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## Hegel on “state of nature”

At the time Hegel was writing, the expression “state of nature” had been given its meaning by writers like Spinoza,<sup>1</sup> John Locke, Thomas Hobbes<sup>2</sup>, Jean-Jacques Rousseau<sup>3</sup> and many others, and was encapsulated images such as the ‘noble savage’. Referring to the conditions in which human beings were supposed to have lived prior to the formation of society with its property relations, culture, division of labour, the political state and so forth, the “state of nature” was supposed to be one in which individuals or nuclear family groups lived without any bonds of cooperation, and consequently without duties or rights with respect to one another; they were deemed, according to Rousseau, to live in idyllic freedom which would have to be restrained in order to bring people together in a division of labour and the various institutions of society, while according to Hobbes, the “state of nature” took the form of a war of all against all.

Hegel’s opposition to liberal individualism<sup>4</sup> would suggest that Hegel would not agree

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<sup>1</sup> In *Ethics*, Spinoza says: “in the state of nature everyone thinks solely of his own advantage, and according to his disposition, with reference only to his individual advantage, decides what is good or bad, being bound by no law to anyone besides himself.”

<sup>2</sup> See *De Cive*, Thomas Hobbes, 1651: “it cannot be deny'd but that the naturall state of men, before they entr'd into Society, was a meer War.” Chapter One, XII. Hegel comments: “the opinion, viz., that man is free by *nature*, but that in *society*, in the State – to which nevertheless he is irresistibly impelled – he must limit this natural freedom. That man is free by Nature is quite correct in one sense; viz., that he is so according to the Idea of Humanity; but we imply thereby that he is such only in virtue of his *destiny* - that he has an undeveloped power to become such; for the “Nature” of an object is exactly synonymous with its “Idea.” But the view in question imports more than this. When man is spoken of as “free by Nature,” the mode of his existence as well as his destiny is implied. His *merely natural* and primary condition is intended.”

<sup>3</sup> See *A Dissertation On the Origin and Foundation of The Inequality of Mankind and is it Authorised by Natural Law?* Jean-Jacques Rousseau, 1754: “every one must see that as the bonds of servitude are formed merely by the mutual dependence of men on one another and the reciprocal needs that unite them, it is impossible to make any man a slave, unless he be first reduced to a situation in which he cannot do without the help of others: and, since such a situation does not exist in a state of nature, every one is there his own master.” First Part.

<sup>4</sup> For instance in the *zusatz* to §502 of the *Philosophy of Right*, Hegel refers to his well-known view that the state is an actualisation of freedom of persons, rather than a restraint on their freedom, in the course of a clarification of the meaning of the term ‘natural right’ as meaning the philosophical concept of right, as opposed to positive law:

“The phrase ‘Law of Nature’, or Natural Right, in use for the philosophy of law involves the ambiguity that it may mean either right as something existing ready-formed in nature, or right as governed by the nature of things, i.e. by the notion. The former used to be the common meaning, accompanied with the fiction of a *state of nature*, in which the law of nature should hold sway; whereas the social and political state rather required and implied a restriction of liberty and a sacrifice of natural rights. The real fact is that the whole law and its every article are based on free personality alone - on self-determination or autonomy, which is the very contrary of determination by nature. The law of nature - strictly so called - is for that reason the predominance of the strong and the reign of force, and a state of nature a state of violence and wrong, of which nothing truer can be said than that one ought to depart from it. The social state, on the other hand, is the condition in which alone right has its actuality: what is to be restricted and sacrificed is just the wilfulness and violence of the state of nature.”

Over and above his opposition to methodological individualism in philosophy, Hegel also argued against

with this conception of the “state of nature” but his position is not just as we might expect. He did not lay claim to a contrary conception of the “state of nature” of his own, but nor did he accept the usual conception of the “state of nature” as historical fact.

