

Hegel's Fact of Reason: Life and Death in the Experience of Freedom

Dean Moyar

Johns Hopkins University

Abstract

This paper shows how Hegel transforms Kant's Fact of Reason argument for freedom, and in particular how Hegel takes over the role of experience and death in Kant's "Gallows Man" illustration of the Fact. I reconstruct a central thread of the *Phenomenology of Spirit* in which Hegel develops his view of freedom and practical rationality through a series of life and death experiences undergone by "shapes of consciousness". While Hegel views his fact of reason as a *result* of a developmental process rather than as an immediate brute fact, the method of that development is itself deeply informed by Kant's argument that the moral law must be opposed to attachment to life in order to establish the reality of freedom. By contrast with Kant, Hegel begins with an immediate unity of life and self-consciousness, and only through a painful trial is the subject of the *Phenomenology* educated to free obedience to reason. Hegel departs fundamentally from Kant both in uniting life and freedom and in simultaneously developing a *world* of freedom, a socially embodied fact of reason, through which individuals express their freedom in action.

Keywords: Kant, Freedom, Hegel, Reason, Life, Self-consciousness.

1. Introduction

If freedom of will is strictly opposed to determination by natural causes, then there is nothing that would, or could, count as evidence of freedom, for all our evidence comes through the operations of nature. One possible way out of this bind is to prove freedom of will from freedom of thinking, for the spontaneity of thinking seems both undeniable and in a medium (consciousness) that is at least somewhat plausibly undetermined by ordinary natural causes. Kant attempted such a proof in the third section of his *Groundwork of the Metaphysics of Morals*, arguing that reason shows "a spontaneity so pure that it thereby goes far beyond anything that sensibility can ever afford it" (Kant.Ak. 4: 452, PP: 99),¹ and that

¹ I cite Kant's texts from the Academy edition: Kant.Ak. = Kant 1900ff.; PP = Kant 1996.

we can infer from this faculty to membership in an intelligible world above the domain of causality and appearance. The problem with this kind of argument is that it leaves unexplained the move from thinking to willing, from theoretical to practical reason. Kant recognized the deficiencies in his own argument, and in the *Critique of Practical Reason* he based his proof of freedom on an explicitly moral consciousness of the will as governed by the moral law. This is his *Fact of Reason* (hereafter Fact), the claim that as agents we are necessarily conscious of ourselves as standing under a moral law that is supremely binding on the will. From this Fact we infer that the will really is free, outside of causal influence, for the Fact would be impossible without such freedom. The difficulty with this type of proof is that it seems to rely on a practical need: I need to think of myself as an agent under moral laws, and therefore I need to think of my will as transcendently free. The trouble is that we could grant all this and still say that needing to think this way does not make it so. From the demand to conceive of action in a certain way no fact of the matter follows. The demand could very well be yet another dictate of life, of nature.²

The only way to prove that life itself is not pulling the strings, so to speak, is through the willingness to *die* for the sake of the law. This is the insight of Kant's famous Gallows Man example in support of the Fact,³ and, I argue in this paper, it is an insight that Hegel exploits to great effect in his *Phenomenology of Spirit*. Kant looks for "confirmation" of freedom through willingness to sacrifice one's life to obey the moral law, the conclusion of practical reason. He holds that the motivation of an action risking one's life can only signify the determination of the will through reason alone. This argument for freedom through conscious opposition to life deeply influenced the development of German Idealism. While Fichte employs it for his political philosophy, Hegel generalizes the argument in his account of the experience of consciousness in the *Phenomenology*. In contrast to Kant's anti-naturalist approach to freedom, Hegel uses the experience of death in the service of an argument that unites nature and freedom. Hegel too aims to prove the reality of freedom, but he argues that freedom is realized within a social order conceived as a living system of rights and duties. Hegel's fact of reason is the ethical consciousness reached at the end of the *Phenomenology* and at the beginning of *Sittlichkeit* in the *Philosophy of Right*.

Rather than analyze the consciousness of the individual in the *Philosophy of Right* account of ethical life, or analyze the various passages where he critiques Kant's moral philosophy, in this paper I follow a central thread of the *Phenomenology* in which Hegel argues for his view of freedom through a series of life and death experiences undergone by "shapes of consciousness". Hegel views his fact of reason as a *result* of a developmental process rather than as an immediate brute fact. But the path or method of that development is itself deeply informed by Kant's argument that the moral law must be opposed to attachment to life in order to establish the reality of freedom. By contrast with Kant, Hegel's freedom begins as a pure self-consciousness, and only through a painful trial is the subject of the *Phenomenology* educated to free obedience to reason. The subject does find the source of the bindingness of norms in her own free will, but Hegel departs

² For discussion of a version of this naturalistic challenge leveled by Salomon Maimon, see Franks 2007.

³ I take the Gallows Man label from Grenberg 2013. For a critical discussion of her view, see Moyar 2015a.

fundamentally from Kant in simultaneously developing a *world* of freedom, a socially embodied fact of reason, through which individuals express their freedom in action. What Hegel rather mysteriously names *die Sache selbst* is the concept of an action bearing all the rational structure needed for the agent, in knowing and acting on it, to demonstrate that she is actually free.

2. Kant's Fact of Reason and the Gallows Experience

Kant's Fact of Reason is the consciousness of the moral law as supremely *binding* on the will of a rational being. One is conscious that one must *judge* actions according to the principle of the moral law and that the law can be effective on its own to *motivate* one to act on it. For Kant this consciousness is not derivative from a prior consciousness of freedom, but rather is the grounds for our knowledge of freedom.⁴ On the side of *judgment*, Kant gives a version of the universal law formulation of the Categorical Imperative: "ask yourself whether, if the action you propose were to take place by a law of the nature of which you were yourself a part, you could indeed regard it as possible through your will" (Kant.Ak. 5: 69; PP: 196). The *motivational* component of the Fact comes from the doctrine of respect, a "moral feeling" that proceeds from the representation of the law, and from the idea that consciousness of the moral law creates an *interest* that shows that the law is independent of the mechanism of nature (Kant.Ak. 5: 31; PP: 164-65). On Kant's story about transcendental freedom, this independence must be different from the "relative independence" that comes from subordinating one inclination to another (Allison 1990: 242). The only contrast with relative independence, however, is total independence, which manifests itself in the total elevation above life, namely in the willingness to die for the sake of the moral law.

The element of death comes out in an illustration that Kant introduces as experiential support for the priority of the law over inclination.⁵ He writes,

But experience also confirms this order of concepts in us. Suppose someone asserts of his lustful inclination that, when the desired object and the opportunity are present, it is quite irresistible to him; ask him whether, if a gallows were erected in front of the house where he finds this opportunity and he would be hanged on it immediately after gratifying his lust, he would not then control his inclination. One need not conjecture very long what he would reply. But ask him whether, if his prince demanded, on pain of the same immediate execution, that he give false testimony against an honorable man whom the prince would like to destroy under a plausible pretext, he would consider it possible to overcome his love of life, however great it may be. He would perhaps not venture to assert whether he would do it or not, but he must admit without hesitation that it would be possible for him. He judges, therefore, that he can do something because he is aware that he ought to do it and cognizes freedom within him, which,

⁴ I am drawing here especially on Allison 1990: Ch. 13, and Franks 2005: Ch. 5.

⁵ Allison emphasizes the importance of the gallows experience for the deduction of freedom from the Fact. "Although this passage occurs prior to the 'official' deduction of freedom in the text, it is crucial to the understanding of this deduction, since it clearly illustrates the inseparability of the consciousness of the moral law and the consciousness of freedom (including negative freedom) as two aspects of the fact of reason" (Allison 1990: 242-43).

without the moral law, would have remained unknown to him (Kant.Ak. 5: 30; PP: 163-64).

The strength of self-preservation is calibrated against the sexual desire or lust that one claims is uncontrollable. The moral law creates an interest that is so strong that it *can* (not that it necessarily will) overcome even the desire for self-preservation. Especially important here is that Kant is proposing that one identifies with the moral law, and is free, precisely in so far as one is willing to *give up one's life* for the sake of the moral law. Dying for the law would be the real, and perhaps only, proof of one's morality.

