had a distinctly *feline* formal organization, was responsible for it being what it was: a *cat*. In the early modern period, the Aristotelianism prevalent in later medieval philosophy came to be challenged by a more *nominalist* outlook that had accompanied early modern science. This nominalism, however, had generally been resisted within Continental Europe by the approach of Leibniz and his followers—the tradition from which later *idealist* thought was to emerge. Instead of abandoning Aristotelian thought, Leibniz had attempted to

reconcile a version of Aristotle's hylomorphic conception of individual substances with modern mechanistic science (Mercer 2001; Redding 2009).

Kant's own appeal to the philosophy of ancient Greece is clearly apparent in his references to Plato in the *Critique of Pure Reason* (Kant 1998, A313/B370–A320/B377), where he attributes a fundamentally *practical* status to Plato's 'ideas' or 'forms', which he interprets as types of *non-empirical* concepts. Ideas should not be understood as rationally graspable *prototypes* of empirical things, or even, as in Aristotle, as *actually* incorporated in the *matter* of those things 'in themselves'. Rather, the relevance of 'ideas' is primarily for *the will*, that is, for the structure that they can give to the practical intentions upon which we act. It is to the extent that the human will can be directed by rational ideas—for Kant, ideas generated by the subject itself—that humans can be *free*. For Kant it was significant that Plato had, in the dialogue *Republic*, used his doctrine of ideas as the basis for the constitution of an ideal polis. That the organization of a just state could *in some sense* be 'deduced' from rational 'ideas' would remain the distinguishing characteristic of all *idealist* approaches to politics, but in his work of the 1780s, Kant was to concentrate more on *moral* rather than *political* issues.

In the *Critique of Pure Reason*, Kant gives 'ideas' a subsidiary role within theoretical philosophy, where they are thought of as guiding or 'regulating' all attempts to unify empirical knowledge in its scientific extension. But in contrast, in the case of *morality*, ideas are conceived of as 'constitutive' and not just regulative—that is, they are capable of determining the content of volitions. Thus rejecting all attempts to ground morality in empirical features of human existence such as prudential reasoning or moral sentiment, Kant believed that morality had an entirely *rational* foundation (Kant 1997a, 1997b). In particular, as beings capable of conceptually articulated reason we are able to determine our wills according to a universally applicable moral law—a law that we ultimately give ourselves. Of course, as finite embodied actors we are *also* subject to the empirical determinations of our natural inclinations, so the moral law must have the form of a command or 'imperative' that we issue to ourselves. As necessary and universal, it cannot be conditional upon any contingent circumstances, such as inclinations. It cannot, then, be a 'hypothetical' imperative. It must have the form of a *categorical* imperative.

The broad framework of Kant's transcendental idealism had unfolded over the decade that was to end in the explosive political events set off in France in mid 1789 when, at the convened Estates General, the 'third estate' transformed itself into a 'National Assembly' claiming to represent the 'will of the people'. With its radical and innovative conception of the autonomous self-legislating will, Kant's revolutionary philosophy seemed to be at one with its time. Indeed, like many of the revolutionaries themselves, Kant himself had been inspired by the philosophy of Jean-Jacques Rousseau (1712–78), and many have seen in Kant's conception of the individual 'self-legislating' and universalistic *moral* will a parallel with Rousseau's political doctrine of the *general will*. The course of the revolution throughout the 1790s, with its descent first into the Terror and ultimately into a military dictatorship,

prompted concerns among those otherwise sympathetic to the Rousseauian principles of Kant's approach. Such concerns would ultimately be reflected in the direction taken by Hegel. But these years were *also* the years during which Kant's own approach to politics took its definitive shape, and similar concerns are reflected in the development of his own philosophy.

Kant's transformation of the Natural law and Social Contract Traditions

In very broad terms, we might think of the development of modern political theory during the Enlightenment as facing the problem of gradually extracting its conception of the norms governing political life from the enframing metaphysico-theological assumptions of medieval and early modern thought. Two intersecting approaches can be discerned here, one involving a secularization of the notion of *natural law*, the other seeking to ground the legitimacy of political arrangements on the consent of the subjects in a *social contract*. Kant's formal idealism drew upon, and was to have implications for, both of these conceptions.

The idea of a 'natural law' regulating human existence can be traced back to the ancient philosophy of the Stoics, but the idea of natural law that was inherited from the medieval period conceived it as issuing from God's command and derived largely from the work of Thomas Aquinas. In the early modern period, the notion became transformed by the likes of Hugo Grotius (1583-1645), Samuel Pufendorf (1632-94) and Christian Thomasius (1655-1728). For the most part, these thinkers still saw natural law as deriving from God, although in Grotius was the suggestion that it would have validity from reason alone even were there no God. One possible path for the 'de-theologization' of natural law was to go generally in the direction of treating 'natural law' from an empirical point of view, reducing it to a type of prudential means-ends rationality in the style suggested by Hobbes. Kant was to open another path, however.

Kant's conception of the moral law has clear links to this earlier natural law tradition. It has been argued that one finds in the German natural lawyers ideas developed by Kant such as that of the compatibility of freedom with obligation (with a concomitant distinction between obligation and *coercion*), that obligation *itself* has motivational force independent of a subject's empirical desiring, and that the law has a necessarily *imperative* form (Schneewind 1993; 1998, 518-22). Moreover, the idea that the rightness of the moral law follows from its *universality* clearly links up to Rousseau's idea of the *volonté générale* and, before that, to seventeenth-century theological discussions of the 'general' nature of God's willing (Riley 1986). But Kant also *diverged* from this tradition, perhaps most strikingly in detaching the moral law from the will of God, and it was his *formal* idealism that allowed him to do this with the idea of the moral law as somehow legislated by the human mind itself.

