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The Idea of Absolute Ethical Life: Hegel's Account of Freedom and Natural Law in His Early Philosophical Works

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THE IDEA OF ABSOLUTE ETHICAL LIFE: HEGEL'S ACCOUNT OF FREEDOM
AND NATURAL LAW IN HIS EARLY PHILOSOPHICAL WORKS

DISSERTATION

A dissertation submitted in partial fulfillment of the
requirements for the degree of Doctor of Philosophy in the
College of Arts and Sciences
at the University of Kentucky

By
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2019

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ABSTRACT OF DISSERTATION

THE IDEA OF ABSOLUTE ETHICAL LIFE: HEGEL'S ACCOUNT OF FREEDOM AND NATURAL LAW IN HIS EARLY PHILOSOPHICAL WORKS

This dissertation project focuses on G.W.F. Hegel's early philosophical writings, though primarily on the *Natural Law* essay (1802/3), and how, through those writings, Hegel positions himself in relation to other thinkers, such as Fichte. Broadly, the modern period saw with it the rise of accounts of what is called natural law. Philosophers prior to Hegel argued that the proper account of natural law must be rooted in some kind of universal framework: either the basis of law must be the shared empirical facts of human nature (empiricism), or the basis of law must be found in the universal demands on what it means to be a rational being (*a priorism*). Hegel's essay presents a compelling argument for why such accounts for natural law are inadequate.

The first part of this dissertation engages in the exegetical project of understanding Hegel's critique of prior philosophical methods for generating accounts of natural law. Through an engagement with Fichte's philosophical works related to the sciences of morality and legality, I recapitulate Hegel's critique of key elements within Fichte's philosophical system. These critiques focus on what Hegel argues are the problematic aspects of a philosophical system that is rooted in merely the concept of the Absolute, a one-sided articulation of reality that gives undue primacy to the subjective aspect of human life. I argue that these critiques frame the important philosophical insights that Hegel brings to bear on his account of natural law. Next, I provide an account of why Hegel thinks that the philosophical programs of empiricism and *a priorism* fail to capture the heart of what it means to think about law within a community.

The second part of this dissertation provides an account of Hegel's conception of absolute ethical life and its ramifications on our thinking about communal life. Beginning with Hegel's conception of freedom, I explore Hegel's argument for why a domain of meaning that is prior to individual reveals itself in both positive and negative ways. Furthermore, I show that this argument sets the stage for articulating the impossibility of a system of laws that address the real demands of freedom. Hegel's argument for why the underlying logic of ethical life is on a path towards a point of indifference provides a compelling answer to the question of how we should understand the relationship between law and the community. One main conclusion of the *Natural Law* essay is that the basic mode of communal life is grounded in an ongoing tension between the positive content of

the community and its institutions and the negative power of the individual to either participate or deny the claims of the community. I articulate why, given the logic of ethical life, the basic mode of participating in communal life involves participating in the birth, life, and death of laws, where the truth of this cycle is in the growth and maintenance of the community through its own tragic self-consumption. Furthermore, I argue that the *Natural Law* essay provides a framework for incorporating the empirical into an account of natural law through history. Finally, I close by offering some insights from Hegel's account that are relevant to our current dialogues about what it means to live in a community, specifically that his account of natural law places a demand on how we should engage in dialogues within a historical perspective.

KEYWORDS: Hegel, Fichte, Natural Law, Freedom, Ethical Life, Justice

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08/26/2019

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To Rebecca

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INTRODUCTION

This dissertation project is focused on Hegel's critique of two prominent philosophies of natural law from the 17th and 18th centuries. In contrast to accounts of law based on the divine commands of God or on the history of jurisprudence for the community, natural law is the name given to accounts of human law that are rooted in a 'scientific' outlook. In short, philosophers prior to Hegel argued that the proper account of law must be rooted in some kind of universal framework: either the basis of law must be the shared empirical facts of human nature, or the basis of law must be found in the universal demands on what it means to be a rational being. Hegel's essay, *Natural Law*, presents a compelling argument for why such accounts for natural law are inadequate.

Before we enter into a more detailed account of the path that this project takes, I offer the two following examples to orient ourselves. The purpose of these examples is to show that beneath the layer of obviousness of common experiences resides a complex network of meaning, a network that turns out to be intimately connected to the idea of how the community interprets itself as lawful and meaningful.

The first example I wish to consider is the stop sign. At first glance, the stop sign plays a simple role in the community: the direction of traffic at a particular intersection among the various routes of travel in the community. We can, however, peel back the layer of obviousness from the stop sign and come to see its deeper truth. First, the stop sign is a physical object that is imbued with meaning: the stop sign is, in part, the

objectification of how the community has organized itself. The sign is itself a manifestation of a law that is held by the community, we might say, but this response is too vague. Let us consider the stop sign in action, so to speak. When I am approaching the stop sign, the sign is the object of my experience where I acknowledge, at least implicitly, the claim that the underlying law has on me. The stop sign presents itself as an obligation to be followed. And by obeying the stop sign, I am implicitly acknowledging *more than* the mere claim that this particular sign has on me. Indeed, I am acknowledging that the laws of the community have a claim on me, and this is *one instance* through which I show myself as a member of the lawful community. The stop sign is, in other words, yet another opportunity for me to prove to myself and others that I am a member of the community and am claimed by the network of meaning that goes into the stop sign.

The stop sign, then, becomes a site where members of the community implicitly reaffirm their relationship to the network of meaning that shapes their experiences. Each member of the community, when approaching the stop sign, could ignore the sign. However, by not ignoring the sign, each member of the community participates in the continual reaffirmation of the network of meaning as underwriting her own experiences. Following Socrates in the *Crito*, we might say the laws are our true parents, and just as we are comfortable acknowledging the shaping power of our formative years with our family, we should readily acknowledge the truer and deeper shaping power of the laws of the community.¹

¹ Plato and G. M. A Grube, *Five Dialogues* (Indianapolis, IN: Hackett Pub. Co., 2009), 54–55. “We [the Laws] say that the one who disobeys does wrong in three ways, first because in us he disobeys his parents,

The stop sign is an example of something that may appear as a limitation on my freedom, but in reality, the stop sign is the site where my freedom may be actualized in the world. This example is challenging a conception of freedom which claims that to be free is to be given the space to make an unrestrained choice: the site of freedom is in the private space of the individual, in the power to make a decision that is wholly self-authored. The stop sign points to everyday experiences where the freedom of the individual is made real not simply in the inner life of the individual, but in the intersection between the individual and her circumstances. This dissertation project is in part concerned with tracing Hegel's argument for why the concrete reality of freedom is intimately tied to the content of the world: the site of freedom turns out to be where the distinction between the private space of the individual and the public content of the community is made ambiguous. Given that the reality of freedom is a kind of collision of two spheres, a philosophy of natural law needs to articulate the complex way in which this apparent collision is resolved into a concrete and flourishing human reality.

Whereas the first example focuses on the way in which the individual realizes herself in a meaningful way through the already-established network of meaning that is the hidden ground of her reflection on her experiences and sense of self, the next example focuses on the way in which the individual expresses her freedom through her opposition to that very same grounding network of meaning.

Suppose that the life of a community is organized around the imposition of a strict ban on some particular activity established many years in the past. Along the lines of the

also those who brought him up, and because, in spite of his agreement, he neither obeys us nor, if we do something wrong, does he try to persuade us to do better.”

first example, the community itself perceives the ban as not merely a denial of something to someone; in addition, the community also interprets the ban as an expression of appropriate and meaningful human effort. The ban is yet another opportunity for members of the community to reveal their commitment to the shared networking of meaning. Suppose further that there are several individuals opposed to the ban. While these individuals participate in the community in many ways, they have decided that the ban, that particular aspect of the communal life, is unwarranted and a hindrance on their freedom. These individuals willfully and flagrantly undermine the ban, and the community takes notice. Citations, violations, and arrests follow. At the same time, however, the seed of what initially appeared as dissent has now grown into a more vigorous and wide-spread dialogue within the community about the function and legitimacy of the ban. To some, the conditions of communal life that were influential to the institution of the ban have changed; to others, the ban originated in a time where the oppression of one particular part of the community was extensive; to others still, in light of the current protests, supporting the ban is now a mark of patriotic activity, and those who do not support the ban are undermining the very fabric of the community itself. In short, individuals are expressing their takes on the situation, and those individuals introduce discordance into the dialogue.

Let us suppose that despite the pressure to lift the ban from some individuals, the community decides to uphold the ban, reaffirming the idea that supporting the ban is supporting the health of the community. For those individuals who opposed the ban, however, their convictions remain unchanged: they continue to promote a dialogue about the ban by appealing to the provincial supreme court. For our purposes, we do not need

to concern ourselves with the resolution put forth by the court regarding the ban. Our concern is with the fact that within the seemingly harmonious and grounded community arose a tension between individuals and the community that could not be resolved. Despite the pressures of the community at large, those individuals were convinced of their position. The expression of conviction turns out to be a moment where the freedom of the individual confronts the shared network of meaning that grounds the individual's life within the community, and the individual shows herself to be self-assured in her own understanding of the situation.

We may be of the mindset that appealing to a universal framework for determining the form and content of law would resolve the tensions expressed in the example above. We may think that a universal framework would be able to distill and determine the appropriateness and legitimacy of a particular expression by the community or the individual. But Hegel's position is that those universal frameworks rooted in some kind of static principle fail to capture the reality of the relationships between the community, the individual, and law. This dissertation project explores Hegel's argument for why the method behind the formulation of prominent universal frameworks of natural law, while containing concepts that fail to capture the concrete reality of the human situation, nevertheless reveal crucial 'threads' that the philosophy of natural law needs to incorporate into its account.

The above examples show two dynamics at play within the community: (1) the 'reality' of the community expressed through participation in shared networks of meaning and (2) the 'reality' of the individual expressed through the denial of the claims put forth by that very same network. The conclusions reached by Hegel about what

something like natural law looks like in reality centres on the organic and dynamic relationship between the individual and the community, where that relationship takes the shape of a community grappling with its own historical narrative.

This dissertation project argues that the *Natural Law* essay may be understood as articulating three broad threads of thought related to what philosophy can claim about the possibility of a science of natural law. The first thread deals with two problematic ways in which accounts of natural law have proceeded in philosophy of the 17th and 18th centuries. In order to understand the significance and subtlety of Hegel's account of natural law within the context of absolute ethical life, we first turn to his analysis of two traditionally dominant ways of conceiving the role of law within human reality. The two problematic ways of articulating natural law are empiricism and *a priorism*. In this work, I refer to each articulation as a program; the reason behind doing so is that while accounts of natural law may differ from each other, our focus is on the conceptual program that marks out an account as either one rooted in the empirical or the *a priori*. For Hegel, the nuances of absolute ethical life can only be made clear if we first recognize that these two dominant, but ultimately inadequate, ways of conceiving law within human reality reveal fundamental aspects of what it means to be a human within a community of humans. The respective inadequacies revealed by Hegel foreshadow the task of philosophy in putting forth an account of natural law. These fundamental but opposed aspects demand to be incorporated into a philosophical account of human reality, but, as we shall see, only the concept of absolute ethical life is able to hold together these opposed but necessary aspects.

Chapter One focuses on Hegel's critique of the program of formulating an account of natural law that is rooted in the empirical. The path through the critique in the chapter begins with an account of natural law found in Hobbes' *Leviathan*. The purpose of exploring Hobbes' account is not to discern the scope and complexities of his philosophical position; rather, the focus is on emphasizing a few key instances in the *Leviathan* where Hobbes appeals to the empirical, to natural facts about human nature, that inform his account of what he argues are the philosophical foundations that ground a system of law. Having revealed elements within Hobbes' account that are rooted in the empirical, the chapter then examines the critique that Hegel puts forth regarding the problems inherent in drawing on the empirical when formulating an account of natural law. I emphasize that the heart of the critique focuses on the problem of generating the principle that is the foundation of a universal framework: since the empirical program operates by appealing to basic facts about human nature or the world in order to ground its first principles in the empirical, the first principle employed by this program is in reality a determinate piece of content elevated to the status of an abstract principle. Hegel argues that the logical move of taking a determinate and particular content and elevating it to the level of a grounding principle cannot be justified through necessity. The empirical program fails to provide sufficient justification for why, among the set of particulars to 'choose' from in the empirical world, one particular content ought to be regarded as an abstract first principle and not others. I end the chapter by arguing that while the empirical program contains an inherent logical flaw, Hegel foreshadows the complex but necessary way in which the empirical must be situated properly within a philosophy of natural law.

The other prominent program that Hegel addresses in the *Natural Law* essay is centred on grounding an account of natural law in *a priori* concepts such as freedom or the I as such. In order to understand the scope of the critique put forth by Hegel and the way in which the ‘thread’ found in the *a priori* program is taken up in Hegel’s account of natural law, we must take a more complicated path than the one employed in the first chapter. This essay is written in the context of Hegel’s early philosophical works, where these works often respond to various parts of Fichte’s *Wissenschaftslehre*. Given the proximity between Fichte and Hegel, and given that the nuances of Hegel’s distinct position taken up in the *Natural Law* essay when addressing specific philosophical elements within Fichte’s system, this dissertation project endeavours to articulate points of contact between these two important philosophers that are especially relevant to the arguments found in the *Natural Law* essay.

With the above in mind, Chapter Two explores the basic structure of the self-positing I in Fichte’s *Wissenschaftslehre* and Hegel’s critique of the same found in the *Difference* essay and *Faith and Knowledge*. This chapter begins with an exegetical account of key elements within Fichte’s account of what it means for the I to posit itself as laid out in *Wissenschaftslehre Nova Methodo*. The focus of this section is to set up the foundation for the aspect of the system that Hegel focuses his attention on in the above works. So, this section articulates the roles of feeling and the indeterminate in the genetic deduction of the self-positing I. The next section articulates Hegel’s charge that the role of the indeterminate within Fichte’s system points to a problematic and narrow account of the I. From Hegel’s perspective, the way that the indeterminate is incorporated into the genetic deduction of the I results in an account of the I that is incomplete, where the

relation of opposition between freedom and nature is fixed in a way that undermines the very task of philosophy that Fichte sought out to accomplish. The conclusion of this chapter is that the path towards articulating the absolute identity of the I in a way that is not one-sided, Hegel argues, requires an account of the Absolute that is concerned with the point of absolute indifference. Put differently, this chapter sets up the importance behind the notion of the point of absolute indifference in relation to the concrete reality of the community of human beings in the context of the *Natural Law* essay.

To be sure, one familiar with the *Wissenschaftslehre* would likely state that the so-called problems associated with the indeterminate and nature raised in Chapter Two are in fact taken up explicitly in Fichte's account of practical reason. Fichte argues in the *System of Ethics*, for example, that the activity of the self-positing I in a broad sense involves positing a world that appears as a limitation on the I; furthermore, the fundamental drive of the I as such is to strive towards absolute self-sufficiency through practical actions carried out in the world. Chapter Three focuses on this line of argumentation by Fichte and Hegel's critique of the same found primarily in the *Difference* essay. I begin by explicating the role that the concept of striving plays within Fichte's system. I then turn towards Hegel's take on this part of the *Wissenschaftslehre*. I show that from Hegel's perspective, the concept of striving is in fact a symptom of a deeper logical problem within Fichte's system: striving is meant to address the problematic relationship between the I as infinite and the I as finite; however, the notion of infinity employed by Fichte is already narrow and perpetuates what Hegel argues is a rigid opposition between the infinite and the finite. I then explore Hegel's charge that the moral and political philosophies within Fichte's system turn out to be problematic

because they are rooted in an account of practical reason that is based on an incomplete synthesis of the Absolute. This chapter ends by explicating what Hegel means by the need of philosophy to provide an account of the complete synthesis of the Absolute.

With respect to the *Natural Law* essay, we shall see that the need for a complete synthesis is the logical driver behind the complex role that the empirical world has in a philosophy of natural law.

Chapter Four returns to the *Natural Law* essay. With the conclusions of the previous two chapters in hand, I turn towards Hegel's critique of the second prominent program for formulating an account of natural law – *a priorism*. This chapter begins with an argument for why the notion of an incomplete Absolute turns out to result in an account of natural law that is one-sided, where the program itself ensures that any account of natural law grounded in *a priori* concepts employs a problematic conception of infinity and of the relationship between the concept and the content, the universal and the particular. The next section of this chapter reconstructs Hegel's line of argumentation for why the program of *a priorism* produces immoralities and inconsistencies: we shall see that since the program only conceives of the relation between the universal and the particular in terms of opposition, where particular content is taken up into the universal, the program is unable to offer any substantial justification for generating a law or duty based on one particular piece of content and not others. Put differently, this chapter shows that the primary criticism put forth by Hegel in this section of the essay is that arbitrariness resides at the core of the program, and that arbitrariness turns out to undermine any claim that specific laws or duties are moral. This chapter closes with an exploration of Hegel's argument for why a positive unity, a unity that does not fix a

relation between the universal and the particular, is essential to an account of the reality of something like natural law. We shall see that the proper ground for understanding what it means for a human community to be 'lawful' must comprehend the complete synthesis of the Absolute in the Idea of absolute ethical life.

The focus of Chapter Five is Hegel's Idea of absolute ethical life. The chapter begins with Hegel's argument for why *a priorism* is committed to the reality of the concept of compulsion or coercion as a primary means for the human community to organize itself in a lawful way. Following Hegel's line of reasoning, we quickly see that the Idea of freedom, freedom in its concreteness, reveals the non-reality of the concept of compulsion employed by natural law theories. Instead, Hegel argues, we must recognize that the absoluteness of freedom, while immune to compulsion, is comprised of two aspects, the positive and the negative. The next section articulates Hegel's argument for why only the Idea of absolute ethical life is able to properly incorporate the realities of the positive and negative aspects of freedom. Focusing first on the negative aspect of freedom, we then explore the complexities surrounding the reality of the individual as an absolute negativity. We then turn towards Hegel's account of the economy as a way of illustrating the way in which the freedom of the individual 'collides' with the freedom of the community. This chapter closes by emphasizing two central parts of Hegel's argument: first, because of the dynamic relationship between the individual in her negative freedom and the community, determinate laws must always remain relative and fragile with respect to the reality of ethical life; second, ethical life itself is perpetually engaged in an on-going process of 'navigating' the collision of freedoms alluded to above. The main conclusion of this chapter shows that the reality of ethical life takes the

shape of what Hegel argues is a tragic performance of self-sacrifice: we learn here that the basic way in which the human community is actualized is through the dynamic process of constructing itself, maintaining itself, and tearing itself down.

Chapter Six explores in more detail the reality of ethical life from the perspective of the individual. The first section revisits the dynamic tension that resides within the core of ethical life. Following Hegel's argument, we see that the more concrete manifestation of ethical life is in the individual. In more abstract terms, the complete synthesis of the Absolute, the unity between the universal and the particular, and the site where the positive and negative aspects of freedom intersect is in the ethical individual. The next section puts forth a broad framing of the reality of ethical life with an eye towards the everyday experiences of individuals within a community. I emphasize here that ethical life is the basic framework that articulates why the basic mode of the community is to be in a state of concern with respect to the adequacy of its laws. I then articulate why, for Hegel, an account of something like natural law culminates in the system of legislation of the community. I emphasize that a distinctive feature of Hegel's argument is the 'rehabilitation' of the empirical relative to his collocutors. Whereas other philosophical accounts of natural law focus on the grounding principles that form a rigid framework, we see that ethical life, through its dynamic and concrete reality, is the way in which philosophy embraces the empirical. This chapter reveals that, for Hegel, an account of the reality of a lawful community must be rooted in the dynamic collision between the negative absoluteness of the individual and the particular content of the empirical; in less abstract terms, we see here that the story of Absolute ethical life culminates in the role that history plays in the philosophical account, where history may

be understood as the concrete manifestation of the relation between freedom and nature. I also articulate another distinctive feature of Hegel's account – the need for philosophy to honour necessity. We will see here again the influence that the empirical has on the reality of absolute ethical life.

CHAPTER 1. THE PROGRAM OF EMPIRICISM AND HEGEL'S CRITIQUE

1.1 Introduction:

This chapter proceeds by following Hegel's account of the program of empiricism with a focus on articulating its inadequacies as a method for deriving an account of natural law. The general program of an account of natural law rooted in empiricism is the articulation of determinate content that is organized according to a principle that is *itself* rooted in the empirical world. The aim of this chapter is to note both the ineliminable significance of the core of the empirical program and the inability of the program to bear the weight of that significance revealed on its own terms. The conclusion of this chapter establishes the problematic logical space that invites thinking about the concept of absolute ethical life in order to overcome the seemingly opposed requirements that an account of natural law must hold together as determined by empiricism. Importantly, this chapter not only foreshadows how the concept of absolute ethical life is essential to the philosophy of natural law, but also emphasizes how the first part of the *Natural Law* essay introduces the essential role of the empirical in an account of absolute ethical life.

1.2 Hobbes' *Leviathan* and the Empirical:

Broadly, a philosophical account of natural law that is grounded in or framed by facts from the natural world falls under the program of empiricism as defined by Hegel in the opening section of the *Natural Law* essay. In order to illustrate the extent of Hegel's critique of drawing on the empirical for the purposes of formulating the ground of a

framework of natural law, this chapter begins with a brief articulation of Hobbes' account of natural law as it is found in the *Leviathan*. Hobbes' account may function as a relevant example of the program of empiricism in action, not only because his employment of the empirical is on full display in his account of human nature, but also because the problematic way in which the empirical reverberates through more developed aspects of his account of natural law comes to the fore.

Hobbes' account of human relationships that grounds his political philosophy begins with two important empirical insights: First, Hobbes states, we can observe that human beings are equal overall in terms of power, be it of the intellectual or physical kind.² In other words, there is no natural imbalance of power among human beings. Of course, power imbalances express themselves within human relationships in a myriad of ways. However, these expressions of imbalances are not rooted in some kind of natural inequality among human beings. Second, human beings are creatures of desire. We have desires and are driven by the satisfaction of those desires. However, since human beings are, for all intents and purposes, equal in terms of power, and since human beings may desire the same thing, the collision of desires does not immediately and naturally result in one human being winning out over the other. Instead, Hobbes states, the collision of desires results in human beings becoming enemies. The most important and organizing desire of the human being is the desire to preserve her own life, and since self-preservation requires the satisfaction of desires through things in the world, collisions over things in the world result in challenges to self-preservation. In other words, the fear

² Thomas Hobbes, *Leviathan: Or the Matter, Forme and Power of a Commonwealth Ecclesiasticall and Civil*, ed. Michael Oakeshott (New York: Touchstone, 1997), 76.

of the power of other human beings, especially when united as a force against one individual, turns out to be a primary shaping force of human existence. The fear of the power of others turns out to legitimize actions taken for the sake of self-preservation. Furthermore, a human being has no desire to keep company with others unless she is able to hold those others in check due to her power “...to overawe them all.”³ With that power, her company may distort her value and her claim over the things that satisfy her desires.

Accordingly, Hobbes argues, human nature results in three principles that cause conflict among human beings: competition, diffidence, and glory. The basic point here is that the human being, from an empirical standpoint, contains within itself a natural propensity for conflict given the immediate relation with others as potential competitors.

Without a common power to overawe all human beings, they are likely to engage in these conflicts, where only their own deaths release them from their fear of others. Hobbes describes this basic condition that is a direct entailment of human nature, an inference from the passions, as a state of war – a war of all against all.⁴ Hobbes asks those who may be sceptical of his pessimistic description of human nature to turn towards experience: Does not experience confirm that locks, arms, and so forth are rooted in the basic fear of the power of other human beings? To be sure, while we may have located this power within human nature, human nature is not to blame. Human nature is only to blame when it runs afoul of a law, and laws must be made, and agreed upon, by people.

³ Hobbes, 77.

⁴ Hobbes, 78.

In other words, human nature cannot determine *in advance* which passions may result in collisions with the law.

Hobbes' account of human nature and his vindication of human nature from sinning against the law in principle is rooted in an empirical analysis of what it means to be a human. The natural facts of desire and self-preservation result in conflicts that cannot be determined as immoral or wrongful from the standpoint of human nature. Power and fear of that power turn out to be the primary persuading forces within the state of nature.

Furthermore, Hobbes argues, notions of justice or rightness do not exist in the state of nature. The significance behind this claim is that Hobbes' account of natural law does not involve determinations of what is just or right independent from empirical conditions. In other words, the basic state of nature that underwrites and precedes conceptually a more developed political state contains no articulations of what is just, but merely observations about human nature. *Matters of justice must be developed in a way that is conditioned by the progress of society.* What constitutes justice is conditioned by the empirical, and aspects of human nature are taken to be the guiding principles of the development of a state that ends the war of all against all. Just as humans desire due to the drive for self-preservation, just as humans fear others in the state of nature, humans also have natural propensities towards peace. The fear of death, the hope for living contently – these aspects of human nature also influence the empirical development of a state of right.

The articles of peace, or the set of laws that must be set up in order for fearful humans to leave the state of nature, are in direct response to the empirical facts that are

taken to be the essence of the human. The first article, or law of nature, is that each human being desires self-preservation and has the basic right to self-preservation. Importantly, this law of nature is rooted in the basic desire to live, a desire that is so powerful, Hobbes argues, that it needs to be enshrined as a fundamental right. I wish only to stress that while this article of peace is framed as a law, this law is nonetheless rooted in the empirical: the basic desire of self-preservation has been elevated to be an explanatory principle for the development of a human community that moves beyond the state of nature. While Hobbes states that this law of nature is discovered by reason, the content of this law is not determined solely through the use of reason. Rather, reason uncovers a framing principle within the empirical content of human nature: Since the original position of the human being is in a state of war against all others, she has the right to use whatever is at her disposal for the sake of not succumbing to death as a casualty of this war. Given that the content of what is just or right can only be determined among humans who have left the state of nature, there are no limits to the liberty of the human being in the state of nature in pursuing her self-preservation, including the belongings or bodies of others.

An entailment of this first law of nature is that "...every man ought to endeavour peace, as far as he has hope of obtaining it; and when he cannot obtain it, that he may seek and use all helps and advantages of war."⁵ Again, we can see the empirical content of human nature raised to the level of a principle in this entailment: The basic desire for self-preservation and the original state of nature that the human being finds herself in are first principles in Hobbes' account of natural law. Reason reframes these empirical facts

⁵ Hobbes, 80.

of human nature and elevates them to the level of organizing first principles. The resulting account of natural law is therefore tethered to the empirical from the start. Furthermore, the account of natural law put forth here takes itself to be addressing the fundamental reality of conflict that is at the heart of the human relations. All of the subsequent developments in this account of natural law are for the sake of addressing an empirical determination elevated to the status of an organizing principle.

The second law of nature, which is derived from the first, is that human beings are willing to relinquish the right to *all things* for the sake of self-preservation when others are willing to do the same. In other words, human beings are willing to limit the raw and unbridled liberty found in the state of nature to the point where the liberty allowed to herself is as much liberty as she would allow to others against herself.⁶ “To lay down a man’s right to anything is to divest himself of the liberty of hindering another of the benefit of his own right to the same.”⁷ The human being may either simply renounce her basic right or transfer her right to another. In either case, the divesting of her basic right is voluntary. However, she cannot divest herself of the more basic right to self-preservation, as this desire, and the right that legitimizes this desire, is at the core of her living relation to the world of others.

A central feature of Hobbes’ account is that a social contract among humans must be determined in order to leave the state of nature. Hobbes defines a contract as the mutual transferring of right. The strength of the contract is to be embodied in the language that articulates the promise made by both parties. However, words themselves

⁶ Hobbes, 80.

⁷ Hobbes, 81.

are often not enough to ensure that a contract is upheld by both parties, for one party may be tempted to break the contract given the limited force of words. Two other forces help strengthen the contract: fear of the consequence of breaking one's word, and a pride in appearing not to break one's word. Of the two, the fear of consequences is the primary means of strengthening the obligation to the word of the contract. Hobbes argues the fear of consequences may be rooted in the wrath of divine beings or in the power of those human beings offended by the breaking of the contract. For our purposes, we need only focus on the fear of consequences related to other human beings – the power that, while not greater than that of divine beings, is much more common to the covenants made by humans.

The fear of other human beings, prior to living in a civil society, can only be determined in moments of conflict: in the state of nature, fear arises only in situations where one's own strength is bested by another, where one becomes powerless relative to another. Since the relative power of human beings cannot be assessed prior to conflict, the fear of consequences does not strengthen covenants made *outside of civil society*. Even in the state of nature, the performance of covenants is a matter of original justice; the problem is that the application of justice to those who break covenants in the state of nature turns out to be subject to the will of the human who is stronger. In other words, there is no power in the state of nature that is greater than all those involved in the covenant. Based on the principles of human nature rooted in empirical reality, original justice is hindered by the fact that the relationship between two human beings in the state of nature (involved in a covenant) is mediated by relative power.

Hobbes argues that while original justice is on the horizon in the state of nature, justice can only be achieved in a commonwealth. Only when human beings come together and submit themselves to a common greater power – the commonwealth – is justice realizable. “So that the nature of justice consisteth in keeping of valid covenants, but the validity of covenants begins not but with the constitution of a civil power sufficient to compel men to keep them...”⁸ The role of civil power in Hobbes’ account is in direct response to the empirical conditions that are taken to be the ground of the human being’s relationships with others. In other words, the sheer scope of power granted to the third party is legitimized by the empirical content of human nature elevated to the level of an organizing principle.

Hobbes describes the final end of human beings is to get “...themselves out from that miserable condition of war which is necessarily consequent...to the natural passions of men where there is no visible power to keep them in awe, and tie them by fear of punishments to the performance of their covenants...”⁹ Hobbes has used the empirical reality of human passions as the basis for a philosophical account of political life. The resulting account of the Commonwealth appears to be structured around the reality and mediation of desires. The desire for self-preservation, for example, reverberates throughout the account of the Commonwealth. The importance of coercion through punishment, the absolute and natural right to self-defence in the face of death – these are conceptual entailments of Hobbes’ account of the political relation that is rooted in the original chaos of the state of nature.

⁸ Hobbes, 89.

⁹ Hobbes, 103.

The purpose of exploring the foundation of Hobbes' political philosophy is merely to highlight the role of the empirical within his philosophy. The basic shape of political life, for Hobbes, rests on the reality of coercion. The natural fears of human beings carry over into the erection of the Commonwealth, and the Commonwealth is able to use those fears to coerce all of its members in a way that, for Hobbes, results in the actualization of justice. The logical space given to the role of coercion in the commonwealth is, according to Hegel's line of argument, the result of taking the desire for self-preservation to be the basic principle that frames all human relationships. While an account of natural law based on this empirical content may strive to present itself as absolute, the account must be recognized as relative and its organizing principle plagued with arbitrariness.

1.3 Hegel's Critique of the Empirical Program:

With an example of an account of natural law rooted in the empirical in mind, we now turn towards Hegel's critique in the *Natural Law* essay. He begins by noting that the very possibility of a scientific account of natural law rooted in the empirical is problematic insofar as a scientific account of something implies a kind of unity, where determinates are organized around a principle.¹⁰ We might initially associate this scientific account of natural law as positive law, or law that is rooted in the empirical. From the perspective of the empirical, the stark and clean separation between determinacies according to an organizing principle is suspect. Put differently, the

¹⁰ Georg Wilhelm Friedrich Hegel, *Natural Law: The Scientific Ways of Treating Natural Law, Its Place in Moral Philosophy, and Its Relation to the Positive Sciences of Law*, trans. T. M. Knox, Works in Continental Philosophy (Philadelphia: University of Pennsylvania Press, 1975), 58.

empirical denies the possibility of an organizing principle that runs through the determinate content with necessity. At most, an empirical account of natural law may allow for a scientific procedure that has a certain form, but this form is not essential to the articulation of the content.¹¹ If philosophy's resources for putting forth an empirical account of natural law are determinacies from the world, then the problem becomes one of finding a way of giving a unified account where any starting point of the account lacks necessity. If all terms within the empirical account of natural law are determinacies grounded in the world and taken from experience, then our organizing principle must itself be a determinacy. An organic totality, Hegel argues, can only present a unity over the multiplicity if one determinacy within the multiplicity is elevated to the status of organizing principle. "But the totality of the organic is precisely what cannot be thereby attained, and the remainder of the relation, excluded from the determinate aspect that was selected, falls under the dominion of this aspect which is elevated to be the essence and purpose of the relation."¹² Once a determinacy is elevated to the status of an organizing principle, the arbitrariness of the essence of the totality is put on display: the totality that results from our scientific account of natural law based on the empirical is possible *only if a certain determinacy is emphasized more than others.*

If we were to claim that our lives are ultimately organized around the satisfaction of natural desires, then we would be tempted to put forth an account that reveals how other determinacies in human life are directed towards, and unified by, the satisfaction of desire. According to Hegel's line of thinking, the posited essence of the resulting unity

¹¹ Hegel, 59–60.

¹² Hegel, 60.

that rises above a myriad of determinacies within human life – desire – is itself a determinacy that has merely been emphasized; no more substantive justification for emphasizing one determinacy over another is possible. The entirety of the organic totality is suspect since its organizing principle is in fact a determinacy elevated to the status of principle merely through emphasis, or, what amounts to the same, arbitrary thinking. There is no necessary connection between desire and property, for example.