Although we now know that the human species itself is a product of the cultural activity of our hominid forebears who lived in relatively complex social structures<sup>5</sup>, nothing of the kind was known to Hegel<sup>6</sup>. Furthermore, even if he were to have known of this natural history, such knowledge would have had no bearing on the claim that the behaviour of social animals is not governed by *right* (law, ethics, virtue and morality) which Hegel held to be exclusively the province of *reason*.<sup>7</sup>

In the General Introduction to the *Philosophy of History*, he wrote:

“The view [that man is free by nature but that in society and in the state, to which he necessarily belongs, he must limit this natural freedom] also introduces into the concept of man his immediate and natural way of *existence*. In this sense a state of nature is assumed in which man is imagined in the possession of his natural rights and the unlimited exercise and enjoyment of his freedom. This assumption is not presented as a historical fact; it would indeed be difficult, were the attempt seriously made, to detect any such condition anywhere, either in the present or the past. Primitive conditions can indeed be found, but they are marked by brute passions and acts of violence. Crude as they are, they are at the same time connected with social institutions which, to use the common expression, restrain freedom. The assumption (of the noble savage) is one of those nebulous images which theory produces, an idea which necessarily flows from that theory and to which it ascribes real existence without sufficient historical justification.”

“Such a state of nature is in theory exactly as we find it in practice. Freedom as the *ideal* of the original state of nature does not *exist* as original and natural. It must first be acquired and won; and that is possible only through an infinite process of the discipline of knowledge and will power.”

Note that having just said that the “state of nature” was an ideal, and could not be presented as if it were a factually historical condition, Hegel continues in a mode of speaking of the “state of nature” in a way which could be mistaken for presuming that it

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liberal political theories which, he feared would be used by the populace for very illiberal purpose and aggravate social fragmentation.

<sup>5</sup> See *Origins of the Modern Mind. Three Stages in the Evolution of Culture and Cognition*. Merlin Donald, Harvard University Press 1991, for one investigation of the evidence of palaeontology. It is not necessary to accept Donald’s interpretation to agree that pre-humans were (i) social and (ii) creators and users of symbolic culture.

<sup>6</sup> As Hegel did not believe in the evolution of species, the whole idea of pre-human species was simply ruled out. Nevertheless, at this time not only was use of tools regarded as an exclusively human trait, but the complexity of social relations among social animals was also unknown. The propensity for parents to care for young and the ‘herd instinct’ were as far as knowledge of social relations in the animal kingdom went, and there was no practice of referring to these habits as ‘social’.

<sup>7</sup> Rights and duties pre-suppose individuals with free will, that is to say, freedom, and the objectification of that will in objective universal forms, and therefore pre-suppose the use of material culture by a community. See §483-7 of the *Encyclopaedia*, the opening paragraphs of Objective Mind.

did in fact exist:

“The state of nature, therefore, is rather the state of injustice, violence, untamed natural impulses, of inhuman deeds and emotions.” [Part III, 3(b)]

The concept of “state of nature” is taken in Hegel’s writings to *mean* individuals (or family groups) living from nature and relating to others of their own species just as they related to the rest of nature, to be feared or subdued. Hegel consistently regarded this meaning as a *fiction*, and the idea of human society emerging from primitive egoism is utterly absent from Hegel’s thinking. Nonetheless, this was the sense in which the term was used.

Although the “state of nature” could not function as an *historical* starting point, it could function as a *methodological* abstraction, in which the problem of how real, historical human communities could exist in a state of nature simply does not arise. A person living in a “state of nature” can legitimately be taken to mean a person lacking the universal material forms through which their will can be made objective to themselves and others in their community. Such a person’s freedom is at best only inward and illusory, and they can have neither rights nor duties. According to Hegel, there was nothing in *nature* which meant that a human being ought to act according to an idea of right. The “state of nature” therefore offered a *conceptual* starting point from which Hegel could ask what is right for such subjectively free and mutually indifferent individuals; what can be said of right if all the products of culture and social institutions are stripped away? Such a conceptual movement<sup>8</sup> does not necessarily entail methodological individualism, since it does not presuppose absence of natural social relations, only the absence of social relations mediated by universals, i.e., law. Such a methodological abstraction allows Hegel to examine, in the categorical ordering of the *Philosophy of Right*, what follows solely from the concept of right itself, just as he began the *Logic* with the concept of being and the *Philosophy of Nature* with the concept of externality or otherness. Hegel needed a concept of right which was “negative” in the sense that it was free of all “positive” content inherited from traditional society and the accidents of the past; a purely

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<sup>8</sup> “What is right and obligation for the individual in the state of nature? The concept of this individual is taken as the basis; out of this concept the full notion is to be developed. I bring to it the definition of right. I show the individual to be a bearer of rights, a person. But this demonstration occurs within me; it is the movement of my thought, although the content is the free Self. This movement, however, does not leave this demonstration as it is; i.e., it is the movement of this concept.” 1805/6 *Philosophy of Spirit*.

