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Hegel, the Greeks and Subjectivity: the origins of modern liberty and the historical justification of liberalism

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ABSTRACT

Commentators oft cite the rather grand claim that for Hegel there was no concept of individual personality, subjectivity nor personal autonomy in Ancient Greece. Hegel's claim is either taken as orthodox and making sense in the Hegelian historical system as a whole and so little discussed; or is flatly ignored as the worst kind of metaphysical obfuscation; a response a little too comfortable for liberal thinkers. Neither reaction is entirely satisfying. Not enough attention has been paid to it, especially for the vast majority of social and political thinkers who would find it at least contentious, so the present paper aims to assert its significance both for Hegelian politics as a whole and to pay enough attention to it in order to make it very difficult for those who find it a contentious statement to continue to ignore it. One wants to ask what it might mean for one's self-understanding to be so radically different that, as a human being, I understand myself as first and foremost (and perhaps completely) not as a subjective individual. It is conceptually very difficult to be a self-conscious individual -- in even a minimal sense -- without some idea of being an atomic, individual unit. It is the claim of the following argument that a full understanding of this distinction, between ancient and modern self-understandings, would lead to a revision of Hegel's liberal credentials, though not entirely for liberal reasons.

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1. Introduction to the claim that there is no subjective understanding of the self in the ancient world

Commentators oft cite the rather grand claim that for Hegel there was no concept of individual personality, subjectivity nor personal autonomy in Ancient Greece.[1] The claim that there was no subjective understanding of the self is most standardly stated by Inwood (1984), Pinkard (2001, 218), Pippin (2008, 244) and Stern (1998, 26). Wood (2002, 140) elaborates by relating it to Hegel's own terminology: the Greeks had no equivalent of the "right of knowledge" and he contrasts modern responsibility with Ajax and Oedipus, Hegel's own examples, and ones that will be pertinent below. Franco, inspired by Hyppolite, states it succinctly: "It is only in the Philosophy of Spirit of 1805-1806 that Hegel finally and fully appreciates the difference between the "deeper spirit" of modem individuality and the naive unity of individual and collective in the Greek polis." (1997, 849) Farenth (2013, 1978) hints that the lack of subjectivity is because, as exemplified by Antigone, the laws of conduct and custom are withheld from scrutiny. Contrary to Velkley's (2006) claim that

> ... one must also say that the recent interpretive approach has given not enough attention to Hegel's claim that the spirit of free subjectivity and infinite personality actually first emerged in Greek antiquity, not indeed as a common Greek possession but in those individuals who called themselves variously sophists and philosophers and above all in the person of Socrates (2006, 578).

Writers have indeed concentrated on the emergence of a subjective understanding in late Greek history. The most obvious writers are those who see Socrates as the inventor, in some sense, of *Moralität*. Wood's reading links it directly to the lack of modern moral being and is in agreement with earlier statements found in Taylor (2018, 514-15) and De Seade (1979, 382). More broadly, Singer (2002, 18-21) cites the Persian Wars engendering free individuality due to the conflict between liberty in its primitive form (as being born a citizen of a free state) and oriental despotism. McCarney (2000), on the other hand, proposes that Hegel believed subjective freedom was introduced to the Greeks by the Sophists. The Hegelian discussion of the ancient world, and Greece in particular also relate to the very different Greek *spirit* from that of its predecessors in the East. Both Harris (1993, 31) and Stewart (2017) see Hegel's reading of the myth of the Sphinx and Oedipus' solution to the riddle as the transition to a humanized religion which is a precursor for later Christian humanism which is a necessary stepping stone for the development of individuality. Perhaps one of the most stark and political expressions of the idea is in Pelczynski which

[1] It is not a claim that is so rare in history, though. See Berlin (2002) and also Joyce discussing the Incas in Peru (2013, 101, 109).

encapsulates many of these various readings and contrast it with a modern, liberal understanding of the self:

> The ancient Greek thought of himself as a political animal by nature. He saw himself as a son of his city, a member of an ongoing and historical community and not as an independent individual, facing other similar individuals in an atomistic state of nature or some rather loosely structured society which they had voluntarily established. A Greek citizen was so wholly immersed in the politics and ethos of his city that he cared little for himself. He guided his actions not by his self-interest or some private conception of happiness and virtue, but by the traditional ideals of his city, which he accepted without questioning. One could say that he had no individuality in the full sense of the word; he was merely an instrument, a member of an organism, which acted through him in pursuit of its own universal ends (Pelczynski, 1984, 57).

Hegel's claim is either taken as orthodox and making sense in the Hegelian historical system as a whole and so little discussed; or is flatly ignored as the worst kind of metaphysical obfuscation; a response a little too comfortable for liberal thinkers. Neither reaction is entirely satisfying. So, in agreement with Velkey's claim that not enough attention has been paid to it, especially for the vast majority of social and political thinkers who would find it at least contentious, the present paper aims to assert its significance both for Hegelian politics as a whole and to pay enough attention to it in order to make it very difficult for those who find it a contentious statement to continue to ignore it.

It is apparent that Socrates definitely (as has already been mentioned), Antigone in some sense and most citizens who never featured in the pages of history (Sophocles' audience) had to have some sense of self, that is understand themselves as a subject. It is very difficult to imagine it otherwise and whether that is a limit to our imagination (bearing in mind the impact that has on the fidelity of our historical interpretations) is an important sceptical question that cannot here be considered. The aims of this paper are humbler. One wants to ask what it might mean for one's self-understanding to be so radically different that, as a human being, I understand myself as first and foremost (and perhaps completely) not as a subjective individual.[1] It is conceptually very difficult to be a self-conscious individual -- in even a minimal sense -- without some idea of being an atomic, individual unit. Moreover, it is the claim of the following argument that a full understanding of this distinction, between ancient and modern self-understandings, would lead to

[1] To define a little what is meant by self-understanding at the outset, even if I believe it will become clear as the article progresses, Berlin's use of the word "ideology" is pertinent, as those "attitudes, more exactly conceptual systems, frameworks that consist of interrelated categories through which and by means of which we judge periods." (Berlin, 2002, 288) And, of course, judge ourselves.

a revision of Hegel's liberal credentials, though not entirely for liberal reasons. Therefore, the reason why the distinction is so important, beyond a desire to understand better what it might be, is twofold: one, communitarian accounts of political obedience and legitimation rest on the idea of a situated, historical, social self which cannot be merely relativistic as it would be unable to legitimate political, social orders as required by Hegel's account of the post-Enlightenment social self. Following on from this, two, it can be argued that Hegel offers an historical, constructivist claim about identity which supplies the grounds to replace the legitimation of liberal states through a putative moral realism with a more communitarian one.[1]

2. The textual evidence for the claim

The textual evidence one finds in Hegel for the claim that the Ancient Greeks lacked a full and robust subjectivity (if compared to modern self-understanding) undergoes chronological development. The first period in Jena concentrates on discussions of the non-conformity of Socrates as an example of an emergent, different subjectivity (NL, 153-154)[2], and a year later, by publication, the first formulation of the want of subjectivity and the inability of Plato to articulate a rational understanding of this new, emerging self-understanding:

> … the higher principle of the modern era, a principle unknown to Plato and the ancients. In ancient times, the common morality consisted of the beautiful public life-beauty [as the] immediate unity of the universal and the individual, [the polis

[1] In writing this paper, it has also become clear that the sense of individuality, which is progress and a better self-understanding, may well form a more thorough argument for the existence of a limited institution of private property than the more common utilitarian or simpler libertarian arguments. I do not develop that here but may return to it in future.

[2] Abbreviations to the works of Hegel: NL: (1802/3) On the Scientific Ways of Treating Natural Law, on its Place in Moral Philosophy, and its Relation to the Positive Sciences of Right, trans. Nisbet, H. in Political Writings, Cambridge: Cambridge University Press, 1999; JR1: (1803/4) System of Ethical Life, trans. Knox, T. & Harris, H.; and First Philosophy of Spirit, trans. Harris, H. New York: State University of New York Press, 1979 (published together in one volume). PhG: (1807) The Phenomenology of Spirit, trans. Miller, A. Oxford: Oxford University Press, 1977; NP: (1808-1811) Nurnberger Propadeutik, Werke in 20 Bänden mit Registerband - 4: Nürnberger und Heidelberger Schriften 1808–1817. Berlin: Suhrkamp Verlag, 1986; LHP: (1816) Lectures of the HIstory of Philosophy. 3 vols. Trans. E. Haldane. Routledge, 1955; PR: (1821) Elements of the Philosophy of Right, trans. Nisbet, H. Cambridge: Cambridge University Press, 1991; PH (1822) Philosophy of History, trans. Sibree, J. New York: Prometheus Books, 1991; LFA: (1823-29) Aesthetics: Lectures on Fine Art, trans. T. Knox, Oxford: Clarendon Press: 1975. LPR: (1827) Lectures on the Philosophy of Religion: One volume edition, the lectures of 1827, translated by R. Brown, P. Hodgson, J. Stewart. University of California Press; EL: (1830) The Encyclopaedia Logic: Part 1 of the Encyclopaedia of Philosophical Sciences with the Zusätze, trans. Geraets, T., Suchting, A. & Harris, H. Indianapolis, USA: Hackett Publishing Co., 1991; EG: (1830) Philosophy of Mind: Part 3 of the Encyclopaedia of Philosophical Sciences with the Zusätze, trans. Wallace, W. & Miller, A. Oxford University Press, 1971. Unless specified by a section (§ -- 'R' refers to a remark and 'A' to an addition), or a paragraph (¶) sign, citations will be by page number.

> as] a work of art wherein no part separates itself from the whole, but is rather the genial unity of the self-knowing Self and its [outer] presentation. Yet individuality's knowledge of itself as absolute -- this absolute being-within-itself -- was not there. The Platonic Republic is, like Sparta, [characterized by] this disappearance of self-knowing individuality (JR1,160).

And we see here already Hegel placing Plato (but not necessarily all Greeks) into the same category as the ancients and, because of this, Plato's only political vision is a refusal of the democracy of Athens as a failure and a nostalgic intention to return to the earlier Greek modes of collective existence, as exemplified by Athens' great rival, Sparta. Plato's political thought is characterised by the "disappearance of self-knowing individuality." A few years later, Hegel moves the discussion on to Antigone in PhG ¶¶437 and 470. In this early period, Hegel is working through the want of individuality and expressing it through the consideration of the possibility of tragedy. Whether one understands oneself as either caught up in events beyond one's control or in control of one's life, albeit in a rather minimal way, is at the heart of the Hegelian understanding of modern subjectivity and expressed in the early discussions of Antigone.

