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Property’s Properties: From Hegel to Locke

To Brady Kiesling, who showed the way

Hegel’s tripartite distinction in the Philosophy of Right, that of family, civil society, and state, is well-enough known. Each element in, or (if we are to talk the talk), each moment of Hegel’s celebrated triad has its own esprit générale—if I may purloin a term from Montesquieu (who was much admired by Hegel). Hegel’s notion of Objective Spirit, the subject matter of the Philosophy of Right, owes much to Montesquieu. The esprit générale permeating the family is that of undifferentiated unity, that is, of immediate affective union among those persons making it up; the esprit générale animating civil society is by contrast that of differentiation without unity. Here, in civil society, other persons are engaged or dealt with, but relations among people are abstract (meaning partial, incomplete, unsubstantiated). In civil society, unlike the family, the identities of those with whom we deal matters little. The esprit générale of the state is then arrived at by counterposing, dialectically, the two earlier, and lesser, esprits généraux. It is that of differentiated unity—or, if again we are to talk the talk, that of concrete, substantiated universality. (Universality in Hegel has much the same theoretical purchase as does generality in Montesquieu or Rousseau.)

These three esprits généraux were to be transmuted by Marx, who arrayed them in a historical sequence that is at once retroactive and projective. Immediate unity now becomes associated with feudalism, and differentiation without unity with capitalism, while substantiated universality (or differentiated unity) awaits its attainment under the auspices of future communist society. Marx’s transmutation of this particular array of Hegelian concepts is one I have dealt with elsewhere. Here my brief covers Hegel, not Marx, but since my compass also extends to cover Locke we cannot eschew Marx altogether in what follows. Marx, when he characterized capitalism, and not civil society, as the locus of differentiation without unity, was telling us something about capitalism as a mode of production (encompassing productive forces and productive relations, which Marx juxtaposes in an originary, unprecedented way). Production, and with it labor, occupy positions of prominence in Marx’s discussions. They enjoy no such centrality in Hegel. Even Hegel’s celebrated
paradigm of master and slave (if we may so render *Herr und Knecht*) in the *Phenomenology of Spirit* does not privilege production as such and elides any real discussion of what the slave, once he has become a slave, actually does for the master. The axis of Hegel’s discussion at this pivotal point in the argument of the *Phenomenology* is relentlessly interpersonal. It concerns one person’s relationship, not with physical objects—one cannot, by implication, have a relationship with a physical object without turning the object into a fetish—but with another human being, a relationship given paradigmatic form and force. The concomitant marginalization of the physical object(s) the slave works on, works with, or produces may seem surprising or even unsatisfactory (as I think it must have seemed to Marx). But it remains conspicuous in its absence from the master-slave encounter, and as such is anything but incidental to what follows here.

Marx, for his part, was to inherit, from the political economists of his own day among others, a belief that the production of physical objects by people organized in determinate productive relationships is the linchpin of historical explanation. This is not a conviction that Hegel, who was severely critical of the political economists of his day, can be said to have shared, or even prefigured. Ownership and its connection with labor are incidental to Hegel’s main concerns, which are interpersonal and, thus, putatively political in nature.

The point remains that ownership, property, and labor were and still are facts of life that need to be accounted for—not least because ways of accounting for these, those propounded by political economy, were already at hand and on offer (and, *ceteris paribus*, are still available today). What is significant for my present purposes is that both Marx and Hegel turned down this offer as a matter of principle, albeit for different reasons. In the instance of Hegel, to which I now turn, the refusal to settle for the worldview political economy was busily bent on proferring entailed a hitherto little-noticed criticism of the arguments Locke had advanced in his *Second Treatise on Civil Government* about property: an implied criticism, to be sure (Hegel was often reluctant to name his antagonists, and Locke is not mentioned by name in the *Philosophy of Right*), but a criticism all the same. Locke in truth does not need to be mentioned by name in Hegel’s *Philosophy of Right*; to the extent that Locke’s celebrated characterization of property in chapter 5 of the *Second Treatise* had come to permeate the political economists’ various defenses and characterizations of property—and its extent is surely considerable—Hegel regards it as deficient in principle. His reasons for so regarding it are serious and striking enough to give a present-day reader pause, and to raise questions that have not lost their pertinence since the early nineteenth (or late seventeenth) century.

