

## Women's Philosophy Review

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## WOMEN'S PHILOSOPHY REVIEW

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*Hegel and Feminism*

*Guest Editors Stella Sandford and Alison Stone*

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## EDITORIAL

This, the second of the Special Issues of the *Women's Philosophy Review*, is devoted to a series of papers which consider some aspects of the on-going relationship between feminist thought and politics and the philosophy of G. W. F. Hegel. This relationship has always been fraught, giving rise, as Kimberly Hutchings remarks, to positions which range from the sympathetic to the profoundly hostile. Either way, the need to engage with a thinker who occupies such a pre-eminent place in the history of Western philosophy has never been underestimated.

To an extent, feminist responses to Hegel have mirrored, in microcosm, the more general attempt to negotiate a feminist position within and/or against the philosophical mainstream. At one end of the spectrum, Carla Lonzi's famous exhortation—'Let's Spit on Hegel' (1970)—makes this explicit in treating Hegel (more specifically, Hegel's interpretation of the story of Antigone) as a metonym for an anti-woman tradition, the pre-suppositions, method and content of which are to be utterly rejected. At the same time, however, the very nature of Lonzi's intervention signals the necessity for theoretical engagement. Less dismissive readings of Hegel have then been based on the presumption that instead of repudiating the whole system there is a need to find what is 'true' or useful in it—an eminently Hegelian presumption, in fact, and one which guided that most vociferous of anti-Hegelian Hegelians: Karl Marx.

As feminist philosophy becomes more confident and as the mostly critical conclusions of the first wave are more and more accepted in mainstream, non-feminist philosophical discussions (at least in some national contexts), feminist responses to a thinker such as Hegel can and have become more nuanced. In her contribution to this Special Issue, Kimberly Hutchings argues that there is a much closer relation between some feminist epistemological philosophy and Hegelian speculative thought than is generally acknowledged. Ignoring this, according to Hutchings, condemns feminist epistemology to 'reinventing the wheel', and thus, implicitly, holds back the theoretical articulation of femi-

nism that is so crucial to its practical achievements. That this in no way commits one to a wholesale acceptance of Hegelian philosophy is clear in Hutchings' use of Hegel's pronouncements on female nature as illustrative of the sort of truth claims that an Hegelian-feminist epistemology is able to evaluate (and condemn) according to certain intersubjective norms of judgment.

Alison Stone then examines this and other aspects of Hegel's *Philosophy of Nature*—the least considered part of Hegel's system—in much greater detail. Even a cursory glance at Hegel's most infamous passages on natural sexual difference strike most readers as in some sense 'sexist', that is, as affording the female a position of inferiority. Stone's careful reconstruction of Hegel's theory of need and reproduction—on which the understanding of natural sexual difference is based—explains, however, precisely what necessitates this understanding in the context of Hegel's philosophy more generally. Stone's general conclusion is that the critique of Hegel's 'masculinism' is much better served by a thorough investigation of his central metaphysical ideas, that is, in the context of his philosophy as a whole. Even if such a critique reaches much the same basic conclusion as the cursory reading—that this is in some sense a masculinist theory—one may now expect the philosophical demonstration of this to be conducted at the level of detail achieved here by Stone.

If Hutchings' contribution shows how some of the more abstract aspects of Hegelian philosophy can contribute to the theoretical resources of feminism, Jeffrey A. Gauthier defends the Hegelian critique of Kantian ethics by appealing to contemporary feminist theory and practice. Hegel, Gauthier argues, insists on the role of passion in moral decision making in a way that parallels many feminist critiques of moral rationalism. The latter, however, go even further in suggesting that it is often partisan and seemingly non-moral or even immoral actions that fuel moral development in the sense of the questioning of the invisible assumptions which uphold sexist and racist institutions, for example. This allows one to understand how changes in moral agency—the recognition of one's own oppression and the structural reasons for it, for example—may come about. Contemporary feminist practice and theory, then, is here an historical validation of Hegelian theory, which in turn may provide

a way of re-articulating the former in an illuminating manner (as, for example, connected to a wider theory of moral subjectivity and community).

It is, however, also on the issue of passion that Elizabeth Brake locates a contradiction in Hegel's theory of marriage. In trying to identify what is valuable about the relation of marriage—values which ought to be able to be extended to cover any loving intimate relation, no matter how unconventional—Brake stresses Hegel's emphasis on the naturalness of ethical *love*, as opposed to civic *duty*. This would seem to locate the moral value of marriage in the emotional relationship between the spouses—a position of interest to feminists, Brake argues, insofar as it may be connected with the revaluation of love and emotion in some versions of ethics of care. Brake finds, however, that Hegel's 'love', as 'ethical', still opposes particular emotions to duty or at least finds the former valuable only insofar as they are instrumental to the latter. At the same time, a critique of the idea of marriage as a union in which each partner gives up their rights leads Brake to the conclusion that love, however construed, is only valuable in the context of rights (love on its own, that is, does nothing to prevent abusive or oppressive relationships, as many a battered wife knows).

Taken together, these papers show that Hegelian scholarship and feminist theory and philosophy are beginning to enjoy a relationship of mutual advantage, beyond the more obvious appropriations of Hegel in, for example, psychoanalytic discourses. They also show that this is not incompatible with a diversity of opinion and an intra-critical feminism whose philosophical disagreements testify to its vitality. If we no longer need, then, to spit on Hegel, we might still be grateful that someone once did and helped make the present situation possible.

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## REASON, KNOWLEDGE AND TRUTH: SPECULATIVE THINKING AND FEMINIST EPISTEMOLOGY

Kimberly Hutchings

Feminist philosophy has always had a rich relationship with Hegelian philosophy. This is both because feminist philosophers have found aspects of Hegelian thought profoundly antithetical to feminism and because feminist philosophers have identified elective affinities between feminist thought and aspects of Hegelian thinking. However, whether as dutiful or rebellious daughters/sons of the canonic tradition in relation to Hegel, feminist philosophers have focused much more on the ethical, political and aesthetic implications of his writings than on the arguments of both the *Phenomenology of Spirit* and the *Science of Logic* which are concerned with the nature of reason, knowledge and truth.<sup>1</sup>

Hegel's name does recur in discussions of feminist epistemology. Sometimes Hegel's work is negatively flagged as an example of a thinker who was in some sense committed to the exclusion of women from reason. More often, he is positively flagged as a thinker who pioneered awareness of the significance of social context for knowledge and whose grasp of the dialectical relation between subject and object influenced feminist standpoint theory via the legacy of Marx's materialism. However, the positive acknowledgement of the historical role of Hegel's thought is rarely accompanied by the notion that Hegelian speculative thought as such should be taken seriously as a resource for contemporary feminist debates about knowledge.<sup>2</sup> In general, Hegel is most often classified in feminist analyses as a thinker whose potentially useful insights are undercut both by his negative characterization of woman and her place within the history of reason and by his claim to a philosophical science of the absolute. In the case of the former, Hegel is assumed to have nothing to contribute to explicitly feminist work, in the case of the latter his philosophical ambition seems precisely to reflect characteristics which feminists have identified as the failings of the masculinist philosophical tradition.

The purpose of this article is to open up the possibility of a much closer dialogue between feminist epistemology and Hegelian philosophy by pointing to the parallels between their concerns, and by suggesting that feminist epistemologists will find Hegel's work helpful in debates about how to reconceptualize notions of reason, knowledge and truth in the light of feminist critiques of mainstream accounts. The overall argument offered below goes beyond the relatively cautious and uncontentious claim that there are similarities between certain feminist and Hegelian arguments. In addition it will be my contention that contemporary feminist epistemologists condemn themselves to reinventing the wheel by ignoring Hegel's previous preoccupation, following Kant, with 'thinking the middle', a way between scepticism and dogmatism and between idealism and realism.

This paper has four sections. In the first section, I will sketch out the terrain of feminist epistemology by focusing on the debate between alternative feminist accounts of the grounds of epistemic authority and the relations between the subject and object of knowledge. I will then argue, in Section II, that Haraway's reconceptualizations of reason, knowledge and truth represent a response to the concerns of feminist epistemology which promises to shift debate beyond the deadlock between feminist empiricists, feminist standpoint theorists and feminist postmodernists. In Section III, I turn to an examination of Hegel's understanding of reason, knowledge and truth and argue that Hegelian speculative thinking effectively preempts the kind of feminist argument articulated by Haraway, in spite of Haraway's own negative characterization of Hegelian dialectic (Haraway 1991: 198). In Section IV, I trace the implications of the Hegel/Haraway approach to articulating norms for the judgment of claims to knowledge by interrogating some of Hegel's most well known (notorious) claims about femaleness and women. In doing this, I address the question of whether there is a problem for feminists in using Hegel's work as a resource, that is to say, whether to do so is to collaborate with a philosophical project which, in Newman's terms (Newman 1994), necessarily does theoretical violence to women. I conclude that this is not the case and that feminist epistemology would benefit from an explicit and ongoing dialogue with Hegel's philosophical project.

## I. Feminist Re-thinkings of Reason, Knowledge and Truth

There is no single feminist epistemology (in the sense of an authoritative feminist account of the nature of reason, knowledge and truth) and, as Tanesini points out, some feminist epistemologies remain closer to the philosophical mainstream than others (Tanesini 1999: 4–11). Nevertheless, all feminist epistemologies originate with a sense of dissatisfaction with the philosophical mainstream on the grounds that in some way or another its account of knowledge exhibits masculinist partiality and excludes recognition of women's views, needs and interests.

This claim may amount to the assertion of explicit or implicit bias against women or the female in accounts of reason, of scientific method or of the aims of scientific research; it may be the claim that the feminist or women's viewpoint is delegitimated by mainstream accounts of epistemic authority; it may be the claim that mainstream epistemology is not oriented in terms of emancipatory feminist goals.<sup>3</sup> An invariable target of feminist epistemology is the view, ascribed to the philosophical mainstream, that reason provides a privately accessible, neutral and authoritative route to knowledge of objects by the subject-knower; and the paradigm of knowledge as a matter of constructing a subjective account which mirrors, matches or corresponds to its objective counterpart, so that truth is understood as the perfect adequation of subjective representation to objective reality. It is views such as these, feminists argue, which automatically outlaw the relevance of feminist politics to epistemological concerns.

In a negative sense this is because such views deny that knowledge has a politics, in spite of the fact that feminists have demonstrated repeatedly that the supposedly 'neutral' grounds for knowledge are in practice biased and exclusive (Nye 1988; Gunew 1990). In a positive sense, this is because such views preclude the relevance of feminist values to the assessment of the validity of knowledge claims. Feminists have been concerned at the level of both 'common sense' claims and knowledge claims in the natural and social sciences to orient knowledge acquisition and validation in terms of feminist emancipatory goals. Feminists do not simply want to reflect the world but to change it.

The critique of the philosophical mainstream necessarily has constructive implications for alternative ways of thinking about knowledge. For this reason, feminist epistemology has also been the site of considerable internal debate over the appropriate scope and limits of feminist alternatives to mainstream theories of knowledge. Harding has famously classified the different feminist epistemologies as feminist empiricist, feminist standpoint and feminist postmodernist positions (Harding 1991).

According to Harding, feminist empiricism identifies the problem of mainstream approaches to understanding knowledge and knowledge acquisition with masculinist bias and seeks more adequate, accurate and unbiased accounts. In general, feminist empiricism has been most closely associated with problems of knowledge in the context of the natural sciences (Tanesini 1999: 95–113; Longino 1993a; 1993b). In contrast, feminist standpoint theory, probably the most widely known and discussed approach within the social sciences, argues for the knowledge generating power of the standpoint of women/feminists or women's experience. This approach puts the ideal of objectivity in knowledge acquisition or validation into question (Hartsock 1987; Smith 1988). Feminist postmodernism, which distances itself from the idea of a feminist standpoint as such (because the subject positions of different women/feminists are different), argues for the situated and discursive nature of all knowledge claims and emphasizes the partiality and power-effects of those claims (Hekman 1990; Flax 1990).<sup>4</sup>

Harding's classification is not meant to be taken rigidly—she herself suggests that there is an internal relation between the three schools she identifies, with feminist standpoint theory radicalizing the insights of feminist empiricism, and feminist postmodernism following through the implications of the insights of standpoint. It is not my purpose here to offer a definitive account of the strengths and weaknesses of these different feminist epistemologies. Instead I will go on to identify key commonalities and differences between them.

In summary, I see the commonalities between the different feminist epistemologies in their shared acknowledgement of the importance of understanding reason, knowledge and truth as inherently social, political and practical. I see their differences in

relation to questions about the conditions of possibility of knowledge claims and their accounts of the relation between the subject knower and the object of knowledge. I will argue that the commonalities point to characteristics which make feminist epistemologies *feminist*. However, the differences point to deep philosophical difficulties which pose problems for the idea of an *epistemology* capable of doing the critical work envisaged by feminist philosophers. To illustrate the commonalities I will draw on Longino (1993a, 1993b) to exemplify feminist empiricism, on Hartsock (1987) to exemplify feminist standpoint theory and on Hekman (1990, 1997) to exemplify feminist postmodernism.

Longino develops an argument that knowledge is essentially the product of publicly recognized and debatable standards of evidence, methods, assumptions and reasoning which emerge and change through the dialogic interaction both within and between practising scientists and the shifting social and political context in which science takes place. The validity of knowledge claims depends, for Longino, on the degree of 'cognitive democracy' within scientific communities (Longino 1993a: 113). On her account, the notion of reason is thoroughly socialized and public. Rationality is not only something which shifts historically but, as an essentially public matter, it is open to challenge and revision. By insisting on a conception of reason which is intersubjective, Longino departs from both the notion of reason as a pure and privileged foundation of knowledge and from the notion of reason as impartial methodological tool of analysis, thus also departing from classical rationalist and empiricist epistemologies in which reason provided a key to knowledge for the subject-knower conceived in isolation. In addition, Longino argues that knowledge and truth should be understood not in terms of the correspondence between subjective representation and the object of analysis, but rather in terms of 'practice'—a matter of interacting with and intervening in the world rather than reflecting it. As Longino puts it, there is no longer a 'terminus of inquiry that just is the set of truths about the world' (Longino 1993a: 116).

Hartsock's standpoint version of feminist epistemology, on the other hand, is centred on the epistemological privilege and emancipatory potential seen as residing in grounding knowledge

claims in the material standpoint of women caught in current oppressive social and economic relations of reproduction and production (Hartsock 1987). Hartsock draws upon a reading of Marx's understanding of the position of the proletariat under capitalism as enabling insights into the contradictions inherent in the system, which would be less immediately visible to those in positions of power (Hartsock 1987: 158–9). According to feminist standpoint theory, knowledge is necessarily linked to a point of view which will either reflect positions of power or positions of subordination. The claim is not that the oppressed see everything more clearly, but that they have privileged insights into the conditions of their own oppression and that in articulating them they will be better able to dismantle those very conditions. As with feminist empiricism, reason is historicized and politicized, understood not as neutral method, providing access to impartial truth, but as fundamentally 'interested', and not as private but as socially constructed and public.

The notion of knowledge as practice is also present in standpoint theory. In standpoint theory there is a shift in the understanding of the subject/object relation. Knowledge is seen as a form of self-understanding in the light of a project of self-transformation—not on the part of an individual knower, but of a whole, socially constructed collective: women. Like Longino, Hartsock identifies truth with fitness for purpose, but in feminist standpoint theory the ideal of emancipation which is identified with the purpose of feminist knowledge claims acquires an absolute end status which is lacking in feminist empiricism (Hartsock 1987: 175–6).

As mentioned above, Harding sees feminist postmodernism as a radicalization of the feminist standpoint theorists' insight into the importance of the position or perspective of the knower for what can be known. In a more recent article, Hekman makes a similar claim, arguing that feminist postmodernism is an extension of feminist standpoint theory (Hekman 1997). According to Hekman, in the original formulation of standpoint theory, there was an in-built tension between its strong social constructivist basis (in which knowledge is grounded in the positionality of the knower within social relations) and its equally strong claim to universal truth (defined in terms of an ideal of emancipation).

This tension has then formed the basis of a shift to a new account of knowledge which continues to emphasize positionality and perspective but loses its attachment to universal truth.

Part of the reason for this is argued to be the unsustainability of the notion of one feminist standpoint in the light of critiques from black and third world feminists pointing to the radical differences between different women's social positions (Nicholson 1990; Hill-Collins 1990; Gunew 1991). Furthermore, the increasing purchase of poststructuralist and postmodernist theories undermines the notion of stable identities for knowers on which both feminist empiricism and feminist standpoint rely. As Hekman says:

The new paradigm of knowledge of which feminist standpoint theory is a part involves rejecting the definition of knowledge and truth as either universal or relative in favour of a conception of all knowledge as situated and discursive. (Hekman 1997: 356–7)

The 'situated' nature of knowledge continues to refer to something like the particular perspective of knowers in context. The 'discursive' nature of knowledge refers to its inherently linguistic form, something which, for Hekman, involves reference both to the inherent instability of meaning and the openness of all claims to deconstruction (drawing on Derrida), and to the practical effects of power which are undetachable from claims to knowledge (drawing on Foucault).

In Hekman's case, then, the re-thinking of reason, knowledge and truth represents a radicalization of the understanding of epistemic positionality, beyond both the context of scientific and political community (feminist empiricism) and the privileged access of the knower to insight into the conditions of her own oppression (feminist standpoint). However, in line with Longino and Hartsock, she continues to stress the social contexts and political agendas which form the conditions of possibility of knowledge claims, along with their practical effects.

## II. Haraway's Response to the Feminist Debate

Feminist empiricism, feminist standpoint and feminist postmodernism all work with an understanding of reason, knowledge and

truth as social, political and practical. This understanding is crucial to the critique these approaches share of mainstream epistemology and philosophy/methodology of science and social science. Re-thinking reason, knowledge, and truth in this way opens up the possibility of incorporating feminist values in the assessment of claims to epistemic authority or objective truth. However, it is also clear that the positive implications of these approaches for notions of epistemic authority and objective truth are radically different since they differ in their views: firstly, as to the conditions of possibility for the generation of valid knowledge claims; and, secondly, as to the implications of those conditions for the status of and the relation between the subject making knowledge claims and the object about which those claims are being made.

The result of this has been an ongoing debate within feminist epistemology about the conditions of possibility of knowledge claims, in which feminists seek to hold their ground between different versions of stable epistemic authority on the one hand ('cognitive democracy' versus the feminist standpoint) and postmodernist instability on the other; and a debate about the subject/object relation in which feminists negotiate between social/linguistic constructivism (idealism) and the assertion of a mind-independent reality (realism) (an argument on which there is some common ground between feminist empiricists and standpoint theorists as against postmodernists).

On reflection, the debate between the different versions of feminist epistemology is less a debate than an impasse. Moreover it is an impasse which repeats much older philosophical debates and threatens to return feminist epistemology to alternatives (between foundationalism and relativism, idealism and realism) which play a constitutive role in the masculinist philosophical tradition, which feminist philosophy has sought to transcend. In the light of this, there have been a variety of feminist epistemologists who have sought a way through the dilemmas of wanting to socialize and politicize knowledge without relativizing it completely and of wanting to recognize knowledge as a practical, world changing activity without slipping into what Haraway refers to as the 'god-trick' of seeing the world purely as a product of human cognitive activity (see also Code 1991; Tanesini 1999).

Haraway herself presents perhaps the best example of a feminist epistemologist and philosopher of science who sets out to think this particular middle. As she says in 'Situated Knowledges: the Science Question in Feminism and the Privilege of Partial Perspective' (1991):

I think my problem and 'our' problem is how to have *simultaneously* an account of radical historical contingency for all knowledge claims and knowing subjects, a critical practice for recognizing our own 'semiotic technologies' for making meanings and a no-nonsense commitment to faithful accounts of a 'real' world, one that can be partially shared and friendly to earth-wide projects of finite freedom, adequate material abundance, modest meaning in suffering and limited happiness. (Haraway 1991: 186)

In the statement of her/our problem, Haraway links the politicizing of the ground and goals of knowledge common to all feminist epistemologies with the need for a theory of knowledge which is also able to do the critical and constructive work of judging the validity of different accounts of the world. The solution Haraway puts forward here involves two arguments. The first is for what she terms a 'usable but not an innocent doctrine of objectivity' to be based on the idea of vision or seeing as an active, interventionist and partial practice. The second is for the 'manoeuvre begun in dialectics' in which the object of knowledge is understood in active rather than passive terms as 'material-semiotic'.

Haraway's argument for objectivity has much in common with themes already encountered in feminist epistemology. Unlike Longino's 'cognitive democracy', however, Haraway's materialist feminist standpoint and Hekman's discursive situation, the emphasis here is on the notion of any perspective as invariably enabling as well as inevitably partial. What characterizes scientific knowing, however, is the recognition of the partiality of the perspective in question and, more importantly, the way in which it shapes and informs what is seen. To understand knowledge on analogy with vision as a practice is to foster the acknowledgement of the epistemic responsibility of the knower for what is seen, and to open up the possibility of seeing with others without the implication of identity with others:

Positioning is, therefore, the key practice grounding knowledge organised around the imagery of vision as so much Western scientific and philosophic discourse is organised. Positioning implies responsibility for our enabling practices. It follows that politics and ethics ground struggles for the contests over what may count as rational knowledge. That is, admitted or not, politics and ethics ground struggles over the knowledge projects in the exact, natural, social and human sciences. (Haraway 1991: 193)

Epistemic responsibility means that knowers must acknowledge where they are 'seeing' from and how they are 'seeing', which means that the technologies used to interrogate the world (low or high) must be located in the broader political and ethical contexts through which they have been legitimated.