In his more mature work (1822-1830), there are some quite direct quotations: "The element of subjectivity that was wanting to the Greeks, we found among the Romans..." (PH 319)[1] The idea had already been raised earlier in the same text:

> Since subjectivity was not comprehended in all its depth by the Greek Spirit, the true reconciliation was not attained in it, and the human Spirit did not yet assert its true position. This defect showed itself in the fact of Fate as pure subjectivity appearing superior to the gods; it also shows itself in the fact, that men derive their reasons not yet from themselves, but from their Oracles. Neither human nor divine subjectivity recognised as infinite, has as yet, absolutely decisive authority (PH, 250).

And he repeats this claim in EG §§482, 552 and PH 250-251 and links it to tragedy in LFA: "The individuals in the high tragedy of the Greeks, Agamemnon, Clytemnestra, Orestes, Oedipus, Antigone, Creon, etc., do likewise have an individual aim; but the substantial thing, the 'pathos' which, as the essence of their action, drives them on, has absolute justification and for that very reason is in itself of universal interest." (568)[2] Here we understand that the Greeks had some form

[1] However, note that in the Romans the element is merely formal, arbitrary and capricious and similarly unreconciled because the Romans lose completely the natural side of their spirit, the connection with the world; their religion is taken out of the world. They, we are told, can never be happy (PH, 278-283)

2 In LFA, this individuality is explained as representational. Talking of Aeschylus's Eumenides, Hegel characterises all classical tragedy as "moulded into a battle between these divine powers which make their appearance against one another in person." (463) and then quickly elaborates on this in terms of Antigone: "More interesting still, although

of subjectivity, but not "comprehended in all its depths". Thinking about Antigone, as we shall presently, the conflict between Creon's edict and her filial obligations, a space opens up for her to consider what is the right action, but without reasons or even arbitrariness (that the Romans will develop in abundance), she falls back on what is immediate, expected, conventional and traditional.[1] Antigone expresses the mean between absolute objectivity (the East) and absolute subjectivity (the French Revolution) and can exist in this indeterminant agential space, hence the reason why she cannot obey Creon -- there are no institutions which would ground an individual understanding that would enable her to step back from custom and overcome it rationally because she is ruled by " the inner gods of feeling, love, and kinship, not the daylight gods of free self-conscious national and political life" (LFA, 464). -- even if, according to Sophocles, the conflict of obligations brings to awareness the smallest possibility of a bifurcation in her destiny. *What she is, is her identity* and although it is put under question by a conflict, she cannot act otherwise. The point here is that subjectivity is lacking because "Men derive their reasons not yet from themselves". This is the defect in the self-understanding of the ancient world. The "defect" is described as "showing itself" as though the understanding is a symptom, but it is not a causal relationship, rather an interrelation. Furthermore, worth noting are the two institutions referred to in the quotation: one, religion whereby gods are inferior to Fate and what one is responsible for is written in the fabric of the universe and, two, political authority and moral conscience is made impossible by the fact that nomos, reasons, comes from Oracles which are beyond divine and human subjectivity.[2]

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entirely transferred into human feeling and action, the same clash appears in the Antigone, one of the most sublime and in every respect most excellent works of art of all time. Everything in this tragedy is logical; the public law of the state is set in conflict over against inner family love and duty to a brother; the woman, Antigone, has the family interest as her `pathos', Creon, the man, has the welfare of the community as his. Polynices, at war with his native city, had fallen before the gates of Thebes, and Creon, the ruler, in a publicly proclaimed law threatened with death anyone who gave this enemy of the city the honour of burial. But this command, which concerned only the public weal, Antigone could not accept; as sister, in the piety of her love for her brother, she fulfils the holy duty of burial. In doing so she appeals to the law of the gods; but the gods whom she worships are the underworld gods of Hades (Sophocles, Antigone, 451), the inner gods of feeling, love, and kinship, not the daylight gods of free self-conscious national and political life." (p. 464)

[1] One colloquial way to understand this is the trouble I personally have with being late to social engagements with my Italian wife. To be on time, being punctual, is a very English preoccupation laid bare by her refusal to arrive anywhere on time. The only time this was reversed was when we were actually on time to dinner at some Sicilian friends and she began to feel anxiety worrying they would not be ready (and they were not). These sorts of conflicts bring to the fore our identity motivations very clearly and ask whether they are motivations we should value. Whereas we can rationalize them (even if we choose not to), Antigone could not.

[2] Velekley (2006) indicates that the voice of Fate is later replaced in Socrates by his Muse, the Daimon, and this is the reason for the accusation of inventing new gods, as though he has a different point of legal legitimacy. The Oracles which stamp authority on edicts are replaced by the voice of the Daimon, or the personification of reason. It is also an important distinction between ancient and modern tragedy: the unwritten, divine laws -- the external motivation -- is

It is in the texts of LHP in the middle period that the main evidence for his claims about Greek subjectivity are most fully elaborated. One finds there the repeated claim about Socrates' destructive influence on the Athenian state:

> The Athenian people had come into a period of culture, in which this individual consciousness made itself independent of the universal spirit and became for itself. This was perceived by them in Socrates, but at the same time it was felt that it meant ruin, and thus they punished an element which was their own. The principle of Socrates is hence not the transgression of one individual, for all were implicated; the crime was one that the spirit of the people committed against itself (LHP, vol I.447, see also 440).

Here one is made aware that, though Socrates is the prime example of this new reflection on the social mores and obligations of the Polis, it is not restricted to him alone, but "all were implicated". Hegel concentrates on, in these later texts, not Antigone's inability to fight her customary nature, but Socrates' idiosyncrasy where wilful assertion by an individual is seen negatively as a "hostile element, a corruption of the social order" (PR, §206R, see also in the preface, 20 and §138R) and positively as the inventor of morality (PH, 269-271).[1] There is something about Plato's failure to adequately express this emerging subjectivity that reveals precisely what is at stake. It is in fact Plato's response which most interests Hegel in these middle works, as it would in a series of lectures on the history of philosophy, but Plato's failure is revisited again and again in the mature works and Hegel concentrates on the destructive influence not just of Socrates but the principle of subjectivity itself:

> When individuals and nations have once got in their heads the abstract of full-blown liberty, there is nothing like it in its uncontrollable strength, just because it is the very essence of mind, and that as its very actuality. Whole continents, Africa and the East, have never had this Idea, and are without it still. The Greeks and Romans, Plato and Aristotle, even the Stoics, did not have it. On the contrary, they saw that it is only by birth (as, for example, an Athenian or Spartan citizen, or by strength of character, education, or philosophy (the sage is free even as a slave and in chains) that the human being is actually free (EG §482).[2]

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replaced in modern tragedy by insanity or pathological determination; and ancient tragedy can know nothing of the romantic passion of love which often produces such madness (LFA, 233, 272, 564).

[1] See Velkley, 2006: 585; Taylor, 2018, 514-515.

[2] And Hegel's seemingly arbitrary preoccupation with a minor element of Plato's thinking is justified through his description of a good historian: "… even such singularities as a petty occurrence, a word, express not a subjective particularity, but an age, a nation, a civilization, in striking portraiture and brevity; and to select such trifles shows the hand of a historian of genius." (EG §549)

These concerns are best elaborated in the quotation where Hegel offers a reading of Plato's *Republic* which is seen as the despair of the thinker who has seen his city crushed by Sparta and Plato seeks to regain the Athenian ethical superiority of the Archaic and earlier periods and thus negate the historical change which is destroying the cultural harmony. Plato, however, ultimately cannot offer a way to reconcile this new element with Greek social existence:

> The want of subjectivity is really the want of the Greek moral idea. The principle which became prominent with Socrates had been present up to this time only in a more subordinate capacity; now it of necessity became an even absolute principle, a necessary moment in the Idea itself. By the exclusion of private property and of family life, by the suspension of freedom in the choice of the class, i.e. by the exclusion of all the determinations which relate to the principle of subjective freedom, Plato believes he has barred the doors to all the passions; he knew very well that the ruin of Greek life proceeded from this, that individuals, as such, began to assert their aims, inclinations, and interests, and made them dominate over the common mind. But since this principle is necessary through the Christian religion — in which the soul of the individual is an absolute end, and thus has entered into the world as necessary in the Notion of the mind — it is seen that the Platonic state-constitution cannot fulfil what the higher demands of a moral organism require. Plato has not recognized the knowledge, wishes, and resolutions of the individual, nor his self-reliance, and has not succeeded in combining them with his Idea; but justice demands its rights for this just as much as it requires the higher resolution of the same, and its harmony with the universal. The opposite to Plato's principle is the principle of the conscious free will of individuals, which in later times was by Rousseau more especially raised to prominence: the theory that the arbitrary choice of the individual, the outward expression of the individual, is necessary. In this the principle is carried to the very opposite extreme, and has emerged in its utter one-sidedness. In opposition to this arbitrariness and culture there must be the implicitly and explicitly universal, that which is in thought, not as wise governor or morality, but as law, and at the same time as my Being and my thought, i.e. as subjectivity and individuality. Men must have brought forth from themselves the rational along with their interests and their passions, just as it must enter into reality through the necessities, opportunities, and motives that impel them (LHP, vol. 2. 114-15).

Socrates plays a crucial role and hastens the end of the Greek model of political community through his demand for rationality. The emergence of the individual and subjective claims is seen as the destruction of the harmony of the Athenian state because the political and social institutions

just cannot support the demand. The quotation also reminds the reader of the oppositional nature of two one-sided views: Plato versus Rousseau which earlier Hegel presented as the balance Antigone is able to operate for that brief Sophoclean dramatic moment. Plato represents the objective nature of morality, how what is right can be known and demonstrated but, at the same time, how human beings were unable to comprehend this objectivity. But without this moment of understanding, the subjective individual's trust in the political structures is undermined. On the other hand, Rousseau is -- according to Hegel -- Enlightenment freedom of conscience raised to the extremes of the French Revolution where a law is always resisted because it is a seemingly external impediment on the free action of a subjective individual. It is capricious and arbitrary. This here shows that the real want of subjectivity is present in early Greek states (chronologically akin to the Persian and Eastern states where freedom is limited to the person, the king, of the state) and that Athens is very much the transitional period.[1] The liberty of the Greeks is to do what they want because they happen to live under a free (unoccupied) state of which the customary morality *happens to be* in accordance with the natures of these subjects. The Persians and those of the East, again according to Hegel, do what they are told because they are told to do it. They are nothing but tools of another will (the One) whereas some of the Greeks (free citizens) have the will of the social weal flow through their identity and act in accordance with it.

