

เฮเกิล – ผู้วิจารณ์หรือผู้ปกป้องความเข้าใจ ‘สมัยใหม่’ ของคานท์ ?
Hegel – a critic or a defender of Kantian modernity ?

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Abstract

The article aims to explain and analyse Georg Wilhelm Friedrich Hegel’s two main critiques on Kantian concept of modernity; the beautiful soul critique and the totalitarian state critique, as well as to provide a concise summary of Hegel’s account on modern state and modern law. The article argues that Hegel’s modernity and the Kantian liberal modernity actually share the same roots, but they have grown apart, and Hegel’s account has extended itself to a rather anti-liberal sphere. However, Hegel’s philosophy cannot be labelled as either pure Kantian liberal or pure authoritarian. His theory should be viewed as a telos which humans aim to achieve and his theory should be used as a standard state to assess our current society.

Keywords : modernity, Hegel, Kant, Philosophy of Law

บทคัดย่อ

บทความนี้ต้องการอธิบายปรัชญาที่เกี่ยวกับรัฐสมัยและกฎหมายสมัยใหม่ตามความเข้าใจของ Georg Wilhelm Friedrich Hegel โดยเฉพาะในบทวิจารณ์สองบทวิจารณ์ของเฮเกิลที่มีต่อแนวคิดเสรีนิยมสมัยใหม่ของ Immanuel Kant ได้แก่ บทวิจารณ์ Beautiful Soul และบทวิจารณ์ที่เกี่ยวข้องกับรัฐอำนาจนิยมเบ็ดเสร็จ ในท้ายที่สุด บทความสรุปว่า ความเข้าใจต่อความเป็นสมัยใหม่ของเฮเกิลและของคานท์นั้นล้วนมีรากมาจากแหล่งเดียวกันแต่ปรัชญาของเฮเกิลนั้นได้เจริญเติบโตแตกยอดออกไปในปรัชญาแนวต่อต้านเสรีนิยม อย่างไรก็ตาม ปรัชญาของเฮเกิลนั้นไม่ควรถูกเข้าใจในฐานะปรัชญาที่มีความเสรีนิยมสมัยใหม่เหมือนปรัชญาของคานท์ก็หรือในฐานะปรัชญาเชิงอำนาจนิยม แต่ควรถูกเข้าใจในฐานะที่เป็นจุดหมายปลายทาง (Telos) ที่รัฐสมัยใหม่ล้วนต้องพยายามพัฒนาไปถึง

คำสำคัญ : สมัยใหม่, เฮเกิล, คานท์, ปรัชญากฎหมาย

1. Introduction

Human struggle is a topic far too familiar in philosophical enquiries. Everyday a man wakes up from his dream, wishing it to linger on into his reality. He goes to bed in a despairing and exhausting state of body and mind, yet still hoping for a brighter tomorrow despite all the hardships life demands from him. Dreams and realities, oneself and others, and a man and society – these antagonisms can appear in various forms and shapes but all of them are rooted in what Immanuel Kant calls ‘unsocial sociability’¹ – the innate contradiction in human nature where a man has a tendency to be alone and selfish but still seeks comfort of society and company of others as a social animal. For Kant, the wonder of human nature lies in its conflict rather its harmony. It is the internal conflict that drive men out of barbarism to develop culture as well as society, yet this same natural conflict poses itself as the greatest challenge any men want to overcome. Kant argues that, by blindly following the unsocial sociability instinct alone, a man might either be consumed by his own greed or might be tempted to live prefer the comfort of living under someone else’s guidance. To be the master of himself and to overcome his instinct, a man needs to seek reason – a unique faculty setting men apart from other animals and enabling them to ‘extend far beyond the limits of natural instinct the rule and intentions. It [man] follows in using its [man’s] various powers.’² Kant’s definition of Reason is not just a gift granted to men by God. Although Reason is innate to men, men need to vigorously seek, cultivate and develop their own Reason.³ Reason demands dedication and it has to be sought through a will, each man’s determination to overcome his instinct. When a man is enlightened through his employment of reason, he reconciles his reason with his ‘unsocial sociality’- the internal struggle within himself. As Reason overcomes nature, a man is enlightened, or, to use Kant’s words, he has ‘emerged from his self-incurred immaturity.’⁴

The concept of human nature and the task to Reason allows Kant to further develop his own understanding of modernity and paint t a vivid picture of what a modern state ought to be. State plays an important role in Kant’s task to Reason, he points out that there is more chance for men to be enlightened if they live together in society, rather living sufficiently by themselves.⁵ This statement implies that society does not merely exist because men need to satisfy the social animal part of their nature but society comes to an existence with a specific purpose of giving men the required ecosystem to learn and cultivate their own Reason. Kant purposes that a modern society that would allow men to develop his own reason needs, above anything else, to provide them freedom to use their reason. Therefore, the law, the government and other social apparatus in Kantian modern state, while they are the product

¹ Immanuel Kant, ‘Idea for a universal history with a cosmopolitan purpose’ in *Kant : Political Writings* (Hans Siegbert Reiss and Hugh Barr Nisbet (eds), Cambridge University Press 1991), p 46.