Haraway's stress on epistemic responsibility also forms the bridge to the second part of her argument for the 'object of knowledge to be pictured as an actor and agent, not a screen or a ground or a resource, never finally as slave to the master that closes off the dialectic in his unique agency and authorship of "objective" knowledge' (1991: 198). This argument insists on the importance of carrying over the insight that the object of investigation has agency from the critical (including feminist) approaches to the human and social sciences which generated it, to the domain of the natural sciences. Haraway is anxious that this move should not be understood as a purely social constructivist move in which the nature of the object is determined by the ways of seeing of the subject, though she clearly implies that the subject/object relation can generate new objective knowledge. Instead she envisages the relation between investigator and investigated as a kind of 'conversation' in which the boundaries between object and subject are contested from both sides:

I wish to translate the ideological dimensions of 'facticity' and 'the organic' into a cumbersome entity called a 'material-semiotic actor'. This unwieldy term is intended to highlight the object of knowledge as an active, meaning-generating axis of the apparatus of bodily production, without ever implying the immediate presence of such objects or, what is the same thing, their final

and unique determination of what can count as objective knowledge at a particular historical juncture. (Haraway 1991: 200)

This second part of Haraway's argument seems to rely on two different claims. First, there is the claim about the ultimate political and ethical grounding of models of what is to count as reason, knowledge or truth within science. Haraway's conceptualization of the object as agent clearly reflects an ethical commitment to the 'partial connection' of knower and known which is taken as precluding stances of violence, control and domination towards nature. Secondly, however, although Haraway explicitly refutes the charge of realism, she implicitly invokes an idea of the relative autonomy of objects of scientific investigation, and explicitly underlines the impossibility of exhausting their meaning in the language of the scientist's vision:

Objects are boundary projects. But boundaries shift from within; boundaries are very tricky. What boundaries provisionally contain remains generative, productive of meanings and bodies. Siting (sighting) boundaries is a risky practice. (Haraway 1991: 201)

What distinguishes Haraway's approach from the other accounts of feminist epistemology discussed above is the linking together of the idea of situated knowledge—which to a greater or lesser extent is shared by feminist empiricists, standpoint theorists and postmodernists—with a strong ontology in which what are traditionally classified as the subject and object of knowledge are understood as essentially the same, across the domains traditionally demarcated as natural and social. This permits her, she argues, to embrace the feminist perception of the politics of knowledge without embracing either entirely contingent relativism or returning to myths of a point of pure epistemic privilege. The question of what a perspective like Haraway's can contribute to the evaluation of claims to knowledge, will be discussed in the next Section. First, however, I want to draw attention to the way that Haraway's suggestions for the development of feminist epistemology can already be found at work in the philosophical tradition in Hegel's accounts of reason, knowledge and truth.

### III. Hegel on Reason, Knowledge and Truth

As already noted, feminist epistemologists have acknowledged some elective affinities between their project and Hegel's philosophy. This acknowledgement, however, has rarely gone beyond the occasional reference, along with an insistence that Hegelian philosophy is of limited use to feminists in itself. Adopting or using Hegel's ontology or phenomenology in any wholesale way is seen as problematic. This is because in the first place, according to feminist critics, Hegel's argument ultimately relies on the possibility of absolute knowledge in the sense suggested above by Haraway, one which 'closes off' the subject/object dialectic in the 'unique' authoritative agency of the master philosopher—something which is clearly antithetical to all of the feminist epistemologies we have considered (Haraway 1991: 198). Moreover, in the second place, according to feminist critics of Hegel, this unique authoritative agency is constituted, or at least conditioned, by the denial of agency and subjectivity to women. This latter critique of Hegel is based on the ways in which Hegel positions women both biologically, in his philosophy of nature, and spiritually, in his phenomenology of spirit and philosophy of right.

Before looking at the question of Hegel's positioning of women, however, we need to examine the validity of the first feminist charge against Hegel. According to Hegel in the *Phenomenology of Spirit*:

In my view, which can be justified only by the exposition of the system itself, everything turns on grasping and expressing the True, not only as *Substance*, but equally as *Subject*. (Hegel 1977: 10)

Throughout his work Hegel consistently draws the contrast between reason in its proper sense (speculative reason, *Vernunft*) and reason as the application of subjective categories to externally presented objects (understanding, *Verstand*). Speculative reason involves moving beyond the alternatives of reading the relation between subject and object in any given proposition as either indifferent otherness or sameness. Instead he insists that the relation is inherently dynamic, simultaneously both identity and non-identity. What this means is that whatever the context of a claim may be, that is, whether it is to do with nature, spirit

or thought itself, the rational activity of the knowing subject is immanently connected to that which it is seeking to understand. In the exposition of the nature of that 'immanent connection', we can discern a pattern which is echoed by the two phases of Haraway's argument discussed above, that is, (i) the account of epistemic authority in her conception of objectivity, in which the socially/politically conditioned, open and ethical nature of knowledge claims is acknowledged, and (ii) the ontological aspect of Haraway's argument, in which the partial identity of knower and known is asserted in the idea of the material-semiotic actor.

The question of Hegel's understanding of both epistemic authority and the relation between thought and being is at the heart of debates in contemporary Hegel scholarship on the *Science of Logic* and the *Phenomenology of Spirit* and the relation between them (Pinkard 1988, 1994; Winfield 1989; Pippin 1989; K. Westphal 1989; Forster 1998). Commentators differ about whether Hegel's account of the conditions of absolute knowledge in the *Phenomenology of Spirit* is to be understood in realist (K. Westphal 1989) or idealist (Pippin 1989) terms; and over the meaning of truth for Hegel, whether Hegel thinks of truth in terms of correspondence—and if so between what (Harris 1997; K. Westphal 1997)—or consensus (Forster 1998). In what follows, I am necessarily skating over a series of contentious issues; what I want to suggest, however, is that it is those interpretations of Hegel which put into question the either/or construction of such scholarly debates which represent the most fruitful way of reading Hegel.<sup>5</sup> In particular, I will be arguing that it makes more sense to think of Hegel as both realist *and* idealist and as conceiving of truth not in terms of either correspondence or consensus but as a matter of both identity and recognition of and between subject-knowers, objects of knowledge and the audience of any given knowledge claim.

The words 'science' and 'absolute', which Hegel uses in both the *Phenomenology* and the *Science of Logic* to refer to his philosophical project, conjure up the idea of an omniscient being by whom the truth is grasped in a way which stands eternally over and above the evanescence of existence. However, the argument of the *Phenomenology of Spirit* is primarily concerned to demonstrate that there is always a relation between knowledge (claims

about the natural and/or social world) and ethical life. Any self-conscious being, including the philosophical scientist, remains caught within that relation rather than being able to transcend it. Hegel uses the term 'relative identity' to express this relation in order to capture the idea that this is not a purely contingent relation between fundamentally disconnected beings. Knowers are not simply connected to the world which they investigate, they *are* that world. This is not an absolute identity, however, but a relative and partial one. No one individual will find themselves wholly within, and no one individual exhausts, the possibilities of contemporary ethical life. A large proportion of the argument of the first five chapters of the *Phenomenology of Spirit* is concerned with problems raised by attempts to account for knowledge claims (both descriptive and prescriptive) with reference solely to the experience of individual conscious or self-conscious being in abstraction from the complex context of its mediation. Hegel makes clear that any such account will fail as long as it does not take account of the condition of 'spirit'.

The term 'spirit' is notoriously difficult to interpret in Hegel's work. The reader is introduced to the idea in the famous account of the 'struggle for recognition' in the *Phenomenology of Spirit* as 'this absolute substance which is the unity of the different independent self-consciousnesses which, in their opposition, enjoy perfect freedom and independence: "I" that is "We" and "We" that is "I"' (Hegel 1977: 110).<sup>6</sup> In this initial definition both the 'I' and the 'We' appear abstractly in the psychological story of the essentially social nature of individual self-consciousness. However, as the argument of the *Phenomenology* progresses, it becomes apparent that no 'I' exists in abstract relation to any other 'I' and that any experience of both 'I' and 'We' is conditioned and mediated by (but also conditions and mediates) the given context of ethical life, which includes legal, economic, social and political institutions, values and customs. The interrelation between given ethical life (which is experienced as objective and alien by self-conscious being) and the 'I's and 'We's of self-conscious being is one of 'relative identity'—both are aspects of spirit, but neither is reducible to the other. This means that attempts to comprehend or analyse either aspect of spirit are conceptualized in terms of a form of self-understanding in which

there is no possibility of finding a point beyond spirit from which to think. Spirit is what is constructed by and constructs individual self-conscious being; it is ethical life, and is also the reflection and comprehension of ethical life in art, religion and philosophy (including the philosophy of nature).

The progress towards absolute knowledge in the *Phenomenology of Spirit* does not signify a journey towards transcendent truth but towards the recognition of spirit as self-determination (however complexly mediated) and therefore as the ever-changing condition of all knowledge and all truth. The knowledge of spirit as self-determination is absolute in that it is a universal claim about ethical life, all individual and collective action in the world and all practical and theoretical claims. It is, however, also a claim which is contingently grounded. This knowledge, Hegel argues, is one that has been articulated in the modern, post-revolutionary world because only in this world did the conditions of possibility of its recognition become present.<sup>7</sup> Absolute knowledge is not what is contained in the final chapter of the *Phenomenology*; it refers to the way in which the exposition of the *Phenomenology* itself has guided the observing consciousness of the reader into comprehending the history of consciousness as its own complex and multi-faceted act and fate (Hegel 1977: 56–7). Absolute knowledge is not the prize waiting for us at the end of history, it is the spirit-dependent recognition that spirit is the only end of history there is. On this reading, the idea of an 'end of history' in Hegel ceases to represent the historically achieved objective standpoint of epistemic authority suggested by a variety of interpreters since Kojève. Instead, we find the characteristics of Haraway's 'usable but not innocent' doctrine of objectivity.

For Hegel, reason/knowing is socially and politically conditioned, and any given perspective excludes as well as enables knowledge claims to be made. This claim in itself, rather than closing off challenges to epistemic authority, makes the politics of knowledge evident and opens up the question of epistemic responsibility and the ethical commitments of the knower. The validity or otherwise of any given claim must inevitably depend on the degree to which respondents to it identify with those commitments. For Hegel, however, as for Haraway, these questions are not simply about the ethical agendas of scientists and the

public considered in abstraction from 'the facts'. What is being suggested is that truth is a matter of recognition, and that the possibilities of recognition themselves rest on patterns of identity and non-identity. The truth is a matter of where people stand in relation to the objects of their activity, but this in turn is a matter of what the knowers and their objects are—normative agendas and epistemological criteria are intrinsically connected to ontological factors. What knowers and their objects are, however, is not either simply given or static—even when the knower is fully self-conscious being and the object is purely material.

Hegel understands the knowing subject to be as much constituted by the object of knowledge as vice versa—there is no reason without nature and spirit. At the end of the *Science of Logic*, Hegel speaks of his philosophical project in terms of a circle of circles in which each of the sciences of logic, spirit and nature presuppose and imply each other (Hegel 1969: 842). Reason seeks to comprehend nature and spirit but it does so as always already mediated through nature and spirit, which are equally mediated through each other. However, this does not make nature, spirit and reason the same. Nature conditions and is conditioned by spirit, but the question of whether it is to be exhausted by spirit is, in principle, an open one (one that is perhaps more dramatically salient now, given the ecological pressures on the earth, than in Hegel's day; see Harris 1997: 21). Moreover, the dynamic of life inherent in material being takes on new dimensions for conscious and self-conscious material being which have implications for self-development in the realms of spirit and nature.

These implications can never be clear in advance, and certainly do not preclude the shifting of boundaries between spirit and nature, something which is exemplified (in the *Phenomenology of Spirit*) in Hegel's account of the formation of self-conscious being from the organic grounding of desire to the bondsman's refashioning of material objects (Hegel 1977: 104–19). Nevertheless, the understanding of nature is, for Hegel, an inevitably spiritualized activity. Reason, the process of comprehension, cannot transcend nature and spirit, since they form the conditions of its possibility at any given time and place. This means that Hegel's own philosophies of nature, spirit and reason are inevitably conditioned by his time and place, a time and place

which, from Hegel's perspective, were dominated by the recently articulated self-understanding of spirit as pure self-determination.

Two consequences follow from the above reading of Hegel's identification of spirit as self-determination and knowledge as an aspect, as well as a recognition, of that self-determination. First, Hegel's conception of philosophical science has to be understood as constructed through the mediations of ethical life. This means that all types of knowledge claims, whether about nature, spirit or reason, are radically historicized. Rather than the philosopher standing outside ethical life on transcendent grounds of judgment, the Hegelian speculative philosopher is always within ethical life and possesses no key to either truth or goodness. Second, however, Hegel's claim to absolute knowledge does not imply the capacity to either predict or control spirit's self-determination in its entanglement with nature and reason. The shapes taken by spirit do not depend on some form of mental activity but on the open-ended and multifaceted, but always conditioned, agency of objective and subjective spirit.

It is in these two respects, that Hegel's conception of knowledge reflects closely the claims made by Haraway. In the first place, knowledge is not only socially mediated but, as Haraway states, grounded in ethical and political conditions and inevitably partial. In the second place, the knowing subject is relatively identical to the object of knowledge and in dynamic relation with it. In both cases, what is at stake in terms of assessing the validity of claims to knowledge is a whole complex of connections (relative identities) with other subject knowers (which are always also connections to objects of knowledge) and their capacity to recognize the perspective from which any given claim is made, as well as the account of the object given. Knower, object and audience are all implicated in a complex, self-changing context, which is ultimately the source of the authority or lack of authority of knowledge claims.

#### IV. Towards a Feminist Epistemology

I cannot pretend, in the compass of this paper, to offer a proper elaboration or defence of the account of knowing and being which I have attributed to Haraway and Hegel. Instead, in this

section I will return to the concerns of feminist epistemology and demonstrate how, on the basis of the relative identity of knowing and being (such as I have claimed Hegel and Haraway maintain) a feminist critical evaluation of claims to knowledge is possible which does not collapse back into either the extreme perspectivism of feminist postmodernism or the claims to the high ground of epistemic authority in feminist empiricism and standpoint theory. In order to do this, I draw on Hegel's own pronouncements on women as my example of knowledge claims to confirm my argument that a feminist return to Hegel does not amount to 'sleeping with the enemy', but rather reinforces the point and purpose of feminist philosophical intervention.

It is because of his explicit pronouncements on women that Hegel is identified by Newman as an advocate of theoretical violence against women by men (Newman 1994). According to Newman, Hegel uses rational argument to justify or normalize the domination of women. For any feminist philosopher this is a matter of vital importance. If it is the case that Hegel is theoretically violent in this manner, then not only must this be something that feminist epistemology is capable of identifying and criticizing, it also constitutes a reason for distancing feminist philosophy from Hegelian insights. In what follows I will argue the paradoxical line that it is the case that Hegel is guilty of theoretical violence in some of his claims about women, but that this theoretical violence can be both identified and criticized through the account of reason, knowledge and truth derived from Hegel's own work. In other words, I will argue that Hegel can be accused of theoretical violence towards women only in so far as he abandons his own account of the nature and authority of knowledge claims. Pursuing this argument yields insights into what is implied by the approach to knowledge I have identified in Hegel and Haraway. Such an approach implies that it makes sense to say that Hegel is more wrong about women now than he was when he made his claims, because his partial grasp of the position of women has become less and less sustained by spirit and the forms of its self-understanding in science and philosophy. His position has therefore become less and less capable of being recognized or shared by the actual and potential audience of his argument.

The claims made about women in Hegel's philosophies of nature and right were contestable when he made them, aspects of

them are laughable now, but some aspects of them remain relevant and informative. This is not a question of finding excuses for Hegel but of trying to understand the conditions for the production of truth as neither fixed nor arbitrary, but a matter of the complex potential of self-changing, self-interpreting being. Although it must be the case that this epistemology departs from the notion of definitive, transhistorical criteria for distinguishing rational from irrational, authoritative from unauthoritative and true from false claims (a position which few epistemologists would hold in the late twentieth century), it does not disable the possibility of such evaluation altogether.

In reflecting back on the readings of Haraway and Hegel given above, four factors emerge as relevant to the evaluation of knowledge claims. First, the partiality of all claims to knowledge is inherent in Haraway's account of perspective and Hegel's account of the relative identity of particular knowing subjects to spirit. For Haraway 'scientific' and for Hegel 'absolute' knowledge rests on the explicit articulation of this partiality so that they both, paradoxically, link objectivity and truth to the acknowledgement of partiality. This implies that knowledge claims which disguise their partiality are immediately open to criticism.

Second, both Haraway and Hegel emphasize the significance of the articulation of the partial grounds of their own judgment (which has to do with both *where* and *what* the subject-knower is) to the possibility of the recognition of the validity of their claims by others. This recognition is best understood as a 'sharing' which rests on the degree to which the audience of any claim can identify with its grounding. This, therefore, implies that for Hegel and Haraway, knowledge claims can be evaluated by the extent to which they are recognized to be sharable—something which cannot be judged *a priori*, and is not in any sense in the gift of the subject making the claim.

Third, Hegel and Haraway assume the implication of all identities and knowledge claims in the ethical and political agendas of particular historical moments. There is always a normative dimension to the relative identity of subject and spirit in Hegel's account or to the perspective of Haraway's contemporary knowing subject. This means that knowledge is always political and

arguments over claims to knowledge cannot be settled in abstraction from ethics. Part of the evaluation of any given knowledge claim, therefore, will be the evaluation of the normative agenda implicit in it. Fourth, both Hegel and Haraway argue for the provisionality of knowledge claims in a world of self-changing subjects and objects. This means that no knowledge claim can be put forward as true for all time, and any such claim is open to criticism.

These principles of evaluation may now be put to work in the judgment of Hegel's claims about women. There are two major claims Hegel makes in relation to women: first that as female they embody a natural principle of passivity; second that women are essentially suited to an ethical role within the family and lack the capacity for direct engagement in the state and civil society. In the *Philosophy of Nature*, Hegel illustrates the female/passive, male/active principles at work in nature with reference to various animal species (Hegel 1970: 411-14). His argument relies on descriptions of the process of reproduction in various species which form the basis of a generalization about reproductive processes, which is then slotted into the idea of female passivity as the condition for, and recipient of, male activity.

According to the criteria identified above, the validity of Hegel's claims here rests on the extent to which he acknowledges the partiality of his claim, i.e., that he is 'seeing' from a particular point of view; the extent to which his view is sharable; the assessment of the politics implicit in his claim; and the recognition of its provisionality. On all of these counts Hegel's claims about female nature fail to convince.

First, Hegel does not acknowledge the partiality of his claims (thus contradicting his own account of knowledge as an aspect of the self-relations of spirit). As feminist critics have consistently pointed out, it is clear that others could not see what Hegel claims to see in his descriptions, unless they shared the identification of male with 'active' and female with 'passive' through which Hegel makes sense of the observations he selects. Second, an examination of the conditions of possibility of Hegel's perspective show that it has become less and less sharable by women, in particular, since women do not identify with the plant-like qualities with which Hegel associates them (Hegel 1991: 207). Even men no longer standardly see women in this

way. It is important to stress that not sharing Hegel's perspective is not simply a matter of choice on the part of other subject-knowers but of the experience of a lack of fit between their own perspective and that of Hegel, an experience conditioned by both nature and spirit.

Third, the politics of Hegel's argument is clearly anti-feminist in so far as it reinforces a range of dualities which have been complicit in the disempowerment of women across a range of times and places. Fourth, Hegel makes no allowance for the self-changing character of the subject and object of knowledge in his accounts of male and female in the *Philosophy of Nature*. The claims are made as if transcendentally true, in a way which contradicts his own understanding of the relations between reason, spirit and nature. For these reasons, I would argue that it is appropriate to see claims made about the female principle in Hegel's philosophy of nature as exemplifying theoretical violence towards women.

In Hegel's claims about women in society made on the basis of an understanding of spirit, as opposed to his claims about the female principle in nature, what emerges is somewhat different. In the *Phenomenology of Spirit* (Hegel 1977: 266-89) and *Elements of the Philosophy of Right* (Hegel 1991: 199-219), Hegel's claims about women rest on the identification of women not with a passive biological role but with an ethical role within the family which, in *Elements of the Philosophy of Right*, has its place in a complex of relations between family, civil society and the state. In the latter text Hegel's argument can be assessed as part of a broader argument about the nature of modern ethical life. Hegel presents the family as a form of ethical life which instantiates a complex division of labour and institutionalizes private property and individual right.

Rather than closing off the realm of the family from that of the public sphere, then, Hegel demonstrates how civil society and the state constitute and are constituted by specific familial relations as well as being in tension with them. There are no neat boundaries drawn between the different spheres—the family produces property owners and citizens only because of the way it is constructed through legal relations; these relations are, however, constantly both subverted and supported by relations of love and vice versa.