3. The status of Hegel's claim and historical context

There are, then, four theses which arise from Hegel's discussions:
The Greeks lacked a sense of individual subjectivity present in modern subjects;

Thesis 1

The Greeks, however, were different from the Persians and the imperial powers of the East because the Greeks had in place the social conditions for a development of individual subjectivity (as expressed in tragic conflicts -- an Eastern Antigone would have obeyed her master through fear like a dog which fears the hand of its master -- there would have been only do or be punished for such an Eastern Antigone);

Thesis 2

The development of individual subjectivity becomes self-conscious as a felt need during the Classical Period in certain figures (Socrates, but also present in the audience of the Classical Greek

[1] I here and throughout use "Eastern" as shorthand for Hegel's rather contentious understanding of the geographical and chronological space. Although I attempt to understand the historicism of the Greeks, albeit guided by Hegel, I do not reflect and question Hegel's meaning of "Eastern" which should be interrogated fully (and perhaps dismissed). For a better overview, see Pinkard (2017, Ch. 3).

tragedies who sympathise with the protagonists because they feel "they could act otherwise" when they could not -- Antigone is tragic for the audience, not for her!)

Thesis 3

The self-consciousness of this subjectivity is irreconcilable with the social harmony of the Greek Polis and destructive of it

However, there are a few background assumptions with the understanding of Greek citizens lacking full subjectivity that require a little clarification. The first is simply to decide which Greeks Hegel is talking about. The second is why the subjectivity is inferior to modern subjectivity and not just different. Antigone (and Hegel's other examples such as Ajax and Oedipus) are not examples of the archaic, let alone the classical, period. (PR §§117-18; NP 224) Greek history, and Hegel would have been aware of this, was created as an organic whole, as most histories are, by the unification of a narrative and a people much later. Historiography arose in Athens with the writings of Herodotus and Thucydides (5th Century BCE and contemporaries of Socrates) who are the first to date events and not just talk of mythological beginnings in vague phrases such as "the age of Theseus", for example. On a pre-reflective reading, there is a conflation of several ages under the auspices of one people, the Greeks, which Hegel would have known was false from Herder's influence on his early development.[1] The crucial fact of that matter is the people contemporary with historical Oedipus, Antigone and Ajax were those of the zenith of Thebes, Mycenae and Troy, a people perhaps united in a common language and culture, (1750-1100 BCE, see PH 226), but succeeded by the contentiously named Dark Ages of Greece after the collapse of the Mycenaean civilization (1100-800 BCE) and itself succeeded by the archaic period (800-500BC). It is during the early archaic period, the cusp and crisis of historical transformation from one era to another, that "Homer" (800-700BCE) begins the imaginative reconstruction of Greek identity and history and "Greeks" then become reimagined as a people. And it is in the archaic period that universal law is asserted by Draco's heavy handed and merciless imposition (according to Aristotle in *Politics*, 1247b), as well as the introduction of standard weights and measures, historical time, Solon (694BCE) and the self-conscious emergence of democracy as an alternative rule of law, overthrowing the capricious tyrannies. There may well have been something in the social structures of the first Mycenaean tribes, or their religions, that would allow for the

[1] See Onu 2016 and Stewart 2017. On the idea that one can talk pre reflectively of the Greeks (or any people) in any true homogenous sense, Herder was very much aware: "So I am likewise preparing myself for petty objections out of the great detail of peoples and ages. That no people ever remained or could have remained what it was for long, and that each one, like any art and science and what not in the world, had its period of growth, of blossoming, and of decline; that each and every such change lasted only the minimum of time that the wheel of human fortune was able to grant; that finally, in the world, no two moments are ever the same, and that, accordingly, the Egyptians, Romans, and Greeks were also not the same at all times."(2004, 23) Hegel hints at these developments in PH (226). For a fuller discussion of his use of the concept "a people", see Deseade (1979).

development of the individual subjectivity (that was absent from other social forms), but it was nascent and embryonic in those ages, slow to develop and mature. Antigone under Creon and the much later Greeks under Draco are little better than the Persians. The Classical period, that which is so immediately Ancient Greece for most readers, is home to Pericles, the first scientific thinkers, Socrates, Plato and the achievements in the arts and thinking and lasted from around 500BC until the more imperial Hellenistic age began in 320BCE, more or less. It is important to remind ourselves of these dates because both the Ancient Greek historians and thinkers, and ourselves, are guilty of a conflation of a "people" covering a span of 1500 years more or less and all of our information about this history comes mostly via the lens of the Classical Period and, as Hegel is well aware, from the point of view of Athens (Tierney, 1923, 263).

Hegel splits Greek history into three phases: one, the growth of real individuality as a people, identified in the origin of Achilles; two, its conflict with the previous world-historical people of Persia building up to Athenian dominance; and, three, the decline brought about by Alexander's successors. Hegel describes the origin of Greek Spirit in the Mycenae period and the Trojan War, seen as the event of the identification of a people as a people, and he is also aware of the fall of the royal houses after Troy, precipitating the dark ages (PH. 223- 234). More significantly, Hegel has a developmental understanding of a people and its consciousness. He tells us in PH (221-4) that if a civilisation does not suffer decline, it suffers stasis and that is worse. Persia becomes Greece (with the humanisation of religion) which became Rome (with the acknowledgement of the subjective principle). India and China remain in a static historical awareness that cannot distinguish between the inside and outside, the appearance and essence of things, and to which the Persians, though they began to glimpse this distinction, had no way to articulate (due to their natural and not human religion). For the East, thought and ideas remain a "given" floating above the world. Civilisation begins with the separation of thought from nature (thought is man, it is his world) and this separation was expressed by the Greeks as the Delphic human. The Greeks of the Mycenaean period share a culture with the Greeks of Athens, but Antigone and Oedipus have no sense of individuality and Plato only has, seven hundred years later, an inarticulate sense of it (much like the Persians had a sensuous idea of the inner-outer distinction but no way to articulate it) which Plato wishes to avoid due to being aware of its destructive influence, hence his criticism of democracy:

> In this realm, the substantial unity of the finite and the infinite is present, but only as a mysterious substratum, banished as a dim recollection into the recesses [Höhlen] and images of tradition. Reborn from the self-differentiating spirit into individual spirituality and the daylight of knowledge, this substratum is modified and transfigured to become beauty and a free and serene ethical life. Within this determination, the principle of personal individuality accordingly emerges, though it is not yet engrossed in itself [in sich selbst befangen] but still retains

> its ideal unity. Consequently, the whole splits up into a series of particular national spirits [Volksgeister], and on the one hand, the ultimate decision of the will is not yet assigned to the subjectivity of self-consciousness which has being for itself, but to a power which stands above and outside it […], while on the other, the particularity associated with needs has not yet become part of [the realm of] freedom, but is confined to a class of slaves [Sklavenstand] (PR §356).

So, the first background assumption one must reveal is that the "Greeks were also not the same at all times" (Herder, 2004, 23). More significantly, those with no sense of subjectivity were the pre-Archaic Greeks and it is of these we learn mostly from the Classical Greeks whose sense of self puts into question the very spirit which makes the Greek a unified culture. We learn about the past of the past via a sense of crisis. A more precise description of the Greek's want of subjectivity would read: Mycenaean and Dark Age Greeks have no sense of individual subjectivity, the Archaic Greeks are in the most part akin to Persians under the yoke of Draco's despotism whereas the Classical Greeks (Socrates, Plato, Sophocles) have a sense of individual subjectivity which is made possible by the same shared culture as the early Greeks (which differentiated them from the Eastern peoples) and has come to the fore through the organic development of that specific culture. And these initial comments allow one to broach the question of the second background assumption, that is why the subjectivity of the Eastern peoples and the earliest Greeks as well as that of the later Greeks is not just different from but also inferior to the modern sense of freedom. To do that one should shoot forward in history and understand modern freedom, but first one needs to revisit the role the early discussions of tragedy and Antigone play in Hegel's understanding.

4 The significance of Antigone

Antigone, in its most famous representation by Sophocles, is an Athenian drama, written in and for the Classical age.[1] There are again various readings of why Hegel is so taken by this play.[2] However, MacKay reminds us that the play was written for an audience very different from the protagonists' own time with different concerns and a different role for art: "... for the author and the first audience, it is probable that the play was primarily a dramatization of the two principles of political organization that were at that time competing for men's allegiance" (1962, 166) and he

[1] I assume a certain amount of knowledge of the myths themselves. I rely on Graves R., 1996. The Greek Myths. 2 vols. London: Folio as a plimsol line. Sophocles' play is, of course, expressing the same transformation as Plato's philosophy. Creon appeals to his audience in his attempt to rationalize the state, whereas Antigone will offer no justification except willfulness.

[2] The main point of contention is whether or not Antigone's rebellion is or is not an instance of pre-nascent individual subjectivity. Stern (1998) sides with Flesichmann (1971) and against Pietrcil (1978). The latter affirms that Antigone is a matter of particularity, but it is not -- she is living the dictates of family, that are "natural" --- "given" to her, she can do nothing else. Pinkard rejects the individualist reading of Antigone and then proceeds to read the play in this way (2001).

tells us that "Antigone receives our sentimental allegiance, but Creon has perhaps on the whole been less misunderstood; he is a man of our times; Antigone was already becoming obsolete when Sophocles wrote" (1962, 169). MacKay reminds us that trying to understand the actual historical Antigone through Sophocles, who was writing for his -- by comparison -- very modern audience, would be like understanding the Roman world through *Gladiator* or the medieval one through *A Knight's Tale*. Hegel surely knew this and his use of the play is to be found elsewhere, illustrated by the claims of theses 1 and 2, before later in his writings being developed into thesis 3. Hegel cites Antigone's famous rebuttal to Creon's edict about the treatment of her brother's cadaver:

> Zeus did not command these things, nor did Justice, who dwells with the gods below, ordain such laws for men. Neither do I believe that your decrees, or those of any other mortal, are strong enough to overrule the ancient, unwritten, immutable laws of the gods, which are not for the present alone, but have always been—and no one knows when they began (Sophocles, 2008, 155).

The first thing to notice about Antigone is that she never talks of her sentiments, what she wants or needs or thinks is right, but only about what should be done because the determinations of action are written unalterably into the fabric of the universe. Elsewhere, and dealing with other Greek figures from the pre-Archaic period, Hegel tells his reader: "The heroic self-consciousness (as in ancient tragedies like that of Oedipus) has not yet progressed from its unalloyed simplicity to reflect on the distinction between deed and action, between the external event and the purpose and knowledge of the circumstances, or to analyse the consequences minutely, but accepts responsibility for the deed in its entirety. (PR 118R) and "... Ajax, when he killed the Greeks' cattle and sheep in an insane fury because he had not received the arms of Achilles; he did not attribute the guilt to his insanity, as though in it he were another being, but took the whole action upon himself as its perpetrator and did away with himself from shame" (NP 224).[1] That she can question these edicts, that they come from an outside (from the essential which the Persians perceived but could not articulate) is already the beginnings of an individual understanding, but this is the Athenian understanding (Sophocles and his audience) and not a Mycenaean (the virtues of Achilles). The self's wants and needs do not have a role to play in what needs to be done. Creon's own dictate, whether it be divine or rationally human, falls on deaf ears and ultimately fails because it goes against the objectivity of the pre-archaic Greek institutions and world-understanding, the Achillean virtue of obedience to the tribe (remember that Achilles' own particular desire is negated by loyalty even if it continues to fester in the Trojan war). *Antigone*, the play, is tragic because she must do as her family obligations determine her and the audience of Athens wishes she could do

[1] Cited and translated in the notes to PR, 422. The reference to the distinction between deed and action is interesting for the debates on action which are central to M. Quante's (2004) reading in his book Hegel's Concept of Action, trans. D. Moyar, Cambridge University Press. I do not however have the luxury of time to be distracted here.

otherwise but knows she cannot (even if they could!). Antigone suffers no tragic dilemma; it is fated. Tragedy is only possible when one can point to circumstances that brought about an event which one could not have done anything about.

