

Hegel's Critique of Kant in the *Philosophy of Right*

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There is general agreement among commentators that in the *Philosophy of Right*¹ Hegel misunderstands important aspects of Kant's practical philosophy. Hegel's critique of the Categorical Imperative in its formula of universal law has been considered especially problematic. It is often argued that Hegel entirely misses the point of Kant's universal law test and misrepresents the mode of its application. On this topic some interpreters attribute to Hegel "almost incredible simple-mindedness";² or claim that "Hegel's critique cannot be justified, at best it can be described how he arrived at it";³ or at least concede that he is "so far from a correct understanding of the universal law test that he cannot be credited with having identified any of the real difficulties with it".⁴

It is our thesis that the charges against Hegel's reading of Kant rest on misinterpretations of a few famous passages (especially in § 135) of the *Philosophy of Right*, which result from neglecting their context in Hegel's project as developed in the *Philosophy of Right*.

Section I briefly presents these interpretations of Hegel's objections to the Categorical Imperative as the criterion of our duties. We argue that these interpretations seem plausible only because they do not take into account that Hegel's critique is grounded in his conception of the will. In section II we show that in the *Philosophy of Right* Hegel shares with Kant a conception of the will in which a rational will is an autonomous will — a will that is capable of self-determination. This raises the question of how it is possible for a rational will to determine itself. For Hegel, whether Kant's practical philosophy succeeds or fails depends on whether it can answer this question. Hegel calls 'the standpoint of morality' the standpoint from which he claims that Kant addresses this question. In section III we examine Hegel's characterization of this standpoint he attributes to Kant. We argue that in his critique of Kant, Hegel should be seen as claiming that from the standpoint of moral-

¹ Numbered paragraphs refer to the *Philosophy of Right*. 'R' and 'A' respectively refer to remarks and additions. So '§ 135 R' refers to the remark following paragraph 135. We use Hegel: *Werke: Theorie Werkausgabe*; Eva Moldenhauer & Karl Markus Michel, eds. (Frankfurt am Main 1970); vol. 7. We follow Knox's translation (T. M. Knox, *Hegel's Philosophy of Right*, New York: Oxford University Press, 1967). In many cases, however, extensive revisions proved necessary.

² Marcus G. Singer, *Generalization in Ethics*. New York 1961, p. 251.

³ Andreas Wildt, *Autonomie und Anerkennung*. Stuttgart 1982, p. 49 (our translation).

⁴ Allen W. Wood, *Hegel's Ethical Thought*. Cambridge 1990, p. 161.

ity the problem of the self-determination of the rational will cannot be solved. In light of this we give in section IV a new reading of the notorious § 135 of the *Philosophy of Right*, a reading according to which Hegel does identify a real problem with the Categorical Imperative. In section V we discuss some attempts to reply on Kant's behalf to Hegel's objection. The shortcomings in these replies will further show the force of Hegel's critique of the Categorical Imperative. In the last section we claim that the Categorical Imperative can be defended against Hegel's critique only if it is dissociated from the 'standpoint of morality'. We sketch how this might be done, and what the consequences for our understanding of Kant's Categorical Imperative would be.

I

Two interpretations of § 135 R of the *Philosophy of Right* have led to the dismissive judgements on Hegel's critique of Kant quoted above: The first takes Hegel to present an argument similar to Mill's familiar objection to the formula of universal law;⁵ according to the second, Hegel assumes Kant to have absurd views about what states of the world can be described without contradiction.⁶

The first reading has been supported by the following passage, where Hegel seems to assert that Kantian universalization cannot establish that there is a contradiction in universalizing the obviously immoral maxims of theft and murder:

That there be no property contains for itself [*für sich*] just as little contradiction as that this or that nation, family, & c., not exist, or that no human beings live. But if it is already for itself [*für sich*] established and presupposed that property and human life are to exist and be respected, then indeed it is a contradiction to commit theft or murder; a contradiction must be a contradiction of something. (§ 135 R)

Hegel appears to argue that the absence of property and human life can be thought without contradiction. The maxims of theft and murder pass the universal law test since their universalization does not lead to a contradiction. From such a line of reasoning it has often been concluded that the only way Kant can determine these maxims as immoral is by appeal to the badness of the consequences of universalizing them.⁷ This seems to be precisely Hegel's point: Only if we have already presupposed that property and human life are desirable can we show the immoral-

⁵ See e. g. Wood, op. cit., pp. 154–61.

⁶ See e. g. Singer, op. cit., pp. 251–253; Wildt, op. cit., pp. 45–49; also Timothy O'Hagan, *On Hegel's Critique of Kant's Moral and Political Philosophy*, in: Stephen Priest (ed.), *Hegel's Critique of Kant* (Oxford 1987), pp. 140–141; Günther Patzig, *Der kategorische Imperativ in der Ethikdiskussion der Gegenwart*, in: *Ethik ohne Metaphysik* (Göttingen 1983), pp. 155–158.

⁷ "All [Kant] shows is that the consequences of [the maxim's] universal adoption would be such as no one would choose to incur." J. S. Mill, *Utilitarianism*, ed. George Sher (Indianapolis 1979), p. 4.

ity of theft and murder. On the crucial question of why these presuppositions are justified Kant's universal law test gives no answer. Hegel seems to conclude that therefore the formula of universal law cannot be the criterion of duty.

The second reading of Hegel's critique is as follows: Hegel thinks that according to Kant's test a maxim is inadmissible if the actions from the universalized maxim lead to a state that cannot be described without contradiction. If everybody acted on the maxims of theft and murder, property and human life would no longer exist. Hegel now assumes that for Kant the absence of property or human life involves a contradiction and that this is the reason why the maxims of theft and murder do not pass the universal law test. But since it is obvious that a state without property and human life can be consistently described, the universal law test fails as a test of duty.

Both of these objections make the same general point: The universalization test will not rule out any of the maxims considered here. None of the states in which these maxims become universal law involves any contradiction. The two objections, however, differ in their diagnosis of how Kant produces the appearance of a contradiction. The former claims that Kant must rely on the badness of consequences to rule out these maxims. According to the latter Kant confuses a contradiction with the non-existence of a certain institution or natural kind.⁸

These objections attributed to Hegel depend on interpretations of Kant that seem exceedingly poor. Kant nowhere asserts that it is contradictory to say that there is no property or human life. In the application of the formula of universal law the notion of contradiction applies to the will that adopts and universalizes a maxim and not to the description of the results of the actions of a universalized maxim. As Christine Korsgaard explains: "The contradiction is generated when the agent tries to will his maxim and the universalization of his maxim *at the same time*, or tries to will it for a system of which he is to be a part. The non-existence of the practice that results from universalization is contradicted by the existence of it presupposed in the individual maxim."⁹ Furthermore, it is true that the consequences of the maxim's being universal law have to be considered in determining whether its universalization can be willed. But it is not the desirability of these consequences that provides the criterion for the maxim. Mill's objection misses the point that Kant's universal law test is a test of the rationality, the non-contradictoriness, of the *will*.

