



## The freedom of crime: property, theft, and recognition in Hegel's *System of Ethical Life*

Jacob Blumenfeld

To cite this article: Jacob Blumenfeld (2022): The freedom of crime: property, theft, and recognition in Hegel's *System of Ethical Life*, British Journal for the History of Philosophy, DOI: [10.1080/09608788.2022.2148629](https://doi.org/10.1080/09608788.2022.2148629)

To link to this article: <https://doi.org/10.1080/09608788.2022.2148629>



Published online: 01 Dec 2022.



Submit your article to this journal [↗](#)



View related articles [↗](#)



View Crossmark data [↗](#)

ARTICLE



## The freedom of crime: property, theft, and recognition in Hegel's *System of Ethical Life*

Jacob Blumenfeld 

Institute for Philosophy, Carl von Ossietzky University of Oldenburg, Oldenburg, Germany

### ABSTRACT

The section on “The Negative, or Freedom, or Crime” is considered by many to be the most important part of Hegel’s 1802/3 *System of Ethical Life*, the one in which Hegel begins to become specifically Hegelian. The reason why this section is so important is because it comprises Hegel’s first attempt at systematically integrating ‘negativity’ or conflict and difference into his framework as an essential, dynamic element, instead of dismissing it as a threat to some alleged ethical unity. But why does Hegel identify freedom with ‘the negative’, and why are both associated with crime? This paper seeks to answer that question by analysing the roles of possession and property in the *System of Ethical Life*, the relation to Kant and Fichte’s theories of right, and the ‘system of need’ in general. Among other things, I argue that theft represents a negative assertion of freedom against the abstract norms of recognition governing the exchange of property, an act which ultimately enables more normatively complex modes of interaction to develop.

**ARTICLE HISTORY** Received 14 June 2022; Revised 19 September 2022; Accepted 14 November 2022

**KEYWORDS** Hegel; recognition; property; freedom; crime

The argument of Hegel’s *System of Ethical Life* [SEL],<sup>1</sup> as Lukács noted, is “tortuous, over complicated, and over elaborate”.<sup>2</sup> I will try to make it simple.<sup>3</sup> First, Hegel gives a proto-phenomenological account of the development of human consciousness from the immediate existence of need-satisfying labour to the higher ethical self-awareness of being a member of a larger political community with duties, right, and obligations to

**CONTACT** Jacob Blumenfeld  [jacob.blumenfeld@uni-oldenburg.de](mailto:jacob.blumenfeld@uni-oldenburg.de)  Institute for Philosophy, Carl von Ossietzky University of Oldenburg, Oldenburg, Germany

<sup>1</sup>I use the Harris/Knox English translation from 1979, and the Felix Meiner Verlag edition from 2002 for the German.

<sup>2</sup>Lukács, *Young Hegel*, 323.

<sup>3</sup>For helpful guides to Hegel’s *System of Ethical Life*, see Marcuse, *Reason and Revolution*, 56–59; Lukács, *Young Hegel*, 322–326; Harris, “Hegel’s System”, 3–87, *Hegel’s Development*, 102–143; Honneth, *Struggle for Recognition*, 18–26; Franco, *Hegel’s Philosophy of Freedom*, 68–69; Clarke, “Fichte and Hegel on Recognition”, 377–383; Saito, “Beyond Recognition”, 41–49; Nance, “Hegel’s Jena Practical Philosophy”, 38–42.

others.<sup>4</sup> The very possibility of a transition from the particularity of ‘natural ethical life’ (i.e. the ‘state of nature’) to the universality of ‘absolute ethical life’ (i.e. the ‘civil condition’) does not occur *naturally* so to speak, but *historically*. That is to say, the universal consciousness of ethical life is *produced* through a break in the form of subjectivity that previously grounded one’s relationship to the world and others. This break centres around the role of property, but not in a *positive* way as some moral force which compels individuals to treat each other with respect. In fact, it is quite the opposite. For Hegel, it is the negativity of *theft* or crime *against* possession which engenders a life and death conflict for recognition that can spur a new orientation to oneself and others as mutually bound to respect each other’s freedom for the sake of one’s own. In a sense, this may sound similar to Fichte’s transcendental account of the development of right, albeit historicized.<sup>5</sup> But Hegel does not just historicize Fichte, he also moves beyond a *positive* account of recognition – whose end is a contract among formal wills to secure property – and towards a *conflict*-theory of recognition, one whose end is ethical self-re-evaluation.<sup>6</sup> In Hegel’s account, individuals must rearrange their normative commitments to each other if they are to resolve their mutually inadequate understandings of one another’s self-conception.<sup>7</sup>

Second, Hegel theorizes how rationality and the will become objectified and universalized through different mediums of need-gratifying activity, i.e. in labour, property, exchange, family, and social intercourse. Formally, this is a development from individuality to universality; in terms of content, it marks a path from immediate intuition and feeling to reflective conceptuality and social normativity. An individual human being raises itself up from the immediacy of feeling through labour and possession to the mediated recognition of property, exchange, and contract, to knowing oneself as part of a whole within the family and its roles, and ultimately to the awareness of oneself as a member of a class of society with specific ethical obligations and duties to others in the state. Possession, labour, tools, property and exchange all play essential roles in mediating individual consciousness with

---

<sup>4</sup>Whereas the *System of Ethical Life* provides only a preliminary account of the development of the consciousness of freedom and its objective realization, Hegel’s later *Philosophy of Right* provides the full “phenomenology of the consciousness of freedom” and its objective institutionalization. See Iltting, “The Dialectic of Civil Society”, 212.

<sup>5</sup>Nance, “Hegel’s Jena Practical Philosophy”, 38–39.

<sup>6</sup>On the idea of a conflict-theory of recognition, see G. W. Bertram, and R. Celikates, “Towards a Conflict Theory”. While the SEL moves toward such a theory, the focus on conflict as a key driver of recognition really comes to the fore in Hegel’s Jena *Philosophy of Spirit* lectures from 1803–4 and 1805–6. It is reworked into the struggle between lord and bondsman in the 1807 *Phenomenology of Spirit*. By the time of the 1820 *Philosophy of Right*, however, this conflictual pre-history of the phenomenology of right seems to be absent; conflict has disappeared in favor of an integrated totality of right. Yet, on my reading, the mutual recognition produced through struggles over possession is not gone, but rather presupposed.

<sup>7</sup>Honneth, *Struggle for Recognition*, 17.

itself, with others, and with nature in a way that expands one's constricted dependency on immediate surroundings to one in which individuals can act freely with others as distinctly ethical beings, all the while without ignoring their embeddedness in nature (as need-based creatures) and society (as free individuals).

The logical progression from *natural ethical life* to *absolute ethical life* (i.e. from the state of nature to the ethical state) is hard to discern in Hegel's text. The phenomenological narrative progresses and regresses in different sections; conflicts and resolutions are out of order; modern and pre-modern aspects arise at different moments; and the supposed transition section (on "freedom or the negative or crime") does not seem to relate directly to what comes before or after. That said, here is one attempt at a narrative reconstruction of the argument: discrete social units, initially working for their own needs, end up specializing their labour by making tools, which raises productivity and results in the accumulation of surplus possessions; they exchange surplus products as property with each other, and formalize the system of exchange through contract; those without a surplus are dominated by the ones with surplus possessions, but this domination is overcome through the reorganization of social relations into *families*, which redistributes property communally without exchange and divides labour sexually. However, the equilibrium of pre-political social relations is upset by the subjective freedom of individuals to transgress norms of property, honour, and life; these transgressions produce conflicts between individuals which cannot be resolved without rearranging their normative commitment to each other in a more cohesive manner; this new manner is the unity produced in the ethical life of a *people*, which replaces the abstract subjectivity of free individuals with the common identity of an ethical community; the individual, as part of a people, identifies itself with the universal and is satisfied; the universality of ethical life is individualized in the form of virtue and particularized in the form of an estate: the *honourable* military/nobility, the *honest* bourgeoisie/merchants, and the *trusting* peasantry; the estates work together to produce an economic equilibrium in the "system of need", to educate and raise citizens in the "system of discipline", and to authorize a "system of justice" which recognizes property rights, administers law, and metes out punishment for crime.<sup>8</sup>

---

<sup>8</sup>According to Nance ("Hegel's Jena Practical Philosophy", 42), the originality of the SEL consists "in Hegel's methodological repurposing of modern political economy and Fichte's practical philosophy to provide a conceptual framework for a historical/anthropological account of the development of human consciousness and society via social struggles for recognition". I think this is mostly right, although I would add that Hegel also embeds the right to property within a materialist account of the development of labour and exchange. Thus, opposed to Kant and Fichte, Hegel does not begin with an abstract justification or deduction of property, but with a genetic-phenomenology of the appearance of property in relation to need, and shows how its own development justifies itself as an expanded relation of universal recognition beyond the family.