Kant takes the Fact as a crucial step in his argument for transcendental freedom because it demonstrates our independence from nature. The mystery in the account is how Kant can simultaneously assert motivational efficacy (of the pure interest generated by consciousness of the law) and transcendental freedom as an exemption from natural causality. Must this interest not also be part of nature if it is to be efficacious in a natural being? Even if we grant that everyone takes this moral law as a guide to judgment, and through this consciousness can be moved to risk their life, what grounds are there for the further move to the claim that this willingness to sacrifice is proof of freedom from determination by nature? Furthermore, even if we were right that this is proven in such cases as this one, in which one actually sacrifices oneself for the sake of morality, what are we to say about the other, prosaic instances of moral action in which no such sacrifice is called for? Can they plausibly be seen as identical with the life-staking cases? If the non-naturalism of transcendental freedom is supposed to be established in the life-staking cases, must that same freedom also be operative in all actions that have moral worth? One imagines a character who adds to each moral intention "and I would rather die than fail to do my duty".

The importance of the Fact for the development of German Idealism has been brought out best by the Fichteian interpretation of Paul Franks. Franks stresses the motivational dimension of the Fact, writing that "the moral law immediately constitutes a reason for acting and a motivation for acting, without the need for any further desire or interest to accompany it", and "it provides a motivating reason that outweighs any and—as we shall see—every possible competing reason" (Franks 2005: 280). The "as we shall see" points to the Gallows passage, of which Franks writes that it "plays a crucial role throughout the rest of the *Analytic*" (ibid.: 281). Franks argues that the Gallows Man invites the readers of Kant's text to experience the moral law and thus to raise themselves to the standpoint of morality in the very process of philosophizing. He thinks that this appeal to experience answers the objection that the Fact only shows "that I *cannot help but believe* that I ought to act for the sake of the moral law and that I therefore *cannot help but believe* that I can act as an absolute free agent" (ibid.: 284). Kant needs to show that I actually can do so, where this is a version of what Franks identifies as the general "Actuality Problem" with transcendental, first-person arguments (ibid.: 246ff.). This actuality is established in the feeling of respect that is produced in considering the Gallows Man: "in considering the exemplary choice between duty and death, we actually *produce* the feeling of respect. So Kant is claiming that in reading the *Analytic*, we *demonstrate* the reality of freedom by *producing* an effect necessitated by the moral law" (ibid., 286-

87). The deduction functions properly only when the reader has taken up the example and has been transformed through moral feeling.⁶

The Kantian Fact finds a broader application in Fichte's philosophy, for Fichte claims that consciousness of the moral law is necessary for taking up the standpoint of transcendental philosophy. He aims to derive rational content starting from the self-positing I, the transcendental self-consciousness that is the condition of the possibility of all other consciousness. This is already an act of freedom, and one known, in line with Kant's view, only through the consciousness of the moral law. In Franks' view, the moral law is not itself the first principle of Fichte's philosophy, but consciousness of it is required for the philosopher to "acknowledge real activity as the absolute first principle of philosophy" (Franks 2005: 319). For my account it is important to stress that Fichte derives content from this original unity by engaging an idealized subject in an experiment, namely by positing obstacles to that original unity and then reincorporating those obstacles into a further determined unity. Fichte writes,

The part played by the philosopher is no more than this: His task is to engage this living subject in purposeful activity, to apprehend it, and to comprehend it as a single, unified activity. He conducts an experiment. The *Wissenschaftslehre* contains two very different series of mental acting: that of the I the philosopher is observing, as well as the series consisting of the philosopher's own observations (Fichte 1971, I: 454; Fichte 1994: 37).

The "living subject" is confronted by a world opposed to her activity, and the philosopher's job in reconstructing an idealized experience of that activity is to show how in each case that freedom can be restored through the positing of a new conceptual determination. I take the philosopher's role in conducting the experiment to be in part the reiteration of the requirement of freedom at each point that the limitation by the object is on the verge of eliminating the possibility of self-consciousness. It is as if the philosopher repeatedly calls the subject back from immersion in, or attachment to, the object. This is a calling back in each case to something akin to Kant's Fact of Reason because if you were to stop with the object your freedom and your ability to follow the moral law would be compromised. There must be another concept, Fichte argues, that would unite your previous activity with this new object. In his best known work of practical philosophy, Fichte argues that the only kind of object that is compatible with the self-determination of the subject is another subject who summons the first to free activity. This argument continues into his theory of right as a relation of mutual recognition, the basic freedom secured by political institutions.⁷

3. The Experience of Consciousness and the Actuality of Freedom

My argument is that in the *Phenomenology of Spirit* Hegel demonstrates (among other things) the actuality of freedom through an "experience of con-

⁶ Grenberg (2013) also emphasizes the Gallows example, but she holds that the Fact is an experience first and foremost of restraint, not of an activity.

⁷ See Fichte 1971, III: 41-53 and Fichte 2000: 39-49.

consciousness” that draws on Kant’s Fact and its Gallows Man illustration.⁸ Recall that Kant cannot argue straight from the consciousness of the moral law to the actuality of freedom, for the freedom at issue for him is the transcendental freedom from causal determination, and that is something to which introspective consciousness has no access. The best case we can make for actuality is that exhibited in the Gallows Man example, whereby one establishes the reality of freedom by one’s ability (willingness) to sacrifice one’s life rather than violate the moral law. Hegel’s argument in the *Phenomenology*, by contrast, demonstrates the actuality of freedom through a series of experiences, many of which involve staking one’s life for the sake of freedom. While drawing on Kant’s argument Hegel also radically transforms it, for in Hegel’s view proving the actuality of freedom does not involve establishing an inner freedom from nature. Rather, such a proof consists of showing how the outer expression of freedom in ethical activity, by living beings situated within “the life of a people”, just is the actuality of freedom. Hegel’s ultimate picture is of an inferential totality in which individuals are embedded in a complex system of ethical roles, and that picture may seem to have little to do with Kantian pure practical reason and its Fact (see Moyar 2017). But Hegel does have a view of individual practical reason within the social system, a view that he discusses under the title of actual or true conscience. What I focus on in this paper is not so much the final view itself, which I have explored elsewhere (See Moyar 2011), but rather how Hegel derives the view through experience in the central chapters of the *Phenomenology*. Hegel does not think he can take any of the components of this view of ethical action for granted, and his account of what makes ethical judgments true is quite a bit more complicated than Kant’s universal law account, but the same elements of judgment, motivation, and bindingness inform both views. In the next section I focus on Hegel’s naturalizing account of self-consciousness and desire, while in this section I unpack the *Phenomenology*’s method to show how it could demonstrate freedom’s actuality.

Hegel’s argument in the *Phenomenology* very much follows Fichte’s lead in using an experimental method designed to “engage” a “living subject in purposeful activity” and to draw lessons from the experimental results. Of course this is a reconstructed, idealized experience; such an experimental method is a perspicuous way to test various claims to knowledge through examining the consequences that follow from those claims. The goal for both Fichte and Hegel is to *develop* or *generate* conceptual content and validity from minimal presuppositions. They were responding to a dissatisfaction with Kant’s mere assumption of content, especially in the theory of the categories in the *Critique of Pure Reason*. The goal is to derive the categories, both theoretical and practical, in a way that would not be subject to skeptical challenges. Hegel’s method departs from Fichte’s in so far as Hegel holds that an account must start with *immediate content* rather than *immediate form*. Fichte begins with the immediate absolute form of the I=I, the pure self-consciousness that is the condition of the possibility of all content. Hegel, by contrast, begins with immediate content and develops its inner negativity in order to reveal the form latent within it. He thinks that Fichte just begs the question of freedom by beginning with unconditioned freedom rather than proving it, and that such a position ends up (not surprisingly) having no argument that the other side could possibly find persuasive. Fichte’s view also

⁸ The original title of the work was “The Science of the Experience of Consciousness”.

departs too much from common sense, for resting idealism on such an absolute starting point asks the ordinary consciousness “to walk upside down all of a sudden” (PS 26, GW 23).⁹ Hegel begins the *Phenomenology* with “Sense-certainty”, the most immediate claim to knowledge. From there he works up to a conception of self-consciousness and eventually, with “Reason”, to the standpoint of idealism. The Fichtean self-positing I always hovers above ethical action as an unattainable standard, whereas for Hegel freedom always is situated within a context of life.¹⁰

What Hegel calls a “shape of consciousness” consists of a specific concept and subjective (conceptual) capacities, on the one hand, and an object characterized as the truth that the concept is aiming to capture. The *realist* assumption of each shape is that the object to be known is something different than the activity of the subject attempting to know it. The experimental test involves the comparison of the concept of knowing/acting with the object of knowing/acting once the subject has made specific judgments or performed specific actions. Hegel calls the *Phenomenology* a “self-consummating skepticism” (PS 78, GW 56) because the experience demonstrates the internal breakdown of each shape of consciousness (the skepticism) in order to eliminate the gap between subjectivity and objectivity presupposed by that shape (the skepticism is “consummated” when this gap is completely eliminated and idealism is achieved thereby).¹¹ In the practical domain the concept is a *purposive concept* that does not seek to mirror an already constituted world of objects but rather aims to bring its purpose to fruition through altering the world in some way. Success in such an endeavor cannot be the mere consumption of the world, for then the subject would be eliminating its object rather than realizing the purpose objectively. The practical consciousness must be *productive* in some sense, must have as its purpose the establishment or constitution of objects with standing in the world. Because the practical domain has a certain idealism built into its very purposive character, the challenge is to establish the agent and a world such that the agent can conceive of her purpose as reflecting an order that is *already* constituted as purposive. This task will require developing a social world from individual practical reason, and then, conversely, showing how the modern social world has become one in which individual conscience is at home.