² Ibid, p 42.

³ Ibid, p 43.

⁴ Immanuel Kant, ‘An Answer to the Question: What is Enlightenment?’ in *Kant : Political Writings*, p 54.

⁵ Ibid, p 55.

of human struggles over nature, have to simultaneously foster men on the path of reason development. The notion of Kantian modernity encompasses the concept of freedom, autonomy, limited governance and, most importantly, usage of reason. Modern law, hence, reflects the same values.

While Kantian theory of modernity is beyond fascination in itself, the focus of this article is on another great man, who came after Kant – Georg Wilhelm Friedrich Hegel. Hegel's works are notorious for its complexity and difficulty to read famously but I think the crux of his works might be relatively easier to grasp if they are read as a sequel of Kant's modernity project. As I will argue, Hegel views Kant's project of liberal modernity and enlightenment as an unfinished project. The project that fails to give a satisfactory answer to a man's internal struggles and the external movement of state in history. Although the final product of Hegelian philosophy is a rather authoritarian state. Hegel is neither a full-blown advocate nor a harsh critic of modernity. Hegel's modernity and the liberal modernity actually share the same roots, but they have grown apart, and Hegel's account has extended itself to a rather anti-liberal authoritarian sphere. Hegel's philosophy cannot be labelled as either pure Kantian liberal or pure authoritarian. Because of this unique character, I will argue that Hegel's model of a modern state should be used as a reference point to reveal the pitfalls and assure the strength of the Kantian modernity. Hegel seems to realise the fundamental weaknesses in the Kantian modernity; he criticises it straightforwardly and finally provides a practical solution to the criticisms. Ultimately, Hegel's modernity 'offers us not a path of escape, but a practical theory that can help us both criticise and keep us at home in our world⁶.'

To present Hegel's modernity as both proponent and a critic of Kantian modernity, I will, first of all, sketch out the goals of Hegel philosophy. After that, I will discuss the Hegelian two main criticisms of Kantian modernity, the beautiful soul criticism and the totalitarian state criticism. I will argue that both criticisms should not be read as sharp criticisms on the Kantian modernity because they contain the arguments for and against the Kantian modernity. Finally, I will conclude that although Hegel's modernity cannot be polarised as either liberal or authoritarian, his model can serve as a telos providing a standard of assessment of the current society, we are living in.

2. Goals of Hegel's philosophy

To understand Hegel's model of modernity, it is important to apprehend the inherent clash between the Kantian modernity school and the expressive school⁷ during Hegel's time⁸. On the one hand, the glorious French Revolution⁹ in his time marks the Enlightenment age;

⁶ Mark Tunick, *Hegel's Political Philosophy* (Princeton 1992), p 54.

⁷ The Expressive school is sometimes understood as Romantic Movement during the 19th Century.

⁸ Hegel was born in 1770 and died in 1831.

⁹ The French Revolution began in 1789 as a movement to overthrow the absolute monarchy system and lasted until the end of the century. The French Revolution is a symbol of Enlightenment and the age of Reason.

the triumph of reason over nature. Kantian deontology morality, the categorical imperative, radically presupposes the existence of subjective freedom, which allows human beings to make their own rules and obey them, rather than to follow the course of nature and give in to instinctive inclinations. This Kantian modernity school sees Reason as a distinction between men and other animals and reason demands a man to rise above nature and become an autonomous being. Because this school approaches freedom and morality as inseparable, acting autonomously against natural restraints is equivalent to a moral duty; what a man ought to do. On the other hand, the expressive school criticises the Kantian modernity as it seems to rely too much on individual's subjectivity and disregards a human being as an expressive object of nature. This school argues that a human being can only realise of his form, not himself. The form is a product of culture, community and nature. Reason cannot trump nature, and autonomous freedom has no place in this school. While the Revolution appears to be a celebration of the Kantian modernity school, the following French Terror¹⁰ has shown that the Kantian idea could be destructive and led the return of the expressive school in the form of the old authoritarian regime. For Hegel, who lived to witness both the Revolution and the Terror, the irreconcilable conflict between both schools plays a central role in Hegel's philosophy and his modernity can be viewed as a solution to this conflict.

