

## Is the Principle of Freedom Property in Hegel?

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### Abstract

*The question of whether “the principle of freedom is property” or not is associated with the question of Hegel’s being libertarian or communitarian. In this essay, we will try to trace the concept of property in Phenomenology of Spirit (PS) and Hegel’s Philosophy of Right (HPR). In PS, we will show how property is, or is not, related to freedom in Master-Slave Dialectics, in Contradiction Principle and in Spiritual Animal Kingdom. After deducing that there is a much more strong liaison between action and freedom, we will analyse the property claim in Abstract Right of HPR. After concluding that property of Right is individualistic and possessive rather than inter-subjective, we will see its effect in Hegel from the standpoints of Marxism and Liberalism.*

The question of whether “the principle of freedom is property” or not is associated with the question of Hegel’s being libertarian or communitarian. According to Hegelian method, answering this question by supporting one side would be an evaluation of “understanding”. However, from the point of Hegel’s rational and dialectical approach, we can not reply the question with only one answer, maybe we should not. While answering this question we should take Hegel’s philosophical revolution into consideration.

Firstly, Hegel, although accepting Rousseau’s idea of “general will” or “common will” –these concepts show a confusing situation in Rousseau, but in the last analysis Rousseau settles in the general will of civil society–, he criticizes its emergence through Rousseau and blames him for the contract. For Hegel, Rousseau’s approach which can be counted as “negative freedom” causes homogeneity and sameness in society. Hegel, while claiming diversity against sameness by exemplifying from nature, also expresses his opposition to equal property:

“‘Equality’ is the abstract identity of the Understanding; reflective thought and all kinds of intellectual mediocrity stumble on it at once when they are confronted by the relation of unity to a difference... The demand sometimes made for an equal division of land, and other available resources too, is an intellectualism all the more empty and superficial in that at the heart of particular differences there lies not only the external contingency of nature but also the whole compass of mind, endlessly particularized and differentiated, and the rationality of mind developed into an organism.” (HPR, §49)

In *Phenomenology*, under the titles of “Reason as Lawgiver” and “Reason as Testing Laws” Hegel discusses the law, for example “everybody must tell the truth, always according to his knowledge”, and starts the “formel” interrogation of such universal (here, a reason knowing immediately and its immediately valid law is the question). (He applies it to the law “love your neighbour!” in Kant.) As a result, “this” giving law and testing it is the pure form of universality and also identifying with one self (sameness). “But a simple knowing or form, which compares a content only with itself, and considers whether it is tautology” (*Phenomenology of Spirit [PS]*, §429).

Contradiction principle is on work for the statements of property (PS, §430-431). With Hegel’s words: “Through having its ground in itself, it is unconditioned, Property, simply, as such, does not contradict itself; it is an *isolated* determinateness” (PS, §430) (first moment of dialectics). Besides, “non-property”, i.e. “non-ownership of things” or “common ownership of goods”, is not self-contradictory. All these statements are isolated and self-sufficient as the above statement. Nevertheless, through the concepts of need, universality of need, possessing, usage etc., both property and common ownership (or non-property, which is taken as contradicted by public opinion because of not being considered isolated but indeed is not self-contradicted like property) are shown to be self-contradicted.

But, showing the contradictions under the two titles causes a desperate situation for the Reason: “The result therefore seems to be neither specific law nor a knowledge of them is admissible.” But the result does not end here. As a summary, a law emerging from such consciousness has a “contingent” content. That is to say, it is a law of a single or accidental consciousness. Even, this immediate law giving is a tyrannical crime; it makes arbitrary laws and forces the “Sittlichkeit” to submit itself. Reason as testing law is “crime of knowledge” that “freely reasons” over absolute laws and takes the laws as foreign.

