

Hegel and the social contract

Abstract: This paper is trying to bring new arguments for a better understanding of Hegel's philosophy of the state and, within this framework, the German philosopher's critique of the social contract. Hegel's emphasis on subjective freedom seems to contradict, at a first impression, his dismissal of the social contract as being founded on the isolated and arbitrary will of individuals. But, as I argue throughout this article, this is clearly the case of a dialectical contradiction, a truly Hegelian one, in which both the particular and the general are strengthened and projected into a new emancipatory perspective.

Keywords: contractarianism, recognition, property, citizenship, civil society, subjective freedom, objective freedom, necessity

1. Introduction

Hegel's political philosophy received a lot of attention from scholars. However, some of those scholars were too eager to isolate Hegel's political thinking from his overall philosophy, thus labeling him as a proto-fascist or at least as an authoritarian theorist (Popper 2013, 242-290; Russell 1972, 730-746; Cohen 2001, 167). This was partly a result of Hegel's critique of liberalism. The philosopher was not very fond of abstract notions like human rights, cosmopolitanism or the social contract, but he did not disregard them *per se*, only to the extent that they were isolated intellectual creations not validated by practical action, and often accompanied by confusion and fanaticism (Hegel 1967, 327; Hegel 2004, 262-270). After all, Hegel declared himself to be an advocate of philosophical progress (Hegel 1963, 43); due to the fact that his understanding of philosophy is immanent, incorporated within the becoming of the social whole, it follows that Hegel's philosophy is profoundly historical and its task is to actively improve all spheres of life, not simply observe them. But progress must always be filtered by and adapted to the ethical life of a community. Otherwise, it amounts to nothing.

In this paper, I will focus on the Hegelian approach of the social contract, arguing that it does not neglect subjectivity as much as Riley suggests (1973, 130-161), and it also places more emphasis on the anteriority of the community (state) in relation with the individual than

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Berry implies (1977, 691-703). Furthermore, both of these authors, who explicitly treated Hegel's views regarding the social contract, ignored his philosophy of property, which is crucial for understanding Hegel's stance on the relation between citizens and state. On their turn, other authors who analyze Hegel's political philosophy and who will be brought into discussion as the paper unfolds, tend to marginalize this topic and focus more on his ideas of state, classes or civil society (Neuhouser 2000, Luther 2009).

The first section of the article is dedicated to the contractarianist tradition as it is laid out in the works of Thomas Hobbes, John Locke, Jean-Jacques Rousseau and Immanuel Kant. The following section introduces Hegel's concepts of property, citizenship and civil society and their dialectical departure from contractarianism. The next section is based on Hegel's critique of the social contract and its fellow concept, the state of nature. Finally, the conclusions section tackles the Hegelian approach of liberty understood specifically in the context of present necessity.

Subjective freedom can only manifest itself within the objective freedom provided by the state. In this process, individual liberty is negated by the objective liberty, which in turn is also negated by the first. The advancement of this whole speculative situation can only take place as an improvement of both forms of liberty: citizens gradually and contextually expand the norms and rules of states in order to gain more freedom, while states accommodate the demands for more liberties by integrating them into their systems of right. Therefore, freedom is attained only within the juridical and political configuration provided by the state, not outside it – even if sometimes against it. What Hegel is trying to say is that political communities always precede the existence of their individual members and, because of that, between them a contract instituted by two equal parts is impossible. But this does not mean that, due to their institutional and ethical superiority, states should behave arbitrary towards their citizens. On the contrary, one of the main tenets of modernity lies in the recognition of particularities as the fundamental and insurmountable elements of political communities. But the sovereignty of the people must not be confounded with populism; only through gradual civic education and material improvement can the people become truly worthy of their sovereignty and understand liberty through present day necessity and necessity through prospective liberty.

2. Contractarianism: from Hobbes to Kant

Political liberalism has a powerful and fertile tradition. Individualism, free market, progress – all of these ideas were truly revolutionary several centuries ago and, to a certain extent, they remain so to this day. But one of the most revered liberal contribution to political thought is the notion of social contract.