The elevation of a determinacy does not thereby imbue purpose or necessity to this selected determinacy. As such, "...the whole organic relation is delimited and contaminated."¹³ Efforts to ascertain the most essential determinacy that should unify the multiplicity are in vain, for there is no necessity inherent in multiplicity that would justify the elevation of one determinacy over others. The "inner necessity" of the totality is missing.¹⁴ The necessity that appears throughout the organic totality is (a) merely formal, and (b) masks the lack of inner necessity within the totality. Since the organizing principle must be a determinacy elevated to the status of principle, the resulting principle 'smuggles in' content that is ultimately not absolute, but arbitrary.¹⁵ The appearance of necessity within the organic totality dissolves once we recognize that the organizing principle derives its essence from content that is itself lacking in necessity with respect to the multiplicity. In other words, since necessity cannot be drawn from the relationship between one determinacy and the multiplicity, necessity must be brought in from 'outside' of the totality. The resulting totality that presents itself as necessary is tainted insofar as the necessity is external to the totality. 'Purpose' or 'essence' within an

¹³ Hegel, 60.

¹⁴ Hegel, 60.

¹⁵ Hegel, 61–62.

empirical account of natural law turns out to be an arbitrary point of emphasis masquerading as knowledge.¹⁶

Hegel shows that since scientific empiricism produces an account of natural law that is rooted in an organic totality that is itself organized around a ‘tainted’ principle, the resulting account is problematic. Given that no inner necessity is to be found in the multiplicity of determinacies, the elevation of a certain determinacy to the status of principle is arbitrary, for all determinacies are equal to each other. The empirical world is chaotic insofar as a necessary principle within the multiplicity is not possible, and all determinacies within the multiplicity carry an equal weight. If we were to put forth an account of natural law that is rooted in empiricism, we would find that the chaos within the physical world, a chaos that cannot be excluded or ignored within an organic totality, manifests itself in the world of natural law, the ethical world. The next section articulates how the chaos of the empirical world manifests itself in an account of natural law that misrepresents a determinate content from the chaotic world of nature as a grounding and unifying principle.

1.4 The Entailments of an Empirical Account of Natural Law:

We have articulated Hegel’s argument for why an account of natural law rooted in the empirical is problematic. While our primary aim is to explore the inadequacies of each program of natural law, a secondary aim now surfaces. One aspect of the position that Hegel takes over the course of the *Natural Law* essay is that philosophy must ‘hold

¹⁶ Hegel, 60.

together' the empirical and the *a priori* in an account of natural law. Chapters Five and Six delve into Hegel's complex argument for why an account of natural law is organized around the concept of absolute ethical life. Since later chapters explore Hegel's argument for how philosophy accomplishes the difficult task of resolving the apparent conflict between the empirical and the *a priori*, we pause now to look more closely at the entailments of an account of natural law rooted in the empirical. These entailments reveal to us the 'chaotic' power of the empirical and how that 'chaotic' power resurfaces, according to Hegel, in the relation between absolute ethical life and history.

Hegel invokes the concept of the state of nature as a manifestation of the chaos within the empirical world in the world of law, the world of ethical thinking. An empirical account of natural law ultimately commits us to grappling with the chaos of the physical world. In the case of an account that invokes the state of nature, our account may absorb the chaos of the physical in the realm of the ethical, where the state of nature is the essence and destiny of the human being. The appearance of rationality within our empirical account can be upheld only by maintaining a confusion of the arbitrariness of a relation among determinacies with a necessary relation.¹⁷ The elevation of one determinacy within the chaotic physical world results in a unity that lords over a set of determinacies and excludes other determinacies as inessential in relation to the grounding 'principle.' These three elements – an elevated determinacy, a set of determinacies that are taken to be in a relationship to the elevated determinacy based on necessity, and the exclusion of the other determinacies – do not result in a totality that is absolute: the exclusion of most determinacies for the sake of unifying some determinacies relative to

¹⁷ Hegel, 63.

an elevated determinacy remains arbitrary and chaotic. The empirical world is a world of the many, where the many relate to the many and where no inner necessity is present to bring about a one that unifies the many in an absolute sense. The relation of many to the many without a one is a relation plagued with endless opposition and conflict as the ground of an account of natural law.

An account of natural law that draws on empiricism transposes the endless opposition and conflict of the many of the physical world into the ethical world. The immediate relation among human beings in this tainted ethical world is an endless struggle, a war of all against all. The abandonment of the state of nature for the sake of an ethical harmony that ‘overcomes’ the war of all against all does not occur based on necessity, but on a presupposition of one determinacy grounding all others. The problematic result of a natural account of law based on empiricism may be that the harmony of society that incorporates the state of nature is ultimately empty and lacks inner necessity – an insight that cannot be attained by empiricism.

The unity brought forth by the determinacy raised to a principle only hovers over the multiplicity. Put differently, the now-elevated determinacy cannot be ‘connected’ to the multiplicity in any significant way beyond the mere association of ‘one among others.’ Since no penetration of the multiplicity by the principle is possible, the unity based on empiricism is ultimately empty.¹⁸ Hegel describes the immediate conflict at the heart of an empirical account of natural law as the result of energies that are arbitrarily separated from each other. These energies manifest themselves in, for example, the

¹⁸ Hegel, 65–66.

opposition between the state of nature and the abstraction of the human man. The point here is that the conflict between law and nature, and its distorted resolution in an empirical account of natural law, is rooted in the conceptual issue raised above – the problematic way empiricism elevates one determinacy over others. “The separated energies of the ethical sphere must, in the state of nature or in the abstraction of man, be thought of as engaged in a war of mutual destruction.”¹⁹ The lack of inner necessity of the one perpetuates a conflict between that one and the empirical necessity of the many, where the many is to be subservient to the one.

Broadly, empiricism cannot hold together opposed concepts, such as the state of nature and the state of law. The opposition between these states is the result of elements of ethical life being fixed arbitrarily into a principle that cannot properly hold together these opposed concepts. Once fixed, the concepts employed in the account are distorted, giving off the appearance of an absolute opposition between the states of law and nature. However, since the program of empiricism strives towards a unified totality, empiricism distorts these concepts and their opposition for the sake of putting forth a totality. Thus, the distorted relations between these concepts are not internal to the concepts themselves but are the result of the program of empiricism itself.²⁰

Our focus in this chapter is not the exploration of whether there is tension between concepts employed by an empirical account of natural law that is immanent to their logical relation *within that particular account*. Instead, our focus is on the inability of any empirical program whatsoever to put forth an account of natural law that is free of fixing

¹⁹ Hegel, 64.

²⁰ Hegel, 65.

a determinate content into a principle that is free of distortion. Hegel's claim is that the program of empiricism is in reality a program of distortion, where this distortion works its way into the ethical world based on an empirical account of natural law. "The state of nature, and the majesty and divinity of the whole state of law which is alien to individuals and therefore is single and particular (as well as the subject's situation of absolute subjection under this supreme power), are the forms in which the fragmented moments of the organic ethical life are fixed as particular essences and thereby distorted..."²¹ Within this distortion arise many elements of an empirical account of natural law: the chaos of the empirical world, the one that is opposed to the many, the tension the subject experiences of being pulled in the direction of the many and the one. The opposition between the state of nature and the state of law is fixed, where the resulting totality maintains the relationship of conflict between these two elements. In other words, the totality of the empirical account is committed to a non-identity between the state of nature and the state of law. With this distortion fixed as foundational, the 'absolute' opposition between the fragmented parts of the ethical whole reverberates throughout this totality. To be sure, these elements, in some shape or another, have a place within the organic ethical life, and later chapters will explore the conceptual challenge of unifying these elements. However, the ethical meanings associated with these elements *within an empirical account of natural law* remain distorted.

²¹ Hegel, 66.

1.5 Foreshadowing the Role of the Empirical in Absolute Ethical Life

At this point in the essay, Hegel gestures towards the concept of the absolute ethical life revealing itself as a totality that is not fragmented or where the totality is not hamstrung by distortions: “The absolute Idea of ethical life, on the other hand, contains both majesty [the state of law] and the state of nature as simply identical, since the former is nothing but absolute ethical *nature*; and in the realization of majesty there can be no thought of any loss of absolute freedom, which is what would have to be understood by ‘natural freedom,’ or of any sacrifice of ethical nature.”²² The empirical account of natural law emphasizes the majesty, the state of law, as above the chaotic state of nature, where, under this lens, freedom is to be found in leaving the state of nature. The state of nature, then, is there to be sacrificed for the sake of the other pole of the opposition – the majesty that is the state of law. While an empirical account of natural law rightly reveals the elements of law and nature as integral to ethical life, this account, through fixing the opposition, fails to capture the identity between these elements. “But the natural, which would have to be regarded in an ethical relation as something to be sacrificed, would itself not be ethical and so could least of all represent the ethical in its origin.”²³ This sacrifice only makes sense if the state of nature were itself regarded as ethical. However, the fixed opposition between the two states, and the arbitrary emphasis placed on the one state as rightful or superior, entails that the distorted state of nature is regarded as not ethical.

²² Hegel, 66.

²³ Hegel, 66.

Hegel summarizes the basic problem inherent in the program of empiricism: “We have accused scientific empiricism, so far as it is scientific, of the positive nullity and untruth of its principles, laws, etc., on the ground that it confers the negative absoluteness of the Concept on determinate features by means of the formal unity in which it places them, and it asserts them as existing positively, absolutely, and of themselves as end and destiny, principle, statute, duty, and law – forms that mean something absolute.”²⁴ However, the absoluteness of these assertions comes at the cost of a totality that announces itself through itself; instead, the totality is distorted by the perception of the Concept through the empirical lens, and the conferring of primacy of one facet over others is without inner necessity.

The understanding, writes Hegel, is so eager to pounce on empiricism because the understanding is unable to grasp properly the problem within the empirical.²⁵ At this point, the understanding may use the inconsistencies of empiricism as evidence of its ineptitude, where the understanding then posits its own set of fixed laws, held consistently throughout the totality. In doing so, the understanding places intuition under these fixed laws.

Hegel states that empiricism, despite its own inner problems, is “...right to complain that this [theory put forth by the understanding] is one-sided; and it is in its power, by means of completeness of the specific characteristics which it upholds, to force this theory (by citing instances) into a universality which is totality empty.”²⁶ Interestingly, inconsistency is not the death knell for empiricism. I take Hegel to be

²⁴ Hegel, 67.

²⁵ Hegel, 68.

²⁶ Hegel, 68.

setting the stage for what it means to incorporate the truths of empiricism into an account of the Idea of absolute ethical life. Here we already see that if we discard empiricism wholesale on grounds of its inconsistency and put forth an account that upholds consistency throughout the articulated totality, then, as we will see in Chapter Four, the result is another kind of empty universal, an account of ethical life that lacks content.

1.6 Conclusion:

We have established two conclusions that are relevant to the argument Hegel puts forth in the *Natural Law* essay. First, the program of empiricism shipwrecks due to its inability to justify the first principle of an account. Using Hobbes' *Leviathan* to motivate our exploration of Hegel's critique of empiricism, we see that no mechanism within the program is able to determine with necessity why, among a myriad of options, one determinate fact from the empirical world should be elevated to the status of principle. Following Hegel's line of reasoning, we are now able to rule out the program of empiricism as adequate to the task of constructing a philosophy of natural law. Second, the failure of the program of empiricism does not entail that the empirical should be excluded from an account of natural law. We were introduced, if only briefly, to the challenge that the empirical raises against the *a priori*: universals rooted in the *a priori* turn out to be devoid of content; the empirical, it seems, must be incorporated to an articulation of the reality of the lawful community in order to 'ground' the universal in the real. The challenge put forth by the empirical towards the abstract realm of concepts demands a response. To be sure, we will be exploring this challenge and Hegel's response in a detailed way in Chapters Four, Five, and Six. However, in order to prepare

ourselves to appreciate the extent of Hegel's response, we must now shift our focus to an explication of some core elements within Fichte's *Wissenschaftslehre*.

CHAPTER 2. FICHTE, HEGEL, AND THE INDETERMINATE

2.1 Introduction:

Having established Hegel's critique on the program of empiricism, the next step is to explore Hegel's critique of the project of *a priori*ism, of an account of natural law. The basic framework of *a priori*ism in relation to natural law is to posit a first principle that is grounded in an *a priori* concept of freedom, for example. The conclusion that Hegel reaches with respect to his critique is that the concept of freedom employed by *a priori*ism is merely the Concept of the Absolute, not the Idea of the Absolute. Put differently, Hegel argues that the concept of freedom employed in the program is one-sided insofar as it conceives of the freedom of the individual and the community only in the abstract. The extent of this critique, and its relation to the Idea of the Absolute that Hegel grounds his philosophy of natural law in, is the focus of several chapters in this project. However, in order to appreciate the scope of Hegel's critique, we must first turn towards the philosophical system that Hegel often responds to during this period of writing: Fichte's *Wissenschaftslehre*. To be sure, this project does not make any significant efforts to evaluate both the interpretation of Fichte's work put forth by Hegel and the successfulness of the critique put forth. While the criticisms of Fichte's system may rest fundamentally on a disagreement about the scope of the general task of philosophy, Hegel's criticisms nonetheless introduce two concepts that play prominent roles in the *Natural Law* essay: the Idea of the Absolute, and the philosophy of striving. By framing these two concepts within Hegel's response to Fichte, we will be in a better position to

understand the complex accounts of the Absolute and the point of indifference put forth in the *Natural Law* essay.

This part of the dissertation explores this important point of philosophical tension between the two philosophers in order to show how Hegel's responses to Fichte manifest themselves in the *Natural Law* essay. Accordingly, this project aims to first provide an exegetical account of relevant parts of the *Wissenschaftslehre*, as presented through some of Fichte's works, and then present Hegel's criticism of parts of the *Wissenschaftslehre* found in his early philosophical works. In doing so, the ways in which the content of those philosophical criticisms are manifested in Hegel's philosophy of natural law will be made clear.

The focus of this chapter is on Hegel's interpretation and critique of the roles of the check and the indeterminate in Fichte's philosophical system. Given the complexities and scope of Fichte's *Wissenschaftslehre*, this chapter focuses on the presentation of the *Wissenschaftslehre* found in the *Nova Methodo*.²⁷ The main critique that is explored in this chapter is about the 'incompleteness' of the concept of the Absolute employed by Fichte. The path that this chapter takes is as follows: First, I open with some general but brief remarks about the project of philosophy that Hegel makes in the *Difference* essay. The purpose of these remarks is to show in broad strokes the importance that Hegel places on not only the Absolute, but more importantly on the need of philosophy to overcome opposition and rigid dualisms. Next, I recapitulate part of the *Wissenschaftslehre Nova Methodo*, culminating in Fichte's account of the roles of feeling

²⁷ While the language of the check is more prominent in other versions of the system, the foundation laid in the *Nova Methodo* also frames the discussion of the philosophy of striving in the next chapter.

and the check. I begin by articulating the basic path that the genetic deduction must take in order to explain how self-consciousness constructs an intellectual intuition of itself through the positing of object and of the subject that is conscious of the object, emphasizing that the satisfaction of the real activity of the I in feeling is also the same logical moment where the subject of the ideal activity requires something that goes beyond the domain of feeling. I end this section of the chapter by appealing to Breazeale's interpretation of the check to account for the givenness of the indeterminate beyond and its relation to the ideal activity of the subject. The conclusion of this section is that Fichte's system seems to invoke the indeterminate, the facticity or sheer there-ness that is beyond comprehension by the I, in order to posit itself at all. The third section of this paper draws primarily on Hegel's interpretation and criticism of the role of the indeterminate in Fichte's system found in both the *Difference* essay and *Faith and Knowledge*. I end this chapter by reemphasizing the philosophical concepts employed in Hegel's responses, and gesture towards the role that those concepts have in the defining elements of Hegel's account of ethical life and law.²⁸

2.2 Philosophy and the Absolute for Hegel:

*"The task of philosophy is to construct the Absolute for consciousness."*²⁹

In a very introductory sense, the Absolute for Hegel is what is the truth of reality.

The problem is that philosophical systems often erect themselves in ways that are not so

²⁸ To be sure, one might argue that the criticisms by Hegel raised in this chapter are addressed in Fichte's philosophy of striving, but Chapter Three is dedicated towards exploring Fichte's philosophy of striving in relation to Hegel's criticisms in more detail.

²⁹ Georg Wilhelm Friedrich Hegel, *The Difference Between Fichte's and Schelling's System of Philosophy*, trans. Walter Cerf and H.S. Harris (Albany: State University of New York Press, 1977), 94.

much concerned with the truth of reality, but rather with a kind of internal consistency based on a presupposition. Hegel states that a dichotomy is the original source of the need for philosophy because the presence of a dichotomy is the presence of an opposition that is taken as definitive, as absolute. From the perspective of simply describing reality, the dichotomy that is held to be the truth of reality represents a problematic assumption carried forward by the philosopher in her articulation of what is reality. In short, the dichotomy and the supposed absolute opposition that results from the dichotomy is in fact evidence of the need of philosophy to prove said opposition to be merely relative and not absolute. For Hegel, the goal of Reason is to erect a systematic account of reality that reaches the Absolute. Various philosophical endeavours, various parts of the whole, are brought into line with each other; the limitations of these endeavours are nullified and reveal their connection to the Absolute. “The sole interest of Reason is to suspend such rigid antitheses.”³⁰ We should not take this to mean that Reason does not tolerate opposition. Reason is capable of recognizing opposition as the vital life force behind the emergence of spirit as a living reality. What Reason does not tolerate is the fixing of any given opposition as absolute. “In the infinite activity of becoming and producing, Reason has united what was sundered [into an apparent absolute dichotomy] and it has reduced the absolute dichotomy to a relative one, one that is conditioned by the original identity.”³¹ Put differently, the program of Reason is to prove that any absolute opposition is merely an appearance and that any opposition is suspended in the wake of Reason.

³⁰ Hegel, 90.

³¹ Hegel, 91.

With this introductory conception of Hegel's Absolute in mind, we now turn towards Fichte's initial employment of the concept of the Absolute in the *Wissenschaftslehre*. The foundation of Fichte's system, from Hegel's perspective, and a focal point of Hegel's critique is the intellectual intuition, the $I = I$, the I as such that is the identity of Subject-Object. Philosophy, Fichte argues, must explain the opposition to an object that arises within ordinary consciousness while this experience of opposition is itself grounded in the pure I ; the pure I is the unconditional that is the absolute foundation of consciousness as such. If philosophy is able to show that ordinary consciousness is grounded in pure consciousness, then the opposition between ordinary consciousness and pure consciousness is no longer one of condition and conditioned; rather, ordinary consciousness would be grounded in pure consciousness, and this grounding could be revealed apodictically through the system of philosophy that begins with the pure I as its first principle. Broadly, Fichte holds that one task of philosophy is to show how the absolute identity of the $I = I$ is possible. The remainder of this chapter explores the path that Fichte takes in response to this foundational task and Hegel's response.

Following Hegel's line of reasoning, we will see that the highest synthesis within Fichte's system, that the I as object must be equal to I as subject, is an incomplete synthesis insofar as this synthesis deviates from the principle of identity that grounds the system. The incompleteness of the highest synthesis within Fichte's system of philosophy, for Hegel, is evidence of an opposition that has not been suspended and appears as absolute. With respect to the above introduction of the Absolute, if the philosophical system puts forth, or 'enshrines' a rigid dualism that cannot be made relative, then the system is not yet 'complete.' The need of philosophy to prove the non-

absolute character of any dichotomy or opposition shows itself within Fichte's systematic account of human reality, Hegel argues, by revealing the system's nullification of itself through its own endeavour to construct itself as an absolute identity. We begin by exploring the role of the Absolute in Fichte's system.

2.3 The Role of the Indeterminate in the Self-Positing of the I:

The heart of Fichte's *Wissenschaftslehre* is found in the self-positing of the I. In positing itself, the I is engaged in activity, the activity of itself as subject positing something for itself; but in positing itself, the I also reveals itself as an object, something that is for the subject. So, one primary task of philosophy, for Fichte, is to articulate just how the I, in positing itself, arrives as the absolute identity between the I as subject and the I as object. In other words, philosophy must articulate why these seemingly opposed aspects of the I, the subject and the object, are nevertheless rooted in the fundamental self-positing carried out by the I as such. Fichte states the following with respect to the absoluteness of the relationship between the posited object and the positing subject: "It is not learned; it is not derived from experience. Instead, it [the identity] is what makes all learning and all experience possible in the first place. The I is by no means a subject; instead, it is a subject-object."³² Philosophy's task is to show how this identity is, through a series of genetic deductions, the ground of consciousness in the everyday sense. Importantly, in this act of self-positing, the I becomes immediately conscious of itself: the intellectual intuition is the I's immediate awareness of itself as subject-object in its own immediacy, and it is this intuition that grounds all further philosophical tasks.

³² Johann Gottlieb Fichte, *Fichte: Foundations of Transcendental Philosophy (Wissenschaftslehre) Nova Methodo (1796/99)*, trans. Daniel Breazeale (Ithaca: Cornell University Press, 2010), 114.

The immediate positing of myself not only brings about the intuition of myself as subject-object, but also the awareness that the act of self-positing is the act of moving away from a previous state of inactivity. Put differently, we are only able to become aware of our activity in the fullest sense through the contrast between the act of self-positing and a state of the I that is passive. However, we are only able to become aware of a state that is passive through the contrast between the passive and the active. “Consequently, it was only by means of opposition that I was able to become clearly conscious of my activity and to obtain an intuition of it.”³³ The question that drives the remainder of the philosophical task is how was this self-intuition constructed.

To begin, we must explore the intellectual intuition that arises from the I’s positing of itself by itself. Fichte argues that the intellectual intuition occurs, in part, through a kind of limitation. In the act of self-positing, the I limits itself from positing anything else. So, the consciousness of our own self-activity is also the consciousness of our own activity of limiting ourselves. However, we cannot be conscious of our own self-limiting unless we are *also* conscious of the transition from the state of indeterminacy to the state of determinacy: indeterminacy is posited as opposed to a determinate condition.³⁴ The activity of self-positing is the way in which the determinate is made present to consciousness, but this very same activity is also the way in which the indeterminate is made present as well. Fichte argues that this opposition is best captured by stating that the activity of self-positing is the making present of ‘what is determinable.’³⁵ An entailment of this relationship is that the activity of positing something as determinate,

³³ Fichte, 116.

³⁴ Fichte, 121.

³⁵ Fichte, 122.

where this something is the self, is necessarily bound with the activity of positing something that is between the determinate and the indeterminate – the determinable.

The presence of the indeterminate later in the genetic deduction is what Hegel draws on for one of his main criticisms. While one of Hegel's main criticism of Fichte's system is related to the role that the indeterminate plays in the I, we must continue to follow the path of Fichte's argument in order to understand how the system 'handles' the indeterminate.

The self-positing of the I as subject-object is now opposed to the activity of positing directed not at the I but at something else, something stable and passive – the Not-I. Both of these activities, however, must occur in order for the intellectual intuition to be made present to consciousness. Importantly, given the difference in the direction of the activity, the self-positing I finds itself 'confronted' by the Not-I. The something that is stable and passive is, from the perspective of the self-positing I, necessary but not something that is the product of its own activity.

Importantly, both the activity of self-positing and the activity of positing the Not-I are two sides of one basic activity. With regard to the first act and the second act, the same activity 'revealed' in two different ways – as power and as intuition. The activity as it occurs in the first act is revealed as an intellectual intuition – an inner intuition of power. The same activity as it occurs in the second (but equally primary) act is revealed as an outer intuition – something that is related to the Not-I. These two different activities amount to two different spheres residing in the consciousness: the sphere of what is intended and the sphere of what is necessarily conjoined with the sphere of what is intended – the sphere of what is found.

In order to understand more fully the relationship between these spheres, we must remind ourselves that immediate consciousness, the ground of all activity, is something that never becomes an object to consciousness itself. What this immediate consciousness posits can never be itself as it really is; rather it is the positing of itself, the positing of a subject, opposed to the positing of what is not itself, the positing of being. Thus, from the same original intuition, two series arise: the series of the I, of what is intended, and the series of the Not-I, of what is found. These series are not merely linked in reflective thought. Rather, Fichte states, these series cannot be separated, for they are one and the same: when we describe our intuition of the I in terms of its activity, the I arises for us; when we describe our intuition in terms of its state of repose, the Not-I arises for us.³⁶

2.4 Halting the Activity of the I:

The real activity, the sheer self-positing of the I, is a practical activity, for it is an accomplishment. Furthermore, the activity of *observing* this practical activity – the I observing itself in its own practical activity – is the ideal activity. It seems that the practical activity that is observed shows itself in the concept of absolute freedom, so the concept of absolute freedom is the act of self-intuition; these two aspects, the concept and the intuition, determine each other reciprocally. The ideal activity is constrained only insofar as it occurs subsequent to the real activity. Put differently, the ideal activity must be posited only in relation to a real activity, a production that ‘halts’ the ideal activity. Following Fichte’s line of argumentation, this something that is real that halts the ideal activity is X. The ideal activity is the subject, and the real activity is the object. What is

³⁶ Fichte, 132.

put into opposition with the ‘object’ that the self-positing I ‘confronts’ in the intellectual intuition is being as *the cancellation of productive activity* in the sphere of the real. In this sense, the something that confronts the I wholly negates what is intended in the power of the I, at least initially. The I intends to reveal itself to itself, but the self-positing act of the I necessarily reveals the positing of the Not-I, the something that confronts the I, a being. Being is the immediate negation of the productive activity of the I to become an object to itself in a complete sense. So, we are moving towards a way of articulating the something = X that is real that halts the activity of the ideal activity, but we will come to understand this being as something more than merely what cancels activity.

Since the focus of this explication is on how the indeterminate arises within the system, our focus now shifts to the ideal activity. The ideal activity, the activity of the subject that observes the subject-object as an intuition, is an activity that is constrained in two ways: first, this ideal activity is constrained insofar as it is ‘geared’ towards an X; an X exists for this ideal activity. Second, not only does X exist for this ideal activity, but it exists in a determinate way. In other words, the ideal activity is passive to the determinate X. We do not know what the X is yet; rather, we are asserting that the ideal activity is so constituted to be passive towards something that halts its activity, something that is determinate.

Since this activity is occurring within the same original act of self-positing, what binds the ideal activity to X must be grounded in that same original act of freedom. In short, freedom binds the ideal activity to the something = X that constrains it. This seems to be the place where goal-setting takes a more concrete shape: in positing itself as self-

positing, the ideal active power engages in an act of freedom only by positing a goal, what is intended; from the subjective aspect, this goal is not something entirely new or external to the I; rather, what is posited is a model of the I that the I itself posits for itself. The positing of the goal is the positing of a model where the I 'is already that goal,' it seems, in the ideal. The real activity is found in the accomplishment of that goal.

While the I is itself absolutely free and unconditioned, in positing its own freedom the I constructs for itself a goal that it must necessarily accomplish in order to have being. The goal is, for the I, the demand that something should be produced based on this goal. This model is not some structure that is external to the positing of the I. Rather, the model of the I that must accompany acts of self-positing is merely a consequence of the I being a subject-object, an original synthetic unity where the ideal aspect and the real aspect of the practical activity are already united in principle. "Free self-determination is intuitable only as a determination to become 'something,' of which the self-determining or practical power must possess a freely constructed concept."³⁷ The true character of the I lies in the identity between the practical power and the intellect which posits concepts 'about' this practical power.³⁸ The intuition that the I has about itself is an intuition of the movement from determinability to a determinacy; this intuition involves the synthesis of the ideal activity and the real activity.

A problem arises: the ideal activity is only related *immediately* to the real activity, where that real activity, as being, turned out to halt the activity of the ideal. So, the ideal activity can only be related to the 'higher level' constraint in the form of the posited goal

³⁷ Fichte, 153.

³⁸ Fichte, 153.

indirectly. The ideal activity must be constrained, but the constraint can only be ‘constructed’ indirectly. So, since the sole relation that the ideal activity has is to the real activity itself, the indirect constraint of the ideal activity must nevertheless come by way of the real activity. Put differently, the relation between the ideal activity and the real activity reveals the absolute freedom of the I, but where this absolute freedom of the I *manifests itself* as the positing of a goal, an indirect constraint.

When the I, through the real practical activity, makes the transition from the determinable to the determinate, the I engages in an act of absolute freedom. The I chooses to make itself ‘one’ something that resides within the entire set of the determinable. The I chooses its something out of the set of possible somethings. The I never exhausts itself in its selection, for the I is infinitely divisible: the I can choose to be more or less of the selected something.³⁹ While the practical activity is not constrained in the sense of making its selection (the selection never exhausts the freedom of the selector), the practical activity is constrained insofar as it has to make its selection from whatever resides within the sphere of the determinable. Importantly, what resides in the sphere of the determinable has no character of being ideal or real, or of being produced. Rather, the content of the sphere appears as given, not to the I as such, but only given to the choosing I. If it were given to the I as such, then the I as such would be constrained, violating our starting principle. The givenness of the sphere of the determinable as such is again dependent on its relationship to the halting of the practical activity.

³⁹ Fichte, 153.

In making its selection, the choosing I engages in a determinate activity, or action. In order for the choosing I to engage in an action, the I must be free to make the determinable into the determinate; in order for the choosing I to intuit the action, to intuit the determinate activity, the I must be constrained. So, in order for the I to engage in a determinate activity, the freedom of the I must be unconstrained and constrained at the very same time. How is it possible for the real activity of the I, the simple act of freedom, to be constrained and not constrained in the same moment?⁴⁰

In order to address this apparent tension, we need to explore the activity of setting a goal in more detail. The I is only able to intuit itself as acting freely through the overcoming of some resistance. The simple act of freedom is not intuitable by the choosing I directly; rather, that freedom is indirectly intuitable through the process of ‘absorbing’ that resistance into the I. Resistance reveals itself to be essential to the self-positing activity of the I.⁴¹ In positing a goal, in making the transition from the determinable to the determinate, the I is free to make the selection from the sphere of the determinable. But once the I has made its selection, the ‘shape’ that the determinate takes is no longer wholly dependent on the practical I; the parts of the manifold that become determinate become intuited by the ideal aspect of the practical I as a constraint on the activity. In the construction of the concept, the practical I is free; in the ‘pursuit’ of the concept, in the action itself, the practical I is constrained and the subject that bears witness to the practical activity ‘in progress’ takes up the constraint on the practical I as constraint on *itself*. In short, the practical activity of the I that expresses its freedom

⁴⁰ Fichte, 159.

⁴¹ Fichte, 171.

necessarily involves the subjective I experiencing resistance; when a choice is made, a resistance is posited. The real activity of the practical I is the uniting of freedom and resistance in the same action; the ideal activity of the practical I is the intuiting of this relationship between activity and non-activity. Any experience, any activity of the practical I that is intuited by the subjective I, is grounded in the interaction between the I and the not-I, between the I's positing of its own activity and the I's positing of its own constraint on that very activity. "The I is supposed to posit itself, but it can do this only by acting; acting, however, involves a relationship with the Not-I."⁴² In self-positing, the practical I must posit the space of its own constraint, and this space of constraint is revealed as the Not-I. For Fichte, the marker of Idealism is that it is not based on a duality, nor the positing of material as primary, nor the positing of the mental substance as primary; rather, idealism begins with the positing of the absolute union between the I and the Not-I.⁴³

The process of goal formation for the practical I begins not with an awareness of itself in this original act of intuiting; rather the awareness of the I to itself only comes when, from the sphere of the determinable (a manifold that is infinitely divisible), the practical activity of the I 'selects what it wants' from the sphere of the determinable. In order for the I to posit itself, it must encounter resistance to its specific act of making the transition from the determinable to the determinate; the transition to the determinate is a transition to the specific. What is in the sphere of the determinable and what is in the sphere of the determinate are similar. The major difference between these spheres comes

⁴² Fichte, 164.

⁴³ Fichte, 164.

down to the intuition that the intellect has: in the sphere of the determinable, the intuition is of possibility; in the sphere of the determinate, the intuition is of boundedness, of constraint and necessity. The transition from the determinable to the determinate seems to be ‘the making of a selection’ from the sphere of the determinable. The act of making the selection necessarily constrains the freedom of the practical I to the determinate that ‘emerges’ from the commitment made. The act of making the selection entails that there must be something given in order for something to be chosen. The act of choosing is also the submission to the given ‘constraints’ that articulate *the particular* choice.

Again, since the sphere of the determinable is an infinitely divisible manifold, nothing within that sphere would ‘halt’ the activity of the practical I, so to speak. That sphere on its own is insufficient to complete the subjective I coming to be aware of itself as something through its own action. No clear determinations between the ‘beginning’ and the ‘end’ of the action could be discerned solely through the sphere of the determinable. “In order to become conscious of myself, I have to act freely. But this is impossible apart from the construction of a concept of the action [in question], which is, in turn, impossible apart from a sphere of what is determinable; for, if I am to exercise a free choice, I must be presented with a manifold. [Mere] multiplicity, however, is [nothing more than] opposability. Consequently, if consciousness is to exist, everything in this manifold must not simply be opposed to everything else; for in this case it would be nothing at all. Instead, something positive has to be supposed.”⁴⁴ Without the sphere of the determinate, without the sphere of something given to halt the activity of the concept-forming I, the I could never have an intuition of itself as self-positing. In

⁴⁴ Fichte, 170.

contrast to the infinitely divisible manifold of the sphere of the determinable, there must be a sphere made up of something not merely possible, but something indivisible and real. The presence of the indivisible means that the activity of the I to ‘peruse’ the sphere of possibility is halted, for the I is confronted with something that is (relatively) impenetrable.