And in the conclusion to section I of the 1805/6 *Philosophy of Spirit*, Hegel says:

“This relation is usually what is referred to as the state of nature, the free, indifferent being of individuals toward one another. And the [concept of] natural right should answer the question as to what rights and obligations the individuals have toward one another according to this relation, which is the element of necessity in their behavior as independent self-consciousnesses according to their conception. Their only interrelation, however, lies in overcoming (*aufzuheben*) their present interrelation: to leave the state of nature. ...”

But he then goes on to say:

“The problem is this: What is right and obligation for the individual in the state of nature? The concept of this individual is taken as the basis; out of this concept the full notion is to be developed. I bring to it the definition of right. I show the individual to be a bearer of rights, a person. But this demonstration occurs within me; it is the movement of my thought, although the content is the free Self. This [conceptual] movement, however, does not leave this demonstration as it is; i.e., it is [itself] the movement of this concept.”

“philosophical” concept of right which found its justification within itself.

Hegel has no theory at all about the pre-history of human beings. He knows this and refuses baseless speculation as a substitute for real knowledge. He presumed that in respect to their natural being, human beings are just what they have always been.<sup>9</sup> In fact, Hegel was acquainted with the evolutionary theory of Lamarck but he resolutely and specifically *rejected* the idea of evolution of species, believing that every variety of animal was created once for all just as it was, and the human animal was no different in that respect. Nature varied only in space, not time.<sup>10</sup> (Charles Lyell’s discoveries in geology, which settled this question for science once for all, came after Hegel’s death.) Hegel’s concern was exclusively with the history of *spirit*, and he was entirely uninterested in the natural history of the human species.<sup>11</sup>

Hegel knew that before history there was a pre-history, but he also knew that what people knew of this prehistory was very little or nothing.<sup>12</sup> What Hobbes and Rousseau were doing with the supposed historical starting point of a “state of nature” was projecting onto an *unknown* prehistory what they claimed to find in the nature of human beings *today*. By relying instead on a rigorous philosophical critique of the notions of right and freedom, Hegel was undoubtedly correct. The known history of spirit could then function as an objective demonstration of the dynamics inherent in the concept of right.

Reading Hegel today it is difficult to remove from one’s consciousness what is known

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<sup>9</sup> “even if the earth was once in a state where it had no living things but only the chemical process, and so on, yet the moment the lightning of life strikes into matter, at once there is present a determinate, complete creature, as Minerva fully armed springs forth from the head of Jupiter.... Man has not developed himself out of the animal, nor the animal out of the plant; each is at a single stroke what it is.” *Philosophy of Nature*, §339, translated by A V Miller, Clarendon Press, 1970, from the *Encyclopaedia* of 1830. He begins the first section of the Subjective Spirit: “Consciousness sets itself up as Reason, awaking at one bound to the sense of its rationality” *Encyclopaedia* §387.

<sup>10</sup> “The changes that take place in Nature - how infinitely manifold soever they may be - exhibit only a perpetually self-repeating cycle; in Nature there happens ‘nothing new under the sun’.” *The Philosophy of History*, §60.

<sup>11</sup> This insistence on understanding humanity in terms of social-historical construction is at odds with his view of relations between the genders; Hegel regarded the inferior position occupied by women as due to their nature and always refused to treat women as intellectual or moral equals.

<sup>12</sup> The discovery of the linguistic connections between European languages and Sanskrit, drew the following comment from Hegel:

“Peoples may have continued a long life before they reach their destination of becoming a state. They may even have attained considerable culture in certain directions. This *prehistory*, according to what has been said, lies outside of our plan. Subsequently, these peoples may either have had a real history or never attained the formation of a state. During the last twenty-odd years a great discovery, as if of a new world, has been made in history, that of the Sanskrit language and its connection with the European languages. This has given us an insight into the connection of the Germanic and Indian peoples, a theory which carries as much certainty as such matters allow. Thus, at present we know quite certainly that there existed peoples which scarcely formed a society, let alone a state, but which nevertheless are known to have existed for a long time. Of others whose civilized condition interests us greatly the tradition reaches back beyond the history of the origin of their state. Much has happened to them before. This linguistic connection of so widely separated peoples shows as an irrefutable fact the spread of these peoples from Asia as a center and, at the same time, the disparate differentiation of an original kinship. This fact, fortunately, does not arise from the favorite method of combining and embellishing all kinds of circumstances, which has enriched and continues to enrich history with so many fictions presented as facts. Yet, this apparently so extensive range of events lies outside of history; it preceded it.” *General Introduction to the Philosophy of History*.