According to both of the presented readings of § 135, Hegel misconceives how the notion of contradiction functions in the application of the formula of universal law. The reason why such interpretations are ascribed to Hegel is that "contradic-

⁸ The latter interpretation can find some textual support in Hegel's discussion of the maxim of helping the poor in *Über die wissenschaftlichen Behandlungsarten des Naturrechts, seine Stelle in der praktischen Philosophie und sein Verhältnis zu den positiven Rechtswissenschaften* (*Werke*, vol. 2; pp. 465–466).

⁹ Christine Korsgaard, *Kant's Formula of Universal Law*, in: *Pacific Philosophical Quarterly*, 66 (1985), p. 31. See also Onora Nell, *Acting on Principle* (New York 1975), ch. 5.

tion" in the *Philosophy of Right* is interpreted as meaning contradiction in the sense of formal logic.¹⁰ We will see that this is the assumption that blocks an understanding of the real point of Hegel's critique of Kant in the *Philosophy of Right*. This point can be appreciated only in light of Hegel's moral psychology, in particular, his conception of the will.

II

In the *Philosophy of Right*, Hegel describes the will as the "point of origin of right". The free will is "both the substance of right and its goal" and the system of rights "the realm of freedom made actual" (§ 4). The main thread of the *Philosophy of Right* is the exposition of the actualization of the freedom of the will.

This is, of course, little help unless we can say what expressions such as "actualization of freedom" mean. We get some first explanations in the opening paragraphs of the introduction. We learn that the will has two moments. The first is

the element of pure indeterminacy or that pure reflection of the ego into itself which involves the dissipation of every restriction and every content either immediately presented by nature, needs, desires, and impulses or given and determined by any means whatever. (§ 5)

The second moment is defined in the next paragraph:

At the same time, the ego is also the transition from undifferentiated indeterminacy to the differentiation, determination and positing of a determinacy as a content and object (§ 6).

The will is conceived as "the unity of these moments" and this amounts to the "self-determination of the ego" (§ 7). The actualization of freedom is to be found in the process of such a self-determination. This raises two questions: In what way are these two moments constitutive of the will? How is the unity of these two moments to be conceived? In order to answer these questions we have to present some of the main features of Hegel's moral psychology presupposed in his criticism of Kant. In fact, we shall see that Hegel's moral psychology takes Kant's conception of practical reason as its starting point.

For Kant, animal wills necessarily contain inclinations, sensuous sources of motivation towards objects in the phenomenal world according to their representation as either agreeable or disagreeable. The will of the brutes is nothing but the to and

¹⁰ Sally S. Sedgwick argues that "it is mistaken to construe his [Kant's] insistence upon the formal fitness of our maxims *the way Hegel construes it*: as merely the requirement that they contain no self-contradiction in the strictly logical sense". (*On the Relation of Pure Reason to Content: A Reply to Hegel's Critique of Formalism in Kant's Ethics*, in: *Philosophy and Phenomenological Research*, XLIX, 1 (1988), p. 60; our italics.) Similarly, Friedrich v. Freier claims that Hegel takes Kant to be committed to the following: "Formalgemeinheit [der Maximen] als *rein formallogische Widerspruchsfreiheit* aufzufassen." (*Kritik der Hegelschen Formalismusthese*, in: *Kant-Studien*, 83 (1992), p. 314; our italics). It is our point that Hegel does *not* interpret Kant in this way.

fro of these inclinations. According to Kant "a will is purely animal (*arbitrium brutum*) which cannot be determined save through sensuous impulses"¹¹ (KrV B 830). An irrational animal clings to any object that it perceives as pleasant and avoids any object that it perceives as painful. Although such an animal has a faculty of desire, it is not constrained by norms of rationality.

We could identify a first form of rationality in the workings of so-called 'instrumental rationality' or prudential reasoning.¹² A being that exhibited only this kind of rationality would be following maxims constrained solely by the minimal requirement that whoever wills the means will the ends.¹³ Yet, for Kant, this being, even if capable of acting according to this requirement, is not free. For its ends are not judged to be valuable and adopted as rational ends, but are given by sources which are extraneous to it.¹⁴ This would be a heteronomous will; that is, a will which "merely ministers to an alien interest" (G, 441).¹⁵ A free will, on the other hand, involves a will providing its own principle of action independently of contingently given inclinations, a principle that the will can take to be its own law. A free will is thus an autonomous will.

But now one may ask how an autonomous will can provide for itself a principle of action. What *could* count as a determination of the will in which the will gives itself its own law independently of inclinations? How could the will rise above ministering to the inclinations and their perhaps conflicting claims? For Kant this is the question of whether "pure reason can be of itself practical".¹⁶

To return to the *Philosophy of Right*: Hegel characterizes the will in its moment of autonomy as merely indeterminate,¹⁷ i. e. without a determinate content from inclination. In this sense, the will in this first moment is "pure reflection of the ego into itself which involves the dissipation of every restriction or every content" (§ 5). That is to say, the abstractly indeterminate will does not have its determination from the outside. For it, every inclination, "every restriction or every content" is not an essential part of its nature and cannot determine its principle of action. The

¹¹ References to Kant's work will be given according to abbreviations listed below. Page numbers are those of the second edition of the *Critique of Pure Reason* or of the appropriate volume of *Kants Gesammelte Schriften*, Akademie-Ausgabe, 1902 ff.).

G *Grounding for the Metaphysics of Morals*, trans. James W. Ellington, Indianapolis 1981.

KpV *Critique of Practical Reason*, trans. Lewis White Beck, Indianapolis 1956.

KrV *Critique of Pure Reason*, trans. Norman Kemp Smith, London 1929.

R *Religion Within the Limits of Reason Alone*, trans. Theodore M. Greene & Hoyt H. Hudson, New York 1960.