Once one is modern and responsible for one's actions that emanate from intentions, then one has no excuse for one's actions and that makes tragedy impossible: you could have done otherwise. The audience wants things to be different, but is incapable of having any effect on the events which unfold. Antigone is tragic for the audience because her sense of rightness or what she ought to have done is swallowed up by Fate, whereas *Antigone* for Antigone cannot be tragic because there is absolutely no sense in which she can even feel the pull of a possible alternative outcome. But Antigone's voice is almost chorus like in connecting with the audience and not actually how Antigone, the actual historical event, would have been. For the historical event of Antigone, there are two conflicting causes: fear of punishment (the edict of Creon) and customary morality (fidelity to the family). The former only wins out when Creon is crueler, fiercer more draconian and not because any perception of rightness or attempt at reconciliation on the part of an agent. It is the Athenian audience which experience this as a "choice" between two possibilities.[1]

Tragedy is when one could not have done what they did because it was written all along, by "immutable laws", that one was to be the site of an event whether one desired it or not, but emotionally functions because the audience sees a separate resolution if things were different for the protagonist. Once one's knowing the "reason why" one does things, then tragedy is no longer possible. Antigone knows no reasons because, according to Hegel, there are no institutions in the pre-archaic world which would support an understanding of rational practical motivation, her sphere of privacy has been so totally closed down, she can no longer despair against the Fates. Antigone's tragedy is felt by the audience but not by her; she is stoical in her acceptance. Antigone fails to be an individual. She also has no conscience, no space to question the motivations of her being and so falls back on the "given" of her nature which is immediately felt and demanding. Modern subjectivity resides in the capacity to stand back from the demands of nature, desire, putative authority and binding social values: "The moral point of view is the point of view of the will in so far as the latter is *infinite* not only *in itself* but also *for itself*. This reflection of the will into itself and its identity for-itself, as opposed to its being-in-itself and immediacy and the determinations which develop within the latter, determine the *person* as a *subject*" (PR §105). And

[1] A similar appeal to the audience is made in Oedipus at Colonus where the main character protests his individual innocence and the wrongness of the judgement of his deeds: "Listen—it is the effect of others' actions, rather than my own, which I have suffered. No need to mention my mother and father— I well know it is that story which frightens you. Yet how does it show me as evil-natured if, when attacked, I retaliate? Even if I had known what I was about to do, would that make me evil? But I knew nothing. Unaware, I went where my path led. It was the others who knowingly destroyed me" (Sophocles, 2008, 79). I am grateful to Nicholas Brignell for reminding me of this.

so, the understanding of tragedy opens the discussion of the thoroughly modern self and how it, historically, came about.

5 The emergence of the thoroughly modern self

5.1 Ethical will

The pre-Archaic self is an example of the Ethical Will or the formal grammatical subject as in the sentence, the subject did X: "the will immersed in its object or condition, whatever the content of the latter may be -- it is the will of the child, the ethical will, or the will of the slave, the superstitious will, etc" (PR, §26). This is an apt description of humans, animals and even objects such as in the statement: "The pen wrote the word." The Ancient world had a self-understanding correlative to this: the agent knows what he does, but does not know why nor has the space to speculate an alternative, it is written into the ways things should be: "individuality [Einzelheit] is submerged in its essence, and in which it does not yet have legitimacy for itself" (PR, §353). Even given the ambiguous use of the word individuality here, which refers to the individual unit or detail, this is the ethical (in its non-reflective meaning for Hegel) subjectivity of the ancients. The first shape of spirit is superseded by the second shape as positive content: "beautiful ethical individuality" brought about the humanisation of religion (below) and that, in turn, by the third principle: "self-absorption" to become "abstract universality". It is the fourth configuration which is the goal of this development when the subject "becomes at home in and reconciled with the objective world" in attaining its "concrete essence in its own inwardness" in a world of "legal actuality" (PR §353). The agent is aware of herself or himself not as an agent but as an instrument of external, other forces (as the pen, if it had self-understanding, would see itself as the slave of the hand not knowing what narrative it is writing, only that it moves according to a pattern). It is a minimal subjectivity, though, because it has an image of itself (which, of course, the pen cannot). And Antigone as our example of the Mycenaean self lacks full subjectivity because she cannot conceive of herself as a subject (she is unable to articulate reasons for doing or not doing x, to formulate intentions), nor less is she a person (her individual desires are unimportant to the course of action, Fate acts through her, she is sacrificed to the organism of the will which is external to her). There are pulsions for Antigone to do or not to do, just as the wind sways the tree, or the bang scares the dog, but there is no conscious identification of these pulsions as belonging to her: that she wants to bury her brother is no more a correct description than she wanted to fall when she tripped on the root of a tree. The desires, wants needs are not hers, she is not at home with them, they come from "outside." The pre-archaic selves are not fully subjective because they do not see themselves as in anyway an author of the events that succeed them. They are mere instruments for the will of another -- external -- agent. Hegel describes these as the objective will: "(β) but the *objective* will, inasmuch as it *lacks the infinite form* of self-consciousness, is the will immersed in its object or condition, whatever the content of the latter may be -- it is the will of the child, the ethical will, or the will of the slave, the superstitious will, etc.; " elaborated in the addition "... we may also describe as objective the will

which is completely immersed in its object, such as the will of the child, which is founded on trust and lacks subjective freedom, and the will of the slave, which does not yet know itself as free and is consequently a will with no will of its own. In this sense, every will whose actions are guided by an alien authority and which has not yet completed its infinite return into itself is objective" (PR §26, §26A). The objective will in this sense (and there are others) is the historical possibility of a subjective will, yet it still lacks the subjectivity of the will. Antigone can be described as superstitious because she sees her life as ruled externally and all attempts at subjectivity are illusions. The people of the East, according to Hegel's reading, lacked even this minimal awareness because of the lack of an objective institutional freedom -- and this is centred on the movement from animism, hybridism and into the humanization of religion. (Thesis 1) It is the institution of a non-absolute religion, the tolerant polytheism of the Greeks who see other gods as aspects of their own, or compatible with their own and not as wholly other and different.[1]

The East, according to Hegel, lacked even the illusory and minimal subjectivity of Antigone, the pre-conscious ability to understand the difference between inner and outer motivation. Her understanding was due to specific features of the Greek social fabric:

> Greek freedom of thought is excited by an alien existence; but it is free because it transforms and virtually reproduces the stimulus by its own operation. This phase of Spirit is the medium between the loss of individuality on the part of man (such as we observe in the Asiatic principle, in which the Spiritual and Divine exists only under a Natural form), and Infinite Subjectivity as pure certainty of itself — the position that the Ego is the ground of all that can lay claim to substantial. The Greek Spirit as the medium between these two, begins with Nature, but transforms it into a mere objective form of its (Spirit's) own existence; Spirituality is therefore not yet absolutely free; not yet absolutely self-produced — is not self-stimulation. Setting out from surmise and wonder, the Greek Spirit advances to definite conceptions of the hidden meanings of Nature. In the subject itself too, the same harmony is produced. In Man, the side of his subjective existence which he owes to Nature, is the Heart, the Disposition, Passion, and Variety of Temperament: this side is then developed in a spiritual direction to free Individuality; so that the character is not placed in a relation to universally valid moral authorities, assuming the form of duties, but the Moral appears as a nature peculiar to the individual — an exertion of will, the result of disposition and individual constitution. This stamps the Greek character as that

[1] Athens was the first to adopt Homer's gods as a pantheon, as anything like a standardized religion (Tierney 1923, 266) I admit tolerance may be over stating it here, but compare it to its predecessors and successors. For a better discussion, please see Garnsey, P. 1984. "Religious Toleration in Classical Antiquity", Studies in Church History. 21: 1-27.

> of Individuality conditioned by Beauty, which is produced by Spirit, transforming the merely Natural into an expression of its own being. The activity of Spirit does not yet possess in itself the material and organ of expression, but needs the excitement of Nature and the matter which Nature supplies: it is not free, self-determining Spirituality, but mere naturalness formed to Spirituality — Spiritual Individuality (PH 238-9).

The "spiritual individuality" is made possible by the humanization of religion.[1] Stewart sees the idea of a secret religion, of mysteries of faith (hangovers of which still persist in some forms of modern Christianity), as a sign of non-development, of a slavishness to nature. Like a draconian morality, a tribe morality of military authority, it is symptomatic of an undeveloped moral spirit and the manifestations of this is in religions that have deities in animal form (PH, 235; Stewart, 2017, 57-62). There is a development for Hegel from worship of stars, skies, natural elements, animism, to animals -- an embryonic idea of inner movement -- to the human form of deities (and, for course, finally Christianity where the human, to be contentious, replaces deity); for Hegel, the end of the Eastern world occurs with Odysseus who answers the riddle of the Sphinx (Thesis 2) (PH, 220; PhG ¶737. LPR, 327).

However, this self-consciousness of an inner will remain transitional, itself manifested in the transitional nature of the religion. Thus, the Greeks could idealise the human form and gods ceased to be animal hybrids which in most ancient cultures stands for properties and are symbolic. So, for example, the cheetah signifies speed, and the lion strength, but it is transitional because Herakles wears the lion skin to take on this property.[2] The transition is from the magical properties *being borrowed* to a later subject *owning* those properties:

> ... human beings did not know themselves as free; they are not the decisive subjectivity. Connected with this is that fact that they allow the decision to be given from without; here occurs the aspect of religion that we call oracles. These oracles have a natural origin, for here no articulated answer was given. Their manifestation is some sort of external transformation, metallic forms, the rustling of trees, the blowing of the wind, visions. Examination of sacrificial animals, and contingencies of the sort. People needed such things in order to reach decisions. The Greeks are not free in the sense that we are free, i.e., in their self-consciousness; they let themselves determined from without (LPR, 356).

