

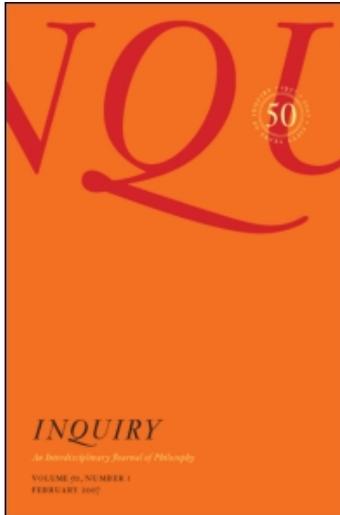
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### Is Hegel a Republican? Pippin, Recognition, and Domination in the *Philosophy of Right*

James Bohman<sup>a</sup>

<sup>a</sup> Saint Louis University, USA

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# Is Hegel a Republican? Pippin, Recognition, and Domination in the *Philosophy of Right*

JAMES BOHMAN

*Saint Louis University, USA*

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**ABSTRACT** *Robert Pippin's masterful account of rational agency in Hegel emphasizes important dimensions of freedom and independence, where putative independence is always bound up with a profound dependence on others. This insistence on the complex relationships between freedom, dependence and independence raise an important question that Pippin does not consider: is Hegel a republican? This is especially significant given the fact that modern republicanism has explored this same conceptual terrain. I argue that a form of republicanism is in fact an important aspect of Hegel's theory of freedom, and this should lead us to moderate Pippin's account of the conservative side of Hegel's conception of social dependence. These affinities mean that even if Hegel does not fully endorse contemporary versions of republicanism (such as that of Philip Pettit), he shares core features of the republican view of domination and freedom. In fact, Hegel is a republican to the extent that he shares what Pippin calls "that noble nineteenth century idea that my freedom depends upon the freedom of others". Or, to put it in a more directly republican way typical of the eighteenth century, the freedom of each is dependent upon the freedom of all and thus freedom exists only if it is shared. As developed by Pippin, Hegel's conception of shared freedom is inadequate to the extent that it cannot give a full account of the possibilities of domination and dependence in modern institutions, I illustrate this difficulty through examples taken from Hegel's Philosophy of Right, including marriage, markets, and political deliberation.*

In *Hegel's Practical Philosophy*, Robert Pippin provides the most complete account of Hegel's conception of freedom and practical reason, of practical reason as a form of freedom.<sup>1</sup> His argument for this conception is subtle, beginning with Hegel's account of rational agency, the point of which is "a

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*Correspondence Address:* James Bohman, Department of Philosophy, Saint Louis University, 3800 Lindell Blvd., St. Louis, MO 63156-0907, USA. Email: bohmanj@slu.edu

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demonstration of the possibility of an actual and experienced identification with one's deeds and practices and social roles, the conditions necessary for the ideals to be and to be experienced as my own" (2008, p. 6). For Pippin, rational agency is thus not some causal power, but a collective and social achievement, dependent on both subjective and objective conditions for self-legislation. But, as Pippin immediately points out, if freedom is a social and collective normative achievement, then "the putative independence of such subjects is always intertwined with a sort of profound, even ontological dependence" (2008, p. 9).

This claim about social dependence at the very least seems to suggest a possible tension at the core of Hegel's theory of freedom as Pippin reconstructs it. It is this relation between dependence and independence that I would like to explore in my remarks, since it goes to the heart of the question that I pose in my title: is Hegel a republican? While I do not think that Hegel should only be thought of through such a lens, a distinctly republican view of the relation of dependence and independence offers a different way to think about Hegel. Part of the core of Hegel's theory of freedom is republican, and it is worth considering with respect to the *Philosophy of Right*, how its republican aspects moderate Pippin's judgment about just how conservative this view of social dependence actually is.

One reason that Hegel himself rejects the label of "republican" is his close association of that term with the French Revolution, and thus with subjective freedom run amuck. When it is organized around popular sovereignty, Hegel argued that republicanism in this form is insufficiently differentiated and for that reason cannot become an internally organized whole (PR, pp. 273, 279).<sup>2</sup> But when considered less in terms of popular sovereignty and more in terms of resolving the problem of political dependence and independence along the lines of the contemporary republican revival of Pettit and Skinner, Hegel could easily be taken to be a close republican cousin rather than a distant conservative relative. Both make freedom central to their political conceptions, where republicanism not only rejects freedom as non-interference but also develops a conception of freedom as an achieved political status that makes it impossible to fall under the control of another. Hegel approvingly quotes the republican adage, attributed to "a Pythagorean", that the best way to educate a child is to "make him the citizen of a state with good laws" (PR, p. 153). Moreover, the contrast between a free citizen and slave is a staple of the *Philosophy of Right*, as when he argues that "the claim that slavery is absolutely contrary to right is firmly tied to the concept of the human being as Spirit" and thus that there can be no possible justification for claiming a master's status (PR, p. 57). While not employing the term in a systematic way, Hegel shares with republicanism the concern with social forms of dependence and domination that deny freedom and make freedom simply a matter of mutual benefit.