In contrast to the idea of submission to a natural law of divine origin, Thomas Hobbes (1588-1679), saw the grounds of an individual's obligation to positive law as

resting in that individual's own voluntary *consent* to the law. This was the notion at the heart of his conception of the 'social contract' developed in the work *Leviathan* of 1651 (Hobbes 1994). Moreover, in his decidedly anti-Aristotelian account, Hobbes sought the explanation of such social behaviour in the type of explanation found in the new sciences. No Aristotelian teleology was needed as the movements of any of the isolated parts—the egoistic individuals—could be described in terms of the basic attributes of those parts. Thus, Hobbes introduces appetite and aversion as quasi-mechanically acting affective states, causally brought about by perceptual interaction with the world and manifesting themselves in particular actions. With this, Hobbes contributed to a generally *naturalistic* and *empiricist* approach to a modern natural law tradition, but this was seen by some to have internal problems.

As has often been pointed out, Hobbes's contractarian account faces the problem of capturing why grounding political law in the consent of subjects *counts as* justification, since the normative role played by the free willing of subjects appears to be at variance with his naturalistic account of the will (Riley 1982, 58; Schneewind 1998, 91). But if this aspect of Hobbes's account of the social contract was not to be particularly relevant to Kant's normative project, *Rousseau's* version certainly was. Rousseau's conception of the social contract involved a conception of the will that was far removed from Hobbes's individualistic and psychologistic one and allowed for the *formation* of a 'general will' that could not be reduced to an aggregate 'will of all' (Rousseau 1997, 60).

While in the 1780s Kant had published a number of essays with broadly political themes, his writings most directed towards unraveling the *political* consequences of his approach to the freedom of the will appeared throughout the 1790s. In fact, the ideas broached in essays such as 'On the Common Saying: "That may be true in theory, but does not apply in practice"' of 1793 and 'Perpetual Peace' of 1795 (Kant 1991), were not systematically developed until his *Metaphysics of Morals* of 1798 (Kant 1996). The events in France, of course, had given particular urgency to questions facing Kant and his followers. Kant had been positively disposed towards the revolutionary events, despite the fact that he excluded from his list of basic political rights the right of revolution.

Kant appeals to the notion of social contract to underpin the legitimacy of the state, but the social contract can in no way be conceived as any historical fact (Kant 1996, 111-12). Combining his transformation of Plato's approach with the modern appeal to the social contract, Kant treats the contract as a *regulative idea* against which the legitimacy of *actual* forms of sovereignty can be assessed. With this, Kant underpins Rousseau's distinction between the general will and the empirical 'will of all'. Such a treatment of the social contract as *idea* allows Kant to extend the notion beyond the constitution of nation states to envisage a 'league of nations' as a telos of historical development (Kant 1996, 114–20). A cosmopolitan condition ensuring 'perpetual peace' may never be achievable, but it can serve as the idea of an end to which humans may strive and in their striving come ever closer to approximating.

For Kant's followers, a crucial question was whether transcendental idealism had furnished a specifically *moral* basis for political philosophy, or whether politics had its own distinct normative basis. The answer to this was not easily deduced from Kant's critical works of the 1780s and his followers in the 1790s were divided. Even from the point of view of the later *Metaphysics of Morals*, Kant's answer seemed ambiguous. The two parts of that work examine the metaphysical principles of the doctrines of political 'right' and moral 'virtue' respectively, and demarcate the *external actions* to which the principles of political right apply and the *inner intentions or ends* relevant to morality. But this separation was nevertheless generally thought to be *internal* to a unified account that suggested an overarching 'moral' framework (Pippin 2006). The first unambiguous attempt to justify political arrangements by recourse to a *non-moral* but otherwise *Kantian* conception of the free will was that of J. G. Fichte.

Fichte's Application of the 'Wissenschaftslehre' to Political Philosophy

Johann Gottlieb Fichte (1762–1814) had first attracted attention in 1792 with a controversial work, *An Attempt at a Critique of All Revelation*, claiming to draw the consequences of transcendental philosophy for *religion*, and in 1794 he was appointed to a chair of 'Critical Philosophy' at the University of Jena, a position he held until his dismissal in 1799 on the grounds of alleged atheism (La Vopa 2001). During the Jena years and after, Fichte worked at building a *system* of idealist philosophy, named the *Wissenschaftslehre* ('doctrine of science'), that was meant to unify the distinct theoretical and practical parts of Kant's critical philosophy. Its first version appeared in 1794–5 (Fichte 1982) and in *Foundations of Natural Right According to the Principles of the Wissenschaftslehre*, published in 1795–6 (Fichte 2000), he applied this approach to a theory of rights. Here Fichte introduced the notion of intersubjective 'recognition' (*Anerkennung*) that would later be a crucial concept for Hegel.