The process of the activity that is making the transition from the determinable to the determinate involves both the expansion or expansive aspect of the practical activity of the I to posit an infinitely divisible manifold *and* the positing of the resistance to that very expansive aspect of the activity through the ‘halting power’ of the indivisible something. The activity that has been constrained by the I itself through the ‘something’ that resists the practical I is now an activity that is suppressed, or an activity that is also a being. Fichte’s deduction has shown that at the root of the activity of self-positing is the intuition of the union between two contradictory elements: activity and being; expansion and resistance. The intuition of this union is a something in the form of a drive, “a self-engendering striving.”⁴⁵ The drive is both the positing of activity in the form of striving and of constraint on that activity in the form of resistance.

However, once the concept of the drive reveals itself in our genetic deduction, a new challenge arises: while we have already established that the ‘activity’ of the action is grounded in the subject, we cannot claim that the ‘being’ of the action is *also* grounded in the subject. If the being of the action were grounded in the subject, then the I would be unable to treat being as being, but as merely activity: the drive would merely be yet

⁴⁵ Fichte, 172.

another way in which the I merely affects itself, with no action ‘attaining’ actuality in an objective sense. Pure self-affection amounts to the sheer and complete coincidence of the ideal and real activities; such a coincidence, Fichte states, would amount to being the self-consciousness of God, an unlimited state that is the pure identity between subject and the object.⁴⁶ However, in making the transition from the determinable to the determinate, the I intuits its own limitation, its limitedness. What we are pursuing now is an account of how the I intuits itself as limited in a way that is not drawing on the subject alone.

We are approaching the moment in the deduction where Hegel charges Fichte with failing to go beyond the subject in a way that sufficiently addresses its own task in the deduction. Again, if the absolute identity of the I nevertheless posits a kind of absolute opposition between the I itself and what is beyond the I, the indeterminate, then said opposition is evidence from Hegel’s perspective of an incomplete synthesis of the Absolute.

2.5 The Positive and Feeling

Fichte states at this point in the deduction that the consciousness of intuition is insufficient to be the consciousness that accompanies the conscious awareness of the drive; put differently, the consciousness of the drive requires the consciousness of something original, something that precedes all acting.⁴⁷ Since our focus has been on the consciousness of the intuition of practical activity of the I, this ‘shape’ of consciousness is not the one that must accompany the conscious awareness of the drive. Put differently,

⁴⁶ Fichte, 173.

⁴⁷ Fichte, 175.

the ‘something original’ that must be prior to any action that the I takes must be ‘available’ to the I as an immediate material consciousness.⁴⁸ Here we see the change of focus from the being of the subject-object, the being that is also an activity, to the being of something real, a being that is positive and utterly opposed to activity.

Fichte states that for such a consciousness, the ideal and real aspects of the I would coincide in the encounter with the positive, and the coincidence of the ideal and the real here must simply be an object for consciousness. The result of this coincidence is an immediate consciousness of a feeling. “A feeling is nothing more than an act of positing a determinate state of the I.”⁴⁹ The immediate consciousness of a feeling differs from the immediate consciousness of the I’s own activity because there is no awareness of relationship between I and the Not-I here. Rather, what is posited is not a state of self-affection by the I; instead, what is posited is a state of affection – a feeling. “Insofar as activity is present, the feeling is related to the I; but insofar as passivity is present, it is related to a Not-I - though this is discovered within the I. In factual terms, feeling is what comes first and is original.”⁵⁰

Feelings are the elementary ‘states’ that populate the manifold of possible action for the I. Prior to any action taken by the I, the manifold is populated by something positive, something that cannot be explained further. A feeling is a ‘limit’ on consciousness because no further articulation of a feeling is possible. In order for the I to select a possible action from the sphere of determinability, there must be multiple feelings, multiple ways in which the drive of the I may be affected. Just as we begin by

⁴⁸ Fichte, 175.

⁴⁹ Fichte, 176.

⁵⁰ Fichte, 176.

positing the freedom of the I as absolute, so must we posit the feelings of the manifold as absolute. The absoluteness of multiple feelings turns out to be the condition necessary for the absolute act of the I to make a choice; both freedom and feeling, themselves, cannot be grounded in more foundational structures. Through an absolutely free act, the I is to make a commitment in the world, where the I does so by drawing from the manifold that the I is related to through feelings.

A problem arises: the ideal activity of the subject is to construct a concept of the goal from the manifold of feeling in order to ‘complete’ itself, but a feeling can never be an object for the ideal activity, and therefore there is no halting to the activity of the subject at this point. The distinction between the ideal activity, the subject that has an intuition of the subject-object, and feeling is that the ideal activity requires something beyond itself in order to be complete. Feeling just is the immediate and inseparable identity of the real and the ideal. The ‘completion’ of the ideal activity requires an object that is independent of it. The feeling is the limitation on the I, but on the I *in terms of its real activity*. The feeling is the state of the I that is limited according to its being, to its real activity. However, the limitation associated with the feeling does not enter into the ‘domain’ of the ideal activity of the subject as intellect. The ideal activity of the subject cannot be halted by a feeling because the limitation of the feeling does not penetrate and constrain the thinking I. In short, the ideal activity of the I goes beyond the real activity of the I as feeling because the ideal activity is rooted in the unconditioned free act of thinking.

While feelings are the ‘answer’ to the question posed earlier from the perspective of the real activity, feelings do not satisfy or halt the ideal activity of the subject. The

problem seems to be that what is made present to the I in terms of feeling is not knowledge of the object; rather, the I simply feels itself. If we were to claim that knowledge of the object is merely a copy or representation of the feeling of the object, then we would be in error: feeling is never feeling of the object, but the feeling of the self. So, while it appears that we obtain knowledge of objects through representations, these representations cannot originate *solely* from feelings. Given the reciprocal determination between striving and limitation, expansion and resistance, the presence of feelings to the I is also the occasion for the I as intellect to ‘go beyond’ feelings, to reflect upon the limitation that the I *as intellect* encounters.

2.6 The Indeterminate from Hegel’s Perspective:

Through our exploration of Fichte’s system, we have established that (1) the I is only able to come to have awareness of itself through the process of making the determinable determinate, and (2) underlying the process is the indeterminate that ‘prompts’ the I to intuit its own limitations. The result is that every determination of the I is rooted in the I, but where determinations of what the I posits as objective involves the determination of something undetermined. For Hegel, the presence of the undetermined is the mark of the objective that is *not* simply grounded *entirely* in the subject as absolute. From the perspective of empirical consciousness, there is an undetermined, an X. “[P]ure consciousness, since it is a positing of itself, can neither produce this X from itself nor conquer it; instead, it must presuppose it.”⁵¹ The I posits itself as being conditioned by a limitation, but the I also posits that this limitation is in itself grounded in something

⁵¹ Hegel, *The Difference Between Fichte’s and Schelling’s System of Philosophy*, 129.

undetermined. In Fichte's system, pure consciousness does not posit the X itself; rather, the absolute acts of the I as I posit the 'space' for an X; the content of the X remains undetermined; X amounts to an undetermined determined as such by an act of consciousness. The issue before us now, then, is whether the theoretical faculty is capable of suspending the opposition between pure consciousness and empirical consciousness given the presence of the X.

Before proceeding further, we must note the difference between pure consciousness producing X and presupposing X. To be sure, Fichte's system does not hold that pure consciousness produces X, for if that were the case, the idealism would be reduced to the domain of the subject and nothing more. In order to incorporate objectivity within the idealism, Fichte's system holds that while pure consciousness does not produce X, it does presuppose X. The act of presupposing X is the determination *made by consciousness* that there is an undetermined, an X. Pure consciousness 'produces' the need to go beyond feeling towards some object, but it does not 'produce' the content of the object; the determinations of the object beyond its transcendental structure are not made solely by pure consciousness. In doing so, pure consciousness involves the positing of a sphere that is not immanent to consciousness; this positing of an undetermined sphere is an absolute act of the I, where that very act reveals (and 'embraces') the undetermined character of that sphere, the essential determination of the undetermined.

In order to deduce the objective world from an act of absolute freedom, Hegel states, the positing of the objective world as opposing the subject must be understood as a limitation imposed on the subject, the divisible I, *by itself*. In other words, while the positing of pure consciousness brings about the positing of a not-I, pure consciousness

also posits freely that the subject is limited by the essential undetermined something = X. Pure consciousness posits both the ‘role’ of the something = X in the actuality of consciousness *and* that the something = X *limits the subject*. The positing of the limitation by consciousness itself maintains the free acts of consciousness as the sole ground for positing the objective world. Absolute freedom is no longer one factor among others that produces the subject, the objective world, and the limitation of the subject imposed by the objective world. These productions remain entirely grounded in free acts of pure consciousness. The limitation imposed by the something = X is immanent to consciousness itself. “The objects are only posited in order to explain this limitation; and the self-limiting of intelligence is the only real.”⁵² Pure consciousness brings about its own limitations through free acts, but these limitations are themselves incomprehensible insofar as these limits reflect the undetermined character of the something = X. So, while the limitation of pure consciousness by the check is immanent, what must be encountered in order for the limitation to have reality remains an undetermined and incomprehensible fact that is, in an important sense, beyond the subject.

2.7 The Problem of Appealing to the Incomprehensible:

The check within Fichte’s system serves as the motivation for the self-positing of a limitation that halts the real activity of the I, resulting in feelings; but the check also serves as motivation for the positing of a something that is beyond the subject which halts the ideal activity. Put differently, the I encounters an incomprehensible primitive fact, an indeterminate X, and this encounter serves two roles: (1) the I encounters the

⁵² Hegel, 131.

indeterminate as a limitation on itself, one that turns out to be accompanied by feelings of necessity that cannot be further penetrated by philosophical thinking; (2) in the very same encounter, the I turns back towards itself. The incomprehensible primitive fact reveals both the I in its finitude, limited by what the I ultimately interprets as the world of being, and the I in its infinitude, expressed as infinite striving.

From the deduction of the pure, self-positing I, the role of the check has been established as critical to the actualization of the I as a self-consciousness. Hegel interprets the ‘roles’ of the check and the indeterminate in the following manner: “The objective world supervenes upon pure knowledge as something alien that completes it. It does this by way of an inference from there being something missing in the point of attachment to the necessity of what is missing, an inference from the incompleteness of the Absolute, which is itself just one part, to the other part that completes it.”⁵³ Since the opposition to the activity of the I requires the ‘presence’ of the indeterminable, the structure of the I admits both of a ‘lacking’ within itself and a kind of fulfillment of that ‘lacking’ in the indeterminable. From Hegel’s perspective, Fichte’s I does not begin with the intuition of a complete Absolute. Rather, the Absolute finds its completion through, in part, the productive activity of the I. The I realizes itself as a kind of totality through an abstraction from what is alien and indeterminable.

In *Thinking Through the Wissenschaftslehre*, Breazeale argues that while the check plays a role in the self-limitation of the I, more importantly, the check also serves as a kind of impetus for the I. “For the intellect, the Anstoß is not so much a limit or check as

⁵³ Georg Wilhelm Friedrich Hegel, *Faith and Knowledge*, trans. Walter Cerf and H.S. Harris (Albany: State University of New York Press, 1977), 159.

it is an impulse or stimulus, an occasion for further positing. Thus, even here in its initial occurrence, the term does not simply designate an obstacle to or check upon the activity of the I, but also something that impels or provokes further activity on the part of this same I—activities of self-determination (and hence of “self-limitation,” inasmuch as all determination involves limitation).”⁵⁴ With respect to the ideal activity of the subject, the check is the summons towards a further positing. The activity cannot be satisfied through the resistance encountered as feeling, and the I is provoked to address this dissatisfaction, this lacking. “Even as the I posits itself as finite and determinate, however, it inevitably (at least according to Fichte) finds itself dissatisfied with this very determinacy and finitude, since the latter conflicts with its immediate practical awareness of—indeed insistence upon—its own lack of any essential determinacy.”⁵⁵ Breazeale argues that the check is grounded in the incomprehensible, revealing a sheer givenness that is essential in the self-positing of the I: without this sheer givenness of the incomprehensible, the I would not both encounter resistance and be provoked to go beyond that resistance. The encounter with the incomprehensible by the I also is the encounter of its own finitude as a lacking that needs to be addressed, and through this encounter the finite I comes to have awareness of its own absoluteness as incomplete.

From Hegel’s perspective, the problem seems to be that the insight of an incomplete Absolute, one that ‘moves towards’ its completion in the check, presupposes a kind of awareness or insight into a complete absolute. Put differently, Hegel seems to be arguing that the insight into the deficient aspect of the Absolute, or the need for the

⁵⁴ Daniel Breazeale, *Thinking through the Wissenschaftslehre*. (Place of publication not identified: Oxford Univ Press, 2016), 163.

⁵⁵ Breazeale, 188.

Absolute to find its completion in a part beyond itself, could only be possible given a prior insight into a complete Absolute: the concept of the Absolute that actualizes itself as Absolute only through encountering the indeterminable is derivative of the concept of the Absolute that is complete in and of itself. Hegel asks the following questions: “Why does not this idea of the totality itself, the measure against which pure knowing shows itself to be incomplete, step forth as the Absolute? Why is the Absolute [in Fichte] something that is recognized as being only a part and as deficient?”⁵⁶ The essential role that the indeterminable plays in the actualization of self-consciousness, for Hegel, is akin to holding that the Absolute of the I encounters the indeterminable X as alien. While Fichte’s system provides an account for how the I, through its own self-activity incorporates the encounter of the indeterminable into self-consciousness, the problem is that Fichte’s system begins with a conception of the Absolute that is incomplete or merely on the way to being Absolute. The supposing of a relationship between the Absolute and the indeterminable is, from Hegel’s perspective, the smuggling in of an immediate opposition between the I and nature expressed in the logic of the check. No philosophical justification is provided to show how the concept of totality is expressed as a totality that is limited by what is alien to that totality. Rather, the opposition between the I on its way towards being Absolute and the indeterminable is rooted in a problematic inference of part to part, where no insight into the whole justifies what constitutes a part.

Whereas we might describe dogmatism as the expression of the part that is the indeterminable holding superiority over the part that is the I, the deduction present within Fichte’s system is the expression of the reverse, what Hegel calls the flipping of the

⁵⁶ Hegel, *Faith and Knowledge*, 159.

signs. “[T]he result of the abstraction [i.e., pure knowing] is directly but negatively connected with what it was abstracted from, and the latter is present in a negative form in the former. In pure knowing, the world of sense is posited as a *minus*, the world of sense has been abstracted from, it has been negated.”⁵⁷ The charge against Fichte is that the deduction determines the world of sense as connected to the alien indeterminate, and the account of the world of sense for the self that is grounded in the abstraction away from the indeterminate is therefore poisoned by the arbitrary assignment of the *positive* sign to the I, to pure knowing. The relationship between the I and the world of being is rooted in the positing of what is *positive* and what is *negative*; a sufficient philosophical justification for this positing, Hegel argues, is not provided by Fichte, and yet the Absolute employed by Fichte operates as if this justification has in fact been provided.

From Hegel’s perspective, treating the I as an Absolute that finds its completion in the encounter with the indeterminate amounts to the defining of a part against a part; the concept of the whole is not properly employed. The idea of totality, Hegel argues, is present in the first principle of Fichte’s system insofar as the I posits itself absolutely, as an unconditioned activity of self-production. Behind this first principle is the concept of a totality; underlying the activity of the self-positing pure I is the concept of an Absolute. But the self-positing of the pure I is accompanied by the absolute positing of the finite I and the absolute positing of the not-I. Thus, the logical ‘tension’ between the I and the Not-I is revealed in the first principle of Fichte’s system. The task of the I is, in the face of the tension between the I and the Not-I, to posit itself as an absolute identity. “But precisely because something recognized as a part and as deficient is supposed to have

⁵⁷ Hegel, 159.

absolute truth and certainty, it is impossible that the entire progression should be totality.”⁵⁸ I take Hegel to be claiming that since the first principle of Fichte’s system reveals, in the conjunction of absolute acts, that the pure I is a part, and that a genetic deduction moving from part to part cannot be a totality. Interestingly, Hegel states that at the level of pure experience, a totality that ‘begins’ with a part is possible, for pure experience makes no immediate claim of, and has no recognition of itself as, being a part. Fichte’s system, however, reveals the I as a part and the indeterminate as a part. The system of cognition is the transformation of the indeterminate that initially appears as a minus, as a something opposed to the self-positing I, into something that is a plus, the object. “Fichte’s formal cognition, transforming the negatively given into something positive, does not begin with the whole, but proceeds from the part to other parts; so it cannot transcend its partiality either in presentational awareness generally or in cognition.”⁵⁹ To be sure, Hegel is arguing that the absolute Idea must be present within Fichte’s system in some way: the I in terms of its pure self-knowledge would not be able to recognize its own incompleteness without the presence of the absolute Idea. However, the Idea is only present as a negative, as pointing towards the negativity of something else that is needed to complete the I. “The abstraction from what is alien to the Ego was not a speculative abstraction, that is to say, the alien was not nullified.”⁶⁰

The hovering Idea of the Absolute, or what Fichte describes as the wavering of the Absolute in the productive imagination, is, from Hegel’s perspective, not the Idea of the Absolute proper, but the Idea of the Absolute insofar as it points to or reveals the

⁵⁸ Hegel, 161.

⁵⁹ Hegel, 161.

⁶⁰ Hegel, 161.

incompleteness of the subjective thinking. In other words, the hovering of the Idea is the moment where the whole I is sundered into the subject and the object, but the sundering is formal or negative. The sundering of the whole I into the subject and object is the putting forth of an opposition between the subject and object that cannot be overcome. Thus, the hovering of the Idea entails a starting point for thinking that is absolute but finite, and the ineliminable presence of the finitude of the I entails that a genuine cognition of the whole is not possible. The incompleteness of the cognition on behalf of the I reveals the employment of the concept of the whole: from the transcendental standpoint, the I has awareness of its incompleteness, and asserts its completeness to be in a union with what it posits as alien to it, where behind that positing of what is alien to the subject is the check, the primitive original fact that cannot be penetrated by thinking. The result of this thinking is that the totality becomes a set of finite thoughts or representations, and Nature must be understood only as a totality or a system *because of its connection to the subject through a mutual lacking*. “[T]he system or rather – since a system [of Nature] is here unthinkable – the conglomerate of ideas necessary for ordinary consciousness appears first posited as a pure lack, and then linked up with the subject that lacks it, i.e., with the Ego.”⁶¹ What then becomes the dominating feature of our cognition of the whole is lack: from either the side of the thinking subject or from the ‘content’ that is alien to the subject, the lack or the abstraction into the formal is what reveals itself as the ground of the cognition.

The I as subject experiences the world as comprised of limitations that are rooted in the opposition between the real and the ideal, and these oppositions are never overcome

⁶¹ Hegel, 162.

in the I as subject. Put differently, Fichte's system overcomes the opposition between the I and the not-I in abstract thinking. From Hegel's perspective, Fichte's system "...turns the absolute thinking, the pure activity that is opposed to being, into the Absolute. The overcoming of the opposition between the I and the not-I occurs only in abstract thinking, so the highest synthesis of Fichte's system is relegated to and completed in an 'Absolute' that remains opposed to being."⁶²

2.8 Conclusion:

As a result of positing of the undetermined, pure consciousness makes its *appearance* as what Hegel calls defective. The defective character of pure consciousness is its essential positing of the something = X that reveals the limitation of pure consciousness as the divisible I. In other words, the defective character of pure consciousness crystalizes the possibility of deducing both the objective world and the subject that is limited by that world. "The [I] posits an objective world because in positing itself it recognizes its own defectiveness, and consequently the absoluteness of pure consciousness falls away."⁶³ Another identity, Hegel states, is needed, one that both grasps pure consciousness and empirical consciousness and suspends the opposition between these two consciousnesses.

While the freedom of pure consciousness has produced an identity between itself and empirical consciousness, this identity has purchase only in the abstraction of pure consciousness. Furthermore, the I that is produced out of the free acts of pure

⁶² Hegel, *Faith and Knowledge*.

⁶³ Hegel, *The Difference Between Fichte's and Schelling's System of Philosophy*, 129.

consciousness remains wrought with issues of finitude, incomprehensible limitations, and a freedom that is conditioned. Hegel states that “[i]n the system freedom does not succeed in producing itself; the product does not correspond to the producing.”⁶⁴ The acts of absolute freedom reveal the reality of consciousness as being conditioned by “an endless sequence of finitudes,”⁶⁵ but where consciousness does not, as of yet, establish itself as a product of its own self-positing in a complete sense. The object of pure consciousness is wholly itself, but the object of the theoretical faculty is pure consciousness as conditioned by something that has not been determined by the I.

Idealism in general is organized around the fundamental position that the free acts of consciousness are enough to produce the objective world. If, however, we are now claiming that the absolute freedom of consciousness is one factor among others that are involved in the production of the objective world and its relationship to the subject, then we are violating the fundamental tenant of idealism. In other words, the role of the indeterminate in Fichte’s system is problematic, according to Hegel, insofar as the system ‘accepts’ the indeterminate as an original and incomprehensible fact that is always opposed to the self-positing I. Both the presence of the opposition and the need to view the opposition from the side of the subjective only entails that a point of absolute indifference cannot be achieved within the system. We will revisit the role that the point of absolute indifference plays within the arguments found in the *Natural Law* essay in Chapter Five.

⁶⁴ Hegel, 131.

⁶⁵ Hegel, 131.

To be sure, the *Wissenschaftslehre* continues its program of articulating the absolute identity of the I = I, but it does so with the recognition of the limitations inherent in the theoretical faculty. In order to assert the identity between pure consciousness in its acts with pure consciousness in its objectivity, we must go beyond the domain of the theoretical. The transition to the practical faculty within Fichte's system is necessary for pure consciousness as the divisible I to produce, through its own free acts in the objective world, an identity between itself and the divisible Not-I. Put differently, the problem of halting the ideal activity of the subject requires us to explore the activity of setting a goal in more detail. Chapter Three explores the relationship between the absolute identity of the I with itself and the philosophy of striving and the criticisms put forth by Hegel surrounding this part of the Fichte's system.

CHAPTER 3. HEGEL'S CRITIQUE OF FICHTE'S PHILOSOPHY OF STRIVING

3.1 Introduction:

The previous chapter explored several criticisms put forth by Hegel regarding Fichte's *Wissenschaftslehre*. The focus of those criticisms was on the presence of the indeterminate within Fichte's system. Of course, for Fichte himself, the presence of the indeterminate does not entail the collapse of his philosophical system. Rather, he argues, the presence of the indeterminate along with the way in which the resistance first appears to consciousness reveal not only the relative incompleteness of theoretical reason, but also the need for philosophy to turn towards practical reason in order to resolve some of the tensions that were made apparent in the previous chapter. This chapter picks up the story of the *Wissenschaftslehre* found in the *System of Ethics* at the point where the need to turn towards practical reason is required to address the limitations of theoretical reason.

We begin this chapter exploring why, for Fichte, practical reason is focused on addressing the tension between the fundamental drive of the pure I to posit itself as absolutely self-sufficient and the natural drive of the finite I to actualize itself in response to the limitations encountered in the world. The focus of the explication of Fichte's system here is how the concept of striving is employed within the system to address this fundamental tension: striving is intended to mediate the relationship between the I as an infinite and absolute self-positing and the I as a finite being in nature.

Having established the central role that striving plays within Fichte's system, this chapter then provides an account of a critique of the concept of striving put forth by Hegel in the *Difference* essay. From Hegel's perspective, the philosophical task of Fichte's system is the construction of the absolute identity of the I = I. This section focuses on a defence of Hegel's claim that the concept of striving does not result in a complete synthesis. We shall see that, for Hegel, the result of the deduction within Fichte's system is a synthesis that fixes an opposition between the infinite and the finite to such a degree that the highest synthesis that can be accomplished by practical reason falls short of the philosophical task.

To be sure, Hegel's interpretation of the philosophy of striving is controversial, and this chapter does not intend to address whether Hegel's interpretation is accurate or whether the criticism he puts forth is successful. Instead, the focus of this chapter is to explore Hegel's take on Fichte's philosophy of striving in order to reveal the role that the point of absolute indifference plays within Hegel's thinking. This chapter closes with an examination of the point of absolute indifference both in terms of its impact on an account of natural law from a methodological perspective and in terms of its importance in reconceptualizing the relationship between freedom and nature.

3.2 Fichte's I as an Absolute Act of Willing:

In order to explore the significance of Hegel's criticism of Fichte's philosophy of striving, we must first return to the thought of the I positing itself. For Fichte, the substance we ascribe to the mere fact of consciousness is not passive reception. The I as a substance can only be as an act of thinking or willing. As discussed in the previous

chapter, the thinking consciousness only becomes objective, only becomes something ‘actualized’ in conjunction with an act of counter-positing relative to some object that consciousness is directed towards. From the standpoint of the philosopher, the only *original* way in which the I as substance can be found is as willing. The act of willing presupposes necessarily an ‘outside’ that is external to the subject. “[W]hat I will is never anything but a modification of an object that is actually *supposed* to exist outside of me. All my willing is therefore conditioned by the perception of an object outside.”⁶⁶ The key part here is that willing is always objective, a manifestation of self-activity: the act of willing is always directed towards the outside, and the origin of the concept of the outside is found in the real act of willing itself. This is important insofar as it establishes the *absoluteness* of the willing. We may abstract away from everything that is foreign to the willing, and in doing so we find the real act of willing (1) presupposes an outside to be modified but (2) that this act is nevertheless independent and absolute.

Fichte uses the analogy of the compressed steel spring to articulate the absoluteness of willing.⁶⁷ The compressed spring has within it a striving to push back against what presses on it, and so the ‘direction’ of this striving is outward. Recall that the real act of willing presupposes within itself an outside that is to be modified by the act. What we must focus our attention on now, says Fichte, is the proximate ground of the striving of the spring.⁶⁸ We are not concerned with the conditions relating to the striving, but merely what is the proximate source of the striving outward. For the spring, the striving is an

⁶⁶ Johann Gottlieb Fichte, Daniel Breazeale, and Günter Zöller, *The System of Ethics: According to the Principles of the Wissenschaftslehre*, Cambridge Texts in the History of Philosophy (Cambridge, UK ; New York: Cambridge University Press, 2005), 29. My emphasis.

⁶⁷ Fichte, 32.

⁶⁸ Fichte, 32.

inner effect of the spring upon itself. To be sure, the ground for the compression does not lie within the spring itself. If we were to adopt the perspective of the steel spring, we would find that the willing of the spring occurs in a reciprocal interaction with the pressures exerted from without. Similarly, the rational being, in order to determine itself as a willing, must take itself responding to an external ‘pressure;’ this is how willing *appears* to the rational being. While the ground of the compression of the spring does in fact lie outside of the spring, the ground for the external pressure that confronts the rational being turns out to be, in an important sense, internal to the I.

We are at this point only concerned with the spring itself, or the willing itself, and so we must abstract away from the external pressure on the spring, or the appearance of external pressure on the will. If we abstract from this pressure, what remains of the spring is the inner tendency to strive outwards in the face of external pressure. “[I]t is the inner tendency of the spring to determine itself to a counter-striving, understood as the genuine essence of elasticity and as the ultimate ground of all its appearances, just as soon as the conditions of their manifestation are present, a ground which cannot be explained any further.”⁶⁹ The absolute character of the spring is to strive against pressure, and this striving is the ground of all its appearances in the world once that external pressure is present. Our abstraction has revealed the ‘core’ of the spring, or what Fichte calls its “original tendency.”⁷⁰

While the I may change in its many manifestations, the substantial part of the I, the act of willing is fixed and enduring as an original tendency. Since the act of willing

⁶⁹ Fichte, 33.

⁷⁰ Fichte, 33.

presupposes an outside that is modified through its acts, and since we are abstracting from anything beyond the ‘inner effect’ of the willing upon itself, our abstraction gives us the following result: the willing self-consciousness’ inner effect is the “the tendency to determine itself absolutely, without any external impetus.”⁷¹ The self-activity of the I is purely for the sake of the I. Awareness of the self-activity of the I must therefore come from the same I. The I is the union of being and self-awareness, but where both of these are conditioned by the tendency towards absolute self-determination.

Once the absoluteness of the acting I is brought under the concept, or is intuited by the intellect, then that real acting of the I, the tendency towards self-sufficiency, becomes freedom. The intuition of the real acting that is brought before the intellect is the becoming for itself of the I, and the driving force behind this becoming is the concept, where the power of the concept brought to the fore is at the very core of freedom. The I moves from an absolute that lacks force and self-awareness towards an absolute that has force and self-awareness, and it does so through its own self-activity, through its own intuition of itself. While the resistance of the steel spring is conditioned by nature as an external force from without, the self-activity of the I ‘produces’ its own resistance and its own tendency to confront this resistance. Therefore, only the intellect is capable of freedom, or capable of unconditioned self-activity for its own sake. Since freedom is located within the ‘domain’ of the intellect, whatever the self-activity of the I is ‘becoming,’ it must become that way via concepts, where these concepts are ultimately authored by the I. The resistance here posited by the I is the type that would halt the ideal activity of the subject explored in chapter two: the positing of the need to go beyond the

⁷¹ Fichte, 33.

limitation of feeling, makes its appearance in practical reason as the setting of goals. In other words, it seems that what halts the activity of the ideal activity of the subject is, ultimately, the positing of an object that is associated with a goal. Furthermore, the goal is ultimately related to the fundamental task of the I to express for itself what it is in itself – the expression of its self-sufficiency.

We have established the ground of freedom as residing in the unconditioned self-activity of the I as intellect, and we have also thereby established that there is no determination of the intellect, such as an essence or nature, that holds dominion over the intellect. In order to be true to the unconditioned self-activity of the I, the ‘inner force’ of the intellect can only be understood as a power. In short, the ‘being’ of the free intellect gives no clues to its actuality; only the free intellect, through its own activity, is merely a power, a power to determine its own actuality. The goal at this point is to determine what it means for the I as subject to ‘hold’ the I as object, or to find out what turns out to be the objective expression of this inner power. We must now explore how the I, in intuiting itself, comes to be aware for itself of its absolute tendency towards self-sufficiency.

Fichte argues that the power of the I manifests itself as a grounding drive in relation to the I. The objective essence of the I is the unbreakable law of absolute self-activity for its own sake, and the subjective essence of the I is the drive that manifests itself in an effort to bring about a harmony between the subjective and the objective, to become for itself what it is in itself. The I is unable to grasp itself purely as it is in *and* for itself. From Fichte’s perspective, the unthinkable unity is an “empty place” in the investigation

into human freedom.⁷² The reason why the ‘original’ unity of the I is unthinkable is because the unity is the subject-object, the absoluteness of the I, but thinking about this unity only takes place in terms of a subject that is different or distinguished from the object. Since the ‘original’ unity of the I, the subject-object, is unthinkable, the absoluteness of the I, the tendency towards self-sufficiency, is thought by the I as apart from the substance of this self-activity. In the separation brought about in the act of thinking, the I takes the absolute tendency of the I as the ground of the substance, “a drive that drives the substance.”⁷³

The drive is a determinate thinking, a thinking that is ‘produced’ according to the drive towards absolute self-activity. We must be careful to note that the determinate thinking that is the result of the drive is not a thought that results from an object or a thought that is the necessary result of a prior act of thinking. Instead, the determinate thinking related to the drive is a determination of the entire I, not just a ‘part’ of the I. Focusing on the form of this determinate thinking, the thought of the I “...is not conditioned by any other act of thinking, but itself conditions all other thinking.”⁷⁴ The determinate thinking that is connected to the drive, then, is an immediate thinking, a thinking that is “determined absolutely through itself.”⁷⁵ While we engage in all sorts of acts of thinking, the determinate thinking connected to the drive is the only thinking that accords with the essence of the I. So, this determinate thinking is a kind of intellect intuition. The manifestations of the drive, then, are not feelings, for that would mean the

⁷² Fichte, 46.

⁷³ Fichte, 46.

⁷⁴ Fichte, 49.

⁷⁵ Fichte, 49.

drive operates according to the same ‘program’ as representations of objects; rather, the drive manifests in the intellect as thought.

3.3 The Content of the Acts of Willing:

Having established the form of the thoughts that are the manifestations of the absolute tendency towards self-sufficiency, Fichte moves on to explore the content of these thoughts. The whole I cannot be grasped in thought as it really is; we can only grasp the I in thoughts showing how the subject determines the object and how the object determines the subject. Our account of these two ‘pathways’ of the I must fill in for the ungraspable = X that is the entire I in its immediacy. The first pathway is rooted in theoretical reason, where the subject is determined by the objective: the content of the determinate thinking with respect to the subjective as determined by the object is an unbreakable law. With respect to the pathway where the subject determines the object, thinking about the drive towards absolute self-sufficiency brings about a thought of “the unbreakable law of absolute self-activity” that the intellect gives to itself.⁷⁶ The freedom of the I considered in the subjective reveals itself as a position of power, a power that is undetermined and could in principle be applied to anything. So, in order for what is objective to be thought of as determined by what is subjective, the thought must be “conditioned by this subjective power...”⁷⁷ The unbreakable law can only be given to the I if the I is free, and in the freedom of the I, the thought of the unbreakable law manifests itself.