With their common focus on freedom as the basis for modern political institutions, Hegelian conceptions of recognition and status occupy the same

broad conceptual space as republican conceptions of freedom as nondomination. These affinities mean that even if Hegel is not a republican he shares core features of the republican view of freedom. In fact, Hegel *is* a republican to the extent that they share a fundamental premise that Pippin calls “that noble nineteenth century idea that my freedom depends upon the freedom of others” (2008, p. 25, also p. 28 for further quotes by Hegel on the same idea of shared freedom). Or to put it in a more directly republican way typical of the eighteenth century, the freedom of each is dependent upon the freedom of all. Given their close affinities, the differences between them on shared liberty are important, particularly with respect to a long history of debates in republicanism about issues of dependence and independence.

In what follows, I argue against the sufficiency of Hegel’s conception of shared freedom developed by Pippin to the extent that it does not take full account of the possibilities of domination under modern conditions. This argument will have three parts. In the first part of the paper, I turn first to the republican conception of freedom as nondomination and point out how its political solution to the problem of dependence and interdependence differs from Hegel’s conception of recognition. Second, I turn to the crucial issue of status and examine how recognitive status is and is not equality. On the one hand, Hegel’s account is republican (and not liberal) to the extent that it permits deviations from strict equality. However, Pippin seems to suppose that for Hegel any person recognized as having a normative status has that status regardless of other social features they may have. If we look at the *Philosophy of Right*, it is hard to see that such a status is genuinely realized for all members, especially for women and for what Hegel calls the *Pöbel*, usually translated as “the rabble” (PR, p. 244). Given this lack of fundamental shared public status, both are dominated, and can appeal only to the good graces of domestic and political authority. Today similar people without status within contemporary states include undocumented workers, refugees, and migrants who lack citizenship. Third, I examine resources in Hegel’s differentiated conception of the polity, organized around common modes of life. While his dispute with republicanism had to do with the political purpose of monarchy even in modern society, the guiding idea of a polity as a differentiated unity opens up different and potentially novel ways of distributing political and legal statuses. This promise is not fulfilled in ethical life, as can be seen in the treatment of women in marriage, the rabble in civil society, and the lack of participation in the political community by its own citizens. Even if Pippin’s understanding of the implications of recognitive status is correct, recognitive statuses such as these are not sufficient to avoid domination.

### **I. Hegelian and republican freedom: recognition and nondomination**

Republicans and Hegelians share a rejection of what has been called negative liberty (or freedom from interference), as the proper conception for

understanding political institutions and authority. Both describe certain putative forms of freedom as arbitrary, as when Hegel calls subjective freedom to choose this or that “an arbitrary will, and this is usually called freedom” (PR, p. 15). For both, being unfree does not simply consist of being restrained, since the restraint of a fair system of laws is a nonarbitrary regime that does not make you unfree. As the liberation from subordination and the liberation from dependency, freedom consists in the “capacity to stand eye to eye with your fellow citizens in the shared awareness that none of you has the power of arbitrary interference over another”.<sup>3</sup> This republican tradition represents “liberty before liberalism”, where domination is a modal property, seeing it as the potential capacity to interfere on an arbitrary basis in the choices of another. This includes not just tyranny, but also “financial clout, political authority, social connections, communal standing, informational access, ideological positions, cultural legitimacy”<sup>4</sup> and more as the basis for such mastery and dependence, one that is overcome by a nonmastering interferer who acts in accordance with “the rule of law and not of men” and tracks the opinion and interests of those who are interfered with as a citizens or members of a republic. Indeed for Pettit, nondomination is achieved not through threats or coercion, but “by introducing constitutional authority” that is so organized that it cannot itself be a dominator. These institutional conditions “will not just inhibit domination, but bring it to an end”.<sup>5</sup>

This conception requires institutionally defined statuses. As Pettit expresses it, “nondomination is the status associated with the civil role”, so that “*libertas* is *civitas*” to the extent that “liberty is civil as distinct from natural freedom”. In order to avoid domination, I must enjoy a “secure and resilient form of noninterference”, and thus must “be in a position where no one has that power of arbitrary interference and I am correspondingly powerful” (Petit, 1999, p. 69). These powers derive from the status of being a citizen, the great benefit of which is the possession of “the power to prevent certain ills from happening” (1999, p. 69). Given the myriad sources of domination, membership status (or statuses across various levels of political institutions) the citizen must be very powerful indeed.