In the philosophy of Thomas Hobbes, the need for a social contract arises from two major premises: fear and the expansion of commerce. Within the state of nature, which represents some kind of pre-political *status-quo*, men fear one another. Brute force is the most important judge of daily activity. From such an environment, collective action and long time planning are missing. But men are also trading different things among them and they learn, from experience, that agreements are more lucrative for commerce than risks associated with ignorance or overconfidence. In time, this entails a process of homogenization: to forbid something to be traded means to discriminate someone to the benefit of another; such an action leads to hatred and can cause certain types of conflict (Hobbes 2005, 123-126, 142). But conflicts are bad for business. This outcome leads men to find different kinds of arrangements to protect their wealth and, ultimately, their lives. However, such arrangements are not as predictable as parties would want them to be; the need of recognition between equals is growing, but it lacks a proper institutional foundation (Hobbes 2005, 144).

Consequently, fear and the need to protect and expand their properties drive men into a new and more complex kind of arrangement: a political one. If someone becomes submissive to his attacker, the result is a 'natural political body'. But if more rational people, in order to protect themselves, choose a more capable person from their ranks and entrust him with this task, a 'republic' is formed (Hobbes 2005, 164). Although Hobbes does not specify, it appears he is in favor of republics, although a 'natural political body' can be suited enough to offer its subjects the protection they need. There is no fixed formula for a successful republic; in the process of creating one, citizens establish themselves the limits of their safety and how much of their liberties they can transfer to the state without endangering what is left of them by the prospect of a rising dictatorship. The pact between the new sovereign and his subjects is not a collective, but an individual one: every citizen willingly entrusts the institutionalized authority with the right to partially diminish his liberties in order to guarantee him the protection he needs (Hobbes 2005, 170-171, 182).

The social contract is based on reciprocity, both between citizens and between citizens and state. If fear and profitability were its main premises, now law is what offers it its proper shape and perspectives. 'The mutual transferring of right is that which men call contract'. When a pact does not imply equality from its protagonists, it can be equated with a 'gift' made by the weaker part to the stronger one (Hobbes 2011, 79-88). However, even if social contracts are based on reciprocity, they are usually shaken by an excess of democracy which allows talented orators to advocate their case with brilliance and threaten the political stability of society or even start revolutions. Finally, if the state of nature is overcome within states, it continues to exist among states in the form of what contemporary realists have named international anarchy (see Hobbes 2005, 184, 248-249, 264).

After Hobbes, John Locke developed the theory of social contract further. A convinced empiricist who argued that both the particular and the universal are mere fake projections of our intellect, Locke's branch of liberalism is more 'economical' than Hobbes's. For Locke, the purpose of political power resides in making and enforcing laws in order to protect private property (Locke 1999, 22, 52). Consequently, his approach of the state of nature is more utilitarian than Hobbes's: people are not so irrational, so frightened of and so violent towards one another, but free and equal beings created by God. Therefore, being divine creations, they should not hurt, but respect each other's life, health, liberties and possessions. However, the absence of law, of judges and of a state to implement that law means the less and less bearable situation of permanent incertitude. By combining their free will and acumen, people give birth to a state in which property is finally guaranteed by law and accumulated by labor according to the rational needs of each citizen (Locke 1999, 54-55, 69-70, 104, 130-131).

Like Hobbes, Locke firmly places the social contract between borders of states, not outside them. But he is much more and advocate of civil liberties than Hobbes is. If Hobbes is willing to accept a 'natural political body', that is, an absolutist monarchy, because it provides a superior security than the state of nature does, Locke explicitly rejects this approach and asserts that, on the contrary, authoritarian political regimes reinstate the violence and insecurity associated with the state of nature (Locke 1999, 59, 104-106). However, Locke's insistence on the rational exploitation of land, which is a sin, where applicable, not to be properly worked and abandoned to nature (Locke 1999, 75-79) – largely opens the door for the justification of colonial abuses; up to a certain point, it seems that the sole purpose of his contratarianist theory is to justify and legitimate property inequalities associated with the emergence of the modern era and global capitalist economy (see Meiksins Wood 2015).

