Practical Philosophy from Kant to Hegel

Freedom, Right, and Revolution

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13 Public Opinion and Ideology in Hegel's *Philosophy of Right*

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In the final paragraphs of his discussion of the internal constitution in the *Philosophy of Right*, Hegel turns to the problem of public opinion as an expression of formal subjective freedom. Hegel's account of public opinion is striking for several reasons. First, it appears to be a classic example of a "dialectical" concept: Hegel claims that public opinion expresses at once the universal and the particular, that it contains both truth and endless error in equal measure, and finally, that it "deserves to be *respected* as well as *despised*" (*PR*, §318). Second, Hegel suggests that public opinion exists as a self-contradiction, and more specifically, that it exists as a kind of collective self-deception on the part of a people with respect to how it knows and judges its own essential character. Third, public opinion is self-destructive, and tends toward the dissolution of the state. Indeed, apart from the external threat posed by other nation-states, public opinion appears to be one of the most significant internal threats faced by the modern, rational state. Hegel's highly ambivalent treatment of public opinion has not gone unnoticed by some of his most famous readers. Adorno, for example, strongly concurs with Hegel's discussion, and associates public opinion with ideology and even "necessary false consciousness."[1] Similarly, Habermas, in his consideration of the transition undergone by the concept of public opinion from Kant to Hegel, writes: "[i]n Hegel's concept of opinion the idea of the public of civil society was already denounced as ideology."[2] Thus, despite Hegel's infamous and widely criticized identification of the modern state with the actuality of reason itself, both Adorno and Habermas contend that there is not only room in Hegel's social

[1] Adorno writes:

> For the findings of what is called – not without good reason – "opinion research" Hegel's formulation in his *Philosophy of Right* concerning public opinion is generally valid: it deserves to be respected and despised in equal measure. It must be respected since even ideologies, necessary false consciousness, are a part of social reality with which anyone who wishes to recognize the latter must be acquainted. But it must be despised since its claim to truth must be criticized. Empirical social research itself becomes ideology as soon as it posits public opinion as being absolute. (Adorno 1976: 85)

[2] Habermas 1989: 117.

and political philosophy for a concept of ideology, but that a concept of ideology emerges as necessary and internal to Hegel's broader institutional theory of ethical life.[3] On their reading, the problem of ideology coalesces around the emergence and existence of public opinion, in which reason and unreason combine to threaten the unity and stability of society from within.

The aim of this paper is to investigate whether there is indeed room for a concept of ideology in Hegel's *Philosophy of Right*, and more generally, in his distinctive approach to theorizing the ethical domain of human action.[4] My discussion will focus on two sets of questions in order to investigate this possibility. The first set of questions concerns whether or not what Hegel calls public opinion indeed qualifies as ideology under existing definitions. To assess this question, I will draw on Raymond Geuss' definition of ideology as operating along three interconnected dimensions: the epistemic, the functional, and the genetic.[5] I argue that Hegel's concept of public opinion touches upon all three of these dimensions, and moreover, that the *Philosophy of Right* provides a sophisticated conception of social practices that helpfully contributes to contemporary debates concerning the status of ideological beliefs.

The second set of questions concerns the larger significance of the transition that takes place from Kant to Hegel, specifically concerning changes to the method of social and political theorizing and what the development of a concept of ideology contributes to these methodological changes. A major concern in the midst of this transition is the relation between theory and praxis: Kant, for example, felt the need to defend his moral, political, and cosmopolitan theories against the charge that they exist merely as "empty ideas" (*PP*, 8: 276); Fichte had asserted the primacy of the practical as against the theoretical in his doctrine of infinite striving (*SK*, 233; *SW*, I: 264); Hegel's absolute idea is likewise conceived in part as consisting of the unity of theoretical and practical reason (*SL*, 735; *HW*, 6: 548). These concerns about the relation between theory and praxis arguably culminate in Marx's famous pronouncement that theory, and more broadly, philosophy itself, can be realized as part of revolutionary, emancipatory praxis. One of the central issues

[3] Axel Honneth also follows the critical theory reading of the *Philosophy of Right*, identifying in Hegel's text a diagnosis of the social pathologies associated with the one-sided emphasis on individual freedom (Honneth 2010 and 2014).

[4] For recent discussions of Hegel on ideology, see Jaeggi 2009 and 2018: chs. 5 and 6. Jaeggi argues that ideology critique can be understood as a form of immanent criticism, where her account of immanent criticism is largely inspired by Hegel's method in the *Phenomenology of Spirit*. See also Ng 2015, where I defend a Hegelian-Marxian approach to ideology critique, drawing on the dialectic of life and self-consciousness in Hegel's notion of the "idea" and Marx's notion of "species-being." Morris 2016 defends a "neo-Hegelian" version of epistemic ideology critique against traditional problems that arise in strictly functional accounts. Novakovic argues against the possibility of ideology in Hegel's philosophy, writing: "Hegel does not have a conception of ideology, nor does he have room for one" (Novakovic 2017: 154). I discuss Novakovic's position in Section 1 below.

[5] See Geuss 1981.

at stake in this transition, particularly in the works of Hegel and Marx, is the appropriate method of social and political theorizing, and more specifically, a critique of a certain approach to this theorizing that is now often referred to as "ideal theory." I argue that the emergence of a concept of ideology is crucial for understanding this transition, and that Hegel constitutes an important stage in this transition that is often overlooked and undertheorized. To understand Hegel's contribution, I will turn to his *Natural Law* essay of 1802/3 to assess certain methodological commitments that help to bring the concept of ideology into relief. What the *Natural Law* essay reveals is that Hegel's ambivalent treatment of public opinion reflects his methodological commitment to a dialectic of the ideal and the real, one that renders the concept of ideology central to social and political theorizing.