about pre-historic humanity, the body as a cultural product and the evolution of species. The habit of interpreting Hegel historically which meshes so well with what we now know about natural history, makes it very easy to misread what Hegel has to say about the “state of nature” as an *historical* starting point; and the problem is not limited to modern readers, but also affected his contemporaries.<sup>13</sup> In the context of a tradition of philosophy running from Descartes to Kant and Fichte, which identified the *subject* with an autonomous *individual*, Hegel’s exposition of subjectivity is easily mistaken for an analysis which takes its beginnings, like with Hobbes and Rousseau, from *individuals* (or molecular family groups) living in a “state of nature.”

The *Philosophy of Right* presupposes the conception of right, and therefore necessarily presupposes a society in which the individual, finite will has *already* found objective expression. But a society in which the individual first makes its appearance as an agent is already the product of a long historical and cultural development, but this development is not the creation anew of bonds of association between previously indifferent individuals, but rather the formation of a modern society at the expense of traditional social formations which tended to suppress individuality.

In particular, interpretation of the famous master/slave dialectic in the spirit of methodological individualism<sup>14</sup>, let alone as historical narrative as well, leads to absurdities absolutely contrary to the spirit of Hegel’s teaching.<sup>15</sup> There is nothing to support the idea that Hegel believed in some historical setting in which *individuals* related to each other in such a way that a “fight to the death” was posed in the event of them coming into contact with one another, or that mastery and slavery was the historically first form of relation between *individuals*. Even less is it conceivable that Hegel believed in the literal truth of the kind of Adam and Eve origins myth about a primordial master and a slave who started off civilisation by their personal encounter in the woods. He had experimented with his own version of *The Life of Jesus* as a youth, and the use of the epic narrative to explain the origin of modern, secular society was undoubtedly a literary device, intended to contradict head on Rousseau’s myth of the social contract in which supposedly equal citizens form a contract to join together in society.

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<sup>13</sup> Ludwig Boumann added a *zusatz* to the *Philosophy of Spirit* as follows in 1845: “To prevent any possible misunderstanding with regard to the standpoint just outlined, we must here remark that the fight for recognition pushed to the extreme here indicated can only occur in the natural state, where men exist only as single, separate individuals; but it is absent in civil society and the State ...” This ascribes to Hegel the conception of an historical state of humanity in which people lived without social bonds, whether rational or natural.

<sup>14</sup> In an addition in the *Philosophy of Right* (§57) Hegel remarks:

“Slavery occurs in man’s transition from the state of nature to genuinely ethical conditions; it occurs in a world where a wrong is still right. At that stage wrong has validity and so is necessarily in place.”

What is referred to here is transition from a society without law to one with law, not from a society without social bonds to one with social bonds.

<sup>15</sup> Francis Fukuyama seems to read Hegel as if Hegel believed in the master/slave narrative as a fundamentalist reads the Old Testament. “Thus the ‘first man’s’ encounter with other men leads to a violent struggle, ...etc” *The End of History and the Last Man*, p. 146-7. Fukuyama correctly picks up the fact that the concept of ‘first man’ is the term used by others in the ‘natural law’ debate of the time, and agrees that Hegel denied having a doctrine of human nature, but then goes on to ignore these observations and impute to Hegel a doctrine of human nature and the ‘first man’.

What confront each other in the master/slave dialectic are two corporate subjects (families, companies, clans, *polois* or nations) not two individuals. The master/slave dialectic demonstrates how modern, secular society emerged from traditional communities, not by means of a peaceful agreement but rather through conquest and subsumption of one by the other. When two sovereign *subjects* confront one another in the absence of effective overarching legal institutions, then conquest and the subsumption of one subject by the other is the only alternative to mutual destruction or withdrawal into mutual indifference. Even the establishment of trade relations presupposes certain mutual recognition, which historically follows from the *failure* of attempts at conquest or from the expectation of such failure.