This account does not yet go far enough to provide a full account of dependence and independence based on the evils of domination. Here Hegelians might properly argue this account is still, as Henry Richardson has put it, too closely tied to the idea of freedom as non-interference, while “mastery or domination is a normatively richer notion than the capacity to interfere”. Rather it is the capacity to make people’s lives worse by arbitrarily imposing duties on them, or “by purporting to arbitrarily impose duties on them”.<sup>6</sup> A more fully republican alternative conception of legal and civil status should be developed in terms of normative powers: powers both over the assignment of duties and obligations as well as over one’s own political and legal status. Such powers are necessary to avoid the ills that result from the lack of a legal and hence also civil status, and chief among them is the condition of

domination. Lacking these statuses and the normative power over one's obligations, the dominated person has only duties and no rights. Without this status, Kant argues, human beings would be persons without personality, "beings who have only duties and no rights", and thus "slaves or serfs",<sup>7</sup> dominated by others who have the power to assign those duties, and this is to subject them to private and public forms of coercion, including expulsion and exploitation. Republican freedom at the very least requires the shared capacity and statuses that are necessary for overcoming such vulnerability to domination.

More is required on this interpretation than simply that all are bound by laws the same way, so that rulers are constrained by the same laws as subjects. This sort of formal constraint on power is consistent with a one-way power exercised by those who have it over those who do not, and thus falls short of the right to right. The rule of law demands rather that each person can bind others and be bound by them; that is, each must possess not just one-way, but two-way and thus recognitive normative powers, powers to create and accept obligations second-personally. As Kant put it: "no one can bind another without also being subject to a law, by which he in turn can be bound in the same way by the other".<sup>8</sup> More than simply being subject to the rule of law, persons can bind others to the same extent that they are able to be bound by each other, as equal authors and subjects of the laws. Thus, the freedom from arbitrary rule requires more than just the rule of law, but a form of the rule of law in which this kind of recognition of one's status as a claim maker permits one to bind others and to be bound by them through the shared exercise of normative powers. On the republican account, the pervasive lack of legal and civil status (or pervasive illegality for persons) would amount to the violation of the rule of law, and a clear indication that the political community is not characterized by shared freedom. Such a community has in fact come to be the dominator of others, exercising what Walzer calls "the oldest form of domination", the domination of noncitizens by citizens. For example, many argued at the founding of the American republic that the institution of slavery would gradually undermine the possibility of shared liberty and lead to a crisis.

One further point needs to be made. Nondomination in the normative sense that I have developed it here is politically egalitarian, but does not require strict material egalitarianism. If the republican goal is to "intensify nondomination" and thus to lessen the prospects that someone will be exploited or intimidated by others, then everyone should have sufficient resources and social goods so as to be able to function in society. This may require the lessening of material inequalities so that people are not vulnerable to exploitation, say by an employer when they have no other options. Thus, even if equality of wealth is not required, everyone would have enough to be secure in their nondomination and thus in their capability to function in such a way as to avoid the dependence on employers who impose duties upon them without recognizing

reciprocal rights and duties. This lower limit recognizes that a threshold or floor of material goods shared by all are necessary in order to participate in a society and to avoid dependence on dominators, whether a battering husband, an exploitative boss, or an officious border guard.