⁷⁶ Fichte, 51.

⁷⁷ Fichte, 51.

The thought of self-sufficiency posited by the I, therefore, is categorical. Furthermore, the thought of self-sufficiency brings about the thought of the power of the I to bring about self-sufficiency, and the law that conditions the ‘deployment’ of this power.⁷⁸ These thoughts are derived from thinking of the I as subject and the I as object, and the ‘unity’ constructed through reciprocal determination is how ordinary consciousness must think about itself given that it cannot grasp itself in its entirety in the immediate as the subject-object.

In order for the reflecting I to become aware of a positive content of its own making, that positive content must be objective, and objectivity is only possible for the I that reflects on its own feelings.⁷⁹ Fichte states that willing is directed towards some acting, but all acting is an acting upon some object.⁸⁰ In willing its own freedom, the I is concerned with the act of self-determination; as a natural being, however, this act of self-determination must involve an object, something perceptible. Furthermore, acting upon objects in the world is only possible through the natural force of the I as a natural being. While the I is concerned with an act of self-determination, this act necessarily involves the natural world, the ‘home’ of objectivity for the I as a natural being. *The natural force of the I, then, turns out to be essential to the positing of the I’s freedom to itself objectively.*⁸¹

⁷⁸ Fichte, 54.

⁷⁹ As discussed in the Chapter Two, feelings provide the core content for both the subject to be determined by the object and for the object to be determined by the subject. Hegel states in the Difference essay, the pathway of practical reason is, in one sense, to change the feelings of the encounter into feelings of the subject.

⁸⁰ Fichte, *The System of Ethics*, 141.

⁸¹ Fichte, 141.

The key development here is that, in the context of the I positing itself as active, the cause of the natural force is no longer unconscious nature, but the reflecting I. This development is important insofar as it ensures that while the object of any act of willing is tied up in the world of objects, the positing of the I's freedom to itself must not be under the 'threat' of being caused by nature. All acts of willing turn out to be directed towards the world of objects, and the satisfaction of the natural drive is essential to all these acts.

At this point in Fichte's deduction, we must determine how can the I hold together the essential role of the natural drive in acts of willing all the while positing of the I's freedom for itself in a way that retains the 'purity' of the I. One might think that the satisfaction of the natural drive undermines the drive of the I to posit itself for its own sake. Fichte argues that the essential role that the natural drive plays in all acts of willing does not annul or deny the drive towards the absolute. "Although I find myself driven to do something that has its material ground solely within me, I never actually do anything nor can I ever do anything that is not demanded by the natural drive, because the latter exhausts the *entire sphere of my possible acting*."⁸² The causality of the natural drive appears to be paramount, for all my acts of willing turn out to be empirical. However, since we are focused on the I positing itself for its own sake, the causality of the pure drive must be given special accommodation. In order to posit my own freedom to myself as an object, the causality of the natural drive is essential, but in order to posit my own freedom to myself at all, the causality of the pure drive is also essential. So, we must understand how these two essential conditions of the I positing its own freedom to itself

⁸² Fichte, 141. My Emphasis.

as an object can be held together without contradiction. The importance of holding these together without contradiction is essential to Fichte's claim of absolute identity of the I: a contradiction would entail that the subjective and the objective could not 'exist' within the same I, within the same unthinkable unity. The mark of an unresolvable contradiction between the subjective and the objective in the I positing itself as free would mean that the I as such that is the ground of the deduction could not be a unity.

3.4 The Role of Infinite Striving in Practical Reasoning:

The content of the willing I is rooted in the natural drive, and therefore every concept of an end that originates in the I must be directed towards some satisfaction of the natural drive. The actual will is always conditioned by the natural drive. The pure will, however, is 'rooted' simply in the pure drive, the drive towards absolute self-sufficiency that originates in the I itself. That the natural drive of the willing I is focused on the satisfaction brought about by the content of the willing does not mean that the pure drive also finds its satisfaction in the content of willing. The natural drive finds its satisfaction in the content of actual willing; the pure drive finds its satisfaction in the willing that is directed solely towards the end of absolute self-sufficiency. For Fichte, this apparent contradiction must be resolved in a way that satisfies both the natural and pure drives.

Fichte argues that the resolution to this conflict is found in the intention of an action. Willing freely means willing in a way that aims at complete independence from nature: this is the freely chosen concept that aims at the satisfaction of the pure drive. Nothing inherent in the intention of the willing *requires* that the action based on this

concept is appropriate to the natural drive; instead, the natural drive is a limitation that the I confronts in any act of willing. In other words, we are ‘condemned’ to carry out the action that aims at complete self-sufficiency within the ‘circuit’ of nature, but our condemnation to satisfy the natural drive in all our actual willing does not *prove* that the concept chosen by the I must be appropriate to the natural drive. Instead, the limitation on our goal of absolute self-sufficiency brought about by the natural drive merely shows that the concept originating in the I that aims at self-sufficiency cannot find its satisfaction in *any one action in the natural world*. While a singular action may satisfy the natural drive, no singular action may satisfy the pure drive. If a singular action in the natural world would satisfy the pure drive, then the satisfaction of the pure drive would no longer be connected to the natural world by the necessity of the genetic derivation of the I, but limited absolutely by the natural world itself. Therefore, we must conceive of the satisfaction of the pure drive only in the context of a series of actions, where the entire infinite series of actions aims at the absolute independence of the I. The invoking of an entire series of actions as the resolution to a possible contradiction within the I turns out to be a primary point of contention for Hegel as we will see later in this chapter.

Since the absolute independence of the I cannot be truly realized in the actual world, the series of actions that aims at the absolute independence of the I must be infinite. No finite series of actions is capable of bringing about the satisfaction of the pure drive, for that finite series is always under the limitation revealed by the natural drive. “Consequently, the final end of a rational being lies in infinity; it is certainly not an end that can ever be achieved, but it is one to which a rational being, in consequence

of its spiritual nature, is supposed to draw ceaselessly nearer and nearer.”⁸³ The “ethical vocation” of the actual I is to strive infinitely towards absolute self-sufficiency, where any particular action has its ‘worth’ determined according to its place within the infinite series.⁸⁴ For Fichte, the demand on the I is to fulfill its ethical vocation in every case: every action chosen by the I is subject to the demand of the pure drive, and in our striving towards our liberation from nature, we are never liberated from the demand of freedom as such. The contradiction that arose in Fichte’s conception of the free I is resolved by placing the actual I under an infinite demand, and the I must strive endlessly towards this infinite goal utilizing content from the natural drive, but must not be beholden to any particular content.

We must pause here to acknowledge the rigor and scope of Fichte’s conception of striving. The structure of striving that is established by freedom as such entails that the actual I always finds itself under the demand of its ethical vocation: there are no freely chosen actions that are not at least under the demand of the pure drive. To be sure, the I may make choices that go against the pure drive, but the ‘reach’ of the demand exerted by the pure drive extends throughout all actions of the I. Given that the satisfaction of the pure drive cannot be brought about in the finite world, the actual I finds itself subject to the formal demand of infinite striving. Fichte states that not only must the actual I strive infinitely towards the goal of absolute self-sufficiency, the I is simultaneously dependent on the finite in its striving.⁸⁵ The I must strive towards an unconditioned end, but can only do so in the conditioned, finite world. For Fichte, this structure of freedom simply

⁸³ Fichte, 142.

⁸⁴ Fichte, 143.

⁸⁵ Fichte, 142–43.

reveals the divided nature of the I. The I is comprised of two opposed aspects: the finite and the infinite. Given the structure of the I, Fichte argues, the ethical vocation of infinite striving is the only appropriate account of the I as subject becoming an object to itself. The absolute identity between the I as subject and the I as object turns out to be a lifelong project, but one that does not reach a conclusion in the natural world. For Fichte, identity remains a possibility for the I and identity continues to shape the projects of the I, but identity is never accomplished in the world by the finite I.

3.5 Hegel and the Problem of Striving:

Having established the role of striving within Fichte's system, we now turn to Hegel's interpretation and critique of the same. The focus of this part of the chapter is on Hegel's argument regarding the inability of the philosophy of striving to overcome the opposition between the infinite and finite within the I through practical action in the world. Given the concept of identity that is at the heart of Fichte's system, we shall then briefly explore why, for Hegel, this synthesis is incomplete and contributes to points of tension within Fichte's moral and political thinking.

The striving of the I as subject turns out to be the only path available to the I for addressing the demand placed on the finite I. In pure consciousness, the product and the producing are identical, and this identity has reality. So, the demand placed on the I as subject is appropriate insofar as this demand is in principle capable of being satisfied. This demand can be satisfied in the objective world because, according to the system, it has already been satisfied in the world of pure consciousness. Furthermore, this demand should not be interpreted as a condition on freedom itself, for what is a demand for the I

as subject is already the case for the I as pure consciousness. In other words, the rigorous demand on the I as subject has no place within the I as pure consciousness, for the task that motivates the demand on the I as subject has already been completed in pure consciousness.

The I as subject that is opposed to the objective world is under the demand to produce itself as it already is – a free being that is not limited or conditioned by the objective world. In order to address this rigorous demand on the I as subject, the subject must shape the objective world through its own free actions, thereby suspending the appearance of opposition and limitation in the objective world. The subject makes what is not itself – the world – into itself through an infinite series of free actions that strive to turn the limitations of the undetermined into conditions of its own freedom. By striving to bring comprehensibility to the incomprehensible through free actions in the objective world, the I as subject is on the trajectory to produce itself in the objective world as it really is in the world of pure consciousness. Hegel's interpretation of the philosophy of striving is that it is ultimately responding to the incomprehensible original fact.

The defect of pure consciousness, Hegel argues, is the presence of the something = X that is opposed to the subject, where the something = X is incomprehensible.⁸⁶ The presence of the undetermined within the opposition between the I as subject and the not-I as the incomprehensible limit means that pure consciousness is not yet in a position to assert an identity between itself as subject and itself as object. While the practical faculty is the power of pure consciousness to overcome the apparent opposition between the I

⁸⁶ Hegel, *The Difference Between Fichte's and Schelling's System of Philosophy*, 129.

and the not-I through the free actions of the I, the persistence of the opposition at this point in the deduction is due to the fact that the not-I appears to be determined by factors that go beyond the freedom of the I. In other words, the incomprehensibility of the 'source' of the not-I as limitation *appears* to undermine the original claim of the I as such to be absolutely free. While the deduction has shown that the limiting 'power' of the not-I is ultimately immanent to pure consciousness, more needs to be done in order to show that the presence of the limiting not-I does not ultimately undermine the freedom of the I as such.

If the I were able to enter into a relationship with the not-I in such a way that the not-I were proven to be determined by the I, then the I as object would be equal to the I as subject. In this context, the practical faculty is the power of the I to act on the not-I on the way towards suspending the incomprehensibility of the not-I in terms of its content. In other words, the practical faculty of the I has the goal of engendering a relationship between the I and the not-I, where the not-I is *shown* to be ultimately determined by the I.

Hegel's position is that a problem within Fichte's deduction of practical reason arises at this point. Recall that the overarching task of the deduction is to show the identity between the I as subject and the I as object. For Fichte, the demand for identity between the I as subject and the I as object manifests itself in the practical faculty as an ought. If the I as subject were capable of determining the I as object through its own actions, then the opposition between the I as subject and the I as object would be suspended. However, the deduction has already proven that the opposition between the I as subject and the I as object is an absolute act of positing by the I as such. Since the I as object cannot enter immediately into a relation of identity with the I as subject due to the

presence of the X, the ‘source’ of the incomprehensible, the I = I appears to be impossible. “It is impossible for the Ego to reconstruct itself out of the opposition between subjectivity and the X that originates for it in a non-conscious producing, and so become one with its appearance.”⁸⁷ The practical demand on the I as subject turns out to be a demand of striving infinitely towards an end that cannot be realized in principle. The I as subject and the I as object ought to be the same, but the I as subject is only able to prove that an identity between the two is on the horizon, but where reaching that horizon would be *the self-destruction of the I*. While the unity or sameness between the I as subject and I as object occurs in pure thinking, this unity or sameness, from Hegel’s perspective, *cannot be realized in the world*.

For Hegel, the presence of a demand that is satisfied in pure thinking but not in the world reveals a problem of identity within Fichte’s system. At the outset, the task of the deduction was to show the absolute identity that operates within pure consciousness; now, however, “[p]ure consciousness no longer functions as absolute identity; in its highest dignity it is [now] opposed to the empirical consciousness.”⁸⁸ Given the central role that the practical faculty occupies in Fichte’s system, the non-identity that turns out to be the aim of the faculty, revealed most clearly in the activity of striving, illuminates the “principle of non-identity” that permeates any developments or deductions that result from striving.⁸⁹ The incorporation of non-identity into the system, for Hegel, brings about the shift in the system’s ‘focus’ from articulating absolute identity to finding

⁸⁷ Hegel, 132.

⁸⁸ Hegel, 133.

⁸⁹ Hegel, 135.

*consistency in reflection.*⁹⁰ We shall see in the following that from Hegel's perspective what motivates the concept of striving is the articulation of an absolute identity, but an identity that is consistent with the relationship between the infinite I as subject and the finite I as object.

In order to unpack what for Hegel amounts to an identity that is formal and privileges the I as subject, we must explore the joining of the subjective I with the objective I: the self-determination of finitude made by the subjective I is conditioned by the "Idea" of the objective I in its infinitude.⁹¹ Similarly, the objective I in its infinitude is determined by the "Idea" of the subjective I. Put otherwise, the determinations made by both aspects of the I are reciprocal: the subjective I receives the idea of infinity from the objective I, and the objective I receives the idea of finitude from the bounded existence of the subjective I. "But since the subjective Ego does its determining according to the idea of infinity, it suspends the bounding once more. While it makes the objective Ego finite in its infinity, it simultaneously makes it infinite in its finitude."⁹² For Hegel, the reciprocal determination does not suspend or reconcile the opposition between the subjective and the objective; instead, the opposition between the reality and the Idea persists. The I as a whole consists of both real and ideal activity, but the union of these activities within the I remains partial. "In the infinite progress of [the I's] lengthened existence it endlessly produces more parts of itself, but it never produces itself in the eternity of intuiting itself as Subject-Object."⁹³ The presence of infinite striving

⁹⁰ Hegel, *The Difference Between Fichte's and Schelling's System of Philosophy*.

⁹¹ Hegel, 135.

⁹² Hegel, 135.

⁹³ Hegel, 135.

within Fichte's conception of the I endures in the face of the reciprocal determination between the ideal, subjective I and the real, objective I. The activity of the I, however, never produces itself in the concrete as a whole, but only itself as parts of an unrealizable whole. In short, Hegel's claim is that the actualization of the unity between the subjective and objective, the overarching task according to the system, turns out to be denied by that very system.

While the problematic union between the subjective and the objective stated above is quite abstract, the claim made by Hegel is clarified through his analysis of the relationship between freedom and nature as a drive of the I. Both freedom and drive have the I as such as their substance; in this respect, the I that thinks is the same as the I that feels. To support this claim, Hegel draws on the following quote from Fichte: "From the transcendental standpoint, my drive as natural being, and my tendency as pure spirit are the same basic drive, the drive that constitutes my being; but it is viewed from two distinct aspects..."⁹⁴ The distinction between freedom and drive is ultimately based on appearance; freedom and drive are nevertheless rooted in the same basic drive of the I. However, the positing of the opposition between the subjective I and the objective I in practical reason reveals a distinction between freedom and nature, where one is the condition of the other: the relation of different but equal in the transcendental standpoint has been replaced with a relation of one conditioning the other, one dominating the other. Nature determining itself turns out to be rooted in the thought that nature determines itself. In other words, it seems to be the case that the essence of nature *determines that* nature determines itself. Indeterminacy is the mark of the free being; the opposition

⁹⁴ Hegel, 137.

between nature and freedom is characterized along the line of determinacy; since nature is distinct from freedom, nature must not be indeterminate. Nature is determined to determine itself in just one way. Only a free being has the choice to determine itself in a certain way in relation to an opposition; but the free being may determine itself in another way in relation to the same opposition. In short, the indeterminacy of the free being is made manifest in determination of itself that lacks necessity; for any determination made by the free being, another determination remains a real possibility. For nature, it is determined to determine itself in only one way.

Given this sharp distinction between nature and freedom, the resulting synthesis engenders the construction of an identity rooted in a dichotomy into totality. “I, as intelligence, as the undetermined – and I who am driven, [I] as nature, as the determined, shall become the same through the raising of impulse into consciousness.”⁹⁵ Within the I, then, is the ‘call’ for the identity between the undetermined and the determined. The identity that results from this synthesis entails a distinction between the higher drive and the lower drive: the higher drive is the I as subject that does the reflecting; the lower drive is the I as nature. Furthermore, the lower drive is subservient to the higher drive. “This relation of subservience which one appearance of the self has to the other is to be the highest synthesis.”⁹⁶ The problem, Hegel argues, is that the identity that is the starting point of the deduction – the I as subject and the I as object, where both are rooted in the same substance of the I as such – is not the same as the ‘identity’ that is the result of synthesizing freedom and nature at this later point in the deduction. The equality

⁹⁵ Hegel, 138.

⁹⁶ Hegel, 138.

between the subject and object in the identity operative at the starting point has been replaced with an identity that holds the subject and object to be unequal. “They stand in a relation of causality instead; one of them goes into servitude, and the sphere of necessity is subordinated to that of freedom. Thus the end of the system is untrue to its beginning, the result is untrue to its principle.”⁹⁷ The identity that is found in the highest synthesis in Fichte’s system is formal, Hegel argues, since the subject and object remain divided.

Hegel summarizes the synthesis as follows: The pure drive of the I aims at determining itself absolutely towards activity for the sake of activity.⁹⁸ Again, the pure drive is focused on activity for activity’s sake because that is what, for Fichte’s I, is the ground for any activity whatsoever; since the essence of the I is absolute self-determination through its own activity, the pure drive is the unending drive towards freedom, or activity as the sole path towards absolute self-determination. But the pure drive is immediately confronted with the objective drive, or the I as object. Since the objective drive is nevertheless within the I as such, the I as object reveals itself as a system of self-limitations posited by the I. Freedom and nature, the pure drive and the objective drive, are to be united within the I, for the I as such is the source of all drives. A tension lingers within the union: Fichte situates the pure drive as the fundamental drive towards absolute self-determination; but the synthesis of freedom and nature would be problematic insofar as the objective drive, nature, does not aim at self-determination, but self-limitation. The infinity of the pure drive is preserved in the synthesis of freedom and nature only if final purpose of the objective activity is absolute freedom, or, what

⁹⁷ Hegel, 138.

⁹⁸ Hegel, 138.

amounts to the same, absolute independence from nature. We have already determined that if the I as subject were equal to the I as object, the I would no longer be free. Fichte's concept of infinite striving is introduced in order to overcome the tension that would arise in the sheer and immediate union of freedom and nature. Infinite striving functions within Fichte's system as a way of 'overcoming' the tension within the union of freedom and nature, but done in such a way that recognizes the impossibility of the actualization of the I = I. While the final purpose of absolute independence from nature cannot be achieved, the I nevertheless strives towards absolute independence in an infinite series. Each moment in the infinite series would then be understood as an actualization brought about by the I as subject that is on the way towards the end of absolute independence. "Where one expects the supreme synthesis one finds always the same antithesis between a limited present and an infinity extraneous to it."⁹⁹ Hegel reminds us that at the outset of the deduction the synthesis to be carried out was the I = I, the I as an absolute totality. "In the system, however, the [I] does not get that far, and it never will, once time is to be mixed in; the Ego is absolutely infected with a non-Ego, and can only ever posit itself as a quantum of Ego."¹⁰⁰

The problematic path that the Fichtean I takes in realizing itself in the world involves the positing of the opposition between the infinite and the finite, and the resolution to this opposition is always on the horizon of practical action. The continued positing of independence and dependence by the drives of the I entails a fixing of the drives at the level of the Concept. In reflection, Hegel states, "...the intellect has

⁹⁹ Hegel, 139.

¹⁰⁰ Hegel, 139.

succeeded in fixing the rational as an absolute opposite in the form of an Idea. For Reason itself nothing is left but the impotence of self-suspending requirements and the semblance of a formal mediation of nature and freedom by the intellect through the mere *Idea* of the suspension of the antitheses, the *Idea* of the independence of the [I] and the absolute determinacy of nature which is posited as something to be negated, something absolutely dependent. But the antithesis itself has not vanished. On the contrary, it has been made infinite; for as long as one of its terms has standing the other has too.”¹⁰¹ So, the positing of the infinite horizon that is essential to the I is, from Hegel’s perspective, positing of the opposition between freedom and nature that is fixed as absolute from the perspective of practical reason.

3.6 Implications for Fichte’s Moral and Political Philosophy:

Having established the presence of reflection at the highest synthesis in Fichte’s deduction, Hegel turns towards the implications of Fichte’s system as it pertains to political and moral philosophy. We must track the impact that a persistent opposition within the synthesis of freedom and nature has on the deduction of rightful relations among free human beings. For Hegel, the community of human beings within Fichte’s system is marked with an absolute separation of freedom and nature: human beings are ‘dualized’ in Fichte’s account insofar as, on the one hand, the human being is a free and rational being, but, on the other hand, the human being is matter in the world that can be treated like a thing among other things.

¹⁰¹ Hegel, 140.

The problem, Hegel argues, is that the formal unity between freedom and nature within the individual, where freedom dominates nature, is empty of content. Freedom can only prove its dominance over nature through the content that is *provided by* nature. Invoking the content of nature complicates the unity sought by the individual because nature provides an infinite number of possible points of action. If the I is to have absolute causality with respect to the world, then the world of nature must be suspended by the I. The content provided by nature is an infinite manifold; in order to suspend the world, in order to actualize its dominance over nature, the I must carry out an action whose content is drawn from nature; the manifold of nature, however, provides a myriad of possible actions, where each action may be understood as an absolute duty, an action that expresses the absolute causality of the I. In other words, the I seeks to act according to an absolute duty, for only the absoluteness of the duty accords with the program of freedom having complete dominance over nature. However, the manifold provided by nature contains duties that are opposed to one another. “If the duties deduced [by the I] are absolute, they cannot collide. Yet they collide necessarily because they are opposite.”¹⁰² To be sure, because the duties are absolute with respect to each other, the free individual may choose between them, but because the duties collide with one another, the individual *must* choose between them. A tension arises in the necessity of the choice. Since each duty is absolute, there seems to be nothing available to the I to ‘help make’ the choice from the perspective of the concept of duty itself; the criterion of a possible choice, with respect to the I as such, is simply that it be an absolute duty.

¹⁰² Hegel, 150.

We must now turn to the preference of the individual as a possible mechanism for making a choice. If the act of self-determination according to a duty is to occur, it appears that one duty must be preferred to the others, invoking the contingency of inclination into the process. “If whim and the contingency of inclinations are excluded from the self-determination of freedom through the highest concept, then self-determination now passes over into the contingency of insight and hence into sheer unawareness of what it is that decides a contingent insight.”¹⁰³ Again, if whim and personal preference are not viable mechanisms for the I’s determining of itself, then the only possible mechanism left is contingent insight, where the I remains unaware of why one particular insight makes its appearance as contributing to the feeling of harmony. For Hegel, the problem with invoking insight in the process of making a choice for the sake of self-determination is that the contingency of the insight does not “...satisfy the ethical impulse which aims at necessity.”¹⁰⁴ The presence of contingency within the process of moral decision making is counter to the intent of the process – self-determination according to the concept of freedom. Given that contingency and necessity are present ‘on the same level,’ the proof of the concept’s dominance over nature is undermined.

Hegel emphasizes that within Fichte’s system, the turn towards the political involves a conception of freedom that turns out to be purely negative. The highest synthesis within Fichte’s system is the deduction of the final purpose of freedom and the activity of the I that is essential to the realization of that purpose through an infinite series

¹⁰³ Hegel, 151.

¹⁰⁴ Hegel, 151.

of moments. In Fichte's political philosophy, the freedom of the rational being must be surrendered for the sake of the freedom of all rational members of the community. "So freedom must suspend itself in order to be freedom."¹⁰⁵ The condition that the freedom of the individual must be surrendered for the sake of the freedom of all individuals in the community, for Hegel, means that freedom is a negative, an indeterminate. As an individual in principle, the rational being is absolute indeterminateness; in order for that rational being to be a member of a community, the rational being must limit her freedom. In the face of others, the rational being is brought into synthesis with its finitude. But, since freedom for the rational being in the context of others is always freedom limited, the opposition between the freedom of the individual and the community persists. For Hegel, the problematic and incomplete synthesis of freedom and nature within Fichte's system amounts to an opposition between freedom and the community that cannot be suspended in principle: the negativity of freedom persists in the self-limitation carried out by the individual in the face of other individuals. The free community in Fichte's system is plagued with opposition: all communal relations within Fichte's are conditioned by the act of self-limitation, the very act which fortifies the opposition between the absolute indeterminateness of the individual and the relative determinateness of the community.

Hegel refers to the state of the relationship between the free individual and the tyrannical community as one of "indigence and necessity."¹⁰⁶ The natural law of Fichte's system results in a kind of poverty of the free individual insofar as the life of the

¹⁰⁵ Hegel, 144.

¹⁰⁶ Hegel, 146.

individual, a life that is free from necessary and limiting constructions erected by the community, is enclosed by the system of natural law in all its rigidity. Hegel emphasizes the problematic aim of Fichte's conception of the community in a particularly beautiful piece of prose: "This community under the dominion of the intellect is not presented [by Fichte] as one that is bound to make it its supreme law to suspend this indigence of life in which it is placed by the intellect, and to suspend this endless determination and domination in the true infinity of a beautiful community where laws are made superfluous by customs, the excesses of an unsatisfied life by hallowed joys, and the crimes of oppressed forces by the possibility of activities directed towards great objects. But instead the lordship of the concept and the bondage of nature are made absolute and extended infinitely."¹⁰⁷ Within Fichte's state the freedom of the individual is infinitely bounded insofar as anything under the purview of the state may be determined as an action against the law; the self-limitation of the freedom of the individual is confronted with the infinite bounding that may be brought about by the state and its laws. The dualized reality of the I as both infinite and finite manifests itself in Fichte's political philosophy insofar as the individual is both an infinite indeterminacy in itself and a finite determinacy with respect to her relationship with the state. The latter half of this dissertation project explores what it means from Hegel's perspective to explore the relationship between the individual and the state that is not based on the dualized I, and we shall see that the Idea of absolute ethical life addresses this issue explicitly.

Finally, the way to address the shortcomings of Fichte's pursuit of absolute identity is, from Hegel's perspective, found in the notion of the point of absolute indifference.

¹⁰⁷ Hegel, 146.

Like the Idea of absolute ethical life, the point of absolute indifference will serve to ground an account of the reality of human freedom in a way that allows for the actualization of a concrete identity. To be sure, the complexities surrounding the point of absolute indifference are explored in more detail later in this project. For now, we need only concern ourselves with an introductory take on the importance of absolute indifference in relation to Hegel's critique of Fichte's philosophy.

Fichte's system begins with an absolute identity, the $I = I$. As the deduction of the system is carried out, however, the principle of identity turns out to be *not* the principle of the system in its expression. The principle of identity gives way to an entrenched and absolute opposition that reveals itself as the core practical reason. The abandonment of the principle of identity means that the Subject-Object cannot be brought under the domain of an absolute intuition; instead, given the fixedness of the opposition between freedom and nature, the positing of the Subject-Object remains a subjective positing. In order for an objective positing of the Subject-Object to be made actual, the opposition between the inside and the outside, between the I and the not-I, must be suspended; since practical reason is incapable of suspending this opposition, the positing of the Subject-Object remains trapped within subjectivity. "For absolute identity to be the principle of an entire system it is necessary that *both* subject and object be posited as Subject-Object. In Fichte's system identity constitutes itself only as subjective Subject-Object. [But] this subjective Subject-Object needs an objective Subject-Object to complete it, so that the Absolute presents itself in each of the two Subject-Objects, and finds itself perfected only in both together as the highest synthesis that nullifies both insofar as they are

opposed.”¹⁰⁸ The highest synthesis between the subjective Subject-Object and the objective Subject-Object, then, occurs in the indifference point, for the indifference point is the explicit presence of the Absolute in both Subject-Objects. In other words, the completion of the synthesis according to Hegel is not the suspension of subjectivity for the sake of the objective Subject-Object; rather, the complete synthesis reveals itself in the mutual positing of the Absolute in both the subjective and objective. In this sense, the opposition between the subjective and the objective is suspended insofar as there is no more concern for where the positing of the Absolute resides, either in the subjective or the objective; while the opposition between the subjective and objective remains, the opposition is suspended insofar as both posit the Absolute. From the perspective of the Absolute, there is no difference between the subjective positing or the objective positing. “As their point of absolute indifference, the Absolute encloses both, gives birth to both and is born of both.”¹⁰⁹ The completion of the synthesis is not a simple nullification of the subjective or the objective; instead, the positing of the Absolute by both the subjective and objective brings about unity, but a unity that preserves and respects the differences. “Hence, the Absolute itself is the identity of identity and non-identity; being opposed and being one are both together in it.”¹¹⁰

3.7 Conclusion:

Through an exploration of Fichte’s philosophy of striving and Hegel’s critique, we have uncovered another key element that plays a significant role in the *Natural Law*

¹⁰⁸ Hegel, 155.

¹⁰⁹ Hegel, 155.

¹¹⁰ Hegel, 156.

essay. While Hegel is aligned with Fichte insofar as the task of philosophy should be the construction of the Absolute for consciousness, Hegel's position is that the completeness of the Absolute demands going beyond the domain of the intellect. Put differently, this chapter introduces the need for philosophy to hold off on ascribing irrationality to the world of nature, where an absolute opposition between freedom and nature is fixed absolutely. Instead, arriving at a complete synthesis of the Absolute requires us to rethink the terms of identity itself, where the point of absolute indifference becomes a central concern. While this idea remains vague at this point in the project, Chapter Five delves into this complex Idea in more detail. We now turn towards Hegel's critique of the program of *a priorism* in general.

CHAPTER 4. THE PROGRAM OF *A PRIORISM* AND HEGEL'S CRITIQUE

4.1 Introduction:

Chapters Two and Three argued that with respect to Hegel's account of natural law, the notions of the Absolute and the point of indifference are central to the philosophy. In this chapter, we focus on Hegel's critique of *a priorism* as a program for formulating an account of natural law. Recall that the second problematic way in which an account of natural law is pursued is through the employment of *a priori* thinking. The general program for an account of natural law that takes its foundation to be rooted in the *a priori* is to derive a system of natural law that is rooted in a principle that is independent from the world of determinate content. To be sure, determinate content may be given a role at some point in the account, but, crucially, the foundation of an *a priori* account of natural law is a principle of thinking. The account proceeds by deriving further elaborations from this first principle. Our path towards understanding Hegel's critique surrounding the program of *a priorism* requires a more detailed analysis of the concept of freedom employed in accounts of natural law rooted in the *a priori*. Now that we have problematized infinity in the context of Fichte's philosophy of striving, we turn to see how Hegel's criticisms of the program of *a priorism* is centred primarily on the notions of infinity and the point of indifference.

This chapter begins with an explication of Hegel's claim that the program of *a priorism*, because of its inability to incorporate infinity properly, puts forth an account of the Absolute that is one-sided or incomplete. Next, we turn towards Hegel's difficult and

compact account of what it means to conceive of the Absolute as complete. Here, we see that, whereas *a priorism* is concerned with constructing the unity where the one (the universal) lords over the many (the particular), an account of the Absolute that is complete must also incorporate the reality of the unity where the many lords over the one. The next section completes the criticism of *a priorism* by showing how the program results in a system of immorality precisely because *a priorism* is limited to ‘understanding’ specification of the particular in terms of opposition. The resulting laws and duties put forth contain within them an immoral core because *a priorism* perpetuates a kind of arbitrariness when elevating a particular content into the law or duty that is framed as a universal. Finally, this chapter ends with an account of Hegel’s claim that a positive unity, a unity that does not suffer from immorality, incorporates the perception of pain (*Schmerz*) in order to ground the content in the present moment. The conclusion of this chapter is that the shift towards a positive unity grounded in the ‘presentness’ of the feeling of pain is also the shift towards incorporating the empirical into an account of natural law in a distinct way philosophically.

4.2 The Problem of Infinity:

Hegel considers the opposition between *a priorism* and empiricism to be located most significantly in the concept of infinity. Infinity is the core principle of *a priorism*. Acknowledging that a thorough discussion of infinity cannot take place at this point in the essay, Hegel asserts what he takes to be the essence of the concept. Infinity is “...nothing but the unmediated opposite of itself.”¹¹¹ The issue to be unpacked here is

¹¹¹ Hegel, *Natural Law*, 71.

why infinity, also described as the negatively absolute, is opposed to empiricism. In order to do so, we must first note that as negatively absolute, infinity cannot be easily located in a concept. Infinity is "...the abstraction of form which, as pure identity, is immediately pure non-identity or absolute opposition which, as pure ideality, is with equal immediacy pure reality; as the infinite, is the absolute finite; as the indeterminate, is absolute determinacy."¹¹² I take Hegel to be foreshadowing the problematic way in which the concept of infinity is employed in accounts of natural law rooted in *a priorism*. Since infinity is a principle of movement, the essence of infinity is found in the transitioning towards the contradictory, not in the contradictory itself. In other words, infinity bears no burden, no point of rest, for infinity is itself simply the movement away from all rest.