Hegel’s arguments on property are often, but mistakenly, thought to reside in the “Civil Society” section of the *Philosophy of Right*. They do find some sort of settlement in this section, to be sure. But they do not originate there. Property is first dealt with much earlier in the *Philosophy of Right*, in its discussion of “Abstract Right,” for reasons that await their exposition in what follows. But since these reasons do not
admit of elaboration without some prior knowledge of what Hegel’s later characterization of civil society comports, the best way of opening up what is at issue among Hegel, Locke, and the political economists is to proceed à rebours, from Hegel’s depiction of civil society—which I regard as nothing short of devastating—to an account of why Hegel’s depiction of property nonetheless originates elsewhere.

Hegel’s account of civil society is in many ways predicated, and in many ways has to be predicated, on Adam Smith’s—and Sir James Steuart’s—depiction of modern society as an institution of exchange in the first instance. Self-interested individuals acquire property and pursue wealth as the “present means to some future good” (if I may wrest a phrase from Hobbes’s Leviathan, where it is used, interestingly, to characterize not wealth but power). Self-interested economic actors perform their self-interested actions severally and separately; their actions on Smith’s account unintentionally intersect in what is a kind of “unsocial sociability.” (This phrase is also filched, this time from Kant.) For an argument to be predicated—as Hegel’s is predicated—on such a depiction does not mean that Hegel agrees with it, even as a description. J. N. Findlay’s claim that “Hegel sees a deep affirmation of his philosophy [sic] in the principles of Adam Smith and Ricardo, which connect the selfish pursuit of individual good with the realization of the collective good of all” is astoundingly at variance with what Hegel actually says about civil society.1 Hegel’s arguments for “the selfish pursuit of individual good” are very limited ones and play no significant part in his argument in the Philosophy of Right about (not “philosophy” but) “Objective Spirit.” Hegel recognized full well that “the selfish pursuit of individual good” is not a socially integrative principle at all, let alone a politically integrative one. Hegel was prepared, grudgingly, to defend it against aristocratic assertions that mere trade was “base” and ignoble. But he goes no further than this in its defense. Hegel’s interpreter ignores the incisive juxtaposition of bourgeois versus aristocrat, which is no mere set piece, in the Phenomenology at his or her peril.2

To be sure, people relate one to another in the commercial system of civil society as the bearers of rights, in particular of property rights and the rights of conscience. In so doing they exhibit a self-certainty to which they are in Hegel’s opinion fully entitled. They exteriorize themselves as the subjects of needs. In expressing and fulfilling these needs people acquire a new need, a need for some minimal measure of cooperation. What Hegel terms the “system of needs” provides this, but does so in a purely external manner. While at the level of the family the principle of social and moral unity is immediate, unreflective, and inward, at the level of civil society people encounter other people reflectively, calculatingly, indirectly, and outwardly. The advance in social self-consciousness over the level it attains in the family—and it is an advance—makes civil society a pathway to self-determination or a premonition of it. The road to self-determination, that is to say, runs through civil society. But civil society is in no sense its terminus. Civil society, to put the same point in different terms, presents us with the spectacle of an unsubstantiated
version of self-determination or of freedom in its true notion. Civil society can provide no real focus for identity; such a focus is necessarily political as well as social and familial. Because people in civil society relate as their individual purposes and pursuits relate, and relate in no other manner, civil society may be seen as a force-field, its institutions as resultants rather than syntheses. Civil society provides and must provide a measure of cohesion. What it cannot supply is integration. The “system of needs” operates, turns over, and functions predictably, and this predictability makes possible calculation and what the French call prévision. But what is not needed for the system to function—integration—most certainly is needed by those human subjects whose activities make the system (such as it is) work. Civil society on Hegel’s view cannot generate anything integrative, and this is not Smith’s or Ricardo’s position at all. On Smith’s presentation, conflicting interests are balanced out by some “hidden hand” so that harmony results. To Hegel, even unison is unlikely. Harmoniousness is exactly what civil society necessarily lacks and must lack. It has no principle of union and can produce none. Unity has to be (super)imposed upon it, from without and from above. It can proceed only from the state.