Before moving on to Rousseau's theorizing of the social contract it is worth mentioning that another empiricist philosopher, David Hume, intensely criticized this political hypothesis, regarding it far too abstract and idealist. For Hume, the social contract can be useful only to coerce present day governments to be as democratic as possible; but as far as the origins of political communities go, although we can only speculate, experience teaches us that they are rather founded on pure force, be that brutal conquests or usurpations, than on consent between those who govern and those who are governed (Hume 2005, 195, 198; see also Berry 1977, 692). Philosophically, Locke's and Hume's different views on the social contract may be connected to their positions regarding the source of individual liberty: for the first, liberty is a result of thinking, while for the latter it is subjected to will alone (Locke 1961, 221; Hume 1987, 165).

One of the most authentic and rebel philosophers of Enlightenment, Jean-Jacques Rousseau was deeply preoccupied with the origins of governments. His views on this matter are highly opposed to those of Hobbes and Locke. States were not created out of fear or the need to protect property; on the contrary, modern people tend to be more savage than uncivilized people precisely because of the moral corrosive effects of institutionalized property and institutionalized fear. In the state of nature, which, for Rousseau, was much more harmonious than Hobbes or Locke present it, the polarization of men was not necessarily between weak and strong ones, due to the relativity of this notions, but between poor and rich ones; rich people used all sorts of rhetorical tricks and manipulations to convince poor people to form a political association in order to preserve and guarantee first of all their wellbeing and properties (Rousseau 1997, 173-175).

Once established, states were responsible for the organized violence of wars on a scale never seen before. But Rousseau believes that, despite its shameful and arbitrary origins, social contracts can work in a proper, democratic way. But for this to happen, people must renounce their 'natural liberties' in order to gain a superior, 'conventional liberty' made possible by the new coherent and indivisible political body. Sovereignty is the key word for Rousseau, and sovereignty resides in the will of the people alone. It cannot be appointed to politicians, because these cannot represent the indivisibility of sovereignty; only people can. Politicians are therefore mere consultants of the general will, with the task of expressing it as directly as possible (Rousseau 2013, 15-17, 19, 23, 31-33, 87-89; Rousseau 1973, 446-448). It is obvious that, for Rousseau, liberty is more important than necessity. As we are about to see, this assumption, along with the idealization of the state of nature, convinced Hegel that Rousseau's political philosophy was, on the whole, untrustworthy.

Finally, Immanuel Kant affirms the 'originary contract' to be not a renunciation of one's individual liberties, but an expansion of them into the more complex and efficient form of juridical liberties. Nobody gives up to a part of his liberties in order to receive protection from the state, as Hobbes argues; instead, everyone's freedom is enhanced through institutionalization. The social contract applies not only to personal freedom, but to property as well; if in the state of nature possessions are 'provisional', they become permanent after their owner is transformed into a citizen (Kant 1991, 117-118, 160, 162, 165-166). As their political reason matures, states are drawn closer together by the emergence of cosmopolite values, a cosmopolite right and through the strengthening of international commerce (Kant 1991, 200-203).

3. Hegel on property, citizenship and civil society

Hegel's conception on contractarianism is fully revealed only after a preliminary inquiry into his philosophy of property, followed by his philosophy of citizenship and civil society. One cannot properly grasp the subtleties and implications of Hegel's critique of the social contract in the forms discussed above without taking into account these crucial elements of his political philosophy.

In his *Principles of the philosophy of right*, Hegel describes property as a means of negating one's pure subjectivity in a rational way (Hegel 1996a, 62). Property stands between persons and the outside world and it also mediates between the two parts. Therefore, property is infused by the will of the intellect, but it also represents the possibility that the intellect is capable to see and act beyond its selfish purposes, becoming a part of the universal (reason). The intellect takes a part of the world and transforms it into his possession through will and, complementary, different professional abilities. But will is rational only when it manifests itself in congruence with the social whole, not against it: the will to accumulate wealth at the expense of society is neither rational nor moral, and it only proves the intellect's incapacity to overcome its narrow minded selfishness.