TL *The Doctrine of Virtue*, trans. Mary Gregor, New York 1964.

¹² It is, however, unclear whether Kant would count anything as practical reason if all it could provide were hypothetical imperatives. On this issue, see Stephen Engstrom's *Allison on Rational Agency*, in: *Inquiry* (forthcoming).

¹³ See G, p. 417.

¹⁴ See KpV, p. 29.

¹⁵ Translation amended.

¹⁶ KpV, p. 15.

¹⁷ See § 135 R.

question of what can be the determinate content, the principle of action, of a will that has this moment of independence of inclination we shall call “the problem of autonomy of the will”.

Hegel praises Kant for raising the problem of autonomy.¹⁸ For Kant, however, any solution to this problem would have to present the will as capable of determining itself independently of the inclinations.¹⁹ The inclinations, according to Kant, sometimes even appear to ourselves as hindrances that a rational being would wish to be rid of.²⁰

Thus, if the will is to be self-legislating, it must be capable of determining itself *only* from its essential feature of being a faculty to choose according to its conception of the good.²¹ In the *Philosophy of Right* Kant’s view that the problem of autonomy must be handled with such meager resources gets its first scolding in § 15 in a way that anticipates the ‘emptiness’ charge in § 135:

Since, then, arbitrariness [*Willkür* – the power of choice²²] has immanent in it only the formal element of willing, i. e., free self-determination, [...] we may already allow that, if it is arbitrariness which is supposed to be freedom, it may indeed be called an illusion. In every philosophy of reflection, like Kant’s, and Kant’s deprived of all its depths by Fries, freedom is nothing else but this empty self-activity. (§ 15 R)

In this passage, we see for the first time that, according to Hegel, the shortcomings of Kant’s practical philosophy seem to be consequences of privileging the moment of indeterminacy of the will over its determinate content given by the inclinations.

For Hegel, inclinations and the determinate content provided by them constitute another moment of the will. Considered in isolation each inclination, each desire and each need makes its own claim independently of the other inclinations or of the rational character of a human being.²³ According to Kant, an autonomous will does not bend to this moment. For Hegel, as indicated in the passage quoted above, such a way of conceiving the autonomy of the will is hopelessly inadequate. The will can determine its own principle only if it can make use of the determinate content provided by the inclinations.²⁴ True autonomy of the will must be conceived in terms of the unity of the abstract indeterminacy of the will and its moment of determination, which must rely upon the content given by the inclinations. For Hegel, this unity appears “formally” in prudential rationality where reflection over-

¹⁸ See § 133 A.

¹⁹ That is not to say that Kant did not recognize self-love as a source of motivation. Yet a free will must be *capable* of determining itself independently of its sensuous motives.

²⁰ See G, p. 428.

²¹ That is, the will should be capable of determining itself from this incentive alone. We do not mean to say here that the *content* of the inclinations may not play some role in specifying the ends of such a self-legislating will.

²² Hereafter we will use the German ‘*Willkür*’.

²³ See § 17.

²⁴ Wood makes a similar point. See Wood, *op. cit.*, pp. 47 ff.

comes the natural force of impulses to make sure that a "whole of satisfaction", i. e. happiness, is advanced.²⁵ Yet in this unity the content of the will is not self-given, but determined by one's contingent nature and feelings. The unity of the will is not only a "formal" but a genuine unity, when its content is provided by the will's rational nature, or by what Hegel calls the will's "universality". The will is truly free, then, only if its content is "itself and so is not for itself [*für sich*] an 'other'" (§ 22). This difference between formal and genuine unity in the will can be understood as the difference between having a well-integrated set of ends that is consistently pursued²⁶ and having a set of ends that is also reasonable.

Thus, to have an autonomous will is not, as Kant thinks, to be capable of ignoring the claims made by the inclinations, but rather to be capable of incorporating these claims as determinations of a universal will. According to Hegel, the truly free will is universal because "all restriction and all particular individuality have been absorbed within it" (§ 24). The problem of autonomy for Hegel is not how the will could determine its principle in complete disregard of inclinations, but rather how it could overcome the alien aspect of inclinations; how they could be conceived as determinations – or instances – of the will's universality rather than extraneous forces.

It is important to dispel some misunderstandings of the problem of autonomy. First, the problem is not that it would be 'unfitting' or not dignified enough for the human will to act according to anything but its own law, that we could not respect ourselves unless we acted autonomously. Kant often uses the language of self-respect when he explains certain duties.²⁷ But from this we should not conclude that the problem of autonomy is the problem of a will that faces a choice among given ends of which some are truly dignified, others not. Kant's (and Hegel's) point is not that the will is so delicate that its fragile self-esteem could not survive picking undignified ends. Rather, the problem of autonomy arises when we ask what could *count* as an end for a rational will free to act according to its own conception of the good. Self-respect is a *consequence* of autonomy, not its rationale.

Second, Hegel and Kant agree that acting for a reason, having a rational will, involves acting on good reasons that can be represented in principles. Thus, however the will is to rise above the inclinations, it must do so *for a good reason* and in a *principled manner*. Hegel broaches such a conception of rationality at various points in the *Philosophy of Right*. For instance, in § 137 R, he says:

What is right and obligatory is the absolutely rational element in the will's volition and therefore it is not in essence the *particular* property of an individual, and its form is not that of feeling or any other private (i. e., sensuous) type of knowing, but essentially *that of universals determined by thought, i. e., the form of laws and principles* [latter emphasis added].

²⁵ See § 20 (including remark and addition).

²⁶ E. g. a set of preferences that conforms to the standards of decision theory.

²⁷ See, for instance, the discussion of gluttony and of lust in *TL* (pp. 427 and 424-5 respectively).

Thus, the problem of autonomy cannot be solved by the *Willkür's* arbitrary picking of an end that happens not to be the end of the presently strongest inclination, or by developing a whimsical character.²⁸

Hegel thinks that Kant addresses the problem of autonomy from a certain point of view, which in the *Philosophy of Right* is called 'the standpoint of morality'. He argues that from this standpoint no solution to the problem of autonomy is available. In the next section we examine how Hegel characterizes this 'standpoint of morality'.