3. The Beautiful soul criticism

Taking the contradiction between both schools as a challenge, Hegel made a criticism, first of all, on the Kantian modernity, whom he called the beautiful soul. The beautiful soul is submerged in its own abstract subjectivity and claims to preserve its pure and beautiful ideas as ideas, which cannot be polluted and corrupted by reality.¹¹ Hegel writes that 'to the men of the Revolution, any institution was contrary to the abstract standard of equality they took to be freedom.'¹² The refusal to be actualised leads to the Terror because the abstract ideas of the beautiful soul would finally 'vanish as a shapeless vapour dissolving into the air.'¹³ Hegel thinks that, although the soul denies finding its expressive form, it still naturally craves to be externalised or actualised objectively. At the end, the beautiful soul will be caught in a contraction between its pure self and the irresistible yearning to externalise itself. This contradiction caused by the beautiful soul, as Hegel argues, lead to the fanaticism of destruction in the Terror.

The strength of the beautiful soul criticism does not solely come from its historical example but also from its metaphysical implication which directly denounces the Kantian notion of subjective freedom and reason. For Kant, to be free is to do things that are morally

¹⁰ The Terror refers to the period around 1793, at the end of the French Revolution. During the Terror, the government made law to execute anyone opposing the Revolution. The liberal and popular movement of the Revolution began to slip into authoritarianism and terror. In 1804, France returned to a dictatorship regime under Napoleon Bonaparte.

¹¹ G. W. F. Hegel, *The Phenomenology of Spirit* [hereinafter 'PhdG'] (A.V. Miller (trans), Oxford University Press 1977), para 658.

¹² G. W. F. Hegel, *The Philosophy of Right* [hereinafter 'PR'] (T. M. Knox (trans), Oxford University Press 1980), para 5.

¹³ Hegel, *PhdG*, para 658.

permissible according to the law a man creates for himself. These laws, as they are created by reason, can be intact from the empirical world and remains abstract or transcendental. In *the Critique of Pure Reason*, Kant claims that, through reason, a man can ‘go outside and beyond the concept. . . joining to it a priori in thought something which I have not thought in it.’¹⁴ The capacity of reason to construct transcendental knowledge without appealing to empirical experiences is a significant argument that Kant uses to attack the Expressive school. Kant relies on this ability of the mind to reject the Expressive view¹⁵ which sees human’ mind as a passive device to either receive knowledge from worldly experience (a posteriori reasoning) or analyse representations to understand natural truths (a prior reasoning). Reason, with its ability to transcend knowledge, gives the mind an active and centre role to create the external, experienceable world, leading to the triumph of reason over nature. Therefore, Hegel’s beautiful soul criticism, which emphasises on how a transcendental or abstract knowledge is not sustainable and would lead to a destruction, has sharply cut right through the kernel of the Kantian modernity.

Nevertheless, despite the strength of Hegel’s criticism, his own notion of freedom is not radically different from Kant’s. In fact, I agree with Taylor that Hegel’s model of modernity can be seen as a realisation of the fundamental ambition of the Romantic generation¹⁶. Hegel’s philosophy seems to share the same root as that of Kant, but his philosophy grows apart and blossoms in a different territory. In fact, The danger of the beautiful soul can be viewed as what Kant describes in *the Critique of Pure Reason* as the transcendental illusion, which is the propensity of reason to hold or substitute the subjective, abstract ideas in the objective form. This transcendental error seems to be similar to the contradiction between the subjectivity and objectivity, in which the beautiful soul find itself. One of many causes of this error comes from the Antinomies¹⁷. The Antinomies compose of both a thesis and an antithesis, which cannot be unified by reason because both claims are beyond the empirical realm. Because of the empirical limitation, reason, which Kant believes always to strive to be the Absolute, will produce the illusion by trying to transcend knowledge that it is not capable of producing. Kant’s himself seems to be fully aware of the limited territory of reason and its desire to overcome its limits. To reconcile these yearning and limitation of reason, Kant claims that men have to make room for faith to believe in the Absolute in which men cannot experience. Hegel, by contrast, does not satisfy with Kant’s insisting that human beings cannot obtain the knowledge of the Absolute but need to rely instead on a spiritual appeal to faith. To solve the Antinomies, Hegel proposes that the thesis and antithesis need to be grasped

¹⁴ Immanuel Kant, *‘the Critique of Pure Reason’*, (Guyer, P. and Wood A. (eds), Cambridge University Press 1998), p 17.