When Hegel refers to womankind as the 'everlasting irony' in the life of the community in *The Phenomenology of Spirit* and reproduces this account in *Elements of the Philosophy of Right*, it is not an expulsion of gender from the story of spirit but a recognition of the gendered construction of the private sphere as a constant challenge to the extreme particularism of civil society and to the supposedly neutral, abstract authority of law (Hegel 1977: 288). Having said this, however, insofar as Hegel claims that his account of the place of women in contemporary ethical life is authorized by reference to a transhistorical female essence, then that account loses its validity.<sup>8</sup> It does this in relation to each of the factors mentioned above. First, it disguises a set of claims enabled by a particular perspective of early modern social relations as a set of claims grounded in a universal, transhistorical female essence; second, because the perspective in question was not the only possible one even within the context of Hegel's own time and place and was clearly not shared by all of Hegel's contemporaries, women and men, let alone by those reading these claims today; third, because it is inseparable from an anti-feminist politics; fourth, because it denies the possibility of spirit shifting its shape—i.e., a world being created in which it is no longer even a set of partial truths.

There is theoretical violence in Hegel's analysis of women's place in modern social relations to the extent that Hegel presents his partial vision, grounded in his own relative identity with his time and place, as a universal prescription. However, in so far as his claims about the place of women in *Elements of the Philosophy of Right* demonstrate an ethical interdependency and tension between pre-modern and modern social relations—the paradox of what Pateman refers to as the 'sexual contract'—then he is articulating an aspect of experience in modernity which is clearly compatible with a variety of prescriptive positions and which has been vital in the articulation of feminist social and political theory. The validity that Hegel's account of women's positions does have will fade when the conditions which ground that validity have been transformed—a matter of the self-changing potential of both the subjects and objects of knowledge.

In conclusion, then, I have argued that in both Haraway's and Hegel's work a way forward can be found for a feminist epis-

temology which remains explicitly feminist in its goals and values, whilst continuing to function as an epistemology in which reasons can be given for the differential evaluation of claims to knowledge. At the heart of such an epistemology is the acknowledgement of the inseparability of knowing and being, the partiality of the knower and the provisionality of knowledge claims. The partiality of the knower is understood not in terms of cognitive bias but of the partial ontological connection (in nature and in spirit) between both subject knowers and objects of knowledge and between different subject knowers. The provisionality of knowledge claims refers not to the idea that we may gain better and better access to the real through improved techniques and methods, but to the notion of the self-changing nature of subjects and objects of knowledge. This means that judgments of the validity of any given truth claim cannot be made on the basis of an elaboration of the epistemic authority (or lack of it) of the subject making the claim. Validity is a matter of the recognition of a truth by others, a recognition which depends not on the idea of a view from many 'where's, as in Longino's 'cognitive democracy', nor even on the idea of 'a view from somewhere', as in Haraway's feminist standpoint, but on the idea of the possibilities and constraints inherent in what it is to be *where one is*. Thus, although such validity makes reference to a ground which is not stable this is in a way very different from the discursive relativism of feminist postmodernism. Haraway's ontological grip on the idea of 'perspective' and Hegel's notion of 'relative identity' both express this idea of the solid but moving ground on which claims may be both made and judged. In addition, in demonstrating that what it means to be where one is always also to articulate a politics, both Haraway and Hegel reaffirm the relevance of ethics to knowledge production and validation and affirm the relevance of feminist interrogations of the philosophical and scientific mainstream.

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## Notes

- 1 Feminist accounts of Hegel have tended to focus on his explicit pronouncements on women and on his ethical and political philosophy (Mills 1996; Gauthier 1997). Benhabib introduces the distinction between dutiful and rebellious modes of response to canonic thinkers (1996: 26).
- 2 Even in feminist standpoint theory, which is acknowledged to owe a debt to Hegel, feminist epistemologists rarely engage with his argument directly in any depth but rather introduce him as a thinker unable to build adequately on his own insights and leave it at that (Haraway 1991: 198; Harding 1991; 1993). There are exceptions to this, most notably Ring (1991) who attempts to ground a feminist dialectical theory of knowledge on the basis of a reading of Hegel and Marx.
- 3 It is important to note that many of the developments in mainstream post-positivist philosophical epistemology echo the concerns of feminist thinking—according to Tanesini, contemporary mainstream epistemology cannot be held to be equivalent to the kind of 'first philosophy' and foundationalism, with its assumptions about neutral epistemic authority and objectivity, of which feminist epistemologists are critical (Tanesini 1999: 3–65). For the purposes of this paper, the accuracy of feminist critical characterizations of mainstream epistemology is not my primary concern.
- 4 It would be impossible to give a satisfactory account of all the work in feminist epistemology here. For an overview of the different approaches, see Tanesini (1999), Alcoff and Potter (1993), Antony and Witt (1993).
- 5 My own reading of Hegel is most obviously influenced by the work of Rose (1981), Pippin (1989), and M. Westphal (1990).
- 6 Probably the most famous section of the *Phenomenology of Spirit*, following the influential reading of Kojève (Kojève 1980: 35–51), is that dealing with the formation of individual self-consciousness (Hegel 1977: 104–19). In this section of the text Hegel argues that human individual self-consciousness is fundamentally social, relying not on inner certainties but on recognition by and interaction with others. At this stage in the argument Hegel is discussing the most basic elements of self-conscious being, a discussion which is acknowledged to be inadequate

- unless it is extended to consider not simply the relation between human beings considered in isolation, but also that relation in the context of its construction and mediation by objective spirit (the world of social, economic, legal and political practices and institutions) which is both produced by and transcends subjective spirit (individual and collective self-conscious beings).
- 7 Hegel's frequently reiterated claim that the time at which he was writing exemplified a new departure in both history and philosophy amounts essentially to the claim, not that spirit had suddenly become self-determining when it had not been before, but that the idea of spirit's self-determination was now an insight that particular 'I's and 'We's of self-conscious being were explicitly articulating and institutionalizing, most obviously in the American and French revolutions. Of course, in the latter case in particular, Hegel argued that the notion of spirit's self-determination was misread in terms of a God-like ability to re-create the world which had disastrous consequences in the Terror (Hegel 1977: 357–9).
  - 8 My argument here is similar to Benhabib's when she identifies Hegel's argument about women as contrary to his own insistence on the nature of spirit as self-determining. However, I do not agree with Benhabib that Hegel is consistently violating his own presuppositions in his account of women in either the *Phenomenology* or *Elements of the Philosophy of Right* (Benhabib 1996: 32–4).

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## HEGEL'S THEORY OF NATURAL SEXUAL RELATIONSHIPS

Alison Stone

[T]he reception of the uterus, as simple reaction, is divided in the male into the productive mind and the external heart. So because of this difference the male is the active one; the female however is the receptive, because she remains in her undeveloped unity. *Conception* must not be reduced to the ovary and the male semen, as if the new construction were merely a composition of the forms or parts of both sides, rather the material element is surely in the female, while the subjectivity is contained in the male. (Hegel 1830b: §368A/3:175)<sup>1</sup>

In his *Philosophy of Nature*, Hegel develops an account of biological reproduction which describes the female as sexually passive and contributing matter to the offspring, while the male is designated as sexually active and as the contributor of the offspring's subjectivity. Scholars have argued that this description of biological sexual difference is crucially important in exposing the masculinist character of Hegel's mature philosophy as a whole.<sup>2</sup> Luce Irigaray, for instance, maintains that in treating females as passive sources of matter, Hegel reduces them to vehicles through which males confirm their self-identity. For her, this exposes Hegel's enduring concern to bolster male self-identity through the denial of selfhood to females (Irigaray 1974: 221). Similarly, Tina Chanter regards Hegel's account of reproduction as manifesting his guiding conviction that females are merely inadequate (passive and simplistic) approximations to males (Chanter 1995: 83). According to these critics, then, this seemingly arcane section of the *Philosophy of Nature* reveals that a framework of masculinist presuppositions underlies Hegel's philosophical system and all its constituent concepts. This implies that any straightforward acceptance or application of those concepts simply perpetuates the underlying masculinist assumptions—so that it is self-defeating for feminist philosophers to espouse Hegel's 'model of intrapsychic and social liberation' (Ravven 1988: 225).<sup>3</sup>

Since the interpretation of Hegel's account of natural reproduction carries significant implications for any assessment of his philosophical system, it is clearly important that we attempt to understand this account as thoroughly as possible. Only then can we draw any firm conclusions as to whether, and in what sense, Hegel's philosophy is masculinist. Yet none of Hegel's feminist critics have attempted to analyse the exact nature of the arguments through which he claims to establish the connection between femaleness, passivity and matter. In this paper I therefore aim to provide a much-needed examination of Hegel's account of natural reproduction and within it his theory of natural femaleness.

To make sense of Hegel's account it is necessary to situate it within the broader context of the *Philosophy of Nature*, which itself has received notoriously little attention from either Hegel scholars or feminists. Hegel's arguments for his characterization of natural femaleness prove surprisingly elaborate, embedded as they are within this convoluted theoretical structure. But a careful examination of these arguments pays off, enabling us to conclude that his philosophy is masculinist in a quite distinctive sense. First, Hegel understands natural sexual difference as fundamentally a difference between those who endure oppositions (males) and those who fail to do so (females). For him, this is a hierarchical difference—females' failure to endure oppositions places them at a lower developmental stage than their male counterparts. Second, according to Hegel, this fundamental difference causes males and females to adopt different roles in reproduction (active and passive roles respectively) and to make different contributions to their offspring. Third, Hegel's identification of females as intolerant of oppositions follows *necessarily* from his general account of natural processes. We can thus characterize his philosophy as masculinist in the specific sense that it includes a theory of nature that necessitates the identification of females as intolerant of oppositions (and so the identification of females as sexually passive and contributing only matter to their offspring).<sup>4</sup>

### I. Nature and the Animal Organism

Hegel's descriptions of natural sexual difference and natural

reproduction are located within his wider analysis of the animal organism. The fact that he is thus describing the difference between *animal* organisms might lead us to suspect that his description has no application to human beings. But he does not deny that human beings are natural, animal organisms; he merely believes that they develop additional features beyond their natural, animal features, whereas other animal species do not.<sup>5</sup> So what Hegel has to say about natural sexual relationships and natural difference does apply to human beings: his view is simply that human beings proceed to develop more complex forms of relationship as well.

Specifically, Hegel claims that the reproductive process succeeds a previous process in which the animal experiences a need (*Bedürfnis*) and strives to fulfil it. Animals begin to reproduce in order to resolve insoluble problems that they confront within the process of experiencing, and acting upon, needs. Accordingly, to understand Hegel's account of natural sexual difference, we must first examine his theories of both reproduction and need. This in turn presupposes a broad understanding of Hegel's view of the animal organism and its place within nature.

Hegel's *Philosophy of Nature* offers an *a priori* deduction of the necessary existence, content, and structure of the natural world, and fleshes out the skeletal deductive account with corroborating evidence from the various natural scientific disciplines. Hegel argues that nature contains two fundamental elements, matter and 'pure thought', by which latter he understands thought or thinking activity existing (somehow) independently of any thinking subject.<sup>6</sup> The initial state of the natural world—that of spatial extension—contains matter existing on its own, without any accompaniment from thought. As Hegel puts it, nature begins with 'the externality of space ... existing absolutely on its own account without the moment of subjectivity [i.e. of thought] ... as mere objectivity' (Hegel 1812–16: 843). He believes this state to be unstable and quite unsatisfactory. Accordingly it is superseded by a preferable, relatively complex, state (that of time), and thus a progression is set in motion through a series of natural stages, the culminating stage of which contains a state of accomplished *unity* between thought and matter. This series of stages unfolds with rational necessity—neces-

sary, in that for each stage there is only one successor stage which can improve upon its particular defect; and rational, in that the process is driven by the motivation to avoid contradictions (or more generally states of unresolved antagonism and tension).

In particular, the kind of unity between thought and matter at which the process aims is a unity in which thought *constitutes* matter. Far from existing independently of thought, matter is to come to exist and have its structure solely by virtue of thought. As Hegel outlines:

[P]hilosophical thinking knows that nature is not merely idealized by us ... but that the eternal idea dwelling within nature ... itself effects the idealization, the sublation, of extrinsicality [the initial state in which matter exists when independent of thought] ... . So philosophy has ... simply to observe how nature itself sublates its externality, takes back that which is external to itself into the centre of the idea, ... and frees the hidden concept from the covering of externality ... . This transition from necessity to freedom is not simple, but a series of stages consisting of many moments, the presentation of which makes up the philosophy of nature. (Hegel 1830c: §381A/1:45)

The unification of thought and matter is finally achieved in the last natural stage, that of organic life, which comprises the subject matter of the third part of the *Philosophy of Nature*, the 'Organic Physics'. Here, Hegel describes the living organism as the union of the concept with exteriorized existence, in which the concept maintains itself ... . Life is ... the resolution of the opposition between the concept and reality ... . This reality no longer is in an immediate and independent way ... . (Hegel 1830b: §337A/3:10–11)

Within living organisms, matter manifests its dependence upon thinking activity by existing as the 'members' of the organism. As Hegel likes to emphasize, members could not retain their character if they did not belong to the organism (a leg separated from a body rots away and ceases to be a leg). Members thus manifest that they depend for their existence and content on the constituting power of thinking activity, which is at the centre of the organism.

For Hegel, the most perfect kind of organism is the animal—the last kind of natural entity to be analysed within the *Philosophy of Nature*. The animal organism incarnates the unity between thought and reality at which the rest of nature had unsuccessfully aimed, and it does so through its exemplary possession of a centre of thinking activity that constitutes its parts in such a form that they manifest their constituted nature, by existing as the 'members' of the organism. The evident dependence of members on the thinking activity that unifies the animal organism has the consequence that this thinking activity becomes what Hegel calls a 'subject'. For instance, he describes the thinking activity that infuses organisms more generally as 'an elevation into the first ideality of nature, so that it has become a *fulfilled* and essentially *self-centred* and *subjective* unity, as it is self-relating and *negative*' (Hegel 1830b: §337/3:9). Moreover, the animal subject *senses* in virtue of this self-relating structure: since its members manifest their constituted status, the animal subject rediscovers itself within these members (as if it were looking in a mirror), and thereby *senses*.<sup>7</sup>

Let us now return to Hegel's account of animal need, which immediately precedes his study of reproduction and sexual difference. He introduces the process of need by arguing that the animal subject shifts from an original state, in which it senses only its own bodily members, to a condition of interaction with external physical objects. When the animal subject does this, it realizes that 'externality [is] ... the *negation* of the subject' (Hegel 1830b: §359/3:141) and that '[t]he self-feeling of *individuality* is ... immediately *exclusive*' (§357/3:136). Hegel is drawing upon his belief that the animal contains a subjectivity that constitutes its material parts. The encounter with external objects discloses to the animal subject that it has power and freedom only within a *limited* sphere—that of its own body. But, in becoming aware of the limited character of its constitutive power, the animal subject experiences its limitation as a deficiency—as Hegel enigmatically states, 'negation' is finitude, and is only a deficiency for that which constitutes the *sublated being* of this finitude, i.e. for *infinite* self-reference' (§359R/3:141). The animal subject's power had appeared unlimited, or 'infinite', in that it constituted its own members and so in relating to them did not relate to

anything that was not ultimately attributable to itself. The animal subject's unearthing of external objects that it has not constituted itself has now disrupted this seeming lack of limitation. This gives the animal subject the 'need' to eradicate the troubling external object and return to its former tranquillity.

The animal subject seeks to remove its 'need' by consuming the object. The object is thereby converted into an aspect of the animal's own body, over which its subjectivity wields constituting power.<sup>8</sup> The animal emerges from the process of need as a self-identical whole once more, free of threatening embroilment with external reality. But the subject's peace is short-lived, for it continues to confront the endless variety of *other* external objects which it can only assimilate one at a time.<sup>9</sup> Consumption is thus unsatisfactory as an attempt to eradicate the experience of limitation. The only way in which the animal subject can genuinely eradicate the experience of limitation, Hegel maintains, is for that subject to cease finding itself within just one body and become a 'universal' subject, a subject unconstrained by any bodily location and hence possessing the power to constitute all materiality:

Linked up with itself in this way, the concept [i.e. the *telos* of the animal subjectivity] is determined as the *concrete universal*, the *genus* [*Gattung*] ... Here the satisfied desire does not mean that the individual brings itself forth as this singular, but rather that it brings itself forth as universal. (Hegel 1830b: §366–§366A/3: 169–70)

It is important to note that Hegel refers to the animal's subjectivity as needing to assume the form of the *Gattung*—the 'genus' or 'kind'. Hegel identifies the genus with the universal form of subjectivity that is to be attained.<sup>10</sup>

The animal now embarks on the process of bringing itself into being as 'genus' (universal subjectivity). This process of becoming generic occupies the remaining stages of the animal's development; the first stage in this process is the sexual relationship (*Geschlechtsverhältnis*).<sup>11</sup> According to Hegel, in the sexual relationship, the animal subject begins to sense another animal. This may not sound like a startlingly *sexual* relationship, but Hegel's reasons for identifying it as sexual will become clear presently.

## II. Animal Intersubjectivity

Insofar as the animal subject proceeds to sense another animal, it is sensing an exterior body that is inhabited by a subjectivity that resembles itself. Indeed, Hegel believes that the two subjectivities are virtually identical, differing only in the single property that they each infuse a different body. In sensing the other animal's subjectivity, then, the first animal is sensing a subjectivity which has the potential to become strictly identical with its own subjectivity—save for the persisting bodily differences which insert a difference between the subjectivities. As Hegel puts it: 'The nature of each [i.e. subjectivity] permeates both, and both find themselves within the sphere of this universality' (Hegel 1830b: §368A/3:173)—that is, they find that there is something potentially universal and common to them as individuals. Yet: 'The individual is only one of the two individuals, and exists merely as a singularity' (§368A/3:173). Were their bodily differences somehow to be removed, the animal subjectivities would lose their one distinguishing property and would become literally identical. The resulting, unified, subjectivity would be stripped of any bodily location.

This also means, however, that if the animal subject were somehow to shed the embodiment which separates it from the other subject—and if that other subject were to act likewise—then the animal subject would have succeeded in assuming the form of the *generic* subject. Hegel himself clarifies this: 'the universality of the genus ... is the identity of the individuals, [and] is different from the particular individuality of these individuals' (Hegel 1830b: §368A/3:173). Were the animal subject to shed its difference from the other subject and so become disembodied, it would, in virtue of its disembodiment, have constitutive power over all matter, and so would have become generic. Of course, this is precisely what the animal subject needs to do at this stage. Hegel's claim, then, is that the animal subject begins to sense another animal because in so doing it senses another subjectivity and so a potentially *common*, generic, subjectivity which merely needs to be freed of its dividing bodily trappings.<sup>12</sup>

Its sensory awareness of this potentially generic subjectivity instills in the animal subject the urge to supersede the difference between the two animal subjectivities. As Hegel puts it:

This [sexual] relationship is a process which begins with a need, for ... the individual as a *singular being* is not adequate to the immanent genus ... . Consequently, the genus is present in the individual as a strain opposed to the inadequacy of the single actuality; it is present as an urge to attain its self-feeling in the other of its genus. (Hegel 1830b: §368/3:172–3)

According to Hegel, the animal subjects' action to realize this collective subjectivity takes the particular form of *reproduction* [*Begattung*]. The animals cast aside their differences, fusing into a collective subject, and this fusion into a collective subject is what Hegel understands as reproduction. Because the reproducing animals lose their embodiment, they die. So, Hegel alleges, 'the genus preserves itself only through the perishing of the individuals, which fulfil their determination in the process of generation' (§369/3:176).

Yet this is not really the end of the story. Hegel claims that only lower animals (he names butterflies) die at this point; higher animals live on. How is this possible, given the account of reproduction just outlined? If higher animal subjects are to survive, they must retain embodiment, and therefore cannot fuse together. Although Hegel does not explicitly develop the argument himself, it would make sense for him to maintain that instead of directly merging, higher animal subjects produce a *representation* of themselves as unified into the genus.<sup>13</sup> If they cannot amalgamate directly without dying, they can at least bring their generic unity out of its merely potential form by representing it in a form that they can readily detect and sense. It is, again, through the reproduction of offspring that the parent animal subjects can represent the common subjectivity. This is because the parents represent their collective subjectivity in the guise of the single, unitary subjectivity of their offspring: the singleness of its subjectivity represents the singleness of the collective subjectivity that would ideally supplant the single subjectivities of both animals. The offspring, therefore, is 'the *negative identity* of differentiated singularities, ... a *resultant genus* .... [which] differs from the singular beings whose differentiation has subsided into it, and is itself an immediate *singular*' (Hegel 1830b: §369/3:175).

For the offspring to possess a singular subjectivity itself, though, it must in turn be physically located. Without physical location, its subjectivity would not be singular, not individuated through its distinguishing spatio-temporal location. Thus the offspring must be a jointly physical and subjective being: in order to produce an entity which can represent their unity through its singularity, the parents must generate an entity which has a physical dimension.<sup>14</sup>

Having ascertained how animals come to engage in reproduction, Hegel claims that the two animals play different roles within the reproductive process. He understands this difference in reproductive role to arise from the different 'formation' of the animals (Hegel 1830b: §368A/3:174), that is, their possession of different anatomical forms. Thus it is because the two participating animals possess different anatomies that Hegel regards these animals as *sexually* differentiated (as he puts it, 'the disjunction of the singularity which comes to itself within the genus, constitutes *sexual difference* [*Geschlechterdifferenz*]' (§366, n.1/3:170)).<sup>15</sup> To understand his view of sexual difference, then, we must consider his account of reproductive anatomy.