As a basic feature of what Hegel calls concept, the rational potential of every individual/community asking to be put into practice in order to be meaningfully fulfilled (Hegel 1966a, 573-574, 578-580, 583, 593-595; Hegel 1995a, 268-277, 329-330; – the intellect represents its basic premise and also the main obstacle of its advancement. Once the intellect is embedded into the concept, without being suppressed, only dialectically overcome, the plurality of concepts understand themselves as a part of the dynamic universal and do not reject the contradictions that structure it due to the fact they understand them speculatively, without concentrating only on one side of the process of becoming, like the intellect does, without perceiving the outside world in its dialectical plenitude (Hegel 1967, 145-146).

In the form of spirit, of the imperfect conciliation between societies and individuals with their intellectual ideals at a historical level, Hegel distinguishes between 'subjective spirit' (intelligence) and 'objective spirit' (will) (Hegel 1996b, 41, 191, 272); consequently, only an intelligent will which places particularities firmly inside societies, not outside or against them – understands the rational content of property.

Moreover, as the world spirit gathers consistence, it works against what Hegel calls alienation, which is a much more complex concept that Marx theorized it. Although presented in Hegel's philosophy of right preponderantly from an economic, juridical and moral point of view, in his whole philosophical system alienation can be understood as a condition which man struggles to surpass by taming the hostile, outside world through a

process of introspection and practical activity, physical and intellectual work. In this way, the hostile exteriority is gradually converted into a place men can call home. The world is gradually taken into possession and, due to the advancement of spirit (reason), man is no longer the slave of events and processes he cannot understand. This conciliation occurs both within the social realm and the natural realm. After all, as pure necessity (Hegel 1971, 25), nature represents the main fertile contradiction of spirit as freedom within, through and eventually for nature understood as both the inorganic and the organic prerequisite for the existence of humanity.

Furthermore, property allows individuals to become aware of themselves in a form recognizable to others, thus enforcing their social identities (Hegel 1996a, 74; Knowles 1983, 57; Cristi 1995, 335-343; Sun 2010, 49-51). As Shlomo Avineri observed, in Hegel's thought property is intimately tied to the personality and the humanity of individuals (Avineri 1994, 135-136). Hegel's philosophy of recognition is too well known to be presented in detail here; we should remember that only through recognition former masters and former slaves are capable of understanding their integral humanity as citizens of a modern, democratic state, be that a republic or a monarchy (Hegel 2000, 116-120; Hegel 1996b, 209-216). But once political and juridical recognition is achieved, the process does not come to an end; each generation identifies new liberties and new opportunities to expand their humanity, understood as social, political, cultural and economic integration.

Consequently, property is both liberty (individual and socially recognized freedom) and necessity: it has to embrace the juridical form of a contract and to be recognized as such by the ethical community, the state. As a result, in order to have property, one must be first recognized as a citizen.

Trough citizenship, juridical equality is achieved for the political subjects of the state. But juridical equality is not, of course, tantamount to property equality. Hegel explicitly warns against this socialist-utopian perspective, arguing that unequal property reflects unequal qualities of men and also their unequal propensity for reason (Hegel 1996a, 68-69; Hegel 2006, 214). Here, his argumentation is very similar to that of Locke and Kant, both of them justifying the existence of aristocratic properties and, mainly Locke, colonization as a means of obtaining property over land which is not rationally exploited (see *supra*). Hegel also mentions colonization as a solution for overpopulation and/or overproduction (Hegel 1996a, 234-235). But he does not advocate colonization *per se*; after all, Hegel recognizes the rational potential of every man and every race of men (Hegel 1996b, 56); it follows that liberty is something anyone can achieve, even if, in his times, Europe had transformed the 'new world' into its 'prey' (Hegel 1971, 370). Even with this historical burden, Europe was still considered the global centre of rationality (Hegel 1996b, 56-61) because, if we look deep into

history, its advancement is not a happy and conciliatory one, but a violent one (Hegel 1997, 28). Indeed, history advances only as negativity.