¹⁵ I refer to the empiricism and rationalism.

¹⁶ Charles Taylor, *Hegel* (Cambridge, 1975), p 12.

¹⁷ Antinomies are pairs of contradictory claims that, according to Kant, each in the pairs can be validated separately, but both claims contradict each other In *the Critiques*, Kant sets out to analyse four pairs of the Antinomies in order to explain his theory on transcendental idealism and the reject the Expressive school’s ideas. The four pairs are the space-time, the atomism, the freedom-self-determination, and the existence of necessary being. See Kant, *the Critique of Pure Reason*, 456-520.

(begreifen), or to comprehend and unite, and emerges as the speculative concept encapsulating the essence of both opposing claims in the Antinomies. The movement from the thesis to the antithesis and finally to the speculative concept are moments in Hegel's dialectic. Because of this dialectic and the begreifen, Hegel successfully overcomes the problem of transcendental illusion by arguing that there is no necessity for reason to transcend knowledge because there is no limit to reason to gain knowledge in the beginning. The Absolute can be known when the concept turns on itself and find its expression in the external world. Hence, what is rational is actual, and what is actual is rational.¹⁸ Hegel's absolute idealism and his dialectic method show that his philosophy is built up from what Kant claims to be the limits of his theory. Therefore, while Hegel's critique of the beautiful strongly undermines the subjectivity view, his philosophy can be viewed as an attempt to rescue the subjectivity view from its criticism by appealing to reality.

4. The totalitarian state criticism

I have already shown that Hegel's project is built up from Kant's project and be viewed as a reply to his beautiful soul criticism. Despite the link in metaphysics, Hegel's political philosophy has grown apart from the Kantian modernity, and it is in his model of a modern state that Hegel is accused of being a critic of modernity. I will not defend Hegel's lengthy justification of the German monarchy but agree with Franco to reject the political system as merely contingent features of Hegel's own time.¹⁹ Instead, I would like to focus my argument on how a seemingly totalitarian state in Hegel's modernity has preserved the elements of subjectivity within itself. By trying to solve the conflict of the Kantian modernity and the expressive school, Hegel decides that the Kantian liberal values, despite being indispensable, have to compromise with the necessity of authority. I will show that Hegel's modern state is neither liberal nor authoritarian, but it can be viewed as a reference point to defend and criticise the Kantian modernity.

Hegel describes his modern civil state as 'the actuality of the ethical substance (Sittlichkeit).'²⁰ Within this state, 'the universal be bound up with the complete freedom of its particular members and with private well-being.'²¹ To put it in Hegel's metaphor, a man is at home²² in the civil state. Hegel has elaborated how true freedom in both objective and subjective sense can lead to a civil state in *the Philosophy of Rights*. For him, to be truly free is not to be negatively free from any restraints nor to be positively free to act according to one's free will, but to be free 'in a particular content if it is justified.'²³ To be free from anything would be tantamount to withdrawing oneself from any substance. This is not a true

¹⁸ G.W.F. Hegel, *Encyclopaedia of the Philosophical Sciences in Outline* (Continuum 1990), para 6.

¹⁹ Paul Franco, *Hegel's Philosophy of Freedom* (Yale University Press 2002), p 341.

²⁰ G. W. F. Hegel, *Lectures on Natural Right and Political Science* (University of California Press 1995), p 123.

²¹ Hegel, *PR*, p 260A.

²² Hegel, *PhdG*, pp 347,533.

²³ Tunick, *Hegel's Political Philosophy*, p 60.

freedom. Hegel explains in his master-slave dialectic²⁴ that a slave is not free merely because he thinks he is free. The slave will be free when he commits to be free. To commit or to will, the slave has to actualise his freedom in a particular content. Without any actualisation of his freedom, the slave will merely refuge from reality to hide in his thoughts and be just a beautiful soul. Therefore, to be free, a human has to be free in a particular realistic content. This content, nevertheless, cannot be arbitrary given by nature nor subject to merely subjective abstract ideas in his mind. It has to be both objectively and subjectively justified. Hegel proposes that this justified content is the ethical substance, which does not abruptly appear from some sources, but slowly build itself up to finally reflect the substance of the spirit of people²⁵. In para 33 of *PR*, Hegel uses his dialectic method to show that subjective and objective freedom will be grasped (*begreifen*) and actualised as rights. Right, therefore, is, in general, freedom as idea.²⁶ From subjective abstract rights, the rights turn on themselves to find their expression in the objective morality. Abstract rights and morality are both grasped in the concept of ethical substance, or the ethos of a community²⁷, which will later actualise itself in a modern civil state, the highest stage of human development where nature are men are unified. Tracing the origin of Hegel's modern state back to its origin in freedom, Hegel's civil state has limited individualistic subjective freedom not to make room for authority but to fully expand real freedom.