Section 1 of the paper discusses Hegel's concept of public opinion in the *Philosophy of Right*, highlighting a number of ways in which Hegel's conception departs from Kant's. In particular, I argue that Hegel's ambivalent position regarding the positive and negative sides of public opinion stems from their being mediated through civil society and the estates, which proliferate private interests based on social status and class that can come into conflict with the public good. With the concept of public opinion in view, Section 2 assesses whether or not Adorno and Habermas are correct to identify this concept with a concept of ideology. To address this question, I draw on Raymond Geuss' account of ideology, developed as part of his assessment of critical theory, and conclude that public opinion indeed represents the development of a concept of ideology, one that emerges for Hegel as a central aspect of his institutional theory of modern ethical life. Section 3 turns to Hegel's *Natural Law* essay in order to shed further light on the methodological commitments of his social and political philosophy, arguing that his opposition to both *formalism* and *empiricism* signal the development of a nascent critical theory.[6] Although critical theory as a research program is most frequently associated with the thinkers of the Frankfurt school (of which Adorno and Habermas are prominent representatives), for the purposes of this paper, critical theory refers simply to approaches to social and political theorizing in which the concept and critique of ideology play a central role.[7] I argue that the problem of public

[6] Benhabib 1986 also argues that Hegel's contributions to the development of critical theory can be gleaned from the *Natural Law* essay. She focuses on two issues in particular: Hegel's development of the idea of immanent critique, and his principled opposition to counterfactual argumentation in political theory. Although she is also interested in the connections between Hegel and Marx, especially concerning what she calls "defetishizing critique," which she traces to Hegel's *Phenomenology*, her account omits a discussion of ideology, which I think is key to Hegel's rejection of both formalism and empiricism (Benhabib 1986: 44–69).

[7] For Geuss, "[t]he very heart of the critical theory of society is its criticism of ideology" (Geuss 1981: 2–3).

opinion for Hegel is the problem of ideology critique, a problem that challenges traditional understandings of his theory of the modern, rational state.

1 Public Opinion: Context, Origins, and Concept

Hegel's treatment of publicity and public opinion takes its point of departure from broadly Kantian themes concerning the importance of the public use of one's reason in the promotion and advancement of enlightenment. Although Hegel is no straightforward proponent of enlightenment ideals, his commitment to at least some of its core values is most clearly discerned in his discussion of positive laws in the *Philosophy of Right*, where he argues that there is a "right of publicity" with respect to the administration of justice (*PR*, §224A).[8] This right of publicity, in which the law's binding force stems from its being "*universally known*" by citizens, is itself derived from the right of formal subjective freedom, which acknowledges the right of individuals to determine for themselves, according to reason and conscience, what they take to be good (*PR*, §§132, 215, 224, 228A). However, although Hegel respects the importance of subjective freedom alongside publicity as a condition of its rightful exercise, subjective convictions are, even under conditions of publicity, liable to all sorts of error and caprice. Far from being a reliable path to enlightenment, Hegel offers a different diagnosis of the combination of publicity and subjective freedom, a diagnosis that revolves around an account of public opinion (*öffentliche Meinung*) in connection with the legislative power of the state.

Hegel's departure from Kantian themes is most clearly discerned in his investigation into the formation and function of public opinion, which traces its origins to the estates (*die Stände*) in their role of mediating between the government and the people (*PR*, §302). The estates were first introduced in the section on "Civil Society [*die bürgerliche Gesellschaft*]," where Hegel presented his analysis of the system of needs (essentially his contribution to a theory of political economy), a sphere of action in which private, self-interested individuals pursue the satisfaction of needs by means of work and the acquisition of property. Within the context of civil society, the estates are differentiated masses to which individuals belong, in part due to the division of labor and one's profession, and in part due to one's social standing, status, class, and position. One's particular estate is determined initially by "natural disposition, birth, and circumstances," but, and respecting the importance of individual free choice, the ultimate and essential determining factor is "*subjective opinion*" and "*arbitrary will* [Willkür]" (*PR*, §206). More than simply

[8] See also *PR*, §228A and Habermas' discussion at Habermas 1989: 106. Compare also with Kant's discussion of public right in *TPP*, 8: 381–6.

furnishing a name for one's profession or social status, however, the estates also serve an important ethical and educative function. In addition to helping one acquire a set of skills that are specific to one's estate, one also acquires a specific ethical disposition (*sittliche Gesinnung*) in which rectitude and honor for one's estate allow individuals to gain recognition from others, as well as self-respect and self-esteem. To stress the importance of the estates for the development of one's social identity, Hegel writes: "When we say that a human being must be *somebody*, we mean that he must belong to a particular estate; for being somebody means that he has substantial being. A human being with no estate is merely a private person and does not possess actual universality" (PR, §207A).

The discussion of the estates within the context of civil society is primarily positive, and membership in an estate forms an essential aspect of one's ethical and social identity. However, once we enter into the domain of the political state, the role of the estates becomes somewhat more ambivalent.[9] In the context of the legislative power, the estates, operating primarily through elected deputies, serve the function of bringing "the universal interest [*Angelegenheit*] into existence," establishing a "public consciousness" in which "the views and thoughts of the *many*" are expressed (*PR*, §301). Immediately after introducing the political function of the estates, Hegel expresses some doubts and concerns. On the one hand, in mediating between the government and the people, the estates serve an important role in educating the public, as well as ensuring something akin to democratic accountability. Indeed, part of the political function of the estates is to engage in "public criticism [*öffentliche Zensur*]," offering insight into the activities and specialized needs of those groups whose interests may not be visible to higher state officials (*PR*, §301A). On the other hand, Hegel also simply denies that the estates or "the people" in general have some special insight into what is in their own best interest, suggesting instead that "'the people' . . . refers to that category of citizens *who do not know their own will*." Thus, although the estates are supposed to serve the function of bringing the universal, public interest into existence, there is also a tendency in their functioning toward disintegration, a tendency toward retreat into particular interests and private points of view. Indeed, Hegel associates the tendency of the estates toward disintegration with the negative viewpoint of the "rabble," who automatically assume ill-will on the part of the government.[10] When the outlook of the rabble gains "*self-sufficiency*," the result is nothing less than "the destruction of the state" (*PR*, §272A).