The big picture of the *System of Ethical Life* is the story of how a desiring subject gains independence from its natural determinations through various forms of labour or externalizing activity, and how this independence in turn becomes an obstacle to one's self-understanding as part of a more universal ethical community. Hegel's paradoxical claim is that the more *dependent* one becomes on others for one's own material reproduction and subjective identification, the *freer* one becomes from one's own limited conception of oneself. Freedom is thus achieved in degrees, at various levels of social interaction, each of which engenders conflicts with others over the extent of individual action. To render this objective freedom coherent, one must ultimately submerge one's individual will in the ethical whole of the people.<sup>9</sup> The small picture that I want to focus on here is about how possession functions as a formative mediation between subject and object in the development of individuality, how the freedom of transgressing norms of possession leads individuals to develop more normatively complex modes of interaction, and how legalized property functions as a universal medium of recognition between subjects in an economy.

Before I begin with the exposition of the text, one more note on the significance of Hegel's early Jena *Realphilosophie*. The Jena writings contains a treasure trove of cryptic insights jumbled together in ways that do not really make much sense until they are systematically separated out into the *Phenomenology*, *Logic*, *Encyclopedia*, and *Philosophy of Right*. But here, in this crucible of idealism, Hegel creates a materialist metaphysics of need, labour, possession, crime, poverty, and recognition. The various Jena drafts of Hegel's practical philosophy seek to phenomenologically describe the movement of self-conscious life as it jolts between nature and spirit, self and other, consciousness and object, freedom and dependency. Hegel elaborated his first systematic theory of the development of self-consciousness, right and the state during his time in Jena, particularly in the *System of Ethical Life*, and the two sets of lectures on the *Philosophy of Spirit*. In these incredibly opaque writings, written in a style steeped in Schelling, *Naturphilosophie*, and romanticism, there are two things of particular interest to me:

---

<sup>9</sup>Why must the free will submerge itself in the ethical whole of the people? To foreshadow Hegel's account in the SEL, individuals are not merely formal property-owners or natural family members. They are also free to negate their duties, obligations, and roles. As Hegel says, a free being does "not regard itself as absolutely bound up with any single characteristic, but as the indifferent identity of all of them" (SEL 128). With this freedom comes the *negativity* or *crime* that can break the bonds of family and devolve social relations into cycles of revenge, barbarism, and cruelty. Such acts of transgression produce a crisis of self-identity which can no longer be solved by property or the family. To overcome the cycle of revenge, Hegel suggests that the 'natural' differences within the family and the 'legal' equality between individual property-owners must be submerged within the 'absolute' identity found in a 'people' as a whole. This is the move from natural *Sittlichkeit* to absolute *Sittlichkeit*, an early account of the development of objective freedom that will come to the fore in the *Philosophy of Right* [PR] §258. Here, however, the relation between subject and *Sittlichkeit* is not as differentiated and self-reflexive as will be in Hegel's later works.

first, Hegel's constant engagement with Fichte's *Naturrechts*, and, second, Hegel's account of possession and property (along with its relation to labour, recognition, crime, alienation, struggle, and exchange). My aim here is thus to disentangle Hegel's early Jena views on right, recognition, property and possession in the *System of Ethical Life*, to try and make them coherent, and finally to allow Hegel to show us new ways for grasping the complex ethical relation between freedom, theft, and property.

### Freedom, negativity, crime

Hegel's section on "The Negative, or Freedom, or Crime" is considered by many to be the most important section in the *System of Ethical Life*, the one in which Hegel begins to become specifically Hegelian, although not quite as fully as he will be in the subsequent *Philosophy of Spirit* lectures.<sup>10</sup> The reason why this section is so important is because it comprises Hegel's first attempt at systematically integrating 'negativity' or conflict and difference into his framework as an *essential*, dynamic element, instead of dismissing it as a threat to some proposed ethical unity. But why does Hegel identify freedom with 'the negative', and why are both associated with crime? Freedom here is conceived as the freedom to *break with* positive norms. It is the freedom to choose the possibility of action that does not reinforce the positivity of the whole but fragments it. Such deeds are both metaphysically and ethically negative: in the former sense, they are assertions of particularity against the universality of the whole, and in the latter sense, they are acts of individual crime against norms of universal right.<sup>11</sup> Let me contrast this to Kant and Fichte's idea of wrong.

According to Kant, crime and punishment are relatively simple. Any use of coercion *not* justified according to the equal freedom of all is *wrong*. Such coercion can affect things, people, choices, status, bodies – anything to which one has a rightful relation of intelligible possession. To have a right to a thing is thus to have a right to authorize coercion against others not to interfere with it for their own ends. Coercion is intrinsic to right, and since right is intrinsic to my own freedom, coercion is intrinsic to my freedom. Any *wrong* act, insofar as it is an unjustified use of coercion, generates a contrary *right* to authorize the use of coercion against the coercer to undo the wrong. Wrong is just wrong, there is nothing it contributes to right. And yet, Kant's entire theory of private right and property begins by binding the concept of 'rightfully mine' to the concept of *wrong*: what is rightfully *mine* is whatever I am so connected with that another would *wrong* me

<sup>10</sup>See Lukács, *Young Hegel*, Marcuse, *Reason and Revolution*, and Honneth, *Struggle for Recognition*.

<sup>11</sup>On negativity in the SEL, see Nance, "Hegel's Jena Practical Philosophy", 41.

by using it without my consent.<sup>12</sup> So although Kant has no positive theory of wrong as ethically or legally productive in any way, he is forced to admit that the theory of right must follow the ‘fact’ of wrong. Given this fact, one can then construct a coherent account of what is *mine*.

According to Fichte, the concept of right *precedes* the concept of wrong since right is a transcendental condition of possibility for self-consciousness. Right is the only possible relation between free beings that affirms the freedom of both. This relation is based on reciprocal recognition of one another’s rationality and the ensuing self-limitation of one another’s sphere of freedom. But although this fundamental normative relation of recognition is the transcendental condition for any possible system of right, finite rational beings cannot be expected to live according to this principle on their own accord. The structure of recognition may provide a general normative framework of ‘original rights’ to one’s body and property, but interacting based on such rights only works when individuals trust each other enough to do so. Take away the presupposition of trust, and the ground of right falls. Hence, Fichte argues that any *application* of the principles of right must assume the universal egoism and self-interest of individuals who care little for the freedom of others.<sup>13</sup> Applied right thus incorporates violation and coercion into its structure and modifies its goal from establishing an order of universal freedom of each to constructing a system that can preserve the mutual security of all.

