Detailed Call for Abstracts

The *Philosophy of Right* and wrong
Hegel on crime, transgression, and injustice

Conference
11-13 September 2025
Max Planck Institute for the Study of Crime, Security and Law, Freiburg (Germany)
Organised by the Independent Research Group "Criminal Law Theory"

Confirmed participants

- Giulia Battistoni (Università di Verona)
- Thom Brooks (Durham University)
- Alan Brudner (University of Toronto)
- Jochen Bung (Universität Hamburg)
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- Angelica Nuzzo (Brooklyn College, CUNY)
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- Claudia Wirsing (TU Braunschweig)

Background

The normative language of "wrong" is ubiquitous. It features in our judgments about what to do ("It's wrong to harm people"), whom to call to account ("He did something wrong"), or what the world is like ("It's all wrong"). It is a notion that is as simple as it is knotty. Here is the simple part: something is wrong if it is contrary to what is right in some normatively salient way. And here is the knotty part: it is contested what it means to be *right*, or what it means to be *contrary* to right, or what to make of the *salience* condition, let alone what *to do with* wrong once it has come into existence.

While the contemporary literature on rights, duties, responsibility, and punishment fills entire libraries, the notion of *wrong* is often dealt with, if at all, as an afterthought: *We kind of know what's wrong – now let's get down to business of doing right.* The philosophy of GWF Hegel challenges this casual attitude to the normative relation between right and wrong. This, then, provides a first motivation to rigorously examine wrong, wrongs, wronging, wrongfulness, and the like through the lens of Hegel's mature philosophy, which takes wrong (*Unrecht*) to be an integral feature of the intersubjective, institutional, and political make-up ("objective spirit") of the modern world. The systematic analysis of wrong provided in the *Philosophy of Right* promises to be insightful beyond Hegel scholarship.

The second motivation relates to Hegel's legacy. Both the understanding of crime as the "infringement of right as right" (*Outlines of the Philosophy of* Right [PR], trans. TM Knox, Oxford: OUP 2008, § 97) and the thought that punishment "annul[s] the crime, *which otherwise would be held valid*, and […] restore[s] right" (PR § 99) have proven extremely influential, especially in criminal law theory,

providing a foil against which to label one's position as "Hegelian" or "anti-Hegelian." A closer look at wrong might correct some established clichés about Hegel's philosophy, not least his image as a one-dimensional retributivist.

The third motivation is intrinsic to Hegel scholarship. Thus far, there is no monograph or edited volume, and there has been no conference, that is explicitly dedicated to the treatment of wrong in Hegel's philosophy. Yet, the notion of wrong, making more than fifty appearances in the original text of the *Philosophy of Right* alone, is certainly significant enough to warrant focused scholarly attention. This conference will illuminate this aspect of Hegel's work and, in turn, aim to make the notion of wrong a little less elusive.

The *Philosophy of Right* and wrong

In many ways, Hegel's *Philosophy of Right* begins with wrong. The murder of the playwright August von Kotzebue by the nationalist student Karl Ludwig Sand forms the historical backdrop for the famous preface. And the argument clearly identifies its opponents: gripers, sceptics, and demagogues who "want [...] something other than the substance of right and the ethical," at the hands of whom the "right of thought [...] is perverted into wrong" (PR p. 6).

Also in another sense, the *Philosophy of Right* is set against the background of wrong. As Hegel readily admits, it is all too easy to conclude "that in this earthly life things are truly bad or at best indifferent, but since nothing better can be found here we should live at peace with the world" (PR p. 16). Of course, Hegel wants to replace this "cold despair" with the "rational insight which *reconciles* us to actuality" (PR p. 16). Whether or not we think that he is successful in this endeavour, a social world ridden with iniquity is a challenge for a theory like Hegel's that aims to "*apprehend and present the state as something inherently rational*" (PR pp. 14-15).

And the *Philosophy of Right* is replete with reflections on wrong. There is the discussion of non-malicious wrongs, fraud, and crime that brings the account of "Abstract Right" to a close. There are the reflections on guilt and responsibility in the part on "Morality." There is the observation that the members of civil society, in pursuit of their isolated self-interest, cannot help but wrong each other. But in less conspicuous places, too – for example, in the paragraphs on slavery, conscience, legal procedure, public opinion, and international law – the problem of wrong continues to occupy Hegel.

Arguably, the *Philosophy of Right* needs wrong. On the one hand, it drives the dialectic forward: if we believe Hegel, there is no morality without crime, no justice without punishment. On the other hand, the dialectic sometimes terminates in what many would call instances of wrong: coercion, poverty, war. For Hegel, right and wrong are more intricately connected than mere opposites would be.