Politically, Fichte was a supporter of the French Revolution and was generally regarded within Jena as having strong 'Jacobin' sympathies that persisted though the period of the Terror, a time when the original enthusiasm of many early sympathizers had waned. Early in the decade a *link* between the austere purism of Kant's moral philosophy and the slide of the Revolution into terror had been suggested by Fichte's contemporary at Jena, Friedrich Schiller (1759–1805). In *On Grace and Dignity* (1793) Schiller had been critical of what he took to be the antagonistic relation within Kant's moral philosophy between rational duty on the one hand and sentiment and inclination on the other, suggesting that such a polarization amounted to an 'oppression' of man's sensuous nature. In 1794–5, this idea was further developed in *On the Aesthetic Education of Man* (Schiller 1967), in which, appealing to individual and collective *life*, and with clear reference to the type of revolutionary puritanism unleashed in France, Schiller warned of the dangers of the external *imposition* of

rational form on a natural living body (Schiller 1967, Second Letter). Schiller advocated a way around this by appealing to ideas from Kant's account of *aesthetic* judgment in the *Critique of Judgment* of 1790, thus playing up the role of aesthetic culture in the state as a way of mediating the opposing terms of Kant's dichotomous thought (Beiser 2005b). Schiller was to influence the ideas of the so-called 'early romantics' (Beiser 1996 & 2003) as well as Hegel, but relations between Schiller and Fichte were strained, and Schiller seems to have identified Fichte as part of the Kantian problem. However, Fichte's *own* separation of political right from Kantian morality might be seen as *his* way of addressing the problem that Schiller had diagnosed in Kantian moral purism.

In an earlier work trying to apply the principles of Kant's idealism to the French Revolution, Fichte had actually attempted to morally ground universal human rights in the Categorical Imperative (La Vopa 2001, chs 2–3). This effectively made the purpose of the state the moral *perfection* of its citizens. In the 'Introduction' to the *Foundations of Natural Right*, however, he states that while the rule of right *also* belongs to the moral conscience, 'this is not part of the philosophical doctrine of right, which ought to be a separate science standing on its own' (Fichte 2000, 10–11). Thus 'in the doctrine of right there is no talk of moral obligation; each is bound only by the free, arbitrary decision to live in community with others'.

As the full title of his text states, Fichte attempts to arrive at the rational foundations of right 'according to the principles of the *Wissenschaftslehre*'. The key to this idealist mode of philosophizing, in which all content is meant to be 'deduced' out of an initial formula stating 'I = I', is to see the 'I' in question as a version of what Kant, in the *Critique of Pure Reason*, called the 'transcendental unity of apperception', and to see the 'deduction' as akin to Kant's associated 'transcendental deduction' of the forms of experience and knowledge. Briefly, for Kant the condition of *unifying* my empirical beliefs *as* beliefs about entities belonging to a single world is to regard them as beliefs belonging to a single *unified* rational subject. This ideal *universal* subject he calls the 'transcendental unity of apperception'. In the revised 'Transcendental Deduction' of the second edition of the *Critique of Pure Reason*, written to counter the charge of immaterialism, Kant attempts to 'deduce' from this principle of the unity of the transcendental I and its representations, the categories and other formal preconditions of rational experience (Henrich 1982a).

In *Foundations of the Entire Science of Knowledge [Wissenschaftslehre]* of 1794 (Fichte 1982), Fichte describes the need to discover the 'primordial, absolutely unconditioned first principle of all human knowledge', a first principle 'intended to express that *Act* which does not and cannot appear among the empirical states of consciousness, but rather lies at the basis of all consciousness and alone makes it possible' (Fichte 1982, 93). Starting from the 'laws of common logic' including the law of identity, Fichte moves to the principle that 'I=I', the 'Principle of Identity'. In an apparent analogy with Descartes' famous 'cogito' argument, Fichte asserts that from the knowledge of 'I am I' can be deduced 'I am': '*The self begins by an absolute positing of its own existence*' (Fichte 1982, 99). But the analogy with Descartes is, in

fact, misleading. Fichte can think of the ‘I’ as ‘self-positing’ because he is explicitly *critical* of the idea that the ‘I’ is the name of any type of ‘thing’ or substance, including Descartes’ *non-physical* ‘mental’ substance. The ‘I’ has the fundamental mode of existence of an *activity*, and an activity that cannot be thought of as the activity of an underlying substance that *acts*. Thus Fichte famously describes the ‘I’ with the neologism, ‘*Tathandlung*’—a type of ‘fact-act’—in contrast to a ‘*Tatsache*’ or ‘fact-thing’. In the *Foundations of Natural Right* it becomes clear that, in contrast to Descartes, Fichte in fact has a strongly *embodied* conception of what it is to be an ‘I’ (Nuzzo 2006).

The *Wissenschaftslehre* thus proceeds in such a way, but whereas Kant’s ‘transcendental deduction’ had aspired to deduce the ‘formal’ conditions of experience (the categories and the forms of intuition and the principles according to which these different forms were related) Fichte’s aspirations—as more consistent with the implicit ‘hylomorphic’ dimensions of Kant’s thought and pre-figuring the direction taken by Schelling and Hegel—seem to extend equally to a deduction of the *material* conditions of rational self-consciousness. Thus, German idealism after Kant has been described as a continuing ‘struggle against subjectivism’ (Beiser 2002). In the *Foundations of Natural Right* this more material deduction thus extends to the condition of the thinker being the bearer of *rights* (*Rechte*) living within a *just state* (*Rechtsstadt*).