Hegel states that the only way to 'work with' the concept of infinity, the only way that the raw power of change itself can be checked, is to proceed empirically.¹¹³ Accounts of natural law rooted in *a priori* thinking do not, and cannot, take up the concept of infinity correctly at their outset. Instead, *a priorism* proceeds by fixing one pole of the relation between the infinite and the finite, and abstracting away from this now-fixed pole towards the other pole. The result is that, for *a priorism*, two elements come to the foreground. The first is that finitude is opposed to infinity, where this opposition takes the shape of the negation of the multiplicity, or the world of the finite. The second element is that the opposition between the finite and infinity takes the shape in a positive sense as a pure unity. At the core of the program of *a priorism* is this

¹¹² Hegel, 71.

¹¹³ Hegel, 71.

complex relationship between the finite and the infinite, where the transition between these poles gives shape to, on the one hand, infinity as a negation of the finite and, on the other hand, infinity as the positing of pure unity. “[T]he absolute Concept *thus constituted* provides in this unity what has been called ‘pure reason.’ But once more the relation of this pure unity to the multiplicity of beings standing over against it is itself a double relationship, either the positive relationship of the existence of both or else the cancellation of both.”¹¹⁴ I take this portion of Hegel’s argument to be stating that the complex relationship between the finite and infinity that is at the heart of *a priorism* would ‘be complete’ in either utter unity or in utter cancellation. “[T]his existence and this cancellation are both to be understood as only partial, for were the existence of the two absolute, they could not be related at all, while if the complete cancellation of both were settled, there would be no existence of either.”¹¹⁵ In other words, the program of *a priorism* seems to set up the need for some kind of completion, but denies the possibility of that completion and instead dwells within the realm of the partial.

A priorism cannot posit both the world of the finite and infinity in an absolute sense, for the world of the finite as absolute would have no connection with the infinity as absolute. But, as we have discussed above, *a priorism* is able to proceed only by opposing infinity to finitude. Since the positing of the complete cancellation of both results in the existence of neither, the only remaining path for *a priorism*, Hegel argues, is to articulate the relation between finitude and infinity in ways that mistake the partial for the absolute. In short, the core of *a priorism* turns out to be the confused positing of both

¹¹⁴ Hegel, 71.

¹¹⁵ Hegel, 71.

the partial existence and partial negation of both the finite and the infinite. In order to grasp the significance of this statement and of Hegel's argument for reframing the role of finitude in an account of natural law, we must proceed carefully.

4.3 The Unity within *A Priorism*, or The Absolute as Incomplete:

The positive (partial) relation between pure unity and finitude is theoretical reason. For the purposes of this dissertation, our focus is on the second (partial) relation, namely the negative relation between pure unity and finitude, defined as practical reason. In practical reason, the negation of the opposition between pure unity and finitude is primary, and therefore the unity is more subsistent. Practical reason asserts the demand for the world of the finite to conform to the principle through the negation of the opposition between them. According to this philosophical lens, practical reason is primary insofar as it strives towards the negation of opposition, or strives towards completion, towards the overcoming of its partial existence; in doing so, practical reason makes its appearance in this program as real.¹¹⁶ So, *a priorism* must proceed by way of negating the many, the finite, for the sake of asserting the absoluteness of the one. The subsistent unity has its existence in the negation of the many, where the many is taken as the irrational. Tracking this thought allows us to grasp why, for *a priorism*, the many is something to be overcome.

The pure unity that is the centrepiece of *a priorism* comes by way of the one that is abstracted from the many, but the program of *a priorism* itself is framing the strict

¹¹⁶ Given that this thinking is taking place in the understanding, or in the realm of "opposition and appearance" according to Hegel, the pure unity that is its focus is an ideal unity, a unity that holds in the face of the irrational that opposes the rational.

opposition between the one and the many, between the rational and the irrational. “But this irrational many, since nature is posited in opposition to reason as pure unity, is irrational only because it is *posited* as the non-substantial abstraction of the many while reason is *posited* as the non-substantial abstraction of the one.”¹¹⁷ The pure unity of *a priorism* is the unity of the one and the many, where the one lords over the many. But, Hegel writes, despite the lens that the understanding takes to the relationship between the finite and the infinite, the many is in itself a unity of the one and the many – a unity where the many lords over the one.¹¹⁸ The key point here is that the notion of absolute unity is not exclusive to the thinking that holds the abstract one over the many. Since we have just determined that practical reason is real insofar as it has an eye towards completion, towards a pure unity, we find ourselves in a position where the reasoning that holds the many to lord over the one must also be real. We will return to this complicated assertion by Hegel that the concept of unity employed by *a priorism* is one-sided and blind to the unity of the many over the one later in the chapter.

Since, Hegel argues, the opposition within practical reasoning holds reality to be on the side of the multiplicity and the ideal to be on the side of unity, practical reasoning recognizes only a formal identity between the real and the ideal. The identity between the real and ideal in *a priorism* does not come to have reality: the difference between the real and the ideal cannot be overcome because this difference does not arise organically; instead, this difference is an opposition that is brought into the mix by way of the program of *a priorism* itself. Completion within the philosophy of identity proceeds only

¹¹⁷ Hegel, *Natural Law*, 72. My emphasis.

¹¹⁸ Hegel, 71.

if the differences arise immanently within philosophical thinking. Put differently, the philosophy of identity finds its completion in the absolute point of indifference that ‘frames’ the opposition of the real and ideal.

As we saw in Chapter Three, Fichte’s philosophical system of ethical thinking culminates in the principle of striving towards the absolutely independent I against the many. In short, the free I reveals itself in its own striving to overcome the difference between itself as subject and the limitations and demands encountered in nature, and overcoming the difference amounts to the self satisfying its absolute demand towards self-sufficiency. “This real [of practical reasoning] is essentially posited outside of reason, and practical reason resides only in its difference from it. The essence of this practical reason is understood as a causal relation to the many – as an identity that is absolutely infected with a difference and does not go beyond appearance.”¹¹⁹ The overcoming of the difference between the finite I and the absolutely independent I is not possible, however, for the overcoming of the difference brings about the annihilation of the program of striving, or, what is the same, the free I itself. For practical reasoning of this kind, the I is the absolute source of will that is charged with the task of engaging in causal relations with the indeterminable many for the sake of remaking the many according to the one principle. The principle of the one does not penetrate the many beyond its appearance; the remaking of the many for the sake of the absolute I just is the highest task recognized by this system of philosophy. Under this lens, practical reasoning moves towards its goal of absolute self-sufficiency by authoring the appearance of the many for the actualization of the absolutely free I – a task that is

¹¹⁹ Hegel, 72.

stretched into infinity. Thus the identity within practical reasoning between the real and the ideal is sundered by the very program of practical reasoning that is rooted in *a priorism*. The necessity of the posited external for the sake of the program just is the fixing of the opposition between the one and the many. The many is grounded in the incomprehensible, the irrational, the sheer thereness that cannot be incorporated into the one, but only ‘dominated’ by the one. The partial completion of the Absolute renders the Absolute a non-Absolute – a relative identity of the understanding.

4.4 The Absolute as Complete:

The incomplete absolute employed by *a priorism* results in a distorted account of the reality of freedom. Our attention now shifts to Hegel’s difficult account of the Absolute that is complete. An Absolute that is brought to completion by philosophical thinking *just is* the absolute identity of the ideal and the real. “The Absolute is known, according to its Idea, as this identity of differentials whose determinate character is to be unity in the one case and multiplicity in the other.”¹²⁰ What we must track here as we explore Hegel’s argument is the concept of a point of indifference as marker of an identity between the real and the ideal that is complete. The pure unity of *a priorism* is the relation between the one and the many where the one lords over the many, and, since the program of *a priorism* is an abstraction of the one that is opposed to the many, *a priorism* does not consider the relation where the many lords over the one. The assertion of the rational unity of the one is also the assertion of the irrationality of the many. The incompleteness of this program of philosophical thinking is on display, according to

¹²⁰ Hegel, 73.

Hegel, in the denial of unity where the many is primary. “Each of them, the unity and the multiplicity, whose identity is the Absolute, is *itself* a unity of one and many.”¹²¹

Whereas Fichte’s Absolute resides in the unity of the one and the many, where the one is posited as primary and opposed to the many, the identity of the complete Absolute is in the unity of the unity of the one over the many with the unity of the many over the one. While we have explored the unity of the one over the many (which finds expression in Fichte’s practical reason), we need to examine the unity of the many over the one in more detail. As we shall see later in this chapter, the unity of the many over the one and its relation to the Absolute is the point where the empirical is incorporated into Hegel’s account of natural law in a way that, ultimately, addresses the shortcomings of the program of *a priorism*.

The unity of the many over the one is a unity that has the “ideal determinate character” of multiplicity.¹²² The term ‘nature’ is the expression of the ideal aspect of the unity of the many over the one. The positive reality of differences, of innumerable finite relations, is the expression of the real aspect of this unity. But the persistence of opposites within this unity entails only a relative identity. On the one hand, the persistence of opposites within this unity manifests as a necessity of differences. On the other hand, since this is an identity, the identity itself must be different than the differences within the persisting opposition. The complication with this unity is that both the one and the many are primary through necessity. There must be differences within nature, but nature itself must also be an identity that is not itself enveloped in the

¹²¹ Hegel, 73. My emphasis.

¹²² Hegel, 73.

oppositions. Within this unity is a double relation where necessity takes the shape of the persistence of opposites in the many and the difference between the identity itself and what resides in the identity is also rooted in necessity. “This double relation determines the twofold aspect of the necessity, or the appearance, of the Absolute.”¹²³ While the unity whose ideal determinate character is one, the unity that is the focus of *a priorism*, is a one-fold relation, the unity whose ideal determinate character is multiplicity is a twofold relation. “Since this twofold relation applies to the multiplicity, and provided we term ‘indifference’ the unity of the differents which stand on the other side and in which that reality or the many is superseded, then the Absolute is the unity of indifference and relation.”¹²⁴ The unity of the Absolute is, in part, the supersession of the twofold relation explored above. Thus, the Absolute reveals itself “... (i) as the unity of indifference and of the relation, or the relative identity, in which the many is primary and positive, and (ii) as the unity of indifference and of that relation in which the unity is primary and positive.”¹²⁵ Again, the philosophical account rooted in *a priorism* contends that the absolute reveals itself as the identity between the real and the ideal but where rationality resides only in the ideal. The fixing of the opposition between the real and the ideal, coupled with the endless striving of practical reason to bring about the ‘complete’ identity between the ideal and the real, entails that the real, the multiplicity, is a limitation on freedom that arises from the check of the indeterminable. From this perspective, the only logical response to this limitation of the indeterminable is to work towards determining it according to the ideal. The limitation on freedom is then taken as a central

¹²³ Hegel, 73.

¹²⁴ Hegel, 73.

¹²⁵ Hegel, 73.

thread for determining the ethical world. The irrationality of nature is expressed in its ‘revealed’ indeterminability; the task of freedom in this context is determining itself as free through the determining of nature according to freedom’s will. Underlying the totality put forth by *a priorism* is freedom as freedom *from the limitations of nature*.

However, because the twofold relation in the multiplicity shapes how the Absolute reveals its existence, we must recognize that the unity of indifference and the positive reality of the many differs from the unity of indifference and the positive reality of the one. “The former is physical nature, the latter ethical nature.”¹²⁶ Here, Hegel makes a crucial distinction within what was conceived of as simply nature from the perspective of *a priorism*. Importantly, we may say that two ‘natures’ are at play: (1) physical nature, or a unity that holds the positive reality of the many of the multiplicity as primary, and (2) ethical nature, or a unity that holds the positive reality of the one of the multiplicity as primary. The absolute identity of the real and the ideal of the philosophy of the understanding is replaced here with a more complicated identity.

Since both physical nature and ethical nature involve the unity of indifference and a relation, *each nature therefore is the appearance of the oneness and indifference of freedom and necessity*.¹²⁷ Here we see the way Hegel brings freedom out of its strict opposition to nature: Whereas *a priorism* takes freedom to be opposed to nature and a ‘category’ employed by the subject when articulating her world, Hegel’s argument locates freedom in two places: the ethical world and the physical world. Since necessity is primary in physical nature, freedom does not announce itself in the foreground of the

¹²⁶ Hegel, 73.

¹²⁷ Hegel, 73.

relation between the many (as primary) and the one. Instead, freedom expresses itself in its deferring to the necessity of nature.¹²⁸ So conceived, freedom is never in absolute opposition with the necessity of nature. In ethical nature, however, freedom makes its appearance in the relation because the unity is primary. Here we see a freedom that is the result of the relation between freedom and necessity within ethical nature posited negatively. In other words, it is necessary that freedom makes its appearance in ethical nature, but *this underlying necessity does not hinder freedom's appearance as a negative.*

4.5 A Closer Look at Ethical Nature:

Hegel asks us to isolate this relative identity of ethical nature, the identity where freedom makes its appearance in relation to necessity as a posited negativity. When isolated, this relative identity of ethical nature turns out to be occupying the same logical space as practical reason within *a priorism*. In practical reason, freedom is taken to reveal itself as absolute causation originating in the subject that is opposed to the necessity of the indeterminable; freedom is taken to be the power to initiate a new causal series, where this initiation is independent from nature. In this relative identity of ethical nature (now-isolated for the sake of argument), freedom occupies the same position. In both cases, the necessity of nature is posited as the foil against which freedom reveals itself. If we look at the Absolute from the perspective of this now-isolated relative identity of ethical nature, if we treat this identity between freedom and necessity as absolute, then the incompleteness of the Absolute reveals itself. “As a result, this very freedom does not escape from difference; relation or relative identity is made the essence,

¹²⁸ Put differently, freedom freely moves itself to the background. The necessity of nature makes its appearance as such through freedom's decision to relent.

and the Absolute is conceived solely as negatively absolute or as infinity.”¹²⁹ Just as the Absolute cannot make its appearance as free from difference in this relative identity of ethical nature, so too within practical reason is the appearance of the Absolute chained to a relative identity. Hegel’s line of thinking is that since practical reason employs a conception of the Absolute that posits the fixed opposition between freedom and nature, the Absolute can only reveal itself in the negative, in infinity. The fixed opposition entails that freedom is always contending with its difference from nature, and the overcoming of this difference only has existence in infinity or, what amounts to the same, the absolute abstraction of the one from the many.

Fichte’s conception of the identity between the real and the ideal, then, is rooted in an incomplete conception of the Absolute and its various complex unities of indifference and relation. Fichte’s philosophy of striving holds that the real and the ideal do not immediately correspond, for they are posited as being in a relation of opposition; the unity of the I is opposed to the multiplicity of indeterminate nature. Since identity between the real and the ideal is the absolute demand placed on the I by the pure I, the I, through its own absolutely autonomous action, wills to bring about correspondence between the real and the ideal through the domination of the real by the ideal. The fault of this philosophy is treating the negative absolute as the true Absolute. The system of ethics that is rooted in what Hegel describes as the negative absolute of the philosophy of striving carries within itself the impossible task of achieving absolute independence

¹²⁹ Hegel, *Natural Law*, 74.

through moral action. The conceptual terms that practical reason operates with, however, betrays the sheer impossibility of the task.

4.6 The Problem of Elevating Content into the Universal:

By introducing the problem within the program of *a priorism*, we have the path through which we can determine that the account of natural law rooted in *a priorism* is also problematic. We are now finally in a position to better articulate Hegel's critique of a science of morality rooted in the Concept. Since we have determined practical reason to be occupying the same logical position as an isolated and relative identity of ethical nature, the *a priorism* that is operative within practical reason demands *one* system of morality. Put differently, practical reason does not allow for a plurality of laws, for all laws are to be grounded in the one system. The system of morality of practical reason sets up a strict division between what is rooted in the pure Concept and what is beyond the pure Concept. The concepts of duty and law fall within the domain of practical reason because they are rooted in the pure Concept that is at the heart of *a priorism*. Whatever falls outside of the domain of the pure Concept is set in opposition to the Concept. Since only the *form* of law and duty is rooted within practical reason, the *content* of these laws and duties cannot occupy the same logical space as their form. The supreme principle of practical reason's system of morality – the moral law – pertains only to the formation of the law. In other words, practical reason is only able to determine whether the law is formed in a way that 'fits with' the logical demand of the moral law.

Let us now take a closer look at Hegel's critique of the limits of morality and the problem of incorporating content from the empirical world into the laws and duties

formulated by the moral system. The specifics of a particular action must make their appearance only as the opposition to be abstracted from for the sake of internal consistency with its supreme principle. “The absolute law of practical reason is to elevate that specification into the form of pure unity, and the expression of this specification taken up into this form is law.”¹³⁰ Formulating the specification according to the form of the pure Concept bears out two possibilities according to Hegel. The first possibility: the specification, when formed into a law, cancels itself. The law that is derived from the specification, when elevated into the universal, contains an internal contradiction resulting in the cancellation of the law itself. Put differently, the maxim of the specification cannot be made into a universal law without contradiction, and therefore the maxim is not lawful from the perspective of the absoluteness of the moral law. The second possibility: the specification, when formed into a law, does not engender a contradiction. In this case, the law is rendered absolute on the basis of the negative absoluteness of the moral law. Put differently, the articulation of the specification rendered into a law is in terms of rights and duties where no internal contradiction arises.

Hegel argues that the second possibility is only capable of producing laws that are empty of content. The second possibility, the rendering of the maxim of a particular action as lawful according to the pure Concept, elevates the specification to the level of universality. However, the elevation of the specification into universality and the reception of this universal by the pure Concept results, according to Hegel, in a merely analytic unity. The content of the specification has been purified from the process of elevation; when the specification is universalized it is subsumed by the pure Concept.

¹³⁰ Hegel, 75.

“And when the unity is conferred on it is expressed in a sentence purely as it is, that sentence is analytic and tautological.”¹³¹ The faculty of practical reason aims to produce moral legislation that accords with the pure Concept, where the subject of this legislation is abstracted from the specifics of her situation. According to Hegel, what we want from practical reason is the content of our rights and duties, but practical reason, because of its insistence on abstraction from the specific, cannot determine that content. The faculty of practical reason ensures that our maxims are formulated in ways that accord with the pure Concept; but the very process of ensuring that our maxims fit the form of law entails that practical reason cannot tell us anything about the content of those laws. Put differently, practical reason, because of its focus on the pure Concept, can tell us only whether our thinking conforms to the demands of the moral law, or whether our will is organized in a way that harmonizes with the good will. We are supposed to be able to trust the results of practical reason because they are contained within the pure thinking of the rational being. A declaration of consistency by practical reason should be taken as a declaration of certainty of the moral worth conferred on the action. Ascertaining the validity of the form of our thinking is the essence of practical reasoning, and we can be certain that the results of practical reason are authored by ourselves and only ourselves. However, if we were to introduce content into the mix, then practical reason would be forced to go beyond the realm of the concept of the will itself.

The introduction of content puts practical reason in a difficult position, for it is no longer able to determine with certainty the moral worth of an action on the basis of abstract thinking alone. The autonomy of the will gives way to the possibility of

¹³¹ Hegel, 76.

heteronomy of the will on the basis of the reference to content, for the content is not under the control of the rational being in the same way as is its own thinking. Following Hegel's argument, the only way to maintain the autonomy of the will and certainty of the results of practical reasoning is to abstract away from the content in the most complete sense. The law is concerned with some specific content, and the law put forth by practical reason is that content elevated to the level of the universal. The moral significance behind the law put forth only holds insofar as the law is able to hold as universal legislation for all rational beings, and the process of elevating the specific into the universal is a necessary step in practical reasoning.

However, the program of elevating content into the universal is incapable of determining *which* content should be elevated. Any specific content is capable of being taken up into the universal, for the universal is in principle concerned with the formulation of the universal. In order for pure practical thinking to be able to determine which content should be taken up into the universal, which content should be used as one key part of the law put forth, practical reason would need to show concern for the contingent and particular content. But, in order to maintain its purity and its certainty of satisfying the demands of the moral law, practical reason cannot make definitive judgements about which content should be elevated. In principle, *any* specific content could be elevated to the level of the universal. "Every specific matter, however, is inherently particular, not universal; the opposite specific thing stands over against it [the particular content that is to be elevated], and *it is specific only because there is this specific opposition.*"¹³² The specific content is only so because of its relation of

¹³² Hegel, 77. My emphasis.

opposition to *other* specific contents. The specific content and its opposites are equally viable ‘candidates’ to be elevated to the universal. At the outset, these specific contents are equivalent from the perspective of pure practical reasoning. The contradiction associated with an elevated specific content reveals itself only *after* it has been taken up into the universal. Hegel states that even when there appears to be only one specific content in ‘reality’ that could be elevated, practical reasoning must nevertheless remain open to the particular content that opposes the one that is ‘real.’ Even when the opposite cannot be posited in reality, the opposite can nevertheless be posited in thought. And since the program of practical reason is in essence a kind of thinking, both the thought of the specific content and the thought of its opposite are viable candidates to be taken up into the universal by practical thinking.

Hegel uses the example of property to illustrate his argument. Suppose the specific content we are thinking about is property. When elevated into the universal, this content becomes the following: “property, if property *is*, must be property.”¹³³ If we are legislating laws regarding the specific content of property, we must make sure that if there is property, we treat it as property. Put differently, if we posit the content of property but treat it in a way that is as not-property, then those maxims which posit not-property are not lawful. The basic program of practical reason here is to posit some X and assert that maxims that treat X as not-X are unlawful. Again, the aim of practical reason is consistency according to the pure Concept. If property is to have moral significance, then whatever undermines property conceptually is inconsistent with property as a universal law. However, a similar result can be reached if our specific

¹³³ Hegel, 78.

content at the outset of our thinking is the negation of property. “But if we posit the opposite thing, negation of property, then the legislation of this same practical reason produces the tautology: non-property is non-property. If property is not to be, then whatever claims to be property must be cancelled.”¹³⁴ The moral significance that is the product of practical reasoning is in the internal consistency of the chosen specification elevated to the level of the universal. The demand for internal consistency ensures that the outputs of practical reason remain abstract from the content, and the significance of the law always remains opposed to the real. Moral significance has not yet penetrated the specification itself, and thus the moral significance of any specific content is not addressed through pure practical reasoning. Since the legislation of practical reason, in order to remain pure, cannot extend into the realm of the impure, practical reasoning is in no position to determine with certainty the moral significance of a specific content as opposed to other specific content.

4.7 Pure Practical Reason and Immorality:

We now turn towards Hegel’s claim that practical reasoning, and the system of morality grounded therein, in fact results in a system of immorality. The problem of practical reasoning is that it is unable to justify wholly the elevation of one specificity over another. Hegel further argues that this problem results in not simply a ‘principal of confusion’ but a principle of immorality.¹³⁵ Pure practical reason aims to establish absolutes. Since a specific content is only so in relation to other specific contents, only non-absolute relations are present at the level of the content. If we turn to pure practical

¹³⁴ Hegel, 78.

¹³⁵ Hegel, 78.

reason to elevate the specific content, uniting the content with the form of pure unity, we must again determine whether a legitimate absolute has revealed itself. For Hegel, the basic problem is that specific content is by definition without inherent necessity. No necessity can be found at the level of the impure that demands a specific impurity to be elevated into the universal. The program of practical reasoning is to abstract away from the impurity, and unite the elevated content with the form of pure unity. However, the mark of impurity cannot be wholly annihilated through abstraction; the origin of the elevated content always remains impure.

Immorality arises because practical reasoning takes something that is rooted in the impure and asserts that same thing as pure. “But when a specific and individual thing is elevated to something inherently [necessary], absurdity and, in the moral sphere, immorality are posited.”¹³⁶ The demand for the form of law has overshadowed determining whether the law, with its specific content, is in fact moral. If we suppose that property exists, then pure practical reasoning states that we must treat what is property as property absolutely. The absoluteness found in the product of practical reason is, Hegel argues, merely negative and formal.¹³⁷ The absoluteness of the declaration of practical reason does not affect the specific content because that content must be treated as a hypothetical. Therefore, practical reason is entangled in a confusion. “But by confusing absolute form with conditioned matter, the absoluteness of the form is imperceptibly smuggled into the unreal and conditioned character of the content...”¹³⁸ Practical reason is only warranted in asserting that the *form* of the assertion is absolute.

¹³⁶ Hegel, 78.

¹³⁷ Hegel, 78.

¹³⁸ Hegel, 79.

Given that the absoluteness of the content is smuggled from without and united through confusion with the specific content, any specific content may be made into a duty. At the core of practical reason's program is a decision made by the arbitrary will – this content and not that one.

The ineliminable presence of the arbitrary will in the program of practical reason is in direct conflict with its claim to determine what is rightful absolutely. Practical reason can only blindly annihilate the specific for the sake of the universal, but, despite these efforts by practical reason, the universal retreats more fully into the realm of formalism. In short, if practical reason annihilates the specific for the sake of asserting the universal, the assertion itself becomes arbitrary and immoral. If practical reason were to seek to preserve the specific, then the universal drawn from the elevated content cannot be asserted absolutely. The only unity that can be asserted by the practical reason of *a priorism* is a negative unity, one that asserts the complete supersession of the specific content for the sake of the tautological law put forth.

Hegel's position is that if we were to understand the thinking of unity to be more than merely asserting the universal through the annihilation of the specific, then our conception of unity would involve more than the purely negative. Recall the two possible paths that the practical reason of *a priorism* may take: either (1) practical reason wholly annihilates the specific for the sake of asserting the universal, or (2) practical reason seeks to preserve the specific thing and is then unable to assert a law that is absolute. In the case of (1), practical reason certainly overcomes the difference initially posited by practical reason, but doing so only by abstracting away from all content. However, the resulting assertion is merely tautological, analytic, and makes no judgement

on the world. The erasure of difference means there is no moral difference between the subject and the predicate because in the result of practical reasoning *no difference is actually posited*. In the case of (2), the universality that is sought after by practical reason is endlessly undermined by the empirical multiplicity that remains opposed to the specific content. In this case, any assertion of practical reason begets the need for a further assertion, and the law that is to be posited is entangled in an ever-growing web of assertions. Either case puts on display the limitation of a practical reason that operates with a conception of unity that is purely negative.

The primary concern that led us to this point in the argument is whether practical reason is capable of putting forth a moral claim that incorporates our experiences, our perceptions in a way that accords with the Concept. The morality of the claim we are seeking is only preserved if the content involved in the thinking is not annihilated by an unrelenting demand for formal consistency according to the pure Concept, expressed here as the negative unity of pure practical reasoning. If we introduce the demand for a certain form of thinking when dealing with our perceptions, we end annihilating the specific content, and the moral significance of the content fades into a confused attempt to turn the specific into the absolute. Once possibility enters into our thinking, once we express the significance of the particular as opposed to others, and then seek to raise this contingent particularity into relations of opposition to others, the contingency of the now-elevated content reveals itself as a relative universal masquerading as an absolute.

4.8 A Positive Unity Through Pain:

Following Hegel's line of reasoning, we have established that a unity put forth by the Concept results in a system that is unable to incorporate specification or content into its account. We now turn to Hegel's argument for an account of a system that incorporates specification properly. Put otherwise, we now turn towards examining what it means for a unity to be grounded ultimately in the point of indifference.

Recall that pure thinking left to its own devices cannot incorporate the content from perception in a way that is consistent *and* moral. Taking the force of perception seriously in our thinking entails that we also take seriously the 'presentness' of the moral significance of the specific content. The immorality of the claim put forth by pure practical reasoning comes about by stripping the force of morality found in the presentness of the perception. The task becomes how to maintain the force of perception alongside the force of morality in a way that results in a moral claim that does not annihilate the content nor cling to a false absolute. The answer to this question is found in the reality of the positive unity of indifference. The issue here, though, is that the inclusion of feeling in the experience of the free being results in an assertion that is beyond moral.

The root of the positive unity, Hegel argues, is found in the feeling of pain. "A pain is lifted by the force of perception from feeling, where it is something accidental and contingent, into unity and the shape of something objective and absolutely necessary."¹³⁹ While the feeling is grounded in contingency, the pain transitions from feeling into a unity, where that positive unity maintains the necessity of the pain of the experience.

¹³⁹ Hegel, 81.

“By this immediate unity, which does not trouble at all about possibilities which formal unity entails, it [the pain] is maintained in its absolute presentness [*absoluten Gegenwart*].”¹⁴⁰ The pain, the feeling that is brought to the foreground by the force of perception, enters into a unity that is not infected with possibility and maintains the force of the moment, the ‘weight’ of the specific content in its immediacy. This pain is not relegated to the inner reality of the subject; rather, the force of perception reveals the pain in the immediate unity as objective. “[The pain] is genuinely severed from the subject and made ideal in the fixed perception of this unity.”¹⁴¹ At the same time, however, this pain also reveals itself as contingent in the thinking of the subject. “[W]hen compared by the unity of reflection with other specifications, or considered and rejected as a universal, this pain is in either case made contingent; as a result, the subject knows himself purely in his contingency and particularity, which knowledge is the sentimentality and the immorality of impotence.”¹⁴² The formalism associated with the negative unity of pure practical reasoning is replaced with the positive unity of the necessity of the feeling of pain in this moment coupled with the awareness in thought of the subject’s particular circumstance.

Importantly, the knowledge that the subject has is not of the universal law, but of the immorality of doing nothing in response to this feeling. I take this to be the point where the moral significance of the moment reveals itself in the intuition of conscience: the pain reveals itself as the ‘bite’ of conscience; it is up to the subject to act according to her conscience, where she has awareness that failing to act according to her conscience is

¹⁴⁰ Hegel, 81.

¹⁴¹ Hegel, 82.

¹⁴² Hegel, 82.

to be immoral. Immorality is no longer something that is contained in the nebulous thinking of pure practical reasoning; rather, immorality is found in not responding to the presentness of the feeling of pain, to the objectivity of perception elevated into the positive unity. The fixing in the positive unity is not a 'decision' of pure practical reasoning; instead, the fixing in the positive unity is rooted in perception itself, the presentness of the moment.

Hegel puts forth a definition of a unity that is beholden to asserting the true indifference of the specific content that it subsumes. The positive unity of perception is not the fixing of relations of opposition between the specific content; rather, the unity is "...their summation and objectification."¹⁴³ While possibilities fell under the concern of practical reasoning, overburdening it, the hypothetical has no place within this positive unity. In order to posit a positive unity, the indifference must be united with the differences in a way that does not oppose what is possible with what is actual; there is no fixed opposition between the specific content that would push our thinking towards immorality. Instead, all specific content is actual within this positive unity. I take this claim to be important because if our thinking operates according to possibilities in relation to actualities, we cannot but fix a relation of opposition. To be sure, the claim that all specific content is actual within the positive unity is striking, but we will now turn to make sense of why the positive unity must take this shape.

The scope of possibility that infected all elevated content of the negative unity is now limited merely to the possibility of the subject to act or not act. In the negative

¹⁴³ Hegel, 81.

unity, possibility is able to attach itself to the elevated content; in the positive unity, possibility is only able to attach itself to the knowledge of the subject. The force of perception means that the feeling is fixed, where that feeling is itself a feeling without having to be in a relation to other feelings. By this, I mean that the specific content that is to be elevated in practical reasoning is only so because of its relation to opposed content. Here, the feeling is able to itself be a feeling without opposition.

The significance of this development is that the moral expression that is rooted in the force of perception is grounded in a presentness, a ‘this.’ This expression results in what Hegel calls a living relation¹⁴⁴ that is absolutely present, where the subject is under the force of ‘do this or do not do this.’ The possibility of other specific content that would undercut the significance of the ‘this’ that is present does not enter into the subject’s thinking, for the one possibility facing the subject is utterly separated from other possibilities by the ‘thisness’ of the pain.

Let us return to the example of property that Hegel uses in this argument in order to understand how the force of perception enters into the account. We have explored previously Hegel’s argument for why pure practical reasoning is only able to produce the expression ‘if property exists, then property must be taken as property.’ This expression is tautological insofar as, once expressed in terms of the universal, the unity is analytic:

¹⁴⁴ The term ‘living relation’ refers to the concrete ways in which freedoms come together as a particular community. Particular content is endorsed by individuals as meaningful with respect to the project of self-expression, and this content provides the basic terms of meaning that condition how individuals within a particular community engage in self-expression within the context of the community as a whole. Living relations are rooted in history and vulnerable to change, just as is any concrete expression of freedom according to Hegel’s line of reasoning. The history of a community of individuals is, in part, comprised of the ways in which the living relation is endorsed or challenged by the members of the community, those which are to be serviced by the terms and meanings set by the living relation. In short, the living relation refers to the laws, customs, and institutions central to the concrete reality of the community.

the tautological expression that is based on the negative unity of formal thinking is ‘another’s property entrusted to me is another’s property entrusted to me.’¹⁴⁵ In contrast, the expression based on the unity of perception, the objectivity of perception united with the subject’s knowledge of her own contingency or particularity, takes the following shape: ‘a property of someone else entrusted to me is the property of someone else entrusted to me, *and nothing else*.’¹⁴⁶ The expression based on the negative unity of formalism is specific content made universal, but the process of universalizing the content leaves open the possibility of an expression that draws on a specific content that opposes the original one. “On the other hand, the expression of perception contains a *this*, a living and absolute presentness, with which the possibility is itself absolutely linked, and whereby a possibility separated therefrom, or a ‘being other,’ is absolutely annihilated, because in such a possible ‘being other’ lies immorality.”¹⁴⁷ The expression based on the positive unity of perception annihilates the possibility of others infecting the absoluteness of the expression. When elevated, this feeling made objective preserves the subject’s knowledge that she has the power to act and that her expression of her action must not be mixed up in the program of formalism to abstract away from the presentness of the moment for the sake of a negative unity in thinking. Put differently, whereas the negative unity views the presentness of the moment as an impurity that is to be stripped away for the sake of the universal, the positive unity that elevates the perception of the subject views the presentness of the moment as an anchor, a necessity of perception, and a reminder of the subject’s power to act.