### III. Internal and External Shape

Hegel introduces reproductive anatomy within his account of bodily shape (*Gestalt*) (Hegel 1830b: §355–§355A/3:126–31). Returning to that analysis, we find that shape as a whole expresses the nature of the animal's subjectivity in a fairly diffuse manner. Hegel treats reproductive differentiation as the third aspect of the overall organization of shape, unifying its first two aspects. These are, first, the *internal* development of shape into organs and inner structures, which Hegel calls the 'quiescent' (*ruhend*) aspect of shape, and, second, the development of shape *outwards* into limbs and extremities. Shape develops in these two ways in order to embody the different forms of sensory awareness that the animal's subjectivity takes up during the course of animal development.

First, during the process in which shape develops internally (*nach innen*), the animal's subjectivity does not relate directly to exterior reality, but senses only the members of its own body, re-

discovering itself within them. The animal's bodily members express the subject's self-referential mode of existence by growing inwards themselves. The inwardly growing members also provide the animal subject with a means through which to carry out its relationship with itself, by re-discovering itself within these members.

The second phase is that in which shape develops outwardly (*nach aussen*). At this point, the animal encounters the external world, and its subjectivity acquires the need to prove its power against this troubling externality—to which end the animal consumes external objects. The animal's members incarnate the subject's orientation towards the exterior by growing outwards (Hegel 1830b: §355A/3:131). These externally oriented members have the additional function of enabling the animal subject to resolve the problems that have arisen through its encounter with external reality, by providing the animal subject with the means with which to consume the vexing reality. Outwardly oriented members therefore not only reflect the fact that the subject interacts with the exterior, but also enable the subject to engage in the consuming activity for which this interaction calls.

The development of reproductive shape is the third moment of shape, and it too both reflects the animal subject's current form of sensory awareness and enables the subject to act in ways that appropriately accompany that form of awareness. But what is this form of awareness? Hegel claims that:

The *third* moment of shape is ... its relation to another, but to an other which at the same time belongs to the same genus, and in which the animal comes to sense itself. (Hegel 1830b: §355A/3:131)

Thus here the animal subject is sensing the genus latent within its subjectivity and that of the other. Reproductive anatomy also enables the animal subject to act in the way that appropriately accompanies this sensory relationship to the genus. That is, the anatomy enables the animal subject to fulfil its need to realize the genus by reproducing, representing the genus in the guise of offspring. Reproductive shape, then, expresses the animal's attitude of sensing the genus, and provides the corporeal means enabling the animal to realize this genus through representational reproductive activity.

Inasmuch as reproductive shape in general expresses the animal subject's sensory awareness of the genus, and enables reproductive activity, it would appear that the reproductive anatomies of all animals are identical in form and function. Hegel himself remarks that 'on account of the original identity of their formation, the same type underlies both the *male and female genitals*' (Hegel 1830b: §368A/3:174). However, beyond this, he understands anatomical difference by assimilating the anatomies of female and male animals to the 'quiescent' and 'outwardly oriented' aspects of shape respectively. He maintains that the organs of male animals are formed on the outside of the body, functioning as extremities, while the organs of female animals remain within the body, functioning therefore as elements of the internally organized shape. He alleges that 'in one or other of these genitals, one or the other part is essential; in the female this is necessarily the undifferentiated element, while in the male it is the sundered element of opposition' (§368A/3:174).

The meaning of this esoteric language of 'opposition' and 'undifferentiation' is now relatively transparent. The 'essence' of male reproductive anatomy is the 'element' of opposition and division in the sense that this anatomy manifests and expresses the subject's sense of opposition to the external world, and facilitates the subject in acting in light of this attitude. Correlatively, the 'essence' of female reproductive anatomy is the 'element' of undifferentiation in that this anatomy manifests and expresses the subject's sensory fixation upon its own bodily members, its original self-referential unity—prior to the troubling revelation of the existence of the opposed external world. The organs of male animals, therefore, assume the form of extremities, while those of female animals grow inwards into the female body. Accordingly,

the uterus in the male is reduced to a mere gland, while ... the male testicle in the female remains enclosed within the ovary, fails to emerge into opposition, does not become for itself, does not become an active mind (Hegel 1830b: §368A/3:175).<sup>16</sup>

In this sense the development of reproductive difference in shape further 'unifies' the two previous aspects of shape by *distributing* them unevenly between the sexes.

Hegel's view, though, is not that kinds of reproductive anatomy limit the possible forms of sensory awareness available to animal subjects. After all, it is his belief that reproductive anatomy develops as the expression of subjective forms of awareness and as the means through which the subject can undertake activities appropriate to those attitudes. Thus it must be Hegel's view that reproductive shapes *enable* male or female animals to express and act in accordance with forms of sensory awareness that they already uphold. So Hegel seems to believe that male and female animal subjects just *have* different forms of awareness, which their distinct reproductive anatomies incarnate. Hegel most basically understands sexual difference as a subjective difference, a difference at the level of forms of awareness of the self and the world—not an anatomical difference.<sup>17</sup>

Hegel's argument concerning natural sexual difference has turned out to be peculiarly complex, and it may be helpful to summarize the argument so far. Animal subjects, it has been argued, seek in reproduction to create a representation of the genus, the collective subjectivity that they detect shared between them (existing in merely potential form due to their entrenched bodily differences). The two participant animals play different roles within the reproductive process; this is because of their different anatomical forms. While the female animal's anatomy is internally directed, the male's points outward. This anatomical difference itself expresses a prior difference in the ways in which the two animals are aware of the genus.

#### IV. The Female Failure to Endure Oppositions

These components of Hegel's theory of natural sexual relationships—his belief that animal subjects strive to represent a lurking generic subjectivity through reproduction, his conception of reproductive shape as expressing the sensory awareness of the genus and enabling the appropriate realizatory action, and his claim that female reproductive shape develops internally—are the materials with which we can now assemble a coherent picture of Hegel's view of the female animal. First, the female animal subject is sensing the genus, and this relationship is expressed in her reproductive anatomy (as is also true of the male animal subject).

Second, female reproductive anatomy expresses a self-referential relationship, a relationship of the subject to itself. Consequently, the female animal subject's relationship to the genus must somehow be simultaneously a relationship to herself. Expressed from that point of view in which anatomy facilitates action, the female animal subject first needs to produce a representation of the genus, and appropriate action is facilitated by her reproductive anatomy (again, this is also true of the male animal subject). But female reproductive anatomy also facilitates the circular re-discovery by the subject of itself. Consequently, the act by which the female animal subject produces a representation of the genus must somehow simultaneously be an act through which she produces internal body parts that manifest the internally constitutive power of her own subjectivity.

These two conclusions imply that the female animal subject in general is distinguished by the fact that *she treats the genus as identical with her individual subjectivity*. She fails to realize, in the first instance, that she needs to bring into being a generic subjectivity that *differs* from her own, singular, subjectivity. Having failed to make that realization, she cannot realize that she needs to represent the genus as an offspring with its own individual identity. On the contrary, the female animal subject endeavours to realize a generic subjectivity that she has *identified* with her own subjectivity.

I may seem to be reading too much into Hegel's remarks on the female animal, which—as any perusal of the *Philosophy of Nature* will reveal—are presented rather less systematically than my reconstruction suggests. However, it is plausible to think that a line of reasoning which at least resembles that outlined here must underlie Hegel's position, for such reasoning explains his contention that female 'undifferentiation' is responsible for the female animal's distinctive role in reproductive activity. If Hegel believes that the female animal subject identifies herself with the genus, it would follow that when she tries to realize the genus, she must do so simply by producing materials inside her own body—for it is only in materials belonging within her own body that she is able to re-discover her own, unitary, subjectivity, to which she has assimilated the genus. The female animal subject, in short, reproduces by generating parts within her own body;

Hegel identifies these parts with the 'menstrual discharges' (Hegel 1830b: §368A/3:175), though, we might suppose, with ova as well.

In contrast to the female animal subject, the male, inasmuch as he does not develop internally oriented anatomy, does not appear to have made the mistake of identifying the collective, generic unity with his own singular subjectivity. Conversely, he seems to take the unity for what it is: a genuinely collective unity, distinguished from his own singular subjectivity. The male animal subject thinks of the genus as something outside of himself as a single individual—as is reflected in the external orientation of his reproductive anatomy. Nonetheless the appropriate action for him is not to realize the genus directly (by dying), but to represent the genus, and his externally oriented reproductive anatomy enables him to do that. For this anatomy permits him to create a representation of the genus as something that differs from his individual subjectivity, that is, the offspring with its singular individuality (representing the fusion of the parent animals' subjectivities). Male anatomy, then, is so structured as to enable the male subject to produce this *different* subjectivity. His mode of creating this subjectivity is therefore, by means of his anatomy, to fling it *outside* of his body (that is, to expel semen).

Nonetheless, an important element of Hegel's picture of the male animal subject is that the male subject does *not* confer only subjectivity on the offspring—contrary to Hegel's own assertion. Since the male animal subject needs to create an offspring that represents the genus through the *singleness* of its subjectivity, he must create an offspring that is embodied and so located (for reasons that I enumerated earlier). The male subject confers matter on the offspring as well as subjectivity. Consequently, he 'externalizes' the representative subjectivity within a material wrapping of semen. The assertion that opened this paper, in which the male is said to confer only subjectivity, is therefore misleading even in terms of Hegel's own theory, and over-exaggerates the starkness of the difference between the sexes.

We have lastly to understand how male animal subjects' externalized semen connects with female animal subjects' internally produced ova to create a foetus. Presumably Hegel believes that the male expels the semen specifically with a view to insemin-

inating the female: he discharges the semen towards or into her. Hegel's account of reproduction can explain this in terms of the fact that the male animal subject has generated a representation of an allegedly *common* subjectivity, shared between him and the female animal subject that he has encountered. He therefore passes the representation on to the female because he seeks to make manifest the fact that the representation is of this unitary, shared subjectivity. For her part, the female animal subject is simply engaged in producing contents inside her own body, so does not 'expel' anything towards her male counterpart, and simply receives the representation that he foists on her. Accordingly, Hegel alleges that the uterus is 'receptive' (as we saw in the opening quotation, he attributes this to the female animal's 'remaining in her undeveloped unity'). He also states that: 'The clitoris ... is inactive feeling in general; in the male ... it has its counterpart in active sensibility ... the male is the active principle' (Hegel 1830b: §368A/3:175).

In any event, because male and female animals reproduce externally and internally respectively, Hegel's account of sexual difference entails that the male animal subject contributes *both* matter and subjectivity to the offspring, while the female animal subject contributes only matter. The male animal subject represents the genus to himself as the kind of non-individual, collective, subjectivity that it genuinely is—and so he creates its representation in the form of a single subjectivity that must be both physically located and expelled from his own body. But the female animal only produces *material* contents that point back towards the unity of her subjectivity: she can contribute only matter to the offspring.<sup>18</sup>

Feminist interpreters have been right to identify this depiction of reproductive difference as frankly portraying female animals as inferior to males. There have proved to be at least four ways in which this is so. First, a hierarchical connotation is conveyed by Hegel's basic idea that the female animal omits to distinguish her singular subjectivity from the genus—for Hegel, states of primitive union invariably arise at lower developmental stages than states of complex separation or antagonism. Second, he depicts male animals as superior in contributing the offspring's subjectivity as well as its matter, while the female con-

tributes merely its matter. Third, a no less dismayingly familiar aspect of this account of reproduction is its portrayal of the female animal as completely passive during the act of intercourse. Fourth, it is striking that Hegel's general account of the reproductive process as the process of representing a generic subjectivity that differs from singular selfhood has turned out to be the same as his more specific account of the reproductive process that *male* animals experience. For Hegel, the male approach to reproduction is 'the norm, the female approach deviant.

In terms of our overall understanding of Hegel's position, it is crucial to note that, for him, the difference between the reproductive contributions made by males and females is a consequence of the more fundamental difference between their subjectivities.

Having explicated Hegel's argument this far, there remains one obvious lacuna. We have found nothing that makes it clear *why* he believes that the female animal subject equates the genus with her singular subjectivity, nor, indeed, why he believes that the male animal subject does not do so. His entire argument seemingly rests upon the unargued assumption that female animal subjects fail to endure the difficult opposition between these two aspects of their reality (singularity and the genus). From Hegel's own point of view, however, he has not merely assumed that females adopt an undifferentiating outlook: he has deduced that they *necessarily* do so. As he emphasizes: 'The formation of the different sexes *must* be different, their determination in opposition to one another which is posited by the concept *must* exist, because they constitute the drive as differentials' (Hegel 1830b: §368A/3:174). That is, the two reproducing animals necessarily develop different anatomies because they necessarily assume different forms of subjective awareness. But Hegel has still omitted to tell us *why* animals necessarily assume these different forms of awareness.

Despite Hegel's own vagueness on this point, my reconstruction of his position reveals that his general characterization of the animal organism *does* necessitate the belief that females do not tolerate oppositions. To make this clear, let us imagine a reconstructed version of his theory of reproduction according to which both female and male animals seek to represent the genus

as something distinct from their singular subjectivities. In this case, each animal would generate a materially embodied singular subject, but the fact that there would then be *two* offspring would prevent these offspring from representing the *unity* of the parent animals. The offspring would represent only the duality of the parents, which is precisely what they wish to represent as overcome. From the parents' point of view, then, it is necessary that there should be only one offspring, and accordingly only one animal can generate it. Yet, at the same time, the other animal must play some role in the reproductive process, otherwise the offspring cannot represent the unity of *two* participating animals. Hegel's solution to this problem is for the other animal to contribute only matter to the offspring. This neatly enables that animal to participate in reproduction without contributing singular subjectivity and so leading to a duplication of offspring. However, in turn, Hegel can only explain why this animal should contribute mere matter by supposing that it assimilates the genus to its own subjectivity and then represents the genus so construed by generating material contents (within its own body). Thus Hegel's general account of reproduction necessarily commits him to the belief that some animals (females) unify their singular subjectivities with the genus while other animals (males) do not commit this error.

In sum, then, Hegel's broader theoretical framework requires him to believe that females are intolerant of oppositions and that they confer matter upon their offspring. Insofar as his account of reproduction, animal life, and natural development more generally entail this conclusion about female nature, Hegel's *Philosophy of Nature* can be identified as masculinist. It involves a conceptualization of the male/female distinction in terms of a hierarchical distinction between tolerance and intolerance of oppositions, and this conceptualization cannot be extracted from the wider philosophy without the structure of that philosophy being altered beyond all recognition. By extension, we may conclude that Hegel's mature philosophical system as a whole is masculinist to the extent that it includes this theory of nature as one of its core components.

This detailed study of Hegel's theory of natural sexual relationships has enabled us to refine our understanding of the way

in which Hegel's philosophy can be designated as masculinist, by obtaining an exact grasp of the masculinist dimension of his philosophy of nature. However, it has been possible to develop this relatively precise understanding of Hegel's masculinism only by situating his pronouncements on natural sexual difference in the context of his wider philosophical theories. It is impossible to obtain an adequate understanding of Hegel's theory of sexual difference if that theory is taken in isolation from his analysis of the animal organism and, ultimately, from his governing metaphysical belief in the fundamental natural antagonism between pure thought and matter—the antagonism that is provisionally resolved in the structure of the animal organism. A general conclusion of this study, then, is that the feminist work of identifying and criticizing the masculinism of Hegel's philosophy can proceed effectively only when integrated with thorough study, not only of his elaborate arguments for his conception of sexual difference, but most importantly of his central metaphysical ideas and arguments.

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## Notes

- 1 All references are to English translations of Hegel's works, frequently corrected without special notice. Paragraph references precede page references. 'R' stands for remark (*Anmerkung*), 'A' for addition (*Zusatz*).
- 2 See Beauvoir 1949: 40–1; Chanter 1995: ch. 3; Derrida 1974: 108–14; Irigaray 1974: 214–26; Krell 1989: 99–102; 1998: ch. 10. By 'masculinist' I understand philosophies that consistently accord higher value to the male or masculine (and any elements associated with it) than to the female or feminine (and associated elements).
- 3 Ravven argues that Hegel offers a proto-feminist conception of civil society as an antidote to the overweening homogeneity of family life. Relatedly, Jeffrey Gauthier interprets Hegel's ethics as anticipating feminist critiques of Kantianism (Gauthier 1997). From the perspective of critics such as Irigaray and Chanter, such approaches to Hegel are self-defeating, as are attempts to employ his concepts in abstraction from the surrounding system (such as

- Nancy Fraser's recommendation of 'recognition' for groups suffering from cultural injustices (Fraser 1997: ch. 1)).
- 4 Of course, Hegel's philosophy may also be masculinist in including (within the *Philosophy of Right* (1821)) an account of marriage and the family that consigns women to domesticity and private life. Yet he explicitly defines marital relationships as parasitic on natural sexual relationships: 'Marriage ... contains first the moment of natural vitality; ... this involves life in its totality, namely as the actuality of the *species* [Gattung] and its process ... the union of the natural sexes' (Hegel 1821: §161/200-1). So the masculinism of Hegel's theory of nature bears final responsibility for the presence of further masculinist elements in his thought. (I ignore his famous study of the ancient Greek family in the *Phenomenology of Spirit* (1807), since I am taking his mature system, expressed in the three-volume *Encyclopaedia of the Philosophical Sciences* (1817, revised 1827, 1830) as the definitive statement of his philosophy.)
  - 5 Usually Hegel informs us that thought marks the cut-off point—human beings develop the capacity to think while non-human animals do not. 'The animal ... exhibits merely ... sensation ... . It is man who first raises himself above the singleness of sensation to the universality of thought' (Hegel 1830c: §381A/1:49). Since thought does not emerge until the *Philosophy of Spirit* (the third volume of the *Encyclopaedia*), all the descriptions in the *Philosophy of Nature* (its second volume) apply to human and non-human animals alike.
  - 6 This extra-subjective thinking activity comprises the subject-matter of Hegel's *Encyclopaedia Logic*, where he observes that 'the logical in general must be grasped not merely in the sense of a subjective activity, but rather as what is strictly universal and hence objective at the same time' (Hegel 1830a: §80A/127). His view that matter and thought are nature's two basic constituents is never expressly stated, but is implied by his account of the creation of nature by thought (at the end of the *Encyclopaedia Logic*). This account begins with the emergence of the 'idea', a form of a thought that thinks of the 'unity of the concept [i.e. thought] and its reality [i.e. matter], the concept rebuilt as concept within its objectivity' (Hegel 1835: 1:143). The idea subsequently transforms itself from the mere *thought* of this unity of thought and matter into an *objectively* existing unity of thought and matter—namely, nature (see Hegel 1812-16: 843). However,

- nature initially exists not as the unity of thought and matter that Hegel has led us to expect, but as a realm within which thought and matter are divided: nature's 'being does not correspond to its concept, and it is rather the *unresolved contradiction*' (Hegel 1830b: §248R/1:209). More specifically, for Hegel, nature manifests its original internal division by containing only matter, with no admixture of thought at all.
- 7 Hegel's claim that animal subjectivity consists of thinking activity does not contradict his view (discussed in n. 4) that thought distinguishes human from non-human animals. For thinking activity exists within the animal only in the form of *sensation* (or, more exactly, as a subjectivity which senses), not yet in the form of thought itself. In Hegel's terminology, the thinking activity contained within the animal is still only *an sich*, 'in-itself' or potential, not yet *für sich*, 'for-itself' or actual.
  - 8 Hegel 1830b: §362/3:147-8, §364/3:152.
  - 9 Hegel 1830b: §362/3:148.
  - 10 E.g. Hegel 1830b: §376A/3:211-2.
  - 11 On this point I follow the first (1817) and second (1827) editions of the *Philosophy of Nature*, in which the sexual relationship directly succeeds the transition into the generic process. In the third edition, Hegel changed the location of the 'sexual relationship': he treated it as the *second* phase of the generic process, following an initial phase involving the relationship between genus and species. By contrast, in the earlier editions, this study of genus and species is placed *after* the study of the sexual relationship. I take the earlier account as definitive, for reasons that I shall not rehearse here, since the ordering does not affect Hegel's fundamental argument.
  - 12 'For the genuine solution to this contradiction [of need] it is necessary that the other to which the animal relates itself should be identical with it' (Hegel 1830c: §381A/1:33).
  - 13 Although I am reconstructing Hegel's position here, he himself states at one point that 'Conception is the contraction of the whole individual into its simple, self-abandoning, unity, into its *representation* [Vorstellung]' (Hegel 1830b: §368A/3:175).
  - 14 Hegel criticizes reproduction on the grounds that the offspring simply restarts the process of animal life, as *another* animal, another singular individual. Reproduction consequently makes

no real headway in solving the problems besetting animal existence, but advances the cause of only the 'spurious infinite' (Hegel 1830b: §369/3:176), instituting an endless repetitive course in which new animals traverse the very same processes as their parents.

- 15 This sentence was omitted from the third (1830) edition, but again I follow the earlier editions on this point.
- 16 In describing the uterus as a male gland and the testicles as an element of the uterus, Hegel espouses what Thomas Laqueur calls a 'one-sex' model of anatomy. According to Laqueur, the 'one-sex' model dominated anatomical thinking until the late eighteenth century, at which point a new model of radical anatomical difference emerged. In the one-sex model, as he explains, 'women had the same genitals as men except that ... "theirs are inside the body, and not outside it"' (Laqueur 1990: 4).
- 17 We might wonder whether it makes sense to call this subjective difference a *sexual* difference given that it pre-exists the difference in anatomical formation (Stella Sandford brought this point to my attention). However, in Hegel's terms, the subjective difference can be meaningfully classified as sexual insofar as it necessarily and immediately manifests itself in the anatomical difference (and hence indirectly in the ensuing difference in reproductive role).
- 18 Noticeably, Hegel's analysis seems premised upon a failure to acknowledge that the female animal gives *birth* to the offspring, a fact which might have suggested to him that the female animal also expels a singular, materially located, subjectivity. Birth is mentioned nowhere in the *Philosophy of Nature's* account of reproduction.