In tracing the formation of public opinion to the political functioning of the estates, Hegel is claiming that individuals form their judgments concerning

[9] See Habermas' discussion in Habermas 1989: 118–22. [10] On the "rabble," see *PR*, §244.

matters of public concern primarily from their position within civil society, and more specifically, from the position of their social status or class. Importantly, Hegel emphasizes (in a somewhat sexist formulation) that public opinion should be distinguished from "man's imaginings at home in the company of his wife and friends," which is meant to suggest that the opinions in question are not simply the ones shared within the private sphere of the family (*PR*, §315A). Instead, public opinion takes shape under the conditions of publicity combined with one's participation in an estate. Individuals form their judgments concerning public matters on the basis of their social and ethical identities, identities whose public existence is fundamentally shaped by the formal and informal education provided within civil society. Thus, whereas for Kant, the combination of publicity and subjective freedom is sufficient for securing the path to enlightenment, for Hegel the combination of publicity and subjective freedom is importantly mediated through participation in civil society and the estates, which generates a diverse sphere of private interests that have disintegrative effects for the public good. Public opinion, the formation and function of which are mediated by the estates, manifests the unstable push and pull between private and public interests, representing a site of enlightenment as much as a site of ignorance and false public consciousness.

Before turning to the question of whether and how public opinion may qualify as ideology, let me return briefly to its three chief characteristics that I mentioned in the introduction. First, public opinion appears to be a classic example of a Hegelian, dialectical concept. Public opinion brings universal, public consciousness into existence, and yet, it also tends to disintegrate into private and particular points of view. This is due primarily to its functioning through the estates, which represent the interests of civil society within the context of the political state. Public opinion is also capable of expressing "*true thoughts* and *insight*" and is able to form "*rational judgments*" concerning the state and its affairs (*PR*, §315). In its modern shape, Hegel emphasizes that public opinion gains recognition primarily through "insight and reasoned argument" rather than through habit or custom (*PR*, §316A). However, in virtue of its disorganized, subjective basis, public opinion also contains "ignorance and perverseness," "false information," and "errors of judgment" (*PR*, §317). In fact, the worse the opinion, the more distinctive it will be, which increases the likelihood that it will be taken up by others. Given its dialectical character, Hegel claims that public opinion deserves to be "*respected* as well as *despised*" (*PR*, §318). Public opinion must be respected not only because it is capable of forming rational judgments, but because even within its erroneous judgments, there is some truth to be found, more or less obscured. It deserves our contempt, however, when it operates under the guise of universal authority, and rising above public opinion is also a condition of "achieving anything great or rational."

The second feature of public opinion concerns the problem of self-deception and how this relationship can be understood as a large-scale rather than merely individual phenomenon. Indeed, Hegel had already claimed earlier that "the people" consist precisely in that group of citizens who do not know their own will. The idea that public opinion should be understood specifically as *self*-deception echoes a feature that Geuss will also identify with ideological false consciousness, namely, that it is "a form of *self-imposed* coercion" or "a kind of *self-delusion*."[11] Here is the key passage where Hegel discusses public opinion as the problem of self-deception:

> A leading spirit [*ein großer Geist*] set as the theme of an essay competition the question "whether it is permissible to deceive a people." The only possible answer was that it is impossible to deceive a people about its substantial basis, about the *essence* and specific character of its spirit, but that the people is deceived *by itself* about the way in which this character is known to it and in which it consequently passes judgments on events, its own actions, etc. (*PR*, §317A)

Regarding the character of deception at work in public opinion, Hegel begins by claiming that it is "impossible" to deceive a people regarding certain matters, specifically, matters pertaining to the essential ethical character of a people, or what we might call, the "spirit" of a people. The kind of deception that Hegel has in mind here is explicit and deliberate deception from a source external to the people, and it is Hegel's contention that such a complete deception of a people regarding their own ethical character is not a real possibility that we should even entertain, for to do so would be to misunderstand the way in which public opinion is constituted. Note that Hegel is *not* suggesting that such deliberate, external deception is never at work in the operations of state and civil society, but only that public opinion should not primarily be understood along these lines. There are at least two reasons why public opinion must be understood as self-deception in contrast with deliberate deception from an external source. First, public opinion is formed via participation in the estates, whose assemblies must operate under conditions of sufficient publicity in order to fulfill their educative function for the people (*PR*, §315A). Hegel thus understands these institutions to be sufficiently open and democratic (without the need for any official democracy), such that consensual participation is what sustains their continual operation. Thus, the people participate in these institutions willingly, and the participation in question is manifest primarily through the exercise of judgment and reasoned argument – public, rational debate – rather than unreflective habit or custom. Any deception that results from this process is therefore by definition self-imposed, and will consist of errors of judgment whose source is nothing but

[11] Geuss 1981: 58. See also Geuss 1981: 60.

the willing participation of the people in public debate regarding their own affairs. Second, the *content* of public opinion concerns the essential character and ethical identity of a people – for example, self-conceptions concerning what it means to be American, British, etc. Although the judgments in question may indeed contain factual errors of all kinds (ones that may result in part from deliberate forms of deception), these errors of judgment are ultimately all about the people themselves, in which the mistaken attitudes and beliefs in question are inseparable from the people's identity and collective sense of self. The mistaken attitudes and beliefs of public opinion thus necessarily involve an element of self-deception, and moreover, individuals will generally be invested in maintaining those mistaken attitudes and beliefs on pain of losing some essential part of their social and ethical identities. A people's belief in American exceptionalism, for example, may be fueled by misinformation and even propaganda, but it is a belief that can be difficult to correct simply by offering better information, since giving up this belief would involve a fundamental change in a people's understanding of who they are, of what it means to be American.[12] In stressing the element of self-deception, Hegel is arguing that deliberate, external forms of deception are never sufficient for the kinds of errors of judgment involved in public opinion, which always involve the question of a people's essential ethical identity.[13]