Hegel, after developing formal criticism about the property, claims that it can be defended without contradiction only through filling it with content (in *Phenomenology*). In *Philosophy of Right*, property, presented as the principle of freedom, which is formulated as relationship of person with himself in the chapter of “Abstract Right”, acquires content through Hegel’s initiative. In *Phenomenology* Hegel leaves the issue of property on one side and turns towards speech and action. The Subject i.e. “substance permeated by individuality”, started from the “deceit” in the context of action of the single individual, the others and their actions, exhibited as in the chapter of “The Spiritual Animal Kingdom and Deceit, or ‘the Matter in Hand’ Itself”, can be thought as clues and the lively expression of political ideal that Hegel idealized in his last period of HPR.

The subject of the process of Spiritual Animal Kingdom is such an individuality that it is both particular individual and all individuals. It is also universal. Hegel’s ideal and objective freedom can be earned only in such a situation of common action. But the particular individuals are not aware of it, moreover it is not their aim. They are intrawert and indeed their only demand is confirmation of their selves. “Individuality which is factual in itself” is at first particular and determinate. Hegel uses a very understandable and ordinary language here. The matter is practical. Problem and actions for its solution.

“Deceit”: Here there is no remark of property. 1) Property, has been dealt with in Abstract Right, abstract universality, which is the first moment of Right. But in “Spiritual Animal Kingdom” the subject deals with ethical or political action. In fact, in *Phenomenology*, what develops consciousness is action or action as work. 2) In HPR, non-property will be considered in the second moment i.e. “Morality”, particularity, and in such universality the “action” will free the will. 3) From the union of two moments will emerge individuality i.e. “Sittlichkeit” and that is the individuality in the community.

We remember here also the Slave’s labour which does not belong to him, indeed his action as work the aim of which does not belong to himself. At the same time, the Slave and his labour which is instrumentalized by the Master is an instrument and symbol of the Master’s property over the Slave. The Master, as not being able to consume the Slave like a fruit, can own him only by forcing him to work or act for himself. So, we coincide with property during the Master-Slave Dialectics and Contradiction Principle against action the one which we meet frequently during the adventure of consciousness and which evolves it to an higher moment dialectically (as the labour of the Slave and as action, and as the ethical and work in Spiritual Animal Kingdom).

During Contradiction Principle, we have seen the formal identity of property and non-property. During Master-Slave, while the Master gets being consumed and becomes “dependent” on the Slave and owns him through forcing him to work, the Slave becomes self-conscious through his labour on Nature—his labour is pastoral here—. Even, in this metaphore (or historical according to some) it is the Slave and his labour who wins although he loses the first stage death-live war. But, thinking that the Slave is living a comfortable and pastoral life would be wrong, since the Master can force him to death each and every second. Moreover, it is not so easy to understand how the labour frees the Slave during this process. In “Spiritual Animal Kingdom”, whereby practical sphere, telling what the Spirit is and in fact expressing how it develops, is showing how particular consciousness, through facing with each others’ actions, reaches common actioning and universal, therefore the Spirit, there is no reference to property.

But, when we analyse the HPR, we meet the property in Abstract Right. Another question relating to property could be formulated as such: How will the will get its freedom? That is to say, how will the subjective, formal and natural will transform into real, universal and free, in-itself and for-itself, will? We could reply the question as: How “Bildung” (education) is the process of leading to freedom, so is the property. Property is a form that embodies, that gives life to freedom.

With Hegel's words of his lecture of law in 1824/25, "If person does not own, his freedom as person can not realize".<sup>1</sup> Like education –how it develops freedom as "rendering human ethical"– property serves the same aim. In HPR, Hegel claims the below about property which is explained through paragraphs in various sections:

*"The content of this science through every single one of moments, e.g. right, property, morality, family, state, and so forth, may be expounded in the form: man has by nature the impulse towards right, also the impulse to property and morality, also the impulse of love between the sexes, the impulse to sociability &c."*

Frankly, it is not easy to understand how far is Hegel's explanation to property defined as "desire as datum of conscious" from the explanation of empiric psychology which he criticizes through his book. Furthermore, this desire (or better say impulse) will be duty in Sittlichkeit. To the above question, we can give quick answers such as:

- a) "Division of labour" which depends on "organic" totality
- b) Hegel's being evolutionist rather than revolutionist
- c) Economic regulations through State which makes the civil society slower (e.g. limitations to "wealth")
- d) His getting influenced by Scottish Economic School
- e) His acceptance of the meaning of "real is actual"
- f) His being Aristotelian rather than Platonist
- g) Historical-empiric being of the property

But, to be sure, these quick answers do not prevent us from searching more deeply. A more philosophical research comes to this point: If something which is not possessed by somebody is an essential object, it is essential that somebody owns it. The non-property of the thing means absolute non-property. What meant here is that the non-property of the thing is something that an individual owns that thing according to his need. Here the individual must be thought as universally and he must earn a kind of permanent property which will provide for his total being. For Hegel, social property which is formulated according to everybody's need is contradicted. In order to solve this problem things can be distributed equally, but then it is contradicted with the principle of "according to needs".

Therefore, non-property or common property is solved in contradiction, same questioning can be done for the property. The thing which I own is universal and continuous, but it disappears through its usage. Moreover, everybody knows the thing I own and they put themselves outside of it, but this recognition symbolizes my identity with everybody else. My owning that thing is a being for others too. As a summary, my owning the thing contradicts with its universality. So, by this, property is self-contradicted like non-property. But these two do not have contradictions when they are thought isolatedly, abstractly and universally.

### **Property in HPR**

Property has been formulated in §40 of Abstract Right of HPR as:

*"Possession, which is property-ownership..., the freedom of a single person related only to himself."*

What we understand from this statement is that there is no someone "other" in the property, but the other involves in the contract. How does Hegel found the property in Abstract Right? Further, how can he justify it as the principle of freedom or can he justify it? Hegel deals with the property in another way than the way of contract or utility philosophers. Those philosophers have similar forms of justifying the property. But Hegel settles a relationship between property and freedom. The foundation of property is "externality" and "difference". Also, concept of "thing" is discussed:

*"A person must translate his freedom into an external sphere in order to exist as Idea" (HPR, §41).*

Freedom, for the abstract and eternal will, can be realized only on something different from itself and outside. Free will gets objectified on the thing it owns, and becomes an object for itself. (But we must note here: As if there is no objectification for the conscious in action/work; however we coincide the examples of it. Action is object in the first and third moment in "Spiritual Animal Kingdom".)

<sup>1</sup> C.G. Homeyer's Notes; G.W.F. Hegel, Vorlesungen über Rechtsphilosophie IV, in 240.

Therefore, what must be investigated here is the relation between “I” and “outside”. But, labour or action is also related to outside. Indeed, property alone, without the usage, has no effect of transforming or changing. So, it does not appear as something that penetrates the in-selfness of the “thing”. (This idea is emphasized while Hegel applies the contradiction principle to the property, [PS, “Reason as Testing Laws”]). However, the discussion advances between the subject and the thing. Category of “Recognition” which is expressed by commentators like Avineri is controversy. We will come back to this point later on.

It would be important to interrogate the meaning of property of the thing. According to Hegel, there are two meanings of the thing: With the statements such as “this is what the thing is” or “the question is the thing, not the person” we emphasize the substance of the thing. But if we take the “thing” against the “person” as person, then we take it just in the opposite direction of the substance. In this position, the thing is just “externality”. For this reason, nature is external in-itself. So, it can be owned, instrumentalized. Hegel rejects the Platonist property and also the common property (HPR, §46).

*“The general principle that underlies Plato’s social state violates the right of personality by forbidding the holding of private property.” (HPR, §46R)*

*“Since my will, as the will of a person, and so as a single will, becomes objective to me in property, property acquires the character of private property; and common property of such a nature that it may be owned by separate persons acquires the character of an inherently dissoluble partnership in which the retention of my share is explicitly a matter of my arbitrary preference.” (HPR, §46)*

*“In the Roman agrarian laws there was a clash between public and private ownership of land. The latter is the more rational and therefore had to be given preference even at the expense of other rights.” (HPR, §46R)*

We can ask Hegel at this point what about the majority of the society, since Aristotle, that acts through its will while having no private property. According to some commentators, Hegel’s analysis of private property and his defence is the result of his dependence on idealism.<sup>2</sup> Hegel’s metaphysic property deduction is underlined by his taking the Will as the source of right. Hegel’s political world is the sphere of Will, and this is part of Objective Spirit. Hegel fills this world with political establishments which will unify two-sidedness of human. These two sides are 1) particular desires, inclinations, capabilities –which sums up as “naturalness” of human– (a Hobbesian world), and 2) “culturality” of human which makes art, religion and philosophy, and moves through formal universality of Kantian ethical will (a Kantian world).