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## HEGEL AND THE PROBLEM OF PARTICULARITY IN MORAL JUDGMENT

Jeffrey A. Gauthier

Among the more philosophically interesting points of intersection between feminism and Hegel's ethical thought is their common attention to the limitations of formal or abstract moral theory in providing a genuinely universal perspective. Hegel assailed the 'emptiness' of formal moral principles in his early arguments against Kant's categorical imperative as a criterion for moral action. In his later writings, Hegel explicitly moved to a historical account of ethical progress that emphasized the passions that advance universality as opposed to formal procedures for testing the universality of proposed actions. In a similar vein, feminists have called attention to the failure of allegedly universal moral theories to pick out the immorality of sexist institutions and practices prior to political activism. While some theorists have focussed on the inadequacies of traditional moral theory in attending to the wrongness of sexism,<sup>1</sup> others have argued specifically that only a politically engaged and even partisan perspective can recognize and overcome a socially embedded injustice such as that of sexism.<sup>2</sup>

In her paper 'The Practice of Moral Judgment', Barbara Herman defends Kantian proceduralism<sup>3</sup> against charges such as these, arguing specifically that Kant's moral theory can both account for moral change and provide a framework for moral perception in politically turbulent times. Interestingly, while Herman aims 'to present a plausible moral theory that is clearly and distinctively Kantian', she grants the distinctively Hegelian point that Kant's categorical imperative test must rely upon 'pre-procedural' moral content in the form of 'rules of moral salience' in order to arrive at concrete judgments (Herman 1993: 71). Likewise, Herman grants the point that sexist and racist assumptions—'concepts that institutionalized inequality'—have sometimes become embodied in these rules so that an agent correctly employing the test of the categorical imperative might be subject to moral error (Herman 1993: 88). Unlike Hegelian and feminist critics of Kant, however, Herman argues that the inclusion of

preprocedural assumptions in Kant's test need not diminish the scope of a Kantian theory of moral judgment.

In this paper, I argue that while Herman offers an innovative account of how novel moral discoveries come to be integrated within Kant's formal ethical theory, her account fails as a general defence of Kantianism because of its inability to provide for the epistemological conditions for making those discoveries. As I argue below, because Kant's theory of ethical justification is also a theory of ethical motivation, judgments following from the test of the categorical imperative must not merely accommodate moral progress but must be able to serve as the mainspring for moral progress. In arguing that the categorical imperative test cannot serve as such a mainspring, I rely upon observations derived from contemporary feminist theory and practice. If I am right, these feminist arguments not only parallel Hegel's observation that moral change requires passionate engagement over and above the (deceptively) cool detachment of proceduralism, they provide a more concrete and historically interesting ground for that observation than do Hegel's own often dubious historical examples. Moreover, by carefully articulating why the oppressed person cannot unproblematically assume the stance of the self-respecting moral agent, by showing how seemingly selfish or otherwise partial actions may be necessary for exposing false universality, and by recognizing the need for establishing alternative social support structures for transgressive agents, feminists have reshaped distinctively Hegelian themes in a manner that Hegel himself could never have foreseen.

### I. Abstract Universality

The charge that Kantian universalism may be more historically inflected and less universal than it lets on is hardly new. Hegel himself first developed this charge in his early essay *Natural Law* (1802/3) with his challenge to Kant's important argument that one could not universalize a maxim to steal a loan (Kant 1788: 27–28). Moreover, Hegel's argument revealed a fundamental epistemological shortcoming in Kant's formalistic approach to morality. If Hegel is right, taking the application of a formal criterion (such as the categorical imperative test) as the sole stan-

dard for right action serves to obscure and thereby to privilege certain normative assumptions necessary to apply the test. It is precisely this point that grounds Hegel's turn away from formal morality and towards passionate engagement as a source of political progress. In light of this, it is worth considering the structure of Hegel's objection in greater detail.

In the *Critique of Practical Reason*, Kant had argued that a universal principle to steal loans when it suits one's purposes to do so contradicts itself. This is because the entire practice of paying out loans (and the system of private property on which it depends) would collapse under such a principle. The test of the categorical imperative demands that an agent will only those maxims that he could, at the same time, will as a universal law. Because the agent could obtain a loan and expect to reap private benefit from that theft only within a system of private property, it is inconsistent for him simultaneously to will a principle that would entail the non-existence of that system.<sup>4</sup> Thus, by means of 'the mere form of giving universal law', it is clear that the maxim is impermissible (1788: 27).

Hegel, however, disputes this interpretation, emphasizing that Kant's reading rests on the unstated assumption that the agent is merely pursuing a selfish motive in the act. Although a selfish agent would need the system of private property to realize his end, this is not the only possible motive for the act. If the agent actually intended to destroy the system of private property to achieve a moral or political objective for example, there would be no contradiction in willing the non-existence of property. This means that if the act of stealing a loan is categorically wrong, such a judgment cannot rest on the willing of the thief (which might or might not be consistent), but on an independent fact concerning the wrongness of undermining the system of private property. Unless we assume that the system of private property is itself moral, we are in no position to claim that a moral principle inconsistent with the existence of the system is immoral (1802/3: 436-437).<sup>5</sup> While Kant claims to have developed a formal test for morality based solely upon the will of the agent, the test can in fact yield its categorical injunction only by assuming ('smuggling in') an additional and untested normative claim concerning private property (Hegel 1802/3: 438).<sup>6</sup>

What will prove of greatest importance for the discussion to follow is the way in which Kant's test obscures its reliance upon contingent moral judgments in its attention to procedural detail. In this regard, it is critical to emphasize that in showing how Kant's formal criterion for morality employed historically contingent moral judgments in its procedure, Hegel did not mean simply to attack the validity of those judgments. Indeed, Hegel provides his own (openly historically inflected) justification for the existence of private property.<sup>7</sup> The problem with Kantian formalism lies rather with its pretence of offering a moral theory that is free from social and historical contingencies in its judgments. It is only by means of such 'trickery' that Kant can assert that the sole motive for the ethical life is that which takes the moral law (i.e. the principles following from the categorical imperative test) as its sole guide (1802/3: 438). If the formula of the moral law cannot be applied in the absence of contingent and thus defeasible moral judgments, then its deliverances are subject to error. This means that we have no assurance that acts endorsed by the procedure are truly moral, nor that acts condemned by it are necessarily immoral. Moreover, if the deliverances of the categorical imperative test can fail to embody genuinely universal principles, then the moral agent cannot rely upon those deliverances as an uncontested guide for moral knowledge. Most importantly for Hegel, this means that action from the motive of duty may fail to be genuinely universal while rebellious and even formally 'immoral' motives may be the vehicles for obtaining access to more universal judgments.

Such an insight links Hegel's early criticisms of Kant and Fichte with his later emphasis upon those times in history when universality found its vehicle in the passions and particular interests of individuals whose commitment to any 'moral law' was dubious at best. These were the historical moments in which the particular and even selfish motivations of persons brought about a shift in our understanding of the universal. Hegel concludes on the basis of such examples that, 'The special interest of passion is ... inseparable from the actualization of the universal ... . This may be called the cunning of Reason—that it sets the passions to work for itself' (Hegel 1837: 43-44). Actions motivated by a kind of willing that might well fail the test of the categorical

imperative have been precisely what was needed to advance our conception of universality. Unfortunately, as Allen Wood has justly observed, Hegel's examples of these actions come most often from the standard iconography of European history, turning his historical account of the progress of universality into little more than a 'time to praise famous men' (Wood 1991: 230). Hegel's conventionalism notwithstanding, however, his integration of the passions into his account of the universal has implications for moral epistemology with direct relevance for feminism.

The failure of universalist procedures of moral justification to pick out oppressive practices as wrong, and the need for alternative ways of discovering their wrongness, have generated an important line of criticism against those procedures by feminist theorists. As Catharine MacKinnon succinctly states the feminist case against abstract universalism, 'The generalized, universal, or agreed-upon never did solve the disagreements, resolve the differences, cohere the specifics, and generalize the particularities' (MacKinnon 1989: xv). Indeed, much of the work of MacKinnon and other feminist legal scholars has been dedicated to exposing the various ways in which a distinctively white and masculine point of view has found embodiment in the procedurally neutral outcomes of the legal system.<sup>8</sup> The failure of that system to provide an adequate means for women to protect themselves against job discrimination, sexual harassment, and even rape and sexual assault (especially when the assailant is known to the woman) all betray the false universality of the law. Perhaps foremost among the reasons for this failure is the fact that women have not been consistently recognized as moral agents deserving of respect prior to the application of the procedures. As Simone de Beauvoir once observed, a man's 'relations with woman ... lie in a contingent region, where morality no longer applies, where conduct is a matter of indifference' (Beauvoir 1949: 613).

Inasmuch as formal procedures have failed to pick out a broad range of practices that abet the subordination of women, the identification of these practices as part of a system of oppression has depended on the passionate and often partisan work of feminist activists. The 1969 'Principles' of the Redstockings stated this in the form of a principle, 'We take the woman's side in everything. We ask not if something is "reformist," "radical,"

"revolutionary," or "moral." We ask, is it good for women or bad for women?' (Morgan 1970: 583). In eschewing objective criteria of assessment, it was not the aim of feminists to produce a purely 'subjective' account of sexism, but rather to get beyond the already sexist assumptions that inhabited allegedly neutral criteria—including moral criteria. This meant that these feminists took up the unabashedly partial hypothesis that women were oppressed and that women's descriptions of that oppression were to take priority over any other. By means of this working assumption the full scope of the injustice of sexism came to the fore. In the words of MacKinnon once again, 'a working assumption [became] a working discovery' as the partiality granted to women's accounts permitted the injustices needed to 'objectively' ground the appeal to partiality to come into view (MacKinnon 1989: 86). While feminist consciousness-raising groups may seem to bear little resemblance to the 'great men' of Hegel's historiography, they share something in common that is of vital importance as concerns universality. In each case, the partisan activity of the agent<sup>9</sup> is one of the conditions for discovering the objective grounds for the partisanship. Because of this, the Kantian demand that we act only on those maxims that we can ground prior to our acting would have precluded the discovery.

At this point, it is important to recall that the line of criticism against Kantian universalism that I have been pursuing began with the argument that formal procedures such as the categorical imperative fail to achieve their universalist goal because of their inability to rise above the historically contingent assumptions that are needed to apply the procedures. Suppose, however, that Kantians were to admit that the test of the categorical imperative could not function apart from the use of socially and historically contingent assumptions. Suppose further that these same theorists could admit that those assumptions could serve to encode a false ideological picture of women and men. Could one develop a recognizably Kantian theory whilst all the while divorcing oneself from the objectionable 'false universalism' that characterizes traditional theories? As noted above, Barbara Herman has argued that the introduction of social and historically contingent background assumptions, or 'rules of moral salience (RMS)', in the formal procedure of the categorical

imperative is inevitable, and that this fact need not count against the procedure's central place in ethical theory. Thus it is important to take up her argument in greater detail.

## II. Rules of Moral Salience

Herman's case that background rules are necessary for Kantian proceduralism rests on her analysis of the procedure itself. Because the categorical imperative is not a rule but a principle for assessing agents' maxims for action, there is a need for already extant rules or conventions to govern the application of the principle. For example, the moral agent must rely upon certain non-moral 'rules of relevance' in deciding which features of an action need to be a part of its maxim (Herman 1993: 75). It is essential to distinguish the parts of an action that are the genuine conditions of its performance from those that are merely incidental if one is adequately to describe the subjective principle of an act.<sup>10</sup> To use the test of the categorical imperative, one must know, for example, that the desired end of an act is relevant to its performance in a way that the action's being performed at 3:15 p.m. ordinarily is not.

Even more important as concerns the Hegelian and feminist objections discussed above is Herman's acknowledgement that an agent must already possess certain kinds of background moral knowledge if she is to use the categorical imperative test. To describe any proposed action for moral assessment, the agent must be able to pick out the features of that action that pose a moral risk, i.e., the aspects of the action that are 'morally salient'. The reasons for this are twofold. First, an agent has to know which of her actions need to be subjected to moral judgment. Being able to see why tying a noose around my neighbour's neck raises moral questions that tying my shoes does not is a necessary condition for any further moral inquiry. Herman notes that Kant himself acknowledged the need for this kind of background moral knowledge in his examples in the *Groundwork*. In those cases, an awareness of the potential conflict between universality and inclination serves as the motivation for subjecting the proposed action to moral scrutiny in the first place.<sup>11</sup> Secondly, moral knowledge is necessary for an agent to describe a proposed

action in such a way that its principle or maxim can accurately be assessed. As Herman remarks, 'An agent who came to the CI [categorical imperative] procedure with no knowledge of the moral characteristics of actions would be very unlikely to describe his action in a morally appropriate way' (Herman 1993: 75). This points to the need for moral understanding that is independent of the judgments rendered by means of the test of the categorical imperative.

According to Herman, *RMS* provide such an understanding, functioning as 'preprocedural intuition[s] or convention[s]' that alert the agent to situations of moral risk, and thereby permit her to arrive at descriptions of a proposed action that are suitable for moral assessment (Herman 1993: 84). *RMS* do not specify rules or duties in the manner of a formal procedure, but serve to make the agent aware of the moral dimensions of various situations. *RMS* structure the agent's moral sensitivity or perception so that some acts stand out as in need of moral attention (e.g., requiring the scrutiny of the test of the categorical imperative), while others fade into the background or perhaps even disappear altogether (as in the case of cultural taboos). Though *RMS* do not arise as a result of formal moral judgment, because they shape the structure of moral perception *RMS* exercise an influence on procedural moral judgments. Herman contends that issues such as 'who is a moral agent or end-in-himself', the conditions of agency for moral agents and what can interfere with those conditions, and the 'marks of reasonable claims and constraints' are all preprocedurally decided by *RMS* (Herman 1993: 86).

Though *RMS* arise in the context of culturally specific norms and mores, it does not follow from this that *RMS* are immune from the universal constraints of the moral law in either their formation or their function. Noting that for Kant the moral law is a 'fact of reason' exerting an influence on the decision structure of all rational agents whether or not they are aware of the procedural tests of the categorical imperative, Herman argues that *RMS* 'express the same fundamental concept (the Moral Law) that the CI procedure represents for purposes of judgment' (Herman 1993: 85). Herman finds the rational basis of *RMS* in the rationally irresistible 'conception of oneself as a moral agent among others' (Herman 1993: 87). That universal conception in

turn places a demand on any society for a provisional solution to the problem of how persons are to interact as moral agents, one that finds expression in the *RMS*: 'The *RMS* are to be viewed as a set of rules that encode a defeasible solution to questions about the nature of moral agents, the appropriate descriptive terms that capture morally salient features of our situations, our decisions, and so on' (Herman 1993: 87). Although the need for *RMS* derives from the necessity of the moral law itself, any particular set of *RMS* represents a merely provisional and contingent reply to this demand, subject to continuing moral scrutiny through history.

It is in the process of revising *RMS* to match our developing awareness of the demands of moral agency that Herman finds an explanation for critical political concepts associated with class, race, and gender. Because they develop preprocedurally in the institutions and practices of a particular cultural order, *RMS* can be a prime repository for deep-seated cultural prejudices. Moreover, because they govern our capacity to perceive the moral significance of persons and events prior to making conscious moral judgments, *RMS* may permit 'errors of moral judgment that will not be caught by the CI procedure' (Herman 1993: 89). This does not mean, however, that *RMS* are impervious to moral criticism. Because the defective *RMS* expressed a solution to a problem that was grounded in our awareness of the demands of the moral law, like-grounded moral concepts that criticize existing social structures, such as racism or sexism, afford a means for exposing those defects. Herman writes:

I do not know (historically) what prompted such notions as 'racist' or 'sexist' to emerge in contemporary Western culture and become moral notions (terms of moral criticism). One way of understanding what happened when they did, when they came to shape a part of our sense of a moral ideal, is to see these categories as having been incorporated in the prevailing *RMS*. Existing rules of salience bearing on racial and sexual matters were found to be insufficient—to encode concepts that institutionalized inequality ... . Deeply held views about the nature of blacks or women had to be unmasked and corrected, prejudices and fears overcome, so that their full moral status could be acknowl-

edged and seen ... constituting a practical adjustment in the concept of 'person as an end-in-himself' ... . The terms of criticism are based in the same moral conception of persons that supports the rules and categories needing revision (Herman 1993: 88–89).

Because *RMS* are only provisional and have their basis in the same 'moral law' that grounds social critical categories such as sexism or racism, *RMS* remain subject to political critique regardless of their cultural standing.

By acknowledging that the ideological moral blindness associated with institutionalized injustice may be generated within the underlying assumptions that moral agents rely upon when they test their maxims, Herman has provided an explanation for why sexist and racist practices so long escaped moral scrutiny within the Kantian tradition. To the extent that a racist or sexist ideology is 'encoded' into *RMS* that govern the application of the categorical imperative, the test will remain insensitive to certain kinds of racism or sexism. This may be because the *RMS* fail to pick out a practice or feature of an action as morally salient (e.g., when it does not occur to a moral agent to subject a cultural practice such as sexual harassment or rape within marriage to moral scrutiny), or because the harm that comes to individuals or groups as a result of the action or practice is not recognized as a harm.<sup>12</sup> It is worth noting that this 'failure of perception' may not be limited to oppressive agents, but could characterize the conscious attitudes of the victims of oppression as well, a point to which I shall return below. Nevertheless, because the critique that permits the discovery of defective *RMS* derives from the same (universal) moral ground as the provisional moral rules, none of this constitutes a challenge to Kantian universalism.

### III. Rules of Moral Salience and Moral Epistemology

Rather than reject what may be the strongest Hegelian objection to Kantian proceduralism, Herman has resourcefully attempted to incorporate it into an account of how the presence of contingent rules could be accommodated by a recognizably Kantian moral theory. This enables her to explain both why the 'moral errors' occasioned by ideology can long go unnoticed even by

otherwise competent moral agents, and why the correction of those errors itself becomes a moral imperative once they are discovered. As Herman states in the passage cited above, however, she is limiting her consideration to explanations of what happens after the discovery of defects in the background rules governing the categorical imperative test, and setting aside the question of how agents came to discover that certain rules were racist or sexist.

While such agnosticism as regards the context of discovery might be acceptable for a teleological moral theory (in which it is the consequences rather than the motives of action that take on direct moral significance), it is not so easy for a 'clearly and distinctively Kantian' analysis to brush this issue aside. As Herman herself has emphasized in other writings, Kant's moral theory is distinguished not only by the primacy of the moral law in its conception of ethical justification, but by the supreme importance that it assigns to the motive of duty: '[T]he motive of duty must be by itself sufficient to bring about all that is morally required' (Herman 1993: 32).<sup>13</sup> In acknowledging that *RMS* are necessary for reaching moral judgments on the basis of the categorical imperative, Herman puts a new spin on this doctrine. If treating all persons as ends-in-themselves is morally required, and if ideologically grounded defects to *RMS* systematically impede our capacity to perceive whole classes of persons as ends-in-themselves, then the motive of duty must be sufficient to induce what is necessary to correct those defects.

To act from the motive of duty, an agent must will only those actions that she judges to be consistent with the test of the categorical imperative (Herman 1993: 24, 95–96, 202). Herman points out, however, that because one cannot develop and test a maxim without invoking untested *RMS*, and because *RMS* can be the site of deep-seated oppressive attitudes such as sexism or racism, agents who rely exclusively on that test as a guide for action may be unaware of the manner in which racism and sexism inform their judgments. Under such conditions, 'agents using mistaken *RMS* may make errors of moral judgment that will not be caught by the CI procedure' (Herman 1993: 89). Until quite recently, for example, a man who made patronizing judgments about women and acted in accord with such judgments, could have developed a principle of action consistent with

the prevailing *RMS* that would pass the test of the categorical imperative. In the unlikely event that he was sufficiently free from the prevailing assumptions to perceive patronizing actions toward women as worthy of moral scrutiny at all, it is likely that the same (unquestioned) assumptions concerning the disparate nature of women's and men's moral capacities<sup>14</sup> would have sufficed to make a maxim of patronizing behaviour universalizable. This problem occasions a deeper difficulty. Because Kantian theory ultimately judges acts according to how they are willed, and because the procedure of the categorical imperative informed by *RMS* is the test for how an act is willed, it seems possible for an agent who is acting on the basis of morally deficient *RMS* to permissibly will an objectively wrong action. As concerns the agent who could find nothing wrong in a maxim that we might consider patronizing toward women, 'If moral judgment is tied to maxims, *RMS*, and the CI procedure, then we seem compelled to say that he has acted permissibly' (Herman 1993: 91).