III

In the *Philosophy of Right* what Hegel calls 'morality' is an (incomplete) actualization of the free will, a particular standpoint of the will which seeks pure and unconditioned self-determination. The actualization of the free will from this standpoint of morality is to be found in *Action*.²⁹ 'Action' here means the pursuit of an end by the will of a subject that adopts such an end on a principled reason. This standpoint can best be understood by explaining what Hegel thinks is necessary for something to count as my Action (in this sense). First, Hegel presents three features which allow us to consider an event my Action:³⁰

- (i) its 'objectivity' or 'externality': the fact that the Action must create an effect in the external world. My Action must present itself as an 'immediate existence'.
- (ii) its 'subjectivity': the fact that the Action should be seen as *my* Action, and I should see it as the actualization of *my* freedom.
- (iii) its 'universality': the fact that my Action is an expression of freedom; of the will's capacity of pure and unconditioned self-determination.

Second, he presents three features that characterize an Action as the pursuit of an end of my *self-determining* will:³¹

- (a) the 'Purpose' [*Vorsatz*] of the Action: The purpose of the Action is the mere fact that the Action pursues an end of *mine*. For an event in the world to embody the expression of my will in an end – for it to be seen as *my* pursuit of an end – it must first be attributed to me.

²⁸ See § 15 A: "The man in the street thinks he is free if it is open to him to act as he pleases but his very arbitrariness implies that he is not free."

²⁹ Actualization of the free will in action distinguishes the standpoint of morality from the standpoint of abstract right. Under the latter, freedom is actualized in property (Part I of the *Philosophy of Right*). Capitalizations indicate that terms have to be understood in Hegel's technical sense.

³⁰ See § 110–114.

³¹ See § 114.

- (b) the 'Intention' [*Absicht*] of the action: the determination of which of the consequences of my Action was its end – what my Action was trying to achieve.³² That is to say the 'Intention' is the description of the Action under which I see it as desirable. The achievement of the end of the Action constitutes what Hegel calls my 'welfare'.
- (c) the 'Good' [*das Gute*]: the principle that justifies the adoption of an end as a genuine self-determination of a free will. 'Conscience' is the willingness to act according to a conception of the Good; 'wickedness' a willingness to act in disregard of such a conception.

From the standpoint of morality the will "is infinite not only in itself but also for itself" (§ 105): For Hegel the will is infinite insofar as it is not determined by extraneous incentives. The will is not only capable of pure and unconditioned self-determination (i. e. it is in itself [*an sich*] infinite), but also aware of this (i. e. it is for itself [*für sich*] infinite): "The moral point of view is freedom aware of itself [*die für sich seiende Freiheit*]" (§ 106 A).³³ From this point of view any subjective will wills Actions only in their universality, i. e. only as an expression of its capacity of self-determination (see (iii) above). The only thing that distinguishes my particular will from other wills is the mere fact that this is *my* will, that it has this *particular* Purpose (in the sense of 'purpose' explained in (a) above³⁴) and is made objective in this *particular* Action. Hegel claims:

... the subjective will, immediately aware of itself, and distinguished from the will in itself, is therefore abstract, restricted and formal. But not merely is subjectivity itself formal; in addition, as the infinite self-determination of the will, it constitutes the form of all willing. (§ 108)

The subjective will from the standpoint of morality is "abstract, restricted and formal". First, as a *particular* will it is determined in an abstract manner: It is merely *this* instance of a will. Second, what the will is for itself *qua* will, is itself abstract: it is merely this infinite self-determination – the capacity of pure and unconditioned self-determination. Neither what constitutes the particularity of *my* will nor what constitutes a genuine self-determination of a free will is given any content.

Thus, from the standpoint of morality, no particular Intention, by itself, necessarily expresses the will's capacity of pure and unconditioned self-determination. For

³² Hegel refers to this aspect as the 'universal' in the Action.

³³ It is a very long story to tell how in the *Philosophy of Right* Hegel reaches the standpoint of morality. It might be helpful to point out one important aspect of the transition from abstract right to morality: The point of view of abstract right moves to the point of view of morality when wrongdoing must be punished. It is important that punishment be identified as the universal will and not as the contingent will of the punisher. This distinction between the contingent particular will and the universal will cannot be made without reference to the principle of the action (or punishment).

³⁴ So 'Purpose' should not be understood in the sense in which it is synonymous to 'end' or 'aim'.

no content is necessarily a “content which it [the will] gives to itself” (§ 109). Any Intention that is adopted by our purely self-determining will can also be adopted because it satisfies an inclination. This point is central in Kant’s practical philosophy. In order to judge an action (or, more properly, an agent) it is not enough to be presented with the Intention or maxim of the action. Any maxim could be adopted from the motive of self-love.³⁵ The famous self-interested shopkeeper of the *Grounding*³⁶ adopts an unimpeachable maxim: “I will always be truthful to my clients.” His actions, however, have no moral worth since they are not done from the motive of duty. We can now make sense of this difficult passage in § 108:

In this, its [the infinite self-determination of the will] first appearance in the single will, this form has not been established as identical with the concept of the will, and therefore the moral point-of-view is that of relation, of ought-to-be, or demand.

On the standpoint of morality the infinite self-determination of the will is not identified with the ‘concept of the will’ – the will that has both the capacity of self-determination and determinate content. Since – from this standpoint – no particular content or Intention is necessarily the expression of the will’s capacity of self-determination, any particular Intention counts as the content of a self-determining will only if it is adopted for the right reasons; the Intention must be adopted according to a conception of the Good.³⁷

In the next section, we shall see why Hegel thinks that the Categorical Imperative cannot provide a determinate conception of the Good. Hegel, in effect, argues that any particular action could be seen as the expression of an Intention adopted according to a conception of the Good.

IV

We have seen that Hegel’s moral psychology owes a great deal to Kant’s and indeed § 135 R praises Kant for his conception of the will as autonomous: “Knowledge of the will, thanks to Kant’s philosophy, has won its firm foundation and starting-point for the first time owing to the thought of its infinite autonomy.” As we have explained, Hegel takes Kantian autonomy to be one of the moments of the will: its capacity of ‘pure, unconditioned self-determination’. Considered in this moment alone it is ‘abstract indeterminacy’. Hegel calls this self-determination of the will ‘the root of duty’ (§ 135 R). In § 133 Hegel defines duty as the Good as it appears to a particular will. We have seen in section III that the Good is the principle that justifies the adoption of an end as a genuine self-determination of a free will. To the particular will the Good appears as duty since the particular will can

³⁵ This, of course, does not apply to the higher-order maxim that prescribes acting from the motive of duty.

³⁶ *G*, p. 397.