Even with this brief account of the main features of nondomination and legal and political status in republicanism we can see some obvious connections to how Hegel understands the actualization of freedom through recognition. To be dominated is to fail to be recognized as independent in the presence of others and indeed even fail to have a will at all; it is precisely not to have the statuses and powers of citizens. The solution is not simply that whoever authorizes the law is also subject to it, but rather the way in which the rule of law establishes those statuses on the basis of which people are not dominated, and indeed bring domination to an end. The establishment of the rule of law embodies, among other things, the standpoint from which citizens recognize each other as members of a modern state. One way to test Hegel's claim that "the Idea of freedom is fully present only as the state" in its distinctively modern form (PR, p. 57) is to see if the achieved recognitive statuses developed in the *Philosophy of Right* do in fact achieve freedom as nondomination. Of course, such freedom is not Hegel's goal, nor does he discuss domination except with regard to slavery. Nonetheless, Hegel's claims about the modern state only make sense if it fulfills the central republican demand: that the capacity of others to dominate is not just currently absent, but structurally impossible. As Hegel understands it, modern freedom is "subjective freedom", and this form of freedom cannot be fully realized freedom unless it includes nondomination, that is, the absence of dependence on the arbitrary will of another. To be dominated is to fail to be recognized as independent in the presence of others; it is precisely to lack those recognitive statuses that others share when they are not dominated. The normative interpretation of domination that I have developed helps us extend the conception of domination beyond the bilateral case (of the master dominating the slave) to cases in which domination is a product of social norms. This shift to a normative rather than bilateral understanding of domination permits the republican to take on board much of what Pippin describes as Hegel's institutional interpretation of the normative, rational and recognitive character of ethical institutions (Pippin, 2008, p. 207), particularly the Brandonian analysis of norms of mutuality. But the stumbling block for republicans is just how an ethical order shows "the profound dependence of human beings". Thus, the issues here are not reducible to concerns about Kantian conceptions of reflective endorsement, but rather with the paradoxical claim, that "independence is a kind of social dependence" (Pippin, 2008, p. 25). Republicans might put it nonparadoxically, that one's freedom or independence depends on the freedom and independence of others, that I cannot be free unless others are free. Thought of in this way, the greater the social dependence on others the more likely that it can be transformed

institutionally into independence. It is also true that the greater the dependence of others on the will of another, the more likely it is that I am similarly dependent and thus unfree.

This claim is less paradoxical when it is put in the context of social norms and institutions. This begins with “an ideal of normative mutuality inherent in any attempt to act” (Pippin, 2008, p. 211), the authority of which cannot arise first-personally in the agent as such and is thus not really up to her to understand and to justify her own deeds. Here dependence is simply constraint by norms. This kind of mutuality is not really a form of dependence, but interdependence; it is rather a form of reciprocal constraint. As Pippin points out, Hegel adds a further twist: this form of dependence is “normative and constitutive”, so that there is “no possible individual standpoint from which it makes sense to evaluate whether we should give our allegiance to a social institution . . .” (2008, p. 25). At the same time, Pippin admits that this dependence is “inextricable from social practices that inevitably involve relations of power and recognition”, making the claim that dependence is both constitutive and normative; this makes it a fundamentally empirical and historical claim rather than merely a conceptual one. As Pippin expresses the idea of mutuality, echoing Fichte’s idea of a summons, “I can succeed in being taken to be an agent, in being recognized as acting according to entitlements and permissions only if I recognize the other as such, respond to the other on the basis of such equal claims to entitlement” (2008, p. 201). Such a reconstruction would further have to show “the right of individuals to their subjective determination of freedom is fulfilled insofar as they belong to an ethical totality”. I take it that this is a test of all the institutions of ethical life, since in the modern period all such institutions are held to the standard of shared freedom however they distribute power and recognition.

There is one further form of dependence that Pippin appeals to in his understanding of mutuality as an achievement: the very possibility of recognition is deeply dependent on the norms of institutions and social practices and roles rather than on individuals who bestow or withhold recognition. Rather than seeing recognition as acts of individuals and misrecognition as merely psychological harms, Hegel takes recognition to be dependent on institutional norms and normative statuses of membership. As Pippin puts it, “proper recognitional relations within the family or among members of civil society, or among citizens are better understood as manifestations of institutional norms, rather than as the result of what individuals come to agree is proper and so bestow and accept with the right attitudes” (2008, p. 203). Too great an emphasis on recognition as simply a moral duty among individuals or groups elides the important institutional mechanisms that bring them about, which is precisely that such normative practices “can bring about its own conditions of realization” in progressive development of Spirit.

This sort of dependence on institutions may sound more mysterious than it is. For example, it is true that institutions can bring about their own

conditions of realization if we consider debates about constitutional order. The Hegelian rejection of popular sovereignty might lead him to argue that the People cannot really give themselves the constitution as part of its self-legislative capacity; rather there are not People and no normative powers apart from the constitution. Thus, the will of the people cannot be thought of coherently apart from some set of procedures by which they decide, including defining a jurisdiction and determining who counts as a citizen. On such an account there is not one place, say the legislature, in which the popular will is formed, but rather it can only be accounted for across the whole constitutional structure. Even if we grant, as Pippin seems to, that any constitution could still be shot through with power and inappropriate social norms, it could still distribute powers so as to make domination structurally difficult to achieve. However, if the constitution constructs certain forms of hierarchy, it could still produce domination. Just how we are dependent on what institutional norms still matters for the extent of freedom.

