

International Order and the Pain of Negativity

Hegel's Political Theology

Nico Roman Weber

Thesis submitted for assessment with a view to obtaining
the degree of Doctor of Laws of the European University Institute

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European University Institute
Department of Law

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Abstract

This thesis argues that an immanent critique of Hegel can offer a utopian alternative to contemporary theories of international law. Preoccupied with either solving seemingly ahistorical problems by copy-pasting concepts from the domestic liberal toolset or deconstructing the false universalisms underpinning this liberal order, lawyers struggle to grasp international law in the framework of a transformative project. I show how Hegel, in a paradoxically sceptical fashion, recovers absolute knowledge, the necessary corollary of universal emancipation, against the foil of his liberal and conservative opponents who abandoned both quests.

The central argument of my thesis is that Hegel finds the experience content and actualisation of the absolute in the philosophical ‘sublation’ of Christian revelation. In the pain of negativity, the finite human spirit realises that its self-righteousness othered and killed God. Following an immanent critique of Hegel’s theory of grace, we can conceptualise the result of human spirit’s transformation into absolute spirit as vulnerable and ephemeral: whenever spirit cannot account for otherness, absolute spirit falls from grace and reverts into objective spirit’s self-absorbedness.

Hegel, however, neglected a great deal of otherness, that of women, the poor, and (colonised) slaves, without letting the modern Protestant Germanic spirit lose its world-historical primacy. I propose that we can go with Hegel beyond Hegel by searching for liberating agency in those whose ‘pain of negativity’ Hegel partially recognised. This turn to agents of liberation allows a critical reappraisal of a Hegelian voluntarist reading of international legal positivism. The state becomes the epistemologically necessary and normatively hopeful focal point only to the extent that it crystallises the identified agents’ historical struggles for self-determination. The role of positivism is to protect the spaces of the actuality of reason that are the historical results of these struggles and from which new, more transformative projects can arise.

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My initial path could not have been farther away from the work this acknowledgement prefaces. In fact, one could say the latter is the former's determinate negation. Left to my own devices, this thesis might just as well have become a reappraisal of Kantian cosmopolitanism. However, a spectre was haunting my liberal dogmatism. While I was reading Kant, Dahrendorf and Popper (!) and the volume on dialectical philosophy that Dany and Thorsten gifted me was catching dust on my shelf, a conundrum arose. How could someone respected and loved defend positions that my heroes derided as intellectual imposture thinly veiled by an impenetrable language that gave birth to all evil ever to threaten our open society? Nolens volens, a hero intervened who resolved this conundrum by throwing me into an open crisis: A professor of legal philosophy, who covered in his class every philosopher from the Presocratics to Dworkin and Habermas, jumped Hegel, Marx & Co. for precisely the same reasons I considered to be true since devouring Popper. However, once uttered out loud by someone else, with the gifted book on my shelves, it somehow sounded as arrogant as it was. What if Hegel and Marx were not shunned because they were talking dangerous nonsense but because people lacked the patience and open-mindedness even to try to understand them? What if their exclusion from the canon was entirely ideological and reading them in good faith – something I had scrupulously avoided, too – would endanger this very ideology? Once I started doing this – supported by one or two further book gifts and casual talks with Thorsten – a point of no return was reached.

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Introduction

It is foolish, generally speaking, for a philosopher to set fire to another philosopher in Smithfield Market because they do not agree in their theory of the universe. That was done very frequently in the last decadence of the Middle Ages, and it failed altogether in its object. But there is one thing that is infinitely more absurd and unpractical than burning a man for his philosophy. This is the habit of saying that his philosophy does not matter, and this is done universally in the twentieth century, in the decadence of the great revolutionary period. General theories are everywhere condemned; the doctrine of the Rights of Man is dismissed with the doctrine of the Fall of Man. Atheism itself is too theological for us to-day. Revolution itself is too much of a system; liberty itself is too much of a restraint. We will have no generalisations. (...) A man's opinion on tram cars matters; his opinion on Botticelli matters; his opinion on all things does not matter. He may turn over and explore a million objects, but he must not find that strange object, the universe; for if he does he will have a religion, and be lost. Everything matters--except everything. – G.K. Chesterton, *Heretics*

The true is the whole. – G.W.F. Hegel, *The Phenomenology of Spirit*

Hegel. The thought associated with this name has become a provocation in itself. Nothing sits as awkwardly with the spirit of our age as the idea of the absolute. Invoking him seems hopelessly antiquated. Not only invoking Hegel but, instead of focusing on his more reasonable concepts, making the absolute the centre of a study must appear a fool's errand, the hobbyism of an incorrigible enthusiast who has lost sight of reality. For it is the relationship between the here and the beyond, the finite and the infinite, that a political theology must explicate – otherwise, it just throws around catchy theological notions. How can this be helpful in a self-avowed post-metaphysical age in which religion appears as the epistemology of yesterday and, at least in the West and the formerly Communist sphere, as a social practice increasingly deprived of a sociological basis? On the level of international order, Hegel's standing is not more attractive. He might not stick out of the 19th-century crowd, but the crowd itself bears little promise. The idea of Western European cultural supremacy is not exactly on the rise.

Answering these doubts requires a detour via the alternatives, or more precisely, the lack thereof. Most international legal theories that try to grasp it as an order and go beyond a deconstructive critique propose the continuation of the present with the means of the present. They suggest reinforcing legitimacy through procedures known from domestic constitutional

frameworks, managing problems of overlapping norm systems and various pressing material issues. At the same time, the room to do something different is progressively shrinking in the shadow of a confusingly pluralist world full of choices and individual viewpoints. Not the constant state of crisis but the growing necessities of ‘everyday life’ strangle what there was left of prowess to imagine a world which does not manage the shortage but draws on the abundance. With some largesse, those theories can be attributed to a Kantian legacy: they continue the tradition of formulating practical philosophy in purely normative and formalist terms while seemingly renouncing all metaphysics and abandoning absolute knowledge.

The occasional dismissal of Kant’s ideas as unrealistic misses the point. Pure normativity correlates in curious and yet philosophically traceable ways with the materially saturated normative reality. While Kant’s republicanism and promotion of secular and rationally conceived institutions could spark excitement in the revolutionary-minded circles of Hegel’s seminary in the 1790s, the modern liberal embraces them with a knowing smile. Even before republics and liberal conceptions of the law came to dominate the world, Kant’s practical philosophy was explicitly pragmatic. He went to great lengths to demonstrate how nature favours the establishment of bourgeois society and perpetual peace.¹ His reminder that an empirical perspective² must supplement such teleological writing of history was eagerly taken up by Habermas, a straightforward contemporary apologist of a Kantian philosophy of international order who demonstrated that the course of history did indeed partially conform to Kant’s project.³

This historical test of plausibility aligns with a larger project of conservation, i.e. non-transformation of reality. Setting aside how many people will act morally (and hence advance history rationally), Kant maintains that those acts that comply with the law of freedom must also, as events in the sensible world, comply with natural laws of causality.⁴ Both laws must cause the action.⁵ The intelligible character, albeit transcendental, is identified as an empirical cause. To overcome nature, reason must be compatible with it. In turn, those who consistently

¹ For Kant, to think of history meaningfully, we must identify the intention of nature, AA VIII, 18. To him, it appears that the hand of a wise creator arranged the contradictory dispositions of our human nature (our egoism and sociability) in a manner that makes the establishment of a bourgeois society (i.e. one that administers right) a natural occurrence. This logic extends to the expansion of this state of rightfulness to international order, 22-26.

² Kant, AA VIII, 30.

³ Habermas, *The Divided West*. 147 ff. He repeatedly emphasises the countervailing historical tendencies – as would Kant have himself. The latter famously stated that ‘out of such crooked wood as man is made of, nothing quite straight can be carpentered.’ Kant merely hoped that we can already see the anticipation of a rational world order, AA VIII, 23, 28.

⁴ Kant, AA V, 67-68.

⁵ I base myself on Adorno’s analysis of Kant’s third antinomy of practical reason which renders the commitments explicit that Kant relegated to the unknowable, Adorno, *Negative Dialektik*, 283–92.

act against the law of freedom do not suffer from a prevalence of nature over reason (that would negate freedom as such) but just made terrible choices from early on that formed their empirical character.⁶ As a result, Adorno concludes, Kant secularised the irrationality of the election by grace: the subject ‘is justified through what it is, not what it does, as once the Lutheran through faith, not works.’⁷ While provoking church and censorship authorities, Kant sided in essence with them. In Nietzsche’s words: ‘Kant wanted to prove, in a way that would dumbfound the whole world, that the whole world was right: that was the secret wit [Witz] of this soul.’⁸

The postulation of freedom at the expense of a thorough critique of the reality of unfreedom reverts into the subjection of freedom under the overwhelming power of reality. Side-lining metaphysics in favour of a normativist approach to philosophy resulted in one of the most realistic philosophies one could imagine. Kant’s relegation of God to a postulate of practical reason openly acknowledges that. Recognising that following the law of reason hardly makes the poor rich and the suffering happy, he recommends the reasonable man to hope for the total reconciliation of the goods of morality and happiness by the act of a *Deus* who judges our immortal soul once we have left the phenomenal world.⁹ Since the utopia is put off for ever and a day, processing the manageable problems of the day under the guiding star of the regulative idea of reason becomes all the hope a rational individual can muster for this world. The rational man is optimistic, yet all hope for true beatitude must be directed into the transcendent.¹⁰ Those for whom this hope is not enough to get up in the morning must find a different eschatology.

The point is that there is a point in addressing the whole instead of contending with a more reasonably sized object of inquiry. The whole exists and constantly expands. Holism is not the day dream of yesterday’s idealists but the order of the day once we pierced the veil of everyday life. The multitude of different cultures and legal authorities cannot hide the all-embracing arms of global capitalism, the pervasiveness of private law paradigms and the modern style in which politics is conducted worldwide. There is (almost) no clash of civilisations as historically independently grown entities but a fight of modernity with itself. At the same time, and perhaps differently than Hegel, who experienced the great turmoil of revolutionary Europe when everything seemed possible, we have little illusions about the rationality of the whole. The

⁶ Kant, AA V, 99-100.

⁷ Adorno, *Negative Dialektik*, 290.

⁸ Nietzsche, *The Gay Science*, para. 193.

⁹ Kant, AA V, 122-23.

¹⁰ Kant identifies his conception of the highest good with the ‘doctrine of Christianity’, AA V, 127 ff.

democratic welfare state, the likely candidate for this rationalisation,¹¹ has come under pressure by the erosion of the electoral milieus supporting it and the various constraints of the globalisation, economisation and legalisation of politics. A similar story can be told about the demise of the principle of self-determination, hard fought for during decolonisation but which has passed its heyday following the oil crisis and the Volker shock. If we wish to replace Kant's and Hegel's *optimism* with *hope*, then we must think the beyond of this world, a beyond that recuperates a utopian moment in the midst of sorrow.

Christian eschatology always thrived on this particular constellation of hope and sorrow. Its *eschaton*, the reconciliation of Divine and human nature in the person of Jesus, has already walked the earth. The elevation on the cross, the ultimate sacrifice of God, rendered humankind's call to sanctity undeniable. The pain of Christ and the failing humanity turns into the love of the Kingdom of God. However, after the collapse of the *res publica Christiana*, the only hope that remained was the second coming and the resurrection of the dead. The immanent political dimension got lost. Scholastic legalism and (post-) Enlightenment theologies domesticated even the last provocative element, the collective vision of the apocalyptic end of all earthly kingdoms, in favour of an individualised judgement day.¹² It is telling that a – by today's standards – moderately conservative catholic theologian and future pope would look with a pinch of jealousy at how seriously Marxists take the material dimension of eternal life.¹³

That is where the spirit of Kant left us and where Hegel's critique unfolds its potential. Hegel's philosophy of religion recuperates the objective good, a vision that goes beyond the atomised individual. As his political philosophy, it does so in open affirmation of modernity. Staunch is Hegel's rejection of the conservative elements in the secular and religious realms represented by the historical school, restorationists and Pietists. The reference point remains the individual subject and the question of how we can be free. However, instead of building the world around the hypothesis of individual freedom, he poses the question of freedom considering the

¹¹ Vieweg explicitly argues that Hegel provided with his account of the market and its regulation and compensation through societal welfare programmes an alternative to capitalism and communism akin to a robust (i.e. pre-neoliberal) welfare state, Vieweg, 'The End of Capitalism and Its Future'.

¹² Criticising Bultmann, one of the greatest 'demythologiser' of Christianity, Metz asserts that 'the church has long fled in its fear of being declared "of unsound mind" into the tender arms of evolutionism.' Metz, *Glaube in Geschichte und Gesellschaft. Studien zu einer praktischen Fundamentaltheologie*, 186. For his critique of the individualisation and privatisation of bourgeois religion, cf. 49 ff. For an overview of Pietist eschatological expectations and their transformation in Enlightenment philosophies that also shows how the former postponed the eschaton whereas the latter – albeit transposing it to the present – denied it its radicality and rendered its perfection foreseeable yet out of reach cf. Kuzniar, 'Philosophic Chiasm'. Radical eschatologies subsisted on the fringes or outside of orthodoxy albeit mostly focused on the transformation of the church not the earthly kingdoms, Shantz, 'Radical Pietist Eschatology as a Complex Phenomenon'.

¹³ Citing particularly Adorno, Ratzinger, *Eschatologie - Tod und ewiges Leben*, 155.

constraints of the world we inhabit. He asks how freedom can arise out of unfreedom and thereby poses the question of liberation. Hegel's strength resides in how his philosophy *struggles* with the world. His conceptual framings are saturated with the experiences of a world that resists the epistemological subject and constantly inflicts pain upon it. The complexity of Hegel's language – and there is much of it – mirrors a complex experience of reality. The world resists its conceptual apprehension as much as it resists the subject's attempts at self-determination, merging Hegel's theoretical and practical philosophy into a single project of experiential thinking.

Ultimately, Hegel thinks we must find a way to make the world our own. We cannot do so as isolated individuals: we are hopelessly entangled in communal practices and cannot even start to think of our 'self' without the help of others. The notion of spirit is born: our individual self-consciousness relies on a collective one. Only in practices of mutual recognition can we gain self-knowledge and freedom. Famously, the modern state became his object of praise since in it alone we could self-consciously appropriate socio-historical practices. The nowadays fashionable thinking 'beyond the (nation) state' must live up to the same high standard. My intervention is partially motivated by the intuition that it does not.

However, precisely in the apology of the state in its historically contingent bourgeois Germanic Protestant form we can see the less attractive side of Hegel. He apparently crushes the individual under the weight of the universal state and offers the individual's historical suffering on the altar of the progress of world spirit – a spirit that has left everything that is not Germanic and Protestant behind. Instead of a utopian alternative, we get another apology for the present order. Adorno tied this accommodationism to the central tenets of Hegel's philosophy. His absolute idealism compulsively reconciles. Supposedly, the dialectics turn the negation of the negation into an affirmation, even when the contradiction has not been fought out – a universal is constructed where, in reality, the abstraction of a particular violently suppresses another particular.

Nevertheless, Hegel's logic captures the overwhelming powers of modernity's false universals while it genuinely strives to conceive concrete universals that express reconciliation. An immanent critique, holding Hegel to his own dialectical standards and thus overcoming him, could hence, at the same time, overcome the logic of the world we inhabit. That was Adorno's hope which infected me. In contrast to Adorno and following Theunissen, the other Hegel exegete who left an immeasurable imprint on this work, I find in Hegel's theology a moment of internal resistance against both, Hegel's false reconciliation and reality's growing totality.

Taking the central Christological dogmata of the Church seriously, Hegel re-establishes eschatology as a doctrine of the immanent Kingdom of God and thereby recuperates an emphatic utopia. Faithful to modernism, he cannot turn to the deduction of a natural order but proceeds from the subjective experience of humanity's encounter with God. From the perspective of the resurrection, the cross becomes the sign of a world existing in the condition of deicide. Jesus reached out to reconcile the fallen world and was betrayed and killed. In the *pain of negativity*, objective spirit (i.e. the spirit of the historical community) realises that its form of consciousness is the negation of the absolute, that God has become the radical other of humanity. Returning to the absolute becomes the condition under which objective spirit becomes absolute. Formerly neglectable to Hegel, otherness and its pain have transformed into the experiential core of a global turnaround of the self-conscious community. The absolute, far from being all-consuming, becomes something fragile that relies on objective spirit's capacity to see the suffering it is causing and the will to overcome it by negating its own particularity. Beatitude comes within imminent reach, and hope can arise amid sorrow.

Invoking a philosopher whose political thought is often considered the apex of anti-utopian conservatism¹⁴ in an argument for more utopianism might puzzle. Claiming utopia is motivated by a refusal to leave the bliss of such a radiating vision to those who like to fantasize about a world in the beyond with no clear connection to the here and now. Those abstract utopiae whose authors presented little in the way of *transforming* reality towards this end were what drew Hegel's and later Marx's scorn. Unlike reactionaries who, drunken with the present, rail against wishful thinking and building a *cloud cuckoo land*, Hegel criticised not the vision but the lack of setting it into relation with the reality of reason and hence the possibility of actualising utopia.¹⁵ In contrast, when I say utopia, I mean Bloch's concrete utopia that has its actuality in the process of bringing forth something new, i.e. in the process of liberation.¹⁶ I see no reason why one would not call utopian the mild pessimism that takes note of our present condition but still finds hope in past and presents moments of truth for an immanent *avenir* when a limitless Self will be reconciled with the world. By distinguishing 'future' as the continuation of the present (i.e. the dystopian certainty of the ecological catastrophe paired with exploding

¹⁴ Löwith implicitly qualifies Hegel's rejection of utopian visions as reactionary, Löwith, *Von Hegel zu Nietzsche*, 98.

¹⁵ Cf. PR p. XIX/ 20.

¹⁶ Bloch, *Das Prinzip Hoffnung*, 226.

inequality) from ‘avenir’ i.e. what is yet *to come* (*à venir*)¹⁷, the French language allows us to formulate a utopian look into the future as an eschatological hope.

Under the impression of such an eschatology, Hegel notes that his time, too, is a vale of tears, striking in his *Lectures on the Philosophy of Religion* a much more sombre tone than in the *Elements of the Philosophy of Right*. Hegel thought that the religious cult alone could never fully actualise this utopia. The secularised version of the idea of the absolute’s return to itself must ultimately govern all fields of human life, especially the state. Hegel’s account of this secularisation was a failure. In cementing his own biases, he cancelled out all otherness from the outset. By ignoring the universal mission of the early church, Hegel puts the bearer of absolute spirit’s self-actualisation into a mode of introspection from which it shall never awake.¹⁸ Somehow, the particular spirit to whom Hegel was closest turned out to be the true universal, the standard-bearer of absolute spirit. Criticising this transformation and the false reconciliations within Hegel’s political philosophy is the object of this thesis. True to its intellectual model, it cannot deliver political or legal tools but must limit its transformative ambition to the hope that discovering *this* Hegel helps transform our common self-consciousness. Following Bloch, it aspires to teach hope.¹⁹

Whether this critique steers clear of the all-consuming wave of absolute idealism, I will leave to my reader’s judgement. At least it alleviates some of the stomachaches that would otherwise overcome us when presented with Hegelianism as an alternative to liberalism. Furthermore, it can serve as a stepping stone for other more critical philosophies – and it indeed has. Instead of jumping straight to them, I hope it becomes clear that one of the outstanding qualities of Hegel’s thought is that the most fruitful critique of Hegel often consists in pointing out how he was not Hegelian enough.

But where is the (international) law in that? This thesis started as an attempt to formulate a Hegelian alternative to cosmopolitan liberal and largely Kantian theories of international law.

¹⁷ Žižek, ‘Signs From The Future’.

¹⁸ Thus, my account of Hegel’s theology also becomes the locus and substitute of a critique of Hegel’s racialising historiography and degradation of everything non-European to a prior state of spirit’s development. These parts of Hegel’s writings have been analysed at length, Hoffheimer, ‘Race and Law in Hegel’s Philosophy of Religion’; Zambrana, ‘Bad Habits’; Na, ‘The Dark Side of Hegel’s Theory of Modernity: Race and the Other’; Bernasconi, ‘With What Must the Philosophy of World History Begin?’ I will discuss them in *Chapter Seven*. In general, I think that the path of Hegel’s philosophy of history is already set in the determination of absolute spirit as introspective. In her attempt to trace how Hegel’s reading of ancient Indian scripture foreclosed the perspective of the native informant, Spivak rightly remarks that “‘Hegel’ (the name is a world-historical metonym here) wants and needs to prove that “India” is the name for this stop on the spirit’s graphic journey, he makes his “India” prove it for him.’ Spivak, *A Critique of Postcolonial Reason*, 47–48.

¹⁹ Bloch, *Das Prinzip Hoffnung*, 1.

The attentive reader will not fail to notice that the present work performs an elaborate dance *around* this subject. Two approaches could have led to the initial task's successful and straightforward completion. The first would have been a presentation of *Hegel's* theory of international order, the second a *Hegelian* reconstruction and critique of the present international order. The first has already been established, and the second is impossible to accomplish in a one-volume work addressed to an audience that is not (yet) Hegelian. To add to the about 30 pages that Dellavalle, Spitra, Conklin, and von Trott zu Solz each wrote on the Hegel's theory of international law would be pedantry.²⁰ Their accounts are rigorous, and while one could certainly 'professionalise' the historical aspect of their works (in the sense of giving a more detailed account of the discourses Hegel engaged in while writing his few paragraphs on international order), it is uncertain whether this would add a revolutionary new insight.

Conklin might be right to identify Kant's *Perpetual Peace* as a primary target of Hegel's critique.²¹ However, I think that the grip of – to be intentionally vague – post-Kantian anti-Hegelian – philosophy is much subtler and stronger than the parallels between international order, its theories and Kant's work on *Perpetual Peace* might suggest. Kant's and others' abandonment of the metaphysical question translates essentially into the abandonment of universal knowledge and universal liberation, which had a more damning influence than the particular stipulations of Kant's work on international relations and history. Hence, Hegel's resurrection of metaphysics after Kant – i.e. in a post-*critique* and -sceptic fashion – hands us the antidote necessary to rescue a more ambitious project of emancipation.²² This work is thus the first volume of a two-volume approach. It aims to deliver an introduction to Hegel that centres his thought around what I perceive to be its emancipatory and factual core, the philosophy of religion. This approach necessitates going through a reconstruction of Hegel's metaphysics – an experience to whose painfulness I can testify. If successful, it comes with the rewarding feeling, perhaps peculiar to philosophy, that something turned upside down in our heads. To those who are already initiated to the Hegelian arts, the *Chapters Two* and *Three* might be repetitive.

²⁰ Dellavalle, 'The Plurality of States and the World Order of Reason'; Spitra, 'Normativität aus Vernunft'; Conklin, *Hegel's Laws: The Legitimacy of a Modern Legal Order*, 270–98; von Trott zu Solz, *Hegels Staatsphilosophie Und Das Internationale Recht*.

²¹ Conklin, *Hegel's Laws*, 271 ff.

²² Beiser, 'The Spirit of the Phenomenology'.

Therefore, this is, first and foremost, a book about what (the ‘mature’)²³ Hegel can contribute to contemporary political philosophy and how a careful and critical reading of his philosophy of religion is essential to this operation. However, it was also always motivated by the wish to overcome an impasse in our thinking about international law and order which remains – to speak with Habermas – the thesis’ interest of knowledge. The thesis’s claim to ‘originality’ must register on this level, i.e. as the result of a collage of international legal outlook and a theoretically and practically integrated reading of Hegel’s philosophy. I suggest tying this contribution to international legal theory with a theme and controversy that speaks to any international lawyer: positivism. Rather than just being an academic cycle in which struggles between schools of thought are wheeled around for centuries, I suggest that recent calls to turn back to positivism or formalism have political salience. They reflect the steep rise and decline of an imagined post-cold-war cosmopolitan order that challenged a supposedly state-centric international order in favour of a more network, civil society and human rights-oriented future. As a side effect, whatever tender beginnings of sovereign equality of states ever existed went along with the state-centric order into the dustbin of history. The asymmetric war on terror, humanitarian interventions, and conditional development aid were legal innovations that made some long for an antiquated formalism. However, as things that hang around in dustbins often do, a positivism à la Oppenheim or Kelsen looks quite dusted today. Especially critically minded scholars will have difficulties ignoring their inherent ideological scientism and abstaining from more substantial historical, sociological, and economic analyses of the law.

In contrast, a Hegelian theory that manages to grapple with Hegel’s darker sides could provide a re-foundation of international legal positivism that does not set aside the historicity of law or its political character. It can provide philosophical reasons for methodological restraints in combining voluntarist formalism with a substantial analysis of international law’s dominating and liberatory role. Not accidentally, this piece is hence also a work of self-therapy that those lawyers who wish to be true what they know to be politically expedient might appreciate. It thus aspires to the unity of our practical and theoretical consciousness.

²³ A short methodological qualification is in place: throughout the work, I will focus on the connections between Hegel’s Heidelberg and Berlin era philosophy of law and religion. The exception is the *Phenomenology of Spirit* which sets the foundation of his philosophical system. I will not attempt to trace developments in his thought for two reasons: arguably, the essential elements that are relevant for my argument have remained rather stable throughout this period. Between 1807 and 1831, Hegel might have become a more orthodox Lutheran more preoccupied with the orthodoxy of his religious thought and the central importance of the reformation than with the French revolution. However, my account of Hegel’s doctrine of the Absolute almost exclusively draws on his later philosophy, not confusing the two. Secondly, given the wide scope and the prospective non-specialised addressees of this work, such a genealogy would have made it unwieldy. For those interested in the development of Hegel’s religious thought, please refer to the literature cited in footnotes 584, 586, 588.

Overview

To facilitate the navigation of this metaphysical odyssey, I will preface the thesis with a detailed summary of the respective chapters' core content and arguments.

Hegel can be portrayed as a conservative denier of international law and the spearhead of antiliberal philosophies. Depending on your political sensibility, there are many ways to put Hegel in a certain, more or less attractive corner. They all carry some truth and yet manage to misunderstand Hegel profoundly by painting him as an outspoken opponent of an eternal Enlightenment project. Instead, I propose to read him as the sublator of the Enlightenment, i.e. his philosophy as an attempt to fulfil the promise of universal knowledge and freedom while criticising the Enlightenment's shortcomings. It was his opponents of both liberal and conservative colour who buried this promise.

The **first chapter** will endeavour to read Hegel against the right foil through a twofold contextualisation. Firstly, it suggests that one of the reasons for Hegel's reputation of representing the conservative reaction to the Enlightenment roots in later 19th discourses, which pitted conservative Hegelians against Liberals. The example of renowned conservative international lawyers demonstrates that they had merged the Hegelian tradition with a current of thought with which Hegel publicly feuded: the conservative-minded historical school. This section hence clarifies how we must read Hegel always against at least two foils to come to a Hegelian conceptualisation of international law that mobilises the whole force of his philosophy. Therefore, the second section will analyse the legal and political thought of Hegel's liberal and conservative contemporaries. The limitedness of their respective conceptions of freedom is expressed in the private law paradigm at the basis of Fries', Savigny's, Ranke's, and Haller's legal and political philosophy. I will connect the collapse of normative ambition with a crisis of epistemology. The abandonment of universal liberation went hand in hand with the irretrievability of universal knowledge. Only a project that addresses the challenges to the latter can consistently hope to advocate for the former.

The reader eager to learn more about how Hegelian philosophy would theorise international law might wonder why she should wade through the mud of an amateur account of 19th-century intellectual history to get to the contemporary point. I offer two reasons. On a methodological level, I suggest that texts can only be understood in their proper context, which consists not only of their social and political circumstances but of the texts the author read and engaged

with.²⁴ This applies especially to Hegel, whose programme consists of presenting critiques of other people's thoughts to the point that he denied producing anything original. Two misunderstandings that are still prominent within the wider Hegel reception are hence avoided from the outset: that Hegel fitted somehow into our conservative-progressive/ liberal scheme and that his speculative philosophy is ignorant of modern epistemological problems. On a more substantial level, this historical contextualisation lays the foundation for the argument of Hegel's relevance for contemporary discussions. I argue that the European post-revolutionary intellectual and political landscape echoes down the centuries and that the abandonment of universal knowledge and freedom haunts much of international legal theory up to this day.

Chapter Two will contrast this abandonment with Hegel's account of the formation of free will and its rational explication in socio-legal structures in the *Outlines of the Philosophy of Right*. I interpret its claim to explicate the actuality of reason in a constitution that is close to reality but not congruent with it as an attempt to contribute to an ongoing process of reform that ultimately failed to accomplish its aims. Influenced by his reading of the political economy, Hegel focuses much of his analysis on how the dynamics of what he calls bourgeois society constitute a universal but unconscious spirit. Fascinated by the latter's force and yet aware of its atomistic and destructive tendencies, Hegel imagined the realm of the political to bring bourgeois society to consciousness and transform it into a realm of autonomy. Those internal structures largely determine Hegel's take on international relations as relations between independent political wills. For Hegel, it is crucial to understand sovereignty as a concept of thick self-determination in which not the abstract will but the particular will that emerges within the rational but historically contingent structures of states counts. Only in it, universal liberation takes form as it elevates the concrete existence of a people into the form of universality. Hegel's theory of 'external state law' translates into a substantial state voluntarist legal positivism. Beyond these normative and epistemological considerations, the international realm also emerges as one that puts this achievement of universal liberation into a precarious position. The expansive tendencies of bourgeois society that seeks markets and emigration destinations abroad threaten to overtake the political agenda, while the existence of potentially hostile states other states threatens the achievement of the political state on an existential level. I argue that Hegel's flight into world history as the actualisation of absolute spirit does not solve these

²⁴ Insofar, I am sympathetic to the 'Cambridge school's' critique of approaches that pretend that the examined author answers to a determinate set of fundamental conceptual questions, Skinner, 'Meaning and Understanding in the History of Ideas'.

problems but that the move's circularity expresses a flaw in the conceptualisation of the absolute that only an immanent critique of his philosophy of religion can overcome.

Chapter Three prepares this turn to the absolute by introducing Hegel's epistemology that upholds the ambition of universal knowledge by thoroughly intertwining practical and theoretical philosophy. Showing step by step how Hegel departed through rationalist questioning of previous theories from epistemic and methodological conventions that overshadow (the social) sciences up to this day demystifies the category of (absolute) spirit. I will do so by giving a three-step overview of the *Phenomenology of Spirit's* build-up to absolute knowledge. Firstly, I demonstrate how Hegel's conclusion of the reality of absolute knowledge is not a regress behind earlier sceptical and methodologically sound epistemologies but self-consciously participates in the modern discourse around scepticism. It develops the dialectical method as a self-transcending scepticism that never loses sight of its universalist ambition. This ever-questioning movement of thought results in three epistemological turns that the second section reconstructs: the turns 1) towards mediation that rejects the separation of subject and object of knowledge; 2) towards praxis since the only way to grasp object and subject together is in an epistemic *act*; and 3) towards socio-historical practices since the only (mutual) recognition accomplish this which Hegel thinks cannot be found in thought experiments but only in really existing practices.

Lastly, the third section sets out to identify the true spirit that finds in the conflicts that plague its foundational socio-historical practices the excess energy to bring about its freedom. By roaming through 2000 years of the history of spirit, Hegel portrays his immediate predecessors and contemporary opponents as crystallisations of societal attempts to make sense of the world. Thereby, Hegel draws the Enlightenment, the French revolution and German Idealism and Romanticism as the foil against which he projects his philosophy. Hegel tests them in their attempts to deal with the struggles of their day, particularly with regard to their ability to relate world and spirit, the universal and the particular and to offer mutual recognition in a previously alienated environment. Hegel's answer to this is the appropriation of failure rather than its evasion: spirit can make the world anew if it is founded on a practice of mutual *forgiveness*. This final sublation of previous practices dislocates the discourse completely. It unmasks the liberal and conservative disinterest in the reality of any utopian vision and urges us to make another step in the direction of what Hegel called the absolute. Only by turning to the philosophy of religion, we can uphold the hope for universal knowledge and freedom.

It is in the inconspicuous act of forgiveness that Hegel posits absolute spirit appears and unleashes its full power of un- and remaking the world. The **fourth chapter** argues that we must follow Hegel in making the spirit whose essence is reconciliation, namely the Trinitarian God and the finite spirit that strives to unite itself with Him, our object of knowledge. By declaring that philosophy has for its principal task the explication of religion, Hegel centres the former around a spirit who generates and overcomes the other in Himself and attains autonomy through self-abandonment and sacrifice. Despite this distinctively Christian content, I will trace how Hegel's thought remains primarily a *philosophy* that structurally criticises theology, or as Hegel puts it, *representational thought*. The latter is a mode of thought attached to the experience of events limiting it to its own images. While Hegel claims to overcome religion and its lackings in philosophy, I reject the Left-Hegelian interpretation and critique of Hegel that wishes to leave religion behind altogether. This move has been less consciously replicated by those scholars who promote Hegel's social philosophy or epistemology while disregarding or discounting its metaphysical elements. I will argue that maintaining the materiality and historicity of religion's content is essential to keeping the emancipatory core of his Trinitarian doctrine intact.

Therefore, the **fifth chapter** reconstructs Hegel's philosophical explication of the Trinity, the Gospel and the birth of the community of believers. Hegel identifies in the theological content the actualisation of absolute spirit through the movement of return and reconciliation that the earlier chapters have already outlined. In doing so, he conceptualises the theological content in logical terms, the formal language of philosophy. This chapter aims to recover the precise source of what I call the emancipatory experience content of Hegel's philosophy. The (self-)determination of the idea and its liberation roots in God's self-abandonment and sacrifice. It sets the violence out of which human order is born right and offers in the painful experience of otherness a pathway to reconciliation and true universality. In the pain of negativity, objective spirit transforms into absolute spirit. Having unravelled the conflictuality of all knowledge understood as social practices, Hegel does not simply flatten out the emerging contradictions but, in the suffering they cause, his theology recognises a source of redemption. However, the subsequent history of this actualisation reads astonishingly unpainful for a 19th-century Protestant German. The Protestant Germanic spirit prevailed by becoming entirely self-referential and ignoring the domestic and global other. Moreover, Hegel's assertion that secularisation – as a form of sublation of religion – would keep the content of Christian religion alive proved wrong – not least in the decline of Hegelian thought and the renaissance of Kantianism in the second half of the 19th century. I will argue that the false and deceiving

stability of the absolute spirit also roots in an implicit theological understanding of grace. If the *Big other* has done His job once and for all we essentially only need to reflect upon past events instead of continuing to find the cross in the rose of the present.

For Hegel, revealed religion already identified the content of absolute spirit. However, its form, representational thought, lacks the necessity of true philosophical knowledge and remains stuck in the imagery of revelation. Those shortcomings drive the philosophy of religion to sublimate itself into a meta-philosophy. The **sixth chapter** shows how this meta-philosophy of absolute knowledge does not amount to a totalising accommodationism that compulsively finds reconciliation everywhere but represents a self-critical moment in Hegel's philosophy. The doctrine of absolute spirit as the culmination of philosophy takes a peculiar place in Hegel's system. It builds upon lower 'disciplines' of philosophy and follows from their shortcomings. However, the culmination does not replace them, but they keep their place. Instead of a rewriting, it invites a rereading and constitutes a movement of self-critique. My interpretation maintains that this critique still depends on the absolute spirit's content that the previous chapter has identified and criticised. Hegel's dialectics do not have a 'methodological' life independent of the experience content that drives them. However, this also means that only a critical reappropriation of this content can make the formal move of critique succeed substantially. A reinterpretation of Hegel's political and legal philosophy must hence rely on constant calling back into memory of the pain of negativity.