The key to Hegel’s method in the *Phenomenology* is the *determinate negation* involved in the breakdown of a shape and in the subsequent *reversal of consciousness* that produces a new shape. Each breakdown provides the raw materials for a new shape of consciousness that contains the lessons of the previous one. When a shape of consciousness fails at its knowing or acting, it fails for a certain reason, typically because of a certain abstraction or incompleteness in its conception. Quite often Hegel portrays the failure in intersubjective terms: two individuals with the same conceptual resources make conflicting judgments, interpret their actions in conflicting ways, thereby negating the truth-claims of the other. It is crucial for Hegel to characterize this experimental result in a specific way, typically by showing that the result reveals that there was a universality implicit in the original concept. So in “Sense-certainty” the knower thought to

⁹ Citations of the *Phenomenology* give the paragraph number from the Pinkard translation followed by the page number in volume 9 of the *Gesammelte Werke*.

¹⁰ See Moyar 2015b for a more detailed explication of the method.

¹¹ See Pippin 1989: Ch. 5, esp. 108.

grasp a singular “this”, but the result of the experience is that the knower in fact could only grasp an indexical, a universal “now” or “here”.¹² In the practical case of Faust that we will look at below, Faust thinks he is going to grasp life as singular pleasure, but instead he grasps only death, a universal. In such cases of action matters are more complicated because Hegel thinks of the result as itself containing a kind of *process* of action and reaction. The death that Faust experiences is actually the *necessity* that Hegel identifies with *fate*, a certain blank causality that is the immediate *consequence* relation.

Once he has adequately characterized the result of the breakdown of one shape, Hegel makes a move to a new shape through what he calls the “reversal of consciousness” (PS 87, GW 61). The reversal takes the “*being-for-consciousness of the in-itself*” (PS 87, GW 61), namely what the previous object turned out to be *for consciousness* in the failure of its knowing/acting, and converts (reverses) that content into a *new object*. This reversing and the simultaneous connecting of shapes to each other is the philosopher’s contribution to the overall argument. It is in fact a version of the philosopher’s reiteration of the requirement of freedom in Fichte’s method mentioned above, and it bears some similarities to the methodological use of the Fact that Franks identified in Kant and Fichte.¹³ Hegel’s method involves a split into a participant consciousness and phenomenological observer, which is his version of Fichte’s split between the living subject and the philosopher. While in Fichte the philosopher comes in to say that self-consciousness would be impossible if we do not find a new synthetic concept, for Hegel the philosopher arrives at the new concept/object pair simply by relocating the lessons of the previous experience. Those lessons are made constitutive of the new *object*, but they are also transferred to the new concept, or to the new subject who is aiming to know that new object.

The argument that I will follow in the rest of this paper leads from self-consciousness to reason to spirit, with each major step in the development representing a progression on the side of the concept and the object. In *self-consciousness* the subject does not really get beyond considering anything other than itself truly objective; in *reason* there is an objective world, and the individual rational subject believes that in her reason she has all the resources she needs to comprehend that world; in *spirit* the subject is a collective *social* subject, a polis, culture, etc., and the objective world is a *social* world of customs and laws. In all three domains the same basic moves are repeated, with death playing a central role in overcoming the immediacy of desire and establishing the supremacy of rational judgment. Death is the central player, so to speak, in Hegel’s dramatic development of the actuality of freedom. The *motivational* dimension of the Fact tracks the development of desire, through interest, to utility, each of which is natural and yet reflects the development of conceptual capacities. The development of *judgment* takes place through the building out of the rational capacities of the subject and the rationality of the ethical world. The issue of the

¹² For a reading of the opening of the *Phenomenology*, see deVries 2008.

¹³ Franks sees an affective transformation for the readers of Kant’s text and the philosopher elevating herself to the Fichtean standpoint. Hegel does call the *Phenomenology* “the path of despair” (PS 78, GW 56), and he is elevating the ordinary consciousness to the standpoint of idealism. The difference is that it is not clear that Hegel expects the phenomenological observer to experience any of that despair, or to be transformed along the way.

bindingness of moral norms is in some ways the trickiest, for Hegel moves towards what looks like a social obligation theory, and yet he ends his account with an appeal to individual conscience that is a clear successor notion to the Kantian conception of self-binding.

The encounters with death have both *subjective* and *objective consequences* that track the two side of the reversal of consciousness. On the subjective side, the attachment to the immediate objects of desire is disrupted when facing the prospect of death. This is clearest in the cases (especially the case of the initial struggle to the death) in which no one actually dies but the fear of death shakes one to the core. Its correlate in Kant's example is the giving up of lust when confronted with the gallows. One is forced to subordinate all desires to the one desire for self-preservation, and such a move prepares one for the next step of restructuring desire through a subordination to a new conceptual structure. That is, self-consciousness or reason infuses the subject's motivational structure after that structure is disrupted or rendered "fluid" through the confrontation with death. For the issue of naturalism it is important to see that this is how Hegel moves beyond mere life and its immediate instinctual processes. Death is of course a category of nature, but it also represents a *finality* and *absolute limit* to life. Death represents the move towards universality, towards the reflexivity of cognition and intentional action, because it represents the persistence of the universal genus in the face of the loss of individual living beings.¹⁴

The objective side of the lessons of death is much more complicated. Hegel employs death as a necessary *consequence* of a free deed, and through his method of reversal the consequence relation (necessity) comes to constitute the subject's thinking and the object's constitution, eventually giving both sides the inferential structure of reason. Hegel's name for the *necessity* that connects action to death is *fate*, and he employs it repeatedly to bring the structure of *lawfulness* into the picture. The free deed is counter to the normativity of natural or mere species life, but through it and the sacrifice of life it brings about, the act-consequence relation and a robust modality (necessity) enter the will and the world. The normative landscape is expanded in the recognition that it must take the individuality that can perform such counternormative deeds into account. This recognition is central to the *modern* ethical life in which individual particularity is reconciled with the universal purposes of the state.

4. The Fear of the Lord and the Fact of Service

At the outset of the famous Chapter IV of the *Phenomenology* Hegel sets up his naturalistic account of practical freedom with an exposition of *life* and *self-consciousness*. The demanding introductory text lays out the structure of life that is the basic model of Hegel's conception of *rationality*. What Hegel calls the "whole cycle [that] constitutes life" (PS 171, GW 106) is a complex process of the self-constitution (self-differentiation into functional subsystems) of an individual organism through processes of assimilation and reproduction.¹⁵ While I cannot go into the details of this account in this paper, it is important to recog-

¹⁴ In his *Science of Logic* Hegel directly uses death to make the transition from Life to Cognition at SL 12: 191-92, 688-89.

¹⁵ For this treatment of life I have drawn on Kreines 2015, Englert 2017 and Ng forthcoming.

nize that this structure is *the replacement for Kant's law of nature formulation of the moral law*. While Kant would have you imagine your maxim as a law of nature in a world in which you are a part, Hegel would have you locate your judgment within a highly differentiated system of ethical institutions and ethical roles. The same action could be required by both accounts, but the modality is fundamentally different because Hegel rejects the idea that the bindingness of ethical action is conditional on a test of permissibility performed by an individual subject. On Hegel's account one is always already situated within a form of life, which if it is well-ordered will have educated you to a second nature that brings motivation along with it.¹⁶ Hegel infamously provides little guidance in the *Philosophy of Right* for how to characterize the individual judgment within ethical life: one of the main advantages of the *Phenomenology* account is that he actually spells out what this looks like from the individual's point of view, and how such a functional account is justified to the individual. But that is only achieved at the end of "Spirit". He first needs to derive the subject's capacity to evaluate the world through concepts, to establish the dependence of practical reason on social practice, and then to show how the ancient Greek polis developed into the modern state.