But even with freedom as dependence on institutional normative constraint, ethical institutions still have to be judged from the perspective of shared freedom; Hegel's own modernism leads him to a commitment to universal freedom, the freedom of all. Otherwise, institutional dependence can become mere subjection to authority or to one's betters. With this possibility of dominating dependence in mind, I turn to the *Philosophy of Right* to determine whether the institutional order that Hegel develops there realizes its own conditions of possibility and thus actualizes freedom non-paradoxically and in ways that withstand critical scrutiny. The central issue is whether *Sittlichkeit* does or does not actualize subjective freedom in just this universal and shared sense. The most contested among recognitive achievements are Hegel's understandings of recognition in the family, civil society and the state, all of which I argue do not have sufficient institutional norms to make domination structurally impossible and thus remain bound to inadequate forms of social dependence in their norms. The issue is not one of strict equality, nor even whether Hegel has some residual idea that we can be forced to be free. Rather, this strict test of shared freedom provides a way to answer the question of whether Hegel's conception of freedom is truly republican. I grant that he could be more than a republican, so long as his notion of dependence is consistent with nondomination. Or to put this point in a different way, nondomination is normatively embedded in the larger account of Spirit creating its own conditions of possibility. The *Philosophy of Right* does not pass this test of its claim that the Idea of freedom is truly present in the state, even accepting Pippin's understanding of normative mutuality and recognitive status.

## II. Domination and Hegel's *Philosophy of Right*

Hegel's conception of freedom is informed by republicanism in two ways. First, he understands slavery as the absolute contrary of right. With the

emergence of the state, “the ineligibility of the human being”, in and for itself, subjection to slavery should no longer be expressed as something which merely ought to be, but rather is an insight that comes when we recognize that such a demand becomes real and is made structurally impossible only when “the Idea of freedom is truly present in the state” (PR, p. 57). As the absence of freedom from domination, slavery is now something that is no longer legally possible within the modern state, in which freedom is shared and reciprocal. If the state is the actualization of freedom, then it would seem that all the contraries of right are not mere oughts, but structural impossibilities, such as denials of the freedom of conscience (including freedom of religion) are similar structural impossibilities, since they are from the point of view of right imprescriptible and inalienable.

The analogy to slavery as domination and the absence of Right is certainly at work in Hegel’s treatment of the family as an ethical institution. For example, the fact that arranged marriages instrumentalize marriage and adversely affect the freedom of women and children makes them violations of Right. Furthermore, the subjection of everyone within the family in Roman marriage gave the father complete and arbitrary authority over his wife and ownership of his children. Such domination is the “right of arbitrariness over the right of the substantial” and results in “the servitude of the children” and the mistreatment of the wife through arbitrary divorce. Nonetheless, this concern with domination does not extend to restriction of women to the domestic sphere, so that “a girl’s vocation (*Bestimmung*) consists essentially of the marital relationship; what is therefore required is that love should assume the shape of marriage” (PR, p. 164). His answer to past forms of marriage and their susceptibility to domination is the modern idea of marriage based on love, making it possible “that the different moments attain their truly rational relation to each other”. Beyond love as the full mutual recognition of persons in their “full particularity” so that they share “the whole of a life”, Hegel also sees the right to divorce as an important legal protection of both women and children. In this case, Hegel is certainly concerned with the potential failures of this institution, especially in cases where legal domination serve to instrumentalize marriage for other purposes. However, the fundamental authority of the husband and his naturalistic explanation of the subordination of women shields marriage and patriarchal authority from the glare of publicity. Hegel is unconcerned about the lack of any status for the wife outside the family, leaving her without any standing in public practices of mutuality and even without communicative status as an interlocutor or deliberator. My criticism here is not so much psychological as structural. The distribution of normative powers and statuses in the family leads inevitably to the possibility of domination and thus cannot be an institution in which Spirit is transformative.

Poverty in civil society also raises issues of domination. The problem of recognition and dependence is solved when “the individual attains actuality