Finally, the **seventh chapter** rereads Hegel's system of right in light of this critical political theology. It starts by showing how the law, standing at a transitory point between bourgeois society and the state, is essential in the liberation from the first to the second nature. As part of the latter, it is simultaneously a source of social domination and unfreedom. Only its imbuement with the state's political will can make it an instrument of liberation. The state's will depends in its independence from the captivating forces of bourgeois society on the actors from whom it emerges. This chapter criticises Hegel's choice of those *agents of liberation*. The monarch, bureaucrats, and representatives of the agricultural estate and the corporations might be immune to the dynamics of bourgeois society or have cultivated them. However, none of them has gone through the pain of negativity and Hegel's account of secularisation makes it implausible that its (dangerous) memory lives forth in them, putting the universality of their consciousness into question. Ultimately, the universality of Hegel's political will depends entirely on the logical and structural composition of institutions with no proven interest in it. Instead, I propose to look at three groups of people whose distinctiveness and suffering Hegel mostly recognised without

acknowledging their potential role as agents of liberation: women, the poor, and slaves. I argue that Hegel's failure to consider those actors and their ultimate defeat in his time roots in the self-complacency of his absolute spirit that contrasts with the ephemeral absolute that my critique of his philosophy of religion vindicated. Moreover, it explains the ultimate decline of Hegel's philosophy and its greatest hero, the political welfare state he imagined in the 19th century.

The **epilogue** peeks at what reading Hegel could mean for the contemporary philosophy of international law and relations. It establishes the actuality of political theology in a secular age by reconstructing it as a source of hope and criticises contemporary theories of international law by drawing parallels to Hegel's liberal and conservative opponents. Finally, it hints at how Hegelian international legal positivism could attach itself to a political agenda of universal liberation by precisely making itself contingent on the efficacy of agents of liberation. Arguably, the high tide of the Hegelian state passed in the 1970s with the welfare state's expansion and decolonisation. Ever since, it has come under growing pressure from the very dynamics of bourgeois society that Hegel thought the state could tame. The epilogue furthermore outlines how Hegel remains a powerful interlocutor if we wish to criticise contemporary theories that have, in the tradition of Hegel's contemporary opponents, abandoned the quest for universal knowledge and liberation. The (temporary) decline of liberating agency and the preponderance of non-utopian philosophies that give a thoughtful expression to this status quo reshape the Hegelian positivism into a republican rear-guard action. The active waiting for a reinvigoration of the old or the emergence of new forms of historical agency can rely on the hope that the Christian eschatology at the core of Hegelian political theology affords. Every moment of suffering transformed into a sacrifice is a glimpse and ephemeral coming into existence of absolute spirit.

Chapter One: The historical Hegel – Universal freedom after the Enlightenment

Was Hegel a reactionary who broke the ground for those who – up to this day – wish to replace the Enlightenment tradition's rationalist ardour for individual freedom with mystical collectivism? Or was he the progenitor of a struggle for a more holistic conception of freedom who grappled with the ambivalences of modernity while placing himself firmly within it? How we perceive Hegel's philosophy depends heavily on the foil against which we read him. It also goes a long way in giving determinacy to the concepts Hegel deploys and which we wish to borrow from him. My argument rests upon the intuition that the 'full Hegel' still has something to tell us. His strength resided in his ability to synthesise widely diverging currents of thoughts into a history, demonstrating their interconnections. Dialectics does not mean finding the middle way. It goes through the different extremes, exposes their one-sidedness and shows them to be moments of one movement.

This chapter argues that we should not read Hegel as one in a long line of opponents of the so-called Enlightenment tradition. Instead, this chapter will analyse how Hegel's liberal and conservative adversaries all broke with the Enlightenment quest for universal knowledge and freedom, advancing a private law paradigm across the aisle. This will help us appreciate Hegel's insistence on the importance of the political realm as an attempt to uphold the quest for universal freedom that the second chapter will reconstruct. At the same time, it underlines why a purely normative reading of Hegel's political philosophy misses the point: if Hegel's adversaries' abandonment of universal freedom went hand in hand with the abandonment of universal knowledge, we must ground a theory of universal freedom in an epistemology that overcomes the limits the liberal and conservative theories of knowledge exhibited.

Reading him against a foil is in itself a deeply Hegelian move. The man whom we consider to be the arrogant self-proclaimed perfecter of philosophy thought of himself, in an ostensible exercise of humility, merely as continuing other peoples' thoughts:²⁵

The last philosophy, therefore, contains the preceding ones, embraces all stages in itself, is the product and result of all preceding ones. One cannot now [e.g.] be a Platonist; one must rise above α) the pettiness of individual opinions, thoughts, objections, difficulties; β) above one's own vanity, as if one had thought something special.²⁶

²⁵ In depth about the question of the claim of the end of philosophy, Förster, *Die 25 Jahre der Philosophie*.

²⁶ LHP III, 461/ 552-53.

Making it a question of character means singing in the entirely wrong register. At the core of this philosophical approach lies the insight that philosophy always relies on previous discourses and can only hope to transcend its limitations while preserving its experience. Hegel had strong opinions on the idealist tendency of system-building based on one's own original thoughts: 'The quirk of thinking for oneself is that each produces more vulgarity (*Abgeschmackteres*) than the next.'²⁷ The insipidity of original ideas roots in the mediatedness of all thought.

It has proven particularly tempting to read Hegel primarily as a critique of the Enlightenment tradition and its liberal heirs whom Hegel had indeed in mind while writing these lines. As a result, he has become a firm pillar of the liberal anti-canon.²⁸ Despite the openly ideological and often painfully bad scholarly character of those writings, it is interesting to note that a genuinely Hegelian legacy in international law seems to vindicate this reading. Eminent German scholars of the young discipline advanced in the late 19th and early 20th century a state voluntarist positivism whose organicist understanding of the nation-state and seeming state idolatry relegated international law to a historical sidenote. Might is right instead of a just order appears to be the inheritance of Hegel's philosophy. A closer look at two prominent exponents of this Hegelian current of thought (Lasson and Kaufmann) will give us a glimpse of how Hegelian ideas can inform international law and its theory (I). While the foil against which they erect their theories indeed descends from the liberal tradition Hegel opposed, the analysis reveals how their supposed Hegelianism had merged with conservative, romanticist and Pietist elements Hegel vigorously fought in his own day. Only taking note of both of Hegel's foils will allow us to sufficiently grasp the context of Hegel's political philosophy (II). In conjunction, they clarify a fundamental misunderstanding: Hegel's focus on criticising the Enlightenment and early German idealism was based on his assessment that they were the *last* philosophically serious attempt to grasp the truth.²⁹ Any emancipatory philosophy would have to grapple with its shortcomings and need to overcome them.

I) Hegel's conservative legacy in international law

Hegel has little to say about international law. Judging from the structure of his *Elements of the Philosophy of Right* (1820/1), it had no place at all. Juridical relations between different states

²⁷ LHP III 419/ 510.

²⁸ For recent liberal claimants to the throne of the Enlightenment who depict Hegel (often together with Marx(ism)) as enemy of said tradition, Hicks, *Explaining Postmodernism*, 120–26; Pagden, *The Enlightenment*, 331–37; Pinker, *Enlightenment Now*, 165; Pluckrose and Lindsay, *Cynical Theories*, 197. Popper and Kiesewetter are Cold-War founding fathers of this approach, Popper, *The Open Society and Its Enemies Volume 2 - The High Tide of Prophecy: Hegel, Marx, and the Aftermath*; Kiesewetter, *Von Hegel zu Hitler*. Cf. *infra*, 50, Fn. 163.

²⁹ Hegel names the early Fichte and Schelling as the last noteworthy entries into the history of philosophy, followed and paralleled by many shallowed down versions of earlier original thought, LHP III 415-420/ 507-512.

are governed by ‘external state law’, which falls under the overall section ‘The state’. In other words, all that binds states is their own will; the peaceful conduct of international relations is at their whim. Hence, the reader might question how one could waste a whole book on writing about something that does not exist. The seemingly obvious answer to this is to criticise dominant narratives of international law as artificially inflated by legalism-moralism as Morgenthau already did.³⁰ In other words, another book that argues for the ‘limits of international law’³¹, but this time for true conservatives who prefer the intellectualist comfort of sophisticated 19th-century German idealism over the cold capitalist ideology of the *homo economicus*.

In this vision, the state merits our highest praise and legal transfiguration since it is the realm of concrete freedom. As members of a people with its specific culture and conventions, individuals are not free under abstract laws but only under those that reflect the people’s consciousness. Instead of being a necessary evil installed to tame human nature or a mere amalgam of norms and institutions required to organise social life, the state becomes the focal point of self-actualisation, the form and content of freedom. International law is hence not only practically limited (as the international society lacks the density with which domestic society backs the law) but also *rightfully* so.³² Conservative German lawyers such as Adolf Lasson or Erich Kaufmann influentially defended positions along those lines that can and have been characterised as Hegelian.³³

At the centre of their endeavour stands their opposition to a liberal (Neo-) Kantian or straightforwardly natural law vision of international law.³⁴ As Koskenniemi convincingly

³⁰ Koskenniemi considers Morgenthau to be closer to Schmitt than to legal realism, Koskenniemi, *The Gentle Civilizer of Nations*, 460. Their common emphasis on the political indeed puts them in the wider spectrum of post-Hegelianism.

³¹ Posner and Sykes, *Economic Foundations of International Law*.

³² Kaufmann, *Das Wesen Des Völkerrechts Und Die Clausula Rebus Sic Stantibus*, 144–45. With reference to Hegel, contra Radbruch and the rationalists, Lasson, *Princip und Zukunft des Völkerrechts*, 10.

³³ For an overview of the reception history of Hegel’s theory of international law, including the analysis of heavyweights such as Heffter, cf. Spitra, ‘Normativität aus Vernunft’, 605–16. The problem is not the characterisation as Hegelian but the light that Lasson and Kaufmann’s claims shed on Hegel’s own position. Koskenniemi states correctly that Lasson and Kaufmann drew on Hegel’s view of statehood but it is not his concern to distinguish between the influences of Hegel and his opponents although he also mentions how Ranke influenced Kaufmann, Koskenniemi, *The Gentle Civilizer of Nations*, 182, 204–5.

³⁴ Bernstorff cites Karl von Kaltenborn’s idea of international law born out of an objective principle as the enduring opposite of Hegelian theories, von Bernstorff, ‘German Intellectual Historical Origins of International Legal Positivism’, 77. Lasson cites Kant as the origin of many misconceptions about international law, particularly of the conflation of individual will and the relationships between state entities, Lasson, *Princip und Zukunft des Völkerrechts*, iv–v, 3. Kaufmann cites Rudolf Stammler as continuing the Kantian line but qualifies Kaltenborn as a third alternative to the Hegelian and Kantian theories in succession of Stahl’s Christian natural law, Kaufmann, *Das Wesen Des Völkerrechts Und Die Clausula Rebus Sic Stantibus*, 149–50, 185. For Kaufmann’s opposition to the Neo-Kantian Jellinek and Kelsen, Koskenniemi, *The Gentle Civilizer of Nations*, 251.

argued, the German international law discourse in the late 19th and early 20th century was essentially philosophical.³⁵ The exact contours of their vision of international law vary and are not as extreme as the principled controversy might suggest. Kaufmann was a member of the *institut de droit international* and became so established to give lectures at the Hague academy. He held a wide range of consistently conservative and arguably Hegelian positions that progressively embraced a more far-reaching vision of international law in his later career.³⁶ Even the much more extreme and polemical Lasson favoured a progressive extension of international law, including key elements such as a permanent court of arbitration.³⁷ Although the nomination of the conservative scholars to the German delegation to the Hague peace conference caused some uproar among peace advocates, it turned out that Germany would play a rather mainstream role, with the Hegelianesque Philipp Zorn contributing constructively to the arbitration proceedings.³⁸ If anything, their support for what we now consider the foundations of modern international law tells us something about the early death of more ambitious (peace) projects.³⁹

We shall not concern ourselves with the details of these theories – even a thorough Hegel interpretation can sustain a myriad of political positions 50 to 100 years after the author’s death. The most incisive dividing line between liberal cosmopolitans and conservative nationalists was the question of the character of international law and whether it could bind the will of states without at the same time denying the supreme character of this statehood.⁴⁰ The conservative Hegelians’ bottom line was that any productive understanding of international law must dissociate it from domestic law. First of all, this was a matter of fact: domestic law was dense and its bindingness beyond question, a reckoning that distinguished them in their mind from the liberals detached from reality.⁴¹ In a Hegelian fashion, Kaufmann dismissed the realm of the ought-to-be and the abstractions of rationalist formalism and insisted on the objectivity of right, on determining the concrete will of a community.⁴² The second reason concerns the essence of the state itself. By the definition of the state as the realisation of concrete freedom,

³⁵ Koskenniemi, *The Gentle Civilizer of Nations*, 179–81.

³⁶ Koskenniemi, 250–61.

³⁷ Lasson, *Princip und Zukunft des Völkerrechts*, 93, 106.

³⁸ For the lack of concrete direction given to the delegates that expresses the general understanding among the great powers, cf. Zorn, *Deutschland und die beiden Haager Friedenskonferenzen von 1899 und 1907*, 16.

³⁹ The sceptical reception by peace activists of Zorn’s embrace of arbitration (‘God save us from our friends!’) testifies to this turn, Anonymous, ‘Professor Zorn Über Das Haager Schiedsgericht’. For a history of the US-American replacement of the aim of peace with a humanisation of war, cf. Moyn, *Humane*.

⁴⁰ Koskenniemi, *The Gentle Civilizer of Nations*, 181.

⁴¹ Lasson contrasted the mere appearance of a dense legal order between states with the realised domestic legal order in which state authority is always legally bound, Lasson, *Princip und Zukunft des Völkerrechts*, 15, 25–26.

⁴² Kaufmann, *Das Wesen Des Völkerrechts Und Die Clausula Rebus Sic Stantibus*, 149–50.

the state cannot walk back on its sovereignty by submitting to binding rules.⁴³ Identifying the summit of modernity in the normative autonomy of the state goes hand in hand with a rather rosy vision of the role of war that is unappetising but aligns with Hegel's. As not all conflicts can be solved by cooperation and the states remain in relations to each other essentially in a state of nature, they sometimes have to resolve to war as a means of dispute settlement.⁴⁴

While this account of a Hegelian theory of international law somehow accurately takes up the essential details of the results of Hegel's analysis of social order (as the following chapter will show), the Hegelian spirit seems to have deserted them. Whereas Hegel looked with hope to the future and unrelenting critique to past conceptions of normativity, the conservatives drown us in a nostalgic sentiment of decay of the academic discourse.⁴⁵ Their critique of the false, abstract universal does not usher in an intellectual struggle for the true, concrete universal but in the adulation of the particular, which would have been anathema to Hegel. Somehow, their idea of dialectics is static rather than forward driving, and although they emphasise the importance of history, dialectics seem to be something of the past and not an ongoing process.

The key to explaining this dubious development of legal Hegelianism lies in how it is defined by what it opposes. A central insight of Hegel's philosophy consists of recognising that ideas usually do not arise out of an intellectual void but in response to the perceived shortcomings of previous positions and are often hampered by the same wrong presuppositions as the ideas they criticised (this will be the object of the third chapter). Lasson and Kaufmann define themselves in their opposition to (Neo-) Kantianism and abstract rationalism.⁴⁶ Hegel shared in their critique of abstract rationalism. However, Hegel's desire to overcome Kant is only properly understood if seen as an attempt to fulfil the rationalist programme instead of becoming its eternal antipode. Hegel's reproach to abstract rationalism was not that it was too rationalistic but that it was not rational enough, that its self-critique did shy away from the critique of the 'I' that remained fundamentally transcendental. Hegel's historicisation of subjectivity leads to a contextualisation of the individual within the community that sets the boundaries of the determination of her will. It is correct that we hardly become freer by blindly abstracting from these boundaries. However, what Hegel said in his critique of the predominant style of theories of knowledge is no less true for normative limitations:

⁴³ Kaufmann, 58, 144–45; Lasson, *Princip und Zukunft des Völkerrechts*, 21.

⁴⁴ Kaufmann, *Das Wesen Des Völkerrechts Und Die Clausula Rebus Sic Stantibus*, 6, 148; Lasson, *Princip und Zukunft des Völkerrechts*, 31, 35.

⁴⁵ Lasson speaks of the omnipresence of the powers of destruction and that the sickness that affects all nations has not yet affected the German nation, Lasson, *Princip und Zukunft des Völkerrechts*, v, 1.

⁴⁶ Lasson, 147 ff.; Kaufmann, *Kritik der neukantischen Rechtsphilosophie*.

[G]reat stress is laid on the limitations of thought, reason, and so on, and it is asserted that the limitation cannot be transcended. To make such an assertion is to be unaware that the very fact that something is determined as a limitation implies that the limitation is already transcended.⁴⁷

Hegel did not worship the historical particularity of a political community but saw in specific ways of organising it the possibility of ascending to true universality. This stands in stark contrast to how Lasson defines the essence of statehood. The freedom it grants comes from laws corresponding to the people's essence in particular national culture, especially its language. Freedom is the absence of externally imposed law. Their particularity makes the people an 'instrument of divine world government' in Lasson.⁴⁸ In contrast, Hegel's *Philosophy of Right* does not advance a world governed by many equally divine particular states but by one concrete people's spirit that becomes the vehicle of universal salvation. 'Accidentally', this burden falls on the Germanic and Protestant people's spirit, which finds its highest expression in the modern constitutional and monarchical state. In this sense, the French social-liberal lawyers who thought of Frenchness to be naturally aligned with universalism⁴⁹ came closer to the spirit of Hegel than the German conservatives. However biased and historically inaccurate we might find this assessment, national spirits remain intelligible and criticisable knowledge practices and are not essentialised as a multiplicity of sacramental values. Hegel's universalist perspective turned into the conservatives' irreducible plurality.

The relationship among this plurality reveals a second contrast that also applies to the otherwise much more sophisticated Hegel reader Kaufmann.⁵⁰ Admittedly Hegel, too, considered the international realm to be (in some regard) a state of nature and law and the mobilisation of citizens during a war to be proven medicine against the atomistic dynamics of life in a peaceful bourgeois society.⁵¹ However, whereas war *reinvigorates* the political ethos in Hegel, the conservatives see it as the essential act through which the political community comes to its true consciousness.⁵² This foundational role emerges from assessing the reality in which the state is

⁴⁷ GW 21, 134 / Hegel, *Hegel's Science of Logic*, para. 265.

⁴⁸ Lasson, *Princip und Zukunft des Völkerrechts*, 7, 10–11.

⁴⁹ Koskenniemi, *The Gentle Civilizer of Nations*, 270–74.

⁵⁰ I chose those two authors for their relative fame and as the extremes of a discourse in which Kaufmann certainly represents the less polemical side that can be read with gain today. His much more accurate reading of Hegel is exemplified by how he defines the relationship between the individual and the state, and the particular and the universal as dialectical in which not simply one trumps the other. This contrasts with Lasson who exclaims that the individual is merely a means to the end that is the state; Kaufmann, *Das Wesen Des Völkerrechts Und Die Clausula Rebus Sic Stantibus*, 144–45; Lasson, *Das Culturideal und der Krieg*, 13.

⁵¹ PR 324 R, 333.

⁵² Kaufmann, *Das Wesen Des Völkerrechts Und Die Clausula Rebus Sic Stantibus*, 146; Lasson, *Das Culturideal und der Krieg*, 16.

identified as the actualisation of reason. The state of nature is clearly a Hobbesian one: hostility reigns among states under constant existential threat due to the struggle between fundamentally different peoples, even producing hate aimed at wiping each other out.⁵³ The resulting competition for domination is a life-and-death struggle.⁵⁴ In a more attenuated tone, Kaufmann equally states that foreign policy is primarily a competition for the distribution of essential goods and that it is hence the state's highest law to assert itself through raw power.⁵⁵ In addition to the Hegelian ethical life, *might* becomes a fundamental principle of the state born out of the necessities of an existentialist struggle for domination.⁵⁶

This dark imperialist note is completely absent from Hegel. Existential struggles occur, and so does competition among states, but Hege defines the *status naturalis* purely through the absence of a *status civilis* due to the formal nature of state sovereignty.⁵⁷ The state simply cannot submit to laws like a private citizen, but it defines itself through recognition by, not its enmity with other states.⁵⁸ Are the introduction of an essentialist particularism and the conception of the state as might just logical adaptations of Hegel's philosophy to an imperialist reality where states had to compete for resources, sales markets and the best armament? While these changing historical circumstances certainly played a role, I argue that Hegelianism's drift to the right of the political spectrum is rooted in an alignment with a Prussian tradition to whose founding fathers Hegel was thoroughly opposed: the Historical School.⁵⁹

In fact, if we wanted to situate Hegel's thought in relation to the foils against which he developed it, abstract rationalism would only make for one side of the medal. Sitting beyond two chairs, Hegel criticised two positions as the extremes of one dialectical discourse in which one ought not to take a middle position but which we must overcome in its entirety.

On the one chair sat, indeed, abstract rationalism of liberal nationalists – who are not to be confused with the Enlightenment - on the other chair, the mostly Pietist, sometimes romanticist conservatives and reactionaries. For Hegel, all three (if we separate the conservatives from the reactionaries) expressed moments in a movement that, taken individually, did not reveal the full picture. Enlightenment's centring on individual subjectivity and its drive for the actualisation of freedom set the programme of Hegel's philosophy. However, he is not blind to how its

⁵³ Lasson, *Princip und Zukunft des Völkerrechts*, 8.

⁵⁴ Lasson, 32–33.

⁵⁵ Kaufmann, *Das Wesen Des Völkerrechts Und Die Clausula Rebus Sic Stantibus*, 147.

⁵⁶ Kaufmann, vi.

⁵⁷ PR 326, 333.

⁵⁸ PR 331 & R.

⁵⁹ Similarly, Neff, *Justice among Nations*, 237 ff.

abstract understanding of subjectivity and freedom alienates individuals from their social reality,⁶⁰ which they must find increasingly overwhelming and hence quite forbidding of individual freedom. Although he shares the negative outlook on the consequences of abstract rationalism and the French revolution, then perceived as its most formidable political emanation, he straightforwardly rejects the philosophical and political consequences that the likes of Savigny, Ranke, Haller and Stahl drew from it.

Citing the likes of Montesquieu, Rousseau and Kant as authorities, Hegel took the Enlightenment as a starting point from which a critique has to go on without falling back behind its achievements. While his liberal opponents simply ‘shallowed down’,⁶¹ the conservatives, blinded by the shortcomings of abstract rationalism, failed to grasp the philosophical content altogether. We will discuss those opponents in more detail in the next sections. For the moment, it suffices to say that at the relevant places, Lasson and Kaufmann cite or allude to them. Lasson’s definition of freedom as the absence of alien domination clearly resonates with Savigny’s teaching⁶² and his celebration of the particular cultures that a nation-state has to preserve with Ranke’s philosophy of history.⁶³ Although I suspect aspects of Social Darwinism to be at play, too, Kaufmann traces the idea of the state as self-affirmation to Ranke.⁶⁴ Both cite the Historical School and Hegel as authorities whose synthesis their international legal theories represent.⁶⁵ Kaufmann maintains the ‘realisation that the state is an institution that is both ethical and governed by the idea of power’ – at the heart and origin of modern international law – springs forth from the unity of theory and practice, the former represented by Hegel and Ranke, the latter by Bismarck.⁶⁶

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Whatever Hegel set in motion in the first decades of the 19th century morphed into something different. The German conservative international lawyers intervened at a distinct historical moment with its own struggles, which we should not project back onto Hegel. Beyond this clarification of Hegel’s legacy, the analysis of their often nevertheless recognisable Hegelian theories has two more far-reaching consequences for our Hegel interpretation. Firstly, it

⁶⁰ The accounts of Hegel’s theory of alienation are legion. Taylor and Hardimon made it the centre of their respective studies, Taylor, *Hegel*; Hardimon, *Hegel’s Social Philosophy*.

⁶¹ PR 15 R.

⁶² Cf. *infra*, 30.

⁶³ Cf. *infra*, 31-32.

⁶⁴ Kaufmann, *Das Wesen Des Völkerrechts Und Die Clausula Rebus Sic Stantibus*, 147.

⁶⁵ Lasson, *Princip und Zukunft des Völkerrechts*, vi; Kaufmann, *Das Wesen Des Völkerrechts Und Die Clausula Rebus Sic Stantibus*, vi.

⁶⁶ Kaufmann, *Das Wesen Des Völkerrechts Und Die Clausula Rebus Sic Stantibus*, vi.

demonstrates that a straightforward reading of Hegel's legal and political philosophy as a number of observations and normative statements can get you anywhere but hardly justifies the utopian zeal my introduction tried to convene. A disarmed state voluntarism that does not worship the people's particularity and allows for more cooperation and harmony would probably get Hegel right – and yet it would not capture his emancipatory potential, the way he tackled the problems of his time and paved the way for remarkable breakthroughs in the history of Western and indeed even decolonial philosophy. Secondly, we can regain a part of this emancipatory determinacy through a correct historical contextualisation. True to Hegel's dictum that philosophy is nothing but 'its time apprehended in thought,' we need to identify the concrete moment Hegel's philosophy captured.⁶⁷

The next sections will argue that we must recuperate how the struggle between conservatives and liberals represented an emancipatory dead end. In contrast to earlier Enlightenment visions, they both abandoned universal knowledge and freedom. Hence, reading a Hegelian tradition in juxtaposition to a utopian liberal tradition of international law misses the point. All theoretical currents that Hegel opposed in his day were already post-utopian. Retrieving the historical Hegel allows us to appreciate how his thought can be the touchstone of a third theoretical tradition that upholds the project of universal knowledge and liberation. That is not to say that (only) the original Hegel can guide an emancipatory project with a utopian horizon and that later amendments and criticisms had nothing to improve or save. However, to understand what distinguishes such further development of Hegelian thought from its conservative degenerations, we must reconstruct the proper context of Hegel's struggle against post-utopian thought.

A careful reading of his political philosophy reveals that his appreciation of the modern political state rested on a sense that the political decision-makers attained a stage of self-knowledge and freedom that gave a liberatory character to their decisions. In other words, agency, i.e. who makes and stands for the state, matters. That is what ultimately distinguishes conservative statism from an emancipatory theory of collective self-determination. The emancipatory potential of this Hegel reading only becomes clear once we understand exactly *how* the opposing currents of thought conceptualised the relationship between legal order, freedom and knowledge in ways that avoid this question of agency.

⁶⁷ PR p. XXI/ p. 21.

II) Hegel's adversaries – the historical unity of the normative and epistemological question

The conceptualisation of self-determination does not stand on its own feet but engages in a 'Bacchanalian frenzy'⁶⁸ with his metaphysics and epistemology. Looking at the opposition between Hegel and his contemporaries based solely on their normative statements would not even make their respective conceptions of freedom intelligible. In contrast to Hegel, none of them saw the law as an *instrument* of freedom. For the Historical School, the law should express what is. Its relationship to freedom was negative: a good law would not be oppressive insofar as it does not impose something foreign on the people. For Karl Ludwig von Haller, the law was also an expression –not of the subject 'people' but of an objective divine order that was not at all preoccupied with the possibility and actuality of freedom. In Fries Kantian legal theory, the law enabled people to live out their freedom without however bringing it about. Not unlike the conservative Hegelians, none of them bothered to explain how freedom could come about in the first place. However, their failure to deliver a genesis of freedom – through law or not – was not a mere oversight but a product of their epistemology and metaphysics. Connecting their theoretical and practical philosophy will highlight how different Hegel's overall philosophy was from the contemporary alternatives and what a remarkable achievement it represents in advancing a consistent philosophy centred around the concept of freedom. It also reveals what a reading that wishes to build on this achievement should focus on: the question of how concrete individuals can gain self-knowledge and hence agency within the reality they inhabit.

Hegel met his foes on the battlefield of legal philosophy.⁶⁹ His arguments against them, read in isolation, can at best serve as evidence for Hegel's political credentials and will be, at worst, considered mere assertions of the opposite position that, as transcendental critique, are philosophically unconvincing. However, what, at first glance, often looks like ad-hominem attacks – as when he calls von Haller 'thoughtless' or Fries the 'supreme commander of shallowness' – appears in a different light once we understand Hegel's conception of philosophy. He outrightly rejects them because he thinks the theory of knowledge upon which their normative arguments rest cannot be considered philosophies worthy of respect in light of the recent history of philosophy. They do not try to solve the problems and inner contradictions that the Enlightenment revealed but either ignore or run away from them.

⁶⁸ PS LVI/ 47.

⁶⁹ For his critique of Fries, e.g. PR p. X/ 15, Para. 15 R.; Hugo and von Savigny PR 3 R, 211 R; von Haller PR 258 R.

Hegel's philosophical foes, I maintain, either openly embraced the counter-revolutionary reaction (von Haller), buried the project of freedom with the panache of the nascent juridical professionalism (Hugo, von Savigny), or distorted it into a bourgeois liberal nationalism (Fries). They all are inclined to organise their legal thought around private law paradigms that run counter to Hegel's philosophy that established the primacy of state politics, the only true arena of (objective) freedom.⁷⁰

One of the primary concerns of Hegel's *Philosophy of Right* was to contain or transform the rationales of bourgeois society with which private law was associated.⁷¹ He saw in the emerging market economy a true universal ethical system whose shortcoming was that it remained unconscious and, thus, could not liberate us. There needs to be a realm where we can think and act not as private persons but as public citizens and appropriate unconscious practices. However, an exclusive focus on practical philosophy cannot even account for the political differences and commonalities between Hegel's and his opponents' approaches. Especially the conceptual distinction between positive and negative freedom proves unhelpful.⁷² The Romanticists and the Kantians all upheld visions of a good life that fall within the definition of positive freedom. Nevertheless, their political and legal philosophies grant public institutions a merely passive role that constructs and guarantees the framework in which the subject (the individual or the people) can live out its positive freedom. We cannot understand this pivot in purely normative terms but must lay bare its metaphysical and epistemological foundations.

This section prepares the ground for the argument that the answers to the political question of Hegel's and our time do not lie in the narrow confines of political philosophy but in the intersections of practical philosophy, epistemology, and metaphysics. The subjectivist vision of the Historical School proves to be modern, philosophically rooted, *and* antirationalist and sets up the collective spirit as the bearer of subjectivity bereft of any philosophically reconstructable agency (A). The natural law theories attacked by Hegel uphold the possibility of talking about normativity in rational and universal terms. However, the reactionary Haller is

⁷⁰ Avineri, *Modern State*, 180–81; Jovanov, *Souveränität und Gewalt*, 59. This primacy is not to be conflated with a Schmittian concept of politics as Hegel does not reduce the latter to an inscrutable decision but inscribes it in a larger metaphysical framework that asserts the reality of reason and freedom, for a lucid discussion of their relationship, cf. Kervégan, *Hegel, Carl Schmitt*.

⁷¹ Cf. *infra*, 75–76, 210 ff.

⁷² Popularising this distinction and explicitly fighting against the rising abuse (i.e. non-liberal use) of the concept of positive liberty, Berlin, *Four Essays on Liberty*, xlvi. The terms of the debate have been widely accepted by the left-leaning heirs of Berlin's opponents; for an overview Christman, *Positive Freedom*.

caught in a premodern objectivist metaphysics in which subjective agency is irrelevant, and Fries' renewed Kantian natural law theory compartmentalises subjectivity and freedom and can hence forego the analysis of the latter's genesis (B).

A) The Historical School

Looking at the works cited by the *Philosophy of Right* and the latter's contemporary reception, we find, on the one hand, the founders of the Historical School of Jurisprudence, Gustav Hugo and Carl Friedrich von Savigny, and on the other, Hegel and the natural law tradition which includes his liberal opponents. The struggle in German jurisprudence between the Historical School and their 'philosophical' opponents risks conjuring up the wrong conception of the former as unphilosophical and the latter as unhistorical or making it a question of the primarily employed method. The fact that Leopold von Ranke, possibly the founder of the modern university discipline of history,⁷³ located himself within this fight in the Historical School⁷⁴ reinforces the impression that we witness historians opposing philosophers across disciplines. And indeed, Hegel's report of Hugo scolding Favorinus, an ancient Roman sophist who was but one in a long line of philosophers who were unable to understand positive right,⁷⁵ gives us a taste of methodological policing. Similarly, Savigny judges that Hegel is often out of his (disciplinary) depth:

I find Hegel far more narrow-minded, which also holds true for the strangely reconciliatory worldly wisdom he shows wherever people talk about the unpleasant events and institutions of recent and modern times [...] The philosophical enthusiasm of our students does seem to have calmed down a bit. What I take exception to in Hegel is by no means only his bumptious and superficial pronouncements on various disciplines outside his field [...] but also the fact that this self-same arrogance extends to everything in the world so that his zealous pupils disengage themselves from all religious association, and Fichte is thus greatly outstripped.⁷⁶

However, we can already sense a bigger agenda at stake. One in which Hegel is too 'reconciliatory with the unpleasant events and institutions of recent and modern times.' Ironically, the reproach that would later be launched against Hegel from the other side of the political aisle comes here from a staunch conservative. Hegel, the putative Prussian state

⁷³ Powell and Iggers, *Leopold von Ranke and the Shaping of the Historical Discipline*, 111–79.

⁷⁴ He went as far as calling them two parties opposing each other, Ranke, *Sämmtliche Werke* 51-52, 588.

⁷⁵ PR 3 R, Hegel cites from Hugo's Textbook of the History of Roman Law (5th edition).

⁷⁶ Cited according to Franklin, 'Legal Method in the Philosophies of Hegel and Savigny Civilian Methodology', 768. Most of it is drawn from Savigny to C.F. Creuzer, Berlin, 6.4.1822, *Contemporary reports*, n° 371.

philosopher,⁷⁷ accommodated too much to modern institutions and events with which Savigny referred to Enlightenment ideals of law and the state and the upheavals around the French revolution. They were indeed incompatible with the Prussian state as the likes of Savigny and Ranke defended it.

Hegel openly attacked the Historical School on two occasions, which give us a hint of how the normative aspects are intertwined with the analytical and epistemological. Firstly, he criticised Hugo for removing historic law from the grasp of critique.⁷⁸ Secondly, he indirectly attacks Savigny,⁷⁹ by insisting on the people's fundamental capacity to codify its laws.⁸⁰ Both positions of the historical school are linked through their opposition to rationalist philosophies' critique of immoral Roman law and the latter's attempt to draw up a comprehensive rational legal code.

However, just because they rejected rationalist philosophies, we should not assume they always pretended to engage in a normatively neutral scientific study of law or history.⁸¹ The negation of philosophy is itself philosophical and tends to reproduce the presuppositions of its declared opponents if it is unconscious of its dependence on the negated.⁸² For clarity's sake, I will focus here on the two opponents who became towering figures of their respective fields: Savigny and Ranke. Behind their advocacy for 'a sense of history that leaves no room for the unbound arrogance' of the philosophers⁸³ stood the romanticist rejection of the rationalist abstract universal in favour of the living unity of the particular or concrete.⁸⁴

This living unity gained value in itself and was immune to critique. For Savigny, law, language, ethics, and constitution were one unity in which no part had a separate existence.⁸⁵ 'Law has no being for itself; rather, its essence is the life of human beings itself, considered in a particular aspect.'⁸⁶ Law could only develop organically in lockstep with the general development of the

⁷⁷ Cf. *infra*, 49.