For Hegel, right and wrong as well as justice and crime are *absolutely linked* in their very concept (SEL 132). Taking more from Fichte than from Kant,<sup>14</sup> Hegel assumes that no ethical system of recognition and right can develop without ‘negative’ acts of wrong. But Hegel thinks that such acts do not provoke modifications of right on their own, as if the violation itself immediately leads to a new conception of right. Rather, violations of norms (of property) generate struggles between individuals (or families) who seek to assert their self-worth, dignity and honour against the nonrecognition of others. When life itself is risked in these struggles to prove one’s value beyond one’s property, then a new form of absolute freedom is won, one which requires a restructuring of the norms of social interaction in order to accommodate it. In the *System of Ethical Life*, such struggles are not yet explicitly theorized as ‘struggles for recognition’ as they will be in the subsequent *Philosophy of Spirit* lectures. At this point, they are simply struggles for *honour*, and they do not yet clearly function as the transition to the more universal sociality of absolute ethical life.

---

<sup>12</sup>Kant, *Metaphysics of Morals*, §1, AA 6:245.

<sup>13</sup>Fichte, *Foundations of Natural Right* [FNR], 134.

<sup>14</sup>On Hegel’s use of Fichte in SEL, see Nance, “Hegel’s Jena Practical Philosophy”, 41. Undiscussed here is the influence of Schelling’s *Identitätsphilosophie* on Hegel’s early Jena system, an important topic beyond the scope of this research.

In the section on freedom, negativity and crime in the *System*, Hegel lays out various forms of ‘pure freedom’ or negation of the universal: murder, destruction, fanaticism, havoc. Relevant for us are the particular *moral* injuries to the universal element of recognition expressed in relations of property.<sup>15</sup> Such an injury is called *robbery* [*Beraubung*] when done in connection with one’s person and *theft* [*Diebstahl*] when done in connection with an object (SEL 135). Yet Hegel immediately confuses this distinction, and argues that an injury to a thing, when connected to the person as property, is itself an injury to the person, and demands retribution. The language Hegel uses to describe this attack on the person mediated by the injury to the thing is incredibly dense (and the standard translation is not the best). I will try my best to explain it.

Theft or robbery cuts a subject’s ‘ideal’ relation to an object – ideal in the sense that the empirical relation of possession is supplanted by the normative relation of right grounded in the recognition of others. “For recognition recognizes precisely this relation, which is in itself purely ideal, as a real one” (SEL 135). Theft is an ‘injury to right’ not because it hurts one’s self-interest, or even goes against one’s consent, but rather because it negates the relation of recognition that grounds ethical interaction between free persons. Theft is thus “the real cancellation of recognition” [*die reale Aufhebung des Anerkennens*] (SEL 135). The injury of theft is not to the *object*, but to the subject, for “the object stolen remains what it is, but the subject does not” (SEL 135). What is *aufgehoben* in the subject “is not the reduction of his possessions, for that does not concern him as a subject; on the contrary it is the destruction of his [being] as indifference by and in this single act” (SEL 135). What does Hegel mean by the *indifference* of the subject? “The indifference of determinations is the *person* and here this is injured, the reduction of his property is a personal injury” (SEL 135). Theft is thus not a quantitative or material act against a person and their possessions; it is rather a normative offense against the subject as a *person*, that is, a rational being indifferent to any single determination. But if persons are truly indifferent to their characteristics, then why does theft harm them at all? Shouldn’t the person not care about any particular object or any attack on property?

This is where the second, more metaphysical aspect of the negativity of theft comes into play. For Hegel, robbery is an act of “singular subsumption” in which one’s possession is subsumed under the desire of another (SEL 136). In this subsumption, the robber relates to the person only through the object of property, and treats the object as a particular, *not* as the personality itself. The universality of recognition granted to the possessor in relation to the object is thus denied; the object no longer expresses a singular aspect of

---

<sup>15</sup>On the nature of moral injury, see Bernstein, “Suffering Injustice”, *Torture and Dignity*; Congdon, “Wronged Beyond Words”; Honneth, *Struggle for Recognition*.

their infinite freedom but is reduced to a mere *thing*. In this way, robbery is a *particularization* of the universal, a collapsing of the free relation between person and property as a universal mediation of one's reason with nature into a determined relation to a thing as mediated by the force of another. The object is no longer mine, and my personality is now reduced to being the injured bearer of a lost particular. Consequently, this upsets my universally recognized standing as an equal property-owner amongst others; instead, relations of *lordship* and *bondage* set in (SEL 137). The robbed person is subjugated by the lack of property. To invert the relation of powerlessness, the robbed subject invests the lost object with the *entirety of its being* and relates to it as if it was identical to their personhood, as if it was a matter of life and death. This means that the injury to property is experienced not only as an injury to right, but to *honour*. Hegel writes:

Through honour the singular detail becomes something personal and a whole, and what is seemingly only the negation of a detail is an injury of the whole, and thus there arises the battle of one whole person against another whole person.  
(SEL 137)

To treat the negation of a detail as an injury to the whole – this is Hegel's formula for how theft can lead to a situation in which subjects contend with each other for dominance, in which they risk life to gain honour. Since there is no higher authority to which one can appeal, if individuals want the recognition they think they deserve, then they must stake everything on it. The need to risk the "totality of determinations" of one's life on a particular determination or piece of property is the ethical lesson of this section (SEL 139). For in this act, "freedom" from all one's determinations is gained for oneself (SEL 138). Unfortunately, Hegel does not follow up on this idea in the SEL. Instead, he depicts three moments in the reaction to an affront against honour: murder, revenge, and struggle. I will not go into these but suffice it to say that the 'struggle' takes place at the level of families, and the result of the struggle is not a higher stage of self-consciousness (e.g. as in the *Phenomenology of Spirit*), but a kind of peace or stasis of animosities, one which immediately transitions into the ethical life of a people in a state.

Given this account, one should ask, *why* does the thief steal? According to Axel Honneth, Hegel's thief is not a random actor, but one motivated by incomplete recognition.<sup>16</sup> This motivation is taken to be internal to the form of recognition granted at this level of social and moral experience. In a condition where recognition is based on the exchange of property, the lack of property to exchange is an immediate cause of nonrecognition and disrespect. The propertyless thief reacts against this feeling of being disrespected by acquiring what she needs to be recognized as well as making it

---

<sup>16</sup>Honneth, *Struggle for Recognition*, 20–21. See also Nance, "Hegel's Jena Practical Philosophy," 41.

clear to others how she has been mistreated. This reading is plausible, but it is not at all explicit here. Rather, it works much better as an interpretation of the attack on property in the Jena *Philosophy of Spirit* lectures. Here, a compatible but more adequate answer would be to say that the thief steals in order to assert her particularity against the universal but abstract norms of recognition that govern the exchange of property; the crime of theft is a negative assertion of *freedom*. It is a way in which a subject can reaffirm to herself that she is not bound by anything but her own will. That is a stronger reading of the *negativity* of crime. Perhaps, however, the correct answer is the most obvious one: the thief steals because she *has* to. In an unequal society, Hegel knows that there is no property without theft, and instead of dismissing it outright, he tries to integrate it into the development of absolute ethical life.

The exit from the vicissitudes of natural ethical life and its resultant forms of negativity is finally found in the 'absolute ethical life' of the people as a whole. This universal form of ethical life appears as a constitutional state, a social structure that can integrate families, enforce property rights and punish crimes with authority. The state tames the negativity of 'free' individuals by organizing property and labour into a system of classes, in which each person is granted the recognition they deserve. Yet it is unclear how the 'struggle for honor' – as a response to the denial of recognition caused by the injury to right expressed in the theft of property – leads to the development of absolute ethical life in the state. For Hegel, the insufficient forms of ethical universality present in the family and property requires a more integrated structure of recognition of individuals within the reproduction of the whole. Although Hegel will eventually conceptualize the integration of individuality through the mediation of the market and civil society, at this point, it is merely posited as a condition. In a sense, Hegel remains Fichtean.