by entering into existence in general and hence into a determinate particularity” (PR, p. 207). This self-limitation that is also a form of self-determination makes someone “a member of one of the moments of civil society through his activity, diligence and skill”, so that only through this mediation with the universal does the individual in civil society “simultaneously provide for himself and gain *recognition* in his own eyes and the eyes of others” (PR, p. 207). In this case, the human being becomes somebody (*etwas*), thus once again establishing the fundamental social dependence of recognition. Being somebody provides one with a place in the distribution of statuses and powers and rights and duties. But in order for freedom to be actualized in the republican sense of shared freedom, everyone must be able to be someone; if this is not true then they lack the proper social dependencies that come from being a member of civil society. Such is the condition of the rabble. The issue here is not only that they have duties imposed upon them by the arbitrary will of others, although they do experience their poverty as imposed upon them by others, particularly the rich (PR, p. 244). Instead they lack statuses and the recognition that comes with them and thus have no roles or duties within the ethical order and thus are effectively excluded. Hegel does not define the rabble simply in terms of their corrupt attitudes, but their “dependence on contingency” and lack of the social goods and means that enable participation in society. As Michael Allen points out, this is due to what Amartya Sen calls “capability failure”.<sup>9</sup> This kind of dependence is not the same as tyranny or the arbitrary assignment of duties without rights, but rather social exclusion from goods and capabilities, which has as a consequence the lack of recognition that comes from being someone. Adam Smith talks about the exclusion of workers from public participation in terms of the lack of social good such as a linen shirt, which makes it impossible to “appear in public without shame”. Thus, the rabble lacks significant social goods and material necessities, and for that very reason they are excluded from public life.

The rabble points out the insecurity of membership in modern economies, and without membership and the recognition it brings domination arises as result of exclusion from recognitive practices. Capability failure of this sort is also institutional failure, precisely because it does not create its own pre-conditions in ways that are important for shared freedom despite “excess wealth” (PR, p. 245). A second institutional failure is shown to the extent that the constitutive and normative features of social dependence that Pipin claims for institutions do not in this instance transform individuals into members and thus makes their freedom insecure. Under the circumstances of contemporary politics, there are in fact many people who lack basic freedoms and have no status whatsoever and thus are literally “nobodies”. People without status, especially the travelers, migrants, nomadic and aboriginal peoples and immigrants about whom Kant was concerned, or of undocumented workers or illegal squatters in the slums of the world, are all vulnerable to both the *dominium* of private persons from whom they are not

protected and from the *imperium* of the state, to which they cannot make claims or appeals. A common republican argument against war and colonialism is that any polity that practices them will eventually lose their shared freedom through the very same institutional means by which they dominate others.

One answer to domination through exclusion is to have multiple and overlapping ways in which someone is *etwas*, and Hegel provides multiple and overlapping ways for everyone to be somebody from the particular to the universal. The rabble lacks belonging because they do not belong to a particular estate, so that a human being without an estate is abstract and lacks substantial being, “merely a private person and does not possess actual universality” (PR, p. 207). Here the “corporation” in Hegel’s sense is the second family that explicitly provides both secure resources and capabilities, “so that the livelihood and capability are also recognized” within the corporation (PR, p. 253). Indeed, unlike the rabble, the member of the corporation has no need to demonstrate the fact that he is *somebody* and has access to those social goods necessary for participation. The member of the corporation does not fear the shame of the lack of recognition in public. In this way, “poverty loses its contingent, unjust and humiliating character”, even as the member receives “the true recognition and honor that are due to them” (PR, p. 253) from other members and from society as a whole through their legal recognition of their association and their economic recognition of the purchase of their goods.

This discussion of the role of corporations as a second family makes two distinct claims. First, there is a kind of full recognition in the corporation that makes it like the family, the true recognition and honor owed to its members precisely because of the normative mutuality that the corporation embodies in the shared norms of its practices. But there is a second, more impersonal and ethical (*sittlich*) form of legal recognition that generalizes its scope beyond the corporation itself and is thus potentially consistent with the freedom of all. This form of recognition is a kind of institutional dependence of the corporation on the larger whole; but it is also a kind of status that gives security to the corporation, not only by being recognized institutionally but also recognizing the larger institutions. It could be said that the corporation is “with oneself in the other”, but its freedom and status is now shared by others who are also subjects of the law. Pippin analyzes this normative structure very well, but does not make explicit the overlapping forms of actualizations of freedom. Even if the corporation provides “true recognition and honor”, it is still subject to “the supervision of the state” so that this freedom is made consistent with freedom shared with others.