Coming back to citizenship and property, Hegel is keen to preserve the stability of the political whole, and this implies maintaining the equilibrium between social classes or ‘potentialities’, as he calls them (Hegel 1967, 317-318, 322-326). Even if the origins of property of the superior classes is debatable, the same can be said about the property of lower classes; Hegel warns us that revolutions entailed by excessive democratic principles, even if they seem justified to a certain point, can entail dire social and political consequences. After all, the quintessential rationality of superior classes resides in their political training which ordinary people lack and only can obtain in time, through education, discipline and economic, not only juridical recognition (Hegel 2004, 262-270; Hegel 1996a, 230-233; Avineri 1994, 155-175, 208-220; Knowles 1983, 60; Eckl in Luetge 2013, 407-408). Regretfully, these Hegelian principles can be used to justify conservative stances and to turn Hegel himself into an elitist (like Teichgraber does, 1977, 47-64), something he never was – although Hegel’s philosophy can sometimes be considered conservative only at the surface; in content, it is one of the most dynamic and profound philosophies ever produced.

Only through citizenship, by being a part of a well organized state can the individual truly fulfill his conceptual possibilities (Hegel 1996a, 166). Hegel does not say it explicitly, but the equality of citizenship and the inequality of property are clearly contradicting one another. However, within the law guaranteed by state power, there is no reason not to conclude that this thought-provoking contradiction can find proper solutions – of course, without being fully eradicated – inside the state’s mutual constitutive otherness: civil society.

Existing between family and the realm of the ethical, the state, civil society can be understood as the sum of particularities striving to accomplish their personal interests (not to be uncritically associated with selfishness). But their endeavors are channeled and regulated by laws ensuring that, in this process, common good is also served (or should be served; but, for Hegel, no matter how corrupt or authoritarian a state is, it is preferable to the absence of the state, because it still carries, although non-geminated, the seeds of universality – Hegel 1966a, 759). Even if some may find it oppressive, citizens still have to pay taxes in order for the state to function properly; in the absence of those taxes, the prosperity of those reluctant citizens would also be affected (Hegel 1996a, 187-193).

In retrospect, after we have taken into account the main representatives of the contractarianist tradition and we have also briefly analyzed Hegel’s acceptance of property, citizenship and civil society, it is time to take a closer and advised look on the Hegelian critique of the state of nature and of the social contract.

4. What kind of agreement between citizens and state?

Hegel's critique of the state of nature and of the social contract

In his *Lectures on the history of philosophy*, Hegel has an ambivalent attitude towards Hobbes. On one hand, he appreciates the importance given by the author of *Leviathan* to the edification of the general and its moral and institutional superiority with reference to particular will. On the other hand, he acknowledges Hobbes exacerbated insistence of the political to the disadvantage of subjectivity and he claims, above all, that Hobbes is not philosophically equipped for the challenges he assumed. Regarding his state of nature, Hegel, although he refers to Hobbes's arguments regarding it as 'curious', he ultimately concedes that, if we have to take into account this debatable hypothesis – it must have been a violent and unstable one, men being equal only through the harm they could inflict on one another (Hegel 1964, 494-497). As we shall see below, Hegel's criticism towards the state of nature is most prominent in Rousseau's theoretization of this concept.

Regarding Locke's political philosophy, Hegel is strangely silent. But his overall philosophy appears to Hegel to be excessively grounded in the experience of intellect, and therefore not too rational. Taking into account that, for Hegel, the intellect is an abstraction with reference to the spirit's self thinking and accomplishing (Hegel 1963, 34-37) – it follows that Locke's philosophy is, despite its intentions, metaphysical and banal (Hegel 1964, 475-473). It is fair to say Hegel was not very fond of Locke's state of nature and would consider it to be too rational; but reason cannot exist outside a political body and, therefore, even a partly a rational state of nature is an impossibility.