Hegel considered wealth to be a purely instrumental category, the pursuit of which, taken in itself, can inspire no ethical ideals or educative values. Wealth, indeed, is instrumental in the extremely limited sense that it can generate more wealth (though explaining how it does this was to be the province not of Hegel but of Marx). Wealth, that is to say, leads nowhere beyond itself. Its limited character is pointed up by its obverse, aristocratic honor, as well as by its converse, poverty, penury, and need. Both wealth and honor breed arrogance and exclusivity; both wealth and penury breed self-absorption. As an alternative to both aristocratic honor and the poverty of die Pöbel (rendered rather less neutrally by T. M. Knox as the “rabble of paupers”), wealth can provide power and independence, but power and independence were not what was lacking in the first place, and self-determination (as opposed to mere self-assertion) demands more than what wealth, power, and independence can provide.

The individualism that animates and exemplifies civil society should on no account be confused with individuality as Hegel understands the term. Individualism and individuality, far from involving each other, can (as Rousseau had recognized) in their true notion operate at cross-purposes, and increasingly do so. Civil society’s individualism is finite, restrictive; it constitutes what can be, morally speaking, a case of arrested development. The search for wealth and power fails the self. In pursuing these, the self engages other selves only abstractly; all encounters among individuals engaged in this pursuit are blocked encounters, which point the way to a society of interchangeability—which is no society at all. Market relations in civil society represent an uninterrupted self-existence, which (taken in itself) is necessarily disruptive and discontinuous. Such self-existence comes unhinged. Others are encountered, but only barely; everyone encountered has a use, no one a place. People think of themselves as dissociated beings; the prerequisite for an ethical order,
properly termed “intersubjectivity,” is unavailable as an option and even (as in Locke) incomprehensible in principle. People encounter others, and themselves through others, indirectly, if at all; self-understanding emphasizes the marginality of others in the conduct of everyday life; and any search for moral meaning is blocked off in advance. As a result, moral meaning itself becomes elusive and fugitive; access and recognition (the very leitmotif, we should recall, of the master-slave confrontation in the Phenomenology) are foreclosed; and moral horizons are drastically foreshortened.

Self-assertion, taken increasingly as an end in itself, turns into the negation of selfhood, for selfhood turns on the possibility of real, moral transformation, which mere self-assertion must preclude. (The importance of this last point will in short order become apparent.) Civil society, the arena of self-assertion, the realm of the accidental, the fortuitous, the contingent, the arbitrary, the capricious, adds up to a system not of freedom but of universal dependence. There is in civil society no conscious purpose, only given necessity; ethical life is, in Hegel’s ominous words, “split into its extremes and lost.” No agreement on the fundamentals of moral and social life—no properly political agreement, that is to say—can possibly arise there. Because so little leeway is provided in civil society for the exercise of rational will, Hegel was driven to insist that such exercise is not social but, as it were, supersocial, that is political, the province of state action. With Locke, who did not separate the political from the social in so hard and fast a manner, and who lacked a notion not of the rational but of the will, society as such (or even the state of nature) can give leeway to the play of rationality, and can do so readily enough. With Hegel, who centered everything in the Philosophy of Right around the freedom of the will, civil society stops rationality in its tracks. One does not decide how, or whether, to live in civil society; one does not reflect—does not need to reflect—on what one’s goals ought to be. One simply acts, reacts, behaves as others act, react, behave. One keeps up. One has to.