In her book, *Hegel on Second Nature and Ethical Life*, Andreja Novakovic offers a different interpretation of this crucial passage at §317A, arguing instead that this passage is "a clear statement against the possibility of ideology as a form of false consciousness."[14] She contends that while Hegel suggests "that a people can become the source of its own confusion," he also flatly denies that a people can ever be deceived about its substantial basis. Moreover, although Hegel accounts for the possibility of confused self-conceptions, these confusions lack the functional character of ideology, which is to say that they do not function to justify and maintain certain (unjust) social relationships. In the next section, I will take up the functional dimension of public opinion and address the question of whether and how this can be understood in terms of

[12] Compare this with the example of a government lying to the people that the water in their town is potable. The people can receive new and better information that allows for the false belief in potable water to be corrected for, without requiring a fundamental change in their ethical identity.

[13] In the *Phenomenology of Spirit*, Hegel makes a similar argument in the context of commenting on enlightenment's mistaken critique of faith: the accusation that people of faith are simply victims of deception on the part of a priesthood misunderstands entirely how faith is essentially bound up with the self-knowledge of the faithful (*PhS*, ¶¶542, 550; *HW*, 3: 401, 407–8). I take it that here, too, Hegel is not at all ruling out the possibility of deliberate deception on the part of the priesthood, but simply arguing that such deception is neither necessary nor sufficient to account for the self-understanding of the faithful.

[14] Novakovic 2017: 156.

ideology, but for now I want to add one more point of clarification regarding the nature of self-deception. Novakovic argues that "public opinion cannot be deceived, but it can be self-deceived," and suggests that self-deception is better understood as a kind of self-forgetfulness that emerges through habitual participation in ethical life.[15] Although habitual participation forms a large part of Hegel's understanding of ethical action, earlier I noted that the formation and proliferation of public opinion does *not* primarily operate by means of habit and custom, but instead, that it operates "mainly through insight and reasoned argument" (*PR*, §316A). Thus, rather than passive and unreflective self-forgetfulness, Hegel appears to be claiming that the self-deception in question is *active*, a result of the relatively disorganized way in which opinions are articulated, exchanged, and reflected upon. Instead of the self-forgetfulness of habituated and unreflective participation, the active self-deception of public opinion is better understood in terms of what Hegel calls "common sense [*der gesunde Menschenverstand*]," a public consciousness and ethical foundation that exists in the shape of prejudices (*PR*, §317).[16] These prejudices of common sense manifest themselves by distorting the explicit judgments that people make concerning their own essential character, their actions, and the events that take place within ethical life. The prevalence of prejudice in public opinion appears to rest on a combination of two factors: its inchoate mixture of true and false judgments on the one hand, and its lack of any reliable criterion for distinguishing between such judgments on the other. Self-deception in the shape of prejudice thus appears to be an essential rather than contingent feature of public opinion, and here, the best we can hope for appears to be establishing the *right* prejudices, rather than eliminating prejudice altogether.

Third and finally, public opinion is self-destructive, and tends toward the dissolution of the state. This was suggested by Hegel's earlier discussion of the tendency of the estates toward disintegration, which at its most extreme, is associated with the negative, oppositional, and private point of view characteristic of the rabble (*PR*, §§301A, 272A, 244). In the concluding paragraph of the section on the internal constitution, Hegel reiterates the destructive character of public opinion, claiming that it manifests a kind of formal, subjective freedom that is "the dissolution of the existing life of the state by opinion and argument [*Räsonieren*]" (*PR*, §320). As Hegel continues his discussion of international law and world history, he continues to stress that states – even if they are maximally rational ethical totalities – are continually exposed to contingency: to the external contingency resulting from relations with other states, and to the internal contingency of "inner particularity," a contingency

[15] Novakovic 2017: 203–4.

[16] See also the discussions of "common sense" in *D*, 98–103; *HW*, 2: 30–5. In the *Differenzschrift*, Hegel also discusses "common sense" in connection with problems related to faith.

that asserts itself most forcefully in public opinion (*PR*, §340). In fact, the more rational the state, and the more developed its recognition of the principle of formal, subjective freedom, the more public opinion emerges as a threat from within, as a source of internal unrest and turmoil. Public opinion thus poses an especial threat for modern states, and in particular, for functionally differentiated societies in which economic and political spheres of action are distinguished in principle.

2 Public Opinion as Ideology

With Hegel's understanding of public opinion in view, how should we assess the contentions of Adorno and Habermas that this notion already represents the development of a concept of ideology? To address this question, I want to turn now to Geuss' conception of ideology in order to assess whether Hegel's concept of public opinion qualifies as such according to his definition. Geuss' account is an appropriate point of reference here for two reasons: first, he develops his concept of ideology drawing primarily from Habermas and Adorno; second, he helpfully distills the methodological innovations of critical theory through the concept of ideology. In the next section, I will also discuss Hegel's methodological innovations by turning to his essay on *Natural Law*, and argue that his methodological commitment to a dialectic of the ideal and the real render the concept of ideology essential for social and political theorizing, representing a nascent critical theory. Thus, despite his reputation for defending the state as the actuality of reason itself, I will argue that Hegel's social and political philosophy contains a concept and account of ideology as a necessary feature of modern ethical life.