Hegel initially presents self-consciousness as a "pure I" (PS 176, GW 108) that resembles Kantian apperception. But for Hegel this is only the first of three "moments" of the concept of self-consciousness. In the second he emphasizes that this pure I also stands in relation to the objective world apprehended by consciousness. The pure I taken together with the consciousness of objects is in fact an activity of mediation that he sums up with the statement that "self-consciousness is *desire* in general" (PS 167, GW 104). I take this statement to be a declaration that self-consciousness is fundamentally *purposive*, oriented by uniting the external with itself, evaluating the world in relation to its purposes.¹⁷ This basic view goes together with the naturalist theory of value *par excellence* according to which something is good because I desire it. This initial immediate self-consciousness embarks on a developmental process when it realizes that immediate desire makes the objects of desire, rather than its own activity, the

¹⁶ For my understanding of Hegel's naturalism I am drawing on Pinkard's (2012) excellent treatment. My defense of Hegel as giving a naturalistic account is an argument mainly about a certain contrast with Kant's moral anti-naturalism. I am not touching on the interesting and complex question of how Hegel's official philosophy of nature relates to his philosophy of spirit, nor am I answering the general question of whether or not Hegel counts by today's standards as a naturalist. I do think he falls into the "soft naturalist" camp, but defending this view would require a lengthy parsing of the many varieties of contemporary naturalism and a treatment of the overall architectonics of Hegel's system. For an account of the general nature-spirit problematic in Hegel, see Quante 2011. For an excellent account of Hegel's relation to contemporary naturalism debates, see Ostritsch 2014. There are deeper questions about whether Hegel's system as a whole can be considered naturalistic. Some of these are raised by Gardener 2007.

¹⁷ I am in broad agreement with Pippin's comments on this move that "its apperceptive self-awareness is not of an object but rather is something like the avowing of a practical commitment of a sort, something like a projecting [...] of oneself outward into the world and the future" Pippin (2011: 65). See also Jenkins' (2017) survey of possible interpretations. It is important to keep in mind, as Jenkins says, that "it would be a mistake to regard any particular claim about self-consciousness or 'a self-consciousness' in this chapter as articulating a Hegelian *theory* of self-consciousness" (ibid.: 84).

dominant factor in the relationship. The only object of desire that could satisfy the freedom implied by the *unity* of self-consciousness would have to possess this same capacity of unification, or would have to be an object that is also a self-conscious subject. When Hegel introduces this point, he puts the stress on the need for the object to be the genus, or another of one's same kind.¹⁸ He thus transposes Fichte's deduction of right from mutual recognition into a deduction of species life, the need to conceive of the world through the mediation of another member of the species. One achieves freedom, then, not by achieving universality in the sense of a universal exceptionless law, but rather in the sense that one is united with one's species.¹⁹

We need to understand better how Hegel can give a *naturalistic account* of the move from action on value-conferring desire to something akin to Kant's Fact of Reason, namely self-determining ethical agency within a self-organizing form of life. Hegel's account retains a conception of subjective value, with the term *interest* taking over the role of desire. But this value-as-interest is also transformed into a *rational* account of value, and the question is just how that rationality, and the *bindingness* of the reasons, enters the picture. Hegel gives an account of the "pure concept of recognition" (PS 185, GW 110) that suggests some kind of formal transcendental account of the possibility of self-consciousness. But that pure concept is misleading, for while full mutuality of recognition is the goal of the account, every stage on the way is part of the process of constituting the self-conscious subject and the world in which such a subject can act ethically. These stages are developed through *attitudes* and *actions* that lead to the transformation of subject and object through lessons learned from the failure of nascent attempts at recognition and self-realization.

The one move whose naturalistic credentials could be called into question is the movement of the "reversal of consciousness" whereby the lessons are converted into new subjective capacities and attitudes, on the one hand, and new objects or standards, on the other. We will see the first such reversal in the move from the master-servant relation to the Stoic sage later in this section. These reversals represent above all a switch from an action-consequence relation in experience to a deontic requirement within the subject and a corresponding rationality in the world (though this correspondence can be defective in various ways, as it is in the Stoic case). If there is a problem here vis-à-vis naturalism, it is with how you could move from an experience within a process of life, with living individuals, to a strict necessity of a deontic requirement. This is *exactly why death plays a central role*. Death represents necessity within the process of life, so it is from the experience of death that there arises the deontic raw materials, as it were, for a reversal into a more rational shape of self-consciousness. Kant's Gallows Man experiences the threat to life that proves his greater attachment to life than to lust, and then in the second gallows he experiences his greater attachment to the moral law than to life. The two experiences together prove that the moral law really is supremely binding on the will of a rational agent. For Hegel the initially merely desiring subject must develop this self-binding and self-direction through repeated negations of life experienced as consequences of the

¹⁸ See Siep 2014a: 92. For a guide to Hegel's theory of recognition in general, see Siep 2014b.

¹⁹ This talk of species is of course not completely foreign to Kant's philosophy, but it is not prominent in his writings on the foundation of morality.

subject's own deeds. The philosopher who reverses these consequences is in a sense constituting the rational will, but only with materials provided by desire and by the subsequent attitudes of interacting agents.

Hegel does not merely assert mutuality of recognition as a normative ideal, but rather develops a multi-layered conception of freedom and rationality through a series of conflicts. In the most *immediate* form of recognition between desiring individuals who are driven to prove their freedom, they present themselves as free from attachment to life, as *risking* their own life and thereby "showing that it is fettered to no determinate *existence*, that it is not at all bound to the universal individuality of existence, that it is not shackled to life" (PS 187, GW 111).²⁰ The result of this struggle is the scenario in which both individuals survive and one surrenders to servitude. The meaning of the surrender is that "self-consciousness learns that life is as essential to it as is pure self-consciousness" (PS 189, GW 112). This first main reconciliation or unification of freedom and life is the first main expressive *naturalization of freedom*. The desiring element of life is co-essential with the pure self-ascription of self-identity, so that purity must find expression within the finite world of life.

Hegel's famous depiction of the superiority of the servant's self-consciousness to the master's can be seen as expressing a *fact of service* akin to Kant's Fact of Reason. Along the dimension of *bindingness* the servant remains simply in obedience to the master (bound by threat of force). The servant progresses dramatically beyond the master along the motivational and judgmental dimensions. The motivational dimension concerns, first of all, the results of the negative dimension of fear:

It felt the fear of death, the absolute master. In that feeling, it had inwardly fallen into dissolution, trembled in its depths, and all that was fixed within it had been shaken loose. However, this pure universal movement, this way in which all stable existence becomes absolutely fluid, is the simple essence of self-consciousness; it is absolute negativity, *pure being-for-itself*, which thereby is in this consciousness (PS 194, GW 114).

This shaking loose, this absolute fluidity and negativity, is a key move towards freedom in the constitution of the servant. The servant is in a position of surprising strength in relation to the master because he is in a position to be transformed through obedience to the master's will and through practical education in laboring on the material world. Although the master maintains the freedom of pure self-consciousness, at the level of life the master still only aims at immediate satisfaction, and thus has not developed. The servant, on the other hand, is distanced from immediate desire in having to work for someone else,

²⁰ Robert Brandom captures the general connection of commitment and sacrifice in writing, "So we should ask: what is it that one must *do* in order properly to be understood as thereby *identifying oneself* with some but perhaps not all elements of one's self-conception? The answer we are given in *Self-Consciousness* is that one identifies with what one is willing to *risk* and *sacrifice* for. Hegel's metonymic image for this point concerns the important case of making the initial transition from being merely a living organism, belonging to the realm of Nature, to being a denizen of the normative realm of Spirit. The key element in this index case is willingness to risk one's biological life in the service of a commitment—something that goes beyond a mere desire" (Brandom 2019: 238).

and can see in labor the activity of self-consciousness made objective. Hegel contrasts the servant's work to the master's satisfaction:

In the moment corresponding to desire in the master's consciousness, the aspect of the non-essential relation to the thing seemed to fall to the lot of the servant, as the thing there retained its self-sufficiency. Desire has reserved to itself the pure negating of the object, and, as a result, it has reserved to itself that unmixed feeling for its own self [*Selbstgefühl*]. However, for that reason, this satisfaction is itself only a vanishing, for it lacks the *objective* aspect, or *stable existence*. In contrast, work is desire *held in check* [*gehemmte Begierde*], it is vanishing *staved off*, or: work *cultivates* [*bildet*]. The negative relation to the object becomes the *form* of the object; it becomes something that *endures* because it is just for the laborer himself that the object has self-sufficiency (PS 195, GW 114-15).