⁷⁸ PR 3.

⁷⁹ He only mentions Hugo in this paragraph, but no politically and academically interested mind would have overlooked the debate between Thibault and Savigny. Hegel possessed copies of Thibault's plaidoyer for a codification of private law and Savigny's famous essay against it, GW 31,2, KHB 1455/ K 1207, KHB 1424/ K 1191.

⁸⁰ PR 211 R.

⁸¹ Relativising his earlier opposition between the historical and the philosophical school he asserts that true history and true philosophy could never contradict each other, Ranke, *Sämmtliche Werke, Bd. 49-50*, 245.

⁸² That becomes particularly plastic when we look at Marx's final verdict of Hugo's philosophy in which he identifies his concept of right to be the animal right, the right of arbitrary violence, which brings Hugo in the immediate vicinity of Haller, Marx and Engels, *MEW I 1839 bis 1844*, 85. I will focus on Savigny and Ranke for the simple reason that they have proved much more influential.

⁸³ Savigny, *Vom Beruf Unsrer Zeit*, 5–6.

⁸⁴ For an overview of the connections between the grammarian, historical, and legal 'branches' of the Historical School, Rothacker, 'Savigny, Grimm, Ranke'.

⁸⁵ Savigny, *Vom Beruf Unsrer Zeit*, 8.

⁸⁶ Savigny, 30.

people's spirit.⁸⁷ Hence, it could not play an emancipatory role in organising political life by granting rights to those the current regime disenfranchises. Quite the contrary, such a law would be an act of oppression, tyranny even since it would be something alien to the people. As Rothacker summarises, Savigny had to oppose natural law since even reforms dictated by reason are still *dictated*. In the same vein, the true law, i.e. the law that is true to its people's spirit, could not be forced, not be *posited*.⁸⁸ Clearly, this presupposes an idea of collective subjectivity that comes to life through the immediacy of its unity. A nation has life as long as we do not differentiate between its members or *criticise* its constitution. The collective subject so constituted does not possess any agency: the people's only 'true' *modus operandi* is to live according to its essence. The 'spirit' of the people acquired the sound of the impenetrable myth it still carries today. We are deep into the terrain of conservative romanticism. Rothacker identifies here somewhat misleadingly a popular⁸⁹ tradition of freedom that defends itself against the legal dictatorship of despotism.

The simple difference between despotism and freedom will eternally consist in the fact that the ruler [...] acts in the former arbitrarily and capriciously, but in the latter honours nature and history in the living forces of the people; that in the one, the people is a dead material to him, which he works on, but in the other, an organism of a higher kind, at whose head God has placed him, and with which he is to become inwardly one.⁹⁰

In the final analysis, the freedom defended by the heroes of the Historical School is the early modern *Teutsche Freiheit (German Liberty)*,⁹¹ the privilege of the established estates not to be bothered by imperial or princely authority. *Von Savigny*, and *von Ranke* defended positions coherent with the status-quo interests of their social sphere, the aristocracy and those bourgeois elements with which it was intertwined.⁹² Savigny's estate *Hof Trages* would become the meet-and-greet location for the conservative aisle of the Romanticist movement. Ranke, whose

⁸⁷ Savigny does not employ the term in *Vom Berufunsrer Zeit* but lays it out i.a. in his magnum opus, the systematic reconstruction of Roman law, Savigny, *System Des Heutigen Römischen Rechts I*, 14 ff. The 'right-generating power of people's spirit' was quickly recognised as a revitalising force for German nationalism against French leaning bureaucrats, cf. Treitschke, *Deutsche Geschichte im Neunzehnten Jahrhundert*, 313.

⁸⁸ Rothacker, 422.

⁸⁹ 'Volkstümlich', *ibidem*.

⁹⁰ Savigny, *Vermischte Schriften Band 5*, 131.

⁹¹ For a differentiation between the two, Waas, *Die alte deutsche Freiheit*, 1–10.

⁹² In a letter to Wolfgang Menzel, Heinrich Leo describes Hegel's arrival at Berlin University as an attempt of Altenstein to create a counterweight to the tyranny of the educated aristocracy around Savigny and Schleiermacher on whom he could ground his political reforms scientifically, Heinrich Leo to Wolfgang Menzel, *Contemporary reports*, n° 709.

family stood for a long time in the service of local nobility, was raised to Prussian peerage in 1865 in return for his loyal services.

In Ranke, conservatism's metaphysical and epistemological dimensions are even more apparent. His fame as the founder of the modern source-based historical sciences is enduring and could falsely suggest that he had a purely positivist project in mind. His fragmented theoretical remarks focus primarily on a critique of speculative philosophies of history.⁹³ He renounced the 'high offices' of 'judging the past' and teaching lessons from history to the present world by introducing a methodology that helps us see 'what actually was.'⁹⁴ Criticising the overarching teleological narratives of the Enlightenment historiographies, which distort particular episodes as the mere stepping stones of an overarching development, seems an honourable endeavour. However, like Savigny, Ranke was committed to a general struggle against rationalist universalism.⁹⁵ He did not critically examine teleological historiographies but rejected them outright and juxtaposed them with their intellectual opposite. What mattered was not explaining historical change – typically interesting for those interested in societal change – but bringing a particular historical moment to life.⁹⁶ The hermeneutics of the unity and individuality of life, the rallying point of romanticist ideologies, are taken up by the hermeneutics of Rankian historical interpretation that appreciates the particular for its own sake.

Although Ranke shares the hermeneutical framework of 'the people' ('s spirit), he finds a more theological justification for keeping it as it is, indirectly referencing the divine, instead of human freedom.⁹⁷ Disputing the reality of progress⁹⁸ – the dominant concept of 'philosophical' historiography – he does not solely rely on empirical counter-evidence but advances a clearly philosophical argument of its own:

If, in contradiction to the view expressed here, one were to suppose that this progress consists in the fact that in every epoch the life of mankind is more highly potentiated,

⁹³ In a very outspoken manner, Ranke centred his ideas for the historical discipline around a refutation of the idea of progress and the 'Hegelian school', cf. his first presentation to Maximilian II, king of Bavaria, Ranke, *Über die Epochen der neueren Geschichte*, 53 ff.

⁹⁴ Ranke, *Geschichten der romanischen und germanischen Völker*, v–vi. Gil, *Kritik der Geschichtsphilosophie*, 47.

⁹⁵ Rothacker, 'Savigny, Grimm, Ranke', 434.

⁹⁶ Having the Hegelians in mind, Ranke exclaims that '[i]n scholasticism, however, life founders.' Ranke, *Über die Epochen der neueren Geschichte*, 64.

⁹⁷ Muhlack seems to insist that this use of theological categories is mostly metaphorical. However, even if that were accurate, the underlying metaphysics would still be closely related to the negative theology I am about to outline, Muhlack, 'Die Brüder Leopold und Heinrich Ranke im Spannungsfeld von evangelischer Erweckung und historischem Denken', 210 ff., but 215.

⁹⁸ Progress could only be ascribed to lesser material developments like 'the mastering of nature', excluding everything that immediately relates to God, such as art, religion, morality, and the state, Ranke, *Über die Epochen der neueren Geschichte*, 77, 79.

that therefore every generation completely surpasses the preceding one, and that consequently the last is the preferred one, but the preceding ones are only the bearers of the succeeding ones, this would be an injustice on the part of the Deity. Such a generation, mediatised as it were, would not have any meaning in and of itself. It would mean something only in so far as it is the stage of the following generation and would not stand in immediate relation to the Divine. But I maintain: every epoch is immediate to God, and its value is not based at all on what emerges from it, but in its very existence, in its very being. Thus the contemplation of history, and indeed of individual life in history, acquires a quite peculiar charm, in that every epoch must now be regarded as something valid in itself and appears highly worthy of contemplation.⁹⁹

In doing so, he could rely on a long tradition of negative theology one of whose most prominent apologist was Martin Luther. Negative Theology, often in explicit opposition to philosophy and rationalising theologies, makes the ineffability of God the pivot point of all human intellectual endeavours. If we cannot understand God, we cannot hope to make overall sense of His creation. In response to Erasmus of Rotterdam's attack on Luther in *De libero arbitrio* ('Of the free will'), the latter wrote what is nowadays considered his theological opus magnum *De servo arbitrio* ('On the bondage of will'). Luther asserted that God alone knows His own free acts prompting the question of how we could be free when God knew everything in advance. God and His designs of salvation must remain a mystery to us – God is hidden or even actively hides from us. This translated into the enduring conceptual pair of the *Deus absconditus* and the *Deus revelatus*. God remains hidden from us except to the extent that He revealed Himself in the word of God, incarnated by Jesus Christ. In line with this distinction, Ranke can only indirectly find the divine truth. Not the whole of history, but only singular episodes can reveal what God is willing to reveal. We need to look into the details to see the fruits of divine grace: they are the actualisation of God in history.¹⁰⁰

However, even only attempting to know the particular proves treacherous. Disputing the authority of 'Lady Reason' and her 'foolish babblings', Luther states:

God in his own nature and majesty is to be left alone. In this respect we have nothing to do with Him, nor does He wish us to deal with Him. We have to do with Him as far as He is clothed in and delivered to us by His word [...] God Preached deplores the death which He finds in His people, and which He desires to remove from them [...] But God

⁹⁹ Ranke, 59–60.

¹⁰⁰ Gil, *Kritik der Geschichtsphilosophie*, 50–55.

Hidden in majesty neither deploras, nor takes away death, but works life and death and all things; nor is He kept bound to His Word, but has kept Himself free over all things. The Diatribe [Erasmus' essay, NW] is deceived by its own ignorance in making no distinction between God Preached and God Hidden, i.e. between the Word of God and God Himself.¹⁰¹

Once God in His entirety has retreated into obscurity, He casts from there a long shadow on the revealed God. How can we be sure about a single sentence if we do not understand the entire speech? The elusiveness of particularistic knowledge appears most clearly in the relationship between the knowable and the unknowable, the Divine and the non-divine. Perhaps in reaction to King Maximilian II's defence of some sort of moral progress in the history of humanity, Ranke concedes in a private lecture to his royal audience that Christianity proved an immense progress in comparison to ancient doctrines of vengeance but that we can never construct the former as a reaction to the latter, as a lesson learned:

But what is essential of Christianity was not prepared by earlier imperfect states, but Christianity is a sudden divine appearance, just as, in general, the great productions of genius bear the character of the immediately enlightened.¹⁰²

From the refusal of the knowledge of the universal flows a denial of processes of mediation that renders even the revealed into a mystery. Immediate knowledge remains, in the end, unintelligible. From philosophy to divine revelation itself, everything is reduced to an erratic and mystical act of genius that we cannot hope to reproduce or relate to.¹⁰³ When everything descends in the ethereal mist of mystery, how could we ever hope – with Kant and many others – to overcome our (self-imposed) tutelage? The resulting doctrine of predestination is hence not the belief in a mechanical world but the absence of all belief save one: the belief in mystery itself.

Consequently, we should not take the Protestant doctrine of predestination to be antithetical to talking about freedom in general. Luther did not care about the determination of the will as such but rather about the human will's ability not to sin. What matters is not our freedom to choose what we have for breakfast (God does not bother) but our ability to secure salvation (His preferred field of activity). We can will whatever we want, but we will always sin. The only

¹⁰¹ Erasmus and Luther, *Discourse on Free Will*, 125 (673).

¹⁰² Ranke, *Über die Epochen der neueren Geschichte*, 78.

¹⁰³ For example, we could never hope to exceed or add to the genius of Plato and Aristotle who are condemned to eternal intellectual loneliness, Ranke, 80.

secure knowledge that scripture reveals to us is the necessity of sin.¹⁰⁴ Only God can help it. Ranke and Savigny are not committed to the Protestant vs Catholic debate on the freedom of will and our need to collaborate freely with God's grace. They all operate in an established Reformed-Lutheran environment that struggled with rationalist Enlightenment thought (which itself was divided on the subject of freedom) on the inside and outside. Freedom was in everybody's mouths.

Savigny's freedom belonged to the people's spirit, which should be able to act according to its true historical nature. Ranke's freedom belonged to the historical actors who should be free of the constraints of an overarching historical idea and enact the foundations of a new epoch in a display of geniality or divine grace. Freedom emerges from an intellectual impenetrable singular point – be it the national spirit or the world-historical individual. Rothacker aptly summarises all those principles of ineffable individuality:

[...] it is one and the same motif, varied over and over again in numerous guises, that can be found in Savigny's foundation of all justice in the correctly questioned popular spirit, in Ranke's "immediate to God" or in the sentence *individuum est ineffabile* or in Nietzsche's "Only the personal is the eternally irrefutable", [...] and finally, in every foundation of the concept of spirit, in "expression" instead of principles of reason.¹⁰⁵

Romanticist freedom only sounds radical because it does not account for unfreedom. Freedom has become an unintelligible mystery itself. At best, we must presuppose it. No matter how much Savigny and Ranke we read, we will not learn anything about the genesis of freedom. Projects to render our societies freer would, in their hubris to know divine designs, imperil the historical actualisation of God and impose on the people's spirit an alien rationality. Consequently, the capacity of the state to act in the name of the common good was quite limited. The common good was *already* incorporated into the individual legal relationships that made in their sum the body of the people. The appropriate change would occur because these relationships would slowly be transforming. The legislator would at most adapt to these developments once its science and language matured enough to live up to the challenge.¹⁰⁶

In this view the state becomes the synthesis of private relationships guided by a private law paradigm in two ways. Firstly, his preoccupation is – by a systemic accident, so to speak - exclusively private law. The law that encapsulates the German people's spirit is a thoroughly

¹⁰⁴ Erasmus and Luther, *Discourse on Free Will*, 126.

¹⁰⁵ My translation, Rothacker, 'Savigny, Grimm, Ranke', 439.

¹⁰⁶ Savigny, *Vom Beruf Unsrer Zeit*, 52.

historicised version of Roman law.¹⁰⁷ The Roman sources (mainly the Pandects, Institutes, and the Justinian code) had private relations for their principal object. The Historical School's theorising (at least the 'Romanist' party's) revolved thus almost exclusively around private law. The second reason lies in the inability of the state to transform society through legislation or executive action. The arguments against either are advanced on a philosophical level. Consequently, there is no need to theorise law around political conflicts and hierarchical relationships as the state has no business intervening in those but simply adapts to organic changes in society. The state becomes the synthesiser of private relationships.

This non-political view of the law perfectly harmonises with the romanticist idea of freedom. Freedom is *pre*-political.¹⁰⁸ Given their commitment to freedom as (self-) expression of a collective spirit, it might surprise that their political concept of freedom is so negative. Obviously, the negative-positive freedom distinction is rather unhelpful in grasping the scope of a political project. A positive concept of freedom can revert itself into a negative concept of political freedom. Since freedom is pre-political, the law can add nothing to it but only risks infringing on it. Legislation emanates from a thin and essentially aristocratic state that stems from a society that is good as it is and that the governing bodies need to administrate wisely. Its transformation through legislation is not only off the table, but the fight *against* French-style modernisation through the codification of private law is constitutive of the Historical School's self-understanding. It intimately relates to the fundamental struggle between rationalist philosophers and historicists about what it means *to know better*. If you cannot attain universal knowledge, then the study of the particular takes precedence. Freedom becomes a chiffre for sticking to this particular. Law and government take the passive role of administration and conservation.

B) The many ways of natural law

If we can politically qualify Savigny, Hugo, and Ranke as the moderate reaction, Fries and Haller stand at the extremes: the former is a politically prosecuted liberal, the latter a Swiss patrician who wishes to re-establish the political status quo ante. Both Fries and Haller develop a philosophical framework in which the political constitution is primarily an organisation of

¹⁰⁷ Savigny distinguishes between different parts of Germany where the French code or the Austrian and Prussian code has been introduced from those parts where they have not. The French Code ought to disappear with the 'political sickness' that it expresses, whereas the deplorable German codes need to be regarded as new facts of legal history, Savigny, 135. For the unity of Roman and Germanic peoples, Ranke, *Geschichten der romanischen und germanischen Völker*, xvii ff.

¹⁰⁸ For the politically demobilising character of romanticism, cf. Schmitt, *Politische Romantik*. For example, he showcases how Adam Müller could deny the Germans self-determination as a result of the 'wars of liberation' because the defeat of God was in fact God's and not man's doing, 83.

private relationships. This uncanny communality with the conservatives testifies to a larger failure of the entire discourse to conceptualise freedom properly. In many respects, Hegel will prove too big for their conceptual framework, positioning him *after* the Enlightenment and *beyond* the liberal-conservative-reactionary divide.

Meanwhile, the differences between Fries and Haller in tone and quality register on a similar scale as their politics. Whoever made it through the exhausting 70-pages preface to the first (out of 12!) volumes of Haller's *chef d'oeuvre* on political and legal philosophy will understand that he was a man of many words with *one* rather unoriginal idea. While we have little reason to consider Fries the highpoint of any philosophical tradition, his work at least reproduces some of the more original ideas of Fichte, Schelling, and Kant.¹⁰⁹ However, both argue in distinctively rationalist terms and seem to gravitate in emerging disciplinary terms more towards the philosophical side of things.

They pursued projects of natural law that were distinct from previous theories based on the opposition between the *status naturalis* and the *status civilis*. Fries does so in the new framework of Kantian natural law: the state of nature becomes an *individual* internal condition that, in a 'metaphysical reconstruction of agency', is to be overcome in a state of rights.¹¹⁰ Haller disputes the distinction between two states altogether and considers the social state of being to be equally natural. He still inhabits an 'unbroken' and justly arranged cosmos in which we all adhere to a divine law that is *natural to us* and which, through observance of nature (including history),¹¹¹ is accessible in its objectivity. Whereas Hegel rejects Savigny and Hugo for their lack of philosophical ambition, he criticises Fries' and Haller's openly philosophical arguments. Although the full title of Hegel's *Philosophy of Right* announces it as a treatise on 'Natural Law', it has little in common with the natural law tradition. Already his contemporaries thought it to be a misleading title:¹¹² Hegel departed radically from this line of reasoning and nevertheless presented a genuinely philosophical treatise of legal and social relations. This apparent misnaming finds its explanation in the circumstances in which the textbook was

¹⁰⁹ Beiser makes an interesting argument for Fries as the progenitor of Neo-Kantianism since Fries tried to eliminate the speculative element of the idealists while pioneering the psychological interpretation of Kant, Beiser, 'Jakob Friedrich Fries and the Birth of Psychologism'. This psychological interpretation and critique of Kant is to be distinguished – at least in Fries own eyes – from the reproach of psychologism, Bonnet, 'Fries lecteur de Kant'.

¹¹⁰ Haakonssen, *Natural Law and Moral Philosophy*, 95.

¹¹¹ This could be seen as a peculiar attempt to catch the genie out of the bottle. Haller reverses the by Koselleck observed move from history as a teacher to history as made, cf. Koselleck, *Vergangene Zukunft*, 38–66. In Haller, history teaches us eternal laws and lessons and the making of history for which the dreaded French revolution stand is undone.

¹¹² Hegel's student Rothe explains to his father that Hegel in fact rejected the idea of a natural law distinct from positive law and found the term because of its relationship to the unfree state of nature inappropriate, Richard Rothe to his father, Berlin, 21.12.1819, *Contemporary reports*, n° 312.

published: natural law was, as an academic category, still the principal game in town, yet we find it in dissolution or at least transformation.

Hegel intervened in a debate in which the very foundation of a philosophical appreciation of social norms was in crisis. The Romanticists were not simply victims of a comforting delusion that helped them cope with the unsettling consequences of the triumph of rationalism. Rationalist philosophy was in its own right in a political and intellectual crisis. It lost sway and influence to other currents already prior to the French Revolution – but since the latter was largely attributed to the rationalist Enlightenment so were its excesses and the ultimate collapse of revolutionary France.¹¹³

Fries and Haller provide good examples of why the contemporary attempts to amend the many problems of natural law proved unconvincing to many. The latter returns to a pre-sceptical model of objective natural law; the former adheres to the Kantian turn by founding the objectivity of right on the a priori principles of practical philosophy and its primary source, human subjectivity. Discussing both shortly will help us grasp the distinctiveness of Hegel's approach to the question: neither the objective nor subjective perspective will do. If we wish to save philosophy from the (hence understandable) wrath of the Romanticist, we need to put the subjective and objective into a new relationship – a relationship that Hegel will call mediation.

Haller

Haller's work shows just how modern the conservative reactionaries Savigny and Ranke were. His magnum opus, the *Restauration of the Political Sciences*, explicitly reacted to 'recent' (i.e. Enlightenment) philosophies and gave the 'Restauration' following the French revolution in German-speaking countries its name. In Hegel's eyes, he is the reaction to extreme subjectivism that reverts into the other extreme, the 'craving for the objective', synonymous with 'becoming catholic.'¹¹⁴ More than just an allusion to Haller's conversion to Catholicism, Hegel's smear alludes to an almost scholastic type of natural law thinking. The latter had dramatically changed and made Haller a relic. The predictable alienation among liberals and even conservatives¹¹⁵ shows how anachronistic his contribution was and to what extent they formed one discourse

¹¹³ For an overview, cf. Pagden, *The Enlightenment*, 315–20. Darnton illustrated Enlightenment's social decline with the hype in Parisian saloons around charlatan Franz Anton Mesmer Darnton, *Mesmerism and the End of the Enlightenment in France*.

¹¹⁴ Hegel references a broader phenomenon. Another example of Catholic conversion he that Hegel had probably in mind was Schlegel, cf. GW 14,2, p. 689, GW 26,2, 915.

¹¹⁵ Kant's successor at the University of Königsberg immediately dedicated an essay to a rebuttal of the trend he considered Haller to be representative of, Krug, *Die Staatswissenschaft im Restaurationsprozesse der Herren von Haller, Adam Müller und Konsorten*. Cf. Savigny, *System Des Heutigen Römischen Rechts I*, 32.

based on a modern paradigm of subjectivity. At the same time, Hegel's utter foreignness to the genre of arguments Haller invokes demonstrates that his transcendence of the liberal-conservative divide does not imply a regression to pre-Enlightenment thought.

The foil against which Haller develops his theory is the concept of the social contract. He discusses extensively how social contract theories resulted in the debacle of the French revolution and the ensuing European wars.¹¹⁶ Haller had a reason to be upset since, as a member of an affluent Bernese Patrician family, he was politically on the losing side when the French invasion put an end to the oligarchic rule of the Bernese republic and replaced it with the 'tyranny' of the centralised Helvetian republic, a French client state. According to his testimony, he knew already as a child that something was not kosher about contract theories of political order. In 1816, he was finally ready to convert his childhood genius into pages of scientific wisdom – and, alas, many of them.

His primary object of attack was the very construct of social contract theories, the 'mother of all mistakes.'¹¹⁷ According to him, it was simply not true that humans transit from a state of nature to a state of sociability (*geselligen Zustand*) through a contractual relationship that transfers political dominion from individuals to a political whole. Quite the contrary, authority was a fact of nature, and as such we all live still and will always live in a state of nature. When we observe nature, we find authority everywhere: in private and political relationships and among animals. Even in innate matter, the stronger displaces the weaker. There is always more power on one side and a need on the other.¹¹⁸ The social state is part of the state of nature, wherever there is a power relationship. While we live with some people in a state of sociability, we live with those we only encounter occasionally in a state of unsociability.¹¹⁹

The statement of the naturality of all power drew not only harsh criticisms from liberal thinkers but also from Hegel:¹²⁰ the automaticity with which it seemed to approve existing exercises of power was an apology for all unjust political relationships. Haller appeared to have put forward the purest possible version of *might is right*. However, Haller perceived this law of nature to be part of a divine order that, since it cultivates the hearts of the powerful, is beneficial for all.¹²¹ Most importantly, it was part of a balance that included his second grand principle, the law of duty. Rejecting the simple right of the stronger, which Haller associates with the likes of

¹¹⁶ Haller, *Restauration der Staats-Wissenschaft*, v–vi, 218–30.

¹¹⁷ Haller, 456.

¹¹⁸ Haller, 344 ff.

¹¹⁹ Haller, 329.

¹²⁰ PR 258 Fn1.

¹²¹ Haller, *Restauration der Staats-Wissenschaft*, 361 ff.

Hannibal and Attila, he posits that only *useful* power rules lawfully. Harmful power is illegitimate in itself.¹²² He justifies this second principle in the same way he presented the first: if you look around, it proves universal and necessary: it is part of nature and ordained by God.¹²³

Spelling out these two principles has quite dire consequences for the state. There is no public law *strictu sensu*. The state is nothing but an agglomerate of individual relationships.¹²⁴ The state has no overall purpose¹²⁵ but is constituted through a plurality of individual private purposes.¹²⁶ Although authority is not based on a contractual relationship, it is part of a juridical *quid pro quo* in which power is exchanged for utility. As a result, public life was very thin and fragile, as his account of the duties of the rulers and the possibilities of the ruled to claim their rights demonstrates. The duties were fairly generalist (justice and love).¹²⁷ As God wrote them into everybody's heart,¹²⁸ the weak can hardly read them up in legal publications, which become superfluous due to the law's naturalness. Whereas *prima facie*, this could make for a strong state unencumbered by the defence of individual rights too undefined to have any legal bearing, the means at the individual's disposal to claim these rights undercut any *marge de manoeuvre*. Whenever power is exercised in a harmful and not useful way, the individual can use a plethora of means provided by nature, among which petition and the reliance on the judiciary are just some options. Emigration, calling other powers within the community to our rescue and self-help, including violent acts of resistance, stand on an equal footing.¹²⁹ Haller's state, if we can call it a state at all, does not even have a monopoly on violence, perhaps (and according to Weber) *the* distinguishing feature of the modern state.¹³⁰

Haller's state seemed deeply unpragmatic and can perhaps only be made plausible if we read it with the pre-revolutionary Bernese constitution in mind. Few places left so many regulative tasks to private citizens. Beyond these local reasons, there was also something oddly anachronistic about the normativity of Haller's proposal. The appeal to a divine order did not resonate with all of his conservative contemporaries, nor did his anti-statism. The ethicality of nature or the cosmos was no longer taken for granted; a certain degree of alienation from the societal order and the need for its central ordering was presupposed. The sources of this

¹²² Haller, 376–77.

¹²³ Haller, 379 ff.

¹²⁴ Haller, 449.

¹²⁵ Haller, 453.

¹²⁶ Haller, 456.

¹²⁷ Haller, 383.

¹²⁸ Haller, 380. This Pauline move (cf. 2 Corinthians 3:3-11) justifies Hegel's assessment of Haller's *hatred* for the law that is written into stone and not the heart.

¹²⁹ Haller, 401–26. However, the most important assurance is a religious ethos, Haller, 426 ff.

¹³⁰ Weber, *The Vocation Lectures*, 33.

alienation varied depending on the person you asked. However, even the conservatives who declared the existing order sacral, an actualisation of God in history, did so on an explicitly anti-cosmological scale. Whatever was divine about it could not be rationally grasped as Haller did. In contrast to Haller, the romanticists turn out to be distinctively modern. Their reconciliation with the world builds on the subject, or more precisely, the private legal personality guaranteed by the state. Their subject's immediate unity might negate the atomising criticism of the Enlightenment tradition, but it firmly operates on the subjectivist grounds of post-sceptical modern philosophy.

Therefore, the problem of freedom in Haller is not one of the abandonment of the quest for universal knowledge. Haller never questioned the possibility of this knowledge. While continuing the rationalist tradition in which Haller ultimately stands, Hegel considered the problem that the revival of scepticism brought as unsolved and reverberating through a destabilised society. He thought that the alienation at the root of these doubts was tragical but necessary. The in our case most influential version of this problem was formulated and addressed by Hume and taken up by Kant in a fashion that would structure the philosophy of Hegel's most exposed liberal enemy, Fries.

Similarly, Rousseau made the right step in declaring the will to be the principle of the state but failed to acknowledge the extent to which the rationality of the universal will is distinct from the individual will.¹³¹ Haller's reaction epitomises what Hegel openly disdains in the reaction. Instead of engaging in a critique of the Enlightenment position they fall back into particularism and irrationalism. Whereas Rousseau and Kant erred in their honourable quests for the truth philosophical, the 'thoughtless' work of the reactionaries strictly speaking does not even qualify as philosophically contentful:

In itself, the author's indignation could well have something noble about it, for it was sparked off by the false theories referred to above (which originated largely with Rousseau), and above all by attempts to put these theories into practice. But in order to escape from these, Herr von Haller has withdrawn to the opposite extreme, which is totally devoid of thought and therefore cannot claim to have any substance - that is, the most virulent hatred of all *laws and legislation*, and of *all formally and legally determined right*. Hatred of *law*, of *legally determined right*, is the shibboleth whereby

¹³¹ PR 258 R.

fanaticism, imbecility, and hypocritical good intentions manifestly and infallibly reveal themselves for what they are, no matter what disguise they may adopt.¹³²

While the romanticists reacted wrongly to the challenges that the Enlightenment brought up, a withdrawal is not an option either. Fries, on the other hand, shows us how the supposed continuation of the Enlightenment had lost its emancipative edge.

Fries, Kant's proxy

How anachronistic Haller must have appeared becomes particularly clear if we turn to the other extreme of the politico-philosophical spectrum: Jakob Friedrich Fries, whose main work in legal and political philosophy, the *Philosophical Doctrine of Right*,¹³³ closely mirrors Kantian concerns. Although he is known for complicating Kant, we can almost treat him as a surrogate for Kant for two reasons: Firstly, when Fries published his book in 1803, Kant was still alive and very much a towering figure. Fries' *New Critique of Reason* which tried to give Kantian philosophy a new foundation in self-reflection, was published in 1807.¹³⁴ Secondly, Hegel treated Fries in 1821 not as a further development of Kant, but merely as somebody who rendered Kant's philosophy, which Hegel already qualified as one of self-reflection,¹³⁵ shallower.¹³⁶

What makes the assimilation to Kant so important is the spin that the latter gives to natural law in response to Hume's 'guillotine'. The Scottish Enlightenment thinker famously questioned natural lawyers' tendency to jump from observations of nature – or things as they are – to moral conclusions – or things as they ought to be.¹³⁷ Haller did not see this problem since, for him, nature is created by a benevolent God. However, for all those philosophers who searched for foundations of (ethical) knowledge not necessarily in contradiction to but at least independent of revelation – and that includes even many Aristotelian scholastics – Hume's nut was one they had to crack. We can read Kant's philosophy precisely as a very sophisticated attempt to do so.¹³⁸ In his own words, 'remembering David Hume was the very thing which many years ago

¹³² PR, Fn. to 258 R.

¹³³ Fries, *Philosophische Rechtslehre und Kritik aller positiven Gesetzgebung*.

¹³⁴ Fries, *Neue Kritik der Vernunft*; cf. Bonnet, 'Fries lecteur de Kant'.

¹³⁵ For an analysis of Hegel's early essay on 'Faith and knowledge or the philosophy of reflection of subjectivity in the completeness of their forms as Kantian, Jacobean and Fichtean philosophy' (1802), cf. Oittinen, 'Hegels Geist vs. Kants Apperzeption'.

¹³⁶ Nisbet and Allen translate 'verseichtigen' as 'utterly superficial revision', PR 15 R.

¹³⁷ Hume, *A Treatise of Human Nature*, 469.

¹³⁸ The literature on the close relationship between the two is abundant, for recent contributions cf. Anderson, *Kant, Hume, and the Interruption of Dogmatic Slumber*; Westphal, *How Hume and Kant Reconstruct Natural Law*.

first interrupted my dogmatic slumber and gave my investigations in the field of speculative philosophy a quite new direction.’¹³⁹

As the full title of Fries’ *Philosophical Doctrine of Right* already suggests, he too intended to correct the ‘common errors in the treatment of natural law’, and he did so by closely following his master. In a first step, he introduced a clear distinction between the science of experiences, which consisted of the collection of empirical data, and the science of philosophy, which engaged in pure reasoning.¹⁴⁰ In this organigram of the sciences, observing nature and making philosophical statements are two different enterprises. What makes ethics ‘artificial’ but ‘not arbitrary’¹⁴¹ is, in Kant’s and Fries’ view, the study of and reliance on a law of reason which Fries calls the ‘internal law.’¹⁴² However, they recognise that the bodily creature ‘human’ is part of nature and, as such, is subject to the necessities and laws of this nature. Both laws, the law of reason or freedom and the law of nature, coexist in the human being as a rational and natural animal. Hence, not only can we not deduce moral and political ideals from our observation of nature and human history, but we find nature and reason to fight a battle: ‘The law of right arises from within ourselves; we do not learn it from nature, but through [the law], as a law of freedom, we posit human society against all nature.’¹⁴³

Freedom is freedom from the necessity of nature and gained by following the internal law, i.e. the law of freedom.¹⁴⁴ We need to carve out a human world within the natural world, in which the human is treated according to her dignity and not her value.¹⁴⁵ As in every struggle, sometimes you win, and sometimes you lose. For that precise reason,¹⁴⁶ we need positive legislation that *forces* those under the compulsion of nature back into the human world.¹⁴⁷ Therefore, and that is a major difference from all other competitors of Hegel, we can criticise the state of our society to the extent that its laws contradict the idea(l) of the law of freedom. Nevertheless, we can find a not less important common ground: private interests still reign supreme. At least in the legal-political realm.

¹³⁹ AA IV, 260/ Kant, *Prolegomena to Any Future Metaphysics*, 5.

¹⁴⁰ Fries, *Philosophische Rechtslehre und Kritik aller positiven Gesetzgebung*, VII.

¹⁴¹ Hume, *A Treatise of Human Nature*, 484.

¹⁴² Fries, *Philosophische Rechtslehre und Kritik aller positiven Gesetzgebung*, 15.

¹⁴³ Fries, VIII.

¹⁴⁴ Fries, 2.

¹⁴⁵ Fries, 3.

¹⁴⁶ This may constitute either an inconsistency in Fries or a difference to Kant. Law sounds here almost like a necessary evil which compensates personal immorality whereas public legal institutions are for Kant the only way a private’s person’s entitlement to be her own master can be made consistent with the entitlement of others no matter how moral we are, Ripstein, *Force and Freedom*, 9–10.

¹⁴⁷ Fries, *Philosophische Rechtslehre und Kritik aller positiven Gesetzgebung*, IX.

Similar to the Romanticists, we witness a transformation of what we nowadays call positive freedom on the general level to the political conception of negative freedom. Undoubtedly, Fries and Kant adhere to a very thick idea of freedom: We are only free from the laws of nature if we follow the law of freedom, i.e. Fries' internal law. That law tells us what freedom is all about, namely, to treat each other (and in the case of Kant's doctrine of virtue, more importantly, *oneself*) as subjects, ends in themselves. However, the positive law only touches the external sphere of our actions through which we come into contact with other subjects (of law).¹⁴⁸ Law functions only in a coercive fashion: it can force us *externally* not to treat others as means; however, it cannot prescribe purposes to our actions which are left to the internal sphere.¹⁴⁹ Ultimately, all legal duties emanate from the obligation to refrain from certain actions that would violate other legal personalities.¹⁵⁰ Fries takes pain to differentiate legal philosophy from ethics, anticipating the vulgar Kantianism that would try to apply the categorical imperative within the political sphere.¹⁵¹ Ethics and politics are not to be confused. The ideal of friendship, i.e. a state of love and the end of all private interests, is the highest ideal of ethics. However, they are not a legal ideal. Ideal legality is limited to a perfect legal condition in which everybody acts in a fashion that would theoretically allow others to be their own master.¹⁵² Hence, private interests must be maintained because they are the outward form of this internal mastery. Implicitly, Fries and Kant reject the very possibility of publicly negotiating purposes: a purpose must be the product of the internal law; it is not an object of politics.