Fichte and Intersubjective Recognition

In *Foundations of Natural Right* Fichte departs from any standardly *theoretical* understanding of self-consciousness by making *intentional willing* a condition of self-consciousness or ‘self-positing’, the first theorem stating that ‘A finite rational being cannot posit itself without ascribing a free efficacy to itself’ (Fichte 2000, §1). But a subject can only ascribe such free efficacy [*freie Wirksamkeit*] to itself in virtue of its being aware of its capacity to make a difference within the external world, and so it must thereby also posit and determine ‘a sensible world outside of itself’ (§2). This raises a problem however, since the subject ‘cannot ascribe an efficacy to itself without having posited an object upon which such efficacy is supposed to be exercised’ (§3 (1)), and here a type of infinite regress threatens as ‘the explanation of the possibility of consciousness already presupposes consciousness as real’.

Fichte’s proffered solution here was to set idealist conceptions of the subject, especially that of Hegel, on a new and innovative path. It is a condition of *being* a rational subject that one belongs to a community of mutually recognizing rational subjects: ‘*the finite rational being cannot ascribe to itself a free efficacy in the sensible world without also ascribing such efficacy to others, and thus without also presupposing the existence of other finite rational beings outside of itself*’ (Fichte 2000, §3). We must be able to think of that which determines the subject’s action (its ‘exercise of efficacy’) not as the action of some pre-existing *object*, as this leads to

the regress: we must think of it as the action of the *subject itself*. The subject must be determined ‘*to be self-determining*’. Here Fichte reinterprets the idea about freedom under the constraint of rational law earlier noted in earlier treatments of natural law: a subject is determined to be self-determining when it is determined by a speech act *issuing from another*. But in Fichte this is not the *command* of a superior, but ‘a summons [or solicitation ‘*Aufforderung*’] to the subject’ from another *equal* who calls upon it ‘to resolve to exercise its efficacy’ (Fichte 2000, §3, III). With this idea of *inter-subjective existence* as a requirement for rationality as such, Fichte seems to anticipate recent appeals to ‘social pragmatics’ (Brandom 1994, 2002) or the ‘second-person standpoint’ (Darwall 2006) in discussions of rationality. Fichte’s second theorem, which states that the finite rational being cannot ‘ascribe to itself a free efficacy in the sensible world’ without ‘presupposing the existence of other finite rational beings outside of itself’, in turn leads to a third, specifying the *nature* of the relation within which one must stand to such other rational beings as a ‘relation of right’.

With his theory of intersubjective recognition, Fichte was not simply appealing to the ancient idea that human existence is necessarily *social* (Brinkmann 2002). Rather, Fichte tries to capture the idea that the activity of the subject has *dual* conditioning. It is conditioned by factors that the subject posits as both internal and external to itself. ‘The subject has now posited itself as containing within itself the ultimate ground of something that exists *within it* ... but it has likewise posited a being outside itself as the ultimate ground of this something that exists within it’ (Fichte 2000, §4, 1). That which is ‘within it’ is its own efficacious capacity; that which is ‘without it’ is another subject ‘summonsing’ it to efficacious free activity. ‘[T]he ground of the subject’s efficacy lies simultaneously *within itself* and in the being *outside itself*. If the external being had not exercised its efficacy and thus had not summoned the subject to exercise its efficacy, then the subject itself would not have exercised its efficacy.’ But Fichte analyses this complex arrangement with respect to both ‘form’ and ‘content’. When he glosses ‘with regard to form’, with ‘with regard to the fact that there is activity at all’, we hear the echoes of Aristotle’s (radically non-Cartesian) idea of the soul as the ‘form of the body’ and as the explanatory principle of the body’s movement. But whereas for Aristotle such form, as the form of a self-subsistent *substance*, was not dependent on anything *outside itself*, for Fichte ‘with regard to form ... the ground of the subject’s efficacy lies simultaneously *within itself* and in the being *outside itself*. Nevertheless, just as in Aristotle, form is always embodied in matter, Fichte immediately points out that the subject’s activity ‘is also conditioned with regard to its content [or matter, ‘*Materie*’]’, and this *too* is subject to conditioning from without as ‘a particular sphere is allotted to the subject as the sphere of its possible activity’.

The sphere of the subject’s activity—the range of objects upon which it can act—conditions the *content* of that activity in that it limits the range of possible actions ‘the subject has chosen from among the possibilities contained in the sphere: the subject constitutes its freedom and independence out of these possibilities’ (ibid).

But while this ‘sphere of possibilities’ is in one sense simply conditioned by the material environment within which the subject is located, the availability of objects to be worked upon is *also* subject to the actions of other finite rational beings in as much as they limit their *own* actions, allowing the first subject free access to the material sphere that it can regard as *its own*.

We can regard this as part of Fichte’s innovatory way of addressing the question that is as crucial for political philosophy as it is perplexing: the nature of the property relation itself. For Fichte, the relation that I stand to my property cannot be understood in abstraction from my relation to other agents in the world who *recognize* or *acknowledge* my exclusive access to what is mine by refraining from acting on those things. Thus as an *idealist*, Fichte does not attempt to ground this relation in anything *deeper* than the activity of mutual recognition itself. His theory of property thus stands in contrast to that of Locke, for example, who had made ownership of created objects a consequence of the creator’s natural ‘ownership’ of his own activity (Locke 1988, Bk. 2 ch. 5). For Fichte ‘labouring upon’ the world is still centrally connected with property rights, but the capacity to labour upon a part of the world—the ‘sphere of my activity’—is itself a *consequence* of my access to that part of the world recognized *as mine*.