Nevertheless, it is a misinterpretation to read Hegel's modernity as a liberal state masked by an authoritarian structure. I would like to emphasise again that Hegel's modernity does not belong to either the liberal or authoritarian school. The ethical substance is something more than a detached social norm that people are passively bound to, nor it a norm created solely by individuals. In fact, it is a man's second nature. To understand this concept is maybe to recognise that we, human beings, are always born into some realistic context such as a particular family or society. Hence we are always bound to some social norms, and these norms can shape us to become who we individually are through "Bildung" (education, cultivation, formation). Moreover, we can employ our own will to change the social norms, but the self-driving force of the change will be collective and distinct from our own subjective will. *Bildung* will make sure that our subjective selves and the social norms are harmonised and move, either backwards or forwards, simultaneously. Thus, by obeying ethical substance, we can feel at home because we can follow our own second nature as well as the social rules at the same time. Hence, we can be truly free in a particular context that is both objectively and subjectively justified. This point is further explicated when Hegel states that laws reflect the values of the society in which we are educated. Thus, when criminals break the law, they turn themselves in because they are not at peace until justice

²⁴ The Master-Slave dialectic is a reoccurring concept in Hegel's works but the concept appears at length in *PhdG*.

²⁵ Tunick, *Hegel's Political Philosophy*, p 61.

²⁶ Hegel, *PR*, p 29.

²⁷ Both terms are used for the German term *sittlichkeit*.

is served on them.²⁸The power to punish does not derive from the state but the ethical substance, which cultivates the second nature within the criminals. From this reading, the ethical substance seems to have its driving force, which is not contingent to both subjective individuals and objective norms. It is quite obvious that the ethical substance is not a representation of subjective will but the second nature. This shows that Hegel's civil state is not a protection of individual's autonomy but the second nature, which is both subjective and objective.

Nonetheless, the indispensability of a powerful authority in Hegel's modern state still associates it with the notion of totalitarian state. Through *Bildung*, the political obligation to the state has become the second nature, which forms part of each individual. This seems to imply that an individual cannot rebel against the state laws that he dissatisfies since doing so would decrease his freedom. Although *Bildung* might reduce the tendency of rebellion, it is difficult to deny that his modern state without a possibility to rebel is starkly different from a totalitarian regime that conforms people to be obedient. However, if Hegel allows people to always rebel whenever they personally become discontent with the law, they will be just beautiful souls who deny any actualisation of their ideas. While the ethical substance can rescue Hegel from being too subjective, this criticism seems to be more difficult to defend. Moreover, this totalitarian attribution may reduce his theory to be just a critic of Kantian modernity.

In respond to this critique, Hegel does bite the bullet and accept the difficulty, if not impossibility, of balancing between subjectivity and objectivity. However, he optimistically points out that the oppressive regime and the liberal regime are just two opposite moments, which, according to his dialectic methods, will finally be grasped in the civil state, as the final telos in history. Like other concepts, a state has its own one-sidedness and will drive itself to find the Absolute. This force will move history through its rises and falls until men and nature are finally united in the civil state, which is the Absolute of human progression. Although this defence seems to show his failed attempt to solve the inherent conflict between reason and nature, seeing his modern state as a telos which humans aim to achieve will turn his theory to be a standard state used to assess our current society. The telos interpretation and the uncategorised nature of his theory would make his theory a proper reference point for any society preventing it being too subjective or objective. This is the most valuable insight of Hegel's philosophy.

In conclusion, a re-reading of Hegel's critiques on Kantian modernity should bring Hegelian modernity closer to the liberal Kantian concept. Hegel theory should be understood as providing an alternative solution, from the liberal and authoritarian school, to the internal antagonism between nature and reason; how to be free as a moral being and to satisfy natural inclinations simultaneously. He aims to grasp both values and limits of the liberal and

²⁸ Tunick, *Hegel's Political Philosophy*, p 74.

authoritarian schools in order to produce an embodied theory. Hence, even though he cannot be either a sharp critic or defender of Kantian modernity, his theory should be viewed as a telos in human development, providing a goal for a current society to aim for. This is, in my opinion, the correct approach to Hegel's modernity.