When individuals live ethically apart from one another, using or being used by other individuals, negotiating mutual use across a spectrum of social existence, any real, morally generative rules cannot but appear “abstract”—as distant, external, partial, imposed. The rules that govern property in particular, its acquisition, transfer, alienation, exchange, and inheritance are a prominent case in point. They are moral rules, to be sure. Indeed, on Hegel’s account they are rules that undergird not only civil society in particular but morality in general. However, Hegel’s placement and positioning of property in the “Abstract Right” section of the Philosophy of Right, before he gets around to a discussion of “Morality,” and long before he takes it upon himself to depict the contours of civil society, should serve to indicate that there are severe limits to the content and bearing of the morality involved in these rules. What Hegel calls “Abstract Right”—the web or network of assurances that underlies property relations—is exemplified in contractual relations, much as Locke had supposed. But these to Hegel are minimal relationships among immedi-
ate persons—persons, that is to say, who are and have to be conceived of abstractly, independently of the actual positions in society contracting persons occupy. Similarly, Abstract Right enjoins the principle of equality before the law, which is itself a legal fiction in any unequal—in any known—society. Hegel nowhere denies the necessity for such legal fictions; he simply uses these to point up the arbitrary, formal character of contractual ties. Arguments that one should honor contracts are morally thin arguments, arbitrary in that they finally presuppose the existence of what they themselves lack the wherewithal to create or bring about: the power, the binding force, that communal life and communal life alone can give them.

This in itself might amount to a telling indictment of Locke's more uncritical espousal of property and market relations. It is however but the tip of the iceberg. Hegel's indictment of Locke, to which I now turn, runs remarkably deep.

Hegel believed the human subject to be self-determining. The purposeful activity of which we as human subjects are uniquely capable is free activity—freedom being seen here as an attribute and the province of the will, and the will, in turn, being seen as the source of action as well as the repository of freedom. The will and the will alone can act without being acted upon, and this at root is what makes the will not a, but the politically active, fertile principle. The will, that is to say, is generative in a sense that is specifically non-Kantian or necessarily post-Kantian: it is self-determining on the basis of what is implicit in the very concept of will—freedom as the source of action, and what it means to be a person. One implication of this, Hegel's very starting point, is that human purposes and projects are a priori inherently worthy of respect, however much they may have gone awry or come to grief in the course of history—as they do, repeatedly, in Hegel's Phenomenology. Another is that they are all at least putatively political in character. They can achieve content or consummation only in politics—and not, as with Kant, only on the borders of political life. Since Hegel's will is by definition self-determining, it provides a better point d'appui than either Plato's timeless standards of truth, which being out of history are simply too general, or the Kantian universalizable "ought" or Sollen. Sollen as opposed to Sein or "being" presupposes for Kant a transcendent vantage point, and no such vantage point is available.

Nature in particular is not about to provide one for us. Hegel's Philosophy of Right sets about annulling the supposed antithesis between a "natural" law that others had thought had predated the state, and the positive law with which the state confronts its citizens and underscores its own prerogatives. Hegel annuls this supposed antithesis by grounding each of its terms on the freedom of human beings qua human beings, and it is this freedom, freedom associated with the will, and not a Cartesian or Kantian (or Lockean) epistemology that is the hinge of Hegel's argument. Thinking may be an activity that constitutes the self, but it can do this only in so far as it is the source of and spur to action. What we know depends on how we know, and how we know depends on who we are. And this in turn cannot be known in advance of how we express who we are, or have expressed who we are.
historically. Any unity we might arrive at is thus an expressive unity, above all else; its axis is that of free self-development, which can be collective as well as (though not instead of) individual.

Hegel's argument on property, unlike Locke’s, is understandable only as one step on the path along which self-determination, so conceived, develops. Initially, free will is but a formal, abstract notion. It is, if we are to talk the talk, an *Sich* without being *für Sich*. Its sphere is Abstract Right, its expressions or manifestations property, contract, and (surprisingly, at first glance) crime. These three are, in the first instance, manifestations of a free disposition over material objects once these are seen as objects of the will. At a very basic level, that is to say, free agents come to require free disposition over material objects in order to be able to do anything at all, let alone pursue freedom by acting in the world. (This is something people do without necessarily being aware that they are doing it.) Otherwise put, the pursuit of freedom may not be, and need not be, the reason why each person engaged in this pursuit thinks (s)he should take possession of external objects. Hegel is less interested in individual motivations at the level of lived experience (avarice or the urge to accumulate, let’s say) than in the possibility of rational reconstruction of the reasons why taking possession of something—anything—can be seen in retrospect as having furthered the attainment of freedom. Freedom may be said to have been furthered thereby no matter what foibles, peccadilloes, or motives any particular appropriator may have had.