That is not to say that Fries and Kant have an essentially similar approach to law and politics as Savigny and Ranke have. Although we can speak of a private law paradigm and positive freedom turned negative in all cases, they do not necessarily have the *same private interests* in mind. While Savigny and Ranke grudgingly accept and try to accommodate the emerging bourgeoisie, Kant and Fries' accounts are bold visions of widespread legal and political emancipation that would benefit from the unified civil code the historical school so steadfastly opposes. The private interests of the upper and middle-class bourgeois replace the private interests of oligarchs and aristocrats. A dialectical critique does not equate them but shows how the two different positions emerge in a discourse whose *limits* are demarked by a set of common problems and a common paradigm.

¹⁴⁸ Fries, 11–12.

¹⁴⁹ Fries, 27 ff.

¹⁵⁰ Fries, 13.

¹⁵¹ For a recent attempt to diffuse those naïve misconceptions, Ripstein, *Force and Freedom*, 11 ff.

¹⁵² Fries, *Philosophische Rechtslehre und Kritik aller positiven Gesetzgebung*, 29.

Conclusion

Regarding the intellectual trajectory, it would be much easier to read Hegel against the foil of Kant and Fries than of the other authors. So why did I bother outlining the conservative and reactionary positions? The answer lies in the question that Hegel's philosophy is trying to solve. It would be too easy to think of Hegel as being preoccupied with a purely analytical question à la 'what does the revival of antique scepticism mean for our ability to make normative and epistemological claims?' Sitting in his ivory tower, Hegel would then review the answers of his academic predecessors, Hume and Kant, find them unsatisfactory and deliver, building on the critique of the latter, his answer.

However, this does not even conform to a superficial reading of Hegel's legal and political philosophy. In general, the latter does not proceed according to a logic of immanent critique in which it reacts to the shortcomings of its predecessors. Only in the preface does Hegel criticise Fries extensively. The main text body just hands out damning assessments of Hegel's adversaries in passing, i.e. in explanatory remarks or footnotes. In other words, we do not gain much if we read the *Philosophy of Right* against the foil of Fries *Philosophical Doctrine of Right* or Kant's *Metaphysics of Morals*. The *Philosophy of Right* follows its own research agenda that Hegel had established in earlier works, notably the *Sciences of Logic* and the *Phenomenology of Spirit*. The extent to which it follows a peculiar logic that visibly drives its content forward is remarkable¹⁵³ and encourages a reconstruction of his political philosophy in the light of his *Logic*. While this would not lead us astray, it would risk misunderstanding the *Logic* as a purely formalistic device, whereas it really captured Hegel's whole life experience. That means it processed the experience of the political history and of the philosophies that put this history into thought as a critique of what is.¹⁵⁴ Hence, we must not think of Hegel as engaging with the previously discussed positions in detail when he is writing his *Philosophy of Right* but as the *content of experience*¹⁵⁵ that informed his philosophy in general. In his *Phenomenology of Spirit*, we can find the thickest account of his engagement with this background, including criticisms of rationalism, its reversal in Romanticism, and Kantian and Fichtean idealism.

¹⁵³ Cf. Wood, 'Method and System in Hegel's Philosophy of Right'; Smetona, *Hegel's Logical Comprehension of the Modern State*; Henrich and Horstmann, *Hegels Philosophie des Rechts. Die Theorie der Rechtsformen und ihre Logik*.

¹⁵⁴ For the leading contributions of this Hegel interpretation, cf. Pippin, *Hegel's Realm of Shadows*; Theunissen, *Sein Und Schein*; Adorno, *Drei Studien zu Hegel*, 295 ff.

¹⁵⁵ Throughout the book, I will draw on Adorno's notion of *Erfahrungsgehalt*, Adorno, *Drei Studien zu Hegel*, 295 ff.; cf. also Pippin, *Hegel's Realm of Shadows*, 28.

Part of this experiential background is the dialectical relationship between the opposing theories and their relation to the overall political situation. Hegel certainly shared the conception that the French revolution and the Jacobine terror were intimately connected to the Enlightenment.¹⁵⁶ He saw those three responses and found them all lacking since they failed to re-relate the subject to the objective world in a genuinely philosophical way. Nor did it elude him that although the theorists in question stood in enmity to each other, they nevertheless shared a set of common premises. In the case of law, this even resulted in an almost universal private law paradigm which, in different ways, managed to accommodate the idea of a nightwatchman state and the legal and economic needs of the emerging bourgeoisie (again, Haller is a peculiar exception). That is not to say that Hegel did not accommodate the demands of the emerging bourgeoisie – quite the contrary, he applauded the achievements of liberal national economics and saw an important civilisational development in it. However, his philosophical critique of prevailing understandings of freedom and knowledge led him to a vision of the state incompatible with the private law paradigm and actively tried to counter the atomist and centrifugal forces of bourgeois society.

The limits of the discourse between conservatives and liberals did not allow this. However, going beyond that discourse did not mean returning to a pre-Enlightenment and pre-sceptical idea of objectivity. Hegel regarded the conservative and liberal vision of subjectivity and freedom as highly problematic but was committed to giving a consistent account of freedom and knowledge from a subjective standpoint. His challenge was to demonstrate how the subject, in all its contextuality and epistemological limitedness, could nevertheless relate to the objective world in an intelligible fashion. Instead of presupposing them, he recovers the concepts of freedom and agency in their processes of mediation. This contrast between Hegel and his contemporaries sheds new light on the Hegelian theories of international law we visited in the first section. Firstly, it puts the opposition between natural law and positivism into perspective. Although state voluntarist positivism has a more restrictive normative vision of international law, Kantian natural law is not as normatively ambitious as it may appear. Secondly, the different sorts of positivism in question, no matter how scientific and neutral they might appear, all rest on an epistemological and metaphysical foundation that greatly impacts its normative potential. In the case of the Historical School, this resembled a Lutheran negative

¹⁵⁶ Although Hegel would not call the Enlightenment the cause of the French revolution which he rather saw in a system that accorded privileges to the few whereas the common populace suffered hardship, the arbitrary exercise of power under the divine right of kings and the unwelcome intervention of a rich clergy in worldly affairs. Even the violence appeared to him necessary since the necessary reform was resisted by those who were unwilling to abandon their privileges. Enlightenment gave only the ‘first stimulation’, LPH 526 ff/ 463 ff.

theology. Hegel's state voluntarist positivism builds, as I will argue, on a more emancipatory political theology. Secondly, the failure of Hegel's contemporaries to conceptualise the reality of freedom within their practical philosophies mirrors how Lasson and Kaufmann left these questions of agency behind and hypostatised the state as the locus of freedom. A Hegelian theory of international law aspiring to project the entire emancipatory potential of Hegel's philosophy must hence show how his vision of law relates to his epistemology and metaphysics and how the state exactly can become the agent of freedom.

Chapter Two: Daily liberation – Hegel’s legal and political philosophy

Hegel’s legal and political philosophy has the genesis of free will as its principal and structuring object. The *Elements of the Philosophy of Right* set out from an abstract and negative understanding of the free will and ends with a discussion of the collective agency gained in the state. Within a philosophical system that aims to establish the reality of reason in universal knowledge and freedom from a subjective standpoint, practical philosophy needs to demonstrate how a concrete subject could be practically free. It asks to what extent a subject that acts under the rationale of private law, morality, and ‘ethical life’ (Hegel’s category for family, economic and political life) can claim to be free. By reconstructing this subjective standpoint of freedom, Hegel implicitly also addresses the question of universal knowledge. The subject constantly inquires whether her will is truly self-determined or whether its determinants fall outside the scope of her self-knowledge.

That she can, as a citizen of a state of good laws, answer this question in the affirmative rests ultimately on a political theology diametrically opposed to the negative theology of the Historical School. Instead of finding reality governed by ‘laws unknown to us, more mysterious and greater than one thinks,’¹⁵⁷ Hegel discovers the well-ordered society to unfold according to the dynamics and truths that the Christian religion has fully revealed. The citizen of his state is not subject to mysterious forces beyond her reach but a participant in a world that has become fully intelligible. From powerlessness, she progressed to a state of full reconciliation with the world. That is the utopian core of Hegel’s political philosophy.

Considering the intimate connections between the emancipatory scope of practical philosophy and its metaphysics and epistemology that the preceding chapter asserted, we almost face a catch-22. To fully grasp Hegel’s philosophy and its emancipatory potential, we would need to read it in the light of his epistemology and philosophy of religion. However, since the way to get an adequate and critical understanding of Hegel’s ‘theoretical’ philosophy is arduous and long, this would leave us in limbo regarding the conclusions drawn from the previous chapter. With some impatience, we ought to ask now: *what is Hegel’s take on all this?* Fortunately, the structure of Hegel’s philosophy allows us a sleight of hand all too familiar to academics: we

¹⁵⁷ Ranke, *Über die Epochen der neueren Geschichte*, 67.

can pretend to know and later catch up with getting to know what we pretended to understand in the first place.

Adorno aptly compared reading Hegel to watching a film.¹⁵⁸ As it is impossible to catch a motion picture's meaning in a screenshot, we cannot read Hegel's philosophy as a static text. Since a concept changes its meaning in the course of its determination throughout a sentence, a page, a book, and an entire oeuvre, the words must blur in front of our eyes. In principle, we can start to decrypt this circle of meaning anywhere as long as we never stop circling. Accordingly, this chapter will introduce terms whose intuitive sense does not correspond exactly to what Hegel's philosophy of absolute spirit will make of them later. The succeeding chapters will hence imply a rereading of the preceding ones.

We can anticipate two major themes. Epistemologically, Hegel understands norms always also as knowledge practices. We must hence read his probing of different normative claims as a sceptical test of the theoretical consistency of an attempt to come to know the own self and its relationship to the world. Especially the practice of recognition is not to be judged in moral terms but as a practice that successfully establishes autonomous self-knowledge. Spirit is the name that Hegel attributes to these collective knowledge practices in the *Phenomenology* and to all forms of consciousness from the first *Encyclopaedia* onwards. Metaphysically, Hegel's appreciation of the state hinges upon a sublation of objective spirit (a form of collective consciousness) to absolute spirit (a limitless consciousness relating to art, religion and philosophy) that only his philosophy of religion can explain.

The link between the epistemological and metaphysical themes is the conceptual movement on which Hegel draws throughout his philosophy. It takes the shape of a return (of spirit to itself): the becoming of free will is told in the moments of universality, particularity, and individuality in which the latter signifies a concrete universality. They are fundamental categories of Hegel's theory of intelligibility *and* correspond to the movement of the becoming of absolute spirit in his philosophy of religion. One of the most contested dictums of the *Philosophy of Right*, the supposed identity of reason and reality reveals its full meaning only read in the light of a philosophy oriented by Christian eschatology in which reconciliation is *always already* and *not yet* actualised. Hegel's philosophy conceptualises this revelation in a way that allows locating reconciliation in the present. We can hence 'check' the practicality of freedom and find it in the political without necessarily implying the omnipresence of reconciliation in the present society.

¹⁵⁸ Adorno, *Drei Studien zu Hegel*, 353.

Accordingly, we ought to read his *Philosophy of Right* as an attempt to demonstrate to what extent the rational had become actual through the social practices of modern society. Anticipating Hegel's philosophy of religion, we can read this attempt not as mere apology of what is but also as a critique of what is not (yet). The first section will attempt to unravel this modus operandi of the Hegels' identification of the actualisation of reason in its historical context (I). Positioning himself within an ongoing reform process, Hegel relished in the potential he saw in his time while recognising its destructive dynamics. The second section shows how Hegel combined a systematic-logical account of the realisation of free will with a socio-historical observation. Hegel thought that the bourgeois society offered an opportunity for (almost!) everybody to contribute to the universal life of spirit. At the same time, it is an unconscious form of spirit whose atomism exposes self-destructive tendencies. Only a set of state institutions that, on the one hand, partially isolates those dynamics and, on the other, mediates the will of all participants of society, can transform the multitude of particular wills into one concrete universal and free political will (II). The last section analyses how this systematic and historico-political account of the formation of will translates into a state voluntarist international legal positivism (III). It also tries to show the state's vulnerability as the vessel of absolute spirit; a vulnerability whose conceptual foundations the following chapters will explore and that the last chapter will employ to ponder Hegel's political philosophy more critically.

I) Between reform, accommodation, and critique

The view of Hegel as the Prussian state philosopher probably first appeared in a review of Hegel's *Philosophy of Right* by the liberal Haym who called out Hegel's 'classical reactionary spirit.'¹⁵⁹ While Hegel's influence steadily declined throughout the late 19th century, his Prussianite reputation solidified.¹⁶⁰ Dilthey's seminary study of the early, openly revolutionary Hegel¹⁶¹ renewed interest in his potentially progressive side, with large parts of the literature dedicated to the defence of Hegel against the charge of Prussianism.¹⁶² Nevertheless, not least thanks to the efforts of Cold War liberalism, Hegel's standing as the herald of authoritarianism

¹⁵⁹ Haym, *Hegel und seine Zeit*, 365. Ritter considers this guilty verdict to be almost the final word in a debate responsible for Hegel's lack of influence in the late 19th century, Ritter, *Metaphysik und Politik*, 183–85.

¹⁶⁰ E.g. Carrit's book on *Morals and Politics* (1935) triggered the debate between him and Knox Carritt, 'Hegel and Prussianism'; Knox, 'Hegel and Prussianism'. Cf. also Hook, *From Hegel to Marx*, 19–20; Huxley, *Ends and Means*, 33, 65, 75. Russel concedes that rather than being Prussianite, any despotic power would have done for Hegel, Russell, *Unpopular Essays*, 16–19.

¹⁶¹ Dilthey, *Die Jugendgeschichte Hegels*.

¹⁶² D'Hondt, *Hegel secret*; Rosenzweig, *Hegel und der Staat*; Avineri, *Modern State*; Avineri, 'Hegel and Nationalism'.

and even totalitarianism forces compels Hegel researchers up to this day to defend him – the present one included.¹⁶³

A quick comparison between the constitution that Hegel describes in this systemic work and the reality of political Prussia in 1820 reveals the absurdity of the claim that Hegel firmly aligned with conservative or reactionary political forces.¹⁶⁴ As the private law codification dispute illustrates, there was no system of what Hegel calls ‘abstract right’ in Prussia, nor did the Prussian state have any political constitution resembling Hegel's system of societal representation. To the disappointment of liberals, Hegel did not advocate for parliamentary democracy. However, the system of corporations and estate representations provided a dense net of institutions that had no equivalent in Prussia's absolute monarchy.

This is all the less surprising as Hegel was an ardent critic of Prussia before its reforms during the Napoleonic wars.¹⁶⁵ Treitschke scorned Hegel's ‘morbid scientific serenity’ in the face of the ‘ruin of his fatherland’ when Hegel thought he saw the world soul in Napoleon, while he crushed the Prussian army at Jena.¹⁶⁶ If anything, he probably believed the middle states (states that, like Bavaria, fell under the influence of more rigorous liberal reforms during their alignment with France) to be closer to the ideal.¹⁶⁷ Other than that, Prussian reforms and Prussia's and Hegel's concurrent move away from the idea of a unified Germany might have caused genuine mutual sympathies.¹⁶⁸ The *Philosophy of Right* largely relies on ideas he had already developed in his Heidelberg Lectures (1817) before he took up his position at Berlin University. Only the preface and the toning down of some critical observations can be read as partially wishing to appease reactionary censors in the context of government crackdowns following the murder of the conservative poet Kotzebue, the liberal Wartburgfest and the antijewish unrests.¹⁶⁹ Avineri notes that much of the Hegelian Prussian authoritarianism myth

¹⁶³ Popper is a case *avant la lettre* whose influence was lasting, Popper, *The Open Society and Its Enemies Volume 2 - The High Tide of Prophecy: Hegel, Marx, and the Aftermath*; Kiesewetter, *Von Hegel zu Hitler*; Berlin, *Freedom and Its Betrayal*; Berlin, *Political Ideas in the Romantic Age*. Hegel quickly became part of an anti-canon, that in Popper's case included Plato and Marx (Kiesewetter elaborating on Hegel's supposed anticipation of Nazism) and in Berlin's case includes various illustrious names such as Rousseau, Saint-Simon, Fichte, Schelling and Maistre.

¹⁶⁴ Moland asserts that Hegel did not describe the existing Prussian State, but a theoretical rational state, Moland, *Hegel on Political Identity*., 48, Fn 2.

¹⁶⁵ GW 5, 150-177; Avineri, ‘Hegel and Nationalism’, 115–16.

¹⁶⁶ Treitschke, *Deutsche Geschichte im Neunzehnten Jahrhundert*, 251.

¹⁶⁷ In 1821, Hegel still seems to think that Prussia is lagging behind the Bavarian reforms, Hegel to Niethammer, Berlin, 9 June 1821, Letters II, n° 390, 270; Rosenzweig, *Hegel und der Staat*, 341.

¹⁶⁸ Rosenzweig, 343.

¹⁶⁹ Again, his verve against the unhinged liberal passions might also just have driven him accidentally into the arms of the Prussian government, Rosenzweig, 351. In contrast, some authors have argued that the *Philosophy of Right* does not represent Hegel's authentic political philosophy. This has come to be known as the Ilting thesis,

stems from an ill-considered notion of the political continuity of Prussia, which does not acknowledge how the conservative backwater Prussia of 1806 does not equal Hegel's Prussia of 1820 nor the deeply reactionary polity that consolidated between 1848 and 1914.¹⁷⁰

However, even the most polemical accusation of accommodation to the Prussian political reality has a *fundamentum in re*. The stumbling block for those critiques is often Hegel's famous sentence on the rationality of the real. After having criticised Plato's *Republic* for inflicting 'the gravest damage' on the principle of the 'free infinite personality', Hegel recognised that

[...] [Plato] proved his greatness of spirit by the fact that the very principle on which the distinctive character of his idea turns is the pivot on which the impending world revolution turned.

What is rational is actual;
and what is actual is rational.¹⁷¹

The context that announces the double dictum as the principle of an 'impending world revolution' already clearly indicates that Hegel does not per se identify the state of the world (here, 'pre-revolutionary' Greece) with reason. The relationship between reason and reality is not static but a dialectical development that starts with a revolution. Not everything that exists is rational. Rather, like it would be an irredeemable defect for the idea of God not to *exist* in reality, rationality cannot hover over the real world as a mere abstract concept. When it penetrates reality and reality penetrates it, it becomes *actual*. The German term 'Wirklichkeit' that 'actuality' translates comes from the verb 'wirken' that signifies both wilful *acting* and the process of having an impact. In the *Philosophy of Right*, Hegel demonstrates the actuality of reason in impactful acts of will.

The 'impending world revolution' that impregnated reality with this reason was the advent of Christianity. Its content was the reconstruction of the world from and around the subject through

thanks to Ilting's comparison between Hegel's earlier works, the book manuscript and the published version in his introduction to the first critical edition of Hegel's lectures on the philosophy of right, *Vorlesungen über Rechtsphilosophie*, 25–126. Due to Hegel's association with free-masonry, D'Hondt thinks it is necessary to read in between Hegel's lines as this was general practice, D'Hondt, *Hegel secret*. Losurdo also substantiates some influence of censorship on Hegel's work. He compares non-published and published versions showing that some parts of the *Philosophy of Right* (such as the discussion of the right of extreme necessity) and much of the *Reformbill* essay were considerably altered by Hegel himself, making critical points more allusive and less explicit. However, Losurdo also criticises Ilting's and D'Hondt's discussion of the hidden Hegel and the (strict) separation between the private person and the philosopher advancing a more nuanced integrated view, rightfully insisting that the controversy about the hidden Hegel originates in the inclination to situate Hegel within the (self-serving) history of liberalism, Losurdo, *Hegel and the Freedom of Moderns*, chap. 1, cf. p. 3-6, 15, 31.

¹⁷⁰ Avineri, *Modern State*, 116. Similarly, Rosenzweig, *Hegel und der Staat*, 348.

¹⁷¹ PR p. XIX/ 20. Formatting in the original.

reconciliation. God becomes the autonomous subject that embraces all of reality through His trinitarian self-relationship that includes humanity through revelation. Reconciliation is achieved in the eternal relationship between the Father and the Son, from whose love proceeds the Holy Spirit and between the Triune God and humanity through the redemption that the incarnated Son and the Pentecostal spirit of the church brought to the fallen world. The revolution is still pending to the extent that the Kingdom of God is yet to come. Hegel's philosophy of absolute spirit affirms the content of Christian eschatology but tries to overcome its form that defers reconciliation to the past and future. By conceptualising this reconciliation, i.e. by putting this truth in its appropriate terms, into the *idea that thinks itself*,¹⁷² reconciliation becomes present and fully accomplished. This ideal identity that corresponds to the real self-actualisation of absolute spirit is expressed in the double dictum without positing that absolute spirit presently encompasses all of reality. Whether Hegel endorsed too much of reality can hardly be decided at the hand of this quote but must be established in a detailed analysis of his political philosophy.

Benevolent contemporary readers understood the identity of reason and reality to be a process of critical self-reflection in which spirit would come to its self-consciousness:

Of course, this realisation of objective right varies in perfection, depending on whether the element in which it is realised has itself become more or less to the consciousness of itself and of the substantial right that exists in and for itself.¹⁷³

What concerns us here is how Hegel defines the programme of said oeuvre and how it affects its critical potential. He wishes to limit his work to identifying what is indeed rational (implying that not everything is):

[...] since philosophy is the *exploration of the rational*, it is for that very reason *the comprehension of the present and the actual*, not the setting up of a *world beyond* which exists God knows where - or rather, of which we can very well say that we know where it exists, namely in the errors of a one-sided and empty ratiocination.¹⁷⁴

Whereas we would expect Hegel to identify the rational in reality *and* criticise the part of spirit whose knowledge conception and practice of freedom are failing, he seems to limit his programme to the former. It is particularly puzzling how Hegel could think of his philosophy

¹⁷² EPS 574; cf. EPS 469.

¹⁷³ Hegel's student Richard Rothe to his father, Berlin, 21.12.1819, *Contemporary reports*, n° 312.

¹⁷⁴ PR p. XIX/ 20.

as crystallising realised reason and write a book on a political constitution so different from the political reality he experienced. We can find part of the answer by identifying where exactly his account diverged from reality and partly by considering the volatility of his political environment. Overall, his analysis of private law, (Kantian) morality, the family, bourgeois society, the police state, and the administration of justice are a brilliant capture of the 'spirit of his time.' Where he seemed to have become somewhat fantastical is what we could call the political institutions and the distributions of political roles and powers among different classes. Ultimately, we can only speculate about the real reasons behind these divergences. It seems reasonable to assume that the most significant motivation behind it was Hegel's conviction that they were rational and about to be realised. Initially, he put his bets on Napoleon, and the constitution he introduced in his vassal states indeed resembled (on paper) the corporatist state that Hegel envisioned.¹⁷⁵ His eschatological hope that the Kingdom of God was immanent in the double sense of the word certainly also played a role in reading the signs of the time. After all, since Hegel thought that philosophy always came after the historical fact, this immanence was the precondition for correctly grasping the absolute.

However, even after Napoleon's defeat, there was an empirical basis for Hegel's hope, whose prospects are all too easy to discard ex-post. Prime Minister Hardenberg and the Minister of Culture Altenstein were two prominent figures who could have been expected to push for the sort of progressive reforms the first major reform prime minister Stein had started. Contemporaries interpreted the call of Hegel to Berlin University as Altenstein's attempt to grant his reform plans 'a scientific basis.'¹⁷⁶ Hegel's correspondence with the ministers is quite telling in this regard. In a draft letter to Hardenberg accompanying a copy of his *Philosophy of Right*, Hegel emphasises that the unfolding of reason through reform is an ongoing process within the Prussian state that has 'partly obtained, partly still has the good fortune to receive' the foundational principles.¹⁷⁷ Altenstein, apparently having read the book, gave very positive feedback to Hegel and insisted that one must apprehend what exists before rejecting it.¹⁷⁸

The actualisation of reason was considered an ongoing and contested process. Not all forces were content with the track the reform movement had put the Prussian state on. The causa Gans in which a Jewish colleague, friend and 'disciple' of Hegel wished to obtain a professorship,

¹⁷⁵ Comparing the fourth Jena system (1805) with the Bonapartist constitution for Italy, Rosenzweig, *Hegel und der Staat*, 225, 238–39.

¹⁷⁶ Heinrich Leo to Wolfgang Menzel, *Contemporary reports*, n° 709.

¹⁷⁷ Hegel to Hardenberg (draft), Berlin, mid-October 1820, Letters II, n° 376, 241–42.

¹⁷⁸ Altenstein to Hegel, Berlin 24.08.1821, Letters II, n° 397, 287.

gave forces around Savigny, the king, and confusingly Altenstein, the opportunity to roll back earlier legislation for Jewish emancipation.¹⁷⁹ Even more radical later attempts to disenfranchise Jews gave rise to the debate around the Jewish Question to which we owe Bruno Bauer's and Karl Marx's famous contributions. Thus, we can also interpret the overly hopeful anticipations of institutions that failed to materialise as means of taking sides in a political struggle. Those seemingly fictive institutions serve a critical function that reacts to the ills and shortcomings of those aspects of modern society that Hegel captured accurately. In many respects, the *Philosophy of Right* aims at political philosophies that reduce the state to a function of private law and bourgeois moral rationales. Adding largely fictive institutions could also serve as a warning: private law and morality are bound for disaster if not checked and sublated by political institutions.

II) The system of freedom

The following pages will deliver a deliberately uncritical account of Hegel's legal and political philosophy. They aim to recover the architecture of the *Philosophy of Right* and the normative logic that Hegel attributes to the modern state that Hegelian newcomers might want to grasp before taking international order head-on. This section traces the liberation of will from an individual perspective. The task of grasping the actualisation of reason must inform both critique and appraisal and guide as to where Hegel ultimately found reason: in absolute spirit. For Hegel, absolute spirit was the form of collective self-consciousness that had overcome all limitations. Nothing stands in an external relationship to it; absolute encompasses everything in the constitution of its 'I' and unites self-determination and presuppositionless knowledge. Absolute spirit's will is determined by nothing alien since the will's formulation relies entirely on its self-knowledge. We look, hence, within the framework of early 19th-century social order for subjects determined by a knowledge conception of absolute knowledge and freedom. In short, we search for the coming alive of absolute spirit in Hegel's time and place, or at least its breeding ground. Hegel's utopia of universal emancipation does not reside in a beyond; rather, we must be able to grasp it as immanent.

The philosophy of *right* must hence capture the will as the embodiment of reason:

The basis [*Boden*] of right is the *realm of spirit* in general and its precise location and point of departure is the *will*; the will is *free*, so that freedom constitutes its substance

¹⁷⁹ Braun, 'Die „Lex Gans“ - ein Kapitel aus der Geschichte der Judenemanzipation in Preußen'.

and destiny [*Bestimmung*] and the system of right is the realm of actualized freedom, the world of spirit produced from within itself as a second nature.¹⁸⁰

The concept of reason equates with absolute knowledge and freedom, but its practical manifestation is a (successful) self-testing of the content and form that determines one's consciousness. 'Will' is the practical, because acting, side of reason. The broad scope of research should help illuminate universal reason, not as in the case of the Historical School, prove its impossibility in the face of a mesmerizingly complex world. At the same time, the focus on a subjective will scrutinised by sceptical reason contrasts sharply with Haller's scholastic identification of reason with an elusive, objectively observable divine will.

Notwithstanding this focus on rational will, we cannot limit the scope of our investigation to what appears to be free wilful acts, such as self-conscious moral decisions or the legal utterings of state authority. The *Philosophy of Right* builds on the epistemological standpoint, developed in the *Phenomenology of Spirit*, that the determinacy of a practice becomes intelligible only within the context of spirit as a whole.

Let us anticipate three key arguments that we will later discuss more profoundly.¹⁸¹ Firstly, Hegel argues that all kinds of object knowledge depend on self-knowledge as we always deploy concepts, criteria and measurements that our mind projects on the object of inquiry. Secondly, since we cannot independently observe ourselves, self-knowledge cannot be gained in isolation. It relies on relationships as knowledge practices that, to allow us to recognise ourselves in the other, must be relationships of mutual recognition. Here, recognition emerges as a pivotal notion that unifies a normative and an epistemological sense. Thirdly, mutual recognition remains unintelligible if we try to grasp it in a hypothetical state of nature. Instead, Hegel proposes to look at concrete historical recognition practices and evaluate whether they succeeded in establishing mutual recognition. Those historical collective knowledge practices are what Hegel designates with the concept of spirit. Therefore, Hegel tries to put his standpoint of spirit in the tradition of a great dispassionate observer of different *esprits*. He invokes Montesquieu who

stated the true historical view, the genuinely historical viewpoint, that legislation [...] should not be considered in isolation and in the abstract, but rather as a dependent

¹⁸⁰ PR 4.

¹⁸¹ Cf. *infra*, 106 ff.

moment within one totality, in the context of all the other determinations which constitute the character of a nation and age, and hence also their justification.¹⁸²

Hegel's legal philosophy is hence positivist – in the sense that it starts from the 'positive' experience of the world he attempts to rationalise.¹⁸³ As we discussed earlier, this historical contextualisation does not amount to the justification of the positive. In a sharp rebuke of the Historical School, Hegel states that legislation can be '*grounded in and consistent with the prevailing circumstances and existing legal institutions yet it may be contrary to right [unrechtlich] and irrational in and for itself [...]*'.¹⁸⁴ If there is to be any knowledge, then we must find a will that is self-consciously produced by spirit as a whole. That is the democratic core of Hegel's practical philosophy and what opposes him most clearly to the liberal tradition Kant and Fries represented in his days. His practical and legal philosophy does not only cover political institutions but is a philosophy of the political.

On the other hand, the focus on rational will sets Hegel apart from Savigny, Ranke, and Haller. Savigny and Ranke have no conception of an overreaching rationality and, in the strict sense, not even of will. Their spirit does not wilfully utter anything, but unconsciously expresses its national character and what the hidden God wishes to announce through it. If anything, their will is divine and wants whatever *is*. Curiously, this is where the Lutherans cross paths with the Catholic convert Haller. In the latter's oeuvre, the whole cosmos is rational, directly assured by the creator God. Hegel rejected the immediacy of divine will and showed how even God becomes determinate and self-determined in the act of release and return. The rationality of the human order depends on its participation in this movement of return. Neither is rational order natural (Haller and pre-revolutionary natural law theory), nor is all order rational (Savigny and Ranke). On the contrary, Hegel thinks that the story of the Fall of humankind expresses the truth that human order always has a divisive function since the determination of right and wrong elevates the community over its internal and external other. This exclusion implies something unaccounted for in the reason of the community, revealing its knowledge to be limited, its autonomy negated. For Hegel, the rationality of order needs to be established in acts of mediation that liberate the will from the shackles of nature *and* unwilled social order.

Therefore, identifying the rational within society demonstrates the extent to which the current social order can liberate will. The focus needs to be on the process of liberation. We cannot

¹⁸² PR 3 R, p. 7/ 29.

¹⁸³ PR 3.

¹⁸⁴ PR 3 R, p. 8/ 29.

simply identify instances of free will as this would essentially presuppose free will as a ‘fact of consciousness’ but must deduce the actuality of will and freedom ‘within the context of the whole.’¹⁸⁵ In other words, the system of right is the process in which we are liberated, in which the *will* itself comes into being. The coming into being of free will follows the same steps as the genesis of absolute spirit,¹⁸⁶ passing through moments of universality, particularity, and individuality.

In the moment of universality, will is abstract and free of all determination.¹⁸⁷ This abstract will designates what Hegel explicitly calls negative freedom or the ‘freedom of the void.’¹⁸⁸ In its lack of determinacy, the will remains unactual as it does not materialise and remains the ‘pure *thinking* of itself.’ Will necessarily goes through the second moment in which it determines itself either following a natural desire or a content produced by spirit itself.¹⁸⁹ Hence, the will passes through the ‘moment of finitude and the particularisation of the “I”.’ Instead of the abstract *I that wills* it becomes the *I that wants x*. Hegel rejects the dualism between the abstract and particular will that he attributes to Kant and Fichte as he considers the latter to be already implicit in the former: there is no *I will* without an *I will x*.¹⁹⁰ Both are, taken on their own, one-sided.

The will is the unity of both these moments; - *particularity* reflected *into itself* and there restored to *universality*. It is individuality [Einzelheit], the self-determination of the ‘I’, in that it posits itself as the negative of itself, that is, as *determinate* and *limited*, and at the same time remains with itself, that is, in its *identity with itself* and universality; and in this determination, it joins together with itself alone.¹⁹¹

Only in the moment of individuality, when the particular returns to the universal, concrete universality emerges. Hegel remarks tersely, ‘everything true is concrete.’¹⁹² Every act of will is an act of self-limitation and externalisation that, as such, negates the own ‘I’. The only way the ‘I’ can ‘remain with itself’ and form an identity of itself and universality in the act of self-externalisation is if the will has itself for its object. It becomes the will that wills itself. Hegel invokes here in all but name the concept of objective (and, in fact, absolute) spirit. The will we

¹⁸⁵ PR 4 R.

¹⁸⁶ EPS 567-670, cf. *infra*, Chapter Five.

¹⁸⁷ PR 5.

¹⁸⁸ PR 5 R.

¹⁸⁹ PR 6.

¹⁹⁰ PR 6 R.

¹⁹¹ PR 7.

¹⁹² PR 7 R.

search for is objective and absolute spirit's will and qualitatively different from the will of a singular human being. The *Phenomenology* demonstrated how the latter could not make herself an object of knowledge (and hence neither of will 'reflected into itself') without falling into an infinite regress. This qualitative difference of the will that has returned to itself from the arbitrary will is what Hegel thought distinguishes him most clearly from the rationalist philosophers he respected most:

In the Kantian definition of right [...],¹⁹³ which is also more widely accepted, the essential moment is 'the *limitation* of my *freedom* or *arbitrary will* in such a way that it may coexist with the arbitrary will of everyone else in accordance with a universal law'. On the one hand, this definition contains only a *negative* determination - that of limitation; and on the other hand, the positive [element] - the universal law or so-called 'law of reason' - the consonance of the arbitrary will of one individual with that of the other - amounts simply to the familiar [principle of] formal identity and the law of contradiction. The definition of right in question embodies the view, especially prevalent since *Rousseau*, according to which the substantial basis and primary factor is supposed to be not the will as rational will which has being in and for itself or the spirit as true spirit, but will and spirit as the particular individual, as the will of the individual in his distinctive arbitrariness.¹⁹⁴

Hegel reads Kant to say that for the universal law of reason that governs society (as opposed to realm of individual virtue) it does not matter whether the particular will is free and rational or arbitrary. Indeed, in Kant and Fries, the individual becomes a black box from a political perspective and hence arbitrary per definition. The identity that the universal law of reason that governs society establishes between willing subjects is thus one of formal equivalence. It is the sum total of all wills 'x' in which will 'y' has no place. It follows the pre-dialectical Aristotelian logic, whose pillar is the principle of non-contradiction that posits that if x is the case, x cannot be at the same time not be the case. Hegel's dialectical logic criticised this logic and defined identity as the identity of the identical with the non-identical. For Hegel, any object can only be made intelligible in the process of its negation. The identity of Hegel's universal right comes not through the harmony of the particular wills but through their contradiction and reconciliation. The unity he proposes is conflictual. Hegel outflanks Rousseau in claiming the

¹⁹³ He meant the *Metaphysische Anfangsgründe der Rechtslehre* (1797).