Work is cultivating and forming, giving an objective shape to desire by investing the objective world with distinctions that have their origin in a subject's desire, but, importantly, *not* in the servant's own desire. Hegel calls work "desire held in check", a vanishing that is nonetheless "staved off". The servant *creates value* by investing the objective world with form, in cultivating objects or fields, and it is that form-investing activity that Hegel views as the essential step in the move from nature to freedom.

Hegel states the full import of the fact of service in connecting the inner and outer transformations of the servant. The servant comes to find in the world what is meaningful or valuable, and Hegel stresses that the servant could not have done so without the experience of the full fear of death.²¹ The key point in the servant's development is when he comes to see his own "being-for-itself" or self-conception as identical with the *expression* (what Hegel calls "posited as external) of form in formative activity. In the following crucial passage, Hegel links the servant's "mind" or "meaning" [*Sinn*] to the internalization of the formative activity:

In formative activity [*Bilden*], being-for-itself becomes for him *his own* being-for-itself, and he attains the consciousness that he himself is in and for himself. As a result, the form, by being *posited as external*, becomes to him not something other than himself, for his pure being-for-itself is that very form, which to him therein becomes the truth. Therefore, through this retrieval, he comes to acquire through himself a *mind of his own*, and he does this precisely in the work in which there had seemed to be only some *outsider's mind* (PS 196, GW 115).

But how does this switch from work to mindedness function? What formative activity and mindedness/meaning have in common is that certain patterns of inference are present in both. Formative activity can be conceived as action according to instrumental reasoning. One has been given a task, and one must learn the means to accomplishing that task. The objects take on form in so far as they acquire a shape that serves the goal. In work one comes to see one's own being-for-self in that form "posited as external". By seeing that identification

²¹ "Without the discipline of service and obedience, fear is mired in formality and does not diffuse itself over the conscious actuality of existence. Without culturally formative activity, fear remains inward and mute, and consciousness will not become for it [consciousness] itself [*wird nicht für es selbst*]" (PS 196, GW 115).

with oneself is the same connection (I=I) that is present in connecting premises in an inference, where the formative steps are the particular means to the (universal) goal of producing food. The identification of the connections between formative steps is the mind at work, the self that sees its being not in an immediate self-relation but as a relation to itself through the connections between universal goals and particular means to those goals.

When through a “reversal of consciousness” Hegel makes the switch from the working servant to the Stoic sage, the account is squarely back in the orbit of Kantian ideas, for the Stoic was Kant’s leading example of the correct view of the good (the view that the good applies only to people and not to things or mere states of affairs).²² The basic idea behind this reversal is that the element of *form*, which previously had been imposed on a recalcitrant world in *formative work*, is now taken simply to *be* the essence of the world. The reversal is from the form as for-consciousness to the form as what is in-itself or objective. This objective form does not really exist in its own right, but rather only in relation to the thinking individual who claims mastery over the world through thought. The world is now seen to *be* only in so far as it is an *expression of* the unity of self-consciousness. The master-servant relation was of course a *failed* attempt at mutual recognition, and the Stoic is an advance in so far as the Stoic unites the sides of form and the binding power of the master. Instead of an external master, one is now the master of one’s own thoughts and thereby of all reality.²³ The Stoic does not confront a world with standing of its own, but rather the subject treats the world as containing meaning or significance only *in relation to itself as thinking*. The fundamental shift on the side of the *bindingness* of norms is to now locate the subject’s thinking as the source of what “is true and good for it” (PS 198, GW 117).²⁴

The biggest failure of Stoicism comes along the dimension of *judgment*, for its inner standard for judgment is too divided from the rich content of desire-based life. Stoicism has an inner standard of judgment, and is conceptual or a thinking self-consciousness, but it has an overly *simplistic* standard of value that cannot account for the differentiation of life. In contrast to the “multiple self-differentiating spreading out, isolation, and complexity of life [...] with respect to which desire and labor are active”, it “consists in being free within all the dependencies of his singular existence, whether on the throne or in fetters, and in maintaining the lifelessness which consistently *withdraws* from the movement of existence, *withdraws* from actual doing as well as from suffering” (PS 199, GW 117). It thus purchases the overcoming of the master-servant dialectic with a withdrawal that results in “lifelessness”. One maintains one’s mastery over value and truth *in thought* as a “*simple essentiality*”, yet this means that the “freedom

²² He refers to the Stoic’s attitude towards pain in the *Critique of Practical Reason* discussion of good and evil. See Kant.Ak. 5: 60; PP: 188-89.

²³ Hegel writes, “*To think* does not mean to think as an *abstract I*, but as an *I* which, at the same time, signifies being-*in-itself*, or it has the meaning of being an object to itself, or of conducting itself vis-à-vis the objective essence in such a way that its meaning is that of the *being-for-itself* of that consciousness for which it is” (PS 197, GW 116).

²⁴ As Hegel puts it in his compressed description of stoicism, “Its principle is this: Consciousness is the thinking essence and something only has essentiality [*Wesenheit*] for consciousness, or is true and good for it, insofar as consciousness conducts itself therein as a thinking being” (PS 198, GW 117).

of self-consciousness is *indifferent* with respect to natural existence and for that reason has *likewise let go of natural existence, has let it be free-standing* [...] a truth without any fulfillment [*Erfüllung*] in life" (PS 200, GW 118). This is a failure of judgment, though one that also reflects the poor social reality in which Stoicism found itself. The point is that Stoicism is "not living freedom itself but only the concept of freedom" (PS 200, GW 118) While the servant had been able to see the world as an expression of himself in his labor, the Stoic has forfeited this expressive relation to life and the world.²⁵ The problem of lifelessness is the problem of *determinate content*; the challenge going forward is to unite the pure form of self-consciousness with the content of "the living world". The living world must be a differentiated social world, and the individual must be able to locate her judgment within the system of norms that constitute such a world. That world is not good simply by virtue of being living, yet only a living world can be the vehicle of the rational realization of the good.

5. Fate and the Object Born of Self-consciousness

Looking at the two sections of "active reason" in the *Phenomenology* in light of Kant's Fact and Gallows Man, it is quite striking that Hegel begins with a tale of the gratification of lust that leads to a death sentence and ends with an account of Kantian autonomy as reason testing laws through a standard of universality. It is as if Hegel aims to derive the moral psychology and principles of judgment that would take us from the lusting man, through the self-preserving prudential man, to the man willing to give up his life for the sake of the moral law. The account is also in an important sense a repetition of the movement that we traced in the last chapter: "reason will also once again pass through the doubled movement of *self-consciousness*, and then from self-sufficiency it will make its transition into its freedom" (PS 348, GW 193).²⁶ We thus begin again with basic desire (pleasure) and a process of recognition, but now with a background conception of a social world rather than a one-on-one confrontation of abstractly conceived self-conscious beings in mere nature.²⁷ We move closer here to typical modern attempts to justify the political order through self-interest, and indeed Hobbes' war of all against all makes an explicit appearance within these sections. But "Reason" only gives one side of the derivation of Hegel's fact of rea-

²⁵ Hegel writes, "However, while individuality, as acting, is supposed to show itself to be **living**, or, as thinking, is supposed to grasp the **living world** as a system of thoughts, so too within the *thoughts themselves* there must be for the former expansion [of action] a *content* for what is good, and, for the latter expansion [of thinking], a *content* for what is true" (PS 200, GW 118, my bold).

²⁶ So Reason B corresponds to Self-consciousness A and Reason C corresponds to Self-consciousness B.

²⁷ Hegel frames the entire account of active reason with a portrayal of "the life of a people" (PS 350, GW 194), his basic or immediate model of life enriched through freedom. This is a proleptic account of the goal of reason, and Hegel introduces it in part to justify his unusual choice of methodology for the shapes of practical reason. They are shapes of a consciousness that has lost the ethical order, rather than (what would have been the normal mode) shapes of increasingly universal motivational and justificatory structure that have ethical life as their goal (PS 356, GW 196). The argument still charts a progression from immediacy to mediation, but its shapes have a dramatic tension that comes with the dynamics of loss and recovery.

son, namely the side “within which consciousness sublates *its* purposes” (PS 357, GW 197). The complement to this picture is the derivation within forms of life themselves, namely the development of spirit, “the aspect according to which it [morality] comes forth from out of the substance” (PS 357, GW 197).