Geuss begins with a very general definition of ideology in a pejorative sense as a form of delusion or false consciousness, where a form of consciousness refers to "a particular constellation of beliefs, attitudes, [and] dispositions."[17] A form of consciousness can be ideologically false on account of three potential factors: first, on account of certain *epistemic* features; second, on account of certain *functional* features; and third on account of certain *genetic* features.[18] *Epistemologically*, a form of consciousness can be false in a variety of ways: by confusing the epistemic status of a belief (for example, confusing a value judgment with a statement of fact), by making an objectification mistake (for example, taking a social, historical phenomena as natural and unchangeable), by mistaking a particular interest for something universal and general (for example, taking the interests of the estate of trade and industry as the

[17] Geuss 1981: 12. Geuss also discusses two further senses of ideology as descriptive and positive (see Geuss 1981: 4–12).
[18] Geuss 1981: 13.

universal interest of all human beings), and finally, by not recognizing self-fulfilling or self-validating beliefs *as* self-fulfilling or self-validating (for example, not understanding that identifying some individual or group as lazy has effects upon how that individual or group is treated, and thereby, has further effects upon their possibilities for actions and their self-understanding).[19]

A form of consciousness can also be ideologically false on account of certain *functional* properties. For instance, a form of consciousness can serve the function of "supporting, stabilizing, or legitimizing certain kinds of social institutions or practices."[20] In particular, ideology serves the function of justifying "reprehensible social institutions, unjust social practices, [and] relations of exploitation, hegemony, or domination." Additionally, forms of consciousness can also serve the function of "masking social contradictions."[21] Finally, certain *genetic* features concerning origins and history can also potentially render a form of consciousness ideologically false (some classic examples here might be Marx's suggestion that the ruling ideas of a period are always the ideas of the ruling class, or Nietzsche's genealogy of morals that traces Christian morality to "hatred, envy, resentment, and feelings of weakness and inadequacy"[22]). One of the virtues of Geuss' account is his proposal that all "interesting" accounts of ideology, and more specifically, what he calls, following the Frankfurt School, "dialectical" accounts of ideology critique, will combine two or more of these three modes of analysis.[23] This is important, not only because it identifies what is distinctive about ideology critique, but moreover, because each mode of analysis on its own very quickly produces some potential problems. For example, the most obviously non-self-sufficient form of critique is the genetic one, where identifying certain genetic features of a form of consciousness is neither necessary nor sufficient to render it false. The epistemological critique, while crucial, is not sufficient to render a form of consciousness ideological, since there are many instances of such errors that are innocuous, merely incidental, and easily corrected for. The problems concerning the functional critique are more complex, but broadly speaking, when it is not supported by epistemological concerns, there is a danger that the exclusive focus on the functional properties of a form of consciousness

[19] Geuss 1981: 13–14. On self-fulfilling beliefs, see Fricker's discussion of constitutive and causal construction, and her example of how one can be constructed as a "hysterical female" (Fricker 2007: 55–8, 88). Haslanger 2012 also discusses a number of helpful examples of self-fulfilling phenomena in connection with ideology.

[20] Geuss 1981: 15.

[21] Geuss 1981: 18. On the connection between the epistemic and functional dimensions of how ideology can mask social contradictions, see Mills' discussion of "cognitive dysfunctions (which are psychologically and socially functional)" in Mills 1997: 18.

[22] Geuss 1981: 44.

[23] Geuss 1981: 22.

undermines the commitment to truth that ought to guide philosophical and social critique. Recently, Michael Morris has argued that the functional critique of ideology, on its own, leads to a general skeptical attitude that "breeds apathy, cynicism, fideism, and nihilism," and in extreme cases, can lead to the glorification of violence.[24] Geuss' three-fold approach to ideology critique thus avoids the potential pitfalls of taking these modes of critique in isolation.[25]

Are Adorno and Habermas correct, then, to suggest that with the concept of public opinion, Hegel has already developed a concept of ideology as a form of self-deluded false consciousness? Does a concept of ideology arise as a necessary feature of Hegel's theory of the rational state? The case seems fairly easy to make if one considers the epistemological features of public opinion identified by Hegel. As he suggests, "every kind of falsehood" is present in public opinion (*PR*, §318A). However, falsity alone does not capture what is distinctive about the modern phenomenon of public opinion as arising from the education and political functioning of the estates. In describing the modern version of this phenomenon, Hegel stresses that it operates within the context of the heightened awareness of agents as participants within a space of reasons.[26] Errors in judgment, which surely include the common kinds of epistemological mistakes noted by Geuss, increase alongside the increasing importance of reasoned argument, and the more rational argument permeates the spheres of ethical life, the more errors of judgment will proliferate. But beyond these kinds of errors of judgment, there is a further feature of public opinion that many have identified as a distinctive feature of *ideological* forms of consciousness, namely, that they are particularly recalcitrant, stubborn, and resistant to change, even in the face of clear evidence or good arguments. I take it that this is why Hegel describes public opinion not only in terms of reasoned argument, but also in terms of prejudice and common sense. The kind of false consciousness at stake, then, is a kind of prejudicial self-deception, where commonly held prejudices adversely affect agents' abilities to judge themselves, their actions, and their form of life accurately.

Public opinion also has several functional features. As noted above, its political function is to mediate between the government and the people: from a top-down perspective, publicity is a means of educating the public concerning the state and its laws, serving as a force of societal integration; from a bottom-up perspective, publicity functions as a source of democratic

[24] Morris 2016: 30.

[25] Geuss also claims that it is important to establish which of the three modes is "basic" to a theory of ideology (Geuss 1981: 22). For Habermas, according to Geuss, the epistemic dimension is basic (Geuss 1981: 69).