Themes of the conference

The eponymous hero of Hegel's mature political philosophy is right, *Recht*, and thus it is right, "the existence of the free will" (PR § 29), what scholars are conventionally interested in. Here, we turn Hegel inside out: this conference is dedicated to the *Philosophy of Right* as a philosophy of wrong, as a reflection on the denial, hindrance, and destruction of the free will; as a resource for analysing violations, transgressions, and injustice.

The overarching ambition of the conference is to put exegetical research into touch with current debates in legal theory, especially criminal law scholarship, and adjacent fields, such as moral philosophy, meta-ethics, and political theory. Below, we list some themes to be explored,

accompanied by exegetical and further outward-looking questions that speakers may want to consider in their presentations:

- *The concept of wrong*:
  What is wrong in the *Philosophy of Right*? How does the concept of wrong relate to the concept of right? To what extent does Hegel allow for internal divisions, e.g., between moral, legal, and political wrongs?
  Further, to what extent can legal theory benefit from Hegel's understanding of wrong? What are the differences to and commonalities with current understandings of wrong, wronging, wrongfulness, and the like? Do contemporary distinctions, for example, between private and public wrongs or between relational and non-relational wrongs, interact fruitfully with the *Philosophy of Right*?

- *The role of wrong*:
  What is the significance of wrong in the *Philosophy of Right*? How does the *Doppelsatz* – "*what is rational is actual and what is actual is rational*" (PR p. 14) – clarify or complicate the notion of wrong? Does the existence of wrong pose a special problem to Hegel's philosophy, which, after all, aims for reconciliation? If so, does he provide a satisfactory solution? If he doesn't, is Hegel guilty of condoning a world built on wrong?
  Further, is "the wrong" an evaluative or a deontic concept? Is it always derivative of "the right" or "the good"? Can we determine what is wrong without already having a fleshed-out concept of what is right? Where, if anywhere, does the *Philosophy of Right* fall in the divide between ideal and non-ideal theories of justice?

- *Agents of wrong*:
  Which agents does the *Philosophy of Right* consider capable of being wronged? Which agents are considered capable of wronging? Specifically, can groups, collectives, and institutions, such as the family, civil society, corporations, or the state, commit wrongs? Can they be responsible for it? What does Hegel mean when he writes that, in a criminal court, "the injured *universal* now comes on the scene" (PR § 220)? Can Hegel illuminate why there is wrong or why people commit wrongs?
  Further, does Hegel provide a useful framework for thinking about forms of wronging that have a more complicated structure, for example, when there is no clearly identifiable perpetrator or victim, or when perpetrator or victim are collective agents? Does his observation that, in civil society, "poverty immediately takes the form of a wrong done to one class by another" (PR § 244 A) anticipate discussions in critical legal studies and criminology?

- *Normative reactions to wrong*:
  Does Hegel have a convincing response to the question what to do about wrong? Specifically, how does the notion of wrong inform Hegel's account of punishment? Why does Hegel place so much emphasis on confessions and jury-trials for legitimising criminal convictions? Are there other normative reactions to wrong, apart from punishment, that Hegel's theory can vindicate? More generally, can we be reconciled to a world that is filled with wrong? If we cannot, what does this say about Hegel's project?
  Further, can the *Philosophy of Right* provide helpful impulses to contemporary debates regarding retributive, restorative, and corrective justice? Does Hegel lend support to the "political turn" in criminal law scholarship, according to which the question what is right in the face of wrong is at bottom a political question?

Speakers are welcome to tackle other questions that connect to the overarching theme. While the focus of the conference is on Hegel's mature political philosophy, scholars are encouraged to draw on

earlier writings if doing so is conducive to accentuating, contrasting, or criticising the argument of the *Philosophy of Right*.

Organisational preliminaries

The conference is scheduled to take place from 11-13 September 2025 at the Max Planck Institute for the Study of Crime, Security and Law, Freiburg (Germany). Presentations will be circa 30 minutes. Travel and accommodation costs for speakers will be covered. We plan to publish the conference proceedings after the event, with further details to be announced in due course.

How to apply?

Please send the provisional title of your presentation and an abstract of no more than 300 words to strafrechtstheorie@csl.mpg.de by 28 February 2025.

If you have any questions regarding the conference, please contact Simon Gansinger, again at strafrechtstheorie@csl.mpg.de.

Contact

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