When it comes to Rousseau's political philosophy, Hegel's critique is substantial. In fact, their overall philosophies are incompatible with reference to their basic premises. Rousseau is against philosophical systems, because they coerce reality to adapt to them, when it should be the other way around. He also criticizes necessity as being, due to its vagueness, a convenient obstacle for liberty at the hand of authoritarian governments. Beside necessity, the progress of reason, which Hegel holds as the basic tenet of his philosophy, is considered an absurdity; Rousseau's world is nothing more than a zero sum game. Finally, cities and modern institutions are considered the 'abyss of the human race'; they bring out the worst tendencies lurking inside our selves, like immorality and instinctuality. Men can truly thrive only in open environments and in rural spaces that have not been (yet) corrupted by civilization (Rousseau 1973, 15, 34-35, 224, 266-267, 331).

It is clear now why Hegel took important intellectual endeavors to dismiss Rousseau's social and political philosophy. Hegel's progress is inextricably linked to the advancement of modernity, the advancement of

urban civilization and industrialization, although he was fully aware if the social and intellectual risks entailed by the latter (poverty and alienation) (Hegel 1996a, 230-233; Hegel 1966b, 264-265). Rousseau's radical liberty and incisiveness struck him as being abstract, naïve and potentially perilous to modern political communities.

As for Rousseau's state of nature, where authentic liberty was supposed to flourish, Hegel regards it as a nebulous projection of an exacerbated intellect. To live in nature and to fulfill one's needs only through what nature has to offer, without working, or working very little – is reminiscent to a condition of subsistence, at best. Liberty is dependent on action and on will, but not on intellectual, unilateral will; liberty consists, first of all, in objective, rational will. Consequently, objective will is impossible in the absence of conscience and self-reflection. Furthermore, liberty is not something to be achieved without work, but only through work. There is no liberation from work, like Rousseau tended to think, or Herbert Marcuse, two centuries later; work is the confirmation of self-consciousness embedded in the will to transform the alien, hostile exteriority into an interior freedom, in accordance to the will of the spirit. Rousseau's idealized 'savage' people were not, for Hegel, truly aware of themselves, of their rational possibilities. Neither did they hold work as their defining activity. Simply put, they did not endeavor to better themselves in any way, only to pointlessly continue their existence by permanently repeating it. How could they be truly free then, when they lacked proper self-consciousness, a profound relation to work understood dialectically and, most important, a political community to transpose this chaotic, anarchical and incomplete sense of liberty to a superior, rational-institutional level? (Hegel 1996a, 197; Hegel 1996b, 41, 191, 272; Hegel 1964, 565; Luther 2009, 203-206). As mentioned above, although it seems highly Eurocentric and, up to a point, it undoubtedly is – Hegel's perception of the non-European world is not necessarily a colonial one: he acknowledges the rational potential of every men and every culture. However, when it comes to the shape of that rationality, only the European one is considered valid.

In themselves, but not for themselves, 'natural' men were nevertheless rational, being embodiments of spirit waiting to become conscious of itself. Natural will is based on desire and relates to contradictions as being absolute, not dialectical. As so, natural will is incapable of understanding the mediatedness that encompasses its existence and places it into perspective; only rational will is aware of these complexities and also eager to confront them (Hegel 1995b, 452-453).

An existence which's only purpose is to reproduce itself without trying to better itself cannot be considered free. At best, it can only enter in a negative dialectic with its environment, a dialectic unable to produce a superior result (Hegel 1996a, 52). In his *Science of Logic*, Hegel relates to

negative dialectic as a form of ‘fake’ or bad infinity. The bad infinity is seen by the finite, the being-in-itself, only as a ‘beyond’, and not as encompassing both sides of becoming, inclusively the finite one. In contrast to ‘bad’ infinity, ‘affirmative infinity’ is aware of this dialectical process and turns it into something of its own: infinity is now only the constitutive otherness of finitude (Hegel 1966a, 126-133). By extrapolating these arguments from logic to political philosophy, it is clear that the state of nature does not allow people to overcome bad infinity and to be truly free; only a state can do this, through education, organized and meaningful labor (not an alienated one), through citizenship and civil society. Liberty is reason, and reason is ethical community.