¹⁴⁵ Hegel, *Natural Law*, 82.

¹⁴⁶ Hegel, 82. My emphasis.

¹⁴⁷ Hegel, 82.

To be sure, the expression based on the unity of perception does not take the shape of a general rule for any rational being. The role and scope of general rules in the ethical world is fundamentally altered according to Hegel's argument, and we will explore the ramifications of the argument in Chapter Six.

4.9 Conclusion:

The turn towards presentness is the turn towards the empirical: the positive unity of perception is the unity of the positive content of experience with the negative content of the power of freedom or the knowledge of one's own choice. Here we see a glimpse of the role of the empirical in our thinking about ethics. In this positive unity, the 'annihilating might of reason' is held in check with the immediacy of feeling of pain of conscience. An entailment of this thinking is that moral significance is reduced to the moment, where that moment is confronted with the freedom of the subject. Laws and duties can no longer be expressed with reference to the rational being as such. The fixed infinity employed by *a priorism* reveals itself as separated from the absolute. *A priorism* turns out to be wedded to a unity that is produced only in relation to a multiplicity that is unending, an absolute finitude. Here we see that *a priorism* shipwrecks, for the encroachment of finitude only further galvanizes *a priorism* in turning towards the annihilating power of reason. The programmatic flaw shows itself in this moment, for the annihilating power of reason, so employed, only further perpetuates the problem of isolation that, according to Hegel, plagues pure practical reasoning.

By introducing the positive in such a way, we limit the power of reason to proclaim the dominance of universals in evaluating a particular action. Instead, the rightfulness of

the act is restricted to the moment wherein the free being finds herself. Once we recognize the significant role of the empirical in our ethical thinking, we are no longer able to determine what is right according to universals; instead, rightfulness and history become intertwined, where the story of the rightfulness of the free being is extended into, and intimately linked with, the empirical world. The good will offers us no real salvation. Rather, we are left to our own devices, to our own stories of freedom articulated in history. The salvation offered by the good will is replaced with a historical judgement, where what is judged is, in an important sense, rooted in the positive unity articulated above. Here we can see the explanatory seeds for Hegel's challenging claim that true justice is found only in intuition, a claim that will be explored in Chapter Six. However, in order to appreciate the nuance of Hegel's position regarding justice, we must now turn to an articulation of the key elements that make up the Idea of absolute ethical life.

CHAPTER 5. THE ELEMENTS OF ABSOLUTE ETHICAL LIFE

5.1 Introduction:

The focus of this chapter is on what Hegel calls the Idea of absolute ethical life (*absoluten Sittlichkeit*). A sustained and detailed unpacking of this important part of Hegel's thinking provides us with the clearest path towards understanding the challenging but compelling claim of articulating natural law in a way that does justice to both aspects of the empirical and *a priori* programs should be preserved. In order to gain insight into the Idea of absolute ethical life, our path begins with Hegel's articulation of what he takes to be the problem found within Fichte's concept of freedom. We then move on to articulating just what Hegel means by the concept of absolute freedom. The absoluteness of freedom, for Hegel, reveals two essential elements within the reality of freedom that turn out to be at the core of ethical life – the positive and the negative. Next, this chapter shows that the way in which the positive and negative manifest themselves is as a kind of fundamental and dynamic tension resides in the very core of ethical life. I show that the reality of this tension has two entailments, which are central to Hegel's argument: (1) the 'life' of ethical life is made real through a performance that ultimately involves ethical life sacrificing a part of itself for the sake of its own growth, and (2) ethical life, through its own performance and growth, has a historical body.

5.2 Freedom and the Problem of Absolute Oppositions:

Focusing on Fichte's account of a system of natural right grounded wholly in a system of human freedom, Hegel begins by noting that the primary task of such a system

is to compel individual wills to act in accordance with the general will. The problem raised above is already surfacing: such an account of communal life is already presupposing an opposition between the individual will and the general will. Starting from the *opposition* between the will of the free individual and the general will, Fichte's account proceeds by assuming that harmony between the individual will and the general will may be accomplished or brought about through compulsions on individual wills. "Oneness with the general will thus cannot be understood and posited as inner absolute majesty, but only as something which is to be brought about by an external relation or compulsion."¹⁴⁸ The starting point of the freedom of the individual is geared towards the development of a communal life that is made possible through supervision and compulsion of the general will. The problem for Hegel is that if the unity between the individual will and the general will is an accomplishment, and if the method of achieving and maintaining that accomplishment is compulsion and supervision, then no transition from the real to the ideal is possible. Since compulsion is an essential step in the series of moments meant to overcome the opposition between the individual will and the general will, there must be a starting point – a positive reality where the individual will is compelled to act in a certain way according the demands of the general will.¹⁴⁹ This starting point, however, must be immanent to the system; otherwise the consistency of the system is under threat.

The accomplishment of bringing the individual will under the sway of the general will must have a starting point, an original compulsion that is the supreme will. Thus,

¹⁴⁸ Hegel, 85.

¹⁴⁹ Hegel, 85.

Hegel argues, three wills are at play: (1) the will of the free individual that is opposed to the general will and is subject to the compulsion and supervision of the general will, (2) the general will that is the source of the compulsions, and (3) the supreme will that compels the compulsions. The issue is that if the system is to be consistent in its derivation, then the ‘original’ compulsion of the supreme will must be immanent to the system. Hegel reminds us that the supreme will is not just lording over the general will but also the individual will. Put differently, the supreme will is the ground of both. So, whatever compulsion is put forth by the supreme will, said compulsion must apply equally to the individual will and the general will. For if the compulsion of the supreme will is applied unequally, then “...only one part, and not its opposite, is under compulsion, which ought not to happen.”¹⁵⁰ We must investigate what it means for an ‘original’ compulsion to be immanent to the system of freedom that is rooted in *a priorism*.

The basic point is that an ethical order that is rooted in the apparent opposition between the individual will and the general will reveals its own nullity through its reliance on coercion, either in the form of the general will coercing the individual will or in the form of the individual wills coercing the general will. “What this has shown is that the ethical order posited according to relations alone, or externality and coercion understood as a totality, is self-cancelling.”¹⁵¹ For Hegel, the problem resides in the unwarranted fixing of the relation of opposition between the individual will and the general will. Under this system, the freedom of the individual completes itself, or

¹⁵⁰ Hegel, 86.

¹⁵¹ Hegel, 88.

reaches its fullest expression according to the concept of universal freedom, under the compulsion and supervision of the general will. Put differently, a relation that is external to the freedom of the individual is, according to *a priorism*, posited immediately alongside the individual within an account of the ethical order.

5.3 The Absoluteness of Freedom:

Hegel's analysis of a system of right rooted in Fichte's conception of human freedom emphasizes the importance of the concept of coercion to that system. Coercion turns out to be the primary way of coming to an identity between the individual and general wills. If, however, philosophy shows us that concept of freedom employed by the absolute Concept is inadequate, then the concept of coercion only has a grip on our thinking about right because of this underlying conceptual error in our thinking about freedom. Our exploration of Hegel's Idea of absolute freedom reveals: (1) the concept of freedom employed in accounts of natural right rooted in the *a priori* program is inadequate, and (2) the concept of coercion, so central to the absolute Concept, is at odds with the absoluteness of freedom. Let us first turn towards Hegel's argument for the absoluteness of freedom.

Suppose that we posit the concept of universal freedom for all, and suppose further that we posit the concept of original freedom of the individual. The concept of universal freedom for all is, in this context, taken as absolute, as total. The concept of original freedom is posited as finite, as limited. Limited freedom, by definition, is not absolute. No amount of external influence or pressure on the individual could raise the individual to the 'higher' level of freedom, or bring the freedom of the individual into alignment

with absolute freedom. The problem with this view of freedom, from Hegel's perspective, is that freedom, conceived properly, cannot be limited by anything alien or external. "But a freedom for which something is genuinely external and alien is no freedom; its essence and its formal definition is just that nothing is absolutely external."¹⁵² Original freedom cannot be understood as being opposed by something external to it; freedom, even in the individual, is the power to be in a position to challenge or overcome limitation.¹⁵³

Suppose that a free being is presented with a choice, and, as a limited being, must make a choice between two opposed options. If we were to understand freedom as something finite and limited, then we might be tempted to claim that the free being is forced to make a choice among limited options; in other words, the expression of freedom in this case comes from making the choice between the two opposed options, +A or -A. Hegel describes this as empirical freedom, a freedom that is enveloped by the necessity of the empirical world. The free being must turn either left or right, where each option *appears* independent from the other.

Hegel argues that the true, hidden power of freedom is the negation of oppositions *themselves*. When presented with an apparent opposition, the free being is always capable of overcoming the supposed opposition, of denying the reality of the opposition. The opposition presents itself as an external limiting force, and the free being is always

¹⁵² Hegel, 89.

¹⁵³ The confrontation with an external limitation cannot penetrate to the core of original freedom because freedom could choose to incorporate that limitation into its very project. In other words, freedom is able to transform any condition of limitation into a condition of being free.

capable of proving to itself that the limiting force is merely an appearance.¹⁵⁴ We must now explore why the free being is capable of overcoming any apparent opposition, and why the freedom of the individual must be understood as not limited in an important sense.

First, we must note that for the free being any specificity is, in its essence, linked to that which it is not. Turning left, a specificity, cannot be wholly abstracted from turning not-left, for example. The possibility of turning left makes implicit reference to not turning in other directions. Suppose that the free being is confronted with the apparent opposition of turning left or turning right. If she were to turn left, she is equally in the position of being subject to the (empirical) necessity of not turning right. However, the free being is ‘connected’ to the concept of turning right since turning left and turning right necessarily have a relation to each other – a relation of opposition. If freedom were simply an expression of choosing between specific options confronted in the empirical world, then freedom would never wholly escape necessity. Freedom would always be limited by the empirical constraints of the oppositions that arise in determining a course of action.

When the free being makes the choice of turning left, +A, the option of turning right, -A, is not annihilated. Rather, -A remains as external to the free being. Hegel argues that while in this case -A reveals itself as external to the free being, it is entirely possible for the free being to determine herself according to -A, which would result in +A

¹⁵⁴ Following Hegel’s line of thinking, freedom is always able to undermine the opposition that appears external to it, even if undermining means accepting and endorsing the opposition. In doing so, the opposition is redressed by freedom as the product of its own expression.

remaining external.¹⁵⁵ In short, the externality of -A is situational or relative. While -A can be given the appearance of being external to the free being, freedom, if it is to be free, must be aware of the essential link between +A and -A. The underlying power of freedom is to ensure that the choice between +A or -A is not final. Given that freedom is capable of conceiving of both the externality of -A and the externality of +A, freedom has an underlying core understanding that the opposition between +A and -A is only relative and that it is entirely within the power of the absolutely free being to overcome the apparent opposition.

Hegel's point is that while it is true that the particular person is subject to empirical necessity, the true character of her freedom is to be found in the fact that she is always capable of remaining *absolutely indifferent* to any empirical necessity. The absolute character of her freedom means that she is always able to take any empirical necessity and reveal that the necessity is an appearance relative to her freedom, or that the empirical necessity cannot make any absolute claims on her freedom. The individual, as a finite being in the world of nature, is subject to an infinite number of specific limitations; however, no absolute limitation can be applied to the free being definitively. Through her freedom, the individual person is always able to 'adopt' a new stance towards any particular limitation and thereby cancel any external limitation on her freedom. "[S]ince specific determinations are posited *in him* he is the absolute indifference of these determinations, and in this his ethical nature formally consists."¹⁵⁶ I wish to draw attention to two important points in this sentence. The first is that since the

¹⁵⁵ Hegel, *Natural Law*, 88–89.

¹⁵⁶ Hegel, 90.

individual, as a finite experiencing being in the world, posits a specific determination, she is, from the transcendental standpoint, the author of this determination. Given that the free being turns out to be the author of any specific determination by positing them as limitations spontaneously, the free being remains in a position of absolute indifference to any determination since the act of positing any specific determination undermines any appearance of absoluteness in a determination. The second point raised in the quote above is that the ethical nature of the free being just is this power to remain in a position of indifference relative to any determination. Put differently, the free being is, in principle, not confined to any apparent opposition, limitation, or set of choices; her ethical nature is to be always able to adopt the stance of ‘rejecting’ the absoluteness of any external affront to her freedom. To be sure, the rejection may manifest itself in many ways, even as incorporating the limitation into the very conditions of expressing freedom; the key is that no limitation is impervious to the ability of freedom to dictate the terms of its own self-expression in the world, at least in principle.

Given that Hegel has shown that coercion is itself an empty concept, we are in a position to understand what limitation looks like within Hegel’s system of freedom. “But it is one thing to put specific limitations on the individual, under the form of infinity, and another to put them on him absolutely.”¹⁵⁷ Absolute limitation on a free being entails that the free being is under the shadow of an external, an absolute constraint that lords over the life of that freedom. However, specific limitations on the individual under the form of infinity are not absolute, and may be cancelled by the individual through her own freedom. Whatever specific limitations enter into the context of the free being must be

¹⁵⁷ Hegel, 90.

posited by that very same free being. Since limitations cannot be posited on absolute freedom externally, and since limitations do occur, those limitations only have significance or efficacy if the free being herself is the one positing those limitations. While this point may seem similar to the Fichtean position that coercion is legitimated by the fact that the coerced individual posits limitations on her freedom herself, the supreme will is nevertheless the formal absolute that lords over the free individual: the free being is under the absolute demand put forth by the concept of freedom itself. In other words, the kind of limitation employed in a system of rights that maintains the fixed opposition between freedom and nature maintains its legitimacy in the face of said opposition through unlimited force of the supreme will that is external to the free being.

The self-positing of limitations by the free being means that the free being is ultimately and absolutely indifferent to the limitations that confronts her: the free being is always in a position either to respond by internalizing those limitations through respecting them or disrespecting them or to ignore them. That the free being is required to posit these specific limitations at all in order for these limitations to have any sort of ‘impact’ on the free being always leaves open the possibility of the free being to *not* posit them. Limitations that are not posited by the free being have no reality. “[S]ince specific determinations are posited in him he is the absolute indifference of these determinations, and in this his ethical nature formally consists.”¹⁵⁸ Indifference is at the root of any external because any external turns out to be posited by the free being, and the original position of the free being is one of indifference with respect to any external.

¹⁵⁸ Hegel, 90.

5.4 Indifference and Endorsement:

Hegel's line of reasoning is that by categorizing this original position as indifference we preserve the absoluteness of freedom *in reality* – a substantial absoluteness. Since the root of any external is indifference, ethical life, as the substance of free beings, takes on a striking shape. No external is absolute, for the absolute lies in the positing power of the free being; therefore, a group of free beings may develop different relations to the external, where the stability of the external is something that must be continually affirmed by the free beings who reside in an original indifference relative to any external. “So too, individuals generally being different, whether from themselves or from something other, and having a bearing on something external, this externality itself is indifferent and a living relation (i.e. organization), and herein, since totality occurs only in an organization, consists the positive element in ethical life.”¹⁵⁹ Importantly, the significance of the absolute free being's relation to the external is that the external is merely the vitalized organization or living relation that free beings ‘endorse’ through their internalization of what is posited; while the external is not vitalized in principle, the internalization of the external by free beings amounts to *giving the external* its appearance as a substantial limitation on the free beings. Thus, the institutions, the set of externals that have been vitalized through the implicit and explicit actions of free beings, is the positive content of ethical life. The community, then, has its content through the positing or vitalizing of externals, freely giving significance and power to those externals.

¹⁵⁹ Hegel, 90.

The supreme will cannot be the root of substantial living relations because the supreme will is only capable of generating a formal relation, a negative relation. The formal relation put forth by the absolute Concept is not concerned with content because this system of natural right is an ideality. In other words, by employing a concept of human freedom that does not incorporate the absoluteness of freedom in both positive and negative senses, the absolute Concept ‘mistakes’ the ideality of the system as its reality.

In contrast, a substantial relation is living *precisely because* the vitalizing force is rooted in the indifference of the free beings. This substantial relation changes only because free beings, in their presentness, confer the appearance of limitation. The system of philosophy which requires a supreme will, a supreme concept to be the organizing force among free beings, fails to recognize that within each free being is the power of producing a living organization. We will see that one culminating point within Hegel’s account of natural law is that the mediation of the living relation is always a self-mediation, a substantial and historical self-mediation.

Given that the position of absolute indifference of the free being is the ground of ethical life, and given that the living relation among free beings involves the communal assertion or endorsement of limitations, a further analysis of the content of ethical life is needed. The positive content of ethical life is the result of free beings occupying an original position of indifference and then endorsing something. Through the acts of endorsing carried out in the world, the way in which the community grapples with its own freedom manifests an external appearance. Communities have shapes, differences,

and historical changes because the free beings in those communities are merely wielding their essential power to either vitalize, annihilate, or remain indifferent to their world.

For example, sitting in this chair in a public space with other free beings has a reality for me and others only because we implicitly *and* explicitly endorse the power of this public space continually to be a mediator or limiting force on ourselves. Since we are beings who are absolutely free, it is always possible that we may stop endorsing this particular content; it is always possible that the totality that is our organization changes because we change our living relation. This public space may become a site of conflict, which, for Hegel, amounts to a struggle of endorsement between peoples about how to organize this content in terms of freedom. Another possibility is that this public space may simply be abandoned, where all of its vitality is drained. The existential fact of occupying a space of indifference opens up the possibility of a community organizing itself not in accordance with a concept that is absolutely limiting; rather, the community organizes itself according to its own history of living relations and endorsements of what externals hold meaning. Put differently, the positive content of ethical life is wholly authored by that community, where that content becomes a substantial aspect of the self-expression of the free beings in the community.

5.5 Death, the Community, and the Freedom of the Individual:

To be sure, the endorsement of positive ethical content by free beings does not entail that the position of indifference that the absolutely free being occupies has been eliminated. Rather, the indifference of the individual retains its philosophical significance even in the context of a vibrant totality. The individual may be posited as a

member of the community, where the now-endorsed external appears to be the root of her ethical life, but nevertheless, the core of the individual is an infinity, a purely negative absoluteness.¹⁶⁰ Hegel's argument is that this power of canceling, this power of freedom to always occupy a position of absolute indifference relative to any specific determination, grounds any account of ethical life. I take Hegel to be drawing our attention to the idea that the free being, in living out her existence in the world with other free beings, is never absolutely dominated by any limitation. Therefore, limitations appearing in the world are nonetheless 'revisable.' The organization of the world for free beings is never finalized, and remains a living, dynamic totality, or what Hegel describes as the positive element in ethical life. The positive element of ethical life is in a perpetual state of negotiation or dialogue, and emphasis should be placed on the 'living' aspect of the living relation. Importantly, we may then say that a 'dead' relation is in reality a spiritual grave, a reminder of the vitality that once flowed through the content.

Every instance of an individual, through her freedom, endorsing some determinate content gives vitality or legitimacy to the endorsed determinacy. However, each individual within the community is an absolute negativity, an absolutely free being that is always capable of occupying a stance of indifference relative to any determinations. The absolutely free being is always capable of affirming its absolute independence through death, through the negation of all determinacies that aspire to have sway over her freedom.

¹⁶⁰ Hegel, 91.

The individual is an absolute singularity insofar as her freedom is both negative and absolute: her freedom is negative insofar as she actualizes her freedom by denying the positive reality of some determination; her freedom is absolute insofar as her ability to deny the positive reality of some determination is unlimited relative to herself. In other words, the freedom of the individual is negative, absolute, and pure: the individual is in principle capable of expressing her freedom as utterly independent of external pressures or forces. Hegel argues that the pure freedom of the individual makes its appearance as death: the individual is always able to reject the pressures of any external determinations through her ability to kill herself. “This negatively absolute, pure freedom, appears as death; and by his ability to die the subject proves himself free and entirely above all coercion.”¹⁶¹ The individual’s power to bring about her own death reveals the sheer absoluteness of the power of the individual to deny the ‘absolute’ reality of any external limitation. Put otherwise, for any given set of determinations, limitations, or choices, no matter how strongly they appear as fixed, no matter how binding they appear to her life, the individual is always able to prove herself to be beyond these appearances through her ability to die.

Death, then, reveals the individual to be an infinite pure concept, one that cannot be overridden by the positive totality of ethical life. Since the individual expresses her pure and negatively absolute freedom through the possibility of death, the individual is an infinite singularity. Put differently, the appearance of freedom as death, coupled with the fact that only the individual may ‘die for herself,’ means that death isolates the individual as an absolute singularity that is able to rise above any relation between herself and the

¹⁶¹ Hegel, 91.

external world. In this light, Hegel states that death is the absolute subjugator (*absolute Bezwingung*).¹⁶² The philosophical significance of the absolute subjugation brought about in death is pure individuality: the absolute subjugation of death is also the absolute liberation from all determinacies. Death is the evidence of the possibility of absolute liberation brought about by the individual, a liberation that is always possible no matter how ‘entrenched’ the individual appears to be in the living relation of the community. The negative absoluteness of the individual expressed in relation to death, the absolute Lord, reveals that human freedom finds its absolute expression in the position of indifference that may be adopted freely. The key is that “...the moment of the negatively absolute or infinity...is a moment of the Absolute itself and must be exhibited in *absolute ethical life*.”¹⁶³ The canceling of both +A and -A by the free being turns out to appear as the “completely equal positing” of both sides of the determination or, what amounts to the same, the positing of absolute indifference of the individual relative to the supposedly absolute opposition between determinacies.¹⁶⁴

Hegel’s emphasis on death as the most explicit appearance of the pure freedom of the individual shows us that the individual is a concept that is always on the trajectory to reveal itself in the context of a community. While death is the appearance of the pure freedom of the individual, death also plays a central role in the individual’s affirmation of her relationship to her community. It is through the possibility of death that the individual continually reaffirms her membership to a people: the positive ethical content of a people is the result of a community of individuals continually choosing a

¹⁶² Hegel, 91.

¹⁶³ Hegel, 92.

¹⁶⁴ Hegel, 92.

determination, a difference over the absolute indifference that shows itself in death. In endorsing an external limitation, the free being is showing to herself and others that, in the face of her absolute and utter independence, she internalizes the determination, thereby affirming its influence on her freedom as a substantial external. In essence, the individual is never capable of submitting herself wholly to the universal will because the fact of her death, something that cannot be submitted to others, reveals her absolute freedom. Death, then, is similar to the supreme will insofar as it is the ultimate limitation on freedom. However, the supreme will of the absolute Concept can only ever manifest itself as a formal, lifeless limitation; in contrast, death is a limitation that is intimately connected with the living relations of the free being.

While the positive element of ethical life consists in the living relation among free beings in the finite world, the negative element of ethical life comes into view when we focus our attention on the indifference of the single individual. The individuality of the free being is expressed by way of having the power to cancel any appearance of limitation or determination, what Hegel describes as “purely *negative* absoluteness.”¹⁶⁵ Since the positive content of an ethical community holds meaning through the continual endorsement of free individuals within that community, said content is always vulnerable to be not being endorsed. In other words, at the heart of the positive content of ethical life is a dynamic vital force rooted in the freedom of individuals. Taking the absolute freedom of individuals seriously reveals the raw and dynamic vitalizing force of individuals that may infuse a particular content with life or may just as easily pronounce a particular content as dead, as no longer having ethical significance. In this sense, Hegel

¹⁶⁵ Hegel, 91.

holds the power of the individual to be the driving force behind any changes within a community and the community itself.

5.6 Absolute Ethical Life:

Absolute ethical life, then, is the expression of both the positive and negative elements discussed above. On the one hand, the positive principle of absolute ethical life is the living totality, the organization, a people; on the other hand, the negative principle is the infinity of the individual, the subjugating of any apparent difference through abstraction. “[T]he individual proves his unity with the people unmistakably through the danger of death alone.”¹⁶⁶ Given that the people is a living relation, ‘alive’ insofar as determinations and limitations are not fixed, and given that the individual expresses her freedom through the canceling of determinations, through her ability to undermine the fixed appearance of any determination, the individual proves herself to be a member of the people through her unrelenting power to be an individual. Furthermore, peoples take up the position of individuals in relation to other peoples. In short, the positive and negative elements of ethical life find their expression in the relation between individuals and the people, and between a people and other peoples.¹⁶⁷

¹⁶⁶ Hegel, 93.

¹⁶⁷ Hegel makes the claim at this point in the essay that war is just an example of an expression of ethical life between peoples, where individuals and peoples are reacquainted with the danger of death; war challenges the living relation, forcing a people to think about whether determinations or institutions are fixed. A continual peace among peoples would entail that the living relation among peoples would be habituated to the problematic point of appearing to be an external limit on freedom that ‘just is.’ War is the courage of an individual people to challenge the fixity of a living relation, either within the state, or among other peoples. In other words, war is the expression of the absolute ethical life insofar as war calls for the subjugation of ‘hardened’ determinations within a people. Freedom is spiritual movement, and the hardening of institutions impedes the movement of spirit. War is the bringing to the foreground the ethical principles that underlie the institutions and determinations of a people, both challenged and reaffirmed through conflict. What Hegel’s account of war reveals to us is that the spiritual function of war accords with absolute ethical life. To be sure, war from the perspective of individuals or peoples may be

5.7 The Case Study of Economics:

In a particularly challenging portion of the text, Hegel argues that the ethical principles of absolute ethical life reveal themselves in parts of human reality, such as in economic life. The system of needs is the term Hegel uses to describe the mode of economic life that accords with the free human being living in a society. The economy is the organization of individual needs and enjoyments, brought together into one single common institution – the market. The market turns out to be “the system of universal mutual dependence in relation to physical needs and work and the amassing of wealth for these needs.”¹⁶⁸ While the economy appears as a totality that dominates the community, a positive reality that individuals ought to subject themselves to, Hegel’s point is that *since* the system of needs is based on the negativity and infinity of those participating in the market, it follows that the people, as a whole, regard the economy as a something that is to be dominated by the people, and not as something that dominates the people. In other words, the negative principle of the economy must remain at the foreground. “In order to prevent this system from becoming a self-constituting and independent power, it is not enough to set up the propositions that every one has a right to live, that in a people the commonweal has to see to it that every citizen shall have a sufficiency, and that there be perfect security and ease of gain.”¹⁶⁹ The striking claim being made here is that since

interpreted as destructive, traumatic, and revealing the ‘worst’ of humanity. Following Hegel’s line of thinking, I take it that the pains of war are, from the perspective of absolute ethical life, the movement of vitality that brings about new spiritual life and ascertains what is spiritually dead. Put differently, war, or the conflict among free beings and peoples surrounding what is endorsed as spiritual, is a path available to a world of freedom filled with positive and negative elements of ethical life. Again, the brutality of war is not being dismissed. Rather, Hegel’s argument seems to reveal the brute fact that the movement of spirit is articulated through conflict, and the most destructive and revealing shape that conflicts take is war among peoples. The perspective of the Absolute is, in an important sense, indifferent to conflicts and their outcomes.

¹⁶⁸ Hegel, *Natural Law*, 94.

¹⁶⁹ Hegel, 94.

the economy, as an ethical concept, involves the negative element of ethical life in a substantial way, the economy must not be treated as an independent, external power, nor as a self-constituting organization.

From Hegel's perspective, propositions that would ensure that members of the economy are not subject to changes within the market have the unintended effect of hardening the institution of the economy, of limiting the power of the negative to pervade the system as a whole. Such propositions would result in a system that entrenches itself within the living relation in a fixed way. Hegel holds that "the ethical whole must...preserve in this system the awareness of its inner nullity, and impede both its burgeoning in point of quantity, and the development of ever greater difference and inequality for which its nature strives."¹⁷⁰ Impeding quantity and the development of inequality are both ways in which the ethical whole, the living relation, restrains the economic system in terms of its striving towards a kind of totality.

Hegel uses the example of the growth of property within a state to illustrate his point: if the system of property were to increase in quantity, the state would also have to increase expenditures and taxes in order to 'support' the growth; increases in taxes, however, turns out to make the acquisition and maintenance of property more difficult, effectively checking the growth of the system of property. The focus here is not on the particular means through which the processes and system within the living relation are checked; rather, the focus here is on the 'negotiating' power of the ethical whole to ensure that no system excludes either the negative or positive principle of freedom in any

¹⁷⁰ Hegel, 94.

aspect of the living relation. Broadly, if any particular system were to present itself as a totality, the ethical whole responds in such a way as to prove itself to be the only real totality. The ethical whole permits the growth of the economy, it seems, just to the point where the negative aspect announces itself as being in tension with the (now) independent economic system. In other words, rupture is an essential trajectory of economic life, as the event of rupturing is a direct entailment of absolute ethical life.

The living relation of the economic system is an expression of reality, but also of extremes. Since this living relation contains a kind of identity made up of determinacies that oppose one another, an ideality is present. I take Hegel to be emphasizing that while the reality of economic life is, in part, the positive element of needs and the objects that address those needs, the system itself cannot be absolute. The living relation, the unity of the opposed needs and objects of needs, has a 'reality' as well, but this reality is not a positive one; rather, the identity of the living relation being a whole in spite of its inner oppositions and differences is the work of ideality. The positive relation of possession, when properly recognized as residing in the living relation of the system of needs a whole, turns out to be a relation of property. In other words, the ideality that is in the background of the positive aspects of the economic system is the impetus or ground for relations that cannot be articulated absolutely by the needs and the objects of those needs. Law is present in the economic system because law just is the recognition of the insufficiency of the positive aspect to articulate itself as a whole. While the positive element attempts to show itself as universal, differences and oppositions come to the foreground; only through the ideal relation that maintains an identity in the face of these differences is a universal possible.

In the context of the Absolute, the ideal unity that maintains an identity in the context of opposition has reality as a kind of external and formal equality.¹⁷¹ Hegel's position is that since the reality of the economic system is, in part, made up of determinate needs and objects of those needs, then whatever unity that arises must preserve the essential role that determinacies play in the reality of the living relation. However, unity is not possible through these determinacies alone. Thus, there must be an ideal identity that announces itself as a whole. The living relation, then, must be one that announces itself as a whole while at the same time preserving the essential differences within the relation itself. Hegel's claim is that given these constraints on the expression of the living relation, the ideality of the living relation *can only announce itself as* "external and formal equality."¹⁷² A science of this system, then, is locked into determining issues of differences in quantity. In other words, since the unity of the living economic relation takes the shape of external and formal equality, the science of the relation *must* incorporate those very terms into its articulation. A scientific analysis of this living relation must be concerned with differences in equality that occur within the system: the identity that subjugates the differences within the system shapes the 'aim' of the science. The economic science is therefore committed to making something that is determinate, individual, and living, into something that is objective, external, and lifeless – something that is capable of being a unit that can be compared to others units. The superficial character of this identity in reality is a direct response to the persisting reality of differences and oppositions in the living relation.

¹⁷¹ Hegel, 95.

¹⁷² Hegel, 95.

The limits of the science of this aspect of ethical life are (1) calculations that involve fixed determinations, and (2) encountering endless contradictions among the fixed determinacies. Economic decisions made in the face of these limits turn out to be accomplished by fixing a single determinacy, and then measuring other parts of the system according to that (arbitrarily) fixed element. In short, no absolute is found ‘internal’ to the science; rather, the science fixes and clings to determinacies in order to make any ‘scientific’ claim whatsoever. Justice that is appropriate to ethical life, a justice that is total, requires that no determinacy is fixed and treated as absolute in the articulation of the living relation. “True total justice is actual only in immediate ethical perception which subjugates the determinacies posited as absolute, and seizes only the whole.”¹⁷³ Unpacking part of this sentence reveals a key aspect of Hegel’s account of ethical life: true justice is only found in the ‘perception’ or ‘stance’ of the ethical member of the community, one who recognizes that the truth of freedom is the subjugation of determinacies in the context of the whole. Put differently, an essential aspect of the point of view that is concerned with justice is the recognition of the changeable and unfixed quality of all determinations. Traditions, historical determinations, relative contexts – the stance of true justice recognizes the limited role that such determinations play in ethical life, and seeks to overcome these determinations. We will return to the important issue of justice within ethical life in Chapter Six.

¹⁷³ Hegel, 96.

5.8 Laws and Duties:

The economy is an example of an institution that shows the limitation of the concepts of rights and laws. While rules within the institution may appear as absolute, the formal indifference that appears in the context of a sea of difference and opposition entails that these rules themselves are empty in the context of absolute ethical life. In the fixed reality of the science of the system of needs, these rules and duties appear to be governing and absolute; but, in reality, the system of needs is merely a sphere, a part of a whole, and the science of the same is also limited. What is limited cannot itself appear as the absolute.