Fichte’s account of intersubjective recognition has important consequences for the content of his political theorizing. Fichte ascribes not only the right to subsistence as a basic human right, he extends the right to *work* to the right of unimpeded access to a range of objects upon which one’s willful activity can be exercised (Fichte 2000, §19 (D)). Thus Fichte’s orientation has been seen as anticipating aspects of later nineteenth century *socialist* thought. Moreover, his more interventionist approach to the state that coheres with the demand for the preservation of this right goes along with a stress on the *coercive* powers of the state that also mark his thought off from that typical of liberalism. Indeed critics have linked these aspects to fundamental tensions within his underlying theory of recognition, the idea of the ‘summons’, for example, sitting uneasily with the reciprocal dimension of the recognitive relation of right (Brinkmann 2002; Williams 1992; 2002). It is now common to see *Hegel* as the idealist critic who addresses these sorts of problems from within his own transformative appropriation of Fichte’s ‘recognition-theoretic’ approach (Siep 1979; Williams 1992, 2000).

Hegel and The Logical Foundations of Political Philosophy

Georg Wilhelm Friedrich Hegel (1770–1831) was born and schooled in Stuttgart and attended a seminary in nearby Tübingen, where any plans for a pastoral life seem to have been undercut by an interest in philosophy shared with fellow seminarians Friedrich Schelling and Friedrich Hölderlin. The period of Hegel’s stay the seminary, between October 1788 and July 1793, makes it easy to appreciate his intense interest in contemporary political events. An enthusiastic supporter of the revolution, Hegel’s

sympathies were nevertheless more in line with the federalist intentions of the Girondists than the centralism of the Jacobins (Pinkard 2000).

By the late 1790s, Schelling had been appointed to the University of Jena where he was joined by Hegel in 1801. Hegel's years at Jena, which would be terminated with the closure of the university in 1807 following the occupation by Napoleon's troops after the Battle of Jena, saw him experimenting with various ways of conceiving the structure of his idealistic system, and completing in that year his first great work, the *Phenomenology of Spirit*. His academic career interrupted for about a decade, Hegel nevertheless ended up as occupant of the chair of philosophy at the recently opened University of Berlin, first occupied by Fichte after his expulsion from Jena. Hegel's most well known work of political philosophy, *Outline of a Philosophy of Right* (1821) is often described as involving an abandonment of his earlier revolutionary sympathies, but this is exaggerated. The conception of the state in that work is broadly compatible with the type of constitutional monarchy that had been the goal of most of the revolutionaries in the revolution's early stages. At one time it was common to even represent Hegel as the precursor of twentieth-century totalitarianism (eg, Popper 2003), but this view is now rejected by many interpreters (e.g., Avineri 1972; Neuhaus 2000; Honneth 2000, and Pippin 2008). The more favourable interpretations of Hegel have been bound up with a reinterpretation of Hegel's central and difficult notion of '*Sittlichkeit*' or 'ethical life'. Thus while this was earlier often taken to indicate a radically anti-individualist ontology, with individuals somehow absorbed within an 'organic' social whole, recent interpreters have approached it in the light of Hegel's development of Fichte's account of intersubjective recognition.

In the tradition stemming from Kant and Fichte the normative foundations for political thought were associated with the idea of a 'will' that was able, in some way, to transcend the particularity and 'arbitrariness' of its 'immediate' starting point, and thereby attain freedom. This conception of the 'elevation' of the individual will to something more general and representing the interest of the community was in contrast to the type of empiricist-naturalist starting point found in Hobbes, where the individual's will was simply identified with their natural appetites. Opposing such an atomistic starting point, Hegel would indeed appeal to what in the first instance looks like Aristotelian organicist holism, and consistent with this employs a form of Aristotelian logic in his 'deductions' within the *Outline for a Philosophy of Right*. Undoubtedly it is the 'holism' and 'organicism' of such an approach that has led to the concern of liberals about the eclipse of the status of the *individual* within his philosophy, but for Hegel, such holism has to be reconciled with the 'recognitive' framework taken from Fichte in which the individual subject of 'abstract right' plays a central role.

In the 'Preface' to the *Philosophy of Right*, Hegel says that the 'speculative' logic on which the organization of that work is based is meant to overcome the inadequacies of the 'forms and rules of the older logic', that is, of Aristotelian logic. Nevertheless he is dismissive of the modern reactions that simply 'cast aside' the

logical approach ‘to make way for the arbitrary pronouncements of the heart, of fantasy, and of contingent intuition’ (Hegel 1991, 10). The subject matter to be treated is ‘concrete’, but from the point of view of science [*Wissenschaft*], ‘the content [*Inhalt*] is essentially inseparable from the *form*’. As with Fichte, Hegel starts from something apparently simple and given—the individual’s subjective will—and progressively unpacks those organized contexts that can be seen as the conditions for the existence of that apparent ‘given’.

As we have seen, Kant had already alluded to the idea of a type of ‘transcendental deduction’ of the features of a just state in his references to Plato’s *Republic* in the *Critique of Pure Reason*, and in the essay ‘Perpetual Peace’ he was to appeal to a *logical* basis for the constitutional doctrine of the separation of powers. The difference between well-formed republican states and formless despotic ones hangs on the relationship that exists between the legislative and executive functions in each. A republican constitution is one which *subordinates* the actions of a particular executive to a representative legislature giving expression to the public will—essentially, the Rousseauian *volonté générale*. In contrast, despotism exists where the executive *itself* legislates such that ‘the public will is administered by the ruler as his own will’. But, ‘the legislator can unite in one and the same person his function as legislative and as executor of his will just as little as the universal of the major premiss in a syllogism can also be the subsumption of the particular under the universal in the minor’ (Kant 1963, 96).