¹⁹⁴ PR 29 R.

title of the most political political philosophy, implying that Rousseau's *volonté générale* is just the sum total of the agreeing particular wills.¹⁹⁵

In principle, by merely appreciating Hegel's concept of will in the light of his other systematic works, we can already anticipate the state, the embodiment of the political, to be the subject and object of this will. Indeed, in his second mention of Rousseau, he credits him to have

put forward the will as the principle of the state, a principle which has thought not only as its form (as with the social instinct, for example, or divine authority) but also as its content, and which is in fact thinking itself.¹⁹⁶

The spirit's free will is formed publicly. However, the details of how we get there matter. What forces furthered and obstructed the genesis of free will in early 19th-century Protestant Germanic society? The value of studying Hegel depends primarily on his ability to make sense of the world he experienced. Let us trace his steps in analysing the different forms of will that constitute society:

- 1) *Abstract right*, Hegel's term for private law, is the form of will in which personal freedom is realised. Will steps back from desires and needs and chooses one of them, thereby becoming determined.
- 2) *Morality*, in contrast, is the form of will that is determined not seemingly spontaneously but where this choice is based on inner and self-posed principles.
- 3) *Ethical life*, finally, is the realisation of social freedom: By participating in the institutions of ethical life, will self-determines itself in accordance with social rules. It is a form of freedom because, by being internalised, the norms cease to be an external constraint

The move from one way of formulating will to the next is motivated by the lacking and frustration of the former. Like in his epistemology, Hegel probes different forms of formulating will sceptically and uncovers their respective contradictions. Although the will moves thereby to a higher form, the lower forms remain an integral part of our normative practices. Hegel just puts them into perspective, showing how their role in liberating the will depends on higher or more complex forms of will-making. Hegel does not explicitly endorse a system according to which there is a primacy in case of conflict. If there is a conflict between them, then this is because private law or abstract right are being elevated to a principle of 'ethical life'

¹⁹⁵ PR 258 R.

¹⁹⁶ PR 258 R, p. 243 / 277.

[Sittlichkeit].¹⁹⁷ In Hegel's modern state, all these elements fulfil an important function in the formation of the free and universal will.

A) Abstract right

The realm of private law combines the first two moments of will without gaining the self-consciousness that the third implies. Its foundation is the recognition of the legal personality.¹⁹⁸ This is the moment of abstract universality.

Accordingly, in contrast with reality, it is its own negative actuality, whose reference to itself is purely abstract – the *inherently individual* will of a *subject*.¹⁹⁹

The legal person is abstracted from its existence as a Swabian, mid-aged, married, professor and father of three. He goes on to say:

In accordance with the moment of particularity of the will, it has in addition, a content consisting of determinate ends, and as exclusive individuality, it simultaneously encounters this content as an external world immediately confronting it.

Since the legal personality is empty, the legal person cannot but arbitrarily choose the content of her will. When she does, she moves into the moment of particularity. The person capable of willing legally consequential acts becomes the person who wills the appropriation of a manufactured good through her work. The legal status of personhood allows the person to relate to the world as a proprietor: she essentially appropriates things²⁰⁰ and exchanges them with others.²⁰¹ As the content of the will is unrelated to her personality, the relationship with the external world is confrontational. The fact that, unlike in his take on the Roman Empire and Roman law,²⁰² Hegel does not describe it as hostile is not due to anything inherent to the wills formed by abstract right. The beneficial character of abstract right entirely depends on factors outside of it. The aberrations of Roman civil law that Hegel decried were irrational but not against the rationale of abstract right. We cannot argue for or against slavery in terms of abstract right if we refuse – with Hegel – to just assume a free or unfree human nature. The question of

¹⁹⁷ Similarly, according to Hegel, setting up a contradiction between morality and politics in international relations ignores that the foundation of morality is the abstract person, while the right of the state has its origin in its concrete existence, PR 337 R. The idea of the social contract can be considered an attempt to elevate the private law will to the level of objective spirit, PR 75 R; PR 258 R, p. 243/ 277.

¹⁹⁸ PR 35.

¹⁹⁹ PR 34.

²⁰⁰ PR 48.

²⁰¹ Cf. PR 48 R.

²⁰² Cf. *infra*, 121 ff.

who is recognised as a legal personality is historically decided on a different level. In the modern state, this decision is taken by the bourgeois society, as we will discuss later.²⁰³

The externality of the world of particularised will that constitutes the entirety of the world of contracts implies the possibility of the violation of right.²⁰⁴ The will of private law determines the formation of contracts, but as the legal personality does not cover the entire human existence, this will is the plaything of forces beyond its control. It is not self-determined; its rationality only 'in itself'. The ensuing wrong is met by punishment.

Punishment, or the undoing of wrongs, already marks the transition to morality as it involves an act of will whose object is universal. Its purpose is not avenging the victim,²⁰⁵ rebalancing good and evil, or giving the perpetrator what she deserves, but re-establishing right. The latter, in the form of congruent contractual wills, is only *semblance*.²⁰⁶ Though the contract expresses the rational, the rational is not *actual*. Many factors can determine the will in a way to induce illegal behaviour. This deliberate negation of right can only be negated (/cancelled) by punishment and thereby right restored.²⁰⁷ A crucial distinction between revenge and just punishment lies in the punishing will, 'which, as a particular and subjective will, also wills the universal as such.'²⁰⁸ The will aspiring to (re-) establish right is not included in the simple reciprocity of two compatible wills characteristic of abstract right. Sublating the negation of right is impossible based on the object conception of abstract right: it always wills something particular. The consciousness needs to proceed to the concept of morality, where the will has the universal as its object. The *Philosophy of Right* exemplifies the unity of the logical and ontological in Hegel's dialectics and its living core of conflictuality. The need to go beyond abstract right emerges only in a situation of conflict.²⁰⁹

Although morality is apparently a step beyond abstract right, it is probably better to understand the relationship between abstract right, morality and ethical life as a triangle with the latter at the top. There is a connection between abstract right and morality, but it cannot account for the whole of the development since morality covers more than punishment alone. Rather, both are parts of human practices in which consciousness is still to be found in the natural individual.

²⁰³ Cf. PR 209 R.

²⁰⁴ PR 81.

²⁰⁵ PR 102.

²⁰⁶ PR 82.

²⁰⁷ PR 99, Mohr, 'Unrecht und Strafe', 82.

²⁰⁸ PR 102.

²⁰⁹ For a more formalistic interpretation, Mohr, 'Unrecht und Strafe', especially 105-6. Although Mohr recognises that the logic at display is a speculative one.

They remain historical abstractions from ethical life, and are not explained in the *Outlines* in their concrete historical context but abstractly. Thereby Hegel demonstrates on which intellectual concepts contemporary ethical life depends and that these concepts are insufficient to account for an entire philosophy of right as his perceived opponents were pretending.

B) Morality

More clearly than abstract right, Hegel's section on morality is a critique of a philosophical standpoint. It broadly represents a Kantian morality based on the categorical imperative.²¹⁰ In the logical scheme, it appears as a necessary step: The justification of punishment brings up the concept of responsibility towards a community and transcends already the image of the atomist individual. Tort and criminal law need to restore right that has been negated by the perpetrator who imposes her will as right. Hence, Hegel needs to establish a theory of (free) agency and moral action to establish that the act was willful, i.e. intentional.²¹¹ If we wish to assert that right – which is nothing but will – was violated, we must identify a *will to violate*. We must establish guilt.

Hegel thinks this agency must be established by showing how the acting person appropriates her action: she must perceive the (wrongful) action as her own. The action is distinguished from accidents and coercion by thinking of the individual as setting her purpose and self-determining herself. This purpose, or good, is the rationalisation of her desires, which are no longer perceived as external.²¹² Having a purpose or a 'good' means that I can say of my action that I actually wanted to do it, unlike when I act impulsively or under coercion. It seems that the will came an important step closer to autonomy and self-knowledge. However, this is where the trouble only begins.

The manifestation of the will in an external action implies a certain objectification of the subjective will in the sense that it is asserted as a free action in the outer world and subject to judgement.²¹³ Parallel to the *Phenomenology*, Hegel demonstrates how the moral worldview runs into impasses and cannot secure the recognition of moral rectitude that it seeks and that defines its aspirational subjectivity. This failure reverts directly into Romanticist subjectivism, of which Hegel gives an exhaustive typology finishing with the beautiful soul that the *Phenomenology* identified as epitomising the German inability to act.²¹⁴ Unlike in the

²¹⁰ For the distinction between the moral and ethical standpoint, Wood, 'Hegel's Critique of Morality'.

²¹¹ Rose, 'Hegel's Theory of Moral Action, Its Place in His System and the "Highest" Right of the Subject', 173 ff.

²¹² Rose, 176–77.

²¹³ PR 120; Rose, 180.

²¹⁴ PR 140 R, cf. Stewart, *An Introduction to Hegel's Lectures on the Philosophy of Religion*, 79 ff.

Phenomenology, this is not remedied by forgiveness, the practice that *Chapter Three* will describe as having the power to make the world anew. Instead, Hegel points out that the ‘good as the substantial universal of freedom’ remained abstract and required determination. Morality could not deliver determination: its universal will might – in contrast to the purely in itself resting universal legal personality – attempt to actualise itself *in its universality*, but it fails. Essentially, the universal will must be determined by a real universality. The true *volonté générale* does not emerge from a group of like-minded (moral) individuals but from spirit. That is the realm of ethical life in which Hegel's rationalisation of social practices truly starts.

C) Ethical life

Ethical life is the *idea of freedom* as the living good which has its knowledge and volition in self-consciousness, and its actuality through self-conscious action. Similarly, it is in ethical being that self-consciousness has its motivating end and a foundation which has being in and for itself. Ethical life is accordingly the *concept of freedom which has become the existing world and the nature of self-consciousness*.²¹⁵

Abstract right and morality were mere concepts that either failed to actualise or were realised in ways not determined by the concept. For ethical life, Hegel, however, claims the title *idea*, which is, in his definition, *the actualised concept*. It is hence not a principle we try to put into practice but designates a concrete reality of freedom. The reality in which Hegel identifies free will is the combination of family, bourgeois society (as the realm of modern economic activity), and the state. They work together to produce a will that wants itself (‘has its [...] volition in self-consciousness’).

Within the actual order of society, spirit becomes determined first and foremost by the rules of society and not by something outside of it. Her duty – reciprocally paired with a right – liberates the individual from her natural drives.²¹⁶ As we will analyse later, Hegel takes up the Aristotelian distinction between a first and second nature. Like all animals, human actions can be determined by our physical nature. Instead of opposing those natural drives with an abstract capacity to act spontaneously on different grounds, Hegel observes that habits that vary from walking upright to social conventions can be an alternative motor of action that often overpowers natural drives. That is the realm of spirit. Spirit determines its will through the conventions that define it as spirit. Our second nature frees us of our first:

²¹⁵ PR 142.

²¹⁶ PR 149, 155.

But if it is simply *identical* with the actuality of individuals, the ethical, as their general mode of behaviour, appears as *custom*; and the *habit* of the ethical appears as a *second nature* which takes the place of the original and purely natural will and is the all-pervading soul, significance, and actuality of individual existence. It is spirit living and present as a world, and only thus does the substance of *spirit* begin to exist as spirit.²¹⁷

In contrast to Aristotle, Hegel's second nature is a critical concept.²¹⁸ As nature, it remains something that forces our actions and is constituted by habits and rules that we follow mechanically. To become truly self-determined, spirit must find a way to distance itself from itself and then will its practices deliberately. The second moment of the appropriation of second nature finds no direct mention in the overview, and while it figures in the transition from bourgeois society to the state, we will see that its concrete mechanisms are indeed somewhat obscure.²¹⁹

However, the first cited introductory paragraph shows us the systemic place the distancing from the existing social order and its critical appropriation have. We would be wrong to picture the family, bourgeois society, and the state as cogs in a seamlessly working machine. Instead, Hegel designates ethical life as the *living good*. The concept of life designates a reality in which contradiction begets a perpetual movement. 'But life just means the harmonising of the contradiction, the satisfying of the need, the attainment of peace, in such a way, however, that a contradiction springs up again.'²²⁰ Tellingly, this quotation is taken from a passage in which Hegel conceptualises the fertilisation of objective spirit through Christ. What brings objective spirit to life remains at this point in the *Philosophy of Right* an obscure allusion. The concept actualises, by being alive, by feeding on the contradiction. Hence, we will pay attention to the conflicts that arise between the different spheres of ethical life and within the sphere of bourgeois society to grasp how Hegel thinks of the rationality of modern society in terms of his doctrine of absolute spirit. The *Philosophy of Right* attempts to bring the movement that the *Phenomenology* problematised to a practical closure. Uniting the quest for freedom and

²¹⁷ PR 151.

²¹⁸ For an analysis that shaped my view, cf. Menke, *Autonomie und Befreiung*, 119, 145 ff.

²¹⁹ Khurana, 'Politics of Second Nature. On the Democratic Dimension of Ethical Life, In', 432–34. Theunissen similarly claims that Hegel's third and new way that sublates ancient substance and order thinking and modern atomistic individualism becomes clearest in the moments of critique but gets lost in the affirmative passages that tend to fall back into substantialism, Theunissen, 'Die verdrängte Intersubjektivität in Hegels Philosophie des Rechts'. Much of Honneth's own attempt to formulate an emancipatory philosophy of right is a critical engagement with Hegel's (and Durkheim's) lucid analysis of modern society and failure to draw the necessary democratic conclusions, Honneth, *Das Recht der Freiheit - Grundriß einer demokratischen Sittlichkeit*, 470 ff.

²²⁰ LPR II 229/ LPR III 20.

knowledge, Hegel asserts about the system of ethical life that ‘[i]n this actual self-consciousness, the substance knows itself and is thus an object of knowledge.’²²¹

Hegel sees freedom emerging through three social institutions: In the family (1), our first nature is a productive normative force, and civil society (2) turns the system of needs and its economic satisfaction into our second nature. However, the former is intrinsically unstable and further destabilised by the latter, which forms an unconscious second nature that cannot deliver the self-determination ethical life promised. Spirit, i.e. the self-conscious common practice, can only emerge in the realm of the political, the state (3). The last step is crucial to understanding Hegel's monist and state-centred vision of international order and the problems it raises.

1) *Family Life – the immediacy of ethical life*

The erotic love that gives birth to the family and the duties of love that ensue from the latter mark an immediate transition from our first to second nature. It is a formative experience for the individual who perceives desire and the spiritual to be one. In love, liberation through self-limitation and self-abandonment feels natural.

The family is characterised by its naturalness and immediacy that directly originates in the natural feeling of love.²²² This naturalness does not grant independence to the concept of the family since it is presupposed on the abstract right concept of consent: the consent to abandon individual personalities and form a single person. ‘In this respect, their union is a self-limitation, but since they attain their This decision to and formalisation of love makes marriage the institution in which the formerly purely material desire and immediate feeling turns into self-consciousness, establishing itself as self-sufficient, as being-for-itself and thus something spiritual.’²²³ The individual does not merely cease to be but experiences being a member of a greater union instead of an atomised person.²²⁴ She gains recognition both in the normative and epistemic sense as she has her consciousness and validity in the beloved²²⁵ while being recognised as this ethical unity by society as a whole.²²⁶ The children who materially manifest the spiritual are at

²²¹ PR 146.

²²² PR 161; Amengual, ‘Die Familie’, 169.

²²³ PR 161; Obviously, this form of love is a historically contingent conception, strongly adhering to a Christian and bourgeois conception of a nuclear family, Amengual, 169. It is noteworthy that Hegel distinguishes this relationship expressively from a contract and Platonic relationships, PR 163-64.

²²⁴ PR 158.

²²⁵ GW 26,2 927; GW 26,3 1274.

²²⁶ PR 164 & R.

the same time already the dissolution of the family: once grown up, they become persons of their own, founding new families.²²⁷

substantial self-consciousness within it, it is, in fact, their liberation.²²⁸

The family still represents an immediate form of normativity and knowledge. Its conflictuality emerges at the logical transition to bourgeois society. In pursuing their economic needs (which is no longer part of the family itself in contrast to the antique *oikos*), family members encounter other families that form their own persons.²²⁹ The common economic practice is not self-determined since everybody is acting only on account of her particular family. Therefore, the point of departure of civil society, although necessary, can be qualified as a loss of *Sittlichkeit*. Everybody is on her own again.

2) *Bourgeois society – ethicalising needs in our second nature*

Hegel's attitude towards what he calls *Bürgerliche Gesellschaft* is highly ambiguous and constitutes a pivotal point of his political philosophy. It is the primary realm of the modern subject's activity, where her individuality takes part in a system that is universal but also presents highly destructive forces threatening to tear spirit apart. The bourgeois society designates a sphere of economic activity characterised by an interdependent system of needs. It includes, therefore, all elements regulating and guaranteeing the well-functioning of the system, including private law jurisdiction, market regulations, douanes etc. Bourgeois seems to more accurately translate 'bürgerlich' than the often employed 'civil.' It avoids the nowadays common association with charity and non-profit organisations that might be part of bourgeois society but are eclipsed by Hegel's focus on economics. It also highlights the Rousseauian (/republican) distinction between the *bourgeois* and the *citoyen*.²³⁰ Hegel is fully aware of the ambiguity of the German term *Bürger*, which covers both meanings, so he clarifies:

In right, the object is the *person*; at the level of morality, it is the *subject*, in the family, the *family member*, and in bourgeois society in general, the *burgher* (in the sense of *bourgeois*).²³¹

In contrast to a Marxist understanding of the term, Hegel does not oppose wage labourers and capitalists but includes both – as long as the capitalist works – into one category. Everybody

²²⁷ PR 173 ff.

²²⁸ PR 162.

²²⁹ PR 181.

²³⁰ Explicitly he distinguishes between the private person who follows her particular objectives (within a community that pursues those particular objectives from the citizen who is a *political member* of the state, GW 26,2, 951.

²³¹ PR 190 R.

who has a profession and participates in the market exchange and the institutions of bourgeois society is a bourgeois. The designation of the subject already alludes to bourgeois society's ambiguous role. Here, *all* humans are recognised as members of society. That is the great achievement of the bourgeois revolution: everybody becomes a bearer of rights.

It is part of education, of *thinking* as consciousness of the individual in the form of universality, that I am apprehended as a *universal* person, in which [respect] *all* are identical. A *human being counts as such because he is a human being*, not because he is a Jew, Catholic, Protestant, German, Italian, etc.²³²

The bourgeois society is the only place in which Hegel speaks of the human being. Rather than deducing legal equality from a universal anthropology, Hegel ties it to a historical form of consciousness. This perspective seems eminently realistic.²³³ Legal personality was, in one form or another, a continuous tenet of European societies since antiquity. However, it excluded and will go on to exclude ethnic and religious groups such as Jews or the female half of society from legal recognition. What made them equal members was their participation in a universal system of needs, the essential characteristic of bourgeois society.²³⁴ The universalisation of contractual work and contractual exchange universalises the recognition of legal personality and equates it with the human being as a being of needs that produces for the needs of others and purchases for its own. At heart, Hegel's account of bourgeois society is a theory of the political economy that duly takes note of state-of-the-art literature, first and foremost of Stuart and Smith.²³⁵

Concurrently, the market economy contributes toward spirit becoming our second nature, or as Muller put it, to our 'habitual disposition to act ethically toward one another.'²³⁶ In a society where wage labour replaces subsistence farming, everybody organises their day no longer according to her (family's) needs but according to the needs of others. The satisfaction of the other's needs becomes the means of one's own survival. For Hegel, this being for others means liberation from our first, non-spiritual nature:

²³² PR 209 R.

²³³ Cf. Löwith, *Von Hegel zu Nietzsche*, 332.

²³⁴ PR 189 ff.

²³⁵ PR 189 refers explicitly to Smith, Say, and Ricardo. Although Stuart is not explicitly named Hegel read the German translation of the *Inquiry* and Chamley convincingly argued that his economic thought finds most clearly a philosophical continuation in Hegel not least because many themes in Stuart were Hegelian avant la lettre, Chamley, *Economie Politique et Philosophie Chez Stuart et Hegel*, particularly 83 ff., 208-12. Cf. also Herzog, *Inventing the Market*, 52; Campagnolo, 'Hegel et l'économie politique de son temps'.

²³⁶ Muller, *The Mind and the Market*, 153.

This social moment accordingly contains the aspect of *liberation*, because the strict natural necessity of need is concealed and man's relation is to *his own opinion*, which is universal, and to a necessity imposed by himself alone, instead of simply to an external necessity, to inner contingency, and to arbitrariness.²³⁷

Bourgeois society hence presents an essential achievement for the project of universal liberation. As fortunate as this genuinely is for Jews and will become for women, the concept of humanity that the bourgeois society has anchored in spirit is reductive.

Here, at the level of needs [...], it is that concretum of *representational thought* which we call *the human being*; this is the first, and in fact the only occasion on which we shall refer to *the human being* in this sense.²³⁸

Representational thought designates a mode of thinking that is stuck in a non-speculative stage, incapable of transcending pictural representations.²³⁹ It can only capture the universality of will as the totality of all desire-driven particular wills. It still remains attached to needs it has no sway over, even though they might now be of social origin. The bourgeois society offers a merely formal liberation; even a luxurious life can be other-directed.²⁴⁰ The bourgeois will might be universal, but it is not autonomous; its bearer is not the Aristotelian *zoon politikon* Hegel is eventually looking for.²⁴¹ The market-based society is logically only transitory and not a purpose in itself.

Although Hegel suggests that in the 'realm of actualised freedom the world of spirit [must produce] itself as a second nature,'²⁴² the economic sphere's natural character has a problematic side. The wording of § 194 already indicates a reservation: 'the natural necessity of need' is only *concealed*. 'Ethical life' in bourgeois society is still lifeless and defined by external needs,²⁴³ which tend to diversify and multiply alongside the increasing division of labour, affronting a physical impossibility of meeting them all. The ethicality of bourgeois society is only a semblance, 'the *world of appearance* of ethical life.'²⁴⁴ Instead of consciously choosing between or replacing their immediate needs, we cover them under the system of needs

²³⁷ PR 194.

²³⁸ PR 190 R.

²³⁹ Cf. *infra*, 143, 158.

²⁴⁰ PR 195.

²⁴¹ Ferrarin, *Hegel and Aristotle*, 349 ff.

²⁴² PR 4.

²⁴³ Insofar bourgeois society is unlike the family not an end in itself, one could speak of a loss of ethicality, Amengual, 'Die Familie', 170–71.

²⁴⁴ PR 181.

of bourgeois society. From the standpoint of self-consciousness, the latter is no less external than the former. It is not known, let alone embraced, by the individual. Thus, the quasi-nature of bourgeois society's economic system becomes an instrument of unfreedom; it substitutes natural with social domination.²⁴⁵

Politics are not only a higher level of the actuality of spirit but also a necessary overcoming of the numerous contradictions that the unconscious universal of the bourgeois society creates. Herzog notes that Hege's vision of the market is by far not as harmonious as Smith's and much closer to Steuart's metaphor of the watch that is 'continuously going wrong.' Quite fittingly, she describes his account as *Dionysian*.²⁴⁶ Excessiveness, insatiable desire and caprice characterise the fate of the spirit governed by the laws of bourgeois society.²⁴⁷ Hegel thought that the bourgeois economy necessarily produces a massive degree of inequality and puts people in an antagonistic state of nature, pitting private interests into a struggle of all against all.²⁴⁸ These inequalities were so significant that many of the poor would become completely disenfranchised, unable to enjoy their rights as bourgeois.²⁴⁹ We will discuss this phenomenon in greater detail in *Chapter Seven*. For now, it is important to note that Hegel does not consider this problem to be solvable:

This shows that, despite an excess of wealth, bourgeois society is not wealthy enough i.e. its own distinct resources are not sufficient - to prevent an excess of poverty and the formation of a rabble.²⁵⁰

In contrast to Smith, Hegel is not overly optimistic. The market needs strong regulation to keep going and for spirit to overcome this state of formal freedom.²⁵¹ What distinguishes bourgeois society thus from the (Hegelian) state is its purpose. Within the practice of bourgeois society, 'each individual is his own end, and all else means nothing to him.'²⁵² The common good as a realm of universality is only served by the accidental satisfaction of the other's need due to the interdependencies of a modern market economy: through the invisible hand.²⁵³ Everybody contributes by her self-interested actions to the satisfaction of others' needs and the growth of

²⁴⁵ Menke, *Autonomie und Befreiung*, 42–43.

²⁴⁶ Herzog, *Inventing the Market*, 53 ff.

²⁴⁷ GW 26,2 950 (H); GW 26,3 1308-9 (G).

²⁴⁸ PR 200 R, 289 R.

²⁴⁹ PR 242-44 ; GW 26,3 1388 f. (G).

²⁵⁰ PR 245.

²⁵¹ Herzog, *Inventing the Market*, 56 ff.

²⁵² GW 26,2 946 (H); cf. GW 26,3 1307 (G), PR 182.

²⁵³ PR 183; Horstmann, 'Hegels Theorie der bürgerlichen Gesellschaft', 200.

the common wealth.²⁵⁴ The common good remains unreflected, the commonwealth just assumed. This definition constitutes, at the same time, a critique of political philosophies that are limited to abstract notions of common interests and social contracts.²⁵⁵ The common good is the determiner of the universal will and must, as such, be self-consciously determined.

This categorical distinction between the state as the mere guarantor of the market society and as its master has profound consequences on how different spheres of the law are perceived. Regulation and private law fall in the same realm governed by the same *apolitical* rationale – at least as long as their sole goal is upholding the good functioning of bourgeois society.²⁵⁶ Hence, the nature of norms is not determined by their existence as a field but by their specific rationale.

What makes this distinction for international law even more remarkable are the expansive tendencies of bourgeois society that Hegel diagnoses. An economic system that necessarily produces inequalities has two consequences: it needs to develop markets abroad²⁵⁷ and pushes the impoverished part of its population towards emigration, which meant, at his time, colonisation.²⁵⁸ Hence, one of the largest items of international relations, trade, falls within the field of what was back then called the *police*,²⁵⁹ the regulation by bourgeois society and *outside* of the purpose of the state *strictu sensu*,²⁶⁰ an observation that the third section will appreciate.

Regardless of the abstract character of the common good, Hegel's bourgeois society plays a vital role in concretising the legal person of abstract right and the subject of morality. We are not only abstractly following our economic interest, waiting for our paycheques, rents, or profits, but we do so as members of an estate²⁶¹ and a corporation.²⁶² The latter transform the particularity of economic activity into a universal end and become a second family.²⁶³ Here the individual experiences a concrete community and shares a common end with others.²⁶⁴ That is particularly true for tightly knit corporations where people with a common purpose and interest in self-governing reunite. This might be churches, municipalities or professions (here

²⁵⁴ PR 199.

²⁵⁵ GW 26,2 837-38. (H); PR 281 R.

²⁵⁶ Under the impression of more mixed contemporary regimes we would probably need to add: as long as they do not contain clauses that are oriented towards a politically defined common good.

²⁵⁷ PR 246.

²⁵⁸ PR 248.

²⁵⁹ PR 249. *Polizei* refers to all means of coercive regulation.

²⁶⁰ von Trott zu Solz, *Hegels Staatsphilosophie Und Das Internationale Recht*, 49 ff.

²⁶¹ PR 203 ff.

²⁶² PR 250 ff.

²⁶³ PR 252.

²⁶⁴ Lawrenz, 'Hegel, Recognition and Rights: "Anerkennung" as a Gridline of the Philosophy of Rights', 165 with further references.

independently whether their members are employed or employers). By acting within the rules of this organisation, the person subsidises her family *and* gains recognition in her societal role.²⁶⁵

However, the recognition of being a good person by fulfilling her role within a corporation depends on the knowledge that the corporation serves the common good, something that remains abstract and not experienceable at this level even if it is the case. It is the mediated recognition of a higher sphere of ethical life.²⁶⁶ Thus, the subject can only be self-determined within this higher sphere, the state. Only here can spirit elevate its content from mere habits to free will. If humankind shall not be doomed to die the slow death of habituation,²⁶⁷ society needs a form to appropriate this process, to affirm through negation.²⁶⁸ However, the way Hegel conceives the third sphere of ethical life does not fully respond to this problem.

3) *The State – the primacy of the political*

The above leads necessarily to the realm of the political as the only possible place of humanity's self-liberation. The individual cannot liberate herself on her own: neither in a state of nature, nor in family life, or the interdependencies of a market economy. This third sphere must reconcile the tensions between and within the other spheres of ethical life. It transforms the egoistic bourgeois who only unconsciously serves the common good into the free citizen.

In the logical structure of the *Philosophy of Right*, self-determination is only achieved insofar as the will wants itself, i.e. the determinants of will are known to the subject and rationally embraced by it. Thus, from a purely conceptual point of view (which is the approach of §§ 257-271),²⁶⁹ the state, as the highest form of social organisation, must be the actualisation of the idea. Consequentially, Hegel characterises the state as the actuality of 1) the ethical idea²⁷⁰ and 2) the substantial will.²⁷¹ The ethical idea consists in realising freedom within a positive social practice. The individual self-consciousness knows itself in its participation in the social practice as recognised and free. And the will is substantial insofar as the initially animalistic or arbitrary determinants are rationalised; it is 'for itself' and an end 'in itself.' These formal arguments can only be found to be true in a constitution which enables the formation of a common will (instead of presupposing it) and which sublates the contradiction between the universality of practice

²⁶⁵ PR 253.

²⁶⁶ Rosenzweig, *Hegel und der Staat*, 399.

²⁶⁷ GW 26,3 1267-68 (G); Menke, *Autonomie und Befreiung*, 42-43.

²⁶⁸ Khurana, 'Politics of Second Nature. On the Democratic Dimension of Ethical Life', 431.

²⁶⁹ Bourgeois, 'Der Begriff des Staates', 226.

²⁷⁰ PR 257.

²⁷¹ PR 258.

and the particularity of will as emerged in civil society.²⁷² This cannot happen by setting particular interests aside. Only in fulfilling the public duties and being protected by the same institutions in their particularity do citizens know themselves to be part of the whole.

[...] in fulfilling his duties as a citizen, he gains protection for his person and property, consideration for his particular welfare, satisfaction of his substantial essence, and the consciousness and self-awareness of being a member of a whole. And through his performance of his duties as services and tasks undertaken on behalf of the state, the state itself is preserved and secured.²⁷³

Thus, particular and universal interests become aligned by recognising the instances of lower spheres of ethical life and legitimising them as state institutions. Within the universal institutions, these civil society institutions may also play a role by being represented in law-making and a right to self-administration.²⁷⁴ This is not only a question of convergence of interests but, foremost, a transformation of self-consciousness:

The spirit of the corporation, which arises when the particular spheres gain legal recognition [*Berechtigung*], is now at the same time inwardly transformed into the spirit of the state, because it finds in the state the means of sustaining its particular ends. This is the secret of the patriotism of the citizens in the sense that they know the state as their substance, for it is the state which supports their particular spheres and the legal recognition, authority, and welfare of these.²⁷⁵

This transformation results in a political ethos²⁷⁶ called patriotism²⁷⁷ which is not reducible to a sense of sacrifice²⁷⁸ but precisely the self-consciousness of being a citizen who is recognised as serving the universal and whose particularity is reconciled with the latter. This is the very core of the actualisation of right at the level of the state. Will is rationalised and truly free because it wants to be what it ought to be and is so in action. We see that compulsion, in Hobbes the condition of juridical obligations altogether²⁷⁹ and in Kant, at least the condition of an effective system of rights that has for its sole object external practices,²⁸⁰ is absent to this point.

²⁷² Bourgeois, 'Der Begriff des Staates', 238.

²⁷³ PR 261 R.

²⁷⁴ PR 288, 302, 308 ff.

²⁷⁵ PR 289 R.

²⁷⁶ PR 265.

²⁷⁷ PR 268.

²⁷⁸ PR 268 R.

²⁷⁹ Hobbes, *Leviathan*, Chapter XIV.

²⁸⁰ AA VI, 230-233.

Hegel's state is held together by *ethos* rather than by force: 'it is that disposition which, in the normal conditions and circumstances of life, habitually knows that the community is the substantial basis and end.'²⁸¹ In the *ethos*, habit and knowledge grow together. It is a knowledge we have actively acquired and are aware of, but that has become a daily habit.

The habitual knowledge of the identity of the bourgeois' and citizen's interest is grounded in the formation of the political will. They are hence the result of a certain constitutional arrangement. Hegel lays out a set of institutions whose identity is firmly linked to his concept of reason as formalised in his logic and finds its clearest expression in his version of the division of powers. This principle 'contains the essential moment of difference, of real rationality.'²⁸² For Hegel, the different powers can hence not be isolated and opposed to each other but form different moments of a movement of return in which the political will is formed.

Hegel formulates those moments according to a logical scheme we have yet to unravel. In contrast to classical Aristotelian logic, he understands the categories of individuality, particularity, and universality as integral moments of any process of concept determination. Grosso modo, a determination proceeds from abstract universality to particularity which stands in a relationship of negation to the former. They are both reunited in the negation of the negation that is individuality. An abstract concept gains hence concreteness in a particular instance that in its empirical exclusivity, however, contradicts the concept's universality and enters with it into a state of difference or diremption. This can only be overcome by a second negation in individuality, whose capacity to unite the first two moments essentially resides in its quality of being the birth moment of consciousness or spirit.²⁸³ The individual relates to the universal without its abstractedness and indeterminacy as it retains the concreteness of the process of particularisation. None of this is intelligible at first sight or as a lexical definition. Hegel's logical categories – in further contrast to classical logic – are not supposed to be an abstract scheme we can define a priori and apply to everything. Rather they emerge as a critique of other forms of making the world intelligible and reflect upon some fundamental experiences. I will argue that, for Hegel, Christian revelation is such a fundamental experience.

²⁸¹ PR 268 R.

²⁸² PR 272 R.

²⁸³ Inwood gives an example of how the process could proceed in a plant: 'an indeterminate, universal seed particularizes itself into a differentiated plant, which then withdraws into individuality by producing a new Seed.' Inwood, *A Hegel Dictionary*, 300. However, here the individuality does not really present a moment of sublation as the second seed has the same abstractedness as the first. The process seems to best capture transformation of thought and consciousness although applications in evolutionary biology may be possible.

However, it seems that Hegel did precisely what his logic is supposed to criticise: he applied it to political philosophy like a scheme. The princely power stands for individuality, the executive power for particularity, and the legislative power for universality.²⁸⁴ The legislator issues an abstract universal law, the executive applies it to a particular case and the prince, from his high position untainted by the particular interests of other societal elements and with the unity of the state in mind, grants the action individuality by his signature. Similarly, (and perhaps more convincingly) one could attribute to family universality, to bourgeois society particularity, and to the state individuality.