Although she does not take up precisely how moral agents could disabuse themselves of ideologically rooted 'moral errors' in any detail, Herman suggests that agents are not entirely without recourse in this regard. With the awareness that errors in *RMS* can involve deeply rooted political ideology, Kantian moral agents have a duty to develop mechanisms suitable for reducing the possibility of such errors. Herman suggests, for example, that '[i]t would be reasonable to attend to claims made by and on behalf of those omitted from equal consideration, to consider who benefits from their exclusion, and so on' (Herman 1993: 88). Beyond this, Herman states that moral agents need not be entirely in the grip of the prevailing *RMS*, especially if they are aware that such rules are only defeasible solutions to a problem posed by the moral law. Once they are aware that the concepts governing the moral perception of their time and place are subject to moral critique, 'agents will be able to consider whether the moral categories they use are in fact compatible with the respect owed toward persons' (Herman 1993: 90).

It must be said that Herman's optimism concerning moral agents' capacity to detect and overcome defects in *RMS* seems at odds with the historical intransigence of ideologies of oppression. Extremely perceptive Kantians (beginning with Kant him-

self), have proven unable to extricate themselves from profoundly sexist assumptions. Moreover, by making a good will the sole criterion of the right, Kantianism directs the agent's moral attention to the conscious intentions of an act rather than to its objective function as part of a broader system. One of the features of systems of oppression such as racism and sexism that makes them so difficult to change is the fact that even thoughtful and perceptive moral agents can perpetuate the systems without consciously willing any racist or sexist principles at all.

Even if the motive of duty were entirely effective in moving oppressors to reconsider their judgments and actions in reaction to feminist criticisms, however, a far more important question concerns whether or not that same motive can move those 'omitted from moral consideration' to recognize the injustices performed against them, and compel them to demand the respect that they are due as moral agents. As a matter of historical fact, changes in the moral perceptions of the powerful, if they occur at all, come in response to the demands of the morally and politically disenfranchised. The suspicion of the moral point of view shared by Hegel and many feminists concerns the manner in which the motive of duty, necessarily informed by the prevalent assumptions of a given time and place, can come to embody an oppressive conception of agency. To the extent that the prevalent interpretation of the moral point of view does not fully recognize the moral agency of a class of persons, it may take an extraordinary effort for a member of an oppressed group to recognize the limitations imposed upon her as an injustice. Moreover, by restricting an oppressed agent to the performance of actions that could be endorsed by the motive of duty, Kantianism may rule out precisely the non-moral or even immoral acts of passion that would serve as the goad to moral progress.

In her perceptive study of the moral epistemology of the oppressed, Susan Babbitt emphasizes that the background conceptions of personhood and identity that govern our moral perception are bound up in myths and fantasies that define the lived possibilities of entire groups of people. Gaining epistemic access to different sets of possibilities may involve transgressive acts, the full implications of which cannot be grasped in advance, even by the agents themselves. Babbitt centres much of her discussion on

the story of Sethe, the runaway slave in Toni Morrison's novel *Beloved*. In a moment of passion, Sethe attempts to kill her children rather than allow them to be taken back into slavery, an act that results in the death of her daughter and in her two sons running away. Sethe's action, while it may make 'moral sense' to us, was neither the result of moral reflection on Sethe's part, nor was it clearly intended to achieve any moral end beyond the expression of Sethe's love for her children—a love that was itself impossible within the limits imposed by slavery (Babbitt 1996: 117). Neither the socially unacceptable act of killing her children, nor the socially acceptable one of permitting them to be enslaved, was consistent with the love she felt, nor with the 'moral law.' It was only by means of the former act, however, that the immorality of permitting them to be sold could concretely emerge—for Sethe herself as much as for those who could comprehend the meaning of her action. Babbitt points out that the very possibility of 'moral reflection' requires a conception of oneself as a moral agent, as a person deserving of respect. Yet it is precisely this conception that was unavailable to Sethe (Babbitt 1996: 45).<sup>15</sup>

Systems of oppression such as slavery, sexism, or racism effectively deny moral status to whole classes of persons, i.e., they generate *RMS* that fail to acknowledge or lend concrete recognition to the moral status of members of the oppressed classes. Because of this, the most morally significant action that a member of such a class can perform will be that which effectively challenges the framework through which she is rendered morally invisible. As Babbitt points out, however, such an act is necessarily an 'ethical and epistemological gamble' (Babbitt 1996: 25). Not only is it liable to be falsely perceived as merely crazy or selfish, but the agent herself will lack a concrete sense of her own moral justification prior to the act. For Sethe, it was only by means of her impassioned act of attempting to kill her own children that she came to 'know that slavery is worse than death' (Babbitt 1993: 52).<sup>16</sup> Moreover, it was only by means of her realization of that fact that she gained the concrete sense of self-respect that made it possible for her to claim her own rights as a moral agent and, thereby, to challenge the false universality of the prevailing moral assumptions. Acting was the precondition of knowing.

The fact that a member of an oppressed group may need to find support for a socially transgressive action in order to come to self-realization as a moral agent grounds the self-conscious stance of partiality adopted by many feminist support agencies. A woman who is in an abusive relationship with her spouse, for example, is likely to feel a similar absence of morally acceptable choices, and thereby be deprived of recognition as an authentic moral agent. In this case, the social expectations placed upon her to be a 'good wife', the relationship of economic dependence that she and any children may have with respect to the husband, and the love that she may feel for him, all make abandoning him a difficult and seemingly irresponsible task. Staying with him, on the other hand, entails being subjected to a form of terrorism inconsistent with self-respect as a moral agent. The woman who attempts to follow the motive of duty in such an (impossible) situation will try to escape the dilemma by trying to control her husband's rage, an attempt that is not only doomed to fail, but the failure of which is likely to generate self-blame (Walker 1979: 8; Schechter 1982: 316). It is only by means of what is likely to seem to her to be the rebellious and extraordinarily selfish act of leaving her husband that the moral impossibility of the expectations that were placed upon her can come into relief.<sup>17</sup> In order to aid the battered woman in coming to that realization, feminists have tried to provide an alternative social context in which a woman who leaves her abuser can find support. In contrast to the unremittingly hostile world in which Sethe was forced to make her 'ethical gamble', the shelter is intended to provide the moral and material means that the survivor will need if her gamble is to pay off. Self-consciously 'taking the woman's side' is critical to the process of lending social recognition to the new sense of moral agency taking shape in the woman who has made the difficult and dangerous choice to leave an abuser.<sup>18</sup>

Examples such as these demonstrate why the 'motive of duty' is insufficient to bring about the changes in moral agency among the oppressed that would be necessary for moral progress. Most importantly, self-recognition as an autonomous moral agent is effectively unavailable to oppressed agents who lack any available choices that are expressive of genuine autonomy and self-respect.<sup>19</sup> General epistemic access to a morally autonomous self

that could reflect on its choices from a 'moral point of view' requires a social order in which all agents find their autonomy consistently recognized and supported by society. As Hegel argued, autonomy can exist only insofar as the community provides for the adequate expression of the interests and desires of its members (Hegel 1821: 122-25, 130). This means that if the motive force of moral progress lies with the oppressed (as I have suggested that it does), then the motive of duty alone will be insufficient to bring about the changes necessary to correct or improve morally defective background rules for applying Kant's test of the categorical imperative. In the absence of morally uncertain acts of passion that serve to expose the inadequacy of the prevailing assumptions behind the moral law, the defects of those assumptions will remain obscure.

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#### Notes

- 1 See e.g., Beauvoir 1949: 613-17; MacKinnon 1987: 1-17; 1989: 83-105; and Calhoun 1988: 451-63.
- 2 See, e.g., Morgan, ed. 1970: 583; Jaggar 1989: 129-56; and Babbitt 1996: 37-60.
- 3 I use the term 'proceduralism' in this paper to refer to any theory that claims that a formal procedure (such as Kant's categorical imperative test) is sufficient as a standard for moral action.
- 4 This version of Kant's test assumes only that it is impermissible to will the non-existence of a practice in which one is engaged, unless it is part of one's intention to eliminate the practice. Some authors (e.g., Korsgaard 1985) have attempted to answer Hegel's objection with the stronger claim that it is always inconsistent for an agent to will the use of a practice for a private end if the universalization of that willing would result in the destruction of the practice. On such a view, it would not be open to the anarchist or communist to use the system of private property to undermine it. This reply, however, runs foul of another of Hegel's objections to the categorical imperative test. Hegel points out that the universalization of even clearly virtuous maxims such as 'Help the poor' would also have the effect of eliminating the practice of giving to the poor: 'Either there are no poor left or

there are nothing but poor; in the latter event no one is left to help them. In both cases the help disappears' (Hegel 1802/3: 439). Despite the failure of the universalized maxim to preserve the practice that the agent uses to achieve his end, however, in this case we would not judge that the agent is doing wrong in giving to the poor. Thus, it does not seem true that we can never will the use of a practice when the universalization of the willing would destroy the practice.

- 5 See also Hegel 1807: 430; 1821: 135R.
- 6 For further discussion of Hegel's account of the categorical imperative see Walsh 1969: 24; Wood 1990: 165-67; and Gauthier 1997: 17-21.
- 7 See Hegel 1821: 41, 46, 46R; 1830: 486.
- 8 See e.g., Littleton 1987; MacKinnon 1987 and 1989; Minow 1988; and Crenshaw 1989.
- 9 Consistent with Hegel's conception of agency, I am assuming that the agency in question here may be that of an individual or a collectivity. See e.g., Hegel 1807: 468; 1837: 15.
- 10 Formulating a maxim for some action *A* requires a description of the relevant circumstances of *A*, and the end or purpose for which *A* is performed. See O'Neill 1975: 32-42; and Herman 1993: 134, 221.
- 11 'If we now attend to ourselves whenever we transgress a duty, we find that we in fact do not will that our maxim should become a universal law ... but rather that its opposite should remain a law universally: we only take the liberty of making an *exception* to it for ourselves (or even for just this once) to the advantage of our inclination.' (Kant 1785: 424)
- 12 Of course, the latter may be causally related to the former. The failure to consistently recognize the status of women as persons worthy of respect can blind the sexist agent to the harms of such practices as sexual harassment or acquaintance rape.
- 13 '[O]ne cannot ... avoid the importance of the idea that *one way* of acting—from one motive—is given moral preeminence' (Herman 1993: 2; see also 3,6, 215). For further discussion of how agency and motivation is central to Kant's ethics see Darwall 1986: 291-319; Loudon 1986: 473-89; Ameriks 1987: 179-212; and O'Neill 1989: 145-162.

- 14 A good example might be Kant's own view as expressed in *Observations on the Feeling of the Beautiful and the Sublime*: 'Women will avoid the wicked not because it is unright, but because it is ugly; and virtuous actions mean to them such as are morally beautiful. Nothing of duty, nothing of compulsion, nothing of obligation!' (Kant 1764: 81).
- 15 For Hegel, too, the moral freedom of the slave is merely abstract and potential so long as a person is living under slavery. See Hegel 1821: 57R.
- 16 Babbitt's contention that one must act in order to come to self-knowledge parallels another important Hegelian theme. For Hegel, self-knowledge, including moral autonomy, is the precipitate of activity and the reaction to that activity within a community (see Taylor 1985: 77-96).
- 17 That self-interest would be extraordinary challenges another Kantian assumption, i.e., that selfish behaviour can simply be assumed in human beings. Kant could not have been thinking of a member of an oppressed group when he claimed that it 'indicates a man with a *broadened way of thinking* if he overrides the subjective conditions of his judgment ... and reflects on his own judgment from a *universal standpoint*' (Kant 1790: 295). For a contemporary criticism of feminist 'partiality' resting on the same dubious assumption, see Darwall, Gibbard, and Railton 1992: 181-82.
- 18 On the nature of these support mechanisms, see Walker 1979: 232, 246; and Butler 1985: 35.
- 19 This follows from Babbitt's examples, though she does not directly address them to the deficiencies of Kantianism as a moral theory, but rather to certain versions of rational choice theory.

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## LOVE'S PARADOX: MAKING SENSE OF HEGEL ON MARRIAGE

Elizabeth Brake

Love is therefore the most immense contradiction; the understanding cannot resolve it, because there is nothing more intractable than this punctiliousness of the self-consciousness which is negated and which I ought nevertheless to possess as affirmative. (Hegel 1821: 199, §158)

Hegel's notion that spouses form a union through ethical love, relinquishing their independent personalities, is of interest to feminists but difficult to make intelligible. After a sketch of Hegel's account of marriage, I will attempt to clarify the notion of ethical union. Then I wish to make three criticisms of this account. First, on the only plausible interpretation of ethical union, marriage is an institution which necessarily threatens individual autonomy. Second, Hegel attributes ethical significance to the marriage contract, and thus to formal marriage, not just the relationship of ethical love. This raises problems for feminists, and it is also puzzling in the context of his view that the ethical value of marriage does not originate in contract. Third, his account locates the ethical value of marriage in the generic roles and duties it prescribes, with the result that natural feeling is inessential. Again, this reduces the appeal of his account for feminists who wish to attribute ethical value to love, but it also raises internal problems. Hegel's ethical rationalism undermines his account of the ethical value of marriage.

### I. Marriage and Feminism

What *else* can feminism have to say about marriage? Marriage has been identified as a site and (in some accounts) the source of women's oppression. For example, under the doctrine of coverture, a woman lost her legal personality on marriage. Marriage law operated to oppress women, and liberal states countenanced women's oppression, even after they had ceased to countenance the oppression of any other group, on the basis that marriage and

motherhood constituted women's vocation. Great thinkers served as apologists for women's relegation to the private sphere of marriage and family, arguing that they were not capable of any other sort of activity.<sup>1</sup>

Today marriage law has been reformed in most liberal societies and women are no longer restricted to the roles of wives and mothers. But even in progressive societies, pressures on women to excel in the roles of homemakers, mothers, and companions to men, whether in or out of marriage, persist. Despite the increase in divorce, unmarried cohabitation and single-parent families, marriage remains an ideal for many. And for many groups, marriage is still synonymous with traditional, gender-structured, monogamous heterosexual marriage. The legal exclusion of same-sex marriage continues to promote heterosexuality—which feminist theorist Catharine MacKinnon sees as structuring patriarchal inequality—and limit individual liberty.<sup>2</sup>

But marriage is not simply a means of oppression (any more than heterosexual sex is). There are reasons why long-term intimate companionship remains an ideal for many, even for those now excluded from legal recognition as marriage partners. A feminist account of marriage should criticize those aspects of marriage which are entwined with patriarchy (which aspects these are may not be immediately obvious). But (depending on the outcome of that question) such an account might also discuss the value of long-term intimate relationships and (another step) of their legal recognition.

Feminists have drawn attention to the role which reformed marriage law could play in creating equality between the sexes.<sup>3</sup> This is a possible *instrumental* value of the institution of marriage, that is, a way in which the institution could be useful in achieving other valuable goals. But feminists might also ask whether the institution of marriage has *intrinsic* value, that is, whether it is valuable not merely for any effect it brings about, but for its own sake. Given the interest of many feminists in an ethics of care, some feminists might wish to consider a claim that loving intimate relationships do have intrinsic value. An institution designed to recognize such relationships would have instrumental value in protecting and promoting those relationships, which are, on this hypothesis, valuable in themselves. Of course,

such an institution must measure up to other feminist standards. Loving intimate relationships would on this account have the same value whether or not they were formalized as marriages.

It is unlikely that feminists would be drawn to support a claim that the institution of marriage has intrinsic value. But an account that intimate loving relationships have intrinsic value, and marriage an instrumental value in promoting them, might appeal to feminists on two counts. First, it fits in with the project undertaken by some feminists of re-evaluating the moral role of love.<sup>4</sup> Second, an account of the institution of marriage as (merely) instrumentally valuable in this way would undercut arguments for the defence of traditional marriage by allowing that whatever value it has can equally be found in same-sex, non-traditional and cohabiting relationships.

Deprivileging the institution of marriage is morally desirable because of the historical and contemporary connections between traditional marriage and institutional sexism. These connections are not contingent. For instance, seeing formal marriage as the necessary condition for the permissibility of sex has deep conceptual connections with patriarchy: containing sex is containing women, since patriarchy links women to sex in a variety of ways.

Hegel's account of the value of marriage should be of interest to feminists. There are two distinct (but not exclusive) ways in which moral value could attach to marriage: either through its institutional structure, that is, the contract and the exchange of rights and responsibilities which distinguish marriage, or through the relationship between the individuals, a type of relationship which does not share extension with marriage. The former account would attribute intrinsic value to formal marriage while the latter would attribute value to the relationship, and only instrumentally to marriage. Attaching value to the institutional structure has disadvantages for a feminist account, precisely because this attributes a unique moral value to formal marriage. Additionally, arguments from the institutional structure will tend to focus on the current sexist and heterosexist structure.

Hegel's account of marriage focuses on the relationship between the spouses, not on the institutional structure. Hegel explicitly repudiates accounts which cast marriage right as an ownership right and locate the moral value of marriage in its for-

mal contractual establishment. Since Hegel's account attaches moral value to the relationship, it provides a model for such an account (although Hegel's own account restricts marriage to formalised heterosexual relationships). Although Hegel's account is interesting for these reasons, his ascription of value to ethical love ultimately fails.

## II. Marriage as Ethical Union

Marriage occupies a crucial position in Hegel's political philosophy: it is the immediate phase of ethical life (*Sittlichkeit*), which in turn is the third, and highest, stage in Hegel's system. In ethical life, freedom becomes actual, manifest; and it is only in ethical life that individuals are able to achieve substantial freedom, which is their essence and aim (Hegel 1821: 189, §142; 192, §149). Duty is the key to this fulfilment. Ethical life is the realm of duty, customary and habitual as well as moral. It is through the constraints of duty that individuals, though they may seem to lose their freedom, actually attain it, through the purification of the unchosen drives of the will and the firm acceptance of a particular (defined and limited) self, a set of goals, motives, and values.

The *Philosophy of Right* charts the individual's psychological progress from the unlimited freedom of the arbitrary will to full self-actualization. In the former, the individual realizes that the choice of actions is limitless, and yet has no basis for choice. In ethical life, by assuming a social role—a nexus of duties—individuals are able to bring themselves into the world, that is, to act in a manner which they endorse. And the family is the immediate, or spontaneous, phase of this process.<sup>5</sup>

Family membership paves our way to freedom by reconciling our desires with our duties. Hegel holds that we are free when we internalize the practices of ethical life as the content of our wills. In apparent paradox, he insists that duty is freedom: 'A binding duty can appear as a *limitation* only in relation to indeterminate subjectivity or abstract freedom... . The individual, however, finds his *liberation* in duty' (Hegel 1821: 192, §149). Subordinating our arbitrary will to the duties of ethical life saves us from the contingency of our drives. It gives the will a content which it can recognize as its own, reconciling the will's indeterminacy

with the determinacy which is requisite for it to actualize itself (absolutely unlimited willing cannot effect self-actualization since it has no definite object). When the will's content is 'universal', the will's limitlessness is returned to it: 'universal' here signifies the system of collective social practices.<sup>6</sup> By being directed at goals which are part of a larger ethical community, our plans of life free us from the narrowness of the will which has defined itself through limiting its objects.

The ethical takes the objective form of laws and institutions which are internalized so that they are 'not something *alien* to the subject', but '*its own essence*' (Hegel 1821: 191, §147). Individuals attain freedom when their desires are arranged so as to overcome the conflict between individual and community. Because we affirm our social roles as our own, our own needs are reconciled with those of the community in a satisfying way. Because our duties are rational, and rationality is the substance of freedom, internalizing these duties actualizes our freedom (see Hegel 1821: §15, §29). Society itself must embody right in order for the individuals fully to actualize themselves through taking on social roles. In these roles, the will can particularize itself in a meaningful way.

The family is the immediate phase of ethical life because it is held together by the same type of non-contractual bonds which characterize the state, but in the family these bonds are reinforced by ethical love, not law. Freedom is not the recognized principle of the family because it is the immediate stage of ethical life, not yet self-conscious. Men (males) are not fully realized in it, but only in the state, where each recognizes himself in other men and so reconciles his individuality with the collective. The family embodies universality because it expresses the spirit of the collective, but it does not recognize this principle in itself. In the state, ethical life is expressed in definite structures of laws and institutions. In the family, it is not so articulated and so the family's ethical nature is never made explicit. Feminists have noted the implications of this. Most notably, only males can fully realize spirit.<sup>8</sup>

But the family is crucial for the existence of the whole, since it is in the family that men—as sons and husbands—learn to belong to a non-contractual association. In this sense the family is the

model of the state.<sup>9</sup> Its ethical spirit is the same non-contractual, non-individualistic union which reappears, after being dissolved in individualistic civil society, as the principle of the state. In families and the state, individuals define themselves as members whose involvement is a duty and the substance of the will, not alien to it or contingent. Their relation is not self-centred, for they identify with other members. In marriage, this takes the form of the ethical union of the spouses.

Hegel writes that in marriage and the nuclear family individuals form a union characterized by 'ethical love'. He claims that the essence of marriage is not natural (i.e. sexual), sentimental, or contractual, but ethical; its '*ethical aspect ... consists in the consciousness of this union as a substantial end, and hence in love, trust, and the sharing of the whole of individual existence*' (Hegel 1821: 201–2, §161 and §163). Marriage, like the state, cannot be regarded as essentially contractual, since its essence is to overcome the self-sufficient contractual point of view. Hegel's account is explicitly intended as a rebuttal to the rights-based analysis of the marriage and the family found in Roman law and the contractual explanation given by Kant.<sup>10</sup> Instead, marriage is based on 'the surrender of personality' (Hegel 1821: 71, §40).