Fichte's influence can also be seen in Hegel's political-economic division of the state into classes of military, bourgeoisie and peasantry (SEL 149–156), with the 'bourgeois' estate encompassing all those who labour for needs, own property, use money, and make contracts (SEL 153). Basically, this estate covers every urban, property-owning, labouring family who are neither military nor peasantry.<sup>17</sup> The only positive element that binds all these different individuals together into a single estate is their material dependency on property rights, which is itself a negative relation of recognition with others. Although it is not so original, it is a step forward from Hegel's earlier dismissals of the sphere of property as a purely destabilizing force on social relations, and thus, inimical to ethical life. Now, learning

---

<sup>17</sup>On the political problem of mixing employers and employees in a single class category, see Lukács, *Young Hegel*, 365–397, and Avineri, "Labor, Alienation, and Social Classes", 118–119.

from Fichte and the new science of political economy, Hegel realizes that there is a normative side-effect to property relations between persons: formal universality and reciprocal recognition. However, alongside the power of property to liberate individuals from natural dependency and bind them to other persons in new ethical relations, there also comes the negative experience that arises with the *lack* of property: nonrecognition, subjugation, and inequality. If formal universality is dependent on being recognized as an owner of property, then not having property denies one's universal right, and demands retribution. Crime, theft and robbery of another's property are thus appropriate means to gain recognition, that is, as long as one has nothing to lose. To prevent this anarchy, the state must intervene in the economic 'system of need'. I turn to this system now.

### The system of need

In the analysis of the *system of need*, Hegel begins to grapple with the real contradictions of property relations in modern market societies. Unlike many, Hegel does not dismiss these elements as superficial, but takes them to be essential. The economy is described as an *alien power* over individuals, prone to crises and crashes, a system that engenders vast inequalities of wealth and causes entire classes of people to feel left out, abandoned from any common identity. Fichte too recognized the absolute contingency involved in trying to satisfy one's needs through the market alone, and so in order to preserve one's right to live off one's property and labour, he advocated closing the market and planning the economy instead. Hegel, however, does not want to deny the freedom of individuals to pursue their needs through labour, property, and exchange, for those relations are how reciprocal recognition becomes universalized, a key step in the development of universal ethical life.<sup>18</sup> Thus, Hegel must find a way to regulate the contingency of the system without repressing the source of the contingency itself, property relations.

As a "system of universal physical dependence", the system of need is based on the premise that nobody's individual labour alone can secure the satisfaction of needs (SEL 167). One's surplus possessions must be converted into the general equivalent of money and exchanged for goods that satisfy one's needs. The exchangeable *value* of one's surplus, however, is "independent and alterable", since it fully "depends on an alien power [*eine fremde Macht*] over which one has no control" (SEL 167). This alien power is composed of the totality of needs and (surplus) property in society – what one would today call *supply and demand* – and this totality is "a barely knowable,

---

<sup>18</sup>On Fichte's external, coercive relation to the market and Hegel's internal, ethical relation to the market, see Saito, "Beyond Recognition", 45.

invisible, and incalculable power" (SEL 167). It is unknowable because it consists in "infinitely many singular" decisions and "infinitely many" kinds of property. Hegel describes the action of the individual upon the whole system and that of the whole system upon the individual as one of *reciprocal interaction* [*Wechselwirkung*] (SEL 167). Hegel's use of this Fichtean term is no coincidence, for he is not only describing the *empirical* interaction between individuals and the economy, but also a metaphysical relation between parts and wholes, and a normative relation between individuals and the ethical totality.<sup>19</sup>

The immediate context of the term is Hegel's attempt to determine the *value* of individual property and labour; this determination, however, is completely social, based on the *Wechselwirkung* of all upon all. In Hegel's apt metaphor, the value-determining, reciprocal interaction between the individual and the whole economy is a "perpetual wave, surging up and down" (SEL 167). Highly-valued property becomes depreciated when the ratio of surplus (supply) to need (demand) alters. All surplus property is rendered abstract and commensurable and 'indifferent' in the total measure of value; no individual can control the wave; no individual can determine the value of their surplus or need by themselves; nothing is "permanent and secure" in value. "Thus, in this system," Hegel admits, "what rules appears as the unconscious and blind whole of needs and the modes of their satisfaction" (SEL 167). This unfreedom of choice and uncertainty of life is neither sustainable nor ethical. Hegel responds to this problem with a call to organize the economy for the needs of all. But the conscious organization of the economy is the self-constitution of *government*: "The universal", that is, the *people*, "must be able to seize control of this unconscious and blind fate and become a government" (SEL 168).

To Fichte, the uncertainty of subsistence that comes with the universalization of property is precisely why he limits individual property rights for the sake of the whole. One cannot just accumulate, sell, or produce as much as one wants or whatever one wants; to do so would have drastic, coercive, and unjustifiable effects on the lives of others. Government, for Fichte, means ensuring that all can live off their labour and property, not that everyone is free to pursue their own ends irrespective of other people. To Hegel, government should rein in the power of property over needs, but it cannot do so by denying any individual right to property. This right is fundamental to the ethical development of human beings into universal creatures of spirit. Rather, the people, as government, must learn the *science of political*

---

<sup>19</sup>Fichte uses this term in the *Foundations of Natural Right* [FNR] to describe the relation between willing and representing (21), the conceptual activity of human beings (38), the normative relation between free beings (42), the concept of right (51), the ground of recognition (79), the law of coercion (133), social relations according to the civil contract (180), the sphere of property (183), and the relation between the state and its subjects (254).

economy, and apply it to the whole.<sup>20</sup> In other words, the state should not prohibit trade and limit property, but rather try to alleviate its worst effects by instituting macroeconomics.<sup>21</sup>

By looking at the aggregate relations of value, that is, the overall ratio of surplus to need, the science of political economy can provide *general* knowledge of the economy. The value of a good in general should depend on whether its production can meet needs (“whether a human being can subsist on it”), and how proportional the cost of providing this need is to the totality of needs (SEL 168). Value is thus abstractly determined by estimating what a human being needs to live, and this calculation comes partly from natural conditions, i.e. climate, and partly from social conditions, i.e. by “taking the average of what in a people is regarded as necessary for existence” (SEL 168). An equilibrium between surplus property and total need can hypothetically be achieved on its own through the balance of labour and exchange, but this balance can also be disturbed by external, natural conditions, such as famines, bad harvests, floods, etc. Since nature constantly breaks the balance of supply and demand, government must accordingly intervene to “uphold the mean and the equilibrium” (SEL 168). It must do so not only for the sake of people’s lives, but also so that the people do not lose “trust in the universal”, the foundation of government (SEL 168). When one’s surplus property is devalued through overproduction, for example, it becomes near impossible to live by selling it. This causes a part of the population to lose trust in the ‘universal’ government to whom they tied their conditions of existence. When individuals abandon production-for-need and institute production-for-exchange, a necessary step in the development of absolute ethical life according to Hegel, they become dependent on the contingency of the universal movement of property through society.<sup>22</sup> This contingently universal interdependency of all upon all is rationalized through the government’s administration of justice via property rights, contracts, and punishment. ‘Trusting the universal’ here means putting one’s material fate in the hands of abstract forces and trusting that it will work out. But when the “abstraction of equilibrium” between *surplus* and *need* breaks down, why should individuals still trust this government at all? (SEL 169)

---

<sup>20</sup>See also Hegel, PR §189.

<sup>21</sup>According to Geoff Mann, *In the Long Run*, 119–181, Hegel’s claim that the state must apply the science of political economy to the population in order to regulate crises, care for the poor, and save bourgeois society itself – all without closing the market from trade – makes him the first *Keynesian*, one hundred years before Keynes!

<sup>22</sup>Hegel seems to think that the transition to a specialized, money based, market-mediated society is a somewhat natural progression from subsistence labour and barter. This Smithian story, however, is a myth. The real transition (from feudalism to capitalism) is soaked in violence, coercion, dispossession, theft, and war. See Marx on “so-called primitive accumulation”, *Capital Vol. 1*, 873–940, as well as Wood, *Origins of Capitalism*, and Graeber, *Debt*. This does not, however, change the substance of the argument.