[1] The humanization is also manifested in the institution of art, see LFA 86-88. Classical Greek art puts a representation and beautified human form at its centre (Hegel & Bryant, 1878, 147)

[2] A manifestation that persists in Christianity and its semiotics of the saints: Francis is with animals; Rocco is with a dog; Christopher, a child on his shoulders and so on.

Odysseus solving the riddle of the sphinx is a transformation of the generic conception of being -- or an objective morality -- into a human centred one (Harris, 1993). Humanization of religion allows for subjective reason to grasp the difference between ordinary objectivity (the drives of my identity just happens to be right and Greek's intuitive grasp of this in the social imaginative form) to the more modern, objective validity: "The Greeks were not 'moral' in the modern way at all, so the restoration of Greek *Sittlichkeit* as a harmony of desire and self-assertion under the guidance of Reason was not the same as 'respect for the moral law'" (Harris, 1993, 31). The later Persian Wars are for Hegel the war between the free individuality of the Greek states (individuality in its primitive form) and the preceding stage of history, an oriental despot who wants the world united under a single consciousness (and probably under a single, orthodox religion) (Singer, 2002, 18-21). The Greeks, in the main, had no individual conscience -- just an acceptance of their existence as part of a free citizen under an unoccupied state. However, this is one-sided because it requires the objective freedom of slavery and therefore cannot be stable. (Thesis 3) The sense of self awoken by the claim to liberty, "we" govern ourselves, must also develop into an "I" govern myself and many of the institutions of the Greek state, although able to allow for awareness of this requirement, are incongruous to its realization.[1]

5.2. Personal will

The person is Hegel's term of art for the atomistic, formal self in the pursuit of desires, projects and goals. As a subject I am identified as that which brings something about in the world: the plant produces oxygen, the lion roars, the human being plays cricket. This grammatical subject is nothing but the identification of the origin of the change in the world. The human being, if he or she is a person, differs though. As a person, I am myself aware of me as bringing about this change: it is me who buys and sells, me who desires and me who can relinquish the content of these desires. I somehow exist over and above them:

> The person is essentially different from the subject, for the subject is only the possibility of personality, since any living thing whatever is a subject. A person is therefore a subject which is aware of this subjectivity, for as a person, I am completely for myself: the person is the individuality of freedom in pure being-for-itself (PR, §35A).

[1] It is worth mentioning here the celebration of the Greek state by Hegel. He seems to suggest that the subjects found themselves at home in the Greek state because social identity was natural and in accordance with the right. This is true, but it lacks equality. The problem is that social harmony only exists for "some", the slaves and others, are not included here and for this reason the modern "I" cannot be fully realised. Otherwise, the modern state is only better because of a formal feature (the moral conscience) but this cannot be properly realized without substantial institutions which express equality. Reconciliation is not achieved by merely inserting the moral conscience into the polis; otherwise, we have Socrates.

The use of the contrastive "subject" here is in the sense of the grammatical subject, the subject-object relationship as in "the dog" (subject) "wags" its "tail" (object). It is this understanding which transcends the naturalness and full immersion of the Eastern self and sets up the inner-outer distinction, but does no more than this. The person is both formal and universal: to be a person is to have the capacity to be the author of one's actions and, as such, it does not identify any specific subject nor make reference to any substantial content of the will. A person can will whatever he or she likes. (Which, remember, Antigone cannot; she can see bifurcations in the causal destiny, but not conceive of them as a possibility.) Once we begin to describe the limitations of what one can want or desire, then we are into the realm of moral subjectivity (morality) and a full account of identity of the specific agent will also involve reference to his or her social position, relationships and specific moral fabric (ethical life). So, the "subject" in this sense is pre-Archaic, the person emerges undeveloped in Athens and finds its home in Rome. The self-understanding of the person is simply as an atomistic self which is the author of an action. A subject in the minimal sense of "he did X". This understanding differs from Antigone because she never identifies herself as the author of her actions, she is a mere instrument of Fate, no better than an arm which picks the keys up. The will (the mind) which picks the keys up, is external to the arm, makes the arm move. The person is the desiring self, freedom-in-itself, as an identification of the author of the events. In the pre-archaic world, there was no self-understanding of oneself as an agent but as the instrument through which external forces play out in the world. Yet the self-understanding of the person is different from the self-understanding of the moral subject (even if the latter relies or is dependent on the understanding of the former) since one is responsible for all those actions which begin with desire or will: coerced actions, temporary insanity, crimes of passion, kleptomania and so on: "With right in the strict sense, it made no difference what my principle of intention was…" (PR §106A) One does wrong when one break a law or violates the rights of others, it makes no difference what one's intentions were.

5.3 Moral will

The consideration of tragedy is pertinent, like any worthwhile literature, not for what it reveals about Antigone and her time, but for it tells the audience about their own Classical world. And what is important is the full understanding of freedom Hegel believes is lacking in both accounts and which may reveal more about the want or defect of subjectivity in the Ancient World but also made possible by its institutions (perhaps in the same way initial conditions of an environment make possible an evolutionary change but do not necessarily bring it about unless other conditions are met). The European Enlightenment (most notably in its Kantian apotheosis) had promulgated the tenet that autonomy and the free use of public reason is a capacity which is equally distributed and innate in rational beings. Otherwise, to put it simply, they would not be rational: the free use of reason, practical reason, is necessary for the spontaneity inherent in judgement.[1] Hegel, his

[1] See Kant (1998) and O'Neill (1990).

immediate successor, disputed this by stating that the Ancient Greeks were not free in the sense a modern European understands freedom, and that the social structures and institutions which constitute the objective freedom of *Sittlichkeit* had to take a step back in the Roman world to make such modern conceptions of liberty possible:

> As conscience, the human being is no longer bound by the ends of particularity, so that conscience represents an exalted point of view, a point of view of the modern world, which has for the first time attained this consciousness, this descent into the self. Earlier and more sensuous ages have before them something external and given, whether this be religion or right; by [my] conscience knows itself as thought, and that this thought of mine is my sole source of obligation (PR §136A).

"Morality" concerns the transition from prohibition to obligation, from *person* to *moral subject*, in such a way as to guarantee that the limitations imposed on one's will are those in which one can feel at home (PR, §105; EG, §503). The pre-Archaic Greeks, Antigone and Oedipus, are bound by "particularity," that is to say, custom, mores and social being. In short, their identity. Antigone must act according to the mores of the family because, even the momentary step into the question of whether she should or should not is unintelligible, a vacuous space in which only madness howls and she would be unable ever to explain her action to others who would despise and hate her. The oscillation to subjectivity, in Sophocles' depiction, is there, but it is merely an echo or a glimpse of a possibility for the benefit of the audience; it could never be determining. And that is what makes her tragic *for them*. The only understandable explanation for not performing her duty is physical obstruction or almost physical coercion of the immediate threat of violence by the will of a tyrannical master. This is not even the freedom of the person. With the person, rights enable or obstruct the satisfaction of subjective freedom and law determines the claims of individuals within a group made effective by punishment. However, the subjective freedom of the person is merely in itself, an external purpose imposed on him, be it by immediate inclination or blind obedience to the dictates of authority. In Part Two of the *Philosophy of Right*, we find the Hegel who is most consistent with the Enlightenment, since he sees the Enlightenment as the epoch of reason and reason which must be demonstrated to the individual. Hegel is here expressing certain intimate themes of post-Reformation Europe: just as the priest no longer mediates my relationship with God, neither do experts, nor teachers, nor men in power mediate my relationship with reasons for action. When a Pharaoh wanted a pyramid built, it was enough for all other Egyptians that he had ordered it since he was divine. When the Mycenaeans set out for Troy, it was enough for Agamemnon to demand the loyal allegiance of his fellow Greeks because their shared identity demands recompense for the slight struck at Menelaus. However, to secure the allegiance of other kings, he had to demonstrate the 'just' nature of his cause and the opportunity for glory (a good for these other kings). The Enlightenment now demands that the rationality of any dictate from authority be

demonstrated to each individual as all are now free (the equality of personhood): "The East knew and to the present day knows only that *One* is Free; the Greek and Roman world, that *some* are free; the German World knows that *All* are free" (PH, 104).[1]

The demonstration of the rationality of a dictate from authority can appeal to values or to reasons, but may just be the answer to the simple question of what is in it for the individual. It is the subject's intention, which reflects an inwardness as opposed to the external nature of the person, that is most readily named freedom (desires are not just given, but are to be rationalised):

> This subjective or 'moral' freedom is what a European especially calls freedom. In virtue of the right thereto a man must possess a personal knowledge of the distinction between good and evil in general: ethical and religious principles shall not merely lay their claim on him as external laws and precepts of authority to be obeyed, but have their assent, recognition, or even justification in his heart, sentiment, conscience, intelligence, etc. The subjectivity of the will in itself is its supreme aim and absolutely essential to it (EG, §503)

The will which obeys authority or immediate inclination acts only in itself, it is not aware of the rationality of purpose (Antigone). That is the will of the ethical self. The Person recognizes these motivations as her own, as given, and irresistible. The moral subject instead transcends and interrogates the content of his will asking if the 'I want x' is a good-for-her and if she perceives it so, she claims *responsibility* for the purpose as her *own* (Socrates). Hegel, in the above quotation, celebrates this modern, moral freedom; it is, for him, necessary for full, human freedom and any ethical substance which did not recognise and value it would be incomplete and not therefore rational.

Yet, even this self-understanding of oneself as a subject is one-sided for Hegel. In the introduction to the *Philosophy of Right*, Hegel lays out in abstract how he understands human freedom. A human being is free-in-itself in that it is able to act upon the determinations of its will. (PR §6)[2] Sophocles' Antigone is free in this sense: she can act according to the determinations of

[1] See also, "The History of the world is none other than the progress of the consciousness of Freedom; a progress whose development according to the necessity of its nature, it is our business to investigate. The general statement given above, of the various grades in the consciousness of Freedom – and which we applied in the first instance to the fact that the Eastern nations knew only that one is free; the Greek and Roman world only that some are free; while we know that all men absolutely (man as man) are free – supplies us with the natural division of Universal History, and suggests the mode of its discussion." (PH 22) The idea that some are free in the Classical period of Greece reinforces the aristocratic element of tragedy: "And it does so not, as may be supposed, because it is aristocratic and loves the gentry, but because of the perfect freedom of will and production which is realized in the idea of royalty. So we see in Greek tragedy, for example, the chorus as the general background on which the specific action is to take place, a background, void of individuality, for the dispositions, ideas, and modes of feeling of the characters." (LFA, 192)

[2] For a fuller account, see Neuhouser (2003, chs 1-3) and Rose (2009, chs 1-4).

the laws of the hearth, but -- as a modern self -- one would state they are only minimally free because they could not have acted otherwise, they could only have been stopped acting by external factors or impediments (coercion of the master). The freedom of Kant and Rousseau is an example of freedom-for-itself (PR, §5) The human being is free-for-himself when he is able to deny his desires and the dictates of law, when he is free to say 'no' to immediate and pressing determinations of the will. A will in-itself is still free when it is coerced because it can satisfy the desire -- whatever it is -- but could feasibly state that he or she acted despite what they wanted. Notice how Antigone (because her own wants remain inarticulate, there is no moral language to support her rationalization of what to do -- and hence Plato's own failure -- because subjective wants without a language cannot bear on decision making) cannot imagine an intelligible "no." Subjective freedom -- freedom-for-itself -- is the existential moment of being able to disentangle oneself from all immediate determinations by asserting that they are mine but not me when the "no" is determining, not because of its content, but because it is a "no." This is spontaneity and the ability to act otherwise: "Whatever the will has decided to choose, it can likewise relinquish." (PR §16) The pre-Archaic world then had a subjective understanding which meant that the agents were free-in-themselves and so aware of themselves as acting on the world, as being motivated by desires, needs and social determinations, but unable to ask whether such determinations could be different, whether they could do otherwise. Again, Antigone sees herself as doing what is required but cannot explain or even comprehend the nature of the requirement. She is aware of herself not as an agent but as an instrument of external, other forces.