Hegel’s reconstruction is quick to insist—against Locke, for instance—that each individual act of appropriation is not just individual to begin with. To the extent that each appropriator realizes or can be said to have realized his or her own freedom, (s)he at least implicitly extends such a capacity to others, others whose claims are similar and by extension equal to his or her own. What is implied in the very nature of a claim, as opposed, say, to a drive, is recognition or acknowledgment that other people too are capable or worthy of advancing similar claims. This helps explain Hegel’s otherwise surprising inclusion of crime within his triad. (Abstract Right transforms human beings into persons; persons are susceptible to criminality only by virtue of being persons.) Crime takes place whenever this recognition is unilaterally suspended or annulled; contract, on the other hand, provides for such recognition explicitly, and awards it a context or field of play. Contract, in other words, brings out into the open the public character implicit in claims to appropriate. Admittedly, such a public character is very low-level and rudimentary. Individuals are using their reasoning faculty, and with it their capacity for freedom, simply to get what they want, to get whatever they happen to want for whatever reason. Again, what appropriators themselves happen to want in given cases is a contingent question. What matters to Hegel is the context of their several quests, for this context itself has a kind of public character, even if the public character in question is not enough, or not yet enough, to give it a moral setting. Like Abstract Right at large, it precedes morality and is a presupposition of morality. But it is not part of
morality as Locke thought it was, for morality involves claims that are not just common or joint but also intersubjective.

To be free is to be committed to some course of action, to some object for which we quest. It makes sense to regard the Philosophy of Right as a whole as being (among other things) a catalogue raisonée of the various kinds of object we desire arranged according to the level of moral commitment each of them commands. The topography is complex. To move upwards, from Abstract Right to Morality, is also to move inwards, into the ambit of subjective will, self-willed freedom and rectitude. The subject now places his or her will not in what (s)he appropriates—this remains contingent—but in what (s)he does and why (s)he does it. One of the things the subject does is make moral demands on the world outside the self. These demands may not be met, and need not be satisfied—other subjective wills advance other, possibly competing, claims—but they will be and should be advanced. At the level of Abstract Right, to reiterate, other wills come into play, but only with respect to some external object or objects. Any commonality enjoyed would fall short of the intersubjective and remain in the nature of a least common denominator. Significant intentionality is nowhere involved or enjoined because it is nowhere required.

If we see Abstract Right in relation to morality, instead of remaining fixated on seeing the much later category of Civil Society in relation to the even later category or level of the state, something rather extraordinary snaps into focus. This is that property as such, while basic and primary, is also, by the same token, a long way down the moral inventory. Property may be an object of the will, and may be something we need if we are to become free. But our commitment to any particular object we might possess or appropriate need not be particularly strong. Possession and appropriation are categorically different from property ownership, which, unlike these, depends upon law and legal recognition, for one thing. For another, we are capable of alienating our possessions, in the sense of transferring them away or divesting ourselves of them, and we may do this readily enough. Hegel is tipping his hand, hinting that other, higher commitments will be held to with far greater tenacity.

It is at the level of Morality, and not at the level of Abstract Right, that we are enjoined to do the right thing out of the right motives, to do this because such a course of action is right, and not because it satisfies some desire or convention. Morality so defined had been clearly foundational for Kant too, but was so in the different sense of being a kind of plateau or point of no return. By contrast, Hegel—and he has been widely misunderstood on this important point—never simply rejects the abstract for the concrete or the abstract for the universal. The concrete and the universal have nowhere else from which to arise. Hegel works his way through from the particular and abstract to the concrete and the universal. The former, however incomplete they may be, are never just sloughed off like the skin of a snake. They are essential to the progression. Without them, there would and could be no progression. Abstract Right, the lodestar of property, is an essential
feature of Hegel’s *Philosophy of Right*. The lodestar never loses its luster—unless, of course, Locke and his followers misidentify it.