³⁷ See (c) above.

override the claims of the Good; it can make its naturally given content its principle. But, according to both Kant and Hegel, only insofar as I act under the conception of the Good am I truly free. "In doing my duty, I am by myself and free" (§ 133 A). Hegel also agrees with Kant that duty should be done for duty's sake, that the incentive for adopting our ends should come not from our immediate inclinations, but from our will's capacity of pure and unconditioned self-determination.³⁸ Hegel's claim against Kant is that under the conception of duty provided by the standpoint of morality we cannot determine any particular duties.

Kant argues that from the conception of the will as autonomous it follows that we stand under the moral law.³⁹ The Categorical Imperative then specifies our duties as finite rational agents. In § 135, Hegel sets himself up to show that this conception of duty can justify "any wrong or immoral line of action". He starts § 135 R by repeating what he considers the central problem for Kant's practical philosophy: The notion of duty of the standpoint of morality does not allow for an 'immanent doctrine of duties', a complete specification of duties that does not borrow material from outside the conception of the will as autonomous.

From this point of view [the standpoint of morality], no immanent doctrine of duties is possible; of course, content may be brought in from outside and particular duties might be arrived at accordingly. (§ 135 R)

The Kantian notion of duty is then criticized for its poverty of content:

... but if the definition of duty is taken to be the lack of contradiction, formal correspondence with itself – which is nothing but the positing of abstract indeterminacy – then no transition to the determination of particular duties is possible nor, if some such particular content for acting comes under consideration, is there a criterion in that principle for deciding whether it is or is not a duty. (§ 135 R)

Hegel here claims that Kant tries to determine duty solely by 'the lack of contradiction'. This passage has been the source of the many interpretations of Hegel according to which he completely misunderstands Kant's Categorical Imperative. As we pointed out in section I, these interpretations depend on a particular reading of 'lack of contradiction'. But to identify 'lack of contradiction' with the absence of contradiction as understood in formal logic should seem suspicious once we see how Hegel first explicates the phrase, viz. as 'the formal correspondence with itself'.⁴⁰ Since this in turn is equated with 'the positing of abstract indeterminacy', it is now hard to see how absence of logical contradiction can be explained as 'the positing of abstract indeterminacy'.

In fact, 'the positing of abstract indeterminacy' here must mean the positing of the will's capacity of pure and unconditioned self-determination. Since § 5 Hegel

³⁸ "To have emphasized this meaning of duty has constituted the merit of Kant's moral philosophy and its loftiness of outlook." (§ 133 A)

³⁹ This is one half of what Henry Allison has called Kant's 'reciprocity thesis'. See his *Kant's Theory of Freedom*, Cambridge 1990, ch. 11.

⁴⁰ Given the context 'itself' here must refer to the will.

has used the language of ‘abstraction’ and ‘indeterminacy’ to single out that moment of the will which is the capacity of rejecting any particular content as its necessary object. In § 5 the ‘dissipation of every restriction and every content’ is the ‘element of pure indeterminacy’, and this element is identified with the ‘unrestricted infinity of absolute abstraction or universality’.

It is also not surprising that Hegel should characterize the positing of this abstract indeterminacy in logical vocabulary as ‘lack of contradiction’. For this moment of the will is also identified as ‘abstract negativity’ (§ 6) and the second moment of the will – the moment of determination – is “negativity and cancellation like the first, i. e. it cancels the abstract negativity of the first” (§ 6). Though the Hegelian vocabulary might sound abstruse, its meaning is clear: The first moment of the will is described as ‘abstract negativity’ because it is nothing but the capacity of rejecting any possible content as a necessary object of the will (i. e. of ‘negating’ every content). In its second moment the will ‘negates’ this ‘negativity’ by acknowledging the need to act in a determinate way and to adopt a particular object.⁴¹

Thus, properly understood, ‘lack of contradiction’ in § 135 R does not refer to anything that could or could not happen when we universalize a maxim.⁴² Rather, the demand of ‘lack of contradiction’ is to be understood as a requirement that the will identify itself with nothing but itself, conceived as abstract indeterminacy. The will’s choice of a maxim must be such that there is no other incentive to the will except its capacity of pure and unconditioned self-determination. The demand on the will to be in ‘formal correspondence with itself’ can now be seen as the same demand: When the will chooses to act according to a specific maxim, it must still be conceived as abstractly indeterminate (as only exercising its self-determination). But Hegel’s point is that this demand cannot put the will under any constraint: Given that from the standpoint of morality the conception of the will lacks any determinate content – that there are no ends that are given in advance as necessary ends – any end could be adopted in the will’s self-legislation. No particular duties can be derived and the root of duty is nothing but a root.

Kant, of course, denies this. He argues that the abstractly indeterminate (autonomous) will stands under the Categorical Imperative. He claims to be able to derive

⁴¹ In Hegel’s *Vorlesungen über Rechtsphilosophie 1818–1831* (Karl-Heinz Ilting [ed.]; Stuttgart-Bad Cannstatt 1974, 4 vols.) the difference between the moments of the will is also characterized in logical vocabulary: “Those are the two moments of the will: the first is the negation of all particulars; the second the negation of indeterminacy. [...] These two moments every human being will find in its self-consciousness: They constitute freedom. A human being now appears as full of contradictions. A human being is contradiction itself and only through this contradiction does it come to consciousness.” (vol. 4, 118; our translation). Also: “Insofar as the will exists only as in itself [*in sich*] determinate, and insofar as the determinacy [*Bestimmtheit*] of the I in its relation to itself is not a determinacy [of the will], the will is the contradiction of itself.” (vol. 3, 116; our translation)

⁴² It is important to notice that so far in § 135 R Hegel has not yet considered Kant’s universalization test. So here the demand for ‘lack of contradiction’ cannot be identified with the demand that the maxim be universalizable.

specific duties from the abstract indeterminacy of the will by subjecting given determinate contents of the will (maxims) to the universal law test. In the remainder of § 135 R Hegel rejects this claim. For the first time he now mentions Kant's universal law test.