6. Modern human freedom: self-determination

Full human freedom, for Hegel, is the reconciliation of two elements in self-determination:

> (γ) The will is the unity of both these moments – particularity reflected into itself and thereby restored to universality. It is individuality, the self-determination of the 'I', in that it posits itself as the negative of itself, that is, as determinate and limited, and at the same time remains with itself, that is, in its identity with itself and universality; and in this determination, it joins together with itself alone. – 'I' determines itself in so far as it is the self-reference of negativity. As this reference to itself, it is likewise indifferent to this determinacy; it knows the latter as its own and as ideal, as a mere possibility by which it is not restricted but in which it finds itself merely because it posits itself in it (PR, §7).

When one enters in a car, the seat belt is put on habitually, without question and almost unconsciously. Yet, these external determinations when the agent hesitates can be rationalized, not just because it is law, but because "I" -- as individual -- can recognize the rationality of the law. Thus, "legal actuality" dictates what I would do independently of the presence of an authority: "Only in this freedom is the will completely with itself [bei sich] because it has reference to nothing

but itself, so every relationship of dependence on something other than itself is thereby eliminated." (PR §23) and also "I am free… when my existence depends on myself." (PH 17) Antigone would do what is right but only because it is present all along, as a dictate emanating from her identity. Self-determination depends upon the social sphere of public reason and its determinations because the self, unlike the Kantian self, requires determinations which are immanent and not transcendental. The objectivity of these determinations is the rightness as supported and justified by institutions in which the individual freely participates and allow us to understand ourselves as intentional agents with a subjective conscience.

Here we have what is lacking in the pre-Archaic Greek world and is destructive to it. (Thesis 4) They have, unlike the Persians and those in the Ancient East, enough agential space to oscillate away from custom and tradition, brought about by the conflict between incompatible customs and mores and (as we shall see, the awareness of a weakening of absolutism brought about by the recognition of different gods and masters) because they conceive of an "inner" world of motivation maintained and supported by religious, political and aesthetic institutions and understandings. However, there is no way to resolve this refusal or hesitation, no words or structure of reason -- because there are no institutions which give it a coherent voice -- so it remains a refusal without persuasion (unlike the Enlightenment and its revolutions, where it is a refusal that overpowers -- because of its subjective character -- the customary reason of the European states and takes its validity from its negation) (PhG ¶590; PR §5R, §272). For the pre-archaic Greeks, and for the historical Antigone and not Sophocles's reinvention of her for his Athenian audience, there would be no hesitation, no momentary consideration whether it is right to bury her brother, because it is just natural and determinant. The only thing that could stop her is the might and force of power in the hand of the King and techniques of fear.

Given this, the modern self-understanding is of an individual agent who is responsible for those actions which come about from my own will and not those which are brought about by external causes (a flood), inordinate desires (crimes of passion), temporary insanity or coercion. In none of these cases am I at home with myself. It is this self-understanding which is thoroughly modern and is the full and robust account of subjectivity which was lacking in the ancient world. The defect of subjectivity of will in the pre-archaic world is derived from Hegel's conditions of the subjectivity of the will:

> The *subjective*, as far as the will in general is concerned, denotes the will's self-conscious aspect, its individuality (see §7) *as distinct from* its concept which has being *in itself*. The subjectivity of the will therefore denotes (α) *pure form*, the *absolute unity* of the self-consciousness with itself, in which the self-consciousness, as 'I' = 'I', is totally inward and *abstractly* dependent upon itself -- i.e., the pure *certainty* of itself, as distinct from truth; (β) the *particularity* of the will as arbitrariness and as the contingent content of whatever ends the will

> may pursue; (γ) one-sided form in general (see §8), in so far as that which is willed, whatever its content, is still only a content belonging to the self-consciousness, an unaccomplished end (PR, §25).

Self-determination depends upon an agent's self-consciousness of itself. What I am in my concept (what I am by my nature) is to be an object for myself and hence not 'me'. The transcendental nature of this judgement determines the subjective will as (α) the form of judging, the cogito, the performative nature of judgement (note the reference to Descartes); (β) the will as mine, as the moment of directing the body and hence a particular "I want X"; and (γ) the nature of self-consciousness such that whatever is willed or thought is mine but as a content of consciousness and not me. Antigone is unable to understand herself as anything but a tool of Fate. She is superstitious and lacks (γ), has an underdeveloped sense of (β) and no idea of (α). Her self-consciousness of (β), in an inarticulate sense, comes from conflict and the tensions apparent in doing what is right in a social world which will not allow space for it. Hegel's account of the self is a radically constructed one consistent with modern liberalism and he supplies the grounds to replace the putative morally realist legitimation of such states with a more communitarian one. We do not have the institutions we do because of our understanding of the self, rather our understanding of the self follows on from the developments of our institutions. There is also a further point in that Hegel is not just saying that the Ancients had an erroneous understanding of themselves, he is making the rather more radical point that the self-understanding of the Ancients was constructed and determined differently from our own and that the institutions which make it so are necessarily to be overcome. (Thesis 4) Antigone understood herself perfectly well, it was just it would have been better had she been able to understand herself differently. Yet, she could not because the social world could not accommodate a different understanding. The Sophoclean audience, however, are beginning to see the tragedy because they -- were they in Antigone's place -- would have wanted to do otherwise.

7. Subjective and Objective Freedom

The development from person to subject is the reflection on the immediacy, the materiality of one's being, into an ideality (a nomos). The determinations of the in-itself are its matter, its social nature and its immediate desires. In order to grasp the relationship between subjective understanding and social institutions and especially given the role religion has played above, it is worthwhile to introduce two more terms of art from the Hegelian system: subjective and objective freedom. *Subjective freedom* stipulates that a reason for action be recognised as valid for the agent by himself because I am not "at home" when I act on external dictates imposed on me. The moral subject must endorse the good as his or her own good. Once more we have the celebration of the Enlightenment consciousness and this is crucial otherwise it is possible to describe the coerced or

deceived (whether by state, church or other authorities) as free when it is done in their own good. It also gives us the sort of responsibility demanded by our practices of punishment:

> The *right of the subjective will* is that whatever it is to recognize as valid should be *perceived* by it *as good*, and that it should be held responsible for an action – as it aims translated into external objectivity – as right or wrong, good or evil, legal or illegal, according to its cognizance of the value which that action has in this objectivity (PR §132).

There cannot be full freedom without subjective freedom because then subjects would be mere persons: the content of their will is given by the society they happen to inhabit (think of the reason why one supports a particular football team, it is never chosen, rather given by locale or family or contingent factors). This is not full freedom and any theory of action which begins from this cannot fully explain responsibility.

Objective freedom is the institutional and social structure of the world which makes it possible for the person or subject to satisfy his subjective freedom. It stipulates that a reason for action must accord with those categories and values of a rational form of life or ethical life. Otherwise, the agent acts arbitrarily on a whim, since how one can only know what is right by articulating and holding it up to the scrutiny of others. This is why Socrates cannot articulate opposition or even assent. The objective freedom of an agent is the institutions, moral values, social fabric, roles, civil, economic and political structures and so on that guarantee his or her identification as a subject of his or own deeds and his or her recognition as a moral agent (and not an animal, a very young child, a slave and so on). So, for example, capitalism, the family and the Christian tradition are all forms of objective freedom: they assign roles and duties that determine how we behave in certain situations and in behaving in accordance with their dictates (or, at times, violating them) we are able to be, and also understood as, a moral agent. Such objective determinations will differ from age to age, area to area and, as it is constituted by various concatenations of class, geography, age and so on, from person to person. Objective freedom must align with the wants, needs and desires of the people and the most basic of these is stability. A political order must be stable. Conflict is the emergence of an awareness of the separation between identity and the state and Sophocles uses a fictional Antigone to make clear the audience's own disquiet. A truly draconian state is stable to the point of stasis. To use a slightly different historical example, the Incas were the most successful of the South American tribes, and especially the city of Cuzco because they were able to stabilize inter-generational power through, and this is why I mention it, the reformulation of religion and political authority. Rather than conflict breaking out every time a strong king died, power based on strength and military acumen which does not pass naturally on to the son or daughter because these are particular virtues of a person, the Incas married the objective freedom of religion and instigated the ideology of an institutional divine order, a divine right of a certain family to rule, and that negated the recurrent inter-generational conflict and allowed progress in other areas because the

stability it afforded was in the interest of the other members of the state (Joyce, 2013, ch. 5). Hegel sees the same instability in the arbitrariness of the Eastern states: "the individual personality has no rights and disappears altogether" and the problem with this state is that objective freedom is arbitrary -- subject to change at the whim of the king-god -- it "lives only in the moment" (PR §355)[1] The humanisation of religion, making deities human, is the first step to rationalising the inner world of the subject, but that is only a necessary condition for its development, not a sufficient one and other institutions of the pre-Archaic and later Greek social worlds inhibit its full development.

8. The historical development of subjectivity and the institutions of objective freedom

Let us return to the impossibility for Socrates and Plato to express themselves subjectively even when their awareness of the actual pull of subjectivity is different from prior historical states. There is no possibility for subjective freedom because the objective freedom cannot support any endorsement of the ends and their self-understanding is not of a self that finds its satisfaction in its actions. In staking his claim to a sphere separate from the dictates of the immediate, Socrates goes furthest, but his is a destructive "no", a refusal of dictates he knows to be right and when push comes to shove, he too, as expressed in *Crito*, cannot break from customary morality without it being pure, unintelligible willfulness. The institutions and language of Athens are a form of objective freedom but an objective freedom unable to support such a self-understanding. Athens had developed as far as it could: "the Platonic state-constitution cannot fulfil what the higher demands of a moral organism require. Plato has not recognized the knowledge, wishes, and resolutions of the individual, nor his self-reliance, and has not succeeded in combining them with his Idea; but justice demands its rights for this just as much as it requires the higher resolution of the same, and its harmony with the universal" (LHP, vol. 2. 115).