The genesis of modern society was Hegel's central concern. All previous actors in history, all previous forms of spirit, had been communities with their own spirit tied up with their own history and a form of life. How could a society come about, encompassing a multiplicity of forms of life, no longer governed by "positive" relations of traditional law within a closed system of production relations, but on the contrary, governed by rational relations of religious tolerance and sustained by a highly developed division of labour? How could such a modern spirit emerge out of the existing plurality of mutually hostile peoples, nations, religious communities and social strata, each with different values and beliefs?

When Hegel observes that a "state of nature" exists in international relations<sup>16</sup>, he self-evidently does *not* mean that *individuals* interact with one another with moral indifference on an international plane. Obviously, he refers to the relations between states, the corporate entities which are the subjects of international law. And it is in precisely this spirit that his understanding of the emergence of spirit from a "state of nature" has to be understood, relations of mutual indifference between *subjects*.<sup>17</sup>

In his day, right exists only as an "ought" in the domain of relations between states; international relations in the absence of law regulating the rights of subjects is a *real* abstraction, and little effort of the imagination is required to make a beginning from a "state of nature" in this domain. Also, within the family<sup>18</sup>, right does not exist, because here the "state of nature" entails immediate relations of support and care, not right and justice. Only as these relations of mutual support break down or as the family property is passed on to the next generation, does the concept of right begin to have a bearing in family relations. Thus, when we talk of the "state of nature" from which spirit emerged in the form of rational relations between independent subjects, we have on the one hand, natural relations of mutual support and collaboration governed, not be rational relations

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<sup>16</sup> "since the sovereignty of a state is the principle of its relations to others, states are to that extent in a state of nature in relation to each other. Their rights are actualised only in their particular wills and not in a universal will with constitutional powers over them." *Philosophy of Right*, §333.

<sup>17</sup> The language of the second chapter of *System of Ethical Life*, with its talk of war and peace, battle and conquest is clear that Hegel has nations or clans in mind. T. M. Knox, in his translation of *System of Ethical Life*, puts in brackets after the words 'total individual' in this context "i.e., families or clans." In the *Phenomenology* the whole work, preceding and following the master/slave narrative, are concerned with formations of consciousness, *Gestalten*, i.e., ways of life of whole peoples.

<sup>18</sup> "The right which the individual enjoys on the strength of the family unity and which is in the first place simply the individual's life within this unity, takes on the form of right (as the abstract moment of determinate individuality) only when the family begins to dissolve." *Philosophy of Right* §159.

of law, but rather by unreflective relations based on kinship and coverture, and on the other hand, relations of indifference and mutual alienation between corporate subjects on the “international” domain.

According to Hegel, the individual person only begins to become a subject as they become morally free and rational, and are capable of knowing what they do and take responsibility for their own (collective) deeds. See (*Encyclopedia* §503-4) Such a moral development can begin only in connection with property rights and the development of ethical life in which rights and duties are communicated as objective universals.

The significance of the confrontation of master and slave lies in the transition from mutually indifferent self-sufficient communities, as in the heroic period of Greek society, into a society with a class division of labour and relationships governed by law rather than the immediate, collaborative relationships amongst kin which characterise tribal society. The protagonists in this conflict are not mythic individuals living in a fictional, individualistic “state of nature,” but rather traditional communities, each with their own self-contained system of labour in nature.

Because Hegel regarded the human body simply as something given by nature, rather than a product of culture, an artefact, fashioned and endowed with meaning by human activity, he missed a number of important insights which are otherwise given by his approach. Among these is the observation made by Engels that the human body itself is a product of labour, i.e., culture.<sup>19</sup> Such an extension of Hegel’s approach pushes back even further the idea of “state of nature,” as even the hominid predecessors of homo sapiens were culture-producing animals. The concept of “state of nature” as a real historical starting point for human society is therefore ruled out in any form, not just in its individualistic meaning.

The “state of nature,” apart from being a fiction, can only mean for Hegel “a world where a wrong is still right” (*Philosophy of Right* §57a) and as such it can function as an abstraction from which a philosophical exposition of right can begin. Hegel knew of no condition in which human beings lived as individuals in indifference to one another. He had no reason to doubt conventional wisdom at the time, that animals lived in such a way, but this was not his concern; he knew in any case that animals did not have the benefit of universals in regulating their relations with one another, and consequently could know neither right nor wrong. And it is in just that sense that Hegel makes use of the notion of “state of nature.”

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<sup>19</sup> See *The Part Played by Labour in the Transition from Ape to Man*, Engels 1876.