Locke’s celebrated—and highly influential—account of property in his *Second Treatise on Civil Government* is based four-square on the natural dimension of our humanity (property is possible, indeed likely in the state of nature); Hegel’s by contrast is rooted no less decisively in humanity’s spiritual dimension, that which removes us from Hobbes’s “mere nature” and makes nature far more “mere” (as it were) than Hobbes had. Our spiritual dimension consists in our possession of minds, wills, and capacities based on these. Locke assumes not just possession but self-possession in the state of nature, where man is sturdy in relation to his environment, an environment that is assumed to be a highly appropriable one. Both assumptions, as is well known, had stuck in the craw of Rousseau, who, in his *Second Discourse*, regarded such Lockean presuppositions as original self-possession and natural sociability as providential and unwarranted. It is often overlooked that Hegel, too, regarded Locke’s assumption of natural self-possession as an incoherent presupposition. His reasons for so regarding it differ from Rousseau’s. Locke had believed that a self that is (somehow) fully constituted in the state of nature stands ready and poised to appropriate whatever external objects it thinks it needs. Hegel’s disagreement is frontal. It is when and only when natural objects become the objects of human will that the self can be said to be forming. (As Anthony Long sensitively pointed out to me, Hegel’s position here recalls Stoicism in general and Cicero in particular. The extant secondary literature on Hegel seems not to have noticed this unexpected overlap.) As always in Hegel, formation and self-formation are processes, not stages.

Hegel’s belief that the right to property enters the very definition of selfhood is not reducible to, and is plainly incompatible with, Lockean beliefs about property. Property to Hegel is formative of the self and is not, indeed cannot be, the outcome or expression of a self that is already (somehow) fully fledged and prefabricated. This point can be put more strongly. Locke on Hegel’s argument never reaches the level of property rights, properly so-called, at all, and had spoken of nothing more than possession or appropriation with no real title. Such possession could of course be backed up by the armed might of the state, but only on the basis of a purely juridical, penal, and punitive definition of the state that Hegel resolutely refuses to share with Locke. I may take possession of some object bodily, and may even have this appropriation guaranteed by external force (as in the *longue durée* of feudalism). But I have no property in this object unless I can recognize my will in it. Hegel insists that the “rationale of property is to be found not in the satisfaction of needs, but in the supercession of the pure interiority of personality. In this property the person exists for the first time as reason”—the first, we might add, of many. He does not mean that the sense of being a person comes temporally prior to the making or staking of claims, which had been Locke’s position. He means to the contrary that the sense of being a person finds expression in making claims because of what a
A claim is not a matter of pure self-assertion, as Locke had thought, but something that presupposes the possibility of its confirmation and recognition— that word again!—by other persons. Uninterrupted self-existence necessarily points beyond itself and demands something it can never, left to its own devices, provide. Left to its own devices, it comes unhinged—as it does, at one level, in Abstract Right, where uninterrupted self-existence is rescued (so to speak) by Morality, and again at the level of Civil Society, where it is rescued by the state.

Locke in effect admits and has to admit that the acquisition of property as he understands it brings about no change, no shift in the moral character of the appropriator, and that contract per se brings about no change, no development in the moral character of the contracting parties. Egoism is preserved throughout the sequence. This is exactly why Locke and his followers are found wanting and stand condemned by Hegel. And this is why, at another level, contractual relations taken in themselves (whose register, we should remember, is again that of Abstract Right) provide no paradigm for political membership in the world of Hegel’s Philosophy of Right. This is also why Hegel insists that to suppose otherwise is to commit a serious category mistake, as though the state as such were something that each of us, willy-nilly, is free to choose or reject—a preposterous instance of wishful thinking with which political theorists of a liberal persuasion are still, to this very day, not yet done. And this is why, finally, property, which may have been well-nigh sacrosanct to Locke and his progeny, is by no means similarly inviolable in Hegel’s Philosophy of Right. It is important to acknowledge the stakes of Hegel’s argument here, for they are very high stakes. He wished to demolish the presumptions of what has been called “the political theory of possessive individualism.” And to a considerable extent he does no less, though he is rarely credited with this achievement, even by Marx.