For my purposes here, a final example should bring together the issues of Hegel’s republicanism, normative mutuality and his conception of shared freedom: participation in the state. Quite in line with Pippin’s view of the transformative character of membership status, Hegel argues that it is “only

through being a member of a state that the individual has objectivity, truth and ethical life” (PR, 258R). Even more directly republican is Hegel’s claim that follows from this membership status: that the vocation of the individual (*Bestimmung* or destiny) is to lead a universal life (*allgemeines Leben*). The state then brings about the unity of objective and subjective freedom, of the universal and the particular will. Universal or general life goes beyond the family and civil society by participating in the politically organized community and promoting the ultimate end of freedom. When this is brought together with Pippin’s emphasis on participation in practices of normative mutuality, it would seem that Hegel’s discussion of the state would consider various ways in which this participation could be promoted, if not maximized.<sup>10</sup> The idea that political community organizes practices of mutuality would seem to suggest that citizens should engage each other and deliberate together, thereby gaining a general life through shared civic status. Certainly, this would be one way in which Hegel could be a republican, although this is obviously too close to the terror of the revolutionary French republicanism which he abhors. Unlike the family and the corporation where members can participate fully and directly as somebodies, Hegel accepts the fact that participation is limited in modern societies and that actual governance is done by public officials. Hegel strongly emphasizes the fact that “in modern states citizens only have a limited share in the universal business of the state” (PR, p. 255). At first glance, this claim is rather disappointing for it now seems not only very unlikely that Hegel is even a minimal republican, but also unlikely that participation in normative practices of mutuality provides the basis for the reconciliation of objective and subjective freedom. Or does it?

In one respect, Hegel is here confronting the fact of modern social complexity and other limitations on the extent to which citizens are in fact the authors of the laws to which they are subject. Hegel also seems to understand the potential conflicts between the freedom of the ancients and the freedom of the moderns, seeing the Greek form of self-government as essentially lacking the freedoms of the moderns. Direct participation in public life ends with the corporation and even there it is highly mediated. Even if the representative assembly of the estates deliberates publicly, other citizens participate virtually by following the debates and discussing with fellow citizens. Communicative status here seems to play no active role, but is rather a matter of coming to understand the reasons behind state policies so as to enable insight and trust.

But this is not the only possible response open to Hegel, especially if we take him to have republican motivations. Here contemporary republicanism offers a way to make sense of Hegel’s seemingly odd claim. Pettit does not require that people actually deliberate when decisions are made for just those reasons that all could accept. In many democracies, he argues, some decisions are “depoliticized” to the extent that control over them is handed over to independent commissions or bodies of experts so long as the considerations

of *hypothetical* mutuality and simultaneity can reasonably be expected to be met.<sup>11</sup> Similarly, Sen argues that the people do not need to exercise democratic control over such decisions as whether to live in an epidemic-free environment, so long as “the levers of control are systematically exercised in line with what we would choose and for that exact reason”.<sup>12</sup> However different their conceptions of freedom are from each other and from Hegel’s own, they share the ideal that direct participation is not necessary for freedom from domination, as, for example, when a state acts appropriately to achieve an epidemiologically safe environment for its citizens or to achieve peace with its neighbors.

For republicans such as Pettit and Sen, mechanisms of direct citizen control are not necessary, so long as institutions are constructed in such a way that as a matter of fact their policies and laws will track the common good. In this way they do not produce domination, but rather non-mastering interference. Such a form of government is non-arbitrary to the extent to which it takes into account the interests and opinions of citizens. We might see Hegel’s bureaucrats qua universal class do much the same thing. Tracking does require that citizens are not merely passive but have the normative power to engage in contestation, and thus citizens are free from domination even in the absence of control to the extent that they “are able effectively to contest any interference” that does not fulfill the tracking requirement.<sup>13</sup> Perhaps the monarch, as the sovereign and nondominating interferer that is responsible for uniting the powers of the whole (PR, p. 273) is for Hegel the proper addressee of such claims. But besides contestation, tracking requires that the decision-making processes are made deliberatively and thus are responsive to public reasons. In this case, deliberation is merely instrumental to, and not constitutive of, shared freedom from domination. This solution is consistent with Hegel’s claims about public deliberation and citizens “limited share in the universal business of the state”. Once participation in the normative practices of politics is made indirect, contestation is really the only possibility open to Hegel. He recognizes this difference in terms of the pluralism of forms of subjectivity as the difference between ancient and modern freedom: “In the states of antiquity, the subjective end was entirely identical with the will of the state; in modern times, however, we expect to have our own views, our own volitions, and our own conscience” (PR, 261R). But the state is not the means, but “the precondition for the attainment of particular ends and welfare” (PR, 261H).