As for the social contract, the pendant of the state of nature, Hegel rejects it due to the fact that it involves a false equality between individuals and the state and it offers individual free will an unacceptable weight and even the upper hand in the relation with the common good, the reason embodied by state. If states can be created and dismantled on the basis of subjective will, this means that the intellect is placed above reason, above spirit and above God, in the last instance. Hegel:

“the arbitrary will of individuals (...) is not in a position to break away from the state, because the individual is already by nature a citizen of it. It is the rational destiny (...) of human beings to live within a state, and even if no state is yet present, reason requires that one be established. The state itself must give permission for individuals (...) to enter or leave it, so that this does not depend on the arbitrary will of the individuals concerned; consequently the state is not based on contract, which presupposes an arbitrary will” (Hegel 2003, 106).

States make individuals more than individuals make states. Only within a state the individual is formed in order to become a good citizen. And a good citizen is not necessarily one who does not criticize the state or the society, but one who does not make this critique a purpose in itself and treat it as a mean in order to facilitate their improvement (Hegel 1997, 36-37; see also James 2007, 129-138).

In juridical terms, a contract is possible only between equal parts. The citizen and the state are not equal, although Hegel explicitly emphasizes that modern sovereignty is based on the full development of subjective freedom (Hegel 1996a, 272; Hegel 1995b, 338; see also Patten 2002, 110). In logical terms, finitude and infinity are simply non-equivalent, even if they pass into another dialectically. Finitude can exist properly only if it is negated and embedded into infinity, into the universal but, in the same time, what contradicts infinity is also its point of departure: only by struggling to overcome itself according to its concept is the finite able to reach infinity, and only protecting and allowing finitude to prosper can infinity be firmly grounded into the sphere of the sensible, of the inconstant phenomenological diversity representing the necessary condition for its existence.

On top of all that, if the idea (reason) is treated by particularities in their own terms, it loses its 'greatness', its driving force, its infinity, dismantling the ethical community into atomized wills that can at best be moral (Hegel 1967, 318-319). If they want to truly accomplish their potential, particularities must act together as citizens with personal properties forming the civil society which is framed and regulated by the state. The notion of civility underlying the concept of civil society is proof enough that thing cannot function otherwise.

Hegel's quarrel with Rousseau as far as the state of nature and the social contract are concerned is now relatively clear. But what about his position regarding Kant's view of the state of nature which, as we have seen, is quite similar to that of Locke's? Although it cannot be extracted from the overall critique Hegel applies to Kantian philosophy, considering it to be more fond of the intellect than of reason, which it accuses, in Kant's *Critique of pure reason*, of antinomies, without taking into account the dialectical movement of reason into the phenomenological realm (Hegel 1966a, 177-186; Hegel 1964, 584-631; Hegel 1967, 19-36, 45, 51, 255; Hegel 1996a, 55) – it is very likely that Hegel would have interpreted it as he interpreted the whole Kantian philosophy: as an abstraction, although an abstraction far more rational and useful to the cause of authentic liberty than any abstraction preceding it.

Kant perceives space and time as 'pure a priori intuitions', as subjective experiences of an abstract space (based on simultaneities) and time (based on successions) that can only reveal themselves to us in this individual and limited way. Hegel observes, however, that, in order to be able to think space and time as abstract notions, you have to experience them first as concrete notions; one can only think of abstract space, for example, only through the concrete forms of space he has come in contact with (Hegel 1966a, 81-82; see also Hegel 1971, 40-50). Extrapolating this argument to our discussion, how could have Hobbes, Locke, Rousseau and Kant think about a social contract, a hypothetical pre-political situation, as respectable and well off members of states, as citizens? Their abstract intellectual projections were necessarily influenced by the political events and processes they were contemporary with. It is true that absolutist monarchies were not a good example for the inherent rationality of states, but this should compel us to find solutions in the present and for the future, not in the past, like Rousseau does. After all, Hegel fully embraced the emancipation brought about by the French Revolution in his youth, and even in his old age he still believed in the correctness of its main philosophical principles (Hegel 1964, 549-564, 569-570; Hegel 1984, 122-123).