To mention “the political theory of political individualism” is, of course, to raise the question of whose Locke I have been discussing, for in truth there are several Lockes by now. Crudely put, C. B. Macpherson’s protocapitalist Locke in The Political Theory of Possessive Individualism is a theorist for whom government is both the outcome and the basis of inequalities in property holding, whereas the more recent Lockes of Richard Ashcraft and James Tully are more nuanced. Ashcraft and Tully pay attention to the type or kind of property, not just its amount or its protocapitalist character that Locke enjoins. Again, crudely put, Tully’s Locke expresses a particular version of Christian doctrine. We are sent into the world on God’s business, not our own, and God has ordained that his handiwork, nature, be put to good use and turned to good account. Our property—including the property we have in our own bodies (property is in Locke related to propriety, which has to do with deportment, and bearing)—is in the nature of stewardship. We are sent into the world in order to turn God’s handiwork to good account, not for our own, human, all-too-human, sake but in the name of the greater glory of God. Ashcraft’s Locke is a radical Shaftesburyite Whig attacking aristocratic privilege, profligacy,
waste, idleness, and indolence, as epitomized in the then-current practice, among
the aristocratic drones of the restored Stuart court, of leaving good land untilled,
the better to live as royal placemen and “pensioners” off its fat. As Libby Anker puts
it, Macpherson’s Locke naturalizes property, Tully’s sanctifies it, while Ashcraft’s
politicizes it. The question of which of these Lockes is the “real” one I shall leave
for others to decide, since it has no real bearing on the argument I am bent on
advancing, which has to do with how property is to be understood, and what its
credentials might be. But we are, all the same, not yet through with “the political
theory of possessive individualism,” for the good and simple reason that Hegel him-
self is not through with it. Take for example his widely misunderstood discussion
of war in the Philosophy of Right, a discussion that has enjoyed a certain notoriety
that, in truth, it ill deserves. It does not amount to an uncritical defense of war, as
some have supposed. Nor does Hegel say that war is the health of the state. It is that
by which the health of the state is put to the test. Wars are not fought—earnest
assurances to the contrary notwithstanding—for the sake of the preservation of life
and property, which are the first things to go whenever wars are fought. War shows
up the relativity of these supposedly “absolute” values.

Hegel’s argument—which amounts to a telling denial that war can be justified
by the utilitarian motives of the defense of life and property—strikes deep, if we
take care to position it adequately. War is not the external irrational defeating the
achievements of reason in civil society, as Kant’s argument about perpetual peace
had supposed. Kant’s argument, indeed, is so slippery that Hegel has no trouble
turning it inside out. It is perpetual peace that would lead away from morality to
corruption. Increasingly settled expectations in a liberal market society where pau-
perism and class differences are rampant will lead to unjust privilege and abuse on
the part of the rich and well endowed. That wealth might then feed directly into
power, as it had under feudal conditions, was one of Hegel’s greatest fears. The
architectonic institutional structure outlined and articulated in the Philosophy of
Right is designed expressly to prevent a new, postfeudal osmosis or assimilation of
wealth and power from taking root. War should not be considered apart from this
structure. Orderly expectations in civil society, the most promising field of play for
self-estranged minds, are undermined by the “ethical moment” of war. They are
undermined because they need to be undermined. War is ethical (sittlich) inasmuch
as it exposes, not expresses, the accidental, the arbitrary, the contingent, the finite
in everyday life. War, in other words, is politically integrative; it can solve the
problem of fragmentation that civil society poses; and we should recall throughout that
Hegel was as relentless a foe of fragmentation and disintegration as has ever walked
the earth.

Not only is war an integrative device; it is the fundamental integrative device
the state possesses or provides. Its effect of highlighting, of casting into sharp relief,
the relativities of civil society is not an adventitious by-product of its incidence.
Force is a moment of right, as again the master-slave dialectic should remind us.
The internal order upheld and maintained by the state is connected to and dependent upon the likelihood of outer chaos. This outer chaos is not at all a sphere of irrationality defeating the solid achievements of reason in civil society. The opposite is the case. The possibility of war, says Hegel, in words that are plainly a hit at Kant, serves to dry up potentially stagnant pools of irrationality in civil society; war, which “preserves the ethical health of peoples,” is compared to the “blowing of winds preserving the sea from the foulness of a prolonged calm.” War does what the French Revolution wanted to do but failed to do until (with Jacques-Pierre Brissot’s curdling declaration of a “revolution for export”) it turned to war. Earlier French revolutionaries had thought—mistakenly—that popular participation could conjure up a mutuality that can in fact be provided only by war, which gives the internal order upheld by the state something to define itself against.