The further Kantian form, i. e. the possibility of representing an action as universal maxim, does lead to a more concrete representation of a situation, but for itself [*für sich*] contains no further principle beyond the lack of contradiction and formal identity. (§ 135 R)

The possibility of representing a situation in which the maxim of the action is universal law does not provide the will with a principle of how to exercise its capacity of self-determination. Kantian universalizability cannot specify what determinate contents (what maxims) of the will count as expressions of its 'formal identity' (i. e. of its formal correspondence with itself as explained above). If the maxim of an action cannot be represented as universal law, the will in virtue of its capacity of pure and unconditioned self-determination can adopt a different maxim that passes the universal law test and justifies the action in question. This is the reason why Hegel thinks that by the formula of universal law "any wrong or immoral line of action may be justified" (§ 135 R).⁴³ If, for instance, the maxim of falsely promising to repay a loan in order to solve one's own money troubles cannot be universalized, the maxim "I will falsely promise to repay a loan in order to do away with the institution of property" can be a universal law. It is quite easy to come up with more universalizable maxims that would justify false promising. The formula of universal law cannot tell us why we should not switch to such another maxim once we realize that our original one cannot be universalized.⁴⁴ If our original maxim for the proposed action proves non-universalizable we have two options: We can either adopt a universalizable maxim that does not countenance the action or another universalizable one that does.⁴⁵

We are now in a better position to interpret the notorious remainder of § 135 R.

That there be no property contains for itself [*für sich*] just as little contradiction as that this or that nation, family, & c., not exist or that no human beings live. (§ 135 R)

⁴³ By 'action' Hegel here means an action that is narrowly described (i. e. without a specification of its end). If the description of actions includes their ends, Hegel agrees with Kant that the Categorical Imperative *can* exclude some actions.

⁴⁴ 'Switching to another maxim' should not be taken too literally. The problem is that the formula of universal law cannot exclude anybody's promise-breaking if it has the destruction of the institution of property as its end. Notice that the case of false promising is Kant's most promising example of the application of the formula of universal law.

⁴⁵ Notice that the problem here is not the often-discussed "problem of the relevant descriptions of actions". Maxims in Kant's sense are not just descriptions of actions but the subjective principles of volition in which the ends of an agent are determined. Hegel's point is not that under some description any action will pass the universal law test. He rather argues that Kant's test cannot determine which ends an agent — by adopting a maxim — ought or ought not to pursue. (This point seems to be missed in David Couzens Hoy, *Hegel's Critique of Kantian Morality*, in: *History of Philosophy Quarterly*, 6 (1989), pp. 207–232.)

It is important to notice here that Hegel is not making the trivial claim that we can think about a state with no property, family, etc. without incurring a contradiction. What Hegel is saying in this sentence is that the representation of a state in which – as a result of a maxim being universal law – there is no property, no family, or no human life presents to the abstractly indeterminate will only possible determinate contents, only possible ends. We have seen that by the universal law test we cannot determine which ends to pursue, i. e. which maxims to adopt. For a will that conceives of itself (is for itself [*für sich*]) merely as pure and unconditioned self-determination the demand of ‘lack of contradiction’, and of ‘correspondence with itself’ cannot rule out any action. This demand can be contentful only for a will that already has exercised its self-determination, i. e. that has given itself ends it considers to be necessary ends of practical reason:

But if it is already for itself [*für sich*] established and presupposed that property and human life are to exist and be respected, then indeed it is a contradiction to commit theft or murder; a contradiction must be a contradiction of something, i. e. of some content already presupposed as an established principle. It is to such a principle alone that an action can be either in correspondence or contradiction. (§ 135 R)

In this passage the presupposition that there ought to be property is ‘for itself’ [*für sich*]; i. e. the presupposition of the will that for itself [*für sich*] has adopted – in an exercise of its capacity of pure and unconditioned self-determination – the end “that property be respected”. But even if the will has thus given determinate content to itself, it still has its moment of abstract indeterminacy. It can still exercise its *Willkür* in any way. Hegel’s point becomes clear in § 139:

Since to self-consciousness all already given contents are vain [i. e. can be overridden] self-consciousness in the pure inwardness of the will is the possibility to make as its principle of action either one’s universality (which is in and for itself) [*das an und für sich Allgemeine*] or one’s *Willkür*, i. e. one’s own particularity rather than one’s universality. This means that the will has the possibility to be evil.

The ‘pure inwardness’ of the will is its capacity for pure and unconditioned self-determination. Given this capacity the will can override – by an action as the exercise of its *Willkür* – its own end even if this end corresponds to the universal will,⁴⁶ i. e. is a necessary end of practical reason. In the example of § 135 a will that has as its end that property be respected may still commit theft. In such a way the will can be evil. Through its *Willkür* the evil will chooses an action on the basis of its particularity, i. e. its naturally given content (e. g. its inclinations), although it is aware of a self-given end that precludes the action. If it does so, it finds itself in a contradiction. “Instead of being the will in its truth, *Willkür* is the will as contradiction” (§ 15 R, see also § 139 R). In committing theft the will in its moment of abstract indeterminacy (in its exercise of its free *Willkür*) contradicts its own self-determined end: that property be respected. This explains what Hegel means when he says that only with a presupposed principle can an action be in contradic-

⁴⁶ See above, section II, p. 217.

tion. The presupposed principle is the will's self-given end, the action the will's exercise of *Willkür* out of its abstract indeterminacy.

Let us now summarize Hegel's critique of Kant in § 135: From the will's property of autonomy, its capacity of pure and unconditioned self-determination, we cannot derive what we ought to do. The Categorical Imperative in its formula of universal law cannot provide determinate content for the abstractly indeterminate will. Hegel does not deny that the contents of the will should correspond to a universal law, nor that these contents should determine the will because they correspond to the universal law. According to the main thesis of the *Philosophy of Right*, the truly free will [*Wille an und für sich*] – the will in which freedom is not only a capacity but something actualized – consciously determines itself by necessary ends of practical reason, i. e. by the universal will [*Wille an sich*]. The formula of universal law is insufficient to specify these ends, to give content to the universal will.

The proposition "Consider whether your maxim could be laid down as a universal principle" would be very good if we already had determinate principles about what is to be done. (§ 135 A)

Even if we know that the given maxim of an action cannot be a principle of a universal legislation, we still do not know whether the action is contrary to duty. Under a different maxim that we could make our own it might be admissible. Only if we already knew the *right* maxim, the determinate content of the universal will, could we determine our duty.

V

A natural way to respond to the Hegelian critique is to find ways in which one could 'narrow down' the set of maxims the universal law test can be applied to. If maxims such as 'I will falsely promise to repay a loan in order to do away with the institution of property' are not even candidates to be tested, one could have greater hopes about what can be achieved by the formula of universal law.