[26] Habermas calls this "the subjection of domination to reason" (Habermas 1989: 117). See also Honneth 2007 who also argues that ideology operates within "the space of reasons."

accountability, affording the opportunity for citizens to criticize the government. However, insofar as public opinion stems from the estates, its most important function is to represent the interests of civil society, a function that on Hegel's own account, comes into conflict with the more integrative aims of the state. If we combine its function of representing the interests of civil society with the epistemological critique whereby public opinion contains falsehoods that are stubbornly supported by prejudice, its potential ideological status becomes more evident. In a widely known and much commented upon discussion in "Civil Society," Hegel suggests that the proper and normal functioning of civil society necessarily leads to a disproportionate inequality of wealth and the creation of a rabble (*der Pöbel*). In a famous line, he writes: "despite an *excess of wealth*, civil society is *not wealthy enough* – i.e., its own distinct resources are not sufficient – to prevent an excess of poverty and the formation of a rabble" (*PR*, §245). Thus, the institutions and practices of civil society lead to excessive inequality and poverty, and yet, the function of public opinion is to represent the interests of civil society with its prejudicial blending of falsity and truth. Arguably then, public opinion serves the function of supporting, stabilizing, and legitimizing the unjust institutions of civil society, and its prejudices and erroneous judgments make it more difficult for citizens to see relations of exploitation and domination for what they are. Habermas, commenting on the same passage, states the following:

> [In his analysis of civil society, Hegel] diagnosed a conflict of interests that discredited the common and allegedly universal interest of property-owning private people engaged in political debate by demonstrating its plainly particularist nature. The public opinion of the private people assembled to form a public no longer retained a basis of unity and truth; it degenerated to the level of a subjective opining of the many.[27]

In representing the interests of civil society, public opinion functions to stabilize and legitimate the excessive inequality and poverty generated by the institutions and practices of that sphere; combined with its falsehoods, prejudices, and epistemological errors, public opinion appears to be a form of ideological false consciousness that arises as a necessary feature of Hegel's rational state.

With regard to the genesis of public opinion, I noted above that one of Hegel's most important departures from Kant on this topic is to trace its origins explicitly to the education of the estates. Although the genetic argument is subject to worries surrounding the genetic fallacy, when coupled with the epistemological and functional critiques, the genetic account serves as a helpful general reminder concerning the embeddedness of forms of consciousness – our ideas, beliefs, attitudes, and dispositions – in particular and concrete

[27] Habermas 1989: 119.

social practices. In more recent discussions surrounding the concept of ideology, a debate has arisen concerning whether or not ideology is best understood primarily as a set of beliefs, or more fundamentally as a set of practices, attitudes, social meanings, and material conditions that operate in mutually reinforcing ways.[28] For example, Sally Haslanger has argued against Tommie Shelby's strongly *cognitivist* approach to ideology in which ideology is primarily understood in terms of a set of shared beliefs.[29] Instead, Haslanger argues that "practices are logically prior to the behavior and states of mind of the participants; they provide a 'stage setting' for action; they render our action meaningful; they constitute reasons for action. For example, Akna performs a ritual with maize *because* this is a way to worship. The practice constitutes her reason."[30]

This "practice-first" approach, in which attitudes, beliefs, and reasons are opened up by social practices further explains why the epistemological errors that are characteristic of ideology are so stubborn, and why the mere pointing out of these errors often seems to miss the point (not to mention, generates such ire).[31] Hegel makes a similar argument in the context of enlightenment's mistaken critique of faith in the *Phenomenology*: pointing out that objects of religious practices are merely "stone or wood or dough," and not, for example, literally the body of Christ, misunderstands entirely how agents participate in social practices (*PhS*, ¶553; *HW*, 3: 409). The logical priority of social practices is even more evident in the *Philosophy of Right*, where specific ethical dispositions, along with their requisite attitudes and beliefs, develop *only* within the context of specific institutional spheres of action such as the family, civil society, or the state. For example, in addition to the disposition of rectitude and honor for one's estate that one acquires through participation in civil society, participation in the family develops the ethical dispositions of love, trust, and living a shared existence, and participation in the state develops a distinctly political disposition that Hegel calls patriotism. Thus, although the genesis of public opinion in the estates is surely not a sufficient condition for rendering it a form of ideological false consciousness, Hegel's insistence on this origin serves as a reminder that the specific content of these opinions is no accident, for the opinions are deeply embedded in the specific practices surrounding one's profession and social status within civil society. These practices are themselves reasons, and so even when one's opinions are full of ignorance and falsehoods, public opinion is difficult to change or correct, without the requisite changes within the social practices from which they arise.

[28] See Shelby 2003, 2014 and Haslanger 2017.
[29] Haslanger argues that ideology critique "needs to be *less* cognitivist [my emphasis]," but I do not take her account to be *anti*-cognitivist (2017: 3).
[30] Haslanger 2017: 13. [31] Haslanger 2017: 15.

In tying the formation of public opinion to the estates, Hegel is suggesting that our beliefs and attitudes – as much as our social and ethical identities – are fundamentally bound up with concrete material conditions, emerging as a result of education through and participation in social practices and institutions.

Employing Geuss' three-fold model of ideology, I have argued in this section that Hegel's concept of public opinion operates as a form of ideological false consciousness that emerges as a necessary feature of his theory of modern ethical life. In exploring the epistemological, functional, and genetic features of public opinion, I further suggested that Hegel's philosophy provides us with a sophisticated account of how forms of ideological false consciousness, as constellations of beliefs, attitudes, and dispositions, are embedded in social practices operating within civil society. In presenting the formation of public opinion, and more importantly, our ethical dispositions, as essentially bound to the practices and institutions of ethical life, Hegel is operating with a method of social and political theorizing that, departing from the approaches of both early modern thinkers and the approaches of Kant and Fichte, he developed as early as 1802/3 in his essay on *Natural Law*. In the following section, I will propose that the *Natural Law* essay throws the concept of ideology into relief in two ways: first, in laying out certain methodological commitments that are sustained in the *Philosophy of Right*, providing further context for the ambivalent treatment of public opinion; and second, in showing that Hegel's methodological commitments already express, in nascent form, the methodological commitments of a critical theory, which he formulates in opposition to both *formalism* and *empiricism*.