Goethe’s Faust is an especially effective initial shape of active reason because Hegel has transitioned from “Observing Reason”, the domain of natural science, leaving it behind just as Faust leaves his scientific endeavors behind when he makes his deal with the devil.²⁸ In terms of our three dimensions of the Fact, Faust has abandoned judgment to enjoy unmediated desire through binding himself to the devil. Faust has given up the dead knowledge that could inform judgment, and has embraced pure hedonistic motivation. In Goethe’s drama, Faust “plunges into life” (PS 361, GW 199) in seducing Gretchen: as Hegel puts it, “a ripe fruit is plucked” (PS 361, GW 199). The consummation of Faust’s sexual desire is not supposed to be the literal destruction of Gretchen; she is supposed to be the vehicle for the “doubling” of rational self-consciousness.²⁹ In the drama Faust actually comes to love her and tries to save her when she has been imprisoned and sentenced to death for killing their child. Faust’s deed does stand for a kind of freedom, but the meaning (or truth) of that freedom comes in its consequences, namely death. Hegel writes,

Instead of having plunged from dead theory into life, the only singular individuality, which at first has only the pure concept of reason for its content, has thus instead plunged into the consciousness of its own lifelessness, and, to itself, has come to be only as empty and alien necessity, as *dead actuality*” (PS 363, GW 200).

The alien necessity or dead actuality is the result of Faust’s experiment in living. His deed results in unintelligible but necessary consequences, and in doing so sets the stage for the introduction of necessity into the will and into the world.

Hegel’s best explanation of this deed’s relation to life comes in a passage from the *Science of Logic* in which Hegel links the concept of fate to self-consciousness and freedom. He contrasts fate proper with “the fate of a living thing”, which “is in general the *genus*, for the genus manifests itself through the fleetingness of the living individuals that do not possess it as genus in their *actual singularity*” (SL 12: 141, 639). With Faust’s free deed clearly in mind, he continues,

Only self-consciousness has fate in a strict sense, because it is *free*, and therefore in the *singularity* of its “I” it absolutely exists *in and for itself* and can oppose itself to its objective universality and *alienate* itself from it. By this separation, however, it excites against itself the mechanical relation of a fate. Hence, for the latter to have violent power over it, it must have given itself some determinateness or other over against the essential universality; it must have committed a *deed*. Self-consciousness has thereby made itself into a *particular*, and this existence, like ab-

²⁸ “Insofar as it has elevated itself to its *being-for-itself* from out of the ethical substance and from out of the motionless being of thought, the law of custom [*Sitte*] and existence [*Dasein*], together with the knowledge related to observation and theory, only lay behind it as a gray and gradually vanishing shadow” (PS 360, GW 198).

²⁹ See Pinkard 1994: 95 for the claim that Faust plays the role of the master in this repetition of the earlier dynamics.

stract universality, is at the same time the side open to the communication of its alienated essence; it is from this side that it is drawn into the process. A people without deeds is without blame; it is wrapped up in objective, ethical universality, is dissolved into it, is without the individuality that moves the unmoved, that gives itself a determinateness on the outside and an abstract universality separated from the objective universality; yet in this individuality the subject is also divested of its essence, becomes an *object* and enters into the relation of *externality* towards its nature, into that of mechanism (SL 12: 141-42, 639-40).

Faust's deed is an expression of freedom, of the individuality asserting itself against the merely objective or universal essence of communal life. The deed sets the individual out of the ordinary course of species life, but outside of that species life there is only blank causality, the process that makes no sense but that one nevertheless cannot avoid. In the *Phenomenology* account Hegel is saying that such an individual deed is necessary to separate the self-conscious individual from mere life. But he is also saying that disconnected from the "ethical universality" of the innocent community, such a deed is captured in a mechanical process with deadly consequences. What in the above passage Hegel identifies as mechanism is the same thing he calls "lifeless necessity", "a pure leap into the opposite", and "a riddle" (PS 365, GW 201) in the *Phenomenology*.

In his characterization of the Faust episode's experimental result, Hegel makes a crucial move towards overcoming the agent-world split that characterizes the Kantian Fact. I have stressed that Faust's fate shows the overcoming of the practical concept/purpose of immediate pleasure, and thus lines up with the first phase in Kant's Gallows example. But the necessity of the result, of the "dead actuality" that Faust finds as a consequence of his deed, has the deeper meaning of shifting the conception of reality from something to be observed (as in the natural sciences) to something constituted fundamentally by and through self-consciousness. We had an early abstract version of this move in the transition to Stoicism, but in that case the knowing subject stood aloof from life in order to maintain its simple judgments of the true and the good. The move here is trickier, but Hegel's goal is clear: to transform the world into a rational world through the necessity revealed in experience. He writes,

Its essence is therefore only the *abstract* category. However, it no longer has the form of *immediate, simple* being, a form which it had for the observing spirit, where it was abstract *being*, or posited as alien, or was *thinghood* itself. Here, being-for-itself and mediation have entered into this thinghood. Therefore, they come on the scene here as a *circle* whose content is the developed pure relation of the simple essentialities. The attained actualization of this individuality thus consists in nothing more than this, namely, that this cycle of abstractions has been cast out from the self-enclosed confines of simple self-consciousness into the element of *being-for-itself* [*Für es seyns*], or into the element of objective expansion (PS 363, GW 200).

The "essentialities" Hegel refers to here are pure unity, pure distinction, and their relation, which as the "*absolute relation* and abstract movement constitute necessity" (PS 363, GW 200). Self-consciousness is "this cycle of abstractions" that constitutes the basic logical rules governing all inference. Even though this fate or necessity is empty and blind, it is "the simple and empty but nonetheless inexorable and impassive [*unstörbare*] *relation*" and a "*firm connec-*

tion [*feste Zusammenhang*]” (PS 363, GW 200). Taking on board from Kant’s theoretical philosophy the idea that all necessity and normativity has its roots in the unity of self-consciousness, the move here is to thinking of that necessity and (at this point entirely formal) rationality as governing human action and interaction. It is a first step within “Reason” towards converting desire into practical reason and towards converting individual rationality into the social rationality that constitutes a form of life. At the end of the process the ethical action as conceived by the individual subject will be already set up as a concrete possibility within the objective world, and thus not something the subject needs to isolate from the purposes that structure that world.

The reversal of consciousness that follows the Faust episode produces what Hegel calls “The Law of the Heart”. In this shape the necessity of fate has been internalized as law. The consciousness that has the law as residing in its own heart has the source of bindingness in itself. Yet that internalization remains deficient, for “[t]he law is immediately self-consciousness’ own law, or it is a heart which in itself has a law” (PS 368, GW 202). Hegel thus characterizes it as “the contradiction between the *law* and *singular individuality*” (PS 369, GW 202). This consciousness has not progressed to the Kantian viewpoint where one is willing to sacrifice individuality for the sake of the law. In Hegel’s presentation the individual self-consciousness determines the content of the law through its own heart, through the immediate desire that is its natural individuality. The shape has made some progress towards freedom on the *motivational* level, but in its abstraction it is not motivated to perform specific actions. Rather, this figure is only motivated to *judge* the world of hard necessity as a corrupt world opposed to its own lawfulness. The other agency towards which the agent’s activity is directed (the successor to Gretchen as the object of desire) is now represented by “humanity”, a universal. But this consciousness finds its assumption that its law is the law of the actual world frustrated, for it does not see others sharing this same law, and thus “[t]he heart-throb for the welfare of mankind therefore passes over into the bluster of a mad self-conceit” (PS 377, GW 206).

The objective world is also constituted by necessity, but the law of that world is one of competition in which each individual works to get the better of the others. Hegel calls it “the *way of the world*” (PS 379, GW 207), which looks like nothing so much as the Hobbesian state of nature—“this universal feud within which each in itself wrests for himself what he can, in which each executes justice upon the singular individuality of others” (PS 379, GW 207). We are at the level of ordinary prudence or self-interest. We can think of this as the intermediate stage of Kant’s Gallows episode, the point at which self-preservation is placed above the immediate lust. Those actual agents, in a world determined by the loss of ethical life, are motivated to pursue their own good. This self-consciousness is obviously lacking along the dimension of universality of content, but Hegel will show (in the subsequent battle with virtue) that it “is better than it thinks” (PS 392, GW 213). In uniting virtue with the way of the world, Hegel unites moral and non-moral value in a single conception of individuality that realizes the good through its own nature.