With the case study of the economy in hand, we are in a better position to follow Hegel's argument for why true justice cannot come about through law. Since human reality is comprised of tension and difference between the formal (negative) and the determinacies (positive), and since laws themselves arise out of this very ground, there can be no ideal or perfect legislation that would 'solve' or 'put to an end' the animating tension of the living relation. Again, we should not expect to 'hit upon' through experience or through divine insight the legislation that will ensure that the economy, or any lawful institution within a community, operates in such a way as to protect and preserve social harmony for all future times. Perfect legislation is impossible, just as true justice is impossible in the context of determinate laws.¹⁷⁴ A law that is absolute would have to be unlimited and indeterminate; however, such a law would then have to be used to measure determinacies. Hegel's position is that such a measurement is impossible. No

¹⁷⁴ Hegel, 97.

indeterminacy is capable of measuring or tracking determinacies, just as no determinacy is capable of standing in for an indeterminate absolute.

Just as indeterminate laws cannot be taken as appropriate measures for determinacies, it is also the case, Hegel argues, that a set of determinacies cannot actualize true justice. For every piece of legislation enacted, for every duty or rule that is to be followed, there arises more specification, more determination. The growth of determinate laws entails the growth of more distinctions that would then have to be brought under determinate laws. In short, an infinite number of perspectives and determinacies would have to be accounted for, and therefore no set of determinate legislation is capable of ‘completing’ the task. The absoluteness of any (specific) law could not be respected, for it is always vulnerable to being altered based on further or future distinctions and specifications that arise in the process of forming a unity in the concrete.

We have already determined the basic program that results in the impossibility of perfect legislation at work: The positive content of a people is always vulnerable to the challenges of the negative absoluteness of individuals. The power of freedom to annihilate any opposition entails that no laws can be put forth that would quell this power. To be sure, the argument being made here is not that humans are ultimately lawless; rather, the argument put forth by Hegel is that freedom finds its expression in the world through reflecting on its history, or through looking for ‘better’ laws.

A political philosophy that is based on an abstract social contract, or on the concept of freedom, is merely addressing the formal character of the individual’s absolute freedom. Here, the unity of a people resides in the abstract thought of equality of

individuals through mutual submission. What is fixed here is the empty thought that the law governing the abstract unity of individuals reaches all the way to the core of the individual: a unity in thought is taken to be sufficient for a unity in reality. “The persistence of the notion that, in this sphere of human affairs, inherently absolute and specific law and duty are possible results from the formal indifference, or the negative absolute, which has its place and is indeed implicit only in the fixed reality of this sphere. But as implicit it is empty; in other words, there is nothing absolute in it *except just pure abstraction*, the utterly vacuous thought of unity.”¹⁷⁵ Fixing laws or duties with the intent to actualize a community of free beings that accords with the concept of freedom is an empty thought because the actualization of a community of free beings requires no fixed spheres of influence. Instead, the claim being made by Hegel is that the concrete reality of the free being is the interplay between positive and the negative, between the positive content and the formal negativity that the free being continually navigates. The ethical life of an individual just is the navigation of the changing spiritual landscape within and without her community.

Recognizing the nullity of a unity grounded in abstract laws entails a limitation on how we are to view justice. We can no longer view true justice as a possibility that arises from a determinacy of law or from the absolute Concept. Just as the transition from the abstract to the concrete reveals the nullity of a unity grounded solely in the abstract, the same transition reveals the impossibility of justice through law. The problem is one of measure: it is not possible to use an infinite ruler (a law) to determine absolutely whether justice in the concrete, in the particular has been carried out. At this point, the difference

¹⁷⁵ Hegel, 96–97.

between the infinite and the finite has not been reconciled, and therefore neither is an appropriate measure of the other. Since the judge must play a role in the development and employment of legislation, it is impossible for that legislation to be 'free' of particularity; put differently, the presence of the judge reveals the non-absolute character of concrete laws.¹⁷⁶ The hope for perfect legislation or for true justice arising out of a set of concrete laws, according to Hegel, is an empty hope. Concrete situations can never be settled by determinate laws, for any determinacy is vulnerable to further determinacies: in reality, determinate laws cannot fully articulate the concrete situation. Furthermore, the growing determinations of laws cannot be understood as approximating a goal, for we have already encountered the nullity of such a goal. In short, the absoluteness of the concept of law cannot gain a foothold in the concrete world.

Reconciliation between the abstract determinations of law and concrete situations seems to be found in the concretization of a unity that recognizes the non-absoluteness of determinations of law. "[I]n order that the One, the judicial view of law and judgment, may become organized and a genuine unity and whole within the multiplicity, it is absolutely necessary that every single one of the specifications of law be modified (i.e. be partly cancelled precisely as an absolute, self-existent specification of that for which it claims to be the law), and hence, that its absoluteness be not respected."¹⁷⁷ A unity that respects the absoluteness of determinations of law cannot also assert the meaningful application of those laws in concrete situations, for that would amount to measuring the finite against the infinite. Given that some perspective, some human being is necessarily

¹⁷⁶ Hegel, 98.

¹⁷⁷ Hegel, 97.

involved in judging a law to be applicable to a concrete situation, laws can never be applied purely; the judge is, in this respect, a representation of the lack of respect that must be maintained towards the absoluteness of laws.

From this portion of the essay, we begin to see the limitation of law in the context of an ethical community. The concrete unity must, Hegel states, take up a negative attitude towards a system of determinate laws. Put differently, a community must maintain a fundamental awareness of the limitations of law. To be sure, the organization of a people involves determinations of law by the people; but as a concrete organization, the people need a healthy scepticism towards the law in order to ward off the fixing of any determination as final. The complex relationship that the people have with the system of law is never one of indifference. This may suggest that the people themselves cannot take a stance of indifference; rather the stance of indifference occurs at the level of spirit. The absolute character of absolute ethical life does not entail the end of tension between *within* ethical life; instead, the reality of the absolute ethical life from the perspective of the community is an unsettled and dynamic life.

5.9 The Tragic Performance of Ethical Life:

Let us now consider the way in which the dynamic aspect of ethical life is actualized. On the one hand, absolute ethical life is hostile towards the living relation: the living relation appears as fixed, and the negative aspect of the absolute occupies a position that is an abstraction from the positive living relation. On the other hand, absolute ethical life has a positive element that exists in the world and therefore submits

to the living relation as it exists and accepts it as real.¹⁷⁸ Broadly, Hegel's position is that the negative absolute turns out to engage in two kinds of relation to absolute ethical life. The first relation turns out to be the existence of two constitutive dynamic cycles that affect the living relation. The first cycle is 'eternal restlessness,' where the negative aspect remains hostile to the positive aspect and seeks to consume the positive aspect (which is itself, nonetheless) in order to bring about a new organization. The second dynamic cycle is 'eternal cancellation,' where the negative seeks to cancel the appearance of difference. One possible way to interpret this section is that these dynamic cycles operate on both the shape and the content of the living relation, where the negative absolute reveals itself as being in tension with both 'sides' of the living relation. The second relation is one where what has been cancelled is preserved. In cancelling, the negative absolute posits something *to be cancelled* – the real.

The major entailment here is that there is a limit to the cancelling power of the negative insofar as it cannot wholly overcome the real, since the real must be posited in order for the negative to have a relation in the first place. In short, the negative absolute must come to recognize its relationship with the real, even if it is a hostile one.¹⁷⁹

Conversely, individuality can never be wholly cancelled, and the living relation must always be dealing with indifference and individuality. No positive ethical life, no real living relation could be so dominant as to overcome or eradicate individuality.

Furthermore, the individual is the site of the negative and the positive – both are 'real' to the individual even if both are not 'real' from the perspective of the living relation. No

¹⁷⁸ Hegel, 98.

¹⁷⁹ Hegel, 99.

institutions, laws, customs could ‘take care’ of the hostility towards the living relation that the individual is capable of actualizing in the world. Put differently, there is no preventative measure that the positive ethical life could take that would prevent hostility.¹⁸⁰

Fixed laws cannot be the definitive ground of an ethical community because the actualization of those laws, the making concrete of any law, breeds only further tensions and issues, such as the need for more and more laws or the need for a judge to ‘make a decision’ about the laws. Thus, a system of laws is an essential but inadequate aspect of ethical life, specifically as the source of positive content endorsed by the community. Again, the dialogue within the community that produces this positive content is between members of that community; negativity plays a role in the dialogue by shaping the positive content of the community through its challenge towards that very content. However, the decree of a system of law does not bring about an end to the dialogue: Hegel’s argument shows that even the most ‘refined’ or ‘thoughtful’ system of laws endorsed by a community runs into a problem of actualization; any fixed determinacy within an ethical community is challenged. While the ethical life of the community may seem to be settled, endorsed, and vibrant, from the perspective of *absolute* ethical life such a system of laws is a fixed determinacy that is nevertheless a challenge to the negativity within ethical life.

Principles within an ethical community that are ‘made absolute’ reveal themselves in the world as externalities that exclude negative treatments or, in other words, exclude

¹⁸⁰ Hegel, 99.

the ability of the free being to express themselves through possession or self-sufficiency. However, we should not take Hegel to be claiming that since there can be no absolute, fixed principles, then a basic kind of relativism dominates the living relation. The underlying trajectory of the living relation is the actualization of freedom in the world, or of the absolute ethical life, both in terms of its positive and negative elements. So, if we were to suppose that a particular principle within the living relation has become fixed, we are 'warranted' on the ground of freedom to challenge the fixedness of the principle.

Let us revisit the power of the negative in terms of its place within absolute ethical life and how that power manifests itself in the reality of ethical life from the perspective of the people. From the perspective of absolute ethical life, the negative manifests itself as hostile to any system of fixed determinations. From the perspective of the people, the negative manifests itself in (not absolute) ethical life as the formal and abstract unity that is under the dominion of the system of laws, a kind of submission to the reality of the system. Importantly, in neither case is ethical life indifferent to the system of laws: In other words, in both cases the system of laws presents itself as a kind of opposition that needs to be 'dealt with,' either through an attempt to endorse that system of laws through negating the system itself or through submitting to the laws.¹⁸¹

Yet both of these relations, the one of hostility towards the laws and the one of submission, must nevertheless be as one when absorbed into indifference itself. By invoking the point of indifference here, I take Hegel to be referring to the 'highest form' of absolute ethical life, one that has overcome or sublated the oppositions mentioned

¹⁸¹ Hegel, 98.

above. “This means that the absolute ethical order must organize itself completely as shape, since relation is the abstraction of the aspect of shape.”¹⁸² In relation, opposition remains at the foreground, for the boundary between one is used as the marker for its relation to the other and vice versa. In contrast, shape is both the acknowledgement *and acceptance* of boundaries brought together into a unity, a oneness that related to itself through itself or as something that gives itself its own shape. “Though becoming wholly indifferent in the shape, the relation does not lose its nature of relation. It remains a relation of organic to inorganic nature.”¹⁸³ Shape engenders indifference insofar as boundaries between opposites become contours of the one whole, meaning that the shape is (internally) indifferent. However, the absorption of the opposed relations into the shape of ethical life does not wholly annihilate the moments of bounded relations. The relation between the positive and negative, between the fixed and the undetermined, between the inorganic and organic is nevertheless ‘alive’ within the shape. Importantly, the concrete external reality of the shape as a oneness *does not thereby entail that the internal reality of that shape has been settled*; like an organism, the shape is a one that is composed of oppositions and differences.

5.10 Ethical life and its Historical Body:

Given that the living relation remains at the core of absolute ethical life, we turn now to understand how the logic of the relation is carried out in the concrete. In one respect, the relation as ideal is the primary. “[T]he relation is, strictly speaking, in the shape and in indifference; and the eternal restlessness of the concept or of infinity is in

¹⁸² Hegel, 98.

¹⁸³ Hegel, 98.

part the organization itself, self-consuming and surrendering the purely quantitative and the appearance of life, in order that it might rise eternally, its own seed-corn, from its ashes to new youth.”¹⁸⁴ In this respect, the process of self-organization is the process of continually ‘working on’ its appearance through consuming that very appearance for the sake of announcing itself as an indifference: the life of an ethical community is not located in its appearance; rather, its life is expressed in its efforts to maintain itself in the face of its ‘ever-decaying’ appearance. Since any settled appearance is an anathema to indifference, ethical life as a self-organizing shape proves its indifference by consuming its own appearance. Ethical life as shape “...eternally cancels its outward difference, and, *feeding on and producing the inorganic*, it calls forth from indifference a difference or relation to an inorganic nature, and in turn cancels that relation and consumes that nature as it consumes itself.”¹⁸⁵ The relation as ideal within the now-shaped ethical life cancels outward difference, and in doing so, summons a difference from the indifference as the inorganic. We will be returning to Hegel’s conception of inorganic nature in absolute ethical life later in Chapter Six. For now, we need only note that within ethical life as shape the ideal relation is a process of self-organization through self-consumption. Thus, the life of the ethical shape is one of internal strife and unending overcoming for the sake of the living shape itself.

So, ethical life is tragic insofar as its living performance involves making itself objective, sacrificing itself in the face of this objectivity, and then remaking itself out of the cleansing awareness of the right of the inorganic. Put differently, the ‘body’ of

¹⁸⁴ Hegel, 98.

¹⁸⁵ Hegel, 98. My emphasis.

ethical life develops in the world as a kind of unfolding of itself in relation to its own perspective of itself, where the boundaries between the organic and the inorganic are actualized in a living relation. Perhaps another way to phrase the point is that the living part of the totality recognizes that it cannot infuse the inorganic with life, and that the refusal of the organic to ‘not get over’ the death of the inorganic would amount to an opposition between the organic and the inorganic that could not be overcome. The organic reasserts its vitality through the recognition of the inorganic’s right to be dead, thereby framing the inorganic in a way that affirms the organic’s power to maintain itself as alive.

Importantly, Hegel argues, the tragic performance of ethical life brings about a perspective on the Divine.¹⁸⁶ Ethical life’s mastery of itself in the face of its own death through its own self-sacrifice turns out to be something like a reflection of the Divine in the living spirit of the people. The body of ethical life is formed through its own performances, where these performances are always implicitly reflecting the on the Divine, but also where these performances give the ethical life its own body, its own history. The performance of Absolute ethical life does not bring about the Absolute itself; instead, the living body that is cast in the Divine light of the Absolute is *a perspective on the Absolute*. The ethical community does not come to a position of absolute knowing; the ethical community does not become satisfied with itself, but remains concerned with the yonder, the continually renewed urge to maintain its living

¹⁸⁶ Hegel, 104.

body. A people is never settled; a culture is never finished; from the perspective of the ethical community, the Divine is never immanent.

The Divine is nonetheless immanent within the ethical community, but only from the perspective of the philosopher. Tragedies within the ethical community turn out to be moments within the history of that community that reaffirm the immanence of the Divine; every tragedy within the community is at the same time a moment for the performance of reconciliation. “*Tragedy* consists in this, that ethical nature segregates its inorganic nature (in order not to become embroiled in it), as a fate, and places it outside of itself; and by acknowledging this fate in the struggle against it, ethical nature is reconciled with the Divine being as the unity of both.”¹⁸⁷ The tarrying with opposition within ethical life is essential to its reconciliation and its unity with the Divine. The struggle of the ethical community against its fate is the actualization of its living body through the tragic performances: the life of the community is always defined against its struggles, against the dead, inorganic aspects that threatened to sunder the community as a living reality.

5.11 Conclusion:

The Idea of absolute ethical life has been established as the proper ground for articulating the reality of human freedom. Importantly, absolute ethical life actualizes itself through performance of mediating the dynamic and essential tension between the positive and negative elements of freedom. Hegel’s position is we must consider history in our account of ethical life because the organic growth of ethical life is carried out in

¹⁸⁷ Hegel, 105.

the real as a kind of performance. The empirical has been given a role in a philosophy of natural law; however, the empirical must be taken up as part of the on-going and dynamic relation between what ethical life determines as the organic and the inorganic. The next chapter explores the performance of ethical life in more concrete terms and how we should articulate the role of the individual in that very performance.

CHAPTER 6. ETHICAL LIFE, THE INDIVIDUAL, AND JUSTICE

6.1 Introduction:

The logic of absolute ethical life reveals the necessary and essential role that the tension between the positive and negative elements plays in the actualization of community. The unfolding of the Idea of absolute ethical life occurs through the dynamic vitalizing force of free individuals organized around a principle. In order to determine just what a philosophy of natural law entails given the Idea of absolute ethical life, we must delve further into the way in which the ethical life of a people manifests itself. While the previous chapter articulates the logic of this unfolding in a broad sense, where the tragedy of spirit is made clear, we must now engage in a closer examination of the means whereby these tensions and tragedies are expressed. Put differently, individual members of the community play essential roles in expressing both the positive and negative elements within the living relation, but more specificity surrounding these roles is required. In order to understand Hegel's provocative conclusions surrounding a philosophy of natural law, we must now turn to an examination of ethical life in actuality.

We have established that, thus far, Hegel's Idea of ethical life is the vitalized and dynamic history of positive ethical content of the community contrasted with the negative absoluteness of the individual. Hegel's argument shows that not only is this relationship between the positive and negative an ongoing and essential aspect of ethical life, but ethical life has a point of view on itself or has an awareness of this movement. In order to put ourselves in a position to determine the distinctive shape of an account of natural

law, we must examine further the way in which ethical life unfolds in reality. We shall see that the tensions and dynamism within the living history of ethical life turn out to be the foundation for a philosophy of natural law. The conclusion of this chapter explores Hegel's argument for the dissolving of the distinction between morality and a system of law from the perspective of absolute ethical life.

6.2 Individuality within Ethical Life:

Recall that within absolute ethical life is the tendency towards the point of absolute indifference. Every expression of freedom within the context of the community carries within it the possibility of causing a reverberation throughout the community. In order to explore this part of Hegel's argument in a more nuanced way, we first turn towards the general tendency within absolute ethical life to prove to itself that any difference that arises is merely apparent.

In an introductory sense, the logic of absolute ethical life is set up to handle the ongoing wave of differences that confront the community by proving that any given difference is not absolute. The actions of individuals, events in the world of nature, changes in the political landscape – all of these events impact the way in which the community expresses itself as a living relation. From the perspective of the living relation in its ideality, the arising of difference is a kind of challenge to the absoluteness of the ethical totality and needs to be cancelled. This cancellation is carried out for the sake of the returning to the point of indifference within ethical life. However, the process of cancellation is also the process of positing that which is cancelled. Since indifference makes its appearance through the cancellation of difference, the being of difference is

posited through this very cancellation. “In other words, the cancelling posits something that it cancels, the real; and so there would be an actuality and difference which ethical life cannot surmount.”¹⁸⁸ Since individuality, Hegel argues, cannot cleanse itself of difference in order to be absorbed into the absolute indifference, the being of difference manifests itself in the individual.¹⁸⁹ Put differently, the very positing of the absolute indifference that arises from the cancellation of difference affirms the actuality of individuality or, what amounts to the same, the actuality of a difference that has not been sublated. Individuality within ethical life is the site of the problematic supersession of difference, a supersession that is also an affirmation.

The separations between the negative and the positive, between the universal and the real, between the finite and the infinite – these separations are apparent to consciousness, but, from the perspective of the Absolute, these separations are in fact evidence of the underlying unity. The challenge before us then is to properly articulate both the unity of the real and the ideal *in* consciousness while at the same time capturing the problematic way in which that unity is actualized *for* the individual consciousness. We must track the underlying unity in our description of the reality of the free individual, but our description must nevertheless retain the alienation that is constitutive of the life of the free individual.

In order to better unpack the relationship between the Absolute and the individual spirit that is alienated from the Absolute, Hegel employs the analogy of the mineral to better illustrate his argument. “The most perfect mineral displays the nature of the whole

¹⁸⁸ Hegel, 99.

¹⁸⁹ Hegel, 99.

in each part that is broken from a lump...”¹⁹⁰ Similarly, the free individual, in its counterfeit independence, displays the whole that is implicit. “...but [the mineral’s] ideal form is separateness, whether as the inner form of the fragment or the outer form of crystallization.”¹⁹¹ The mineral is similar to the free individual, for the consciousness that is the free individual exists, ideally, as separate, despite its unity with the whole in the real. The fragment of mineral has an existence in its separation from the whole, but this separation does not annihilate its unity with the whole. The reality of the mineral as a whole necessarily leaves open the space for the fragmentation of the lump from the whole; in this separation, however, the lump is always implicitly referencing the whole, just as it is in the nature of the mineral as a whole to have existence in fragments.¹⁹²

The individual ethical life is the living negativity of the subject, the infinite abstraction of freedom actualized. Real absolute ethical life is the living totality, the people, the reality of the absolute ethical life as indifferent. What needs to be determined now is the relationship between individual ethical life and real absolute ethical life. Real absolute ethical life, Hegel reminds us, is united in itself and comprehends infinity in an absolute sense; furthermore, given the absolute character of this real ethical life, individuality as the “supreme abstraction” nevertheless ‘falls under’ the domain of the real absolute ethical life.¹⁹³ However, we must keep in mind that individuality is the focal point of real absolute ethical life. So, the ethical life of the individual is, in an important sense, the ‘best’ expression of the reality of the real absolute ethical life; the

¹⁹⁰ Hegel, 109.

¹⁹¹ Hegel, 109.

¹⁹² Unlike water, Hegel states, where each particle of water is representative of the whole in itself, the lump of mineral is not representative of the whole in itself.

¹⁹³ Hegel, *Natural Law*, 112.

individual ethical life is "...one pulse beat of the whole system and is itself the whole system."¹⁹⁴ Real absolute ethical life is the foundation of individual ethical life, but individual ethical life is where the free spirit as subject may come to know herself in a concrete sense.

To be sure, while we are describing the intimate connection between the real absolute ethical life and individual ethical life in such a way as to showcase the accomplished reality of individual ethical life, we must be careful not to claim that individual ethical life is just a mirror of the real absolute ethical life. In other words, the real absolute ethical life does not mirror itself *as such* in the individual. Real absolute ethical life is the Idea that comprehends infinity (the absolute Concept) through itself as the abstraction from the absolute Idea. Pure individuality, then, is merely the real absolute ethical life viewed from the highest abstraction. Viewed from the side of the particular, the concrete, real absolute ethical life is ethical life of the community. Importantly, both the individual and the community are grounded in the real absolute ethical life. Our analysis of Hegel's Idea of freedom has shown that the individual is the community and the community is the individual, insofar as both are 'viewpoints' on the real absolute ethical life. "[T]he ethical life of the individual is one pulse beat of the whole system and is itself the whole system."¹⁹⁵ If we were to claim that the individual is a discrete member of a group of individuals, then we would be replacing the pulse of the system as a whole with an abstract way of defining the relationship between the individual and the community. Nature is not simply the set of particular things in nature,

¹⁹⁴ Hegel, 112.

¹⁹⁵ Hegel, 112.

and nature is not simply the abstract set of rules that lord over any particular thing; we cannot separate a thing from nature and keep its essence in tact; we must view the thing as a concrete expression of the whole of nature. We must view the individual and the ethical life of the community in the same way; to abstract one from the other would be to undermine the reality of both.

Given the above, the person and the people are reciprocal determinations. However, we must recognize, Hegel argues, that the positive is logically *prior to* the negative: the spirit of the people is prior to the freedom of the individual. If the individual were utterly self-sufficient, then that individual would be unable to relate to the state as a part to the whole. Since the individual in isolation is not self-sufficient in this strong sense, then she must be a part that is united with the whole, the state. If the individual were prior to the state, then the individual would have no place in or use for communal life, and therefore the concept of the free individual would collapse into that of the beast or the God.¹⁹⁶ The human being, however, is an individual only because the people is prior, and thus the spirit of the people that is the mark of the positive in spirit that logically precedes the mark of the negative.

The result, Hegel argues, is that within reality, where objective ethical life resides, is a division "...into one part which is absorbed absolutely into indifference, and another wherein the real as such subsists and thus is relatively identical, and carries in itself only the reflection of absolute ethical life."¹⁹⁷ The key part here is that the reality of objective ethical life is in part rooted in individuality, where the reality of individuality is a

¹⁹⁶ Hegel, 113.

¹⁹⁷ Hegel, 99.

reflection of ethical life. The posited individuality contains not only a reflection of ethical life itself, but also a relative identity with ethical life in its process of positing the ideal and the real: the freedom of the individual is nevertheless bound up with absolute ethical life and its program of achieving indifference. The existence of the absolute is necessary, but the existence of the problematic relationship between the absolute and the finite, between the divine ethical life and the free individual, is also necessary. The reality of ethical life, the reality of the living organic totality, is the expression of the harmonization between the real and the ideal; but the reality of ethical life is *also* the reality of the freedom of the individual, where the free individual, the spiritual but mortal being, cannot completely unify itself with the absolute due to its empirical consciousness. Put differently, the free individual necessarily exists as a point of view, as taking up the world through its consciousness, and this inner separation between the world and the empirical consciousness of the same is constitutive of the life of the free individual. To be an individual is to have an empirical point of view, and the very presence of a point of view, of an inner private space that is grounded in finitude of the individual, entails that a unity between the free individual and the absolute is not possible.

But we are not to conclude that the individual remains utterly severed from the living spirit, from the absolute ethical life, for the free individual as spirit "...enjoys a view of the Absolute, as it were, as alien."¹⁹⁸ The alienation of the free individual from the ethical life is not total or absolute, but one that bears an *implicit* relation. Enacting, or living out, its alienation, the free individual implicitly communes with the absolute ethical life. In other words, the alienation of the free individual from ethical life is in fact

¹⁹⁸ Hegel, 108.

its participation in the living Spirit behind the back of the individual. Religion turns out to be the avenue where the consciousness of the free individual is wholly united with the Absolute, but only in its ideal sense. God, then, is for the free individual a necessary result of the separation between the real and the ideal for the finite spirit: religion is the finite spirit's explicit communion with the Absolute, but only with the Absolute in the ideal. The implicit communion with the Absolute by the free individual among free individuals is the positivity, the ethical organization, that is always the backdrop of the free individual. Each free individual is an implicit participant and maker of the ethical organization; here we see something like the ethical significance of the people in the face of the free individual. There is no person without a people; there is no people without a person.

The actuality of ethical life is not in the universal but in the finite, in the real. Since the actuality of ethical life is tied to the real, the divine within the ethical – the absolute harmony between the real and the ideal – is not possible. The very attempt of ethical life to take up the finite into harmony with the ideal in order to express its inner divinity reveals the impossibility of raising the finite to the level of the infinite. Instead, the ethical life that struggles with the finite in its attempts to realize itself as it truly is expresses the divinity with ethical life *in a distorted way*. The distortion of the divine within the concrete life of ethical life amounts to moments within human history, and in a very broad sense the history of a people may be viewed as the process of transitioning from a distortion to a clearer expression of the Absolute. Ethical life in the concrete turns out to be an 'internally complete' perspective on absolute ethical life. This is important insofar as we do not want to hold that concrete ethical life is merely an approximation on

absolute ethical life in the sense that the concrete is always approaching the absolute. Rather, an entailment of Hegel's argument seems to be that ethical life, while never complete in relation to the absolute, nevertheless attains satisfaction in its historical moment. Ethical life does not bring about unity within itself, within its struggles: the 'best' that ethical life can do in the face of the finite is a semblance of unity understood as a "...counterfeit negative independence – i.e. as freedom of the individual."¹⁹⁹ I take this to mean that the freedom of the individual, while an expression of the inability of ethical life to bring its divinity into the real, is the highest expression of ethical life. The real essence of ethical life is expressed in the freedom of the individual, and the *life* of ethical life is always concerned with the concrete reality of the freedom of the individual; an affront to this freedom is an affront to concrete reality of ethical life. So, the trajectory of the ethical life is, ultimately, grounded in the realization of the freedom of the individual. However, we should not interpret this statement as claiming that the individual is more substantial than the living relation, the community of others. Rather, the most concrete place where ethical life manifests itself is in the individual.

Our motivation for going down this philosophical path is to take the absoluteness of freedom seriously, where the relationship between positivity, negativity, and indifference is given the conceptual space to organize itself according to its inner logic. The concrete reality of the free individual culminates in both the 'power' of the individual to be embedded in the ethical life of her people and the 'power' of the individual to re-evaluate

¹⁹⁹ Hegel, 108.

her embeddedness to the point where she may decide to divorce herself from her people, her ethical home.

6.3 Ethical Life in a More Concrete Sense:

Given what we have established about the structure of ethical life, and given that expression of the free individual is at the very core of ethical life, both as its site of actualization and as its project, we are now in a position to explore the dynamic way in which individuals participate in a community. The task now is to sort out the relation between the essence of the individual and her reality within her community, or between absolute ethical life (as a free being) and relative ethical life (the historical way in which the community of free beings emerges).

The underlying torrent of relations is expressed in ethical life through the process of positing, negating, and reconciling. “This is nothing else but the performance, on the ethical plane, of the tragedy which the Absolute eternally enacts with itself, but eternally giving birth to itself into objectivity, submitting in this objectivity to suffering and death, and rising from its ashes into glory.”²⁰⁰ There are three parts within the performance that need to ‘fit’ together: the negative attitude within the absolute, the positive realm of the absolute in the shape of the practical, and the Absolute in its fullest sense. “Thus there is posited a relation of absolute ethical life, which would reside entirely within individuals and be their essence, to relative ethical life which is equally real in individuals.”²⁰¹ For Hegel, the opposition between the negative attitude and the practical realm brings forth

²⁰⁰ Hegel, 104.

²⁰¹ Hegel, 99.

conflict and tension that drives the living relation that is the community. This section focuses on the second core part of Hegel's account of the practical realm within ethical life, namely that from the perspective of absolute ethical life the internal strife of the community just is the actualization of its reality.

The following is an account of the dynamic internal to ethical life, where effort has been made to use language that less abstract. Broadly, absolute ethical life is a process of self-renewal through self-articulation, and the spirit of a people is ultimately expressed in its history. Positive laws, or laws put forth by the community that form the backdrop of (relative) justice, turn out to be the result of genuine effort on behalf of persons within a people. But for every determinate law put forth by members of the community, the consuming flame of the universal is stoked in other individuals within the same community. At its most benign, the negativity of ethical life embodied in the conviction of the individual prompts dialogue between the people and its individuals, a re-evaluation of the positive law. At its most destructive, that same negativity inserts a wedge that ultimately sunders a community. While determinate laws show themselves as markers of the community, determinate laws also turn out to be sites where the community needs to call into question whether these laws are in tune with the life of a people.

Consider the dynamic relationship between the positive and negative elements of freedom, and their impact on the laws of the community. Per the positive element, the community is always engaged in vitalizing objects and rules in the community as lawful. Per the negative element, since the members of the community retain the absolute power to negate any structure of meaning, the laws of the community are never settled. As shown in Chapter Four, a 'perfect' system of law is impossible. Recall that the reason

why such a system is impossible, Hegel argues, is due to the structure of our freedom and not because we simply have not yet hit upon perfection through our skills in reasoning. As individuals participating in the community, individuals always retain the ‘final’ power to affirm or deny the grip that the law has on them, and since the reality of laws is necessarily tethered to the free activity of individuals, laws are inherently fragile.

Our freedom is structured in a way that finds its expression in the laws and customs of the community – we are necessarily concerned with laws, customs, networks of meaning. However, the content of our concern is always fragile. Since freedom in the community is made manifest through affirmations and negations, the community always remains in a state of ongoing debate with respect to how it understands itself through its own laws, customs, and so forth. Through our daily participation in the community, we each affirm the meaning or reality structured by the laws of the community, and we each affirm (implicitly or otherwise) the legitimacy or illegitimacy of actions carried out by members of the community in the present or the past.

Now that we have established the fundamental tension that animates the lawful community, we may take a closer look at the ‘life cycle’ of the laws. The *birth* of laws in general is the product of free beings (even though they may not take themselves as free) coming together to vitalize a shared network of meaning. What grounds the community of free beings is a shared principle, a shared perspective on how to express themselves in the world. Laws that are birthed in already ongoing community are similar in structure: the new laws are culmination of efforts within the community to have a new path of self-expression recognized as legitimate by others. The birth of a law then, in part, is the announcement by the community of a new limitation that is to be held as meaningful in

the community's expression of *how freedom should take place*. Importantly, there is no great divide between laws or customs in this regard: the point of significance is found in how free beings continually vitalize the new limitation or condition *even though they could always do otherwise*.

The *life* of a law is centred around its role as a condition of self-expression. Each individual is radically free, and yet, despite each individual's power to negate the claim that the law has on their life, each individual invests the law with their vital energy. The life of the law is related to the experience of home – a grounding network of meaning that one uses as a base of operations, so to speak. The 'living laws' are pathways towards, or enablers of, the individual's efforts to express herself in a way that accords with the community. The stop sign is a condition setup by the community that helps me navigate the network of shared meaning in a way that allows me to voluntarily participate with others and to express myself using terms that are recognized by others. Again, I always retain the power to express myself in a way that is not recognized by others, and always retain the ability to free myself from the network of meaning. Hegel's point is that while I do not make the choice to enter into this network of meaning, as a free being, I always am capable of denying part or all of that network.