The following suggestion might sound plausible: The formula of universal law is empty only if we assume that as long as maxims pass the universalization test we are indifferent about which ends we promote and which maxims we subject to the test. But nothing could be further from the truth: Our self-love presents us with a natural ordering of ends and, consequently, the candidate maxims to be subjected to universalization. We could think of ourselves as striving for as much happiness as we can get in a way that is compatible with our respect for the moral law. So the maxim 'I will strive to do away with the institution of promising' is a relevant candidate only if acting according to it is compatible with willing other maxims that have a better chance to promote one's happiness and that can pass the universalization test. Under this condition the maxim of doing away with promises can hardly be a relevant candidate. Given our nature as human beings, maxims that

promote the institution of promising have a much better chance of promoting our ends. It is true that if we were equally disposed to adopt any maxim, the categorical imperative could not determine our duties. But since we are not so disposed, the universalization test is enough to show that keeping promises is a duty.

This procedure already demands a certain consistency in one's choice of maxims across different actions that seems to go beyond the demands of the formula of universal law. The formula requires merely that one *can* will a maxim to become a universal law, and not that there be no other maxim that one would will more strongly (from the point of view of self-love) to be a universal law. In applying such a stronger version of the Categorical Imperative, reference to our contingent ends seems unavoidable. For it is hard to believe that the answer to the question 'is there a maxim that I will more strongly to become a universal law than this one?' is the same for all rational beings independently of the inclinations. This stronger version of the Categorical Imperative would imply that the duties of different persons depend on their desires they happen to have.

The general problem of this mode of selection of relevant candidates for the universal law test is that unless certain ends (the ends of self-love) are already presupposed, there is no way in which we could determine what the moral law enjoins us to do. In fact, in many places⁴⁷ Kant fiercely denies that the moral law depends on self-love or any pre-existing ends. Any attempt to restrict the set of admissible maxims that relies in some way on the ends of self-love goes against the grain of Kant's practical philosophy.⁴⁸

Moreover this move would deprive Kant of arguments against moral sentimentalism. According to Kant, sentimental moral theories cannot account for the universality of the demands of morality. Even if one assumes that sympathetic sentiments are shared by all human beings, the demands of sympathy could not be identified with the demands of reason, since a being could be rational and yet not sympathetic. But if the force of the demands of the Categorical Imperative depends on facts about human nature – e. g. that given their constitution and inclinations they are better off with the institution of promising than without it – we are back to the problem of universality. Beings who find little profit in promises being kept and find it saddening that persons feel forced to do something just because they said in the past they were going to do it could still be rational beings. Such beings are still capable of appreciating the normative force of a practical law imposed by

⁴⁷ E. g. R, 3–4 and *KpV*, p. 21.

⁴⁸ The restriction procedure we have discussed seems to be comparable to Onora Nell's procedure of deciding between conflicting grounds of obligation: "The priority of conflicting grounds of obligation can be determined by seeing which of the two maxims balancing them tends more toward a state of nature when universalized" (Nell, *op. cit.*, p. 135). Although Nell claims that this does not introduce considerations of self-love, it is hard to see how without such considerations it can be determined whether one universalized maxim tends more to a state of nature than another.

reason. Yet, for them, a maxim like 'I will always try to fight the institution of promising' is a relevant candidate for the universal law test.

To clarify the problem it might help to distinguish the proposal discussed here from Kant's procedure in deriving the imperfect duty of (active) benevolence. Kant considers the case of someone thinking whether he should help a person in need. The person might come up with the maxim 'I will always pursue my own happiness even if someone else needs help'. In this case the maxim cannot be willed as a universal law. For me as a finite rational being, in order to will this maxim as universal law, I would have to will that I should not be helped by others no matter what happens to me. But given that I cannot know a priori what constitutes and is conducive to my happiness, willing this is not compatible with willing my happiness (and consequently the means to my happiness).

In the case of the derivation of this imperfect duty, all we have to assume is that we will happiness. For Kant this is a necessary end of all finite rational beings. Therefore the derivation does not violate the demand that the ends of duty not be dependent on our contingent constitution. The proposal suggested above, however, relies not on the general conception that we necessarily will our happiness, but on a particular conception about what happens to be constitutive of and conducive to our happiness.

It might be argued that Hegel's objection as interpreted here overlooks the fact that Kant gives an account of the determinate content of the autonomous will. Hegel could seem to neglect Kant's attempt to specify necessary ends of practical reason. In the *Doctrine of Virtue* Kant argues that there must be ends determined by the moral law. His argument there is basically as follows: The actions of an autonomous will are all done for an end. If no ends could be determined by the moral law, i. e. if no ends were duties, all ends would come from inclination and the claim that our will is autonomous could not be true. Thus, given that our will is autonomous, there must be ends which are also duties.⁴⁹ Kant specifies two such ends (and calls them 'duties of virtue'): self-perfection and the happiness of others. We have a duty to pursue these ends, i. e. to adopt maxims that incorporate them.

Hegel does not deny that from the standpoint of morality there are ends which are duties. In this context his reasoning is similar to Kant's: Since "all action requires for itself a particular content and determinate end" (§ 134), some ends must be duties. Otherwise the will conceived as abstract indeterminacy could not be practical, i. e. capable of providing ends for actions. Hegel also accepts that from the standpoint of morality we can determine the two very general ends that Kant calls 'duties of virtue'.

Given that any particular content would undermine the conception of a will that identifies itself only with its moment of abstract indeterminacy, Hegel claims that from the standpoint of morality only the following ends can be specified: "(a) to do the right, and (b) to strive after welfare, one's own welfare, and welfare in

⁴⁹ See *TL*, p. 385.

universal terms, the welfare of others" (§ 134). He does deny, however, that the Categorical Imperative can give more specific content to such abstract ends. In other words, what Hegel denies is that there is any course of action that, from the standpoint of morality, cannot be identified with promoting the ends of either (a) or (b). All we could derive from them is the negative duty not to make our self-love the determining ground of our maxims. But this does nothing more than remind us of the abstract indeterminacy of our will.⁵⁰

Moreover, in the *Doctrine of Virtue* Kant rarely uses the Categorical Imperative in its formula of universal law for the derivation of particular duties. Even a sympathetic commentator like Onora Nell, who does not think that the formula of universal law is useless as a criterion of our duties, admits that "most of these derivations do not in fact make use of either Formula I [the formula of universal law] or formula I a [the formula of the law of nature]. Kant's arguments are often extremely sketchy and appeal to the *Formula of the End in Itself* (especially in the second part of the *Metaphysik der Sitten*) or to various 'natural purposes'".⁵¹