The chief claim of this account is that each spouse belongs to the marriage 'not as an independent person but as a *member*' (Hegel 1821: 199, §158). Individual personality is superseded by the union (see Hegel 1821: §161–3). In ethical union, both spouses cease to exist independently. On marriage, they '*constitute a single person and ... give up their natural and individual personalities within this union*' (Hegel 1821: 201, §162; see also 207, §167–8). The union is effected by the paradox which love produces and resolves: one limits oneself with reference to another but knows oneself through this very limitation. The consciousness denies its own completeness, on the one hand, because it feels itself as incomplete on its own. It completes itself through ethical love, by seeing itself as completed and defined by the other. But as it affirms its choice, it recognizes itself again, as having chosen this limitation. (See Hegel 1821: §7A.) Ethical unity just is this psychological interdependence (Hegel 1821: 199, §158).

### III. What Kind of Union is Ethical Union?

Hegel identifies the essence of marriage as ethical union, the resolution of ethical love. Ethical love is distinct from romantic or passionate love. It is 'unacceptable' to equate marriage with romantic or passionate love precisely because 'love, as a feeling, is open in all respects to contingency, and this is a shape which the ethical may not assume' (Hegel 1821: 201, §161).<sup>11</sup> Hegel criticizes the Romantics, particularly Schlegel, for equating marriage with passion and the particularity of the loved one.

Ethical love is a state of psychological interdependence and identification with another which is a fixed way of thinking about oneself, rather than a passion. Each individual's self-awareness and understanding depends on the marriage. First, marriage as an objective determination (external definition) limits the spouses' personalities (the undetermined wills of abstract right) so that their spousal roles are constitutive of their identities. Second, each spouse depends on the recognition of the other for his or her own self-consciousness. Third, the isolated personality of abstract right is relinquished, by which individual rights are renounced and the good of each becomes the common good. In marriage, the personality of abstract right does not just receive a limitation, but is surrendered as a result of the dispositional state of ethical love, that is, the derivation of consciousness from the other. Finally, marriage actualizes the potential of the spouses, so that their self-actualization depends on the marriage.

First, marriage is an objective determination of personality through an assumption of duty. Hegel's theory of personhood stresses the dependence of individual personalities on exterior sources. He claims, as we have seen, that one attains freedom by taking on the determinations of right. Without this freedom, the individual is either a bundle of natural inclinations, an empty and undirected consciousness, or forced to depend on isolated subjective judgements. Through taking on a social role, individuals realize themselves and overcome these indeterminacies. Individual selfhood is brought into being through seizing onto a restrictive, and hence educative, socially provided self-definition. Marriage is one such source of self-defining ascription, because one's role as spouse becomes part of one's self-description. The

role is central to whom one thinks one is, just as the role of citizen is, but this has in the family a reciprocity unavailable at the national level.

Second, ethical love consists in 'the consciousness of my unity with another, so that I ... gain my self-consciousness only through the renunciation of my independent existence and through knowing myself as the unity of myself with another and the other with me' (Hegel 1821: 199, §158). Self-consciousness depends on the recognition of others. This is the point of Hegel's famous parable of master and slave. In meeting another human being, consciousness which is merely immediate, sunk into its own system of needs and desires, first recognizes the other, then itself, as self-aware. Both know themselves as thinking subjects through a mutual recognition. Each appears to the other like a mirror, and confirms the other's existence by showing signs of recognition (see Hegel 1807: 111-12, §178-84).

According to Hegel, one can *only* come to know oneself through interacting with others, and gauging their response to oneself (see Gauthier 1997: 2). Indeed, the meaning of one's actions is *determined* by the meaning given to them by society: an action cannot be understood in isolation because it has no meaning in isolation, but only within a system of social practices (see Hegel 1821: 147, §119). The consciousness of unity which defines ethical love is the consciousness of one's identity as a spouse, but it is also part of a dialectic of self-recognition (like the recognition between master and slave). Each spouse feels incomplete on his or her own. By gaining the recognition of the other, the individual spouse's completeness is confirmed (see Hegel 1821: §158). Spousal recognition becomes a necessary confirmation of their own consciousness, just as the slave's is for the master, because of the initial feeling of incompleteness which characterizes ethical love. But since the other spouse's recognition is necessary for self-knowledge, each spouse becomes partly constitutive of the other, so that each now is incomplete on their own.

This explains what Hegel means by saying that in marriage spouses agree to relinquish their individual personalities and constitute a single person. Because the spouses' identities are interdependent, they no longer think of themselves from the point of

view of isolated individuals. Rather than simply gaining an extra source of identity, they have lost access to the individual standpoint and relinquished their individual personalities. Because they gain their self-consciousness from each other, the spouses can no longer think of themselves simply in terms of 'I'. 'I' has become dependent on 'we'. Each thinks of himself as indissolubly related to the other. Moreover, all goals are shared, so that any goal one's spouse has is a goal for oneself too, and *vice versa*. This comes about as a result of the surrender of abstract personality.

One inadequate interpretation of Hegel's claim is that *only* legal personhood is relinquished. On this interpretation, what is relinquished is not individual personality, but the idea of oneself as a separate legal entity.<sup>12</sup> But the alteration of consciousness which occurs in marriage, according to Hegel, is not limited to one's self-conception as a legal entity. One renounces one's 'independent existence' and derives self-consciousness in its entirety through the union (Hegel 1821: 199, §158). Of course, as Westphal notes, love and trust presuppose difference, so that difference must survive marriage. If spouses gave up their entire individualities, there would be no content to the union, for there would no longer be any self for the other to meet. Hegel does not imply that particular ends, preferences, and other accoutrements of individuality are lost in the surrender of personality. But he does imply the surrender of more than *legal* personality: 'personality' (which spouses surrender) refers to the self-consciousness of oneself as a free conscious will which is the ground of personhood (Hegel 1821: 68, §35).

It seems clear that 'person' is used in the sense of the person of abstract right: marriage as an objective determination limits the inherently undetermined personality, determining the content of the 'I'. Spouses do not simply surrender their legal rights, but they bind their '*infinite, universal, and free*' wills (Hegel 1821: 68, §35). They surrender personality in its aspects as the ability to abstract oneself from any situation and as isolated individuality (see Hegel 1821: 42, §7A). Compare this passage which describes the freedom attained when the will has progressed from the person of abstract right to the citizen of ethical life:

[W]e already possess this freedom in the form of feeling, for example in friendship and love. Here we are not

one-sidedly within ourselves, but willingly limit ourselves with reference to another, even while knowing ourselves in this limitation as ourselves. In this determinacy, the human being should not feel determined; on the contrary, he attains his self-awareness only by regarding the other as other. (Hegel 1821: 42, §7A)

Ethical life represents the stage of development at which the abstract personality is limited and reconciled with its limitations, and marriage is the first stage of ethical life.

It might seem odd that family members should surrender their abstract personalities, when in the state subjective freedom is preserved. While citizenship, like marriage, constitutes an objective determination of the will, it does not require the surrender of abstract personality. In marriage, the personality of abstract right is surrendered because in ethical love consciousness is derived from the other. This interdependence does not take place at the other levels of ethical life.

Finally, Hegel suggests that ethical unity (the spouses' interdependence) comes about as a result of the self-actualization which occurs in marriage. Because one only comes to existence through marriage, that is, one's potentiality is only actualized in marriage, one's existence depends on the union. Hegel writes that a spouse has self-consciousness '*within this unity* as essentiality which has being in and for itself' (Hegel 1821: 199, §158). To make sense of this we have to understand Hegel's terminology. That which is *an sich* (in itself) is the Idea, still unrealized, which contains the seeds of its essential nature. What is *für sich* (for itself) is the Idea 'exteriorized', realized in the external, physical world, but no longer self-aware. When it becomes *an und für sich* (in and for itself<sup>13</sup>), it comes to self-knowledge within its developed reality.<sup>14</sup>

One is conscious of oneself within the marriage union as a potential which has been realized and now recognizes itself. Becoming conscious of one's married self as essentiality 'in and for itself' one sees that one's individuality has always inherently contained this essence which has now been realized. One is present in marriage, therefore, 'not as an independent person but as a *member*' (Hegel 1821: 199, §158). One potential which is realized in marriage is the transformation of the implicit union of

the sexes into an actual one, both sexually and spiritually, through love (Hegel 1821: 200–1, §161). But Hegel's account focuses on the potential realized in the self-actualization of the individual. Marriage is an ethical duty and so the individual's progress to freedom, to becoming a defined individual who can recognize their will in their choices, depends on it. Both husbands and wives realize their potential in marriage, though women's development stops at this point while men's continues in civil society and the state. Note that, at least for men, other determinations play similar actualizing, and therefore ethically necessary, roles. Because citizenship defines the male individual while re-uniting him with the universal, it is an ethical duty. Just so, marriage is an ethical duty (see Hegel 1821: 201, §162).

Marriage simultaneously defines the will and reunites it with the universal (which represents its own freedom) because it reconciles the individual to the larger community, in this case the community of the family. As we have noted already, the reconciliation does not depend on transient passion, but on a love which because it is ethical is removed from contingency. Marriage is the immediate moment of ethical life, the natural and unmediated form of non-contractual association. The role of marriage in determining the will in accordance with the universal makes it, according to Hegel, an objective determination, or ethical duty.

The overcoming of subjectivity plays a significant part in the realization of right:

Ethical life depends upon marriage because marriage is the origin of the family. In the family, children learn, and adults are continually reminded of, what it means to be a small association based on love and trust; ... they gain experience of a noncontractual association and so are prepared—or, rather, men are prepared—for participation in the universal public sphere of the state. (Pateman 1996: 215)

However, marriage has ethical significance as a non-contractual association even when children are not produced by it. Husbands as well as sons internalize the spirit of unity. In marriage, what partners are prompted to do by inclination converges with their spousal duties, but they also develop the inclinations of trust and mutuality which are foundational to the political order.

Marriage is a non-contractual association which determines the will in a way harmonious with the demands of ethical life, that is, in a universal determination. Its status as a social institution is also relevant in that this status gives objective meaning to its roles and duties. These aspects make marriage an ethical duty, which in turn means that the spouses recognize marriage as an essential part of their freedom and therefore see their actualized selves as dependent on the union.

#### IV. The Threat to Autonomy

As a consequence of the surrender of the personality of abstract right, spouses become one person in terms of rights and property ownership. Hegel specifies that 'the family's resources ... are common property, so that no member of the family has particular property, although each has a right to what is held in common' (Hegel 1821: 209, §171). In giving up their personality they give up their personal right. Material wealth belongs equally to each family member, as if they were only one person, because the rights-bearing individual who belongs to the sphere of abstract right is superseded in the family by the role-embedded person of ethical life.

In a functioning family, the terminology of rights is unnecessary: 'the right which belongs to the *individual* by virtue of the family unit ... takes on legal form ... only when the family begins to dissolve' (Hegel 1821: 200, §159). The performance of family duties is motivated by love, not respect for abstract right. Further, the concept of right is insufficient because the child (for example) does not have an external right against the parents' resources. The resources of the child are the child's own, as a member of the family unit. This analysis extends to other types of individual rights, the liberties required by personality to one's body and life (Hegel 1821, §40). These rights continue to exist in family life, but they are not relevant. Hegel assumes that in a functioning family a member does not think in terms of the others' right not to be harmed, but rather in terms of what they need, desire, and would benefit from, just as the member thinks of themselves.

The surrender of legal personality follows from the surrender of abstract personality, that is, from the surrender of the

individualistic viewpoint. The family constitutes a single person in law because its members have lost the abstract personalities on which legal rights supervene. But from a feminist viewpoint, this clearly presents a threat to autonomy. Indeed, in Hegel's account, the loss of abstract personality explicitly deprives women of legal rights. Hegel holds that only women relinquish their legal personalities in marriage, for the husband becomes the legal representative of the family: 'The family as a legal [*rechtliche*] person in relation to others must be represented by the husband as its head' (Hegel 1821: 209, §171). This is the case even though, in the same passage, Hegel admits that wives' and children's rights to the family property may conflict with the husband's decisions about allocation.

Hegel is curiously ambiguous here. He states explicitly and repeatedly that both spouses give up their personalities to the union, but it is the husband who represents the family in the outside world and controls its resources. This means, in effect, that Hegel's assertion of shared ownership is a claim without consequences, for the wife cannot access her property against her husband's wishes. She cannot cite a right to it, as rights are inapplicable in this context. Hegel fails to provide for the equal ownership of property which he says belongs to the members of the family. He does not in fact support actual equality between the spouses because he believes the sexes have different abilities: man is volitional, woman emotional, which means, Hegel claims, that her decisions are irrational (Hegel 1821: §166). Hegel conflates the single person which the family constitutes with the male head of household.

Spouses give up their rights to each other, but the wife gives the husband's rights back to him, so that he controls both sets. But on an egalitarian conception of the sexes, this simply will not work. Since neither spouse is superior, neither should gain both sets of rights, but both should yield their rights before the other. They give up their individual rights and instead possess rights as family members. This relinquishment of rights is obviously unacceptable from the point of view of a rights-based approach to moral theory, and, if the theory of marriage is to underpin its legislation, in political theory.<sup>15</sup>

On Hegel's account, even without the premise of gender inequality, either one or both spouses must lose their legal iden-

tity, and this makes his account of ethical union unacceptable to feminists, who have criticized the claim that rights are inapplicable within marriage. The loss of rights is only desirable on the thesis of sexual inequality, in which women lose nothing by losing themselves in the family, and men are able to leave the family to gain their substantial personality. This shows a difficulty for feminists in accepting Hegel's account of ethical union, not merely because control is ceded to the husband, but because it requires giving oneself up to the union.

But there is also a problem for Hegel in the claim that spouses give themselves up to the union. There is a tension between Hegel's view that individuals do not have a right to themselves and his claim that individuals give themselves up in marriage. The individual has no right over himself [*sic*], to dispose of himself at will: 'he does not stand above himself and cannot pass judgement on himself' (Hegel 1821: 102, §70). The individual's personality is inalienable.<sup>16</sup> But if the individual has no right of disposal of personality, then there is also no right to yield personality in marriage to ethical union. This tension between Hegel's view that individuals cannot give themselves up, and Hegel's claim that individuals surrender themselves in marriage, is also evident when we consider the role of contract in the formation of ethical union.

## V. The Role of Contract

In the marriage union, spouses transcend the standpoint of contract, as citizens do in the state. Marriage 'begins from the point of view of contract—i.e. that of individual personality as a self-sufficient unit—in order to supersede it' (Hegel 1821: 203, §163). But this makes it unclear why marriage should begin in contract at all. Marriage cannot be essentially contractual, since persons cannot exchange rights over themselves through contract (Hegel 1821, §40, §75, §163). Contract cannot effect ethical union. So why retain the contract as ethically necessary?

Carole Pateman asks this question and concludes that Hegel retains contract in order to maintain the fiction that everyone, including women, participates in freedom, when in fact women's entry into the contract and status within it is far from free.

According to Pateman, this accounts for the anomalous nature of the marriage contract—the inconsistency in Hegel's account as well as the oddity of the historical contract, in which one party surrenders her rights to the other for life (Pateman 1996: 211, 217). But my question is not so much why Hegel is inconsistent in this way, but what the inconsistency means for the interpretation of his account of marriage.

Hegel's arguments form an inconsistent triad. He argues that ethical union exhausts the ethical essence of marriage (Hegel 1821: §163), and that contract cannot effect this union (one cannot give up abstract personality, or rights over one's self, through contract) (Hegel 1821: §40). But he also insists that contract is essential to the ethical nature of marriage. If contract is a necessary condition of the ethical (not just legal) value of marriage, it must be a necessary condition of ethical union. But it cannot play any role in ethical union! The contract cannot bring about ethical union because personality is inalienable through contract (or any other way). In the marriage contract, the will surrenders itself to the determination of marriage. As John Stuart Mill pointed out in his 1859 essay, *On Liberty*, freedom of contract is inconsistent with the ability to contract away one's freedom; can the will decide to unify itself with another and surrender its independence? In Hegel's theory, one simply cannot do so through contract: one cannot give oneself but only something external, a service or alienable thing (Hegel 1821: §40).

But Hegel wants to say that contract is more than a mere legal formality, which would add nothing to the ethical value of marriage, but is a useful instrument for state regulation: 'It is accordingly only after this ceremony has *first taken place* ... that this bond has been ethically constituted' (Hegel 1821: 204, §164). Hegel tries to import contract as a necessary condition for the ethical value of marriage. He states emphatically, against sexual liberals such as Schlegel, that the contractual consent of the parties and its recognition by the community are necessary to complete the substantial aspect of marriage. According to Hegel, the ethical significance of the marriage ceremony is not (as Kant held) the contractual creation of marriage right, but the expression of the ethical bond in language, the spouses' consent and the recognition of the community. Spousal consent 'to constitute a

*single person* and to give up their natural and individual personalities within this union' is the 'objective origin' of marriage (Hegel 1821: 201, §162). This consent takes the form of a contract.

Now, either contract is a necessary condition for the ethical value of marriage, or it is not. But Hegel seems to have it both ways, because he also explicitly argues that contract cannot be the source of the ethical value of marriage. If it is not the source (or a necessary condition for the source), it can hardly be a necessary condition for the ethical value of marriage. And since the source is ethical union, it's hard to see why a contract could be a necessary condition for the source. After all, the same type of ethical relation exists in the state, without a contract. In trying to show that it is a necessary condition for the moral value of marriage, he appears to contradict his earlier statements that it is not the source of the moral value, as well as his arguments for that position.

The role which contract plays in establishing the ethical value of marriage is the completion of its substantial aspect by the sign, that is, by language. But in Hegel's theory of contract, the sign binds wills which remain distinct from each other and from the common will of their agreement. In contract, 'my will retains its determination as *this* will' (Hegel 1821: 103, §71). But marriage, according to Hegel, unites the wills of the spouses. Hegel explicitly states that marriage, like the state, cannot be understood as a contractual relationship, in which the contracting parties remain self-sufficient individuals (Hegel 1821: §75).

Making sense of the role contract plays in creating ethical union illuminates Hegel's account. Ethical union is reconcilable with contractual origin because the spouses commit themselves to conjugal roles, not to each other. They cannot give themselves through contract, but they can contract to take on a set of duties. The point of the contract in Hegel's account is communal recognition of the relationship which the parties are entering as 'exalted above the contingency of feeling and *particular inclination*' (Hegel 1821: 204, §164). The contract seals the bond by committing the spouses to the roles and duties of husband and wife.

This shows how it is possible for ethical union to originate in contract. The spouses are contracting to take on the roles of husband and wife rather than giving themselves to the other,

which they could not do through contract. They are contracting to take on a status, a curious contract, but not an incoherent one. The relation entailed by the status supersedes the contract because it is not the sort of relation which contract can instantiate. But note the shift of emphasis: the spouses are not pledging themselves to each other, but pledging to take on the status of wife or husband relative to the other.

The role and duties of husband or wife which one assumes in marriage are the source of the identity between spouses. This contrasts with a possible view in which the relationship between spouses as individuals is seen to be the source of union. If ethical union is achieved through a contractual assumption of a role and its duties, this explains the contractual origin of marriage. It also, however, makes it apparent that Hegel devalues the emotional aspect of marriage, for ethical love is the assumption of a generalized role rather than a response to a particular other. Notice that the components of my explanation of ethical unity—self-definition in terms of the role, the realization of potential, the surrender of personality, and the derivation of self-consciousness<sup>17</sup>—also attach to generalized roles rather than a particular relation to a particular other.

## VI. Moral Rationalism and the Critique of Rationality

Ethical unity is based not on feeling for the particular other, but on the assumption of a spousal role and its duties. Ethical love is identification with a duty which moulds emotional life rather than one individual's contingent feeling for some particular spouse. Insofar as their mutual recognition is immediate, and so gives rise to natural feeling, it is not ethical (see Hegel 1821: 201, §161-2; 204, 164). Only when spouses contractually assume their marital roles does their relation become ethical. The role is the ethical substance; the particular individual is of no account.

Hegel makes it clear that the attraction to a particular other is inessential to, and even at odds with, ethical union. A marriage which is pre-arranged by parents—so that 'the decision to marry comes first and is followed by the inclination'—is 'more ethical' than a marriage which originates in the spouses' mutual attraction.<sup>18</sup> Attraction between the spouses as 'these infinitely partic-

ularized individuals' is contingent, whereas an arranged marriage subordinates attraction to duty (Hegel 1821: 201-2, §162). Ethical love is removed from contingency and spontaneity and made the tool of duty. This is no longer love, but an act of will. Hegel's account, by excluding contingency, excludes emotion. This reflects his moral rationalism: emotion is only valuable insofar as it is inhabited by reason, whose actualization in individuals and society is the true source of moral value.

Hegel gives desire, or passion, instrumental value in self-actualization, so long as it is in the service of reason. But Hegel attributes no value to the passions in themselves, that is, no intrinsic value. The passions are at odds with ethical life when not inhabited by reason. This is why Hegel argues that ethical love must be raised above natural feeling and that women, whom Hegel claims are creatures of passion rather than of reason, represent a danger to the state (Hegel 1821: 206, §166). Hegel assigns intrinsic value to ethical love, but ethical love is not a passion. It therefore cannot play the role Hegel intends, that of reconciling desire and duty.