One does not have to agree with Hegel’s argument to appreciate its force and originality. Commerce does not sublimate politics, as Smith, Steuart, and Locke had supposed. Love of gain is anything but innocuous. What is required is not that dangerous political “passions” be sublimated by the provision of economic channels (or, in Albert Hirschman’s formulation, by “interests”). What is required is exactly the opposite. The hypocrisy of the liberal model caricatures the moral possibilities of social and political existence. Commerce is shown up, and turned from its illusions of peace, by war—war that is with Hegel what class war was to be with Marx: a moral resource. It makes us present to one another. It establishes—as commerce and contract can never establish—the identity of a people, by indicating the relativity of life in civil society. Under its agency “the ethical health of peoples is preserved in their indifference to the stabilization of finite institutions.”

Among these institutions, “property and life should definitely be established as accidental . . . (in wartime) the rights and interests of individuals are established as a passing phase.” War “deals in earnest with the vanity of temporal goods and concerns”—the very temporal concerns that were the warp and woof of a Lockean politics.

But I am not content to leave the argument here. As I write, the United States is busily, obsessively, waging a war on Iraq that is all too plainly grounded in the principles animating American civil society (and through civil society the American state). These principles center on an individualism run riot. Two Hegelian nightmares, that is to say, have taken palpable form and bid fair to continue doing so: the nightmare of a completely unrestrained civil society with its state in tow, and the nightmare of a war fought for the sake of specifically prepolitical, low-level values. This means that Hegel might be an effective touchstone in these unlikely times for identifying what went wrong. Suppose we accept (for the purposes of argument) the thesis associated with Louis Hartz’s The Liberal Tradition in America (1955) that America, here meaning the United States, is in a sense Locke writ large, Locke put into practice. Let us then suppose that Hegel was right about the deep incoherence of the Lockean project, which claims to center itself on a theory of property
it is in fact incapable of formulating or advancing. What would then have been put into practice is, purely and simply, confusion worse confounded. What has taken palpable form is deficient at the level of principle. In making this point we are not yet done with Hegel’s master-slave paradigm, which rings like a bell through his writings at large. For Hegel is explicit: in locating his paradigmatic master-slave encounter specifically in the ancient of days, he is, in his own way, insisting that there is no ethical warrant for slavery in any modern society. The master, in effect, becomes Marcus Aurelius, that most reluctant of Roman emperors; the slave—no less reluctantly a slave, we may safely presume—becomes Epictetus. These two figures form, from the opposite ends of one of the vastest social spectrums the world had ever seen, the polar extremes of the Third Stoa—of the very hollowed-out and depleted Roman Stoicism that was to be supplanted and impregnated by Christianity. Supplanted, that is, by the very Christianity that Hegel, master of the broad historical stroke, characterized as constitutive of the modern world. If Objective Spirit is now to do its work in setting up a framework within which Absolute Spirit (art, religion, and, most important, philosophy) might flourish, its presupposition and its outcome is freedom in the absence of slavery. Freedom in the presence of slavery is one of the principles on which the ancient world had foundered and come to grief. There are and can be no Hegelian arguments justifying slavery in the modern world. But there were Lockean ones. In the eighteenth and nineteenth centuries arguments were advanced in all seriousness, and with all due solemnity, that a broadly Lockean view of property could be extended to cover property in human beings, or arguments about how human beings of a different race “really” were. My point here is not that Locke himself would have sanctioned such arguments (though some of his remarks about penal servitude and indentured labor—for those who had not turned God’s handiwork to good account—in the New World, a new world that is scarcely brave, do not inspire confidence). We can however grant that Locke would have been aghast at the misuse of his theory of property that was commonly propounded on American shores. But is the theory itself proof against such misappropriation? The foregoing suggests that it is not. Dr. Johnson asked, apropos of the American Revolution, how the loudest yelps for liberty could proceed from “the drivers of Negroes.” The question was and remains a good one.

Notes

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7. Hegel appears not to disagree with this part of Locke’s argument. See *Philosophy of Right*, sections 57, 229, 231.
8. Ibid., 324A.295.