Strikingly, if we follow the order of presentation, the emerging structure I – P – U mirrors the qualitative syllogism (or syllogism of being) that we will find in Hegel's analysis of the Holy Trinity. In an often mistranslated quote (only handed down by Griesheim's lecture transcripts), Hegel affirms that 'it is God's way in the world that there is a state'.²⁸⁵ The latter is not merely the result of individual actions but part of the unfolding of absolute spirit. It 'is the divine will as present spirit, unfolding as the actual shape and organization of a world.'²⁸⁶ We can hence assume that the parallel logical structure is intentional but that Hegel did not intend to imply a straightforward apotheosis of all forms of statehood. The state is part of the process of the unfolding of absolute spirit, in many respects even its breeding grounds and yet we would go astray in hypostatizing the state *as* absolute spirit.

Arguably, this logical formalisation of political philosophy overstretches the philosophical substance of Hegel's concept of the idea. In *Chapter Seven*, I will contend that the logical structure hides the state's theological content more than sublating it. Aside from providing a stubbornly triadic structure, it is not always clear what its apport is, and Hegel limits its explicit application to the inner constitution's overall structure and the princely power's subdivision.²⁸⁷ The point of the present section is not to offer a critical appreciation but just to expose the

²⁸⁴ PR 273 indicates them with inversed extremes (as the first syllogism of philosophy) whereas the text flow applies the order that the philosophication of representational thought will present to us cf. *infra*, 160.

²⁸⁵ GW 26,3 1406 (G). Wood's popular translation reads 'the state consists in the march of God in the world' PR 258 A. This marks the state wrongly as an instrument of God's will rather than as a consequence of the dynamics that revelation has set in motion.

²⁸⁶ PR 270 R p. 260/ 292.

²⁸⁷ However, Vieweg finds three syllogism within the Philosophy of Right but admits that he has to go *contra verbum*, Vieweg, 'The State as a System of Three Syllogisms', 136. So far, despite the countless emphases on the connection between the Science of Logic and the Philosophy of Right, this seems to be the only attempt to identify a syllogistic structure in the *Philosophy of Right*, cf. e.g. Henrich and Horstmann, *Hegels Philosophie des Rechts. Die Theorie der Rechtsformen und ihre Logik.*; Smetona, *Hegel's Logical Comprehension of the Modern State*. Henrich similarly points out that the Philosophy of Right does not follow the threefold syllogistic structure but develops a logic of the state appropriate to its systematic form Henrich, 'Logische Form und reale Totalität', 440–44.

overall dynamics and systemic machinations. What matters presently to us is how Hegel's vision of the formation of the political will makes good on the promises of the previous section: how does it become the mode of appropriation of our second nature?

The formation of the political will is first and foremost the task of the legislative and princely power. The legislative, i.a., codifies and refines private law and defines the rights and duties of its citizen, not least the taxes.²⁸⁸ It is constituted by two chambers representing two of the three estates, the third being the bureaucratic middle class forming the executive.²⁸⁹ It is worth mentioning that notwithstanding the neo-feudal vocabulary, Hegel embraced the principle of freedom to choose your estate and profession as what distinguishes the modern bourgeois society from ancient and 'oriental' societies and Plato's theory. The particular force of the former results from the recognition that the particular constitution of society is mediated by arbitrary will or what is *commonly called* freedom.²⁹⁰ The first chamber represents the so-called substantial estate, i.e. those who own and work the land and retain an 'immediate ethical life based on the family relationship and on trust.'²⁹¹ It shows most strongly how Hegel constructed the state as an antidote and tamer of bourgeois society's atomistic dynamics. Hegel expects the members of this house to be completely free of any material fears and hopes of economic gains. Only the legal institution of the *majorat* could guarantee this independence. The *majorat* is the French term for the *fideicommiss*, which sets up (a part of the) inheritance as inalienable property to be transferred to the first son. He could use it and live from its earnings but not sell it. This institution was at the time highly controversial as it seemed to cause high opportunity costs and stand in the way of agricultural modernisation, even causing the immiseration of some aristocratic families.²⁹² Hegel explicitly recognised the economic shortcomings and argued that the institution must be appreciated purely politically as creating an independent class faithful to the state.²⁹³

Curiously, it is unclear where those parts of the peasantry (the majority of the population!) and the aristocrats that are unable or unwilling to establish a *majorat* participate in the formation of the political will. While the part of the aristocracy that neither establishes a *majorat* nor enters into state service is probably redundant in Hegel's eyes, it is not clear why he would want to

²⁸⁸ PR 299.

²⁸⁹ PR 312.

²⁹⁰ PR 185 R, 206 R.

²⁹¹ PR 203, 305.

²⁹² Lübke-Wolff, 'Hegels Staatsrecht als Stellungnahme im ersten preußischen Verfassungskampf', 491–92. Cf. Book 3 Chapter II of Smith, *Wealth of Nations*, 381 ff.

²⁹³ PR 306 A; GW 26,2 1031 (H).

exclude the majority of the population and his well-respected substantial estate. We could only speculate that the appointment of the members of the first chamber takes them into account, too and that the majorat follows the appointment instead of preceding it.

The second chamber ‘encompasses the moving elements of bourgeois society.’²⁹⁴ Those include mainly neo-feudal guilds in which all members of a profession – poor and rich, employed and self-employed – organise themselves, but also churches, municipalities, and every other partially autonomous unit of bourgeois society. However, rather than struggling for their respective atomic interests, Hegel sees their representatives’ skill and ethos as honed in the offices and responsibilities they assumed within the self-organisational structures of bourgeois society.²⁹⁵ Hence, rather than being elected by a crowd in which everybody thinks in abstract and atomistic terms, they will often be appointed by their corporation.²⁹⁶

Finally, Hegel emphasises the role the monarch (embodying the princely power) plays in the formation of will. He contains in himself all three moments

[...] namely the *universality* of the constitution and laws, consultation as the reference of the *particular* to the universal, and the moment of ultimate *decision* as the *self-determination* to which everything else reverts and from which its actuality originates. This absolute self-determination constitutes the distinguishing principle of the princely power [...].²⁹⁷

Hegel defines the political state as ‘the substantial unity or *ideality* of its moments.’²⁹⁸ The state's sovereignty lies in its unity as a simple Self instead of an amalgam of individual processes and particular acts of will.²⁹⁹ It is not *constituted by* but *exists in* the monarch.³⁰⁰ For Hegel, the notion of popular sovereignty makes only sense to the extent that internal sovereignty depends on the state embracing all of its constituents. He insists, however, that the people is a ‘formless mass’ without its monarch (in whom the sovereignty exists).

We can only understand Hegel’s insistence on monarchy against the backdrop of the logical function of the moment of individuality and his determination of political and legal philosophy as the explication of the genesis of the free and rational will. According to Hegel, all

²⁹⁴ PR 308.

²⁹⁵ PR 309-10.

²⁹⁶ PR 311.

²⁹⁷ PR 275.

²⁹⁸ PR 276.

²⁹⁹ PR 278.

³⁰⁰ PR 279 R.

philosophical science ought to deduce its content from its concept.³⁰¹ *Deduction* is understood dialectically: we start from the abstract concept, externalise it to particularity and return the latter to the former, gaining hence concrete universality, or individuality. In the case of legal and political science, this is the concept of the will. For Hegel, the ‘concrete objectivity of the will’ is only real if uttered by a single person – the state has only real (instead of moral) personality if a natural person embodies it.³⁰² This unity is ensured in the person of the Prince and correlates with external Sovereignty,³⁰³ where the prince represents the unity of the state in relation to other States.

Hegel’s arguments are again strongly shaped by the will to contain the atomistic rationale of bourgeois society. The hereditary character of the monarchy is supposed to keep the exchange logic from influencing who will be the head and personification of the state.³⁰⁴ Hegel’s dismissal of democratic elections of the head of state by the people is quite telling in this regard: as a formless mass (in which they appear in a universal election) they are only bourgeois, and their choices governed by the bourgeois rationale. Their political existence depends on their embeddedness in bourgeois and state institutions and cannot be expressed spontaneously. Apparently, Hegel did not imagine it to be possible that a political will could form within a party or movement.

The *cordon sanitaire*³⁰⁵ around the destructive forces of nascent modern capitalism is concluded by the executive power that is constituted by an educated class with its own ethos and that materially solely depends on its public service.³⁰⁶

Looking back at these results, I tend to agree with critics’ doubts about the ability of Hegel’s state to make the final steps in the liberation of humankind – especially concerning the polity’s desired self-conscious appropriation of the second nature of bourgeois society.³⁰⁷ Instead, it seems focused on reconciling the different spheres, gaining self-awareness and making peace with what life is. However, the critique of the Hegelian vision of the 19th-century state does not question the necessity of the political realm for the becoming of freedom. Nor does it call into question the state as the primary embodiment of this realm or presents us a credible alternative. Furthermore, from an analytical perspective, the state’s institutions seem to be able to uphold

³⁰¹ PR 279 R.

³⁰² PR 279 R.

³⁰³ PR 321-22

³⁰⁴ PR 281.

³⁰⁵ A metaphor taken from Chiereghin, *Dialettica dell’assoluto e ontologia della soggettività in Hegel*, 89.

³⁰⁶ PR 294 & R.

³⁰⁷ Khurana, ‘Politics of Second Nature. On the Democratic Dimension of Ethical Life, In’, 434.

nevertheless what I will call a political ethos, patriotism in Hegel's words. This, at least, apparent self-conscious attitude is what explicates the law as a practice that is not followed out of fear and calculating self-interest but out of confidence in the alignment of particular and universal interests.

In summary, family and bourgeois society are conditions of the state in setting the stage and as an incubator of the common will formed by social practices.³⁰⁸ However, Hegel does not think of family as a social phenomenon preceding bourgeois society and the latter preceding the state. Ethical life is a starting position of Hegel's thought because he thinks that our theoretical thinking is deeply embedded in our social practices. The *Philosophy of Right* shows how the becoming of freedom in his contemporary (to be) system is possible and, at the same time, reveals some of its inner tensions – not how the system came to be. The latter is the task of the philosophy of history that takes into account major external influences and the spiritual force of religion carrying a certain concept of freedom. The social and historical unfolding follow a different logic. Whenever the deficiencies of one sphere lead to their negation in another, we are not witnessing a chronological development. The necessity of these logical steps is not historical but normative: if we are looking for freedom, Hegel suggests we necessarily need to do so, e.g., in the political realm. That does not imply that the historical development of bourgeois society resulted in the emergence of miraculously fitting political institutions.

The logical character of the relationships between the different spheres of ethical life indicates that the position of the political realm is immutable and its localisation in the state necessary. In the political will, spirit knows and wills itself. To understand how this delivers on the promise of universal freedom and knowledge, we need to rehearse Hegel's conceptualisation of universality. He usually uses the German term 'Allgemeinheit' that comes from 'allgemein,' which literally means 'common to all' and is closer to the original Latin 'universus' (turned (*versus*) into one (*unus*)) than to its contemporary rendering of 'all-including.'³⁰⁹ The point is not that everybody is free and knows everything. Evidently, only citizens of a state of good laws that allows for the mutual recognition of citizens' rights and duties are free in Hegel's account of practical philosophy. We must read this universality as one of three moments in the logical unfolding of a concept: universality, particularity, and individuality. In the individual citizen, universality is concretised. The universality of right no longer opposes the particularity of particular interests. Both become aligned in the process in which the particular person rises

³⁰⁸ Rosenzweig, *Hegel und der Staat*, 399–400.

³⁰⁹ Inwood, *A Hegel Dictionary*, 302.

to the consciousness of the universal concept and becomes an individual citizen – everybody falling under the concept of right in the empirical circumstances in which it is actualised, i.e. every citizen of the state in question is free. The citizen-state, i.e. the republic, is the universal concept of right that has a concrete historical reality. Within that realm, every part of our life and interaction with the world is accounted for. Nothing falls qualitatively out of the consciousness of objective spirit that knows itself. Our will as citizens appropriates the constituent parts of the state that make up the totality of experiences that take part in the formation of our will.

Chapter Seven will argue that Hegel misconceived the agency that drives this process of identification. This will also address the quantitative universality that readers who embraced my full-mouthed promise of universal emancipation probably expected to apply to literally everybody and not solely everybody within the German polity. Nevertheless, I wish to maintain, for the moment, the qualitative concept of universality since it must, in the last consequence, also embrace the quantitative dimension. Written from the standpoint of a sceptical probing of a subjective perspective and standing self-consciously in the feet of a 19th-century Protestant German, we do not know the not-yet-included until we encounter them. Once we do, Hegel portrays them as a blessing and a curse: they are the source for recognition of our concrete universality and a threat to its ability to actualise its will and, in the worst case, to its very existence. Only by working through this conflictual relationship can we find hope for a universal liberation that embraces the whole world.

III) International order: between the theatre of world history and everyday positivism

If the state is the actuality of concrete freedom, there cannot be a realm beyond the state that falls within the confines of *right*. Freedom is the idea of right, and it is realised in the political will whose formation is purely internal to the state. For Hegel, that does not place international relations beyond the law but firmly within the sphere of the state. Therein it assumes a double-edged role: on the one hand, it presents a moment of necessary reaffirmation in which the state actualises through the recognition by other states its individuality and reflects upon its supreme value in a manner that reinvigorates the primacy of the political. On the other hand, the international realm presents a moment of threat where the state's particularity is exposed as contingent, and its very existence proves contingent, too.

The structure the *Philosophy of Right* gives to the international realm mirrors this ambiguity. In the section 'external sovereignty', Hegel discusses those aspects that are still part of internal state law, attributing international competencies to the prince and clarifying that the state's

position towards others is deduced from its inner constitution.³¹⁰ The second section, ‘external state law,’ constitutes for Hegel the second part of the state (after its inner constitution) and covers the relations to other peoples.³¹¹ It comes closest to what we would call international law. The third section, ‘World history’, takes a peculiar turn insofar as it discusses relationships of nations in time, thereby exiting the purely presentist framework and finishing the *Philosophy of Right* with a narration of the succession of different world-historical realms.³¹²

It is this systemic role that I wish to recuperate in these pages. There is no point in making the few paragraphs Hegel wrote on international law something bigger than they are. In terms of legal content, it contains only a handful of provisions that were probably fairly uncontroversial. In contrast, it is interesting to see how the theory of the actuality of freedom in the state as political will plays out in a realm underdetermined by the will of the particular state. I will focus particularly on how the international realm impacts the transformation of and struggle between the bourgeois society and the political. Although Hegel seemed to have underestimated the backlash that the political could experience in the exchange with other peoples, his earlier analysis of the expansive tendencies of bourgeois society and its self-regulatory role presents us with a collage that takes only little phantasy to put together.

A) The State and its other

We must note that Hegel’s view on international order is not an observation of the outcome of subsequent orders and the historical struggles that produced them. He does not try to rationalise international power relations as such but only those that emerge from the modern state he previously conceptualised. His whole philosophy of history contains little to no remarks on the relationships between different peoples unless they impact the internal relations of the world-historical people he is investigating. That, despite this general ignorance, his philosophy remains so faithful to the historical reality of international relations speaks to the accuracy of his understanding of the modern Western State and the latter’s (violent) dominance at the time.

The point of departure is the political constitution of the state and its internal sovereignty. They determine the all-decisive characteristic of the subject of international order as particular independent and exclusive individuality. The following two very dense paragraphs contain the essence of this determination:

³¹⁰ PR 321-329.

³¹¹ PR 330-341.

³¹² PR 342-360.

Internal sovereignty (see § 278) is this ideality in so far as the moments of the spirit and of its actuality, the state, have *developed* in their *necessity* and *subsist* as *members* of the state. But the spirit, which in its freedom is *infinitely negative* reference to itself, is just as essentially *being-for-itself* which has *incorporated* the subsistent differences *into itself* and is accordingly exclusive. In this determination, the state has *individuality*, which is [present] essentially as an individual and, in the sovereign, as an actual and immediate individual (see § 279).³¹³

Individuality, as exclusive being-for-itself, appears *as the relation [of the state] to other states*, each of which is independent in relation to the others. Since the *being-for-itself* of the actual spirit has its *existence* in this independence, the latter is the primary freedom and supreme dignity of a people.³¹⁴

The different stages of the formation of the state will form relationships of negation in respect to the overall structure of right (/ethical life) and the internal logical structure of the state's political constitution. Overall, bourgeois society negates our first nature while the political sphere negates our second nature resulting in an affirmation of ethical life that went from an immediate self-relation and universality in the family to a mediated one in the state. Similarly, the three constitutional powers imitated the logical movement of the syllogism of existence that, too, included a negation of the abstract universal in the particular and the latter's negation in the individuality. Through this self-referential relation of negation, spirit gained its self-determination and became exclusive of others. The otherness of foreign nations does not result from a substantial cultural, religious, or ethnic particularity but from standing outside of this process. Nevertheless, peoples remain particulars that can be told apart. The process in question is not an abstract institutional blueprint but is driven and determined by society's particularities that are sublated into concrete universality.

In this process, the individual constituents may subsist, but there can only be a front of (mediated) unity towards the outside that the prince incarnates. The nowadays fashionable engagement with local civil society actors or governmental networks would be an anathema to Hegel.³¹⁵ They play a rightful role domestically, but their rationality depends on their

³¹³ PR 321.

³¹⁴ PR 322.

³¹⁵ Cf. e.g. Trent and Rahman, *Modernizing the United Nations System*; Slaughter, *The Chessboard and the Web*. For a critical account of the discourse around civil society as it has emerged in the 1990s, cf. Kutay, *NGOs, Civil Society and Structural Changes*.

contribution to the dialectical construction of the unity of the state – undercutting the latter ejects them from the system of rationality altogether.

The relationship of determination between the state and international law goes both ways. For being an ‘actual individual,’ the state depends – like natural persons – on the recognition by other states.³¹⁶ Hegel hastens to relativise that the legitimacy of the state is a purely internal matter and that recognition should only ‘complete’ it. What remains largely obscure in the context of the ‘external state law’ finds a more intelligible expression in domestically conceived ‘external sovereignty’ that offered Hegel the occasion for his infamous remarks on the ethicality of war. As the relationship with foreign people is one of otherness, everything that occurs within it ‘assumes the shape of an event, of an involvement with contingent occurrences coming from without.’³¹⁷ This juxtaposition between the necessity of reason within the state and the contingency of events without presents a moment of reckoning and intensifying self-consciousness.

It is that aspect whereby the substance, as the state's absolute power over everything individual and particular, over life, property, and the latter's rights, and over the wider circles within it, gives the nullity of such things an existence and makes it present to the consciousness.³¹⁸

In the moment of danger and contingency to the whole of the state, the citizen has the opportunity to rise to state’s level of necessity and rationality by sacrificing her wealth and life in its defence.³¹⁹ That is Hegel’s conception of the ‘ethical moment of war.’³²⁰ If citizens come to the defence of their state, they can transform the ‘transience of the finite’ into a ‘willed evanescence.’³²¹ At the same time, this event shakes up the quotidien that Hegel evidently thought was dominated by the practices of bourgeois society and the finite wealth it offered. People would get stuck in its ways.³²² Through a patriotic war

the ethical health of nations is preserved in their indifference towards the permanence of finite determinacies, just as the movement of the winds preserves the sea from that

³¹⁶ PR 331.

³¹⁷ PR 323.

³¹⁸ Ibidem.

³¹⁹ PR 324.

³²⁰ For an extensive study of Hegel’s understanding and rationalisation of war and violence, cf. Jovanov, *Souveränität und Gewalt*.

³²¹ PR 324 R.

³²² Cf. PR 324 A (G); GW 26,3, 1471.

stagnation which a lasting calm would produce - a stagnation which a lasting, not to say perpetual, peace would also produce among nations.³²³

So much to Hegel's trust in the state's taming of the centrifugal forces of bourgeois society. It is noteworthy that Hegel qualifies that this healthiness of war does not justify starting one. This is a matter of international law or, rather, its limits.

B) The shape of international law

What Hegel hence proposes as the rational form of international relations is a strict state voluntarist positivism³²⁴ whose subjects have, *prima facie*, nothing in common but the formal condition of being states:

External state law applies to the *relations* between independent states. What it contains *in and for itself* therefore assumes the form of an *ought-to-be* [Sollens], because its actuality depends on *distinct and sovereign wills*.³²⁵

Most striking is Hegel's characterisation of *external state law* as an *ought-to-be*. Despite the linguistic resemblance, he does not, in contrast to Kelsen, point thereby to the law as a set of normative statements (Sollenssätze) but to a deficiency that is proper to international law. At the first moment, all forms of law take the form of obligations. However, they quickly turn into the rational form of existing relationships, i.e. they conceptualise the everyday exchanges that occur within bourgeois society in legal terms. Hence, they have a firm existence that we can call actuality as they are made necessary through public enforcement and participate in collective liberation. The independence of states and their distinct particularity makes a similar qualification for international law impossible. From the perspective of consciousness (of a particular state), other states' legal interpretations and faithfulness remain a contingency.

This does not amount to a denial of the existence of *obligations*. After all, Hegel enumerates an obligation to recognise the personhood, i.e. statehood, of other subjects of international law,³²⁶ declares *pacta sunt servanda* to be the crucial rule of international law and thus the existence of rights derived from contracts,³²⁷ as well as laws of war due to the need to keep a future peace possible deriving from the obligation to recognise each other as persons.³²⁸

³²³ PR 324 R.

³²⁴ For the division of international legal positivism into an empirical, a common will, and a voluntarist version and the qualification as Hegel as an exemplary of the latter, cf. Neff, *Justice among Nations.*, 226 ff. 238.

³²⁵ PR 330.

³²⁶ PR 331.

³²⁷ PR 333.

³²⁸ PR 338.

These rules are comparable to the principles developed in the section on abstract right. The latter's basis is the recognition of personhood and the respect of property and contract law. Taken on its own, abstract right is also just an ought-to-be. Insofar as it is abstracted from the background of the perspective gained by morality and the social practices and institutions of ethical life, it remains equally unactualised. Due to a lack of ethical life, a convergence of the particular with a concrete universal, there is no, in Hegel's sense, scientific justification for the sentence 'inter-state law *is*.' It remains contingent on the will of the particular state. However, whenever states comply with their self-imposed obligations, abstract international law *actualises* – even though it is impossible to make a secure prediction from an *ex-ante* perspective. Controversially, this is also the case whenever war resolves a conflict between two different 'rights' emerging from two different states.³²⁹ It is a mode of conflict resolution (not of totally subduing the other)³³⁰ that allows one right to prevail and to become the actualised 'external state law.'

Therefore, international law *is right*, notwithstanding the lack of enforcement. For a norm to be right, it is sufficient that it is an expression of will. Its actuality might be negated by violations of right and conflicts between different visions of it, but every time states fulfil their treaty obligations and recognise each other, right has objective existence.

Moreover, there is justified hope that states will do so regularly. As we have seen previously in the section about the person within the context of bourgeois society, the ethically higher developed persons, such as the head of a family or the member of a corporation, have a more rational will than the abstract legal person's only formally free will. Therefore, they can be expected to act more rationally, to stick to their expressed will, which is a product of spiritual reflection and not subject to the arbitrary needs of our first nature. This is even more true for the state's will that embodies reason or puts it *into action*. In contrast to abstract right, international law does thus not rely on arbitrary but on objectified will.³³¹ If a state now violates a treaty but does so in accordance with its own rationally asserted welfare, it acts *rightfully*.

Consequently, this welfare is the supreme law for a state in its relations with others, especially since the Idea of the state is precisely that the opposition between right as abstract freedom and the particular content which fills it, i.e. the state's own welfare,

³²⁹ PR 334.

³³⁰ PR 338.

³³¹ Spitra, 'Normativität aus Vernunft', 597 ff.

should be superseded within it, and it is on this Idea as a *concrete* whole that the initial recognition of states is based.³³²

States treat each other not like abstract legal persons but recognise their *full* and *substantial* sovereignty. They cannot insist on other states fulfilling their obligations against their best interests. Formally speaking, one could interpret Hegel to say that all treaties contain implicit reservations and resolute clauses regarding the states' particular welfare. Fortifying this point even further, Hegel insists that this welfare is not a 'universal (philanthropic) thought' but must be appreciated in '*its specific particularity*' by the '*particular wisdom*' of the government in question.³³³ Foreign powers cannot tell the state that it is *really* in everybody's interest, including its own, if the act is against what the government perceives as their state's interest. The state's highest honour consists in elevating the concrete reality of its constituent members to universality. If the particular were in this process of sublation lost instead of conserved, we would find ourselves back in what Hegel described as the alienated world of pre-Enlightenment Christianity,³³⁴ of the eternally opposed here and beyond. Every state would claim to be universal, the heavenly Jerusalem, and accuse the other of being particular, the whore Babylon. By insisting on the particularity of wills, Hegel does not deny international law but defines it in a way that is incompatible with any 'reasonable man' standard, and that strongly upholds the state's sovereignty and the peoples' right to self-determination of their respective political will. The concreteness of states and the particularity of their interest in relation to other states does not take away from their respective universality.

Hence, Hegel should not be seen as the founder of a tradition of international law denial³³⁵ but rather as someone who draws its limits and preconditions cautiously and adheres to positivism rather than a natural law conception.³³⁶ Lacking the crucial background of ethical life, its actualisation, i.e. efficiency, is limited to basic and instrumental relationships. Like in abstract right, there is no intimate relationship between the subjects exchanging and determining property. They desire similar objects of will, needing thus basic arrangements and cooperation. Their interests are similar but unrelated, their relationships mostly unconscious, but in contrast

³³² PR 336.

³³³ PR 337.

³³⁴ Cf. *infra*, 124.

³³⁵ Although Jovanov states there is no right beyond the particular right embodied in the will of the particular state, in case of a conflict both States are 'right', with one right prevailing at the end of the conflict and that treaties do not have a legal character but only serve the welfare of the state, Jovanov, *Souveränität und Gewalt*, 93–94.

³³⁶ Spitra, 'Normativität aus Vernunft', 599.

to the undetermined erratic person of the legal status, they have found meaning in their will, pursuing the particularity of a concrete whole as their supreme rule.³³⁷

Given its limitation to a scope similar to the one of abstract right, it is clear that the substantive rules of international law are very few. Hegel explains this explicitly with the low interdependency of States compared to individuals within bourgeois society.³³⁸ Besides the aforementioned small list of international legal obligations, he alludes to a different source of law that is interesting for a systematic understanding of international law: *national* customs.³³⁹ More substantial social practices can emerge based on national customs granting rights e.g. to prisoners of war or private citizens in a prototype of private international law. If these customs converge in what Hegel calls a ‘family of nations’ with a relatively homogenous culture, previously antagonistic states become more cooperative.³⁴⁰ Although this might only be an underdeveloped side note, it is compatible with the general spirit of his philosophy. In all epochs, states emerged that, although certainly all animated by an independent *Volksgeist*, had very similar cultures, such as Christian states or neighbouring Greek poleis. The latter was for Hegel enough to denounce any claims for unifying independent states even if they share a common language and similar culture as the German states in the Post-Napoleonic era.³⁴¹ Calls for national unity do not recognise the ‘nature of a totality and of the self-awareness which an autonomous people possesses.’ Transferring political sovereignty to a nation-state was out of the question if the latter had not emerged organically. Existing states could solely intensify their cooperation and harmonise their wills based on a growing congruence of particular interests.

C) The crisis of the primacy of the political

The qualification of international law as right shall not hide the precarious position into which the contingency of international affairs puts the Hegelian state. Two fundamental problems emerge. Firstly, the expansive tendencies of bourgeois society, by setting the agenda for international relations, undermine the supremacy that the political had achieved in the state. The second problem is the *physical* challenge to the state’s existence that the fragility of international law can hardly contain.

³³⁷ PR 336.

³³⁸ PR 332.

³³⁹ PR 339.

³⁴⁰ PR 339 A (G) ; GW 26,3, 1476.

³⁴¹ He implicitly rejects claims to unify the German states to one Empire on the ground it bespeaks the ignorance of those demanding it of the true self-consciousness of a people that gained independence (PR 322 R); Rosenzweig, *Hegel und der Staat*, 437–39.

1) *The crisis of the political and the expansive tendencies of bourgeois society*

Reading the first crisis into Hegel requires an interpretation against the letter of the text. On several occasions, Hegel highlights how international political struggles strengthen the political ethos against the demands of bourgeois society (e.g the patriotism resulting from war).³⁴² However, the content and motivation of trade treaties and the imperialist policies that dominate a significant part of the state's international agenda point in the opposite direction.

My critical addition is motivated by those regimes instrumental to the well-functioning of an increasingly internationally interconnected bourgeois society that threaten to render international relations into an unconscious second nature.³⁴³ Hegel saw a necessary tendency of bourgeois society for colonisation and opening new markets.³⁴⁴ The growing productivity through the separation of labour went hand in hand with the increasing hardship of the labourers, provoking a crisis of domestic overproduction and the growth of a disenfranchised class without a future within the confines of bourgeois society.³⁴⁵ This was accompanied by the birth of a rich rabble that had no class honour but gained its money through gambling. International affairs are a necessary outlet for a force of bourgeois society that would otherwise collapse the state. The dynamics of bourgeois society set thus imperialism on the international political agenda.

Furthermore, we noted that although some institutions, such as civil courts and the administration of douanes, are organised and financed by the state, they are substantially part of bourgeois society, following its economic rationale. When it comes to international treaties, Hegel attributes the entire constitutional competence concerning external relations to the princely power.³⁴⁶ Treaty negotiations are headed by diplomats whom Hegel would probably also count as part of the counselling element of the princely power.³⁴⁷ Formally, the political seems secured since the princely power is the best-isolated power from the demands of bourgeois society. However, as a civil code can be partially penetrated by political prerogatives, so can a trade agreement. Therefore, the question is whether the political community is conscious of the political potential of such an act, or sees it as a mere economic or technical

³⁴² PR 324 R.

³⁴³ I owe this critique to the observations made by von Trott about the expansive tendencies and regulative competence of civil society and Khurana's argument for the need of a political appropriation of its second nature, von Trott zu Solz, *Hegels Staatsphilosophie Und Das Internationale Recht*, 49–50; Khurana, 'Politics of Second Nature. On the Democratic Dimension of Ethical Life, In', 431.

³⁴⁴ PR 246, 248.

³⁴⁵ PR 243-44.

³⁴⁶ PR 329.

³⁴⁷ PR 283-84

affair. If we consider what epistemic operation undergirds this political act, we ought to be sceptic of the princely power's capacity to discern political conflicts. How does the monarch know about the particular economic interests other than through bourgeois society actors in their roles as open lobbyists of their corporation or through the more subtle and technically looking influence of the 'Polizei', e.g. the douanes administration? Hegel's constitutional process – which looks disquietingly close to our reality – does not grant a voice to other actors. The legislator, in which societal conflicts could come to bear, plays no role. Hence, the state risks ceasing to be an '*infinitely negative* reference to itself'³⁴⁸ as it just reaffirms the needs of particular actors of bourgeois society.

These two observations suggest that international law is potentially disruptive to the social freedom achieved in the political sphere of the state: the state, seemingly voluntarily, but de facto through the agency of institutions deeply rooted in the rationale of bourgeois society, subjugates itself to what may appear as an unconscious international second nature. And in contrast to the domestic level, there is no supranational political realm which could appropriate this nature and render it into a spiritual one. Hence, if the national political realm does not supply an answer, international integration risks being a source of unfreedom. Although Hegel does not spell out this risk, the subsequent historical development and the fact that he left problems of bourgeois society as an open question of modernity warrants mentioning its structural possibility in the *Philosophy of Right*.

2) *The crisis of the state, the international other and the theatre of world history*

Secondly, and that is the primary philosophical problem for Hegel, the state finds itself in a crisis between its principled independence as a political entity and its dependence on recognition by others. This recognition is not a mere diplomatic decorum but touches upon the state's very existence as a whole and as the sublation of the particular in the universal. The normative right to recognition depends on an epistemic act of recognition that necessitates a certain similarity.³⁴⁹ Leaders of states need to be able to see 'states' in other constitutions based on their experience-framed concepts of statehood. Hegel openly questioned whether some cultural ('lower stage cultures' like nomadic people) and religious aspects (Islam) stood in the way of epistemic recognition and a normative guarantee of mutual recognition.³⁵⁰

³⁴⁸ PR 321.

³⁴⁹ PR 331.

³⁵⁰ PR 331 R.

The universal principle of recognition on which international law rests was hence a rather fragile one. Hegel's scarce remarks on the colonial system exemplify what it meant to be only formally recognised. If states considered the 'inferior' nation's independence to be only formal, they would also *treat* it this way.³⁵¹ Hegel thinks rightfully so, at least according to the standards of world history's judgement. World history seems to be Hegel's solution for the lack of necessity that international relations inflict upon the modern state. If the epoch-making modern Germanic Protestant state does not enjoy substantial recognition, it at least enjoys the absolute historical right against whom all other nations are rightless.³⁵² We should take Hegel's assessment of rightfulness in the domain of world history with a pinch of salt: he is not speaking of right as law in any to us recognisable sense but of historical normativity.

Hegel tries to maintain that this alternative, non-legal and non-political form of judgement is not a capitulation to a might-is-right doctrine:

[...] it is not just the *power* of spirit which passes judgement in world history - i.e. it is not the abstract and irrational necessity of a blind fate. On the contrary, since spirit in and for itself is *reason*, and since the being-for-itself of reason in spirit is knowledge, world history is the necessary development, from the *concept* of the freedom of spirit alone, of the *moments* of reason and hence of spirit's self-consciousness and freedom. It is the exposition and the *actualisation of the universal spirit*.³⁵³

What qualifies the victorious righteous is not their military power but the more actualised concept of freedom that their people's spirit carries. *In world history*, the nation that is the

necessary moment of the Idea of the world spirit which constitutes *its* current stage attains its *absolute right*, and the nation which lives at this point, and the deeds of that nation, achieve fulfilment, fortune, and fame.³⁵⁴

Against this epoch-making right, all other national spirits are rightless and no longer count in world history.³⁵⁵ Hegel's idea of civilisational supremacy based on a theory of progress according to which different stages of development can be present simultaneously is elaborated in the four-stages-history from the Oriental to the Germanic realm.³⁵⁶ All but the latter belong to the past. The message is clear: the present and future belong to peoples organised as modern

³⁵¹ PR 351.

³⁵² PR 346-47.

³⁵³ PR 342.

³⁵⁴ PR 345.

³⁵⁵ PR 347.

³⁵⁶ PR 355-58.

states like those emerging in Europe. Hegel's remarks on the relationship between barbarian and civilised nations or the incompatibility of certain cultural and religious characteristics with the principle of recognition underline how his theory accommodated a world violently dominated by European states. However, his justification of civilised states to treat uncivilised people as only formally independent is also followed by a curious remark:

Consequently, in the wars and conflicts which arise in these circumstances, the feature which lends them significance for world history is the moment that they are struggles for recognition with reference to a specific content.³⁵⁷

The notion of struggle for recognition invokes the willingness to risk their life for their honour on both sides.³⁵⁸ It is difficult to say what wars Hegel had in mind, and it could also be (superficially) read as a justification for imperialist interventions. However, it seems that a British 'expeditionary force' that enforces the interests of the East India Company falls not as neatly into this category as self-liberated former slaves defending their newly won freedom against European invasions. As the Haïtian revolution was on everybody's mind, including Hegel's, as Buck-Morss has pointed out,³⁵⁹ it would be absurd not to mention it here.³⁶⁰ Hegel repeatedly exalted the insight of those who recognised the value of statehood and political independence and the shallowness of thought of those who did not and lauded the patriotic effort of those willing to sacrifice their bourgeois existence for their citizenship. Who understood the value of modern statehood better than Toussaint Louverture and Jean-Jacques Dessalines? And who embodies the patriotic ethos better than the blacks and mulattoes torching their earth in an all-out defence against their colonial oppressors? When Hegel proclaimed the world-historical '*right of heroes* to establish states' in 'violence and [legal] wrong', his contemporaries would at least also understand this to include the acts of revolutionary leaders of the past 50 years and the violence that caused so much indignation among the friends of the (legal) status quo.