Furthermore, Kant gives no argument for his claim that there are only two duties of virtue. Now, a theory of virtue based on the will's capacity of pure and unconditioned self-determination should be systematic and include a justification of its completeness. In moral theories which do not take autonomy as their starting point, completeness with regard to ends presents – at least *prima facie* – no problem. In theories that single out a naturally given motivational source of our moral ends, e. g. sympathetic feelings, our duty is determined on the basis of such a motivational source. If, in a particular situation, my feelings of sympathy are aroused and incline me toward a certain action, there could be no further question of whether I might have overlooked a different moral end.⁵²

But if – as in Kant's practical philosophy – ends are to be derived not from given inclinations but from the moral law alone, we need to know not merely that certain ends are duties, but also that they are the only ones. Otherwise, whenever we pursue an end we take to be our duty, for all we know, there could be an overriding end that the moral law commands and we are failing to promote. Without a complete determination of ends that are duties we are left without a reliable guide to the adoption of maxims and the assessment of the moral character of ourselves and others. This absence of an argument for the completeness of the determination of our duties seems to be Hegel's target in his remark that Kant's practical philosophy "lacks all articulation [*fehlt alle Gliederung*]" (§ 135 A).⁵³ A

⁵⁰ Here we are indebted to Robert B. Pippin, *Hegel, Ethical Reasons, Kantian Rejoinders*, in: *Philosophical Topics*, 19 (1991), pp. 99–132.

⁵¹ Nell, op. cit., pp. 33.

⁵² This does not mean, of course, that other things could not be overlooked, e. g. the features of the particular situation.

⁵³ In § 148 R Hegel distinguishes his own doctrine of duties from Kant's as follows: "The ethical *doctrine of duties* (i. e. the *objective* doctrine, not that which is supposed to be contained in the empty principle of moral subjectivity, the principle which determines noth-

“reasonable system of the free will” (§ 27), i. e. a system of the determinate ends of an autonomous will, should be complete and known to be so.⁵⁴

VI

Hegel's critique of Kant in the *Philosophy of Right* is directed against the Categorical Imperative in its formula of universal law. This critique is effective only if in his derivations of particular duties Kant must rely on the formula of universal law. We have already pointed out that in the *Metaphysics of Morals* Kant makes free use of concepts that seem to have little to do with the formula of universal law. Particularly in the *Doctrine of Virtue* teleological considerations play a prominent role. This seems to open two options for the interpretation of Kant's practical philosophy: One could either reinterpret the formula of universal law in light of the other formulations of the Categorical Imperative,⁵⁵ or deny that for Kant the Categorical Imperative is the only determinant of our duties.

The formula of the kingdom of ends and the formula of humanity might support an interpretation of the Categorical Imperative in which it is no longer tied to the abstract point of view Hegel has called ‘the standpoint of morality’. Teleological arguments – provided that their place in Critical Philosophy can be defended – might supply Kant with further resources for a response to Hegel's objections (and an alternative to Hegel's own ethical theory). Moreover, and perhaps more interestingly, a richer notion of moral judgment might provide a way in which the Categorical Imperative could reach farther than we have assumed here. We have discussed purported applications of the Categorical Imperative as if they were nothing but unproblematic subsumptions of particular cases under a general principle. If correct moral judgment involves more than mere subsumption of particular maxims under the moral law, there might be a way to respond to Hegel's objections that leaves intact the thought of the Categorical Imperative as the supreme principle of moral-

ing – see § 134) is therefore comprised in the systematic development of the circle of ethical necessity which follows in this *Third Part [Die Sittlichkeit]*. The difference between the exposition in this book and the form of a [moral] *doctrine of duties* lies solely in the fact that, in what follows, the specific types of ethical life turn up as necessary relationships.”

⁵⁴ As an anonymous referee for *Kant-Studien* pointed out to us, there are some considerations that might constrain Kant's derivation of the duties of virtue. First, according to the doctrine of the highest good, the complete good consists of happiness in proportion to virtue. Second, neither one's own happiness nor the perfection of others can be a (direct) duty. It is worth noting, however, that Kant does not mention the highest good in the derivation of the duties of virtue in the *Doctrine of Virtue*.

⁵⁵ This might raise questions about Kant's claim that the many formulations of the Categorical Imperative are equivalent. For steps towards giving more weight to the formulae of humanity and of the kingdom of ends, see, for instance, Thomas E. Hill, Jr., *Dignity and Practical Reason in Kant's Moral Philosophy* (Ithaca, NY 1992), chs. 2 and 3.

ity. The prospects of such a response depend, of course, upon the form that a detailed account of Kantian moral judgment would take.

It also must be emphasized how unclear it is whether Hegel's solution to the problem of autonomy is in any way superior to Kant's. By the end of the *Philosophy of Right* we are supposed to see how freedom is made actual. In the concluding chapter on the State, Hegel characterizes concretely actualized freedom as follows:

(...) concrete freedom consists in this, that personal individuality and its particular interests not only achieve their complete development and gain explicit recognition for their right (...) but, for one thing, they also pass over of their own accord into the interest of the universal, they know and will the universal; they even recognize it as their own substantive mind; they take it as their end and aim and are active in its pursuit. (§ 260)

In the modern state the problem of autonomy is solved since the state enables "the principle of subjectivity to progress to its culmination in the extreme of self-subsistent personal particularity, and yet at the same time brings it back to substantive unity and so maintains this unity in the principle of subjectivity itself" (§ 260). Conceived as this unity, the will determines itself through universal principles of reason and at the same time has a determinate content that is in part given by its particularity. But the question of how this remarkable unity is achieved has continued to baffle most readers of Hegel.

In spite of this, it is important not to underestimate the force of Hegel's critique of Kant. If Kant answers the Hegelian challenge by making use of the conceptual resources we pointed to above, he no longer argues from 'the standpoint of morality'. But this might mean that our duties are no longer determined merely in virtue of our nature as finite rational beings. It might turn out that the *moral point of view* (as opposed to 'the standpoint of morality') is a point of view we can take only if we adopt a broader conception of our nature — a point of view that might not be far from Hegel's own.⁵⁶

⁵⁶ For helpful comments and suggestions on drafts of this paper we thank Stephen Engstrom, Rebecca Kukla, Jon Mandle, Ruth Sample, Tommie Shelby and an anonymous referee for *Kant-Studien*.