But what occurs when a law reveals itself as no longer an enabler of self-expression by members of the community? What happens if the law comes to be viewed as an obstacle to, or as dissonant with, the shared network of meaning? Of course, such a possibility, for Hegel, always remains in the background because the life of a law is dependent on its continued vitalization through the actions of free beings. Furthermore, the death of a law is inevitable given that freedom is historical, or that the ways in which

freedom expresses itself changes. Laws that were ‘enablers of self-expression’ in the past may come to be viewed as ‘disablers’ in the present. Recall that the vitality of a law is always tethered to the activity of individuals. Within a community, individuals inevitably come to see certain laws as obstacles to their self-expression, and, depending on the strength of the movement, these laws may be drained of their vitality, or laws that are now interpreted as no longer legitimate paths of self-expression.

When alive, the laws enable the growth of the community; when dead, these same laws turn out to be the site that spurns new growth. What is dead is put to rest, and what rises out of the ashes of the dead is new life, and the death of a law summons the community to make new commitments.

So, what grounds our debates around the relevance of certain laws is the *tragic structure* whereby the community consumes a part of itself for the sake of its further growth. Remember that all particular laws are works of free beings expressing themselves in the world; but, since laws are always being checked against the absolute power of individuals, laws are fragile. The upside of fragile laws is that no laws can be taken as absolute in the community, the community is always on the trajectory towards debating laws (whether it wants to or not). The downside of fragile laws is that the death of a law is the death of a perspective, a certain structure of meaning that was once alive, and was once a part of the community. The community, in putting forth new laws, turns out to consume what was itself, so that the community may be born again, so to speak. The tragedy of the community, according to Hegel, is that the process of self-consumption for the sake of organic growth *is the basic mode of communal life for free*

beings. In other words, the community is a process of continual self-overcoming; conflict, tension, debate, alienation – these are essential aspects of communal life.

Our role in the community is to participate in the on-going dialogue taking place in the community. Our role is to engage with others to show that a particular law is dead and a hindrance on self-expression or to show that that same law is alive and the nay-sayers are in the wrong. Of course, the dialogue around the rightness or wrongness of a law is never clear. Nevertheless, our role in the community is essential: each of us are stakeholders in the network of meaning of the community, and the growth of the community, the birth of new ways of self-expression, the death of laws that turn out to be oppressive, are all rooted in our participation in the community itself. We may work towards asserting the rightness of the community; we may work towards convincing the community to adopt a change in its network of meaning; we may leave the community. Not only is tragedy found in the structure of the human community insofar as its growth necessitates the overcoming or consumption of human effort, but tragedy may be found in the efforts of individual members of the community to adopt a change in the shared network. The rejection of the change amounts to the rejection of the human effort. In all cases, the life of the community depends on the ‘consumption’ of human effort.

6.4 Justice in Light of the Dynamics of Ethical Life:

In order for truth and reality to be attained in an account of justice, we must turn to the reality of absolute ethical life. “The absolute and clear unity of ethical life is absolute and living in virtue of the fact that neither a single sphere nor the subsistence of spheres in general can be fixed – that on the contrary, while ethical life eternally protracts them,

at the same time it absolutely collapses and cancels them, and enjoys itself in undeveloped unity and clarity.”²⁰² The plastic power of absolute ethical life to move between the spheres or to collapse the spheres comes from absolute ethical life’s security of its own inner life and indivisibility. Through its *self-induced instability*, absolute ethical life is always able to remain indifferent to the movements and tensions inherent in the relation of moments.²⁰³ Here again we see indifference as the mark of the absolute: without its drive to return to a point of indifference, ethical life would be submerged in one moment and lose its sense of self. Hegel references the living animal in order to illustrate the point: the health of an animal is determined by its perpetual indifference to the assertions of its moments; the death of the animal comes about when a part asserts itself as the centre in the face of the whole or other parts; the liver that asserts itself as the ruling organ brings about the death in the animal.²⁰⁴

Recall that it is the inorganic positivity that ethical life takes as an obstacle to its actuality as a living totality. When a sphere, or a principle of a particular sphere, encroaches on another sphere, that encroaching sphere becomes more positive. An intrusion of a principle that is external to a particular sphere opens up the possibility of the invading sphere subjugating other spheres. Put differently, the life of a sphere of freedom within ethical life left unchecked may, from the perspective of the whole, overstep its bounds. The result is that the invasive principle warps the actuality of other spheres. Hegel uses the example of what happens if the principle of external justice that is the mark of civil society, the principle of civil law, of property and security, invades

²⁰² Hegel, 122.

²⁰³ Hegel, 122.

²⁰⁴ Hegel, 123.

the constitutional law of the sphere of the state; the result would be “an inferior relation as the contractual one” forcing itself into actuality of the state as ethical life. The contractual relationship – a matter between finite individuals – running amok in the institutions and ethos of a community would bring about the destruction of the majesty of the ethical totality, where the lifeblood of that totality is a relation among individuals that exceeds the basic contractual one that dominates the sphere of civil society.

Given the essential but problematic reality of law, of human relationships governed by customs or rules, justice is not a state that is attained by the community. Instead, true ethical justice makes its appearance only in the intuition of the individual. For the individual who asserts herself as representing the ethos of people, for the individual who is convinced she is grounded in the spirit of the people through conscientious behaviour – this individual is, Hegel argues, the site where true justice is made concrete. In other words, true ethical justice resides only in the intuition of the spiritual individual, where the individual takes it upon herself to promote the reality of her people as she experiences it. With respect to the discussion on the economy in Chapter Five, the reason why economic justice is merely a semblance of justice is because true justice only comes about through the complete synthesis of the empirical with the formal, the universal idea that is the ground of the ethical life, and this synthesis only finds completion in the individual. True justice, then, is intimately connected with the perception of the individual as a moment in the history of the spirit.

Whether a way of life is ethical depends on the reality of the people: if a nation organizes itself truly around a particular system, and vitally permeates this system, then the laws of the nation is an ethos, an ethical reality. The question of whether the feudal

system is ethical, Hegel says, is one that cannot be determined by reason alone.²⁰⁵ If a nation organizes itself in such a way that the feudal system permeates fully the reality of the people, then the feudal system is one possible shape of ethical life actualized and is therefore necessary, just, and ethical in that moment of history. Hegel raises the example of the feudal system to help unpack the claim being made: Serfdom would be ethical and just in a particular moment of history because the serfs wholly inhabit their role, or where the serfs “cannot feel and enjoy the image of divinity in [their] own being” but hold that feeling to be located in the lords.²⁰⁶ In this sense the justness of a shape of ethical life is dependent on the degree to which that shape of ethical life is taken as ethos by a nation. What we may now call the injustices of the feudal system are only apparent because of the inner movement of ethical life, the reshaping of ethical life through its own history; in other words, our recognition of the injustices of a past shape of ethical life is only possible by reading the history of ethical life to find the moment in history where a particular ethos weakened and was replaced by another ethos. It is this fundamental vulnerability of justice to the ethos of a moment in history that reveals most clearly the relativity of justice according to the determinate laws of a people.

If, however, we were to assert that the justice for a community is independent of its ethos, then this principle of justice would be fixed, without vitality, and disconnected from the self-articulation of ethical life. In other words, since we have determined that any expression of freedom cannot be excised from the empirical and that the freedom of a people can only be expressed through a problematic and tension-filled relationship with

²⁰⁵ Hegel, 127.

²⁰⁶ Hegel, 128.

the empirical, we must therefore assert that justice in the shape of laws within the community is relative justice. Universal law cannot articulate the life of the community; positive law is inadequate to the task of expressing the vital energy that is immanent to the community.

Formal natural law and the jurisprudence rooted in the empirical are two essential moments in the expression of justice within ethical life: the unity of these two moments cannot be the conflation of one into the other, or the subsuming of one under the other. Rather, absolute ethical life induces its own instability through the dynamic tension between the individual and the people, where this continual instability is the point of indifference where the truth of each sphere is realized. The individual is both the site where true justice enters into the community and the site where the tension between form and content is realized. The work of the individual is the binding of the content to the principle or the stripping of the principle from the content.

From the perspective of the individual, law is an unresolved issue, one that involves the constant assertions of justice and injustice on the basis of ideas and facts. The ethical individual is called upon to participate in the laws of the community as a vigilant ‘stakeholder.’ from the perspective of absolute ethical life, the instability that results in the continual and ‘painful’ tensions between the positive and the negative, between the principle and the content, between the individual and the people, just is the true reality of ethos of the people. This instability buried deep within the living relation, in an important sense, is the heart of the living relation, vitalizing organs within the community with the spiritual and vitalizing efforts of individual members of the community.

6.5 The Shape of Ethical Life:

Following Hegel's argument, we have established that an account of natural law within the context of absolute ethical life culminates in the ethos of a people. The ethos of a people is the concrete manifestation of the organic (immanent) and historical organization of a community based on a shared system of legislation that is in a state of perpetual evaluation. The ethos of a people, then, is a kind of identity between the particular, the contingencies or historical responses to the appearance of tension between necessity and freedom, and the universal, the concern that the absolute ethical life of the individual has towards its own realization. We now turn towards an articulation of what is the reality of the sheer identity between the particular and the universal. We shall see that the identity of ethical life is the shape that the living relation takes, where this living relation roots itself in the empirical through what Hegel describes as the 'honouring of necessity.'²⁰⁷

Hegel argues that through the notion of individuality or shape, the identity of ethical life is revealed. Ethical life as shape expresses the union between the particular, the necessary, and the relation that is carried within ethical life. "Like everything living, ethical life is a sheer identity of universal and particular, and for that reason is an individuality and a shape."²⁰⁸ Since ethical life as an individual shape identifies itself with or incorporates the particularities of its reality, ethical life retains its freedom in this identity. The conditions of apparent limitation are not external and particular to the reality of ethical life; rather, as shape, as the sheer identity between the universal and the

²⁰⁷ Hegel, 126.

²⁰⁸ Hegel, 126.

particular, the conditions of limitation are taken up by ethical life as the way in which its vitality is made real. “And this ethical life, which reflection may consider to be particularity, is not something positive, or opposed to the living individual which is thereby tied to chance and necessity, but is alive.”²⁰⁹ The particularities that ‘afflict’ the individual ethical life are not conditions of limitation that are to be overcome. One might argue that Fichte’s philosophical system is committed to interpreting the particularities and necessities that the community of free beings encounters as summons to continue the program of striving: practical reason, expressions of freedom in the world, must ultimately be grounded in the pure drive of the I towards self-sufficiency. To be sure, answering the summons does not mean destroying the limitation, but asserting a new narrative that proves to the free community that the limitation is not final or absolute. From Hegel’s perspective, the problem with the demand to continually reassert the primacy of the free individual as such is that the particularities and necessity can never be truly incorporated into the reality of the free community in a way that preserves their ‘significance’ within the concretization of ethical life. The particular and the necessary – these make up the inorganic sides of the living ethical life. “This side is its inorganic nature, though it has attached that side *organically* to itself in shape and individuality.”²¹⁰ The inorganic is a condition of expression for the organic, but the inorganic is incorporated into the organic in a more substantial way than in Fichte’s system: While the difference between asserting a narrative that incorporates the particular into the overall project of striving and recognizing the particular as the condition upon which ethical life is made real may appear to be slight, the implications for taking up the

²⁰⁹ Hegel, 126.

²¹⁰ Hegel, 126.

particular into ethical life organically are revealing of Hegel's overall 'treatment' of the empirical in the essay.

In order to illustrate the role of the particular in articulating the individual shape of ethical life, Hegel uses the example of climate. The climate of a people is rooted in a necessity: the necessities of the location determine the climate, where we can understand climate to be the result of a long chain of necessary "links."²¹¹ To be sure, we can understand the climate from a scientific point of view or from a historical point of view, but, Hegel argues, the truth of climate for the people takes on a different meaning. Put differently, neither science nor history can reveal to us the role that climate has in the ethical life of a people. The people have organized themselves organically in a way to hold the specific character of the climate in its 'presentness' as a foothold into reality. "For the ethical vitality of the people lies precisely in the fact that the people has a shape in which a specific character is present – though not as something positive...but as something absolutely united with universality and *animated by it*."²¹² The subtle but important difference between an account of the empirical rooted in *a priorism* and an account of the empirical that is rooted in absolute ethical life is that the empirical is not relegated to the status of accident relative to the primacy of the I as such. "And this aspect is very important also, partly in order to recognize how philosophy learns to honor necessity; partly because this aspect is a whole, and only a narrow view sees merely the individual detail and rejects it as accidental; and partly also because this aspect cancels the view of the individual and accidental by showing that it does not inherently hinder

²¹¹ Hegel, 126.

²¹² Hegel, 126. My emphasis.

life, *but that life, on the contrary, by letting the individual and accidental persist as they are of necessity, removes them from this necessity and permeates and vitalizes them.*"²¹³

The ethical life of a people incorporates the 'accidental' fact of climate into the necessity of the actualization of the people. Put differently, the necessity of the climate is not present from the perspective of the reflective individual, but ethical life, in asserting itself as a shape of the Idea, revalues these apparent (from the perspective of the individual) accidental characteristics into necessities for the sake of ethical life's own self-expression. In this way, the accidental or the individual does not hinder the life of the people, "...but that life, on the contrary, by letting the individual and accidental persist as they are of necessity [within a long chain of necessity of causation it seems], removes them from this necessity and permeates and vitalizes them."²¹⁴ The necessity of the inorganic is, through the work of ethical life, replaced with the necessity of the organic. From the perspective of the animal, water is not something dead, but something that is necessary for its life; similarly, the climate of a people is not something positive, but something that turns out to be a necessity for the life of the people as *determined by* the life of the people. The inorganic, the particular that may appear as a limitation on the expression of the people in the world, is attached to the organic, the living relation, through the efforts of members of the community immanent to the organic itself.

²¹³ Hegel, 126. My emphasis.

²¹⁴ Hegel, 126.

6.6 The Trajectory of Ethical Life:

Recall that the ethical individual is the presentation of the ethical totality in the individual, and the nation, the ethical life of the people, is the foundation of the person. Given the tension inherent in the living relation, the relationship between the individual and the nation is not static. The freedom of the individual and the freedom of the nation may harmonize in moments in history, but it is also possible that the individual and the nation grow apart. The tragedy of spirit is that the ethos of a nation is always on a trajectory towards ossification, hardening, or being fixed as absolute. Moments in history may result in a particular individual coming to the fore, or a wave of nationalism sweeping through the state. Whatever the case may be, the perpetual motion of ethical life is the flowing of vitality into new parts that are organized around the whole, and the flowing of life out of old parts, what is spiritually dead.

Once a feature of a sphere has been fixed through its spiritual death, this feature appears as absolute. The laws of a nation fall out of step with its ethos since the ethos of the people is challenged by the presence of the inorganic. In the face of the absolute, ethical life, through the movement of ethical individuals, overcomes the apparent absoluteness of the feature. “When *ethos* and law were on, the specific feature was not anything positive. But if the whole does not advance in step with the growth of the individual, law and *ethos* separate; the living unity binding the members together is weakened and there is no longer any absolute cohesion and necessity in the present life of the whole.”²¹⁵ The separation of law and *ethos* means that the ethical individual can no longer be taken as an ‘agent’ of his people. Put differently, the necessity that is historical

²¹⁵ Hegel, 129.

production of ethical life no longer fully encapsulates and grounds the individual. In this moment of tension, of disharmony between the law and the *ethos*, the ethical individual may no longer be the site of the expression of the people. The history of the nation and the history of the individual would no longer be ‘one.’

If we were to insist that scientific empiricism is the method of the philosophy of natural law, then we would be at a loss in these inevitable moments of disharmony between the individual and the nation. In the context of the separation between the law and the *ethos*, the individual turns out to have no true ground in the present.²¹⁶ The story of the nation, the history of necessities that demarcate the life of a people are, in the moment of disharmony, no longer in a position to demarcate the life of the individual. The sole avenue available to empiricism at this point is to attempt to explain the present according to the past. In disharmony, the laws of the present lack truth, and an empirical account of the truth of these laws must turn to the past; the result would be a justification of the present context – the death of a part of the whole of ethical life – relies on a past context where that part is vitalized by the *ethos* of a people. The negative absoluteness of absolute ethical life resurfaces in these moments of separation and disharmony. The severance of the individual from the whole is the actualization of the negative element in ethical life, where this negative element is devoid of the positive truths that animated ethical life throughout its history.

The nuanced position put forth by Hegel reveals to us that the necessity within ethical life which results in the positive truth of a people in no way encapsulates or

²¹⁶ Hegel, 130.

excludes the negative element within ethical life from the perspective of the absolute. The necessity that is the mark of historical (empirical) accounts of a nation is to be understood within the context of spirit, the context of ethical life, where this content makes up the living body of the people. The role that empiricism plays in natural law is the illumination of the vitality of the spirit through its historical content. Where formalism would take this content to be contingent, to be dead and lacking truth, empiricism shows us the positive element within ethical life, where the truth resides in terms of a necessity that has been properly comprehended by philosophy. However, we have also learned that the relationship between the individual and the whole is one that may dissolve, where the ethicality of the individual falls out of step with the now-hardened parts of the individual's nation. In other words, the possibility of separation between the law and the *ethos* reveals the need to comprehend the individual outside of historical truths. Instead, the individual, in her withdrawal from the dead parts of the present whole, can only be understood through the concept of the negative absoluteness of freedom, the negative element within absolute ethical life.

The necessity of the positive element in ethical life is bound to the aspect of the Idea that the ethical life embodies, but is never congruent with, absolute spirit itself. Put differently, it is impossible for a set of necessities in the world to align with absolute spirit, and this impossibility is due to the limitation of the empirical, the necessities that are determined as such by the ethical totality: the conditional aspect of the necessities of ethical life reveals itself at the level of the absolute, and therefore cannot be a shape that is the actualization of the absolute. Since focusing on the positive element of ethical life reveals that the ethical totality remains only a point of view on the Idea and not fully

congruent with the Idea, one might think that the negative element of ethical life provides a path towards overcoming the incongruency between absolute spirit and the spiritual ethical totality. The failure of this route reveals the path towards congruency does not reside in positive shape or in negative formalism; instead, the path towards congruency resides in the construction of the intuition through which the individual recognizes herself in the very same moment of recognizing the intuition of her perspective on the Absolute.²¹⁷

The complexity surrounding the birth, life, and death of laws reveals the inadequacy of a science that focuses merely on natural law from a one-sided perspective. Similarly, a science of jurisprudence ignores the ethos of the nation unfolding in relation to its grounding principle. Hegel's account of natural law requires us to incorporate jurisprudence, where the individual is the site where these two opposed perspectives on the living relation are navigated as a member of the community.

Note that through the concept of ethical life, we have revealed a problem with accounts of natural law by the formalist. The specific character of nation is understood by how it organizes itself into a totality, where the parts that make up the ethical totality

²¹⁷ While the negative element within absolute ethical life is a vital force that reveals what is dead and contingent within ethical life for the sake of revealing the universal in all its splendor and rationality, this vital force of the negative produces only a formal structure that lacks content. Ethical life, then, "...cannot attain this absolute shape by escaping into the shapelessness of cosmopolitanism, still less into the void of the Rights of Man, or the like void of a league of nations or a world republic." [133] In order for ethical life to reveal itself as a shape of the Idea, the vitality of the ethical must permeate the content of ethical life. To be sure, the negative element within ethical life is a vital force, but this force is necessarily formal. Since the actualization of the shape of ethical life in the world requires content, the negative element, taken as primary, is unable to incorporate content into its actualizations. Following Hegel's argument, the league of nations is a void because the presence of any ethical content would undermine the actualization of the league itself, or would reveal the league of nations to be an impossibility for ethical life. The specificity, the point of view on the Idea, that is the mark of ethical life therefore precludes the possibility of an ethical life that is formal, universal, or not bound by a specificity.

are determined by the shape of the ethos emerging in the world. The system of law that emerges through the actualization of ethical life has not been determined independently by the necessity of *a priori* thinking. Rather, the parts of the system have been brought about, in the most real sense, through the whole, through the living totality of the nation that emerges in the world through its own work. In this way, no part or aspect is subservient to the *a priori* thinking of the formalist, but only to the living whole. The empirical remains central to an account of natural law, for the laws of a nation are always organized around and subservient to the *living* whole, the ethical totality. The formalist fails to recognize the essential role that the living whole plays in development of a ‘just’ system, for determinations of justice require determinations of ethos.

6.7 Conclusion:

The complexity of a philosophy of natural law is now on full display. This chapter has established that, following Hegel’s line of reasoning, the culmination of a people is in its ethos, or, more practically, in its system of legislation. We should not seek to determine in advance a framework that lords over the life of a people. Instead, we must recognize that, because of the tension between the universal and the particular within ethical life, a people determines its own framework, its own network of meaning, actualized in part as a system of legislation. To be sure, while Hegel’s philosophy reveals the ‘path’ whereby the identity of a people is made manifest, his philosophy also limits what the philosopher can claim about the content of that identity. Put differently, the way to access the truth of the ethical reality of a people is to describe the experiences of individuals within the community. With respect to the idea of justice, a similar claim

has been established: the site where justice is made real is in the intuitions of the individual.

CONCLUSION

Hegel's philosophy surrounding the notion of natural law has been shown to be quite distinctive relative to the programs of empiricism and *a priorism*. First, the reality of absolute freedom situates the restlessness of the individual in her absolute negativity within the organic and positive living relation, which is itself grappling with the empirical. Furthermore, these two aspects of freedom are in tension with one another, where this very tension turns out to be the driving force behind the actualization of the human community. Hegel's Idea of absolute freedom is distinctive insofar as it situates a dynamic tension *within the concrete life of free beings*.

Second, since the dynamic tension within the community is expressed in a performance, we must concern ourselves with the history of that performance. The trajectory of the community cannot be determined in advance by a conceptual framework; rather, Hegel's philosophy shows us that absolute freedom necessitates a process of development that is immanent to the community. The notion of a fixed first principle that could be used to articulate the reality of the community has been undermined, for we have established that the individuals within the community are always in a position to re-evaluate the legitimacy of an apparent grounding principle. So, instead of appealing to an abstract framework in our account, Hegel's philosophy tells us that we should instead focus on the way in which the ethos of a people has developed over the course of its history.

Third, our account of the reality of the lawful community must recognize that the true site of its expression is in the individual. Given that the experiences of the ethical individual turn out to be moments where the positive and negative aspects of freedom are brought into contact with each other, a ‘scientific’ account would always tend away from the perspective of the individual for the sake of establishing a principle. The arguments put forth by Hegel in this project show us, in an important sense, just how the historical moments for individuals within a community are essential to the ethos of the people.

Fourth, the empirical should be conceptualized as being incorporated into the living relation of the community, where the identity of the community is rooted in the way in which the living relation, through its organic growth, has attached itself to the empirical. Broadly, these four distinctive aspects of Hegel’s philosophy demand that we move away from thinking about principles to thinking about history, that we bring the empirical to the fore through an emphasis on experience and the construction of an identity.

This dissertation project has argued that Hegel’s philosophy surrounding natural law re-asserts the role of the empirical. On the one hand, the presentness of the moment, the only way for the moment to bear ethical weight is through the force of perception. Determining human action according to abstract rules, or rules that necessitate an abstraction from the moment, collapse. But if we were to, in response, determine human action according to empirical moments only, then the empirical moment would be wrongly asserted as dominant. The wrongfulness of this assertion is realized most importantly in the negative absoluteness of the free individual. While the present moment ensures the connection between the free being and the ethical action taken, the

power of the free being to annihilate the moment and its oppositions ensures that the empirical is not the final word. The free being is not under the demand to strive towards infinity, for the presentness of the moment revealed to the free being through the force of perception makes clear the ethical course of action in a complete way. However, that ethical course of action is without finality, for the power of the free being to abstract, to universalize reveals the limited scope of the supposed final say in the matter. The empirical asserts its importance in the perceptions of the individual and by playing its part in engendering a historical moment. A historical moment is an act of the free being imbued in the empirical, where free beings, because of the essential role that presentness plays in human action, are always responding to that history. In short, the universal, utterly abstract from all determinacies and articulated *a priori*, is replaced with history, or the story of absolute ethical life expressing itself on its own terms, where these terms turn out to bear significant ethical weight for the peoples involved. A denial of the role of the empirical, according to Hegel's argument, results in courses of action that are always vulnerable to charges of immorality or inconsistency. Absolute ethical life's expression in the world takes the shape of history because history is the spiritualization of an empirical moment, one that, while not limiting absolutely the responses of free beings, invites a response from those free beings.

The philosophy of natural law, according to Hegel, must incorporate the empirical into its account in two ways: (1) from the positive aspect of freedom, commitments are actualized in the world, where the commitment made are shaped by the history of the community; (2) from the negative aspect of freedom, commitments are what the individuals negate. In either aspect, the expression of freedom requires commitments,

and those commitments are entangled in the world. But the science of natural law is not beholden solely to the arena of the world: the program that Hegel puts forth shows us that no natural property or fact could be a grounding first principle of a system of natural law, for the negating power of the free individual undermines any assertion of absoluteness. However, the denial of any particular empirical ‘component’ as having a claim on the individual does not entail the denial of the empirical component of law as such. The turn away from one positive aspect of ethical life, from one expression of freedom concretized in the empirical, is a turn towards the expression of another positive aspect of ethical life, of the imbuing of another empirical component as having meaning. Thus, the *a priori* plays no overarching role in ‘sculpting’ the system of natural law put forth by an ethical community. The negation of one commitment made by individuals within a community does not find its completion in an appeal to an *a priori* principle; only by responding to the empirical content of the world does that expression of freedom by the individual become ‘complete.’

BIBLIOGRAPHY

- Bates, Jennifer Ann. *Hegel's Theory of Imagination*. SUNY Series in Hegelian Studies. Albany: State University of New York Press, 2004.
- Baumgartner, Hans Michael, and Richard Polt. "The Unconditioned in Knowing:: I—Identity—Freedom." In *The Emergence of German Idealism*, edited by Michael Baur and Daniel O. Dahlstrom, 241–50. Catholic University of America Press, 1999. <https://doi.org/10.2307/j.ctt21pxmwh.13>.
- Breazeale, Daniel. "Fichte's Abstract Realism." In *The Emergence of German Idealism*, edited by Michael Baur and Daniel O. Dahlstrom, 95–115. Catholic University of America Press, 1999. <https://doi.org/10.2307/j.ctt21pxmwh.7>.
- . *Thinking through the Wissenschaftslehre*. Oxford Univ Press, 2016.
- Burbidge, John W. "The Cunning of Reason." In *Final Causality in Nature and Human Affairs*, edited by Richard F. Hassing, 151–62. Catholic University of America Press, 1997. <https://doi.org/10.2307/j.ctt22h6qzw.10>.
- Fichte, Johann Gottlieb. *Fichte, Early Philosophical Writings*. Translated by Daniel Breazeale, 1993.
- . *Fichte: Foundations of Transcendental Philosophy (Wissenschaftslehre) Nova Methodo (1796/99)*. Translated by Daniel Breazeale. Ithaca: Cornell University Press, 2010.
- . *Foundations of Natural Right: According to the Principles of the Wissenschaftslehre*. Edited by Frederick Neuhouser. Translated by Michael Baur. Cambridge Texts in the History of Philosophy. Cambridge, UK ; New York: Cambridge University Press, 2000.
- . *Introductions to the Wissenschaftslehre and Other Writings, 1797-1800*. Translated by Daniel Breazeale. Indianapolis: Hackett Pub. Co, 1994.
- . *Science of Knowledge ; with the First and Second Introductions*. Translated by Peter Heath and John Lachs. Texts in German Philosophy. Cambridge [Cambridgeshire] ; New York: Cambridge University Press, 1982.

- . *The System of Ethics: According to the Principles of the Wissenschaftslehre*. Translated by Daniel Breazeale and Günter Zöller. Cambridge Texts in the History of Philosophy. Cambridge, UK ; New York: Cambridge University Press, 2005.
- . *The Vocation of Man*. Translated by Peter Preuss. Indianapolis: Hackett Pub. Co, 1987.
- Franco, Paul. "Hegel's Development to 1806." In *Hegel's Philosophy of Freedom*, 33–80. Yale University Press, 1999. <https://www.jstor.org/stable/j.ctt32brrb.6>.
- Hegel, Georg Wilhelm Friedrich. *Early Theological Writings*. Translated by T. M. Knox. Philadelphia: University of Pennsylvania Press, 1988.
- . *Elements of the Philosophy of Right*. Translated by Allen W. Wood and Hugh Barr Nisbet. 15. print. Cambridge Texts in the History of Political Thought. Cambridge: Cambridge Univ. Press, 2011.
- . *Faith and Knowledge*. Translated by Walter Cerf and H.S. Harris. Albany: State University of New York Press, 1977.
- . *Natural Law: The Scientific Ways of Treating Natural Law, Its Place in Moral Philosophy, and Its Relation to the Positive Sciences of Law*. Translated by T. M. Knox. Philadelphia: University of Pennsylvania Press, 1975.
- . *Phenomenology of Spirit*. Translated by A. V. Miller. Reprint. Oxford Paperbacks. Oxford: Oxford Univ. Press, 2013.
- . *The Difference Between Fichte's and Schelling's System of Philosophy*. Translated by Walter Cerf and H.S. Harris. Albany: State University of New York Press, 1977.
- Hobbes, Thomas. *Leviathan: Or the Matter, Forme and Power of a Commonwealth Ecclesiasticall and Civil*. Edited by Michael Oakeshott. New York: Touchstone, 1997.
- Hoff, Shannon. *Laws of the Spirit*. Place of publication not identified: State Univ Of New York Pr, 2015.
- Honneth, Axel. *Pathologies of Individual Freedom: Hegel's Social Theory*. Princeton University Press, 2016.

- . *The I in We: Studies in the Theory of Recognition*. Cambridge [UK] ; Malden, MA: Polity Press, 2012.
- . *The Struggle for Recognition: The Moral Grammar of Social Conflicts*. 1st MIT Press ed. Studies in Contemporary German Social Thought. Cambridge, Mass: MIT Press, 1996.
- Houlgate, Stephen, and Stephen Houlgate. *An Introduction to Hegel: Freedom, Truth, and History*. 2nd ed. Malden, MA: Blackwell, 2005.
- Kant, Immanuel. *Critique of Practical Reason*. Translated by Mary J. Gregor. Revised Edition. Cambridge Texts in the History of Philosophy. Cambridge: Cambridge University Press, 2015.
- . *Critique of Pure Reason*. Translated by Paul Guyer and Allen W. Wood. 15. print. The Cambridge Edition of the Works of Immanuel Kant, general ed.: Paul Guyer and Allen W. Wood[...]. Cambridge: Cambridge University Press, 2009.
- . *Critique of the Power of Judgment*. Translated by Paul Guyer and Eric Matthews. 11. print. The Cambridge Edition of the Works of Immanuel Kant, general ed.: Paul Guyer and Allen W. Wood[...]. Cambridge: Cambridge Univ. Press, 2009.
- . *Practical Philosophy*. Translated by Mary J. Gregor. 1. paperback ed., 9. print. The Cambridge Edition of the Works of Immanuel Kant, general ed.: Paul Guyer and Allen W. Wood[...]. Cambridge: Cambridge University Press, 2006.
- . *The Metaphysics of Morals*. Translated by Mary J. Gregor. Cambridge Texts in the History of Philosophy. New York: Cambridge University Press, 2017.
- Nassar, Dalia T. "The Absolute in German Idealism and Romanticism." In *The Edinburgh Critical History of Nineteenth-Century Philosophy*, edited by Alison Stone, 29–46. Edinburgh University Press, 2011.
<https://www.jstor.org/stable/10.3366/j.ctt1g0b1vg.6>.
- Padui, Raoni. "Hegel's Ontological Pluralism: Rethinking The Distinction Between Natur And Geist." *The Review of Metaphysics* 67, no. 1 (2013): 125–48.
- Plato. *Five Dialogues*. Translated by G. M. A Grube. Indianapolis, IN: Hackett Pub. Co., 2009.

- Rae, Gavin. *Realizing Freedom: Hegel, Sartre, and the Alienation of Human Being*. Houndmills, Basingstoke, Hampshire ; New York: Palgrave Macmillan, 2011.
- Russon, John. *Infinite Phenomenology: The Lessons of Hegel's Science of Experience*. Evanston, Illinois: Northwestern University Press, 2016.
- . *Reading Hegel's Phenomenology*. Studies in Continental Thought Philosophy. Bloomington: Indiana Univ. Press, 2004.
- . *Sites of Exposure: Art, Politics, and the Nature of Experience*. Studies in Continental Thought. Bloomington, IN: Indiana University Press, 2017.
- . *The Self and Its Body in Hegel's Phenomenology of Spirit*. Toronto Studies in Philosophy. Toronto ; Buffalo: University of Toronto Press, 1997.
- Stone, Alison. "Alienation from Nature and Early German Romanticism." *Ethical Theory and Moral Practice* 17, no. 1 (February 2014): 41–54. <https://doi.org/10.1007/s10677-013-9467-7>.
- Williams, Robert R. "Hegel and Transcendental Philosophy." *The Journal of Philosophy* 82, no. 11 (November 1985): 595. <https://doi.org/10.2307/2026413>.
- Winfield, Richard Dien. *Law in Civil Society*. Lawrence, Kan: University Press of Kansas, 1995.
- Wood, Allen W., and University of Arkansas Press. "Fichte's Philosophical Revolution:" *Philosophical Topics* 19, no. 2 (1991): 1–28. <https://doi.org/10.5840/philtopics19911921>.

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