The point for Hegel is that self-understanding goes through three distinct historical phases: pre-archaic, person (emerges in Rome developing Athenian self-understandings) and the subject (Enlightenment). Such self-understandings are constructed and maintained by the institutional forms of objective freedom (religion, moral language, legal actuality, class, economic structures and so on). The subjective freedom of the modern self is not possible without the objective freedom of those institutions which make such a self-understanding possible and sustain it through the various events and experiences of one's life. Remember that Plato was guilty of "the exclusion of all the determinations which relate to the principle of subjective freedom" in his *Republic* and the family and private property are explicitly mentioned. The problem is that Hegel talks mostly about

[1] In the remark, Hegel also mentions why Stuhr's history is not able to foresee the longevity of the Germanic account of the state because he describes the individuality only "up to the point where it either appears as restless mobility, human arbitrariness, and corruption, or assumes the particular shape of emotion without having developed to the objectivity of self-conscious substantiality or to organized legality "(PR 355R).

the Athenian reinterpretation of the past, and never clearly distinguishes between the early and later Greeks. Athens was the crisis, the transition -- Socrates is idiosyncratic, an example of the "better will," but made possible by the institutions which were changing. (PR §138R)[1] If one clearly demarcates these different social stages and forms, differences can be clearly shown (table 1).

Table 1. ***Historical forms of objective freedom***

	Justice	**Property**	**Religion**	**Family**	**Individual**
Eastern subject	Arbitrary will of despot	Loaned from despot	God-King/Queen	State arranged	Instrument of will of despot
Mycenaean Greek	Vendetta, customary morality	Tribal collectivism	Humanized polytheistic pluralism	Mythical, divine	Tribal identity
Dark Age Greek					
Archaic Greek	Strict Draconian Law, heavy punishment			Tribal centred on Polis	Polis member
Classical Greek	Democratic Tribunal	Common for needs, private for surplus wealth		Common, extended Polis	Citizen and polis member
Modern subject	intentional individual	Private	Monotheistic and inclusive (evangelical)	Nuclear	Bourgeois, person, moral subject

In order to fully explain these differences, it is pertinent to briefly consider two of these institutions as examples of objective freedom: justice and property. Justice is perhaps the easiest entry point for the modern mind into this discrepancy of self-awareness. Consider for a moment, what one does when one engages in criminal court cases. The aim is to discern the innocence or guilt of the accused and one does so through the language of intentions, purposes and the idea of individual agency. The institutions constitute the idea of moral agency and, if this is how others will evaluate me, then through my actions and behaviour, I make the actuality of this objective freedom rational in my expectation (and my consent) to be treated in this way. The institutions of justice and punishment supply the categories of self-understanding of a subject. Simply put, without the modern understanding of justice and punishment, we would not have the modern conceptions of intentional action and individual responsibility. I would not understand myself as a self-willed, responsible unit without them. First, we have the institutions, then we have the self-understanding.[2]

[1] Berlin, 2002, 300.

[2] Although I am not going to claim this is a causal relationship.

Let us look at this in chronological order. Antigone remains our example of the Mycenaean ethical will. For the purposes of justice and punishment, we see from the above tables that law is given and to be obeyed. Its violation is wrong no matter the consequences or motivations. The "act" of Antigone is in no way her own, it is a symptom of deeper forces working through her. Harmony for the family, tribe or society is the goal of society to be brought about over generations through the resettling of disturbances in the cosmic fabric:

> The Substance, [the principle] of Justice, the common weal, the general interest, is the main consideration; but it is so only as Custom, in the form of Objective Will, so that morality properly so called — subjective conviction and intention — has not yet manifested itself. Law exists, and is in point of substance, the Law of Freedom — rational [in its form and purport,] and valid because it is Law, i.e., without ulterior sanction. As in Beauty the Natural element — its sensuous coefficient — remains, so also in this customary morality, laws assume the form of a necessity of Nature... The interests of the community may, therefore, continue to be entrusted to the will and resolve of the citizens — and this must be the basis of the Greek constitution; for no principle has as yet manifested itself, which can contravene such Choice conditioned by Custom, and hinder its realizing itself in action (PH, 251-2).

Given such an understanding, the "particular" agent is of no consequence, no more significant than the finger of the killer that pulls the trigger. We seek the will which caused the event and that is the mysterious unknowable forces of Fate. Such an understanding is made possible by the objective freedom of the institutions of vendetta and revenge, of tribal justice and generational guilt. It makes no difference "who" committed the wrong, only that harmony is restored through the punishment of the tribe, family and so on. I understand myself as guilty for my father's sins and as a tool of Fate to face what comes my way stoically, no matter whether I wanted it to be this way or not.

Prior to the historical emergence of individual responsibility, violations of bodily integrity and property were not evaluated through such institutions because vendetta was the model of criminal justice adopted by most primitive societies. When a wrong was committed, whether it be to a thing or a person, that was seen as a wrong done to the owners of that thing (the family or the tribe) and justice was then to be extracted against, not an individual, but the group from which that action originated. As such, it was enough to establish that a crime had been committed and who (identifying the family or tribe) would have most likely committed such a crime. Individual responsibility was irrelevant to questions of justice: it made no difference which brother actually stole, they represented a community through their actions and the community is guilty for encouraging or failing the act. The family or wider group of the agent were equally guilty in the eyes of justice (Faris, 1914, 62-3).

The rationality of vendetta was, however, unstable because it leads to ongoing claims for retribution and no, what moderns may call, closure (PR §102). More importantly here, it is irreconcilable with the feeling of being an agent which is emerging in Archaic and Classical Greece whereby the humanisation of religion has led to the recognition of the world as belonging, in some sense, to the human. A demand was made to treat the agent him or herself as the site of the crime and hence as the site of punishment.[1] The individual was first delineated by the claims of criminal justice. The body is the site of action and also the site of punishment. It sets limits to the possible consequences of crime and closes down the issue of justice of a group. The institutions of the society construct the individual and the individual feels at home in such structures when his or her requirement for self-determination is met. The "person" emerges as a product of institutional structures of justice (in the Roman world) in order to close the destabilizing nature of tribal revenge. A good society is a stable society and stability will be gained by punishing crimes immediately and completely, allowing the debt of the crime to be paid in full and leaving no excess which works against harmony.

The person as an author of an action is individual and begins to understand himself in this way and also as a possible victim as an individual wronged rather than a group wronged when violations occur. Why one violates or whether one wanted to transgress is immaterial, if it occurs, a debt is to be paid. Yet, if justice now points to an individual as responsible for the action which violates the law, the agent begins to understand itself in this way (much like playing a game, as we begin to understand the rules, we begin to play the part of the gameplayer).[2] If I am to be blamed as an individual for violations and transgressions, then I will begin to look at my actions not as instruments of my family or Fate, but as my own. We can now distinguish between the arsonist, the negligent and the event of purely accidental fire.

Of course, once such a system of justice is in place, further rational demands are placed on the understanding. The pre-archaic self could state: I understand myself as a descendant of X, Y, Z and

[1] "The Homeric virtues, the Achillean virtues, to ride well, to shoot straight, to tell the truth [...] the aristocratic virtues, courage, pride, boundless ambition and eagerness to dominate, unquestioning loyalty to a code, are all there, and receive their need of admiration; but they are the qualities of the Persians, not of the Greeks. The qualities whereby the Greeks win are the bourgeois qualities" (MacKay, 1962,172).

[2] One finds such a conception of agency throughout modern ethical writings. Almost at random, one can open the pages of Hobbes (1991, 57, 83-4) or Smith (2010, 93, 107) and find the judgement of individuals' intentions as a commonsensical and universal requirement of justice.Foucault has a radical take on this such that the subject is a production of ultimately arbitrary plays of power: "... for a long time, the criminal had been no more than the person to whom a crime could be attributed and who could therefore be punished, today, the crime tends to be no more than the event which signals the existence of a dangerous element -- that is, more or less dangerous -- in the social body." (1978, 2) For Foucault, the development of legal system is from what must be punished to a new obscure question of whom do you think you are punishing and treatment develops accordingly: "In the older systems, the horror of the punishment had to reflect the enormity of the crime; henceforth, the attempt was made to adapt the modalities of punishment to the nature of the criminal" (1978, 9).

am responsible for the past deeds of my family/tribe. Whereas for the modern subject, desires and situations which are "given" are not mine and I am not them (the existential moment of the for-itself): I understand myself as an intentional being, responsible for those actions which I understand as emanating from my will. If the agent commits the crime and must be punished, one must have a way to distinguish between the severity of crimes, the motivation of crimes and so on. And when the individual is marked, identified and judged in terms of intentions at the level of action, such intentions then through feedback into how people recognize themselves and actually become to determine action. In short, the moral subject is, according to one interpretation of Hegel, constructed by the system and demands of justice. Those institutions of individual responsibility (including moral language) are all forms of objective freedom in that they support and maintain the individual's subjective freedom and, in so doing, the individual can feel at home in them. He or she feels at home in them because the system of justice is reflected in the moral language, the goods of his family, his class identity, the system of needs, of justice and the representatives at the level of law-making. And thus, I as a self-understanding begin to understand myself in this way, identifying those desires which are properly my own and those which are not (coercion, strong passions, insanity). My account of my intentions must be given to the court of law in such a way to make sense of the action which occurred and I am to be treated accordingly.[1]

Putting aside the question of causality here, the institutions of justice go hand in glove with the institution of property. When crime is against the body of the tribe or the group, it makes no sense for an individual to talk of her or his own property. Property is distributed according to Fate or some other divine plan and individual merit or personal gain. The economics will be dominantly collectivist. The individual person arises in line with private property (the Roman world): once the body is an individual possession, then its violation is wrong done to an individual and the wrong is done by an individual.