One could say that the high point of Hegel’s naturalism is what he calls “The Spiritual Kingdom of Animals”, but it is a rather dubious high that unites nature and normativity in a way that makes judgments of good vs. bad impossi-

ble.³⁰ The hallmark of these shapes is the individual's confidence that she is united with the world and thus does not need to set her purposes *against* the world in order to realize reason. There is now no contradiction between the power of self-consciousness over the action and the fact that the action stems from one's nature. The focus is on the value of action as an accomplishment rather than on the purity of motive. Hegel identifies four components of action: circumstances, purpose, means, and realized action (that he also calls the "work"). These components are the correlates, at the level of rational willing, of the components of life (environment, self-preserving individual, process of assimilation, and reproducing genus). Determined immediately by nature, the individual does not yet connect all four moments in a rational unity that would guarantee that one's intentions are expressed in the world. In this agent's experience, "It is *fortune* [*Glück*] that decides in favor of a badly determined purpose and badly chosen means just as much as it decides against them" (PS 406, GW 222). Another move must be made for the individual's authority to extend beyond the intention to the completed action.

The perishing of the deed in the contingency of the external world precipitates the introduction of one of the most important and least well understood concepts/objects in the *Phenomenology*. Hegel's term for this object, *die Sache selbst*, is virtually untranslatable. Translations include "the fact of the matter", "what really matters", "the crux of the matter". It would not be too much of a stretch to translate it as "the fact itself". In my view *die Sache selbst* is the object that the agent is conscious of in ethical action, and I propose that this is the intentional object of Hegel's fact of reason. That is, *die Sache selbst* is the successor to Kant's conception of a maxim of action evaluated by the categorical imperative. It has been hard for commentators to see this because Hegel introduces *die Sache selbst* in an immediate and thus subjectivist way as the object (including circumstances, purpose, means, and accomplished purpose) that stands fully under the authority of self-consciousness. He is very clear that this is another case in which self-consciousness continues its "objective expansion": "It is an object born out of self-consciousness as its *own* object, without thereby ceasing to be a free-standing, genuine object" (PS 409, GW 223). The problem with the immediate version of *die Sache selbst* is that self-consciousness treats it as a predicate, and takes itself to be entitled to *judge* which of the four components is essential to the action. *Die Sache selbst* is thus at first just a way for self-consciousness to manipulate the aspects of action to claim credit for whatever it wants (this is what Hegel calls the "honest consciousness"). The key point to keep in mind is that the subsequent concepts and objects of reason are themselves versions of *die Sache selbst*, attempts to locate that view of intentional action that could express the necessity of self-consciousness in the social world. At the end of Spirit Hegel returns to *die Sache selbst* and thereby confirms that is the objective side of his fact of reason.

The agent must come to accept that its deeds only have meaning in so far as they are open to the deeds of others. In a striking metaphor in which humans figure as insects, Hegel writes that others come to one's deed "like flies to freshly poured milk" (PS 417, GW 227). We feed off of each others' actions, an experience that Hegel turns into a new conception, the crucial idea of a spiritual es-

³⁰ More precisely, "all of it is good" (PS 402, GW 219).

sence. Hegel writes, “it is an essence, whose *being* is the *doing* of *singular* individuals and of all individuals, and whose doing is immediately *for others*, or it is a *fact* [*Sache*] and is only a fact insofar as it is the *doing* of *each* and *all*, the essence that is the essence of all essence, that is *spiritual essence*” (PS 417, GW 227). The move that Hegel makes from individual to universal authority does dislodge the singular individuality and thus follows the same general dynamic as the other transitions we have seen. But unlike the fate of tragic action, this witness to one’s deed’s consumption involves reciprocal agency that is intelligible to the agent. It is the basis for expressive recognitive success, for a teleological relationship in which one’s purposes are recognized. Rather than a way to introduce bare necessity into the world, this transition sets up a return to life as the ethical life of a people.

Having apparently reached the living social substance divided into a living system of estates,³¹ Hegel reminds us that we are still dealing with the individual self-consciousness burdened by immediacy. The agent has to capture the content of the spiritual essence through “healthy reason” (PS 421, GW 229), with “healthy” a final mark of nature in reason that indicates a problematic attempt to isolate universal content in the form of individual reason. As in the previous cases, *law* is the first form of universality. Hegel turns to the shapes of law-giving and law-testing reason as the immediate forms of reason that meet the standard just discovered in the spiritual essence. The individual and universal must coincide in the ethical laws, such as “Everyone ought to speak the truth” (PS 423, GW 229), and “Love thy neighbor as thyself” (PS 424, GW 230). These laws founder on the *ceteris paribus* clauses that must attach to them once counterexamples are brought into play. In the concrete actuality of life things are seldom “all equal”, so laws that are binding only on that condition are useless.

If these laws do not reveal the true rationality of the spiritual essence, perhaps the Kantian testing of laws for non-contradictoriness would fare better. But the retreat to formality in “Law-testing Reason” is an even less promising way to capture the content of the spiritual essence. What for Kant had been the undeniable *bindingness* of the form of reason is for Hegel a pale reflection of the bindingness of actual laws, what is actually right, in the ethical life of a people. He thus turns in the closing sections of “Reason” to the ethical viewpoint embodied in Antigone’s relation to the divine laws set by the gods of the community. The point of this shift is to say that we cannot make the bindingness of the law conditional on the universalization test of reason as pure form. Kant’s Fact thus fails on the issues of judgment and bindingness. Both aspects have to be more fully anchored in the life of a people, for only with such a life can the actuality of freedom be proven. It is only there that his account of ethical habit or second nature can be united with freedom. Hegel does not thereby give up on the Fact, but he thinks he has to exhibit morality as it “comes forth from out of the substance” (PS 357, GW 197). At the end of his account of Spirit he brings back *die Sache selbst*, casting it in terms of conscience, as an actual or fulfilled universal that incorporates the experiences that substance has passed through in the course of world history.

³¹ Passage on division: “The object is the *real* object in its own self as object, for it has in it the difference of consciousness. It divides itself into social estates [*Massen*] which are the *determinate laws* of the absolute essence” (PS 419, GW 229).

6. The Fact Fulfilled through Spirit

The agent in "Spirit" is the entire city-state, beginning with the immediate ethical life of the Greeks. The downfall of the Greek city-state's ethical life and the subsequent rise of Roman personhood follow much the same logic, at the social level, as the episode of Faust. With the breakdown of the immediately individual Greek city-state that Hegel depicts through Sophocles' *Antigone* the result is once again *fate*, the empty necessity that followed upon the deed of Faust and the death of Gretchen. In Hegel's portrayal of the Greek case, the deed belongs to Antigone as the representative of the divine law, the law of the family and the individual. The divine law and human law are interdependent, and the tragedy brings out the incompatibility that stems from the immediacy of nature in this seemingly harmonious, but in the end merely individual, ethical life.

The human law, represented by Creon, maintains a *living* universality only through the periodic threat of death in warfare, and this means that it is dependent on the divine law that governs burial rites and the afterlife. Hegel writes,

The spirit of the universal gathering is the *simplicity* and the *negative* essence of these self-isolating systems. In order not to let them become rooted and rigidly fixed within this activity of isolating themselves, [...] the government must from time to time shake them to their core by means of war" (PS 454, GW 246).

In war, the individuals "are made to feel the power of their lord and master, death" (PS 454, GW 246). The immediate, true, beautiful ethical life of the Greeks was parasitic on warfare and death.³²

In Hegel's diagnosis, the twin shortcomings of the Greek polis are the insufficient integration of individuality and, relatedly, the suppression of the women whose primary job was to keep the divine laws of the family intact. The divine law requires that Antigone bury her brother, and the strength of her commitment to that law is seen in her willingness to die in order to uphold it. Individuality is not genuinely recognized as such, but only as *natural*, as blood and family, and thus it is not recognized by the human law (PS 463, GW 251). As Hegel puts it, "In the life of a people, self-consciousness descends from the universal only down to the point of particularity; it does not get as far as the point of singular individuality, which in its doings posits an excluding self, an actuality negative to itself" (PS 467, GW 254). Antigone's deed is both the act of a free individual and an act performed for the sake of an individual. Hegel writes,

Ethical consciousness is more complete and its guilt more pure if it *knows beforehand* the law and the power against which it takes an opposing stance, takes them to be violence and wrong, to be an ethical contingency, and then, like Antigone, knowingly commits the crime" (PS 469, GW 255).