Citizens in Hegel’s state are certainly subject to interference by the state, but they are hardly slaves, nor are they dominated to the extent that the state promotes their particular ends to the extent that they are consistent with universal ends. Even so, it is hard to see exactly how this is consistent with the Brandomian claims about the shared exercise of normative authority, or how it recognizes the “recognitively equal status of all the participants” (Pippin, 2008, p. 237). Exercising normative authority, he says, “is very

much like the expression of intention in public, social space functioning as authoritative only if there is a sufficiently harmonious social, meaningful context, and responsive in the right way, to possible challenges to such authority” (Pippin, 2008, p. 236). These conditions are perhaps too simple to capture the complex authority of the state, but they seem to require more participation in political practices than Hegel himself proposes. Pippin cites Hegel saying that “we deliberate as ethical beings”, although we do not deliberate about very much. Rather, Hegel assigns the task of discerning and knowing the universal purpose that is the basis of the state’s authority, as well as the task of realizing this purpose, exclusively to the legislative and executive powers (Pippin, 2008, p. 151). Rather than contestation, Hegel seems satisfied that the deputies elected from civil society share their interests and perspectives, so that it is best that they “are elected by the various corporations” and not as atomistic individuals (PR, pp. 308, 311). Hegel’s solution is thus distributive, allowing representation across the major branches of society, aimed at keeping the “crowd” and the “few” from dominating the whole.

### III. Conclusion

Is Hegel a republican? I began by asking that question as a way of assessing some of Pippin’s claims about Hegel’s conception of freedom. Republicans need not be democrats, and that is certainly true of Hegel. Hegel shares with republicanism the concern with tyranny and servitude as the absolute contrary of right. I have also tried to show that while he is concerned with other, more subtle forms of domination, such as the patriarch over his family, he does not address them adequately. Tied as he is primarily to legal forms of domination, Hegel does consider the exclusion of the rabble from civil society as a form of domination. Their presence is a byproduct of the structure of civil society; the only remedy is the corporation, a second family within which relations of recognition can become actual. He fails to consider the forms of domination through capability failure and the lack of social goods necessary for participation in a society. Most of all, Hegel’s limited republicanism extends, perhaps surprisingly, to the state, precisely because he accepts indirect rule and thus sees no problem in the fact that “citizens have only a limited share of the business” of the modern state; civil society seems to be the home of shared freedom.

For all of these failures, the concern for domination, although not always named as such, runs throughout the *Philosophy of Right*. One consequence of this interpretation is that it makes it more difficult to explain the *Philosophy of Right* entirely in terms of practices of normative mutuality. Even if the state may depend upon the realization of such practices; it is not structured around participation in them as such. To the extent that Hegel is consistently concerned with domination, it is possible to see his commitment to

nondomination in his discussions of the normative statuses and powers that citizens come to have as they live out their lives in families and corporations and as citizens of the state. Most of all, the republican interpretation of these practices, complicates how we view recognition and offers a very different and non-paradoxical solution to the problem of social dependence and independence. Hegel shares with republicanism the emphasis on shared freedom. A further step that Hegel might have taken, but does not, would be to show, against his redemptive view of war, that sharing freedom requires putting an end to domination across state borders and would also be an important means of avoiding the great evil of modern war. But because Hegel is not concerned with “abstract individuals” as such and their rights, he rejected this republican and cosmopolitan extension of his own account of shared freedom.

## Notes

1. Pippin, R. (2008) *Hegel's Practical Philosophy: Rational Agency as Ethical Life* (New York: Cambridge University Press).
2. Hegel, G.W.F. [1823] (1991) *Elements of the Philosophy of Right*, trans. H.B. Nisbet (Cambridge: Cambridge University Press). Hereafter PR.
3. Pettit, P. (1999) *Republicanism* (Oxford: Oxford University Press), p. 5.
4. Pettit, P. (1999), p. 59.
5. Pettit, P. (1999), p. 82.
6. Richardson, H. (2002) *Democratic Autonomy* (Oxford: Oxford University Press), p.34.
7. Kant, I. [1785] (1996) *Metaphysics of Morals*, trans. M. Gregor (Cambridge: Cambridge University Press), p. 241.
8. Kant [1795] (1970) “Perpetual Peace”, in: H. Reiss (Ed.) *Kant's Political Writings*, (Cambridge: Cambridge University Press), p. 119.
9. Allen, M. (2006) “Hegel on Nondomination and Expressive Freedom,” *Philosophy and Social Criticism*, 32, pp. 503–04.
10. For a good discussion of this point, see Hardimon, M. (1994) *Hegel's Social Philosophy: The Project of Reconciliation* (Cambridge: Cambridge University Press), p. 218ff.
11. Pettit, P. (2006) “Depoliticizing Democracy”, in: *Deliberative Democracy and its Discontents* (Burlington, VT: Ashgate Publishers) p.96.
12. Sen, A. (1993) *Inequality Reexamined* (Oxford: Oxford University Press), p. 65.
13. Pettit, *Republicanism*, p. 185.