My aim here is not to criticize moral rationalism, but to point out that Hegel's account breaks down. Hegel's picture is something like this: The family figures as the immediate phase of ethical life, the natural face of duty, because its obligations are honoured spontaneously. It is crucial to the immediacy of the family that family members fulfil their obligations because they authentically desire so to do. This notion needs qualification: a spouse may desire to break her pledge of fidelity, a mother may desire to spend her money on herself rather than her child. But the essential point, that the performance of family duties is motivated by feeling, survives these qualifications, for there is a clear contrast between providing food and shelter for one's children and paying one's taxes. Both, according to Hegel, are species of duty, but in family life duty is encouraged by one's emotions, whereas in the state it is enforced by law. Hegel explains the naturalness of performing duties within the family as an effect of the merging of selves which takes place between family members—ethical love.

What's wrong with this picture is that ethical love cannot reconcile desire and duty. The immediacy which Hegel attributes

to the family is in tension with his claim that ethical love is elevated above contingency. Ethical love is divorced from natural emotion, so it is not a desire inhabited by reason. It is not desire at all, but an attitude appropriate to a role. As the essence of marriage, ethical love cannot actualize freedom, since it is not authentic desire. It may be mixed with natural desire. But it is ethical love which is meant to do the work of reconciling desire with duty, since natural feeling is always contingent.

The integration of duty and desire is significant within Hegel's ethics as the source of freedom. The recognition of inclination as ethically valuable forms a distinctive component of Hegel's critique of Kant's ethics. Hegel thinks, as Kant does not, that universal law can be embodied in the particular will. The alignment of inclination and right is not just instrumentally valuable, in predisposing individuals to perform duties, but it contributes to freedom. When people internalize ethical life, the performance of duties ceases to represent a limitation and instead becomes an acknowledgement of one's freedom as a rational and social being: 'concrete freedom requires that personal individuality ... should ... knowingly and willingly acknowledge this universal interest even as [its] own *substantial spirit*, and *actively pursue* it as [its] *ultimate end*' (Hegel 1821: 282, §260). On the other hand, right is not fully actualized unless expressed in the desires of individuals: 'the universal does not attain validity or fulfillment without the ... volition of the particular'.<sup>19</sup> Both individual freedom and the existence of right depend on the unity of desire and duty.<sup>20</sup> But ethical love does not seem to be rooted in emotional life.

Despite the requirement that the universal be embodied in individual emotional life, Hegel has been criticized as a moral rationalist, identifying morality with reason and devaluing emotion.<sup>21</sup> As we have seen, Hegel locates the moral worth of marriage in its non-contractual nature, corresponding with the larger thesis of the *Philosophy of Right*. But he still does not locate value in particular emotional responses. While ethical life preserves subjective freedom, the highest stage of ethical development is communal, and in this sense Hegel is an anti-individualist, for his ethic of self-realization involves transcending individualism. While Kant held up the cultivation of reason as the

method of self-realization, Romantics claimed the development of feeling was more important. Kantian self-realization involves realizing a universal self, a self motivated by reason and morality, which will be constant in all the individuals who embody it. The Romantics, on the other hand, aimed towards development of the individual's particular faculties, especially those of the emotions.

Hegel accepts Kantian rationality although he criticizes it as limited. However, he also criticizes the Romantic emphasis on feeling. Hegelian self-actualization is development towards spirit, so that particular emotional and personal development is of ethical value only insofar as it converges with dutifulness. Conjugal love is valuable in terms of the correspondence of the roles and duties it provides to reason, not on its own account. Unable to value emotion for itself, Hegel's theory cannot locate the ethical value of marriage in the emotions which are central to it. Ethical love, as he has it, is but a dutiful *revenant* of these feelings.

There is a tension in Hegel's view between attributing value to the formal, contractual aspect of marriage and locating its value in the emotional relationship between the spouses. For feminists, there are additional reasons to criticize Hegel's failure to assign intrinsic value to emotion. First, feminists interested in care ethics have sought to reconsider the moral importance of the emotions. Second, as I suggested above, an account of loving relationships which located their value in emotion—rather than socially assigned duties or formal recognition—might be appealing to feminists.

In this paper, I have focused on Hegel's concept of ethical union. Other aspects of his account of marriage, especially his discussion of the sexes and of children, may also be of interest to feminists. I have discussed Hegel's consideration of the value of intimate loving relationships as part of the feminist project of considering the legal recognition of such relationships. Hegel's view is that in marriage spouses are one because they define themselves in terms of each other, derive their self-consciousness through the other's recognition, and in this state cede any claim to self-sufficiency or separateness. This union creates freedom and virtue by uniting desire and duty.

As we have seen, tensions arise: first, the surrender of personality conflicts with the doctrine of inalienable rights, both

within Hegelian and feminist thought. The idea that in marriage, and more generally in loving relationships, rights are laid aside and no longer relevant, is not one which can be accepted by feminists, so long as we understand women's equality in terms of women's equal rights with men. Given feminist criticisms of the historical loss of rights for women within marriage, this point may seem redundant. But it is to be kept in mind as we attempt to establish what value love has.<sup>22</sup>

Second, the particular relation between two individuals is in conflict with an understanding of marriage as a socially supplied set of roles and duties. This suggests another conflict, between the justification of state recognition of long-term intimate relationships in terms of the relationship between the individuals (for instance, the ability of such relationships to promote attitudes of trust and commitment) and the use of such legislation to enforce specific roles and duties. I cannot pursue this issue further here.

If Hegel's account of the unity between spouses fails, what has it taught us? First, a feminist examination of the value and nature of such relationships must accept that love is only valuable in the context of rights. Second, Hegel's claims that such relationships are characterized by self-definition in terms of the other and a psychological interdependence are valuable insights. There is a tension between the relinquishment of the individualistic standpoint in such relationships and the retention of rights and personality. Finally, Hegel's own conflicts have brought out the tension between seeing marriages as particularized interpersonal connections and as instantiations of socially defined roles, as well as the contrast between viewing love as intrinsically or merely instrumentally valuable.

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### Notes

- 1 See Okin 1982 and 1989 (esp. chapters 2 and 7); Pateman 1988 (esp. chapters 5 and 6).
- 2 See MacKinnon 1987; Cornell 1998: 39 ff.
- 3 See Okin 1989: ch. 7.

- 4 For example, Nel Noddings, Carol Gilligan, Sara Ruddick.
- 5 Hegel's use of the terms 'family' and 'marriage' needs clarification. His discussion concerns the nuclear family (married couple and children) as opposed to the extended family or network of kin relationships. He uses 'family' to refer to childless marriages as well as marriages with children (Hegel 1821: §160, §172).
- 6 See Hegel 1821: §7, §24. See also Gauthier 1997: 8; Taylor 1975: 113-4.
- 7 See Wood 1991: 378-9, 381.
- 8 See Mills 1996, especially Pateman 1995 and Starrett 1996.
- 9 See Westphal 1984: 77.
- 10 See Hegel 1821: §75. Kant's account is to be found in Kant 1780: 162-8, and Kant 1797: 96-101, 165-7.
- 11 Hegel allows divorce although it is at odds with the 'ethical substantiality' of marriage (Hegel 1821: §176).
- 12 See Westphal 1984: 87 and fn. 20. At the crucial point in the passage Westphal quotes—'not as an independent person'—Hegel's German reads 'eine Person für sich'. The German 'Person' is equivalent with the English 'person', and is customarily used by Hegel to refer to the individual in abstract right—not just to the individual's legal rights ('legal personhood') but to his consciousness in the particular stage of development that constitutes personhood and the grounds for his legal rights.
- 13 Knox translates as 'absolute'; Hegel 1821: xxxix.
- 14 See Taylor 1975: 112.
- 15 The latter is not an idle point: it was the doctrine of spousal unity which underpinned the doctrine of coverture, and afterwards of the impossibility of marital rape, and still underlies the immunity of spouses from testifying against each other.
- 16 See Hegel 1821: §66 and Wood 1990: 99.
- 17 The derivation of self-consciousness depends on the feeling of unity with the other; but I will show in the next section that ethical love is not a response to a particular other but a feeling appropriate to a role.
- 18 See Hegel 1821: 201-2, §162. Compare Hegel's discussion of the family in Hegel 1807: 273-4, §456-7, which makes the point

that ethical family relationships are based on roles rather than particular relationships: 'In the ethical household, it is not a question of *this* particular husband, *this* particular child, but simply of husband and children generally; the relationships of the woman are based, not on feeling, but on the universal'. This applies to the husband as well, with the exception of sexual desire, which is directed at his wife as a particular woman.

- 19 Hegel 1821: 282, §260; see also §124, §130, §187, §260, §263, §268.
- 20 See Gauthier 1997: 28, 103; Cullen 1979: 94-5.
- 21 See Blum 1982. Gauthier 1997: 109 ff. defends Hegel.
- 22 Not all feminists have done so; I am thinking especially of feminist critics of the standpoint of rights and justice, for instance, Nel Noddings, Sara Ruddick, and Seyla Benhabib.

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## BOOK REVIEWS

### *The Just Family*

Richard Dien Winfield, State University of New York Press:  
1998

h/b £51.00 0 7914 3997 6, p/b £17.25 0 7914 3998 4

In *The Just Family*, Winfield presents a systematic theory of family ethics, covering a range of issues: marriage, relations within marriage, property relations, love and sexual relations, divorce, death and inheritance, parent-child relationships, and children's rights and their upbringing. He uses Hegel's threefold distinction between different institutions of ethical association—the family, civil society and the state—to rehabilitate the concept of ethical community as a framework for family ethics. He argues that the family is the most elementary ethical community presupposed by civil society and the state, that family freedom is a pre-condition for social and political freedom and that family freedom in turn requires a free society and democratic government.

Unlike Hegel, Winfield does not ignore the way in which the family is mediated by economic relations, how divisions in civil society affect domestic relations or how household arrangements interfere with social and political freedoms. For Winfield there is a systematic unity between the family, civil society and the state, and the rights and duties of each sphere can only be upheld if adjustments are made in each. Civil society must instigate measures to reduce economic inequality and to minimize unequal opportunities. There must be politically controlled co-ordination of political and household activity so that neither modes of freedom conflict. Social justice requires political activity and the public regulation of family life to sustain and enforce the rights and duties of family members and to punish violations of them.

To establish the just family, Winfield reconstructs ethical community as an institution of freedom. An ethical community consists of people who define themselves by autonomously and directly willing the common good of the association. The family is an ethical community of self-determination when spouses co-determine their private life, joining their property and welfare, and when they are free to pursue their jointly chosen interests with the assistance of another insofar as those interests have

shared scope. Because family right consists in self-determination, with individuals co-determining their private domain, traditional or natural restrictions on who can marry are invalid. Spouses can be of any gender or sexual orientation. Some incest prohibitions are unwarranted and even polygamy can be acceptable if reconstructed in accordance with family right. Similarly, the scope of who can qualify as parents is broadened. Gender, sexual preference, race or marital status cannot prevent individuals from assuming a parenting role. Individuals qualify as parents by virtue of their ethical commitment to provide children with the care necessary for them to become autonomous individuals.

Because of Winfield's emphasis on the family as an institution of freedom, he does not prescribe what makes the conduct of married life legitimate beyond the requirement that the chosen interests of each partner should not undermine the other's rights as free and equal partners. They each have a right to co-determine marital ownership and a duty of care for the welfare of the other. Apart from these rights and duties there is no particular right to, or responsibility for, ensuring romance, tenderness, sexual fulfilment, encouragement or even loyalty, as the content of domestic welfare is determined by the spouses themselves. What makes their behaviour within marriage legitimate and domestically ethical is its conformity to the achievement of their mutually concordant self-determined interests whatever these may be. Consequently, Winfield adopts a permissive attitude to adultery and a conservative attitude towards divorce.

Adultery is wrong when it involves a violation of property rights or a neglect of the duty of care, but it can be permissible if extra-marital affairs don't impinge upon the interests spouses have chosen together or when they have no impact on their ethical commitment to one another. But given that it is ethical commitment—not passion, self-interest, sensuality or emotion—that binds spouses together, divorce is to be made difficult. No fault divorce is impermissible because subjective feelings of dissatisfaction are not sufficient grounds for annulling an ethical relation. Neither is establishing fault sufficient ground for divorce, since marital misconduct need not necessarily signify the general rupture of a marriage.

Winfield's idea of the family as an ethical community rests

on the validity of his assertion that the self-selected interests of spouses must be in harmony to enjoy conjugal validity: that they have no interests that aren't joined to their partners. He does not find this unity of the family on the identification of women's interests with those of the family, an identification which enabled Hegel to see the family as a place from which all conflicts of interest were absent. He radicalizes Hegel and avoids this obvious myth by advocating equal self-determination for women and men by recognizing the societal changes necessary for this to be possible. However, he still implausibly assumes that women and men have no legitimate interests which are not reducible to those of their families; that there will be an unrealistic congruence between spouses interests; that even when these interests cohere there will be no split between individual inclination and rational behaviour for the common good and that an exaggerated degree of altruism characterizes family relationships.

This latter assumption is problematic because it is difficult to see in this schema, what could motivate the renunciation of the self for the greater unity. The values of selflessness, care and responsibility for others within the family have traditionally been associated with women. To ensure the plausibility of this care being reciprocated we need an account of the conditions under which men, too, develop altruistic behaviour within the family. Also, if relationships between spouses are only contingently based on feelings—subjective or self-interested desires—then why would they want to comply with their obligations to each other when subjective feelings have lapsed? What would make them act in accordance with the general welfare of the family when their desires don't conform to ethical conduct?

These considerations are related to the problems with Winfield's arguments about what happens when there is a conflict of interests or when marital or children's rights are violated. When advocating that adult disagreements in good faith over property, income, care, or upbringing of children be resolved by an external, objectively recognized authority, he seems not to recognize the extent to which conflicts of interests and conflicts of ways to pursue joint interests occur. He further suggests that non-malicious violations of property rights and of the right to

care warrants the payment of damages to remedy the loss or injury, and that malicious violations, including cases of refusal to share resources and responsibilities be punishable by the law. This alone is enough to question the feasibility and practicality of the proposed institutional intervention to right wrongs—not to mention the problem of the impartial determination of wrongs, nor the obvious liberal objection to such extreme state intervention into family and personal matters.

Despite these reservations, *The Just Family* is a welcome contribution to political theorizing about justice. Traditionally theories of justice have ignored questions of justice within the family and despite feminist challenges to this omission, much 'malestream' theory continues to do so. Although, or maybe because, Winfield himself barely acknowledges the wealth of feminist literature on the subject of the family, his controversial arguments will provoke debate on intra-familial justice and the relationship between justice in the family and justice in society and the state.

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*Hegel and Feminist Social Criticism: Justice, Recognition, and the Feminine*

Jeffrey A. Gauthier, State University of New York Press: 1997  
h/b £44.95 0 7914 3363 3, p/b £14.75 0 7914 3364 1

Hegel and feminism is not an obvious combination, despite a significant history of productive feminist engagement with Hegel's philosophy. Jeffrey Gauthier is well aware of this history, and examines in some detail the work of thinkers, such as Simone de Beauvoir, who have sought to incorporate elements of Hegel's philosophy into their own work. His primary concern, however, is not historical. Not does he aim to show that Hegel offers us valuable insights into the role of women or about the relation of men and women that can be of interest to feminists. Rather, continuing the process of productive feminist engagement with Hegel's philosophy, *Hegel and Feminist Social Criticism* seeks to defend a model of feminist practical reasoning which is directly inspired by Hegel's conception of moral agency.

Gauthier's approach is bold and original. He contends that

Hegel and feminist critics of society can be shown to share certain characteristic concerns and that they adopt similar strategies in addressing them. Gauthier seeks thus to illuminate not only the philosophical thinking behind key aspects of feminist social practice, but also 'certain more obscure aspects of Hegel's thought'.

What, then, are these common concerns? Gauthier identifies two key areas, both of which relate to arguments Hegel develops in his criticism of Kant's moral philosophy. The first is also the better-known, since it concerns a familiar objection to moral universalism. The claim here is that a 'meaningful' conception of universality contains, implicitly or explicitly, appeals to a historically specific social context and to the institutions which operate within this context. This claim is intended to cut two ways. First, it is supposed to show the bias in the application of universalist principles within a social order in which one class of citizens is habitually denied recognition in the relevant sense, that is, as rational agents. Secondly, it shows how it is possible to reconcile the invocation of universalist principles with practices which privilege particular groups of people with the purpose of empowering them. Gauthier argues that Hegel's attempt to show that universalist claims may be raised only within a particular context helps us to understand how feminist critics deal with the following difficulty: namely, that awareness of the 'objective wrongness' of women's condition is accessible from a universal standpoint which, historically, has been inaccessible to women. Therefore, either such awareness is impossible, or the condition of women is in fact much better than feminist critics claim.

Gauthier argues that by adopting a Hegelian perspective it is possible to escape the horns of this dilemma, and illustrates this by discussing the practices of consciousness-raising groups active in North American feminism in the late 1960s. Gauthier claims that 'partiality'—the aim to 'take the woman's side in everything'—which was characteristic of such groups, was necessary for reaching an 'impartial' condemnation of the injustice suffered by women who were victims of male violence. He seeks to explain the apparent contradiction of this claim by suggesting that any attempt by the victim to be impartial vis-à-vis her oppressor would inevitably *benefit* the oppressor. This is because the social

system in which both belong simply does not have the resources to recognize the legitimacy of women's grievances. To come to recognize marital rape or sexual harassment as crimes it is not enough to take into account the victim's distress. It is of primary importance that we come to recognize that such acts stem from a conception of women as mere objects and of men as entitled to act on this conception of women. Within such an unbalanced social context, to give equal weight to the perpetrator's description of his act would directly disadvantage the victim. Hence, Gauthier concludes, to properly implement the principles of impartiality and universality it is perfectly legitimate to encourage partiality and particularity, precisely as those early consciousness-raising groups sought to do.

The other area of overlap between Hegel and feminist criticism which Gauthier identifies concerns the thesis of 'agent ignorance'. Basing his account on an unconventional interpretation of Hegel's treatment of Antigone in the *Phenomenology of Spirit*, Gauthier argues that Hegel denies that the agent has a privileged insight into her motives for action. As Gauthier presents it, this is a highly unusual view of moral agency: 'Before acting, the agent does not know the content of her desires and intentions and is thus in no position to render a judgement as to their rationality'. However, the agent's self-ignorance does not exculpate her. Rather, it displaces the moment of judgement, making it retrospective. Furthermore, it undercuts the agent's claim to be her own judge. The moral deliberation which matters here is not the agent's but the community's, for it is only through *collective* judgement of her actions that the agent comes to know their nature.

In stressing the more striking aspects of Hegel's account, Gauthier risks making it appear implausible. Perhaps a more convincing way of presenting this aspect of Hegel's thought would emphasize its *Kantian* inheritance. Kant, after all, first highlights the frailties of introspection and of knowledge based on it. Hegel subsequently responds to this by arguing that subjective desires and intentions are too ambiguous to serve as bases for our assessment of the morality of our actions. Addressing this deficiency, for Hegel, means moving beyond a subject-centred moral theory in which intentions are primary, and into a social ethics which

prioritizes the act and its consequences. It would be a mistake, however, to think that Hegel's model expunges all ambiguity from moral assessment of actions by postulating an unerring community: righteous agents can be tragically mis-recognized just as lucky immoral ones can escape sanction. Gauthier does not stop to explore these finer points of Hegel's conception of imputability because he is primarily interested in showing how it can be a useful tool for feminist criticism.

That such a model of agency should be attractive to feminists when, historically, women have had to confront hostile collective assessments of their actions, may seem far-fetched. It is a measure of Gauthier's ingenuity that he manages to show that the 'agent ignorance' thesis can be usefully employed to mount a feminist criticism of sexist behaviour. More particularly, it helps the feminist critic to confront a particular problem: the need to assume both that the perpetrator of sexist behaviour is personally responsible for his act and that the description under which his act is oppressive to women is 'more or less inaccessible in sexist culture'. To criticize and apportion blame for sexist behaviour, it is therefore important to be able to circumvent the agent's description of his act, which reflects the prejudices of the society in which he belongs, and to take into account the victim's perception of the act as offensive. How the act is taken, in short, trumps how the act is intended. The broader aim here is to reveal the inconsistency with which the agents interpret their commitments to respect persons in a society which is fundamentally unequal. What looks, therefore, like a blatantly unfair treatment of the 'ignorant' agent, is simply a way of showing him the full *meaning* of his own commitment to respect persons.

Gauthier's analysis of feminist critical strategies is subtle, full of detailed knowledge of feminist social history and practice, and alert to a wide range of theory including the work of Catharine MacKinnon, Drucilla Cornell, Jean Bethke Elshtain, and Luce Irigaray. However, it is far from clear that a more generous interpretation of universalist models than the one presented here would fail to cope with the difficulties of feminist criticism. Let us take the problem of applying universalist principles in a context in which a class of persons have been persistently denied recognition as rational agents. Kant himself insists that

although we may be equipped with rules, when it comes to applying them we need 'a peculiar talent which can be practised only, and cannot be taught'—this talent is judgement.

We can see this same interpretative and legalistic imperative emerging out of recent debates concerning 'positive discrimination'. Here the application of a rule of non-exception in a particular historical context is shown to be compatible with practices which aim to favour particular groups of people. Hegel's insight is that however clear the theoretical grasp of our moral commitments, they can have practical implications which are as yet opaque to us. Accepting this, however, need not necessarily lead to the kind of 'historicized realism' which Gauthier defends and which he attributes to Hegel. It can just as easily serve to justify a circumspect universalism. Still, it is one of the strengths of this book that it succeeds in questioning our conceptions of categories such as 'impartiality' and 'universality', and this, after all, has been one of the key tasks of feminist philosophy.

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