Kant’s device of appealing to a ‘syllogism’, providing a non-instrumental justification for Montesquieu’s separation of powers (Ripstein 2009, 174–5), is much more systematically employed by Hegel in the *Philosophy of Right* to capture the form of the state that best promotes freedom. However, Hegel builds on ideas that are still ultimately Kantian.

The Will and its Right

In ‘Part One’ of the *Philosophy of Right*, ‘Abstract Right’, Hegel discusses property relations in a way clearly influenced by Fichte’s *recognitive* treatment in the *Foundations of Natural Right*. But equally clearly, Hegel’s treatment is meant to overcome the limitations of Fichte’s approach.

To be *recognized* the will must be *expressed*, and the first such expression considered is that of desire expressed in action. As in Fichte, there must be some empirical object at which my action is directed, allowing my desire to be recognized: ‘My inner act of will which says that something is mine must also become recognizable [*erkennen werden*] by others. If I make a thing mine, I give it this predicate which must appear in it in an external form, and must not simply remain in my inner will’ (Hegel 1991a, § 51 add). We can recognize the will of others in actions such as ‘taking possession’, ‘using’, ‘alienating’, and, most complexly, in the exchange of property encoded in a commercial contract (Hegel 1991, Part 1, sections

1 and 2). Crucially, the contract ‘presupposes that the contracting parties *recognize* [*anerkennen*] each other as persons and owners of property; and since it is a relationship of objective spirit, the moment of recognition [*Anerkennung*] is already contained and presupposed within it’ (Hegel 1991a, § 71). The necessity of recognition here is clearly bound up with the most explicit mode of ‘taking possession’—that of giving others a sign [*Zeichen*] ‘in order to exclude them and to show that I have placed my will in the thing’ (§ 58 add).

In earlier work from his Jena period, involving a critical appropriation of Fichte’s recognitive theory, Hegel had suggested that the recognitive relation was the core of *all* forms of human (‘spiritual’) life, not just those mediated by property rights (Williams 1992, 1997). This broadening of the notion of recognition now forms the basis of his *non-Fichtean* account of the state. The ‘recognition’ involved in the contract is, as Adam Smith had observed, based on self-interest, and so here the individual subject will see the ‘recognitive’ dimension as secondary to its status as instrument for satisfying its desire. This is why contracts must rely on the coercion of the state for their enforcement. But Hegel contrasts such a form of social relation with those which typically do *not* need to be externally coerced—the bonds of love between family members, for example. So, while up to the treatment of contract Hegel’s ‘deduction’ has proceeded in a broadly Fichtean way, in ‘Part 3: Ethical Life’, the necessarily coerced legal relations central to Fichte’s account of the state becomes contextualized within more inclusive conceptions of ‘ethical life’ that nevertheless remain essentially *recognitive* (Pippin 2008, ch 7).

Ethical Life and the Structure of the Modern State

Like Aristotle (Aristotle 1998, Bk. 1), Hegel treats the state in the first instance as made up of families or households. The state is the whole and the family its basic part. But the modern state differs from the ancient polis in terms of the development of what Hegel calls ‘civil society’ [*bürgerliche Gesellschaft*], which is a peculiarly modern form of unity holding among households effectively based upon the commercial economy. Within civil society individual representatives of families (for Hegel, only males) relate to each other, but because of the recognitive relations structuring civil society these otherwise family members gain a different ‘form’ of determinate recognition. To become a participant within civil society, the individual who was otherwise a ‘moment’ within a family ‘bound together’ by mutual affections, must be ‘released from the concept to self-sufficient reality’ (Hegel 1991a, §181).

Hegel uses his own development of the Aristotelian syllogistic to represent this situation. The state is to be thought of as the universal, and the family, its part, as a particular, but here ‘universality’ must not be conceived as the more abstract term, but rather the *more concrete*. From this point of view, the universal ‘Athenianness’, say, is not to be thought of as an abstract determination shared by every particular Athenian: rather, it is that *unified form of life* in which each Athenian citizen participates and which is responsible for their identity *as* an Athenian. It is this holism

that has led many to interpret Hegel's 'ethical life [*Sittlichkeit*]' as radically anti-individualistic, with the individual having little more than an epiphenomenal reality. Were Hegel to think of the Greek polis as some a-historical norm, this would indeed be justified, as Hegel thinks of the ancient polis as effectively having no resources for the recognition of individuals in terms other than provided by their given social roles. In this sense, relations within the ancient polis resemble relations within a family. But the development of civil society has provided a context in which the individual can be recognized as a bare bearer of rights. Thus Hegel's description of the 'moments' of families as being 'released from the concept' on entering into and participating in civil society is particularly significant. A little of the background of Hegel's logic is necessary to appreciate this point.