These revolutionary sympathies notwithstanding, by putting world history as the culmination of the state, Hegel primarily elevates the modern Protestant Germanic state in a

³⁵⁷ PR 351 R.

³⁵⁸ Cf. PS 119/ 187 and my discussion of the lord-bondsman-dialectics, *infra*, 111.

³⁵⁹ It is mostly associated with different passages: Nesbitt links it to the discussion of slavery in the *Philosophy of Right*, Nesbitt, 'Troping Toussaint, Reading Revolution'. Tavares discovered a link between Hegel's reception of Abbè Raynal's *Two Indies* and the lord-bondsman-passage in the *Phenomenology* that is nowadays largely attributed to Buck-Morss Buck-Morss, *Hegel, Haiti and Universal History*; Tavares, 'Hegel et Haïti'. I will discuss this in greater detail, *infra*, Fn 433 and p. 232.

³⁶⁰ I will discuss it in greater detail *infra*, 224 ff.

phenomenologically unwarranted position. The modern state of the *Philosophy of Right* is the actualisation of freedom as far as it gets in the early 19th century. This state transforms the contingent particular of the individual bourgeois' life into the necessary universal of their political existence. This necessity is called into question when the state encounters its equal in the international realm. Nevertheless, Hegel reassures us that the universal spirit finds ultimately in world history its actuality.³⁶¹ However, this world history results in the same modern Protestant Germanic state! Hegel proclaims of the Germanic stage of world history:

The present has cast off its barbarism and unrightful arbitrariness, and truth has cast off its otherworldliness and contingent force, so that the true reconciliation, which reveals the *state* as the image and actuality of reason, has become objective.³⁶²

The threatened objective spirit is sublated in absolute spirit and finds refuge in world history that produces exactly the modern Protestant Germanic state whose contingency it was supposed to overcome. Certainly, this is to be attenuated by the fact that absolute spirit ultimately comes to its self-consciousness in art, religion and philosophy, which grasp the spirit whose objective existence the state is.³⁶³ However, they still depend on the state's objective existence that is in relation to other states unmediated or only fragilely mediated. Hegel's argument appears to be of finite circularity, i.e. it turns around itself without elucidating its assumptions.

Conclusion

We might judge Hegel's attempt to overcome the dilemma that international relations pose to the state to be wrong but it follows the emancipative programme outlined at the beginning of the chapter. The *Philosophy of Right's* whole system is propelled towards the universality of knowledge and freedom via the quest for free will. Law itself is a knowledge practice whose intelligibility is intrinsically linked to its emancipatory potential: the point is to find a system of norms in which the bearer of consciousness is fully aware of the norm and stands to it in a relationship of differentiated identity. This emancipatory ambition eclipses whatever his conservative and liberal opponents had on offer. It drives Hegel beyond the private law paradigm behind which his opponents' accommodation to the status quo (*ante* in case of Haller) could hide. The bearer of consciousness with the agency to gain freedom and knowledge is collective and political. While constituting a critique of organising all life around a private law paradigm, Hegel's practical philosophy does not proclaim a Schmittian absolute primacy of the

³⁶¹ PR 341.

³⁶² PR 360.

³⁶³ PR 341, 360; LPH 68/51; 69-71/ 52-3.

political. Nor does public law suppress private law. The political remains conditioned on its dialectical relationship with its constituent parts. Instead of asserting blunt supremacy, we must attend to all norms from the perspective of the political as the guarantor of the universal knowledge and freedom we seeked. The question of whether a given norm or practice enhances or impedes political agency hovers over everything else.

This marks the difference between Hegel and his contemporaries and the conservative international lawyers claiming his legacy. Especially the reconstruction of Hegel's vision of external state law and its sublation in world history reveals an affinity between Hegel, Lasson, and Kaufmann that partially justifies the latter's Hegelian credentials. They have in common a perception of the state's precarious position and see in war a possibility to assert its position and reinvigorate the citizenry's political ethos. However, the similarities end at some point. The struggles for power that dominate Lasson's and Kaufmann's worldviews are absent in Hegel. Instead of a gloomy atmosphere of social Darwinism, he adhered to an eschatological hope that the absolute would make its way. Whereas the conservatives fled into the treacherous security of military might, Hegel put his hopes in absolute spirit's self-assertion either through its current national bearer or the successor's ability to learn from the preceding objective spirit. World history passes its judgement, not through destiny made manifest by brute power but is the expression of universal reason as a learning process.³⁶⁴ Considering Hegel's painstaking efforts to conceptualise agency in defence against the particularisms inherent to bourgeois society, I find it highly unlikely that he would have overlooked the threat that imperialist policies of the Prussianite German Empire posed to the political ethos he valued. What mattered profoundly to Hegel was not self-preservation but rather the preservation of agency.

In contrast to Kantian or other purely normative theories of international law, Hegel's philosophy offers the great advantage of explaining the possibility of freedom within the reality of unfreedom. Freedom is not presupposed at any point of his treatise but comes into life as free will only if all spheres of right contribute to its genesis. Instead of compartmentalising practical philosophy, his philosophy allows for mutual fertilisation between different levels of legal and other empirical analyses. In so doing, he relies on a thick account of sociological and economic dynamics, some of which were state-of-the-art and others pioneering. It is difficult to imagine later Marxist critiques of imperialism without having in mind Hegel's analysis of the expansive tendencies of bourgeois society and his critique of the latter's overreach into the political.

³⁶⁴ PR 342.

Ultimately, we must question whether Hegel succeeded in demonstrating this birth of freedom out of unfreedom. Within world history, agency becomes conceptually obscure, and we might find Hegel guilty of escapism – not unlike that of his conservative opponents and heirs apparent but with a more hopeful note. Nevertheless, by re-integrating the different branches of philosophy that Kantianism had severed, he offers us the possibility to pose this question as a form of immanent critique. We shift from the juxtaposition of a vision of perpetual peace with an empirical reality external to the former that in its entirety abstracts from question of the reality of freedom to a questioning of a philosophy to which everything is internal. Hegel's philosophy raises questions big enough to serve as guiding stars for an immanent critique.

For this critique to be truly immanent, we need to fully understand the system into which we wish to poke holes from the inside. Hegel's philosophy became unsatisfying for us when he employed the most sophisticated of his categories, *absolute spirit*, which presupposes a vast argument uniting his epistemology, metaphysics, and practical philosophy. The numerous allusions to the movement of return, the unfolding of ideas, the general concept of spirit and the seeming apotheosis that the state represents are hardly self-explaining and can only serve as a placeholder, as a plea for patience. If we do not understand the underlying theoretical structure and dynamics, we are left with a number of interesting observations that leave us nowhere on the quest for a systemic critique of the powers that are and a utopian hope that could help overcome them.

I will not argue that a better understanding of Hegel's wider philosophy will finally convince the reader that the ending of *Philosophy of Right* really does demonstrate the actualisation of universal freedom and knowledge. Instead, I will try to demonstrate that absolute spirit's vulnerability, which the international realm exposed, roots in an emancipatory potential that Hegel did not fully grasp himself. In contrast, his disinterest in other peoples' fate nourishes an uneasiness in the modern reader that corresponds to a fundamental contradiction within Hegel's philosophy. On the one hand, the latter comes to the quite revolutionary conclusion that nobody can be really free until all otherness is overcome. On the other hand, it postulates the actuality of freedom in the face of an adverse other. I will locate the emancipatory potential's source and the turn to self-complacency in Hegel's philosophy of religion. The former corresponds to Hegel's analysis of the moment of the cross and the pain of negativity, the latter to the turn towards introspection in his account of the early Christian community. The problem is not a supposed mystifying quality of the concept of absolute spirit but its flawed conceptualisation. The following chapters will set out to unravel the latter.

Chapter Three: Self-doubting spirit and the gift of reconciliation

Freedom comes into being in the process of immanent critique in which the consciousness examines the successive crumbling of its own self-understandings and learns to act anyway. That is, in a nutshell, the nut this chapter sets out to crack. It aspires to illuminate three key characteristics that have emerged in the reading of the *Philosophy of Right* but whose precise meaning, scope, or consequences remain unclear without the context of Hegel's systematic philosophy. Understanding norms (and hence laws) as knowledge practices, the conceptualisation of freedom born out of unfreedom through collective self-determination and the somewhat obscure concept of spirit are not by-products of Hegel's legal and political observations but the driving force behind the former's conceptualisation. Examining these characteristics also answers how Hegel could have held on to the quest for universal knowledge and freedom that his contemporaries had abandoned.

At the same time, this chapter functions as a systematic introduction to Hegel. It is lengthy but necessary to the extent that Hegel's philosophy is a fundamental departure from common sense and disciplinary science. Adorno stated that if we read Hegel's *Phenomenology*, which starts with abstract theories of knowledge but soon comes to burst them, we are quickly seized by the impression that much of the history of philosophy and science after Hegel constitutes a regression.³⁶⁵ For me, it was an epiphany that changed my views on scientific methodologies, turned my understanding of knowledge upside down, and transformed my view of Hegel's political philosophy. However, transformations are always arduous and often painful, even though I tried to soften some edges. Meanwhile, there is nothing revolutionary about my interpretation. Hence, it is skippable for Hegel appassionati and those with better things to do, who can contend with noting how this introduction constructs the *Phenomenology* as a sceptical inquiry that recovers the absolute as a rationalist and emancipatory project.

The conservatives' and liberals' forsaking of universal freedom and knowledge reflected a challenge many modern philosophers faced and accepted: the renaissance of scepticism (I). Hegel recognised the dogmatism inherent to taking refuge in partial knowledge and radicalised scepticism to an infinite movement of critical self-examination. My argument underlines the rationalist character of Hegel's philosophy by showing that his claim to absolute knowledge is founded in radical (self-) doubt. To say it with Stekeler: 'The dialectical method is nothing other than a self-transcending scepticism.'³⁶⁶ Comprehensive scepticism implies that we fully assume

³⁶⁵ Adorno, *Drei Studien zu Hegel*, 253.

³⁶⁶ Stekeler-Weithofer, *Hegels Phänomenologie des Geistes. Ein dialogischer Kommentar. Band 1*, 36.

a certain knowledge conception as our identity and attempt to make sense of the world under its light. Henceforth, any search for knowledge becomes, ipso facto, a self-examination of the inquiring form of consciousness. Hegel analyses their consistency and uses the emerging contradictions as the starting point for a more complex knowledge conception. Immanent critique emerges as the motor of dialectics. It foreshadows the birth of freedom out of unfreedom: out of untruth, truth emerges. Contradictions are overdetermined: their kinetic energy reaches beyond their determinants and allows for something new.

These conceptual dynamics result in a cascade of epistemic turns culminating in the concept of spirit as the locus of knowledge and freedom (II). The first that I will highlight regards the omnipresence of mediation. Hegel quickly discards the view that knowledge can be gained immediately, pointing out how the subject bearer of the knowledge conception and the object of inquiry depend on each other. Any knowledge would need to integrate them, leading Hegel to his second turn toward knowledge as a practical act. A holistic knowledge conception must grasp the act that unites the subject and object. Testing a number of praxes in which the subject tries to relate to objects but fails to establish independence, Hegel concludes that we need to establish relationships of mutual recognition in which the subject becomes object and the object subject and recognise themselves in each other. Discarding the genre of thought experiments, he concludes that such a relationship of mutual recognition can only be analysed in concrete socio-historical practices. This constitutes his third turn towards socio-historical practices as the subject and object of knowledge conceptions. The form of self-consciousness that examines itself within socio-historical practices is precisely what he calls spirit. The unity of practical and theoretical philosophy that the concept of spirit expresses is not the result of a romanticist yearning for a mystical whole but emerges as an epistemic necessity. Hegel's dialectics usher in a conceptualisation of freedom as collective self-determination instead of non-determination. The necessity of mediation clarifies that freedom and knowledge cannot be gained in abstraction from the world but only in unity with it. We are determined anyway but can hope to be self-determined, to grasp and own what Löwith called the 'world content of the Self'. That is not a matter of hard (analytical) thinking and sound (Kantian) normativity but of acting consistently, of being determined by the right determinants. Finally, the socio-historical turn tells us where and how to find this self-determined 'I': a concrete collective must get ahold of who they are and whether their self-understanding makes sense or produces new contradictions.

The third section sets out to identify the true spirit that finds in the conflicts plaguing its foundational socio-historical practices the excess energy to bring about its freedom. Self-

consciousness arises out of the distancing between the individual bearer of the consciousness and the norm. It becomes free and self-knowing once it perceives the norm no longer to be *alien* but its own. From this perspective, Hegel roams through 2000 years of history primarily constituted by spirit fighting itself as it remains unaware of how its respective knowledge conceptions reproduce the violence of the division it tries to overcome. In this way, Hegel manages to contextualise his immediate predecessors and contemporary opponents not as failing to answer canonical philosophical questions but as the conceptualisation of their time's spirit, i.e. *their time apprehended in thought*. Their philosophies crystallise societal attempts to make sense of the world. Thereby, Hegel draws the Enlightenment, the French revolution and German Idealism and Romanticism as the foil against which he projects his philosophy. Hegel tests them all in their attempts to deal with the struggles of their day, particularly regarding their ability to relate world and spirit, the universal and the particular, and offer mutual recognition in a previously alienated environment. Whereas the French attempt to establish this unity in revolutionary practice ends up in terror and violence, German moralism can only rescue the unity of its subject in deafening passivity. That is the liberal and conservative embrace of the apolitical bourgeois society on the one hand and the constitutional status quo on the other. Universal emancipation would need decisive action, yet any effort to put reason into action (and actualise it) seems doomed. Hegel's answer to this is the appropriation of failure rather than its evasion: spirit can make the world anew if it is founded on a practice of mutual *forgiveness*. This final sublation of previous practices dislocates the discourse completely. It unmasks the liberal and conservative disinterest in the reality of any utopian vision and urges us to make another step in the direction of what Hegel called the absolute. Only by turning to the philosophy of religion can we uphold the hope for universal knowledge and freedom.

I) Seeing things dialectically – the sceptical self-examination of consciousness

Hegel was not short of ambition. His philosophy aspired to find conceptions of knowledge and freedom that transcend all limitations and become absolute or infinite. While I contrasted this favourably with the castration and compartmentalisation of knowledge and freedom that sustained the much less ambitious and, hence, much more oppressive normative projects of Hegel's liberal and conservative contemporaries, we might also suspect megalomania at work. Hegel's dialectics and its culmination in absolute spirit have an air of impenetrability and the mystical that does not lend itself to the claim of crowning a rationalist and emancipatory project. In this section, I hope to demonstrate that Hegel's most sweeping claims are born in the deepest of doubts, the greatest presumption of universality in the most critical introspection. The *Phenomenology*, the self-avowed entry point into his philosophical system, chose 'the way of

doubt, or, more precisely [...] the way of despair'.³⁶⁷ It is only in struggling with the hermeneutic contradictions and experiencing obstacles that frustrate the consciousness's claims – in short, what we will call immanent critique – that Hegel finds the excess energy that can set us free. Emancipation and immanent critique go hand in hand, as the latter does not stop short at a hermeneutical level but tests how the knowledge conception can make sense of the consciousness's world experience. Experiences of unfreedom translate into epistemological contradictions and the overcoming of the former into a project of self-determination. I will present Hegel's peculiar approach, commonly called 'dialectics', not so much as a method but as a conceptual dynamic born out of the experience of failing knowledge conceptions.

Hegel brings the experience of the dynamics of contradiction into a formula where he puts four factors into an equation: the knowledge conception, the object of knowledge, and the form of consciousness that holds the knowledge conception and experiences the difference between its expectations and the perceived reality of the object of knowledge.

The immediate existence of spirit, consciousness, has two moments, namely, knowing and the objectivity which is negative to knowing. While spirit develops itself in this element and explicates its moments therein, still this opposition corresponds to these moments, and they all come on the scene as shapes of consciousness. The science of this path is the science of the experience consciousness goes through.³⁶⁸

Our inquiry into the possibility and conditions of knowledge automatically guides us towards a science of self-examination driven by the opposition between the different moments of knowing. Whenever we try to apply the conception of knowledge to an object of knowledge, maintaining the claim that with our conception of knowledge, we can make sense of this object, we encounter opposition that transforms our shape of consciousness and its epistemological focus. Philosophy, as the science of experience, cannot proceed statically. The counter position to the naïve consciousness that claims to know things by seeing them, the abstract philosophy that deduces valid statements from true general principles, must equally fail. For Hegel, even true principles are false because they can only be the starting point of thought and, as such, lack what the deduction specifies. The abstract is proven wrong by the development that it lacks to become something concrete. The abstract does not only lack self-determination in the normative sense but any determination that would make it an intelligible object of knowledge. However, juxtaposing it to the 'right' principle cannot demonstrate its wrongness. Such an approach

³⁶⁷ PS 9/ 78.

³⁶⁸ PS XLII/ 36.

would be a nonstarter: it is a truism insofar as the judgement of one principle's wrongness presupposes the other's truth (a problem of all transcendental critique) which is excluded from the outset if no abstract principle can be true. Immanent critique is the only solution.³⁶⁹

We best understand this approach against the backdrop of a debate in which Hegel's opponents and historical reference points responded to the systematic doubting of their positions by retreating into a secure reserve of knowledge. Hegel was not only 'solving a philosophical problem' but intervened in a debate around the renaissance of scepticism spawned by the rediscovery of ancient texts of Academic scepticism and Pyrrhonism that occupied philosophy from the 16th century onwards.³⁷⁰ I argue that while Hegel's opponents ultimately barricaded their knowledge in a realm of clearly circumscribed certainty, Hegel attempted to overcome scepticism by radicalising it. Instead of developing a scientific methodology that parcels the world (as Descartes, Hume and Kant did), his 'dialectics' represented an approach that struggled with every aspect that resisted apprehension until it finally came to rest in a state of holistic understanding, of absolute knowledge. Consequentially, Hegel's vision of freedom aimed at overcoming all boundaries. Instead of the freedom of the particular (Savigny and Ranke) and the abstract intellectual 'I' (Kant and Fries), we encounter a project of universal emancipation.

The ominous 'dialectics' designate the conceptual dynamics that drive us via conflictual experiences towards this unity. Although Hegel describes the dialectics himself as *the scientific method* that his *Philosophy of Right* presupposes,³⁷¹ he clarifies that he does not want it to be misunderstood as the sort of methodological approach we today have in mind when we employ the term. It is not an external standard, a means of measuring the content of the inquiry.³⁷² Instead of a conceptual construct external to its content,³⁷³ we ought to think of (the philosophical) science as the experience of consciousness.³⁷⁴

The dialectics seem so counterintuitive because they swim against the current of the primacy of method in contemporary philosophy, where the former queen of sciences is condemned to provide an instrument of knowledge to other scientific disciplines.³⁷⁵ Hegel's philosophy

³⁶⁹ PS XXVII-VIII/ 24.

³⁷⁰ For a general overview, Maia Neto, Paganini, and Laursen, *Skepticism in the Modern Age*. For the debates between 1801 and 1806 in Hegel's immediate context, Vieweg, *Skepsis und Freiheit*, 109–89.

³⁷¹ PR, p. V/ 10.

³⁷² PS 13 ff./ 81 ff.

³⁷³ PS LVI ff./ 48 ff.

³⁷⁴ PS 21/ 88.

³⁷⁵ Cf. Adorno, *Negative Dialektik*, 80.

appears preposterous and presumptuous because it claims to be one with its content which is nothing less than the entire world, or worse, *God*.³⁷⁶ Adorno hence defines Hegel's dialectics as the 'unwavering effort to force together reason's critical awareness of itself with the critical experience of objects [of inquiry]'.³⁷⁷ Measured against the standard of modern-day methodologies, Hegel's dialectics are really an *anti-methodology*. They cannot be explained in an introduction and then applied throughout the text. Hegel openly ridicules the attempt to embark on a preliminary examination of the faculty of knowing before one actually attempts to know anything in particular: 'But to want to know *before* one knows is as incoherent as the Scholastic's wise resolution to learn to *swim before he ventured into the water*'.³⁷⁸ If you want to learn to swim, you must get wet.

Part of why Hegel's philosophy appears so uncritical is that trying to swim by getting into the water is probably not the predominant view of a correct scientific exercise. Indeed, Adorno traced the primacy of method back to Kant, who set in his Critique of Pure Reason the standard for future attempts to grasp the possibility and condition of knowledge as a preliminary for the scientific grasping of objects of knowledge.³⁷⁹ Measured against Kant's open embrace of the standard of scientificity and the highly formalised style, prior, more openly historically contingent theories of natural law³⁸⁰ but also Hegel's system 'vulnerable to sceptical attack'.³⁸¹

Hegel was aware of these attempts to deal with the sceptical problems that modern philosophers have come to face as his early essay *Relationship of scepticism to philosophy, description of its various modifications and comparison of the latest with the old* demonstrated.³⁸² Yet, he did not quite agree with his contemporaries' problem statement. Let us have a quick look at Hume since his scepticism will make a lasting impression on Kant³⁸³ and lives forth in the public imagination. The Scottish philosopher opposed philosophies that make universalist statements about the world that cannot be based on experience. Hegel emphasises how Hume further sharpens the empiricism of Locke & Co. by clarifying that our sensual perception is, per se, empty of all universality.³⁸⁴ Whatever laws we deduce from our experience are, in reality,

³⁷⁶ Cf. EPS 1.

³⁷⁷ Adorno, *Drei Studien zu Hegel*, 258.

³⁷⁸ EPS 10 R.

³⁷⁹ Adorno, *Negative Dialektik*, 80.

³⁸⁰ Haakonssen, 'Early Modern Natural Law Theories', in G. Duke and R. P. George (eds.), *The Cambridge Companion to Natural Law Jurisprudence* (2017) 76, at 98.

³⁸¹ This from any epistemological basis detached metaphysics is 'often thought to have little to bequeath to us but its poetry.', Scruton, *A Short History of Modern Philosophy*, 178.

³⁸² Hegel, *Gesammelte Werke, Bd. 4, Jenaer kritische Schriften.*, 197–238.

³⁸³ Which is according to Hegel his most important role in the history of philosophy, LHP III 275/ 369.

³⁸⁴ LHP III 277/ 317.

purely subjective projections. The induction problem and Hume's guillotine are famous instantiations of this epistemology.³⁸⁵

Roughly speaking, Kant built his theoretical and practical philosophy on two sets of answers to these challenges. He investigated the preconditions of intelligible perceptions ('apperception') and found e.g. causality to be a necessary category a priori, i.e. a category which we do not deduce from our empirical observations but that we necessarily need prior to making any intelligible experience.³⁸⁶ Furthermore, he divides the world into material and intellectual realms: in one, we are, as embodied human beings, subject to the material (and causal) laws of nature, whereas, in the other, we are free to act according to laws of purely intellectual nature. The is-ought-gap becomes non-instrumental because the ought-to in the form of the categorical imperative is clearly graspable in the world of intellectual perceptions and is as the practical form of the autonomy of reason independent of our sensuous passions.³⁸⁷ Fries framed this as the inner law. We can think of those problems as variations on the doubt that there is a link between reality and our concepts that already animated Descartes and Berkeley's works.

However, by establishing a sharp distinction between concepts and their instantiations in the world, the seemingly sceptic exercises of the modern philosophers turn out to be quite dogmatic.³⁸⁸ They do not doubt the validity of the result of their theories. Descartes is confident of the Self; Hume has only sentiments and habits left, but he is rather certain of those, and Kant has no doubts about the validity of the categorical imperative. They reduce the possible realm of knowledge but leave a knowledge reserve where they cultivate their theories. We can establish certain knowledge about either the empirical or the conceptual side – we just cannot cross the abyss.³⁸⁹

Hegel contrasts Hume's sense-perception dogmatism with the ancient sceptics.³⁹⁰ The latter did not mobilise their doubts to strike epistemological points as the moderns did.³⁹¹ More than an

³⁸⁵ From the repeated occurrence of a phenomenon we cannot induce its future occurrence (an attack on unsceptical empiricist). We cannot deduce what ought to be from what is (an attack on natural law), Hume, *An Enquiry Concerning Human Understanding*, 23 ff.; Hume, *A Treatise of Human Nature*, 469.

³⁸⁶ In the *Critique of Pure Reason*, the transcendental aesthetic identifies space and time as forms of apperception that preconditions any experience while the transcendental logic elaborates on the a priori categories that structure the content of our consciousness (transcendental analytics) and the thought operations that make sense of them (transcendental dialectic) AA III, 49-64, 93, 234 ff.

³⁸⁷ AA V 42 ff. Westphal, *How Hume and Kant Reconstruct Natural Law*, in particular 75 ff.

³⁸⁸ Forster, *Hegel and Skepticism*, 26.

³⁸⁹ Forster, 14.

³⁹⁰ EPS 39 R.

³⁹¹ This distinguishes Sextus Empiricus and the Pyrrhonists from the *academic* sceptics (the institutional successors of Aristotle's academy) since they did not wish to finish on any position. Forster defends Pyrrhon against the charge of absolutising the induction argument/ veil of perception and Hegel's reading of this, Forster, *Hegel and Skepticism*, 27.

argument in support of a specific claim, doubt became under their aegis a method.³⁹² The ancients' strength resided in the unity of their consciousness. They could avoid becoming dogmatic (and hence fall into an apparent self-contradiction) because their scepticism was first and foremost employed in the service of a holistic aim achieved through a practical attitude. Their goal was to secure eudaemonia, the ancient Greek conception of blissfulness, by attaining a state of imperturbability (*ataraxia*). The worst thing a Pyrrhonist could do was to attach to the objectives of their actions the values of good and bad. Their frustration would produce even greater anxiety, and the fear of the latter would induce irrationally intense behaviour that tends to make things even worse.³⁹³

Hence, Pyrrhonists would avoid taking sides wherever they could. To neither assent to the arguments of their opponents nor the contrary position, they would try to establish a balance of arguments. Confronted with a situation of *equipollence* (equal strength), they could suspend judgement (*epoché*). We can achieve such a balance by, if plausible, simply negating the opponent's argument without affirming the opposite. Equally important was the denial of particular argumentative moves, such as the appeal to last grounds against which one can raise the infinite regress objection. As we will see, Hegel took up these techniques to prove the competing visions of his practical and theoretical philosophy wrong.

Hegel perfectly understood the unity of theoretical and practical philosophy in Pyrrhonic scepticism and the stoic and epicurean philosophies it opposed.³⁹⁴ As importantly, he contextualised it in a way that makes it easier for us to grasp why Hegel found scepticism so important, notwithstanding contemporary sceptics' dogmatism and easy refutability. The flourishing of ancient scepticism falls into a crucial transition of Hegel's history of philosophy and philosophy of history. It stands in an intimate relationship with the fall of the unity of Greek ethical life and the rise of alienation that would characterise Western societies to the present day. Scepticism is understood mostly as a form of consciousness in which the bearer of this philosophy's (non-) convictions tries to deal with a fractured and alienating world. It contrasts the quasi-mythical harmony of an ancient presocratic Greek form of life.³⁹⁵ In the Greek ethical Garden of Eden, the individual deferred judgement to a community that lived according to laws it perceived to be natural, part of cosmological order.³⁹⁶ Once this (false) unity collapses,

³⁹² Forster, 10–11.

³⁹³ Empiricus, *How to Keep an Open Mind*, 193.

³⁹⁴ Cf. PS 134-38/ 202-205.

³⁹⁵ Forster, *Hegel and Skepticism*, 55.

³⁹⁶ Forster, 57. Cf. *infra*, 119-121.

humans find themselves in a hostile world. I argue that it is most productive to interpret Hegel to frame the *philosophy* of scepticism as a response to this already dirempted society.³⁹⁷

In the misfortune of reality, man is driven into himself and has to look for the unity that can no longer be found in the world. [...] In such a state of conflict, it was necessary to seek and find satisfaction.³⁹⁸

In a disunited and disorienting environment, the individual tries to find peace and tranquillity through detachment. The three philosophies that Hegel considers emblematic of this attitude, the stoics, epicureans, and sceptics, all tried to achieve a certain resilience to the misfortune so characteristic of a hostile world, aiming to protect their respective projects of happiness. We will thematise this hostile world later (cf. Section II A). Their common project of Ataraxia promoted the freedom of an individual mind independent of its environment.³⁹⁹ It is the hallmark of those theories that they depoliticise: in contrast to the philosophies of Plato and Aristotle, their principle of freedom is not introduced into the world through the state constitution but interior to their consciousness.⁴⁰⁰

Three aspects emerged as central in Hegel's treatment of scepticism: First, he considered ancient Pyrrhonism superior to modern scepticism on account of being a method and not a dogmatic positing of propositions. Second, he connected the epistemological superiority of ancient scepticism to its holistic and predominantly practical conception of consciousness. Third, this practice appears nevertheless highly problematic and unsustainable as it incorporates a separation between the consciousness and the world that keeps the former in a bubble it cannot maintain (a weakness scepticism by no means monopolised). In Hegel's eyes, the sceptics

³⁹⁷ Forster seems more to argue that scepticism does not respond to the diremption but is partially responsible for creating it. However, he emphasises that it is only one among many causes which include the socio-political circumstances that I emphasise here (p. 78, En. 6 (p. 217)). As he acknowledges himself, the role of 'sceptical culture' is quite ambiguous and not necessarily consistent over the wide range of Hegel's writings (p. 47). Nevertheless, I think that the assessment that Hegel progressively, and from the *Phenomenology* on exclusively, relied on intellectual instead of social causes for the diremption of Greek ethical life (p. 62) is misguided. Forster admits himself that the *Phenomenology* contains three different kinds of (hi-)stories: an individual, a social, and an all-encompassing perspective (p. 51). *Lordship and Bondage* clearly tells an individual story whose perspective is judged insufficient by the *Phenomenology*'s very structure. The social story, on the other hand, situates the emanation of stoicism and scepticism, the unhappy consciousness, directly after the discussion of the *legal status* and its description of the Roman world. They are philosophies that try to grasp and deal with their current social condition rather than causing it. Furthermore, in my opinion, the perspective of absolute spirit (the chapters *Religion*, and *Absolute knowledge*) does not correct the social origins of alienation but shows that the Greek art religion was only an *appearance* of the idea(I), putting Greek ethical life's harmony in a more mythological realm.

³⁹⁸ LHP II, 252/ 234-35.

³⁹⁹ LHP II, 254/ 236.

⁴⁰⁰ LHP II, 255/ 236.

escaped paralysis by voluntarily becoming paralysed. In contrast, his notions of independence, freedom, and agency emerge from conflict and not in flight from it.

Scepticism allows Hegel to frame inconsistencies and contradictions as the source of progress. At the same time, it constituted a test that every modern philosophy needed to pass in Hegel's and his contemporaries' and Enlightenment predecessors' eyes. Forster identifies the systematicity of Hegel's philosophy as an attempt to build a defence against scepticism: as it is all-encompassing, the idea, the rational, has no opposite, which could lead to a state of equipollence. Hegel's refusal to accept any assumption deprives a potential equipollence objection of its target: his object of inquiry is ever-moving. Criticism must start within the movement of thought. If confronted with a proposition, we determine the differences between the terms contained in them and how they co-constitute each other. In the same paragraph in which Hegel utters the famous phrase 'The true is the whole.', he insists that no word can have a fixed, true, natural meaning:

But the whole is nothing other than the essence consummating itself through its development. Of the Absolute it must be said that it is essentially a *result*, that only in the *end* is it what it truly is; and that precisely in this consists its nature, viz. to be actual, subject, the spontaneous becoming of itself. [...] just as my saying "all animals" can hardly count as an expression of zoology, it is likewise obvious that the words, "absolute," "divine," "eternal," and so on, do not express what is contained in them; – and it is only such words which in fact express intuition as the immediate. Whatever is more than such a word, even the mere transition to a proposition, is a becoming-other which must be redeemed, or, it is a mediation.⁴⁰¹

As a result of Hegel's refusal to stop in a state of equipollence while constantly redefining concepts through questioning their assumptions, we cannot resort to lexical definitions but must grant (his) words the right to become in the course of his philosophy what they are not yet in the beginning. Every concept has to be understood as *moving*, its being as *becoming*.

Similarly, by constructing his system in a continuous refutation of historical and competing philosophies, he demonstrates that the contrary position (negation) is not equally plausible.⁴⁰² One of the most potent ways of advancing the equipollence argument is to unmask the attacked position as question-begging, i.e. lacking demonstrable grounds. As such, the opposite position

⁴⁰¹ PS XXIII/ 20.

⁴⁰² Forster, *Hegel and Skepticism*, 107–8.

would be equally plausible if it is based on similarly strong assumptions. Hegel addressed this objection by avoiding any assumptions, all the while accepting the apparent paradoxicality of such an endeavour:

We can assume nothing and assert nothing dogmatically, nor can we accept the assertions and assumptions of others. And yet we must make a beginning: and a beginning, as primary and underived, makes an assumption, or rather is an assumption. It seems as if it were impossible to make a beginning at all.⁴⁰³

Once we accept the unsteadiness of Hegel's ever-moving epistemology, we gain a new perspective on the field of normativity. We cannot think of law as a separate field with its distinct rationale but must integrate it with an overall account of morals, politics, knowledge, and self-understanding. Most importantly, Hegel's wholeness of knowledge allows for a far more ambitious vision of freedom. Whereas the ancients retreated in the face of doubt into the refuge of an unperturbed mind, the moderns equally shy away from a full-scale project of liberation. The liberals only wish to liberate the righteous (i.e. Germans) and even those only in the limited scope of freedom from external constraints. They believe in positive freedom, but when it comes to the question of social ordering, they cannot go beyond promising a system of rights in which everybody needs to find a way to live according to the laws of reason. Motivations and the like belong to an inscrutable internal forum, while the law and its science are only concerned with the external forum. The restriction of the scope of their project of freedom is due to the perceived limits of knowledge. Concepts and matter, external action and intention, need to be held strictly apart if we wish to treat things scientifically.

On the other hand, the romanticist perspective, assumed by the conservatives Ranke and Savigny, sets out from the unknowability of the universal: be it the overall movement of history, or God. All that can be known is the particular subject. Freedom means liberating this particular from all alien influence, be it imposed by the culturally foreign or the ominous rational. The romanticist examples I chose should not mislead us: the likes of Arndt and Schleiermacher show that one could be a liberal romanticist, too. I allude to a point we already encountered in the first chapter: the subjectivist turn taken in German idealism *in reaction* to the epistemological challenge of scepticism prepares the grounds for a common discourse. Although the positions of liberalism and conservatism of the (self-limited) rationalist and romanticists differ considerably, they fall into the confines of the same intellectual sphere,

⁴⁰³ EPS 1.

fuelled by a common assumption that their vivid opposition is obscuring. Epistemic humility unfolds as a pathway into oppression heralded by the end of metaphysics and the rise of disciplinary science.