On the whole, the theory of the social contract lacks a historical dimension. And for Hegel, history is the realm where the spirit manifests itself in different contextual and phenomenological forms that dialectically

contradict its substance. By arriving out of the blue, the social contract seems to disrupt the dialectical process, the historical continuity in which every man and community is immersed, even if it is aware of this or not. Actually, the spirit embodied in history uses mainly the passions and selfish interests of men and communities rather than their concepts as fuel, by strengthening reason through them and against them (Hegel 1997, 29).

At a first glance, it would appear that individuals negate the state of nature producing a superior result, the state. On its turn, the state negates the individual condition from the state of nature, producing citizens. A dialectical synthesis thus takes place, and Hegel should not be displeased by it. But individuals do not act alone, at least not in an endeavor like this. They are part of a community, of a proto-people, if we are to speculate. However, before a community or a people decide anything, someone has to decide what that community is, who that people is (Leca in Cordellier, Poison 2002, 17). Indeed, this profound irony seems to sum up satisfactorily the whole Hegelian dilemma around the social contract. The spirit has a more concrete and real existence than abstract individuals who are merely accidents, in the sense that they could just as well have not been born at all (Hegel 1964, 34-37; Hegel 1966a, 538-539). Consequently, nothing durable can be built on accidents. Even more states.

5. Conclusions: liberty only through the form of necessity

To sum up, scholars who analyzed Hegel's objections towards the social contract in detail, namely Riley (1973, 130-161) and Berry (1977, 691-703), both ignore Hegel's philosophy of property and the importance it possesses for understanding recognition, citizenship and rational freedom. If Berry does not mention it at all, Riley only refers to it in a transitive manner, without insisting on its complex implications for Hegel's political philosophy and, implicitly, for his critique of the social contract. And, as already mentioned in the introduction section, Riley and Berry also ignore the historical dimension that encompasses the relations between individuals and states, and which, as shown above, is very important for Hegel.

Furthermore, Riley argues that Hegel envisages for modern state the kind of political order existent in ancient Greece, where the particular could not be distinguished from the general (Riley 1973, 134). This is not true. Although Hegel is very fond of Greek culture and Greek political virtues, he explicitly rejects the model of Plato's state as being too oppressive for the modern era (Hegel 1963, 544-560; Hegel 1996a, 189). Furthermore, Hegel considers the Greek world as being-in-itself, not being-for-itself, for this exact reason: the insufficient development of particularity (Hegel 1963, 53).

Riley also identifies a tension between Hegel's subjective freedom, which entails disastrous consequences on its own, and his idea of state which,

Riley argues, makes subjective freedom impossible rather than allows it to blossom (Riley 1973, 136-137). But, as already discussed, subjectivity is the main principle of the modern era for Hegel, a true admirer of modernity. Anarchic subjectivity, although it can appeal to our need for heroes and spirit of adventure, is nevertheless incomplete if it does not intend to immerse itself into something superior, the rational subjectivity of citizens acting according to their concepts to the benefit of the whole (see Neuhouser 2000, 82-113). Although Rousseau acknowledges the social, political and economical polarization created by modernity, and Hegel recognizes these problems as well, he insists their solution is to be found within modernity as the contemporary stage of the world spirit, not outside it.

Hegel's lack of acceptance for the liberal concept of the social contract may seem strange for the contemporary Western political culture, but this does not turn him into an apologist of authoritarian governments or an enemy of modern democratic regimes, as he was too often and hastily portrayed. Not nearly. As I argued throughout this article, Hegel was nothing more than a cautious supporter of progress as totality, trying to maintain an equilibrium as perfect as possible between subjective and objective freedom.

“Man is free. This is, of course, the substantial nature of man; and this nature not only it is not abandoned within the frames of the state, but, in fact, only here it is constituted. Liberty according to nature, the aptitude for liberty is not real liberty, because only the state is the realization of freedom” (Hegel 1964, 565; see also Hegel 1996b, 289).

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