Unlike Fichte, Hegel does not think that propertylessness, poverty or material deprivation breaks the 'social contract' that founds the state, thus granting individuals a coercive right to expropriate the property of others. For Hegel does not believe that government is a contractual relation at all. As the expression of the universal ethical spirit of the people, government is founded on the trust that individuals, families and the estates will mutually care for each other's needs and treat each other with respect. If this trust breaks down in any part of the population, the government must intervene to supplement the lack. Government, for Hegel, can intervene with authority and right into the system of property whenever the abstract laws of value fail to satisfy the needs of whole classes of society. It is not only a possibility but a duty of government to do so.

Another problem with the satisfaction of need, or *enjoyment*, according to Hegel, is that it is endless: one can always enjoy more than what one has. Although one's enjoyment is always restricted in reality by given conditions, its 'ideality' is infinite. 'Civilized' enjoyment furthermore turns raw need into fancy products which require more and more labour (SEL 170). More need, more labour, more products – the cycle has no end.<sup>23</sup> The ideality of enjoyment is restrained in the objectivity of *possession*, yet this fixed form of enjoyment does not limit one's infinite desire to possess more and more. The labour needed to produce surplus possessions, however, is *finite*, as are the produced possessions themselves. They are limited quantities trying to match unlimited needs. Given this conjuncture, "it follows that with the accumulation of possession at one place, possession must diminish at another" (SEL 170).

Here we come to Hegel's insight into the *intrinsically* produced, structurally *necessary* inequality of the modern economy: "This inequality of wealth is necessary in and for itself" (SEL 170). The system of need transposes 'natural inequality' (of skill, strength, etc.) into 'social inequality' (of property). This inequality, as Aristotle already saw, is a product of the drive to infinitely accumulate possessions.<sup>24</sup> But differently than in Aristotle's time, this endless drive is now embedded into the DNA of modern industry itself, and so the inequality it produces is inescapable. This "necessary inequality" of wealth is divided among various businesses and estates in society, but it is not only a "quantitative" relation; it becomes qualitative as a "relation of domination," as the re-introduction of lordship and bondage into the sphere of right (SEL 170). The "tremendously wealthy individual becomes powerful," overcomes the contingency of universal physical dependency on the market, and thus no longer needs to recognize the other as a condition of possibility

---

<sup>23</sup>Hegel also notes an ecological concern, stating that the "foreignness" of some goods, the fact they are produced abroad, "puts expenses on the whole earth", SEL 170.

<sup>24</sup>Aristotle, *Politics*, 1257b.

for his own existence (SEL 170). This supersession of dependency, however, is an illusion, for individual wealth is wholly dependent on the collective labour of others. Such wealth is “bound up with the deepest poverty”, and it produces not only “ideal universality” in property but also “real, mechanical universality” in labour (SEL 170–1). The mechanical labour which renders possible universal wealth is “purely quantitative”, “inorganic”, and “immediately the highest barbarity [*Rohheit*]” (SEL 171). As he will continue to do in the Jena *Philosophy of Spirit* lectures and the later lectures on *Naturrecht* in Heidelberg and Berlin, Hegel does not shy away from condemning the barbarity of modern labour relations and the absolute danger that the business estate [*Erwerbsstand*] poses to the ethical totality. When the business class loses respect for anything beyond property and profit, it sinks into “the bestiality of contempt” for anything ethical as well (SEL 171). That is to say, when a certain class takes the “wisdomless pure universal mass of wealth” to be *all that matters*, then one can be assured that the “absolute bond of the people, the ethical, has vanished and the people is dissolved” (SEL 171).

The problem is that the business class plays an *essential* role in Hegel’s conception of the totality of ethical life insofar as it facilitates the interdependent exchange of property, making the recognition of (the needs of) others into an essential aspect of (the needs of) oneself. Yet precisely through this universalization of *finite* amounts of property produced by *finite* amounts of labour, there ensues a necessary inequality of wealth between property-owners and labourers, and this quantitative difference translates into a qualitative imbalance of power. This inequality leads the owning class to deny their dependency on the universal labour of others, and to pursue their particular wealth above any universal, ethical purpose. In short, a source of ethical formation becomes an obstacle to its very fulfilment.<sup>25</sup>

Since the business class cannot be abolished *tout court*, the government must work “as hard as possible” to stop the “universal destruction” wrought by inequality (SEL 171). This can occur in two ways: *externally* through government provisions, high taxes, and price controls, or *internally* “through the inner constitution of the estate” (SEL 171).<sup>26</sup> According to this latter, more effective method, the estate of all those who labour, own property and do business with each other should be reconstituted such that their physical dependency on each other as abstract, universal persons is supplemented by a “living dependency” on each other as ethical, active, singular human beings (SEL 171). This means that the binding universality of law and

---

<sup>25</sup>Hegel will struggle with the problem of poverty and inequality throughout his entire life. See Hegel’s *Vorlesungen über Rechtsphilosophie*, edited by Ilting, from 1818–1831 (VRP I, III, and IV) and the *Lectures on Natural Right* (NR) from 1817–1818. See also PR §241–246.

<sup>26</sup>In PR §230–256, these two methods become institutionalized in the ethical organizations of the *Police* and the *Corporation*. The former represents external measures against inequality, and the latter, internal measures. See also Herzog, *Inventing the Market*.

right would have to be seen not as an abstraction of individual wills but as a product of collective human self-activity. Hegel seems to think that the *rich* would be compelled to reduce their domination and allow more participation in the wealth of society due to the fact that they find the ‘infinite’ no longer in anything external (e.g. property), but in the living relations between individuals. When that happens, “the drive to amass infinite wealth is itself eradicated” (SEL 171). The concrete manner by which the *inner constitution of the estate* reshapes ethical relations between the rich and the poor into something more equal and ethical, however, is not really spelled out by Hegel.<sup>27</sup>

In addition to property in the system of need, Hegel also posits property under a system of justice (SEL 173–5). In this framework, property is understood not in terms of *need* but rather in terms of *right*. This way of looking at property resembles the methods of Kant and Fichte as well as Hegel’s own later account in the *Philosophy of Right*. In Hegel’s mature *Rechtsphilosophie*, this metaphysical-normative approach to property as an individual right of freedom almost completely displaces the materialist approach to property as a socially recognized relation of need. Whereas the relation between need, possession, recognition and property is central in the early Jena writings, the concept of need is explored in the later theory of right solely in the sphere of *civil society* as a motivating factor for the expanding division of labour. Property itself in the *Philosophy of Right* is conceptualized as an “abstract right” of the will, a necessary but insufficient condition for the actuality of freedom.<sup>28</sup> Indeed, this normative idea of property as the immediate existence of freedom propels the development of objective spirit forward. In the SEL, however, the right to property is not discussed as the existence of freedom, but as the universal being of the *I*, fixed by recognition.

The transition from seeing property under the aspect of *need* to seeing property under the aspect of *right* occurs once the universal aspect of property is emphasized over its particularity. This becomes clear in Hegel’s description of how each “system of government” uniquely mediates the *universal* and *particular* aspects of ethical life. In the system of need, the universal value of a particular possession is tied up with the satisfaction of needs; the

---

<sup>27</sup>In PR §250–256, Hegel transposes the ethical function of the estates into the *corporation*. Hegel’s corporation is like a trade-union, social club, and church group mixed into one. Its function is to provide a particular mode of ethical mediation between individuals and the state, such that individuals are acknowledged as honourable and dignified by their peers. Corporations educate, train, and organize its members into skilled labourers who can contribute to society as a whole and not merely to their own self-interest. Moreover, through membership in the corporation, individuals are provided for by each other in times of need, in effect taming the contingency of market dependency. Yet here, in the SEL, the ethical demand to tame the destructive inequality of property is realized in the estate itself as part of its own constitution.