In Aristotelian logic there is a strict distinction between 'particularity' and 'singularity'. For Aristotle, a *particular* is an individual represented *as* the subject of a *particular* judgment, and so represented by some common name or 'kind term'—'this *Athenian*', for example. Such judgments are logically different from *singular* judgments in which an individual is referred to *without reference* to any kind term but by a proper name (a singular term)—'Socrates', for example. In the traditional syllogism there had been no genuine place for singular judgments, and as it turns out, Hegel thinks that in the ancient polis, neither had there been a genuine context for the 'singular' individual to be recognized *as such*: there one is always recognized as the bearer of some *particular* social role. But modernity has given rise to a context—the commercial economy centered around the production and exchange of need-satisfying goods—that allows the particular family member to acquire a new conception of himself as a '*self-sufficient* particular' as well as that of family member. This context is civil society, and the form of recognition involved there is as an 'abstract' bearer of legal rights—a legal 'person'. Whereas *qua* family member, an individual gains a self-conception *as* bound to particular others (as brother of ..., father of ..., cousin to ..., and so on), in civil society that individual can be recognized in terms of an apparently abstractly 'self-sufficient' generalization (Redding 1996, ch. 9). In this realm, an individual is abstracted from their concrete identity, such that a '*human being counts as such because he is a human being*, not because he is a Jew, Catholic, Protestant, German, Italian, etc.' (Hegel 1991a, §209, remark).

Stripped of their determinate identities in this way, each 'person' is akin to those 'natural' humans from which Hobbes or Adam Smith start *their* thinking about human association, and they are able to *think of themselves* in that way. Of course Hegel doesn't accept this *as* a starting point—such individuals are products of a definite form of social life and dependent on it—but while he insists on the primacy of the 'whole' from which the self-subsistent atom determined as a natural organism is released, he nevertheless follows Smith as seeing 'universality' as reconstituted in a novel way on the basis of the effects of this 'release' into self-sufficiency. This form of recognition, and the changes in theoretical and practical relations that flow from it, leads to the social accumulation of goods in ways not found in traditional societies (Hegel 1991a, §189). But it also leads to social and psychological pathologies because

of the stripping of the concrete identities involved. Thus, in a way that anticipates Marx and Engels, Hegel describes the social mechanisms that generate an economic and cultural underclass unable to benefit from the accumulation of social goods (§§185, 200).

So, although Hegel had adopted much of the general form of traditional syllogistic logic, his interpretation of it was far from being standardly Aristotelian. As with Aristotle, for Hegel the simplest categorical form taken by the world is hylomorphic. Initially, at least, individuals are to be thought of as instances of hierarchically organized kinds—this individual is first a ‘Jones’, say, and then an ‘Englishman’, and so on. But *unlike* the case in Aristotle, the individual *can* be recognized as stripped of any particular conceptual form and determined as a ‘singular’ (or ‘self-sufficient’ particular), and still exist *within* society. This can look like a move to a more *nominalist* approach to social existence, and yet for Hegel it is nevertheless misleading to think of such an existence as having escaped from conceptual determination as such, as nominalism has it. Along with the categories of *universality* and *particularity*, that of *singularity* is itself to be understood functionally in terms of the role it plays in the forms of recognition that mediate social life. But the role *it* plays is that of construing the individual *as* the bearer of an ‘abstract’ universal. Hegel thus reinterprets Aristotle’s way of taxonomizing the various syllogistic ‘figures’ in terms of which of the categories of universality, particularity, or singularity plays the dominant role. As Dieter Henrich puts it, Hegel’s syllogisms are ‘integrated conceptualizations of something that is itself already an intrinsic determination of form’ but that ‘the kind of union conceptualized here is always grounded in a differentiated unity and in the differentiation of the singular moments involved’ (Henrich 2004, 244).

Because they have different, in fact *opposed*, principles of unification, the family and civil society, *qua* two contrasting forms of social organization within modern life, embody different ‘syllogisms’. What Hegel says about the relations of individuals within the family coheres with his description of ‘the categorical syllogism’ in his *Science of Logic* (Hegel 1969, 696–8), as there the mediating or ‘middle term’ binding the extremes of universality and singularity is the *particular* (it is *as a family* member that the singular biological organism becomes socialized, integrated into ‘the universal’). In contrast, it is the ‘hypothetical syllogism’ that captures the relations in civil society, as there ‘singularity’ (here, the natural biological being with its desires and capacities in which the ‘self-sufficient particular’ is instantiated) is the *middle term* uniting particular families into a ‘negative unity’ in the state (Hegel 1969, 700). Like Fichte, Hegel sees the unity of *civil* society as only ensured by coercively enforced laws regulating the interactions of all such self-sufficient *singulars* [*Einzelner*] (Hegel 1991a, §157) in their competitive interactions. And while ‘many modern exponents of constitutional law have been unable to offer any view of the state but this’ (§182 add), this system of institutions making up civil society is just ‘the *external state, the state of necessity and of the understanding*’

(§183), it is not the state as *philosophically* understood, that is, understood by ‘reason’.

Hegel’s critique of the ‘external state’ is often taken as evidence for his support for a state with the form of unity seen in the classical polis, but this is not the case. The ‘syllogism’ capturing the rational state (structurally akin to the ‘disjunctive syllogism’ (Hegel 1969, 701–4)), is meant to integrate the syllogisms instantiated in the family and civil society, ‘mediating’, not *absorbing*, them. A simple ‘organic’ model of the state in which parts, like organs in an organism, are *never* released from the identity-conferring functional roles within the whole, cannot capture this. Hegel’s syllogistically ‘organicist’ theory of the state thus cannot be equated with other naturalistic or ‘organological’ models (Wolff 2004, 292) with which it is often confused. The difference lies in his attempt to integrate the subject as ‘abstract bearer of rights’ into the greater whole.