3 Hegel's Critical Theory

Although it appears that the concept of public opinion is only restricted to the several paragraphs that conclude the discussion on the internal constitution, its importance in relation to Hegel's method in the *Philosophy of Right* is quite evident if one turns to the preface of that text. In the preface, Hegel presents the problem faced by social and political theorizing as, in part, revolving around the problem of public opinion: on the one hand, the truth concerning matters of "*right, ethics, and the state*" are already present in the "*public laws and in public morality and religion*," which are "universally acknowledged and valid"; on the other hand, that which is universally and publicly acknowledged likewise presents itself as a "jumble of truths," "an infinite variety of opinions," and as merely "subjective convictions" (*PR*, 11, 19). Sorting through the thicket of what is publicly acknowledged to arrive at the truth concerning matters of right, ethics, and the state is thus a central problem for social and political theorizing, and resolving this problem largely hinges on approaching

such matters with the appropriate philosophical method, a method that, as I have tried to show, involves ideology critique. In the preface, however, Hegel largely refers his readers to the speculative method developed in his *Science of Logic*, a suggestion that has generated much dispute within the scholarship.[32] Although I believe that the *Logic does* matter for thinking about the *Philosophy of Right*, Hegel's methodological considerations in the *Natural Law* essay provide a more generally helpful sketch of the issues at stake, particularly as they concern sorting through the thicket of public opinion.

Hegel's essay on *Natural Law* was written during a period in which much of his work still employed Schellingian concepts and language. Although it is the case that Hegel at this time had not yet fully worked out his own philosophical system, it would be a mistake to read Hegel's mature work in terms of a full "break" with the Schellingian view, particularly as it concerns his use of the term "absolute." In the *Natural Law* essay, the terms "absolute" and the "idea" stand in for what, in principle, cannot be captured by the prevailing theories of natural law, which are one-sided in different ways. Whereas *formalism* (roughly attributed to the philosophies of Kant and Fichte) follows the path of a priori theorizing at the expense of attention to existing institutional realities and practices, *empiricism* attends haphazardly to experience in uncritical and unsystematic ways that tend to obscure the aims of human activity as well as the unity of ethical life. What emerges in his criticism of both formalism and empiricism is that what is "absolute," or "absolute ethical life," can appear as both "distorted [*verzogen*]" and "inverted [*verkehrt*]" and, thus, that we require a critical method that allows us to see such distortions for what they are.

Hegel's objection against formalism is better known, and the *Natural Law* essay presents a classic version of Hegel's critique of purely a priori theorizing concerning ethical matters. "Formalism," he writes, "asserts its formal principles as the *a priori* and absolute, and thus asserts that what it cannot master by these is non-absolute and accidental" (*NL*, 62; *HW*, 2: 443). Hegel has two kinds of worries in mind. First, formalism creates a fundamental and ultimately unbridgeable gap between its formal, a priori principles and the empirical reality (here: the ethical domain of human action) that these principles are meant to govern. Referring to Kant's fundamental law of pure practical reason, Hegel objects that the mere form of universal law cannot by itself generate any

[32] Wood argues that Hegel's *PR* should be completely severed from his "speculative logic"; and Neuhouser refers to Hegel's understanding of social freedom in the *PR* as "quasi-logical" (Wood 1990: 4–6; Neuhouser 2000: 31). For defenses of a "systematic" approach that stress the inseparability of Hegel's logic and his theory of objective spirit, see Brooks 2007 and Brooks and Stein 2017. For defenses of a balanced approach to the issue that draw insights from Hegel's logic without insisting that the *PR* can *only* be judged in connection with Hegel's larger philosophical system, see Kervégan 2018: xii and Novakovic 2017: 5–12, 164–7, 186–8.

ethical content. Rather than explaining why, for example, it is wrong to steal, formalism generates nothing but tautologies: "this tautological production is the legislation of this practical reason; property, if property *is*, must be property. But if we posit the opposite thing, negation of property, then the legislation of this same practical reason produces the tautology: non-property is non-property" (*NL*, 78; *HW*, 2: 463). In other words, stealing is non-universalizable only if we assume the institution of private property ("property is property"). If we negate the institution of private property, surely "stealing" (if it still makes sense to talk of stealing) *is* universalizable ("non-property is non-property"). Formalism's principles are not only parasitic upon an institutional context, but more importantly, they provide no guidance with respect to explaining or evaluating that institutional context as a sphere of human action. Second, the a priori approach of formalism leads to a "mechanical" conception of ethical life, in which the absolute gap between the ideal and real generates a situation in which the political domain, in sharp contrast to the moral domain, is governed ultimately by coercion and force. In the *Differenzschrift* from the same period, Hegel refers to Fichte's conception of the state as a "machine . . . an atomistic, life-impoverished multitude" (*D*, 149; *HW*, 2: 87). Far from a necessary feature of ethical life, this sharp separation of morality and politics is a result of formalism's absolute separation of the ideal and the real, one that masquerades as a so-called realism concerning political affairs.

Hegel's critique of empiricism is less often discussed, and perhaps surprisingly, his assessment of empiricism is not entirely negative. In fact, in agreement with empiricism against formalism, Hegel writes, "[empiricism] rightly demands" that social and political theorizing "should take its bearings from experience [*Erfahrung*]" (*NL*, 69; *HW*, 2: 451). His objection to empiricism is that it relies on experience in unsystematic, haphazard, and reductive ways. Two tendencies appear to be particularly problematic. First, empiricism tends to choose *one* feature out of a multitude of possibilities to do its explanatory work. For example, to explain punishment, empiricism focuses exclusively on the "criminal's moral reform," excluding all other relevant considerations (*NL*, 60; *HW*, 2: 441); or, in state of nature theories, there is an exclusive focus on chaos and conflict ("a war of all against all"), which abstracts from all other relevant features of human behavior and interaction (*NL*, 63–6; *HW*, 2: 444–9).[33] The decision to focus on this *one* empirical feature is either arbitrary, or a kind of cherry-picking where one simply chooses the evidence that best fits the view that one is trying to prove. Second, when empiricism does focus on a multiplicity of factors as explanatory, it still lacks the resources to grasp