<sup>28</sup>On abstract right in general, see PR §34–40, and on property in particular, see PR §41–71. For an analysis of property in Hegel’s PR, see Knowles, *Hegel and the Philosophy of Right*, 107–138; Patten, *Hegel’s Idea of Freedom*, 139–162; Stillman, “Person, Property, and Civil Society”, “Property, Freedom, and Individuality” and “Property, Contract and Ethical Life”; Schmidt am Busch “Personal Respect, Private Property”; Ritter “Person and Property”; Bauman “Irrationality and egoism”.

particular aspect of possession thus dominates its universal aspect. In the system of justice, however, the “need-related thing”, as *property*, is not determined as something particular, but as universally valid, that is, as *recognized* (SEL 173). “The thing is mine” means that my objective relation to it is subjectively recognized by others as absolutely valid; my private relation has “objective reality” (SEL 173). In the recognition of property, the “I is a universal, fixed, it has being” (SEL 173). The fixed, objective reality of my “I” does not come from my own ideal positing of something as *mine*, but from the consciousness that “all I’s posit this relation” (SEL 173). In other words, only through everyone’s positing and recognizing of one another’s practical relation to specific things does *my* individual claim to something gain legitimacy and right. And only insofar as I can be said to have a right to property can it be said that “I” have an external existence at all. At least, that is the claim.

The “whole mass of I’s” which universally posits rights to property, when abstracted from their particular needs, forms the “public authority”; and as a self-conscious body, the public authority acts as the “administration of justice” (SEL 173–4). This is all to say that the middle term in the *self-property* relation, the medium that grants “reality” to the relation, is *government*. As the public authority administering justice in regards to property, government treats individuals in terms of universal *rights*, not specific needs. Justice is not a mechanical procedure of applying rules, but a living, dynamic labour of judgment concerning particular cases and free persons, *seen from the perspective of what is universal in them* (SEL 174). With that, my exposition of property in the *System of Ethical Life* comes to an end.

### Excursus on Axel Honneth’s interpretation of the *System of Ethical Life*

Before I conclude, allow me to discuss one of the most significant interpretations of the *System of Ethical Life*, that of Axel Honneth. Honneth argues that Hegel’s *System* is exemplary for developing an expanded conception of recognition across various realms of life. According to Honneth, Hegel analyses three distinct spheres of normative interaction, each of which is grounded in a different form of reciprocal recognition: affective recognition of individuals in the family as creatures of need, formal recognition of individuals in law as property-owning persons, and social recognition of individuals in the state as concretely universal citizens.<sup>29</sup> Social conflicts arise in each normative sphere when the recognition appropriate to it fails to capture some particular aspect of individual worth. These conflicts are not Hobbesian battles for material self-interest but struggles over one’s moral status as worthy of being recognized and respected. Now, this idea of the normative stakes of

---

<sup>29</sup>Honneth, *Struggle for Recognition*, 25.

social conflict is clearly there in Hegel's *System*, but the suggestion that Hegel has a complex multi-part theory of recognition is highly questionable. Whereas in his later *Rechtsphilosophie* Hegel does come to formalize distinct spheres of interaction in the family, civil society, and the state, here in the *System of Ethical Life*, such spheres are not characterized by *recognition*. In fact, it is *only* when Hegel discusses property *in any sphere* that recognition comes into play.

For instance, in natural ethical life, reciprocal recognition is introduced as a condition of possibility for exchanging (produced) surplus property with others for one's own needs. The unequal distribution of surplus property creates relations of lordship and bondage which can be restrained through family structures, *not* because of some affective recognition in the family, but because of a new property arrangement, common property. With crime, individuals are motivated by the disrespect or non-recognition which comes from lacking property; this non-recognition can be overturned by stealing another person's property, such that my theft functions as a summons to the other to recognize me as an individual worthy of owning property. In the absolute ethical life of the state, universal recognition is not found in political solidarity with all citizens, but again only in those relations which are mediated by property. In the system of need, or market economy, individuals recognize each other as producers and consumers necessary for each other's survival in the interdependent network of supply and demand. The system of justice formalizes this economic interdependency with a legal system of universal property rights, and thus recognizes all property-owning individuals as persons. The military and agricultural estates do not share in these formal relations, and the government does not create a universal sense of belonging through a political form of recognition. Rather, the universal aspect of ethical life appears in the state in the form of a singular *people*, differentiated into labouring estates, materially related to each other through the economy, individually shaped through education and discipline, administered by law, cared for by the government, united in war, and freely ruling itself. Honneth is thus wrong to attribute such an expansive idea of recognition to Hegel at this point. Recognition is here tied specifically to the property relation, as it is with Fichte, the difference being that Hegel's concept of *recognition* is mediated by exchange, labour, and need. Honneth is either projecting his own normative framework onto the *System of Ethical Life* or reading Hegel's later *Rechtsphilosophie* into it. Hegel's focus on recognition however does become more apparent in the later Jena lectures on the *Philosophy of Spirit*.

## Conclusion

I conclude with three specific thoughts on Hegel's early conceptions of possession and property in the SEL, specifically in relation to Kant and Fichte's

theories of right, as well as one general comment on the value of the *System* for Hegel's subsequent work.

First, Hegel continues the tendency in Kant and Fichte of placing *property* at the centre of the analysis of right, politics, and the state. More importantly, like Kant and Fichte, Hegel also analyses property from *two* distinct perspectives: as an abstract (legal) right on the one hand, and as a concrete (economic) relation on the other. For Kant and Fichte, these two different takes on property require two separate justifications, one based on a priori principles of practical reason and one based on social-normative principles of practical freedom. For Kant, one must first justify the possibility of intelligible possession of external objects of choice according to pure practical reason alone before one can justify the actual right to *acquire* anything as one's own in a civil condition. For Fichte, one must first deduce the ground of the original right to property from the conditions of self-consciousness as the right to a sphere of free action in the sensible world, and only then can one analyse the coercive right to property (as a right to live off one's labour) as an element in the property contract with the state. For Hegel, property is both a surplus product of labour to be exchanged with others for needs, and a formal relation of recognition in the system of justice. Although Hegel considers the nature of property from both a formal-legal perspective and a material-economic one, he does not really *justify* property at all. He merely shows how property comes to play a formative role in the ethical development of human beings towards a more universal community.

Second, Hegel *reverses* the priority of analysis, and begins with property in relation to need before discussing property as a right. Thus, whereas Kant and Fichte begin with an abstract conception of property based on a concept of *right*, and then move on to its practical application in the state, Hegel starts from a philosophical anthropology of human needs, and then shows how labour, possession, and exchange bring individuals into interdependent relations with each other; this new condition of generalized dependency makes the mutual recognition of one another's needs into an essential aspect of one's practical self-identity. Acts of theft however disturb the trust underlying the recognition of property, and thus, in order to ensure reciprocal recognition of property, individual rights to property must be formalized into a system of laws, authorized by all. Only then is it meaningful to discuss property in terms of *rights*, for only then can individuals claim to really possess things independent of their power, labour, or status. Possession ultimately becomes real as property in virtue of its legal status, not its economic one. Hegel thus does not *justify* property as a right in conformity with principles of reason or freedom, rather he *describes*, phenomenologically, how relations of possession and property emerge from the active desire to negate feelings of separation (or need) through labour and exchange. This description is not neutral, but normatively structured according to the telos

of forming a universal community of absolute ethical life. Relations of possession and property help foster this goal, albeit inadvertently, or even, negatively.