Hegel’s attempts at ‘deducing’ the state are, from a contemporary point of view, complex, ambiguous and unclear, but the nature of the underlying political view expressed in them is not. Hegel is attempting to incorporate much of the individualistic rights-based approach of modern liberalism, while at the same time rejecting the naturalistic and empiricist assumptions on which it typically relies. He is also trying to diagnose the problems of modern civil society, such as the systematic production of extremes of wealth and poverty and the subjective effects of the dissolution of concrete identities, and to point to remedies that do not sacrifice the increase in freedom that the rights-based relations of modernity have produced. Rather than a precursor of twentieth-century totalitarianism (Popper 2003), Hegel was closer to the moderates of the early phase of the French Revolution, favouring a ‘republican’ monarchy something like that codified in the constitution of 1791 (Furet & Halévi 1996). In fact, he has been seen by some as the greatest theorist of constitutional monarchy (e.g., Yack 1980).

Hegel’s *republican* monarch

Hegel political solution of constitutional monarchy might have few supporters today, but it is important to separate it from any royalist reaction to the revolutionary politics of 1789 (Ritter 1982). For Hegel, the constitutional monarch is part of the recognitive arrangement to reconstitute a cohesive social unity out of the freed and atomistic modern ‘singular’ subjects that are the bearers of abstract rights. Moreover, Hegel’s motivations are fundamentally republican, as he sees the constitutional monarchy as part of the process of giving necessary *form* to popular sovereignty. Thus he contests the view of popular sovereignty that simply opposes it to the monarchical state and leaves ‘the people’ as an unarticulated ‘formless mass’ (Hegel 1991a, §279 remark), a worry clearly exemplified for him in the excesses of the French Revolution deriving from its excessively ‘abstract’ assertion of universal rights.

In terms of constitutional structure, Hegel's idea of representation is both like and unlike the conventional liberal view. Within the context of civil society the *Stände* (estates) are those 'masses' into which the economic realm of production, consumption and exchange is differentiated. But Hegel also makes the estates the *channels of political representation*. Individuals are not directly represented *as such* in the legislature, but rather as members of some corporation or estate. We might say that it is the objective interests that are primarily represented and that individuals are represented in virtue of having those interests. It is thus that the legislature is composed of two houses, one, representing the 'substantial' agricultural estate being the house of an hereditary nobility, the other being composed of deputies representing the corporations (Hegel 1991a, §§ 308 & 311). The participation of the third 'universal estate' is secured via its role in the executive. That the individual is not immediately represented in the legislature contrasts with the conventional liberal approach and highlights the distinctness of Hegel's own concept of representation. Hegel shares Rousseau's scepticism concerning an individual's spontaneous or untutored ability to understand his or her own interests. Representation by estates thus provides a mechanism for a more 'objective' representation of any individual's material interests via their participatory role in the economy.

For Hegel, neither an individual's immediate view of what is in their own interest, nor that of any concrete 'circle' to which they belong, could be in any way foundational. Thus representatives must not be considered as 'commissioned or mandated agents' (Hegel 1991a, § 309); that is, they are not simply channels for the transmission of their constituents' interests as immediately understood by them. Rather, this first person 'subjective' view must be brought into dialogue with other similarly particular views on the one hand, and a more 'universal' view represented by state functionaries on the other. Thus the play of interests as represented in the legislature is not like a system of forces which mechanically resolve into some single force within which the components are expressed as vectors. It is meant to involve a self-correcting attempt of the deputies to *think* from the viewpoint of all.

It is not surprising that Montesquieu's doctrine of the (conveniently tripartite) separation of powers finds a role in Hegel's constitution articulated with this logic. When reconceived in this syllogistic way, the triparticity of the distinction will be thought in terms of the relation of singular, particular and universal *within* the political self-legislating will. Of these the legislative function of the formulation of *universally applying laws* will occupy the position of the universal, while the executive in its function of *carrying out* the laws in the realm of particularity will stand in the place of the particular. But Hegel replaces Montesquieu's judiciary as third power with the *monarch* who instantiates the category of singularity (Hegel 1991a, §§ 272-73).

Like many of the French revolutionaries prior to the fall of Louis XVI, Hegel wants to give the monarch a constitutional role constrained by the more substantive roles of *creating* and *executing* laws that are given over to the other two powers (Hegel 1991a, §§ 279–280). The monarch merely has to add his *name* to that which

had been decided upon and advised by his officers, but ‘this *name* is important: it is the ultimate instance and *non plus ultra*’ (§ 279 remark). He has to add the words, ‘I will it’ and supply that element of singular subjectivity that ‘the will’ needs in its full development. Without it, that which is willed will come to be seen as only a mechanical or natural result of the interested reasonings of the legislative representatives. It will not be grasped as consciously *posited*. The king’s ‘I will’ therefore constitutes a form of address within which citizens can each recognize themselves in terms of the singular determination they receive in civil society. Without such possible recognition to bind them back into an identification with the whole, they would remain alienated from a common life that they would perceive as external and foreign.

Hegel’s concrete suggestions concerning how to advance by constitutional means the universalization of freedom in the modern world did not survive him. Rather than trying to *mediate* the effects of the emerging capitalist economy, the post-Hegelian *left* eventually argued for the elimination of the ‘external state’ and the property rights that the external state aimed to protect. In contrast, the Hegelian right regressed back into a nostalgic and religious commitment to the pre-modern ‘organological’ state in which the individual was not represented as such. Today, Hegel’s *solutions* may not be extant, but, sympathetically read, Hegel can be still seen as having developed a credible *idealist* approach to politics which attempted to diagnose and address problems that are all too obviously still very much with us.

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