Private property is necessary for an understanding of myself as an intentional subject because it territorializes the empirical 'I': my car is "me". Touch it and you touch the subject. Collectivist property would not support such an understanding: "The person must give himself an external sphere of freedom in order to have being as Idea" (§41) and in the addition: "The rational aspect of property is to be found not in the satisfaction of needs but in the superseding of mere subjectivity of personality. Not until he has property does the person exist as reason" (PR §41A) and a little

[1] Of course, our own understanding has its limitations: the idea of personhood is so entrenched in both the victim and the wrongdoer, we are now encountering conflicts which are irresolvable without progress in terms of corporate responsibility (holding a single CEO guilty for harm caused by her company), collective responsibility (a football crowd which chants racist taunts to players) and also intellectual property (what can an agent be said to own as his or her own creation; how many agents can claim to have produced the artistic or intellectual object). Foucault (1978) sees a similar conflict arising in the formation of the new criminalised insane which arose concurrently with the late period of subjectivity. I have begun to deal with these issues in an article (XXXX, 2019), but not yet satisfactorily.

later we are also offered: "Since my will as the will of a person, and so 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 any share is explicitly a matter of my arbitrary preference" (PR §46).[1] What is obvious with the emergence of the person and later the moral subject is of course the idea that I understand my body as my own because it is the site of action and also the site of punishment. It is also the site of being a victim and crime. The understandings of the institutions of justice would not be possible unless the individuality of the subject is supported by a sphere or territory of the body and its extension. Without personhood, we have no individual equality and that equality will form the objective freedom of Kant and Rousseau's account of the free moral conscience (PR §36). Equality of individuals is brought about by the recognition of personality as inviolable (thus being constructed by the territory of rights) and requires an extension of these rights into object which express the individuality of my person and subject (telling others what I value) (PR §38). The self-understanding of agents as agents who bring about external physical actions and are responsible for consequent events, the understanding which makes possible the subjective moral conscience, is impossible without the institution of private property.

9. Concluding remarks: legitimacy and constructivist subjectivity

In his presentation of the Greeks and their relationship to modernity, perhaps Hegel's greatest oversight, or omission, is not to remind his readers that history moves slowly. It is so easy to forget this as one is swept along by his early Jena works where history seems almost a personal, individual odyssey travelled at breakneck speed. His later works are slower, but less concerned, assuming his readers are by that time *au fait* with his system. The presentation of his understanding is important with relation to two claims: one, Hegel's liberalism rests on a conservative account of political legitimacy and obedience that is grounded in the idea of an historical, situated self; and, two, this self is a constructivist self more radical than is commonly supposed by Hegel's commentators or critics. Let us begin with the first claim. Any modern liberal state requires the subjective moral conscience to ratify its laws, institutions and policies. The liberty and equality of all persons is expressed in the liberal assumption: the laws, policies and institutions apply to the individual qua

[1] See by Laitinen (2017, section 4). The institution of private property is derived from the individual: the individual must have an external sphere of freedom and these entities must stand in an external relation to the individual. As I said earlier, I think this relationship is the wrong way round. The institution of private property makes possible the proper individual self-understanding. In my introduction I do insert a footnote about the relevance of private property as opposed to common property to the subjectivity of the individual and I think this is where the argument would originate. I do not have time to develop it. See Knowles who tell us Hegel's "intention here is to show that private property (Privateigenthum) through its connection with "a single will" is rational, whereas common property (Gemeineigenthum) is not" (Knowles, 1983, 61). I am still to be convinced of this, though.

individual if and only if these elements of the state can be rationalised to the individual qua individual (Rawls 1999, 578; Kant, 1991). For the modern subject to feel at home in his or her political organization, Hegel reminds us again and again that the moment of the subjective right of knowledge, that this is the individual's own law, has to be met (EG §503, PR §§132, 140). "Legal actuality" or the actualization, the understanding of the rationality of a law, is in place when a law is rational and known to be so by the agent (PR 20). However, if that individual's modes and tropes of reasoning are derived from his or her social identity, then this form of communitarianism can, at best, offer a simple circular reinforcement of social mores and customs. Antigone is convinced of what she does, there is no dilemma for her. Socrates is still convinced of the rightness of Athenian law, but he, and also Plato obscurely and worryingly, cannot given any rational expression to the felt need to feel at home, truly at home, in the determinations of his social existence. They remain one-sided. The enlightenment self, the moment of existentialism, is crucial for a rational distance from custom, but it is merely a formal negation derived from our status as rights-bearer equal to all. Antigone's one-sidedness is resolved by falling back into custom because she cannot follow another chain of events (even if conflict allows her to glimpse the possibility). The modern self has a different one-sidedness. When a different set of events is made possible, as a right the individual feels compelled to take them:

> Subjective opinion is at last expressly acknowledged as the criterion of right and duty when it is alleged that the ethical nature of an action is determined by the conviction which holds something to be right. The good which is willed does not yet have a content; and the principle of conviction contains further specification that the subsumption of an action under the determination of the good is the responsibility of the subject. Under these circumstances, any semblance of ethical objectivity has completely disappeared (PR §140R).

The existentialist moment is as one-sided as the communitarian one. And most liberal legitimations of the state amount to the assertion of entitlement of the subject, as Hegel forensically shows in the same remark. Liberalism rests on the metaphysical absolutism of a transcendental self (Rawls/Kant), or the putative moral realism of rights (Locke/Dworkin/Nozick), that when brought into conflict with other ways of life, appears no better than Antigone's or Socrates' own reliance on the rightness of their social existence.

Now, let us remind ourselves of the four theses arising from Hegel's concerns with the Greeks as an historical people: one, the Greeks lacked the sense of individual subjectivity of the moderns, but that, two, they had the social conditions in place for a development of individual subjectivity. Three, the development of individual subjectivity becomes self-conscious as a felt need but that, four, the self-consciousness of this subjectivity is irreconcilable with the social harmony of the Greek Polis and destructive of it. Hegel's claim that the subjective right of knowledge, and the objective validity required for freedom, is that it is not possible unless supported by certain

institutions (private property, freedom of speech, education and so on). Only a self-aware people, a people made people through an act of will, can fully manifest *Sitllichkeit*. A political organic whole or a people (as we have been speaking about the Greeks and now, we speak about the Europeans in Hegel's broad meaning of the word) is defined by its development of the concept of freedom. Enlightenment legitimation is one-sided, but only if taken as somehow universally existing independently of and transcendentally to the tradition which has brought it into being. The development of free individual subjectivity stalls for the Greeks because they cannot -- even Socrates who excludes himself in so many ways -- conceive of standing outside the social whole. Enlightenment rationality can conceive of itself as an independent and atomistic unit and can conceive of itself as standing in a consensual relationship with the state. Only, though, because of the institutions and objective freedom that has brought it into being.

The ratification of the laws, institutions and policies of my ethical being does not come about via an *a priori* moment of reasoning, an illumination or revelation. It is hard won through historical struggle. The ahistorical form of the liberal assumption, the moment of Rawls' original position or Kant's critical public reason, is only possible in the actual ethical status of liberalism and the form of reasoning expressed in these legitimation practices are devices made possible by the institutions of the liberal state and given the agential space -- unlike Antigone -- to articulate the reasons why the individual *as individual* endorses the law or policy or institution for him or her and for us. The liberal self is one way to understand ourselves made possible and supported by the ideologies of individualism, moral responsibility and their congruent institutions of free conscience, democracy, individual rights (aspects which are forms of objective freedom). The liberal assumption understood in its myriad forms from Rawls' original position, to Kantian public reason, or even the utilitarian greatest happiness principle, is made possible by and does not justify the liberal state, but it still offers us the possibility of a fair ethical harmony (like the Greeks) with a moral conscience which supports it (unlike them). It makes liberty a virus which can only be contracted fully when the conditions (temperature, lack of immunity system) are right. These conditions were present in the Greek state in part, but lacked the correct institutions: private property, a fully humanized religion, individual responsibility to allows for the self-understanding of an individual as individual.[1] Rawls' own political liberalism describes the growth of a liberal consciousness out of pragmatism and religious toleration as a necessity (1993, xiii-xxxiv). The conditions were in place in Europe for the fulfilment of individual subjectivity, but they required the political virtue of toleration which came about almost by chance. Liberalism is the best political order, but it would be a metaphysical error to deny it is a community or society which has an historical development.

[1] "However, in the PH Hegel points out, as he noted earlier in the PR, that their freedom was not fully conscious, it was a naive unconscious freedom which was only true for some and rested on the slavery of others. Greece ignored the subjective type of morality where personal convictions guide human conduct, the type which is a product of modern times, fostered by the spread of Christianity" (De Seade, 1979, 382).

Forgetting that will lead to bad normative consequences especially in international relation with other, non-liberal states and also our own understanding of our own communities and minorities. The individual conscience requires objective institutions in which to moor itself, otherwise it becomes arbitrary but these cannot be inviolable custom as in the Greek world because homeliness will then be happenstance, a relativism at the mercy of historical, economic and geographical change.

Hegel sees this in the actual institutions of private property, individual responsibility, democracy, the secularization of the state, the bourgeois family and the humanisation of religion; in short, the emerging forms of objective freedom which -- once a people or a nation identifies itself as self-governing and thus free -- leads to individual, subjective agency. Remember that Plato wants to return to pre-Archaic Greek social harmony by "... the exclusion of private property and of family life, by the suspension of freedom in the choice of the class, i.e. by the exclusion of all the determinations which relate to the principle of subjective freedom..." (LHP, vol. 2. 114-15). and just as the Greek religion humanised and made possible the understanding of inner-outer -- as a human world -- the Christian religion (and its secularization) which makes salvation an individual enterprise, makes subjective freedom possible but only with the connected objective freedom of private property, family life, and the ability to move from class to class. It is worthwhile to bear in mind that, in Athens, it is not Plato's, nor even Aristotle's ethics, which captured the spirit of the Polis as it progresses away from its defeat in the war with Sparta. Much more popular were the less conservative, the thoroughly modern, Epicureans and Stoics (LHP, vol 2, 232-235; McCarmey, 2000; Berlin, 2002).

Read like this, the self is a constructed entity and socially dependent, but the modern self is better for a series of reasons, including reconciliation and social stability. The theory itself may perhaps be more radical than actually credited: Hegel is making an historical, constructivist claim about identity which remains consistent with modern liberalism and supplies the grounds to replace the legitimation of such states by a putative moral realism:

> For the modern conceptions of Democracy this justification cannot be pleaded. These provide that the interests of the community, the affairs of State, shall be discussed and decided by the People; that the individual members of the community shall deliberate, urge their respective opinions, and give their votes; and this on the ground that the interests of the State and its concerns are the interests of such individual members. All this is very well; but the essential condition and distinction in regard to various phases of Democracy is: What is the character of these individual members? They are absolutely authorized to assume their position, only in as far as their will is still Objective Will — not one that wishes this or that, not mere "good" will. For good will is something particular — rests on the morality of individuals, on their conviction and

> subjective feeling. That very subjective Freedom which constitutes the principle and determines the peculiar form of Freedom in our world — which forms the absolute basis of our political and religious life, could not manifest itself in Greece otherwise than as a destructive Element (PH, 252).

We see here Hegel at his most modern: individual members of the community shall not just endorse the reasons which justify the actions, policies and laws of a state, but shall deliberate them. If not, such individuals are not at home. But conversely, these cannot just be individuals who are able to resist the immediate determination of social edicts and identity motivations, but individuals produced and cultured by the correct objective freedom, otherwise their entitlement to their own personal conviction is destructive.

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