In the *System of Ethical Life*, Hegel is not so interested in the metaphysical nature of possession – not yet at least – but in what people must do to make possession *real*, to give it legitimacy. In other words, Hegel focuses on what it takes for people to make their lives materially dependent on abstract relations of property, as is the case in a society based on a division of labour and mediated by exchange. The answer is *trust in the whole*, or in a more Hegelian formulation, the absolute identity of subjectivity and *Sittlichkeit*, for without trust that one's needs will be met in the universal, there is no reason to sacrifice one's labour for others, to recognize other people's property, or even other people at all.<sup>30</sup> To ensure that trust is not lost, the people must – as government – ensure that the economy does not devalue certain people's surplus property, whether through overproduction, natural catastrophes, crises and so on. Through the inner constitution of the estates and government intervention, rampant inequality in society can be tamed and individual dignity of labour can be gained. In this way, property relations create new ethical demands for how people ought to act. Ultimately, Hegel wants to know how the recognition-enabling system of generalized exchange of property can be integrated, domesticated, and balanced within an ethical-political community such that it does not lead to the material and moral destruction of parts of the population.<sup>31</sup>

Third, and perhaps most importantly, *Hegel does not tie property to freedom*. Both Kant and Fichte ground their entire philosophies of right on the practical freedom of rational beings to act purposively in the sensible world, and both claim that the right to property is a necessary condition for such freedom to be successfully realized in any human community. In Hegel's 1821 *Philosophy of Right* (and in the lectures on right from 1817–1831), the concept of *property* is *immediately* and *explicitly* conceptualized as the first objective existence of freedom; property is the most immediate and abstract form in which the 'will' expresses its objectivity in things, effectuates its agency over nature, finds itself as free, and invites recognition from others of its normative status (PR §34–71). In *contracts*, this private will forms a universal will based on reciprocal recognition of one's another's status as free (PR §72–81), and in *wrongdoing*, the free will asserts its particularity against the abstract universality of right (PR §82–104). In a way, Hegel's

---

<sup>30</sup>The idea that social trust underlies ethical life is a key claim in Hegel's early work that continues on through the subsequent Jena *Philosophy of Spirit* lectures into the *Phenomenology of Spirit* all the way to the *Philosophy of Right*. For interpretations of Hegel that centre on trust, see Bernstein, *Torture and Dignity*, 218–257, and Brandom, *Spirit of Trust*.

<sup>31</sup>Hegel's argument about the moral and material dangers of unchecked wealth, poverty and inequality can thus rightly be called *Keynesian*. See Mann, *In the Long Run*, 119–181.

mature political philosophy of right appropriates much of what Fichte said about property in the first part of the *Foundations*, but Hegel reads it through his own conceptual framework of historicized, socially-minded *spirit*, instead of Fichte's absolute self-positing I. Objective spirit – or the reason-embodiment, historically-formed, institutionally-bound customs, norms and practices of human beings – is the social medium in which freedom becomes objective to itself and conscious of itself as property-owning will, as moral conscience, as family member, as worker, and as citizen.<sup>32</sup>

In the *Philosophy of Right*, the right to property satisfies a necessary but insufficient condition for the free will to will itself as free. Yet in the *System of Ethical Life*, Hegel never claims that property is tied to the existence of freedom or that it is a condition of freedom or even that it is justified according to freedom. On the contrary, freedom is really only broached in the section about *theft*. So why does Hegel claim that theft is somehow a more proper expression of freedom than property? To understand why, we must first remember that property for Hegel in the *System of Ethical Life* is a product of *necessity*, that is, property relations are always mediated by *need*. Property first emerges as the storing of objects for deferred gratification and then as the possession of tools for labouring on desired objects. The creation of a surplus product through productive labour is the first form of property to be recognized by others, recognized because others *need* it. In the exchange of surplus possessions, the mutual satisfaction of needs is accomplished, and, inadvertently, relations of reciprocal recognition are established. So far, freedom plays no explicit role; implicitly, one can interpret the gradual mediation of natural necessity with labour and possession as a form of freedom, insofar as it purchases independence from determinacy, but Hegel does not make that point. Such a thesis will only become available to him with the idea of *spirit*.

When the exchange of surplus possessions becomes generalized to such a degree that individuals are materially dependent on one another's products for their own satisfaction of needs, then those who lack a surplus to exchange cannot meet their own needs, at least not by sticking to the norms of recognition. These individuals are part of a whole which does not value them

---

<sup>32</sup>The concept of *spirit* only emerges after the SEL, in the 1803–4 and 1805–6 Jena lectures on the *Philosophy of Spirit*. In these lectures, Hegel's name for the 'universal' is no longer 'absolute ethical life' but *spirit*, and spirit manifests itself in different shapes: as *practical consciousness* (in speech, labour and possession), as *recognizing consciousness* (in property), and ultimately as the *universal consciousness* of a people (in customs, practices, laws, and economy). Hegel's main thesis there is that *spirit* is both the mediation and ground of all the ethical ties, norms, roles, and values institutionalized by self-reflective human beings over time. The concept of spirit develops in various ways from Jena through Hegel's later work, most notably into *subjective* and *objective* forms, the latter of which concerns the actualization of freedom in determinate spheres of practice, such as legality, morality, family, economy, and politics.

independently of their surplus contribution. But by *stealing*, individuals without property can satisfy their needs *and* assert their particular independence from the whole; their negativity is liberating. *Theft is freedom* because it defies social conventions for the sake of the individual; theft breaks the norm to recognize property, a norm which is not maintained in order to secure equal freedom, but in order to satisfy needs in a system of exchange. Now this negative freedom is not sustainable, in fact, it leads to struggles of honour to the death and to cycles of violence. Ultimately the subjectivity of freedom must be “murdered” by the objectivity of ethical life (SEL 131). Government, as the “movement of the people” (SEL 165), can formalize property relations into coercive rights, economically manage them in a system of need, and legally safeguard them in a system of justice. In the system of justice, government mediates the relation between myself and my need, giving this relation objective reality as property. Through the right to property, *I* gain universality, fixity, and being (SEL 173). If the “*I*” can be read as proxy for the free will, then that is perhaps the closest Hegel comes to making any connection between property and freedom in the *System of Ethical Life*.

The *System of Ethical Life* was Hegel’s first attempt at systematizing his practical philosophy, a project he continued to rework in the *Philosophy of Spirit* lectures of 1803–1804 and 1805–1806. In those fascinating texts, Hegel develops ever more subtly the conflictual basis of mutual recognition gained through the experience of injury to one’s moral status via negative acts of theft. Allow me to briefly explain some compelling claims made in those subsequent lectures, to show how some themes from the SEL develop in new ways.

Whereas in the *System*, the struggle over possessions abruptly transitions into the universal ethical life of the people, in the *First Philosophy of Spirit* (1803–4), the struggle more logically leads to a condition in which each separate consciousness finds itself reflected in the other. The struggle there takes place on a much deeper level: it is not just a moral struggle for recognition of one’s normative status but an epistemological struggle that brings forth “universal consciousness”. This new tale is thus part social-political and part metaphysical-epistemological. On the one side, Hegel tells a story of how separate, possessing families could be internally motivated, as a result of injuries to possessions, to develop universal norms (of property) that would de facto bring them out of the state of nature and into modern society; on the other side, Hegel provides an account of how opposed individuals can begin to recognize one another as part of a universal community of free individuals, each of whom finds their own self-consciousness ‘confirmed’ in the consciousness of another. This recognition is provoked through the *necessary injury* to another’s possessions, an act which is taken as an offense to one’s whole being and which must be

retaliated against at the risk of death. Hegel thus appropriates and synthesizes elements of Hobbes's war of all against all, Kant's duty to leave the state of nature, and Fichte's summons towards freedom. The running thread in all these stories is the conflict over mine and yours, the struggle over possession and property.

Next, the 1805–6 *Second Philosophy of Spirit* provides the clearest expression of Hegel's early philosophical system. The purpose of this phenomenology of moral experience is to show how self-interested individuals can come to treat each other as bearers of (property) rights, without any external authority. In these lectures, Hegel incorporates Fichte's account of right as a *relation of recognition* deeply and permanently into his concept of *spirit*, and he does so, like Fichte, through a discussion of property and labour. And like Kant's *Rechtslehre*, Hegel's account of spirit is a developmental story of the transition out of the hypothetical state of nature by means of the universalization of right. Right and obligation here emerge via institutionalized recognition relations that mark the transformation of possession into property. In a sense, Hegel's entire philosophy of spirit can be read as an alternative to a state of nature story and its various contractualist, empiricist or rationalist resolutions. Self-interested individuals *do* struggle and risk their lives over possessions in this account, as in many such stories, but this struggle does not instrumentally lead to a social contract, authoritarian state, or rational duty to leave the state of nature. Rather it leads to the awareness of one's vulnerability of being harmed by others, not merely physically, but *morally*, that is, in terms of who one takes oneself to be. This socially mediated ethical self-awareness, born through conflicts over dispossession and exclusion, constitutes the minimal normative condition for a society of equal and free persons.