[33] See also *NL*, 67; *HW*, 2: 449: "*one facet* . . . must be given primacy over the other facets of the multiplicity."

the multiplicity as a non-arbitrary, non-aggregated whole. It approaches its explanations of society in an atomistic and piecemeal fashion, staying at the level of "superficial points of contact," without being able to grasp the essential connections between the parts that make up the whole (*NL*, 65; *HW*, 2: 447). Later in the essay, Hegel defends his own philosophical approach against the "positive sciences" by suggesting that empiricism lacks a sufficiently nuanced concept of experience, anticipating the development of his more sophisticated account of experience in the *Phenomenology*. He writes: "Philosophy can exhibit its ideas in experience; the reason for this lies directly in the ambiguous nature [*zweideutigen Natur*] of what is called experience" (*NL*, 118; *HW*, 2: 511).[34]

To be sure, although there are rejoinders that could be made on behalf of defenders of formalism and empiricism, for the purposes of this paper, I will focus instead on what Hegel's critiques tell us about his *own* philosophical commitments.[35] What I want to suggest is that Hegel's position against formalism and empiricism in the *Natural Law* essay reveals that his methodological commitments are quite close to the methodological commitments of a *critical* theory and already represent the development of such a theory in a nascent form. To conclude, I will again draw from Geuss in order to point out three ways in particular that Hegel's methodological commitments point in the direction of a critical theory. First, Hegel's objections against both formalism and empiricism mirror critical theory's objections against both ideal theory and the position they refer to as positivism. In line with Hegel's worries concerning formalism, critical theorists contend that ideal theories such as Kant's theory of morality depend upon concrete, historical institutions and practices for their ethical content. Taking this one step further than Hegel, critical theory contends that Kantian morality reflects a specifically bourgeois morality that is deeply embedded in bourgeois institutions and practices. In line with Hegel's objections against empiricism, critical theory directly opposes itself to a position it refers to as positivism. Positivism holds: "(a) that an empiricist account of natural science is adequate, and (b) that all cognition must have

[34] In the introduction to the *Phenomenology*, Hegel also refers to the dialectical movement of the experience of consciousness in terms of ambiguity or *Zweideutigkeit* (*PhS*, ¶86; *HW*, 3: 79). There, the ambiguity in question concerns the distinction between *an sich* and *für sich*, and how this distinction generates knowledge for consciousness. Although it is beyond the aims of this paper to elaborate on Hegel's concept of experience, what I am suggesting is that Hegel's mixed treatment of empiricism in the *Natural Law* essay anticipates this later development.

[35] Two recent helpful essays cataloguing and assessing the various objections and replies on the issue of Hegel's empty formalism charge are Freyenhagen 2012 and Stern 2012. On the essential connection between Hegel's critique of empiricism and his criticism of Kant's formalism, see Sedgwick 1996. In her interpretation of Hegel's *Natural Law* essay, Sedgwick argues that a priori formalism and empiricism about content ultimately imply one another in Hegel's critique of Kant.

essentially the same cognitive structure as natural science."[36] Like Hegel then, critical theory defines its method in contrast to both ideal theory and positivism or empiricism, contending that an adequate understanding of society or "absolute ethical life" requires a more complex philosophical method.[37]

Second, once both formalism and empiricism are rejected, social and political theorizing consists of a mutually beneficial relationship between philosophy and empirical social research, one in which the concept of ideology plays a central role.[38] Of course, Hegel did not have access to what we understand today as empirical social research, but his attention to the need to orient ourselves through experience and his reference to both the importance and shortcomings of the "positive sciences" suggest that there is room in his method for this kind of development.[39] In the *Natural Law* essay, Hegel argues that formalism and empiricism offer distorted and inverted views of ethical life, and moreover, emphasizes that ethical life itself is subject to a number of social pathologies. He expresses concern that our philosophical theories can themselves become sources of ideological distortion, where these distortions should not simply be viewed as contingent or accidental epistemological errors. Rather, our philosophical errors can reflect tendencies and pathologies of ethical life itself, described by Hegel as "sickness and the onset of death" brought forth especially by the "isolation" of particular spheres of action from the whole (*NL*, 123; *HW*, 2: 517). He writes: "Thus it may happen that, in the general system of ethical life, the principle and system of civil law, for example, which is concerned with possession and property, becomes wholly absorbed in itself, and in the diffuseness in which it loses itself takes itself to be a totality supposedly inherent, absolute, and unconditioned" (*NL*, 123; *HW*, 2: 517–18). Our philosophical and conceptual errors, then, are not immune to the general tendencies of the age. Rather, certain one-sided ways of thinking reflect certain social pathologies.

Finally, Hegel's approach to social and political theorizing shares a third feature with critical theories: it is a fundamentally reflexive approach in which critical, philosophical reflection must be able to account for itself as part of its object of investigation. This sheds some light on why the problem of public opinion, which plays such a prominent role in the methodological reflections in the preface of the *Philosophy of Right*, is also the problem with which Hegel

[36] Geuss 1981: 2. [37] And as mentioned above, a more complex concept of experience.

[38] See Horkheimer's inaugural lecture in Frankfurt where he presents this relationship between philosophy and empirical social research in essentially Hegelian terms (Horkheimer 1993).

[39] Indeed, Hegel's debt to the British political economists in developing his own ideas surrounding labor, property, and the system of needs is undeniable. This is just to say that Hegel was deeply engaged with the nascent empirical social science of his own time. Thanks to the editors of this volume for emphasizing this point.

concludes his theory of the rational state. Sorting through public opinion, criticizing its forms of ideological false consciousness, and discovering the truths behind its prejudices are not just problems for philosophers or philosophy. They are problems inherent to modern ethical life itself, and in the transition that takes place from Hegel to Marx, problems that point in the direction of revolutionary political praxis.