The point of this deed, according to Hegel, "is that the *ethical* must be *actual*" (PS 469, GW 255). The non-actuality of Creon's human law just is its failure

³² This problematic immediacy was also reflected in the dependence of the human law on the divine in the sense of the oath that binds the community together. Hegel writes, "the people's self-reassuring *certainty* possesses the *truth* of its oath which binds them all into one only in the mute unconscious substance of all, in the waters of forgetfulness" (PS 473, GW 258).

to recognize the individual who is the actuality of the state. Antigone steps out from this living but immediate universality and stakes her life for the divine law, for the proper burial of her dead brother. She dies, Creon's son and wife both die, and the city is caught up in the fate that is instigated by Antigone but whose guilt is shared by the whole.³³

Just as the successor to Faust was law and the world of hard necessity, so the successor to Greece is the legal status of personhood and the harsh ethical reality of the Roman empire. Once again death (and fate) is productive of the *form* of lawfulness. The experience of necessity in the tragic ending of *Antigone* provides the material for the actuality of lawfulness. This move to personhood is another entry of self-consciousness into the actual world. Unlike the shapes of "Reason", this move occurs within the social domain of spirit, inaugurating a new rights-based form of social reason that remains to this day at the core of European legal practices. In Hegel's portrayal, the very spirit of the dead and unburied Polyneices rises up to be the formal recognition of the singular individual:

As *this* singular individual, he was the *selfless departed spirit*, but now he has emerged from out of his non-actuality. [...] He is that substance as the *positive universal*, but his actuality is to be a *negative, universal self*. – We saw the powers and shapes of the ethical world immersed into the simple necessity of an empty *fate*. This power of the ethical world is substance reflecting itself into its simplicity, but the absolute essence reflecting itself into itself, the very necessity of empty fate, is nothing but the *I* of self-consciousness (PS 476, GW 261).

The cost of this elevation, this resurrection as it were, of individual self-consciousness, is quite high. Based on the bare I of self-consciousness and nothing more, the public power of the human law has no substantive ethical constraints. In the figure of the Roman emperor, the "monstrous self-consciousness" (PS 480, GW 263) who exercises "destructive violence" (PS 481, GW 263) on his subjects, we can see the consequences of cutting off the individual from the life of a people.

The formality of right leads to the "Self-alienated spirit" of early modern Europe, a culture of aristocracy and faith that eventually succumbs to the Enlightenment. At the end of the account Hegel presents "Absolute Freedom" as the result of the Enlightenment's drive to bring all value to the level of utility. The extreme consequentialism of the Enlightenment hollows out the world of intrinsic value, and then flips into an extreme deontology in which the principle of the general will is the only thing that matters in any and all action. The unity of the individual and universal is immediate and absolute, but this means that there is no room for mediation of the two; the individual must give way to the universal. The terror, whereby the self that would be universal in fact becomes the instrument of death in the figure of Robespierre, is an inversion of Kant's Gallows scene. Not willingness to die, but rather willingness to put others to death becomes the mark of freedom: "The sole work and deed of universal freedom is in fact *death*, namely, a *death* which has no inner extent and no inner ful-

³³ "It is in the equal subjection of both sides that absolute right is first achieved, and ethical substance, as the negative power that devours both sides has emerged. That is, *fate*, omnipotent and just, has come on the scene" (PS 471, GW 256).

fillment, for what is negated is the unfulfilled point of the absolutely free self. It is therefore the coldest, emptiest death of all, having no more meaning than chopping off a head of cabbage or swallowing a mouthful of water" (PS 590, GW 320). Such is the consequence of the Enlightenment disavowal of the differentiated living social order. This ruler puts you to death on mere suspicion of not doing as the universal law says. And you cannot protest, for his will is your will, the very universality that constitutes your reason. But this self-destructive will precipitates the birth of the moral will proper: "this will is unmediated oneness with self-consciousness, or it is the purely positive because it is the purely negative, and within its inner concept the meaningless death, the unfulfilled negativity of the self, changes over suddenly into absolute positivity" (PS 594, GW 322). The lesson of absolute freedom is that one cannot locate that freedom in the activity of the point-like individual participating in a political process or sentencing the suspicious to the guillotine. Individuality has to be thought of as the universality of pure knowing and willing that is the heart of Kantian morality.

In order to move from Kant's moral theory as presented in "The Moral Worldview" to his own version of ethical agency in conscience, Hegel characteristically employs a mismatch between one's presentation to others and one's own knowledge of one's deeds. The main problem with Kant's view is that he cannot properly locate the role of happiness or interest; he excludes it from considerations of moral worth and yet he admits that it is an ineluctable part of finite human action. This problem can be solved, and Kant's Fact transformed, by rethinking the role played by the authority of self-consciousness in relation to the action as a whole. Instead of thinking of the unity of the rational will strictly and exclusively in terms of lawfulness, as Kant does, Hegel thinks that the unity of the subject has the relation to the various aspects of action of whole to parts/moments, and he holds that the universality or lawfulness of an action is only one of those moments. We saw in the last section that Hegel's term for the holistic ethical object is *die Sache selbst*. The problem with it in its initial appearance is that the whole-moment relation is too unstructured, thus allowing the agent to simply choose which of the moments of action is the essential one. The answer in that episode was to bind action to "the spiritual essence" as a socially recognized standard, and that move led to the full account of "Spirit" and then finally to Kantian moral teleology.

When Hegel contrasts conscience with Kantian duty, he emphasizes the role that *interest* plays in its action and the role that *recognition* plays in the formation of conscience's intention. The interest is the element of subjective value, and more specifically of *utility*, that gives to the action its determinate relation in the world to the purposes of others and the institutional purposes. Mutual recognition figures in the account as the presumption and requirement that one act on reasons that one can communicate to others.³⁴ Above all, Hegel emphasizes that this is no free-floating authority of self-consciousness, for it is bound to the previous development from which it has resulted. Contrasting it with the earlier account, he writes,

³⁴ "Conscience has not abandoned pure duty, or the *abstract in-itself*; rather, pure duty is the essential moment in its conducting itself as *universality* towards others" (PS 640, GW 344).

This *crux of the matter* [*Sache selbst*] was there a *predicate*, but in conscience it is for the first time the *subject* which has posited all the moments of consciousness as residing in it and for which all of these moments, namely, substantiality as such, external existence, and the essence of thinking, are contained in this certainty of itself" (PS 641, GW 345).³⁵

Conscience captures *die Sache selbst*, the ethical action, "in its fullness, something which conscience gives it by way of itself" (PS 641, GW 345). Like Kant's Fact, the consciousness at issue here is the power of self-binding, of *judgment*, and has motivating force in its incorporation of interest. It is not based on the opposition of freedom and nature, but rather on the transparency of self-consciousness to the moments that structure the action. It is this transparency that makes the individual's self-binding simultaneously a responsiveness to reasons that are *recognized* by other agents.

Yet the authority of self-consciousness over its moments can nonetheless appear absolute to the reasoning subject, for there is nothing that can be opposed to self-consciousness, and this presents yet another hazard of freedom. The hazard goes by the name of the beautiful soul, which for Hegel is the result of withdrawing so completely into the fluidity of self-consciousness that one balks at the re-externalization required for actual action. "It lives with the anxiety that it will stain the splendor of its innerness though action and existence" (PS 658, GW 354). Hegel seems to think of this as a special hazard of speculative philosophy, as he comes close to identifying the beautiful soul with the standpoint of absolute knowing itself (see PS 795, GW 425). The ultimate warning sign and block to this withdrawal is yet another figure of death and/or madness in which some have seen allusions to the fate of Hegel's once best friend, Hölderlin. Hegel writes, "In this transparent unity of its moments it becomes an unhappy, so-called *beautiful soul*, and its burning embers gradually die out, and, as they do, the beautiful soul vanishes like a shapeless vapor dissolving into thin air" (PS 658, GW 355). In this case Hegel makes death equivalent to the inability of self-consciousness to externalize itself in nature. This death thus motivates not only the embrace of getting one's hands dirty in willing specific actions, but also the controversial move from logic to the philosophy of nature.

The story of "Spirit" is not quite over, for there remains a question of whether the *self-binding* of conscience has been genuinely united with the social binding of the substance-like community. The version of the beautiful soul that does not simply dissolve is the self-righteous judge, the hard-hearted individual who despises the self that acts on interest. In the final scene of "Spirit", the breaking of this hard heart effects the final reconciliation with reason as universal and reason as individual, an act of forgiveness. Even here we have a reference to death in the very act of mutual recognition whereby the two sides of morality are united.

The former dies back from its being-for-itself [*jenes stirbt seinem Für-sich-sein ab*], relinquishes itself and confesses; the latter disavows the rigidity of its abstract universality and thereby dies back from its self devoid of liveliness and its unmoved universality (PS 796, GW 427).

³⁵ I have discussed this passage at greater length in Moyar 2011: 93-100.

This is a fitting end to Hegel's engagement with Kant's Fact. We do not realize our freedom in the possibility that we could sacrifice life for the sake of the moral law, but rather we realize our freedom in sacrificing our abstract self-determination for the sake of a life with others who recognize us as the finite, living, free beings that we are.

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