The Jena systems are important insofar as in them Hegel appropriates and reworks the Fichtean idea of right as a relation of recognition by embedding it in struggles over possession among self-conscious, desiring, morally vulnerable subjects. The achievement of right as recognition occurs through conflicts over possession and property, spurred by acts of theft, crime, and other negative deeds amongst unequal, finite, economic creatures. Following the SEL, the relation between possession, property, inequality, conflict and recognition becomes more systematized in the *Philosophy of Spirit* lectures. The emphasis on conflict, struggle, and inequality preceding recognition remains in *Phenomenology of Spirit*, but the key role of theft and possession drops out. In the *Philosophy of Right*, recognition-producing conflicts over possession have seemingly disappeared; they are not gone, however, but presupposed as the necessary precondition for the emergence of the free will as a person. They are, in a word, indelible moments in the long history of spirit that we are.

## Disclosure statement

No potential conflict of interest was reported by the author(s).

## Funding

This work was supported by the Deutsche Forschungsgemeinschaft (DFG) SFB TRR 294/1–424638267

## ORCID

Jacob Blumenfeld  <http://orcid.org/0000-0001-7745-8704>

## Bibliography

- Aristotle. *Politics*. Translated by C. D. C. Reeve. Indianapolis: Hackett, 2017.
- Avineri, Shlomo. "Labor, Alienation, and Social Classes in Hegel's *Realphilosophie*". *Philosophy & Public Affairs* 1, no. 1 (1971): 96–119.
- Bauman, Charlotte. "Irrationality and Egoism in Hegel's Account of Right". *British Journal for the History of Philosophy* 26, no. 6 (2018): 1132–1152.
- Bernstein, Jay. "Suffering Injustice: Misrecognition as Moral Injury in Critical Theory". In *Language Without Soil*, edited by G. Richter, 30–51. New York: Fordham University Press, 2010.
- Bernstein, Jay. *Torture and Dignity*. Chicago: University of Chicago Press, 2015.
- Bertram, G. W., and R. Celikates. "Towards a Conflict Theory of Recognition". *European Journal of Philosophy* 23, no. 4 (2015): 838–861.
- Brandt, Robert. *A Spirit of Trust*. Cambridge: Harvard, 2019.
- Clarke, James. "Fichte and Hegel on Recognition". *British Journal for the History of Philosophy* 17, no. 2 (2009): 365–385.
- Congdon, Matthew. "Wronged Beyond Words: On the Publicity and Repression of Moral Injury". *Philosophy and Social Criticism* 42, no. 8 (2016): 815–834.
- Fichte, J. G. *Grundlage des Naturrechts nach Prinzipien der Wissenschaftslehre* (1796–7), edited by Zahn, Hamburg: Felix Meiner Verlag, 1979.
- Fichte, J. G. *Foundations of Natural Right* [FNR] (1796–7), edited by Neuhouser and translated by Baur, Cambridge: Cambridge UP, 2000.
- Franco, Paul. *Hegel's Philosophy of Freedom*. New Haven: Yale UP, 1999.
- Graeber, David. *Debt: The First 5,000 Years*. Brooklyn: Melville House, 2011.
- Harris, H. S. "Hegel's System of Ethical Life: An Interpretation". In *Hegel: System of Ethical Life (1802/3) and First Philosophy of Spirit (1803/4)*, edited and translated by Harris and Knox, 3–96. Albany: SUNY Press, 1979.
- Harris, H. S. *Hegel's Development: Night Thoughts 1801–1806*. Oxford: Clarendon Press, 1983.
- Hegel, G. W. F. *Vorlesungen über Rechtsphilosophie* [VRP] 1818–1831 (4 vols.), edited by K-H. Ilting. Stuttgart-Bad Cannstatt: Frommann-Holzboog, 1973.
- Hegel, G. W. F. "System of Ethical Life" [SEL] (1802/3). In *Hegel: System of Ethical Life and First Philosophy of Spirit*, edited and translated by Harris and Knox, 99–186. Albany: SUNY Press, 1979.
- Hegel, G. W. F. *Elements of the Philosophy of Right* [PR] (1821), edited by Wood and translated by Nisbet. Cambridge: Cambridge UP, 1991.

- Hegel, G. W. F. *Lectures on Natural Right and Political Science: The First Philosophy of Right* [NR] tr. Stewart and Hodgson. Berkeley: University of California Press, 1995.
- Hegel, G. W. F. *System der Sittlichkeit* [Critik des Fichteschen Naturrechts] ed. Meist. Hamburg: Felix Meiner Verlag, 2002.
- Herzog, Lisa. *Inventing the Market: Hegel and Smith*. Oxford: Oxford UP, 2013.
- Honneth, Axel. *The Struggle for Recognition*. Cambridge: MIT Press, 1995.
- Iltting, Karl-Heinz. "The Dialectic of Civil Society". In *The State and Civil Society: Studies in Hegel's Political Philosophy*, edited by Z. A. Pelczynski, 211–226. Cambridge: Cambridge UP, 1984.
- Kant, Immanuel. *The Metaphysics of Morals*. Edited by Mary Gregor. Cambridge: Cambridge University Press, 1996.
- Knowles, Dudley. *Hegel and the Philosophy of Right*. London: Routledge, 2002.
- Lukács, Georg. *The Young Hegel*. London: Merlin Press, 1975.
- Mann, Geoff. *In the Long Run, We're All Dead: Keynesianism, Political Economy and Revolution*. New York: Verso, 2017.
- Marcuse, Herbert. *Reason and Revolution*. Boston: Beacon Press, 1960.
- Marx, Karl. *Capital Vol. 1*. London: Penguin Classics, 1990.
- Nance, Michael. "Hegel's Jena Practical Philosophy". In *The Oxford Handbook of Hegel*, edited by D. Moyar, 31–57. Oxford: Oxford University Press, 2017.
- Patten, Alan. *Hegel's Idea of Freedom*. Oxford: Oxford University Press, 1999.
- Ritter, Joachim. "Person and Property in Hegel's Philosophy of Right". In *Hegel on Ethics and Politics*, edited by R. Pippin and M. Quante, 101–123. Cambridge: Cambridge University Press, 2004.
- Saito, Kohei. "Beyond Recognition in Capitalism: From Violence and Caprice to Recognition and Solidarity". In *Hegel and Capitalism*, edited by A. Buchwalter, 35–51. Albany: SUNY Press, 2015.
- Schmidt am Busch, Hans-Christoph. "Personal Respect, Private Property, and Market Economy: What Critical Theory Can Learn from Hegel". *Ethical Theory and Moral Practice* 11, no. 5 (2008): 573–586.
- Stillman, Peter. "Person, Property and Civil Society in the Philosophy of Right". In *Hegel's Social and Political Thought*, edited by Verene, 103–117. Atlantic Highlands: Humanities Press, 1980.
- Stillman, Peter. "Property, Freedom and Individuality in Hegel's and Marx's Political Thought". In *NOMOS XXII: Property*, edited by J. R. Pennock and J. W. Chapman, 130–167. New York: NYU Press, 1980.
- Stillman, Peter. "Property, Contract and Ethical Life". In *Hegel and Legal Theory*, edited by D. Cornell, M. Rosenfeld and D. G. Carson, 205–227. New York: Routledge, 1991.
- Wood, Ellen Meiksins. *The Origin of Capitalism*. London: Verso, 2002.