According to Brod, Hegel sees the property rights as an essential category for the freedom and totality of human. We could make a comparison to understand the aim of Hegel better. For example, while Locke’s understanding of property is materialistic, Hegel develops an idealist conceptualisation and evaluates property as an immanent category to freedom. Hegel accuses Locke of getting human under humanity by mediating through property. In this very stage, human is just a biological animal. While Locke bases on physiological and biological needs, Hegel conceptualises human’s spiritual side: Namely, the will and mind. The below quotation can express Hegel’s aim better:

*“If emphasis is placed on my needs, then the possession of property appears as a means to their satisfaction, but the true position is that, from the standpoint of freedom, property is the first embodiment of freedom and so is in itself a substantive end.” (HPR, §45R)*

While empirists’ target is distribution, we can say, Hegel’s problematic is the productive activity of “I”. From Hegel’s standpoint, submission of external world to the I is taking the I over nature and grant him honor of humanity. Hegel separates two-sidedness of human into full man and biologic man. He discloses the two sides by this separation. This strategy, from one side, becomes the base for the inseparability of property rights, from the other side, it separates between economical activity of civil society and political activity of the State. For some, Hegel’s principle of that economy can not justify politics emerges from the same strategy. Hegel, as placing the property right not in the sphere of nature but Spirit, does not see the property as belonging to the sphere of morality.

<sup>2</sup> H. Brod, Hegel’s Philosophy of Politics, s. 67.

While liberal tradition is taking political rights and duties under morality, Hegel's sphere of right, as a category of an ethical world, is a part of inter-subjectiveness, but morality is individual and subjective. For example, contract is between sides, therefore objective and inter-subjective. Similarly, crime i.e. violation of the contract is too. Concerning everybody's having equal property, Hegel objects here again to particularity and nature. However, to be sure, everybody's having property is meaningful, since it is related to freedom and personhood.

"If at this stage we may speak of more persons than one, although no such distinction has yet been made, then we say that in respect of their personality persons are equal. But this is an empty tautology, for the person, as something abstract, has not yet been particularized or established as distinct in some specific way.

'Equality' is the abstract identity of the Understanding; reflective thought and all kinds of intellectual mediocrity stumble on it at once when they are confronted by the relation of unity to a difference. At this point, equality could only be the equality of abstract persons as such, and therefore the whole field of possession, this terrain of inequality, falls outside it.

The demand sometimes made for an equal division of land, and other available resources too, is an intellectualism all the more empty and superficial in that at the heart of particular differences there lies not only the external contingency of nature but also the whole compass of mind, endlessly particularized and differentiated, and the rationality of mind developed into an organism." (HPR, §49R)

Hegel rejects again the equal property by taking nature into consideration:

"We may not speak of the injustice of nature in the unequal distribution of possessions and resources, since nature is not free and therefore is neither just nor unjust. That everyone ought to have subsistence enough for his needs is a moral [subjective] wish ... it lacks objectivity." (HPR, §49R)

### **Private Property**

With reference to Renato Cristi, we can say that contemporary Hegel commentators mostly evaluate Hegel's conceptualization of property on the basis of sociality, although Hegel mentions about the property in §40 (HPR) as the relation of person to an object. According to this evaluation, placing property to a high status in regulation of state and civil society is because of its being a personal right (*jus ad personam*) but not a real right (*jus in rem*). Again for this evaluation, possession relation between a person and an object is not enough to justify property. What important is "recognition" of this by the others, and their consent for duties caused by the claim of property. As in the words of Avineri who is the representative of this evaluation:

"Not an individualistic but a social premise is at the root of Hegel's concept of property, and property will never be able to achieve an independent stature in his system ... Property always remains premised on social consensus, on consciousness, not on the mere fact of possession."<sup>3</sup>

However, we agree with Renato Cristi who brings a different point of view and comment to this subject. We also think, following Cristi, that the above evaluation can not grasp Hegel's understanding of property. Even though, property, as being between the persons and right of persons, associates with the statement that "be a person and accept the other's personhood mutually", and though Hegel in his early political writings relates property to "recognition", but now he presents it as a "subjective" right in HPR; and this abstract property, while renouncing the recognition, leads toward a conceptualization of possessive individualism.

Individualistic conceptualization of property regulated in Abstract Right leads toward recognition principle while transferring from property to contract. Contract law, as *jura ad personam*, operates in recognition relation. As a summary, while a powerful state is saving property right, it is a right defined as possessive and individualistic.

### **Hegel's Property From the Standpoints of Marxism and Liberalism**

We know that opinions about property right most of the time play the yardstick concerning political philosophy. This yardstick draws the border especially between liberal and socialist understandings about property. Analysing property from this respect will also express Hegel's relation with these two world views. We can say this: "Marx's critique of capitalist private property relations contains both Lockean and Hegelian components."<sup>4</sup>

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<sup>3</sup> S. Avineri, *Hegel's Theory of Modern State*, p. 88-89.

<sup>4</sup> Harry Brod, *Hegel's Political Philosophy*, p. 73.

According to Locke's property understanding, it is possible for a person to possess something only if he adds his labour to it. Therefore, possession of something is possible only in terms of adding my labour to its creation. As known, Marx used this in his thesis of capitalist exploitation. For Marx, capitalist system does not recognize property to workers in proportion to their labours and so steal their labours. Marx also has been influenced by Hegel's concept of freedom as externalizing and objectification of the Will. This concept turns into alienation in Marx. For Marx, the question of the capitalist system is not distribution but violation of human freedom.

Holding such points of Marx's theory can prevent wrong readings which regard him as causing a state socialism or state capitalism which leads toward mostly political preferences and contains a central bureaucratic thought that holds the power. These readings neglect Marx's thesis of "radical economical democracy".<sup>5</sup> But Marx accepts Hegel's concept of property rather than the claim of Locke who sees property as the satisfaction of material needs. Marxism, for most of us, is reconciled with Materialism. But Marx's understanding of property is based on Hegel's concept of idealist/spiritual property. Besides, he rejects political claims sourced from property thesis of Locke and other empirists.

As we remember, in Locke property on external things is an extension of the body and the labour, and then appears the property of production means. Then money emerges and labour goes under the property of employer who buys it. So, labour and body, which is at the back of it, are buyable and sellable. In short, civil society is attained. This view of property rights reaches a result in which class of property-owners consent with the alienation. Another result that occurs from Locke's understanding is his closing the gap between personal property and productive (labour) property. Both Marx and Hegel attach importance to this difference, since this difference is the separation between nature –with its first stage– and State in full organization.

Hegel underlines that every citizen, with some amount of capital which will cause him to earn a social and legal statue –especially being a member of a corporation–, must have enough property. But this underlining has nothing to do with equal property. As we mentioned he is against it. But, as Brod calls attention, Marx is also insensitive to equal personal property; and this is mostly neglected. We can not deduce the commons which are based on common property in sixties from Marx's thesis. Marx speaks of social property of production means, not of personal property. Without rejecting the right of personal property he underlines the lost of personal property as an important point in criticizing.

Since capitalism exploits labourer under personal control. Marx, reminding Hegel, mentions that lose of control over production object means lose of one's own essence, lose of freedom, becoming animal, and getting under humanity's level. Aim of Marx's capitalism criticism is not simply satisfying humans' material needs. We can conclude that Marx could not make these deductions so well without Hegel's understanding of property.

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<sup>5</sup> Ibid., p. 74.