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HEGEL'S ANSWERS TO QUESTIONS WE KNOW NOT HOW TO ASK

*J. David Bleich**

I have a problem; in fact, I have many problems. But my problem is not Professor Stillman or his paper.¹ My problem is Hegel. Professor Stillman has fulfilled the role of the biblical Joseph in presenting us with a masterful exposition of the visionary dream inherent in Hegel's philosophy of property. My problem is that, unlike Pharaoh who at least knew what it was that he dreamt but did not understand its meaning, I do not know what the content of the dream is and hence I have problems putting the interpretation together with the as yet unexplicated content of the dream.

In reading Professor Stillman's paper, I find that it reminds me a bit of the rabbinic anecdote concerning a proverbial student who runs around the study hall buttonholing one and all and exclaiming, "I have an answer. Please ask me a question!" The answers Professor Stillman has provided for us. My problem is to figure out the nature of the question.

To borrow a theme appropriate to the Passover season, I think that there are four possible questions that may be posed. Once these questions are formulated, the question then will be: Which of these was the question that was plaguing Hegel? If you will permit me to follow through on the seasonal theme, it seems to me that the four meta-Hegelian questions that may be raised correspond to questions appropriate to each of the Four Sons represented in the Passover *Haggadah*.

The first question is that of the Simple Son: What is property? Our Simple Son is not so simplistic as to be soliciting examples of property. He is not asking whether an equitable interest should be categorized as a property right or whether that which is due or owing under a government entitlement program constitutes a property right vested in the beneficiary. The question is much more basic and much more fundamental: The question is what is it that one is trying to define through this process of instantiation or through the process of definition by means of example. The question is very simple and very

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¹ Stillman, Hegel's Analysis of Property in the *Philosophy of Right*, 10 Cardozo L. Rev. 1031 (1989).

fundamental: What is it that a philosopher or a legal scholar means when he talks about property?

Putting that question aside for a moment and assuming either that the answer is so obvious that one need not bother to formulate the answer or that the answer is too involved for reduction to a facile elucidation, there is a second question that presents itself. This question is the question of the Wicked Son. Assuming that property can be defined, then what? What are the implications of recognizing an entity, a prerogative, or an anticipated benefit as property or as a property right, and why? Why should I respect the property rights of another and, conversely, on what grounds or by what reason do I assert my own property rights? It seems to me that these are facets of the most fundamental question that must be formulated with regard to property and it seems to me that in Western thought this basic question has been answered over and over again.

In Western philosophy, three general theories—speaking very broadly—have been developed to deal with these problems: first, natural right theory; second, various forms of conventionalism; and third, utilitarianism in its various guises and garbs. Each of those theories, as well as their respective progeny, seems to be addressed to this fundamental issue. Whether the question in its various formulations has been answered adequately or remains as a source of complexity is, of course, a separate issue.

It seems to me that Hegel does not address either of these two questions. Hegel seems to be asking a third question. And, as one might anticipate, the question that Hegel *seems* to be asking is the question of the Wise Son. Hegel, if one examines his language, seems to be formulating the question more or less as follows: From what does the concept or the category of property originate? Or to cast the question in Aristotelian terminology: What is the "efficient cause" of this notion of property? And then comes the answer. And the answer for Hegel, in a word, is the "will." Now, I submit that if that is indeed Hegel's question, then the answer does not seem to be cogent. From the fact that will develops in property it does not follow that the will is the source of property. To answer in such terms is to commit the fallacy of *post hoc ergo propter hoc*. An answer formulated in those terms would, at best, show that property is the material cause of the development of the will, but would leave the question of efficient causality unanswered.

If we were to regard Hegel as defining the role of the will in this manner, it would seem that, for Hegel, will plays roughly the same role that the concept, or the category, of mathematics plays for Kant.

It may aid in the development of a synthetic a priori, but it does not really serve to answer what appears to be the basic question.

Hegel, to me at least, must be understood as asking a question which he does not expressly formulate. In a sense Hegel is responding to the unasked question of the fourth son, the Son Who Knows Not How To Ask, that is, the son who must be shocked out of the passive equanimity that makes possible uncritical and unquestioning acceptance of proffered verities. It seems to me that Hegel really endeavors to open vistas of understanding by addressing a question that, before Hegel, we had not been intelligent enough to raise: Why is it that we need a concept of property; what purpose does it serve; what benefit does it bestow upon us? It seems to me that Hegel's answer to that question is that we need a concept of property to allow the will to manifest itself. If Hegel's answer and his question are understood in this vein, it then turns out that the will is indeed the final cause of property and the notion of the will, as developed by Hegel, does serve to explain why it is that it was necessary for man to invent the institution of property.

If this reading of Hegel is correct, then question number three—from what does the concept or the category of property originate?—is left unanswered. In effect, Hegel is telling us that property is simply there; it is part of the given. There exists an ontological relationship between the individual and his property that is intuited or that is known in some a priori manner. If this is correct, then we are back to what is really a natural law theory of property, to which is appended—in a uniquely Hegelian way—a notion of final causality and it is as the final cause that the will plays its major role.

If I have understood Professor Stillman's paper properly, then what Professor Stillman has done for us is to elucidate the function of the will in its role as a final cause. But Professor Stillman, as Hegel himself, has not really explored the question that we are trying to answer. This does not mean that I have any particular quarrel with Professor Stillman's exposition, or even with Hegel's thesis—if I could only understand Hegel's exposition. In effect, I find myself in the position of a Nebuchadnezzar who required a Daniel not only to interpret his dream, but also to tell him what it was that he dreamt.² If I have correctly divined the content of the dream, then Professor Stillman has presented us with an interpretation of the dream in the form of a highly cogent exposition of Hegel's answer to a question that is itself not formulated in the dream.

² See Rashi, Commentary on the Bible, Genesis 41:8.