II) Turning until you repose in Bacchanalian frenzy: Hegelian paradigm shifts

The true is thus the Bacchanalian frenzy in which no member is sober, and since each member immediately dissolves as soon as it breaks away, the frenzy is also transparent and simple repose.⁴⁰⁴

Hegel needed to make a beginning, but this beginning was an assumption he immediately needed to question. The beginning he chose was immediate knowledge or sense-certainty, whose assumption is best encapsulated in the object-subject-divide. It constitutes the first of several moves to overcome metaphysical divides that I will characterise as the turn towards mediation (A), knowledge as praxis (B), and knowledge as socio-historical practice (C). Combined, they result in a more intelligible notion of spirit, the end and anchor point of Hegel's thought. All of his philosophy is ultimately about spirit coming to terms with itself, fully developing humanity's subjectivity.

A) The turn towards mediation: overcoming the subject-object divide

Many knowledge conceptions blend out the subject entirely and pretend to have immediate access to the object of inquiry. Far from being a fringe position, it is what we nowadays encounter in the ideology of scientism and, at times, in the so-called common sense. That does not mean that the first position encountered in the *Phenomenology* can be identified with common sense while the proceeding ones approximate Hegel's position gradually.⁴⁰⁵ Common sense is itself an elusive notion. Instead of being an untouchable seventh sense that hovers over all possible philosophical positions, common sense is historically contingent. It adapts to confusing experiences and critique by stabilising knowledge conceptions with clear conceptual distinctions. That is what sets all the criticised knowledge conceptions apart from Hegel's position. Hegel accepts the world's messiness: as soon as you try to capture reality in a still picture, contradictions jump into your face. Hegel's dialectics mirror reality by conceptualising it, to speak with Adorno, as a *motion* picture rather than a photo.⁴⁰⁶

The point where the *Phenomenology* jumps into the cold water of epistemology is precisely such a rather common-sensical position. Hegel calls it immediate knowledge and sensory

⁴⁰⁴ PS LVI/ 47.

⁴⁰⁵ Siep, *Der Weg der Phänomenologie des Geistes*, 65.

⁴⁰⁶ Adorno, *Drei Studien zu Hegel*, 353.

certainty.⁴⁰⁷ When I perceive something, I can express the simple knowledge ‘This is’. At first glance, this seems to be the most holistic knowledge possible, as the object is uncompromised by any qualification that would necessarily take away from its wholeness. However, Hegel’s preliminary remarks on the violence inherent to concept-determination already point in the direction the train is heading. No matter whether we consider the simple sense-certainty of the subject (‘I am’) or of the object (‘this is’), we already see *mediation* at work:

If we reflect on this difference, it emerges that neither the one nor the other is present in sensory certainty only *immediately*; at the same time they are present as *mediated*: I have the certainty *through* something else, viz. the Thing; and similarly the Thing is in the certainty *through* something else, viz. through the I.⁴⁰⁸

Mediation is one of the most fundamental concepts of Hegelian philosophy. It directly opposes immediacy and, in oversimplified terms, means that whatever we have in front of us (be it ourselves) depends on something else that is not immediate to our current apprehensive framework. In other words, the holism of immediate knowledge or sense-certainty depends on us ignoring the elements that would give determinacy to the object of knowledge in the first place. Its holism is just a pretension. Although Hegel does not yet address the contemporary positions of romanticism, rationalism, and empiricism directly we cannot fail to see the allusions and implications. The romanticist position precisely insists on the unmediated wholeness of knowledge: a world in which the subject is free of the violence of abstractions.

However, even in the most basic claims to immediate knowledge, mediating concepts (or categories) intervene. For ‘This is’ to mean anything determinate (as opposed to ‘anything is’) it implies the concepts of ‘here’ and ‘now’.⁴⁰⁹ The object (‘this’) is mediated through concepts that reside in the subject. So far so Kantian. However, Hegel is not ready to postulate the categories of Kant’s transcendental aesthetics and analytics as *a priori* but is interested in *how they are mediated*. For Hegel, much is at stake in not sidelining this question. Whenever we formulate a knowledge conception, we also ask how we make sense of the world. If we cannot, then the form of consciousness determined by this knowledge conception will experience its interaction with the world as violent. If the ‘I’ is mediated through the objects, then so is our self-understanding as being free or other-directed. By discussing different epistemologies, the

⁴⁰⁷ PS 22-23/ 90-91.

⁴⁰⁸ PS 24/ 92.

⁴⁰⁹ PS 25/ 95.

Phenomenology discovers what Löwith coins the *World-content of the Self* (Weltgehalt des Selbst).⁴¹⁰

Hence, what distinguishes the ‘common-sensical’ from the Hegelian position is not the conceptual distinction between object and subject per se, nor necessarily the trivial insight that we cannot understand the one without having a concept of the other. The interdependence Hegel wishes to bring to the fore is much thicker. Both concepts form a subject-object continuum. The foundational idea on which this relationship builds is somewhat counterintuitive. Whenever the knowledge conception that the subject has in mind changes, the object changes, too. That is, for Hegel, the essence of experience.⁴¹¹

But, in fact, in the alteration of the knowledge, the object itself alters for it too, for the knowledge that was present was essentially a knowledge of the object: as the knowledge changes, so too does the object, for it essentially belonged to this knowledge. Hence it comes to pass for consciousness that what it previously took to be the *in-itself* is not an *in-itself*, or that it was only an *in-itself for consciousness*. Since consciousness thus finds that its knowledge does not correspond to its object, the object itself does not stand the test; in other words, the criterion for testing is altered when that for which it was to have been the criterion fails to pass the test; and the testing is not only a testing of what we know, but also a testing of the criterion of what knowing is.⁴¹²

This change of object does not (yet) mean that the object transforms materially in front of our eyes. When we discover how our knowledge of the table is not immediate but mediated through subjective categories, the table does not miraculously morph into a pile of wood. Rather, we redirect our epistemic efforts towards a new object of inquiry: instead of just looking at the table, we look at how we perceive the table through our categories. In other words, Hegel tells the rest of philosophy that they are asking the wrong questions: they ought to ask about mediation and ultimately about ‘spirit’ as the only self-mediating epistemic category. It alone can philosophically vindicate the knowledge that other forms of (empirical and conceptual) observations can gain.

B) The turn towards praxis: the transformation of the object

As if that was not enough, Hegel takes it a step further. In the last consequence, Hegel actually means a transformation of the object that was initially independent of the inquiring

⁴¹⁰ With which he designates Goethe’s and Hegel’s common overall project, Löwith, *Von Hegel zu Nietzsche*, 20.

⁴¹¹ PS 18/ 86.

⁴¹² PS 17-18/ 85.

consciousness. The object transforms because the subject does not attempt to grasp it through passive observation but formulates its knowledge conception in a practical act. This is also the first step towards Hegel's conceptual realism, i.e. the identity of the ontologic and conceptual level of inquiry.⁴¹³ In stark contrast to nominalism, Hegel's concepts are not just designations but the grasping of the reality of being. Hence, the process of becoming an other to itself and of somehow returning from this otherness is inscribed into the fabric of reality: thought and reality are movements whose moments are object, subject and the epistemic act of unification.⁴¹⁴

The starting point of immediate knowledge proved wrong since all knowledge is mediated through abstract concepts emanating from the subject. We realise that we cannot gain knowledge by hovering above objects. *Self-knowledge* is integral to all knowledge. The form of consciousness we seek is a *self-consciousness*. However, as soon as we start to reflect upon ourselves, we run into paradoxical situations in which we are subject and object simultaneously.⁴¹⁵ If we reflect on ourselves, we seem to presuppose an abstract capacity of reflexion. An abstract thinking 'I' appears next to the thinking body as the object of knowledge.⁴¹⁶ That is the result with which Kant is ultimately content. Although it is his merit to spell out the conceptual scope and depth of this presupposition, it remains as such dogmatic and unacceptable to Hegel's sceptic aspiration. However, within the framework of a philosophy of consciousness as pursued by Descartes, Berkeley, and Kant, the problem seems unsolvable. We cannot simply turn to Kant's conditions of perception and analyse them since we would then take the role of just another dead 'I' whose mediation of the observed 'I' we would need to question subsequently.

Instead of such an infinite regress of grounding what was supposed to be grounding in the first place,⁴¹⁷ Hegel proposes to change the framework radically: the unity of the Self and its knowledge must be preserved in an act of self-differentiation, of thinking the contradiction⁴¹⁸ between the observing I and the observed I. For the form of consciousness to become *self-consciousness*, it must get out of its own skin while still being itself:

But in fact self-consciousness is the reflection out of the Being of the sensory and perceived world, and essentially the return from *otherness*. [...] From now on,

⁴¹³ For an overview of this discussion, cf. Wolf, 'Rethinking Hegel's Conceptual Realism'.

⁴¹⁴ PS LXIV-LXV/ 53.

⁴¹⁵ Bertram calls it the subject-object aporia, 96.

⁴¹⁶ Stekeler-Weithofer, *Hegels Phänomenologie des Geistes. Ein dialogischer Kommentar. Band 1*, 112.

⁴¹⁷ Which Hegel already rejects as non-dialectical from the outset, PS LXXXI-LXXXII/ 66.

⁴¹⁸ PS 92-93/ 160.

consciousness, as selfconsciousness, has a double object: one is the immediate object, that of sense-certainty and perception, which however is marked *for it* with the *character of the negative*; and the second, viz. *itself*, which is the true *essence*, and is present initially only in the opposition of the first object.⁴¹⁹

Hegel calls the first attempt to do so ‘independence’ since the subject claims to solve this contradiction between subject and object within its own consciousness and to prove the subject to be the essence of this relationship. Putting yourself into the shoes of a consciousness that claims to be independent translates into more than just examining the theoretical structure of its beliefs. It implies examining whether the actions by which the consciousness articulates its knowledge conception can sustain the claim of independence.

Stretching what would usually pass as a conception of knowledge, Hegel makes *desire* the first knowledge praxis that could claim to be a mode of self-reflection that unites subject and object while asserting the subject’s independency.⁴²⁰ Desire drives the acts that secure our self-preservation, establishing, *prima facie*, a self-sufficient ‘I’. Instead of taking the role of an abstract observer (‘I am I’), we split into different moments of being perceiver, desirer, and – in the practical moment of unification – the consumer of the object of desire. As long as the object is not consumed, it contradicts the claim of independency. While essential to the subject’s self-definition, it remains an other. The act of consumption sublates this otherness; it returns the satisfied ‘I’ to itself.⁴²¹ At the same time, however, it unmakes the I’s independence. In sublating the otherness, the subject recognises the object of desire to be an *other*, to be the *actually independent* object in the room, which, once the desire is satisfied, reproduces its independency as the negative of desire: after consumption is before consumption.⁴²²

Although the attempt to claim independence through the practice of desire was unsuccessful, the turn towards knowledge as a practical act is irreversible. Only through the act that intelligibly unites object and subject can we claim knowledge that does not fall into the pitfalls of earlier knowledge conceptions. We just need to find the right object and knowledge conception whose interaction does not result in insolvable contradiction.

⁴¹⁹ PS 103-4/ 167.

⁴²⁰ PS 104/ 167.

⁴²¹ PS 110/ 174.

⁴²² PS 110-11/ 175.

C) The turn towards socio-historical practices: the discovery of spirit

The experience of the form of consciousness that claims independence through desire belies its premise. It is phenomenologically driven beyond itself, namely, into acknowledging that the only object that could maintain the subject's independence in the moment of the satisfaction of the desire is *another* self-consciousness.⁴²³ Both subjects are not independent before the consummation of desire but could sustain independence in an act that unites them. In their relationship, Hegel locates the concept of spirit:

There is a *self-consciousness* for a *self-consciousness*. Only so is it in fact self-consciousness; for only in this way does the unity of itself in its otherness come to be for it [...] When a self-consciousness is the object, the object is just as much I as object.—With this, we already have before us the concept of *spirit*. What still lies ahead for consciousness is the experience of what spirit is, this absolute substance which, in the perfect freedom and independence of its opposition, viz. of diverse self-consciousnesses that are for themselves, is the unity of these self-consciousnesses: *I* that is *We*, and *We* that is *I*. It is in self-consciousness, as the concept of spirit, that consciousness first has its turning-point, where it leaves behind the colourful semblance of the sensory here-and-now and the empty night of the supersensible Beyond, and steps out into the spiritual day of presence.⁴²⁴

This key passage contains in fact two definitions of spirit whose transition the following pages will try to elucidate. We go from the self-consciousness for a self-consciousness in which the I has itself inform of another I as an object to the 'I that is *We*, and *We* that is *I*.' They are separated through the 'experience of what spirit is.' The first designates a mere *encounter of the reader* with the concept of spirit: in the relationship of two self-consciousnesses, we have the concept of spirit in front of us. However, in the fight for recognition, we are still fundamentally caught in the perspective of the 'I' that tries to claim its self-knowledge and independence in a practical act that is purely its own. We have not yet risen to the self-consciousness of spirit, i.e. the state in which spirit knows itself as spirit and has thereby overcome the subject-object divide and acquired the self-knowledge that allows it to relate to the word intelligibly.

We transition between the two by sceptically undermining all attempts to formulate an intersubjective knowledge conception from the perspective of the 'I'. Instead of an individual act, we make a social practice the object of our knowledge, namely the lord-bondsman dialectics

⁴²³ PS 111/ 175.

⁴²⁴ PS 112-13/ 177.

that arise from the struggle for recognition. The lord-bondsman dialectics seem to be an instance of spirit trying to grasp itself, but its ahiristocity makes it an epistemic and normative impasse and shows it to be still in a limbo between the perspective of the ‘*I* that is the *I*’ and the ‘*I* that is *We* and the *We* that is *I*.’

The concrete desire that Hegel supposes to structure the relationship between two self-consciousnesses is the longing for *recognition of one’s honour*. This centring of philosophy around recognition, embraced by the likes of Kojève and Honneth, has gained much traction in 20th-century thought.⁴²⁵ Especially the so-called lord-bondsman dialectics⁴²⁶ have received scrutiny and appreciation. It might be tempting to unravel its possible normative implications, but we should not lose sight of its place within the Phenomenology’s journey and the lessons Hegel draws from it for the further development of his epistemology. At its heart, the lord-bondsman dialectics are the test *and refutation* of a certain knowledge conception.

Hegel takes off where desire failed: Instead of consuming the object, the subject wishes to obtain recognition from the object. Hence, she must redefine the object as an *another* subject. Her knowledge conception reads as follows: we can know ourselves (and hence gain self-consciousness, the basis for all object knowledge) by being recognised by another self-consciousness. It is crucial to remember that the subject’s aim is a form of unity that was previously expressed in terms of independence that should prevent us from falling into an infinite regress. With the experiences the form of consciousness has gained so far in the negation of previous knowledge conceptions, she can only hope to achieve this independence, or self-determination, by actively claiming it from the other.

If two aspiring self-consciousnesses encounter each other and claim recognition of their honour, they enter into a life-and-death struggle.⁴²⁷ Only by putting their life on the line, they can prove their honour and distinctiveness from mere natural desire-driven life forms, the previously failed form of consciousness. However, no matter the outcome, true recognition stays out of reach. The dead cannot grant recognition⁴²⁸ and both contestants can only survive if one submits

⁴²⁵ The Hegel and recognition literature is too numerous to be listed. The two probably most influential examples are Kojève, *Introduction a la lecture de Hegel*; Honneth, *Kampf Um Anerkennung*.

⁴²⁶ The literal translation of ‘Herr und Knecht’ that, since Kojève, has often been translated as master and slave. While I do not attribute much to the difference as I intuit that the passage reflects a variety of historical experiences, it seems appropriate to stick to the literal translation since, despite variances (namely in his lectures on the *Philosophy of Subjective Spirit*), Hegel sticks to it in the *Philosophy of Right* 57 R (1821) and the *Encyclopaedia* (1830) 433. Contra Nesbitt, ‘Troping Toussaint, Reading Revolution’, 25–26. However, Nesbitt overlooks the possibility that Hegel was referring in the *Philosophy of Right* to a more precise historical context while the *Phenomenology* is intentionally more ambiguous.

⁴²⁷ PS 119/ 187.

⁴²⁸ PS 120/ 188.

to the other, becoming her serve. Within the act of claiming recognition, a contradiction between the aim of obtaining recognition and preserving life, the basis of any self-consciousness emerges. By opting for self-preservation, one contestant loses her claim to recognition and – as a non-recognised member of society – cannot validate the other’s claim of honour. After all, what is in a servile servant’s compliment? It cannot replace mutual recognition.⁴²⁹ The life-and-death struggle for recognition ends either in solitude or in a relationship between two unrecognised people. We looked for spirit, but spirit did not find itself.

At this point, Hegel grants a famous detailed analysis of this relationship in which it appears that the serve, thanks to her intimate relationship with labour (a form of restrained desire that does not consume its object but leaves a mark on the world), might be even more entitled to claim independence than the lord.⁴³⁰ The truth of the consciousness that tries to assert knowledge through the independence of the ‘I’ is the serve’s subjugated consciousness.⁴³¹ The serve might express the claim to independence truthfully, but it is a dubious privilege. Her independence is entirely negative since her work only serves the (not-independent) lord⁴³² and is inscribed in a consciousness (constituted by the lord-bondsman dialectics) that, as a whole, fails.

Neither lord nor bondsman are truly self-determined, and most importantly, the inner contradictions of their consciousness do not point beyond the lord-bondsman dialectic. Hegel’s first attempt at formulating a dialogical knowledge conception (spirit) is an epistemological impasse and succeeded by an apparent fallback into monological approaches. Immediately afterwards, Hegel analyses stoic and sceptical attempts to deal with our unfreedom without changing it. The epistemological impasse should, however, not be mistaken for a historical one. While the passage is fuelled by historical experiences, it does not wish to capture them philosophically.⁴³³ Quite the contrary, when he mentions historical slavery, it is not the result

⁴²⁹ PS 123-24/ 191.

⁴³⁰ PS 124-26/ 192-95.

⁴³¹ PS 124/ 192.

⁴³² PS 127/ 196.

⁴³³ I follow here the ‘epistemic’ interpretation of Lord and Bondsman passage. For a monograph long exposition of this approach, Zander, *Herrschaft und Knechtschaft*. Siep similarly insists that the *Phenomenology* privileges the epistemic explication of the category of spirit over the genesis of ethical life in contrast to earlier iterations of the same theme, Siep, ‘Der Kampf um Anerkennung - Zu Hegels Auseinandersetzung mit Hobbes in den Jenaer Schriften’, 192, 198. Even later iterations in the Berlin period might indeed have focused on historical understanding of the state of nature and slavery in antiquity, Ottmann, ‘Herr und Knecht bei Hegel. Bemerkungen zu einer mißverstandenen Dialektik’. Other interpretations that tie it to modern slavery might uncover important sources of inspirations but, in my opinion, the rather weak circumstantial evidence on which they are built can neither upend the systemic place the *Phenomenology* accords to it, nor explain away Hegel’s late endorsement of Ottmann’s interpretation (EPS 433 R), Buck-Morss, *Hegel, Haiti and Universal History*. For a (with exception of

of a struggle for recognition in which one party chooses slavery over death but of wars of conquest and the like.⁴³⁴ In contrast, the *Encyclopaedia* reaffirms the lord-and-bondsman terminology and ties this struggle and its result to the (primitive) state's beginning.⁴³⁵ However, by calling this beginning a mere 'appearance', he emphasises how this would not be part of a philosophical history but, at best, of anecdotal *historie*, i.e. an compilation of facts and events not conceptual history.⁴³⁶ Hegel is not describing a historical situation but a hypothetical attempt to realise recognition from the perspective of the solitary 'I'.

However, the 'I', the structure of subjectivity that mediates knowledge of other objects and is mediated by them cannot become intelligible from the perspective of the isolated 'I'. Again, we can conceptualise this failure as the result of having chosen the wrong object of knowledge. Instead of looking at two subjects that behave like one abstract individual we ought to make social practices the object of our inquiry. The claim to know ourselves (the core content of the concept of self-consciousness) via securing recognition from another individual runs into insurmountable contradictions if we abstract the two individuals from their existing social background. Recognition cannot be realised in a *status naturalis* characterised by a *bellum omnium contra omnes*.⁴³⁷ Hegel implies that it is impossible to explain functioning structures of recognition based on such fiction.⁴³⁸ Recognition is contingent on successful social practices. This turn towards social practices implies a turn towards historical practices: if we remain in the area of thought experiments, we would remain stuck in the perspective of the singular 'I'. In contrast, every practice not born from an individual head is historical.

State-of-nature theories are not the only ones that explain the world from the standpoint of what we might call epistemic individualism. Indeed, Hegel goes on to criticise forms of consciousness that try to accomplish self-determination in a monological fashion, including the aforementioned stoicism and scepticism but also conceptions lumped together under the rubric of 'reason'. The unhappy consciousness realises that it cannot achieve true independence (on

his comments on Napoleon) lucid critique of Buck-Morss thesis of the historical inspiration of the lordship and bondage passage cf. Tibebe, *Hegel and the Third World*, 45–50. For my discussion of Buck-Morss, cf. *infra*, **Fehler! Verweisquelle konnte nicht gefunden werden.**232.

⁴³⁴ Hegel's account of the enslavements of black Africans might be racist but he does not portray enslavement as a choice, LPH 125/ 100. This is confirmed by his account of how African kings would sell both their captured enemies and subjects, LPH 128/103 and mirrors his comments on ancient Greek history LPH 129/ 103 279/ 236, 320/ 273. Cf. Hogan, 'Frantz Fanon's Engagement with Hegel's Master-Slave Dialectic', 26.

⁴³⁵ EPS 433 R.

⁴³⁶ Inwood, *A Commentary on Hegel's Philosophy of Mind*, 331 (Note 2 to EPS 393). Cf. LPH 550, for the English translation of Hegel's manuscript, Hegel, *Lectures on the Philosophy of World History*, 16–17.

⁴³⁷ In general, for Hegel's inspiration by and rejection of Hobbes, Siep, 'Der Kampf um Anerkennung - Zu Hegels Auseinandersetzung mit Hobbes in den Jenaer Schriften'.

⁴³⁸ Bertram, *Hegel »Phänomenologie des Geistes«*, 107.

its own),⁴³⁹ and attempts to impose the laws of one's own reason on the world (including Kant) but cannot make sense of the resistances it encounters. In Bertram's words, 'reason thus ends up with the paradoxical insight that it can only realise its self-determination if it allows itself to be determined by what it is confronted with.'⁴⁴⁰

The subject is opened to the world and must define itself in confrontation with what opposes it. Hegel concludes that social practices are the only way of articulating self-determination and hence the epistemologically necessary autonomy of the subject while taking into account the resistances that the world of experiences poses. The *ethical life*, Hegel's term for the entirety of social practices, inverts the earlier scheme in which the individual imposed her desire or reason upon the world. Now, the individual proves rational by adhering to certain laws taken from the (ethical) world.⁴⁴¹ At the same time, she has an intimate relationship with this law, owns it to some extent as either her identity is formed by it or she chooses to follow it. While Hegel keeps referring to an individual experience, it also becomes clear that the subject or form of consciousness in question is always the community that serves as the individual's framework of meaning.

Conclusion

The three turns have revolutionised what it means to be on the search for universal knowledge and freedom. Mediation is the principle according to which knowledge cannot be gained in abstraction from subjectivity nor freedom asserted in abstraction from the objective conditions of the world. Object and subject must be understood in the relationship of their mutual mediation. Secondly, the necessary practicality of this endeavour resulted from the insight that neither freedom nor knowledge can be conceptualised purely theoretically: they are reflections on practical acts; contradictions that emerge within those reflections are not merely semantical but capture empirically observable conflicts. The social-historical turn from which the central notion of spirit emerged transformed *all* philosophy into a rationalist socio-historical analysis. Normative and epistemic claims must be conceptualised as knowledge and freedom practices and rationally criticised.

The concept of spirit expresses the world-immersiveness of Hegel's subject: it constantly tries to make sense of contradictions and resistance. We cannot overestimated what this means for the concept of universality. Beforehand we moved from a quantitative to a qualitative notion of

⁴³⁹ Bertram, 122.

⁴⁴⁰ Bertram, 124–25.

⁴⁴¹ Siep, *Der Weg der Phänomenologie des Geistes*, 172.

universality that helps grasp how the universal relates to the particular but that left to be feared that Hegel could claim a concept of universality that would exclude some people from knowledge and freedom. After all, if the Germanic male protestant bourgeois can formulate his claims in a way that reconciles the moments of universality and particularity, Hegel could justify characterising him as the subject of universal freedom and knowledge. The world content of subjectivity does not automatically preclude this parochialism – as Hegel’s exaltation of the Germanic protestant people’s spirit and seeming indifference towards less ‘developed’ nations proves. However, it carries an important potential that justifies the hope that the qualitative conception of universality will ultimately lead to a conception of knowledge and freedom that encompasses everyone. To the collective consciousness that tries to make sense of the world, the exclusion of other consciousnesses will always appear at some point as a social conflict and epistemic contradiction. The exclusionary Self will be forced to learn from the resistance of the excluded. Thus, the other starts to take a central role for spirit – spirit cannot just ignore it and construct a reserve for the Western bourgeois self-determination but must bring the process to an end in which subjectivity arises out of the reconciliation of a self-differentiated spirit. Agency lies then always with those forces who experience the contradiction, no matter on which side of the conflict.

III) Disruptive unity: from harmony to forgiveness

Recovering the agency (and the agent) that is liberated and knowing is henceforth the task of Hegel’s philosophy of spirit that turns to the analysis of socio-historical practices in the last part of the *Phenomenology*. They are not necessarily considered for what they really are, but as what we can identify them based on the experiences the reader of the *Phenomenology* has made so far. We are searching for the *true* spirit without exactly knowing what we are looking for. All we know is that the previous forms of consciousness that we analysed are, in reality, abstractions from spirit, ‘spirit [that] analyses itself, differentiates its moments, and dwells on single moments.’⁴⁴² We might encounter similar philosophies as beforehand, but now we understand them as their time captured in thought, i.e. the summarising part of a greater societal whole instead of narrow-minded attempts at solving a single problem. They are analysed not solely concerning their hermeneutical consistency but as a knowledge conception that tries to make sense of *its* world, i.e. the social practices that constitute its subjectivity. Its world consists hence primarily of itself. Spirit must confront itself: it is its own nemesis. Contradictions appear

⁴⁴² PS 378/ 440.

as social conflicts in which individuals try to violently claim recognition, thereby belying the calm unity of spirit's united surface:

As substance, spirit is unwavering righteous identity-with-itself; but as Being-for-itself it is the dissolved essence, the self-sacrificing benevolent essence, in which everyone accomplishes his own work, tears asunder the universal Being, and takes from it his share.⁴⁴³

The unity of universal freedom and knowledge is to be found in spirit, 'the self-supporting, absolute, real essence.'⁴⁴⁴ However, many, if not all (objective) spirits collapse due to their inner contradictions, sometimes resulting in the rise of a Phoenix, sometimes just producing civilisational ruins. Thus, when Hegel designates spirit as the absolute essence, he indicates it to be the framework in which the absolute is to be found. Unlike previous epistemologies, we no longer talk about little bits and pieces but about the whole. The ability to make this statement presupposes hindsight, i.e. knowledge of a spirit which indeed actualises freedom at least *in nuce*.

A fundamental movement of self-diremption and return emerges that structures Hegel's narrative of the coming to consciousness of spirit. In the inevitable collapse of the Greek polis, where everybody identified immediately with the social order, Spirit creates its own other and then does all it can to uphold the denial that the other is its own creation. The central concept of alienation captures this state of self-differentiation and designates the experience of perceiving a world as hostile that one needs to be one's own. The alienated world is not one outside of spirit but is the world of spirit made by spirit. The latter's greatest disempowerment consists in the lack of awareness of how spirit stands in its own way. Ideally represented in the Roman Empire, alienated spirit becomes essentially the world of Christianity wrongly understood as the opposition between the particular and the universal, the here and the beyond and still haunts all those forms of seemingly secular consciousness that blindly negate it. This spirit was caught in a paralysing net of mutual claims of representing the good and accusations of hypocrisy. The French revolution recovered spirit's agency but, honed in centuries of self-denial, exercises this agency as self-destruction. For Hegel, the German reaction to this turmoil à la française was essentially a privatisation of the Revolution that retreated the subject into internality, losing the short-lived agency in the immaculateness of the beautiful soul. Only self-

⁴⁴³ PS 378/ 439.

⁴⁴⁴ PS 378/ 440.

sacrifice in forgiveness sheds this skin and liberates us. Spirit, by giving itself up, finds itself in the other that it has so long denied.

Through this half-historical narrative, Hegel comes to an upsetting resolution for his quest for universal knowledge and freedom. Freedom arises out of unfreedom *when we let go of our ethicality*. We overcome our particularity and achieve concrete universality in the act of self-abandonment. The subject-object knows herself retroactively in forsaking what made up her identity – her only truly present knowledge is the resulting capacity of radically making herself anew. Irritatingly, the practice of forgiveness is not a form of spirit that Hegel analyses but a hypothetical (and only possible) exit from an impasse that the form of spirit of German idealism and romanticism presents. From the perspective of objective spirit, we can sparsely account for the reality of forgiveness. At any rate, we have at least not yet uncovered the perspective from which the reality of the form of spirit that brings liberation through forgiveness is graspable. Instead of lowering his standards, Hegel points to the necessity of researching another form of consciousness, absolute spirit: two people who abandon themselves in mutual forgiveness is ‘the appearing God in their midst.’⁴⁴⁵

A) How to alienate me softly: from the harmony of the Greek polis to the hostility of the Roman Empire

The first two forms of collective consciousness that the *Phenomenology* examines deliver the framework of the unfolding of the self-conscious and free spirit. This unfolding consists of a struggle of spirit with itself that exhibits various degrees of violence that mirror the violence the concept suffers when exiting its undetermined self-identity and experiencing the alien forces of determination. The plot of the unity of the ontological and conceptual realms thickens. The abstract concept can only become determinate if a predicate is added to it, a procedure that, for Hegel, bears the mark of violence since it does not come from the concept itself:

Its determinateness at first seems to be only through its relating itself to an other, and its movement seems imposed upon it by an alien power. However, that it has its otherness in itself and that it is self-moving are contained in that simplicity of thinking itself, for this is the self-moving and self-distinguishing thought, the thought which is its own inwardness, which is the pure concept. In that way, the intelligibility of the understanding is a coming-to-be, and as this coming-to-be, it is rationality.⁴⁴⁶

⁴⁴⁵ PS 624/ 671.

⁴⁴⁶ PS LXIX/ 55.

The harmony of Greek ethical life suppresses the movement and its violence that only comes forth in the tragedy in which Greek ethical life necessarily ends. Hegel's rendering of Greek ethical life's collapse translates the necessity of the moment of alienation from concept determination into the realm of the social, where it finds its experiential origin. From here on, mediation is the only way for spirit to find back to unity and universality. In Hegel's narrative, the social and political order of the Roman Empire presents the exit from the mythological garden of Eden and the most violent of all valleys of tears through which spirit must wander on its way to liberation.

Greek ethical life – exit from the Garden of Eden

At Hegel's narrative's beginning stands the harmonious unity of the ancient Greek polis in which the individual is one with the spirit of the community. The Greeks knew themselves by adhering to tradition and law and could make perfect sense of the world constituted by those. They were recognised as good citizens and human beings by following the law and the customs of their tradition, the entirety of which Hegel designates with the term 'ethical life'. The latter fundamentally contrasts with previous conceptions of knowledge in which the subject attempted to grasp an objective world outside of it. All too often, it found the laws with which it tried to conceptualise the world to be inconsistent with its (self-) experience. The individual that determines her actions in immediate accordance with the ethical order finds satisfaction and harmony, 'knowing the law of the heart as the law of all hearts, knowing the consciousness of the Self as the recognised universal order.'⁴⁴⁷

However, in this immediate allegiance, the 'we', i.e. the collective 'people', is not conscious of itself.⁴⁴⁸ Instead, we are in the middle of Greek mythology, captured by the great ancient dramas where destiny is all.⁴⁴⁹ The unity of being and thought, of object and subject, is achieved only on the grand scale of society, while the individuals who are the actual bearers of consciousness have no overview of the former.⁴⁵⁰ They play their role without knowing what their role in the overall play is.

⁴⁴⁷ Hegel explicitly compares previously discussed forms of consciousness and conceptions of knowledge with this state of satisfaction, PS 399-400/ 461.

⁴⁴⁸ PS 379/ 441.

⁴⁴⁹ Sophocles' *Antigone* and Aeschylus' *Oresteia* and *Seven against Thebes* play a major role, Siep, *Der Weg der Phänomenologie des Geistes*, 181.

⁴⁵⁰ PS 385/ 447.

Hegel illustrates the contradictory nature of this immediate unity by narrating the conflict between the archetypal male and female roles,⁴⁵¹ who uphold as male citizen and female head of the household two kinds of normativity, the human and the divine law.⁴⁵² Human law is the formally universal but historically contingent law of the *polis* that grants recognition to everybody who follows it.⁴⁵³ In contrast, the divine law recognises everybody unconditionally on the sole basis of being a human and a family member.⁴⁵⁴ The family wishes its members to flourish, but the fact of kinship hardly tells them how to support them, widely reducing determinate obligations to emergency aid and burial rites.⁴⁵⁵

In good times, this division of roles allows the whole ethical order to flourish. Everybody contributes to the common good by following their law, finding purpose and satisfaction while contributing to an overall balance.⁴⁵⁶ This changes ‘dramatically’ when a conflict between the two normativities emerges,⁴⁵⁷ as Hegel’s reflections on ancient Greek theatre plays exemplify. Sophocle’s *Antigone* cannot fulfil her divine duty to bury her brothers without violating the order of her king Kreon who forbade the burial of those who turned against their home city, Thebes. *Antigone*’s lawful death sentence shatters Kreon’s family and stands in for the fateful collapse of the whole polis of Theben. Kreon and *Antigone* are bound by their respective orders and unable to see and reconcile with the other order with which they lived most of their life in harmony. Tragically, both act ethically and thereby obliterate the overreaching ethical order.⁴⁵⁸

The violence against the individual *Antigone*⁴⁵⁹ results from the lack of distance between the law and its subject. Immediate universality leaves no room for contestation that could resolve conflicts between different forms of normativity.

For this reason, the opposition between them appears as an *unfortunate* collision of duty merely with a reality which possesses no rights of its own. The ethical consciousness is, qua self-consciousness, in this opposition and as such it at once proceeds to force into

⁴⁵¹ Hegel in fact assigns the archetypal roles to brother and sister since, in their case, sexual desire and instinctive protection of children do not obscure that the divine law that defines the family relations is not purely natural but ethical, 394-95/ 456-57.

⁴⁵² PS 397-98/ 459.

⁴⁵³ PS 385/ 448.

⁴⁵⁴ PS 394-97/ 456-58.

⁴⁵⁵ PS 387-91/ 451-54.

⁴⁵⁶ PS 400/ 462.

⁴⁵⁷ Siep states that this analysis anticipates the sociological findings of system’s theory (Luhmann) and even more to normative theories of social differentiation (Walzer), Siep, *Der Weg der Phänomenologie des Geistes*, 232.

⁴⁵⁸ LPR II 133/ II 264.

⁴⁵⁹ PS 385/ 449.

subjection to the law which it accepts, the reality which is opposed to it, or else to outwit it.⁴⁶⁰

Disposing of the superior means of violence, Kreon can force Antigone to see the state's point. Her rightful and voluntary admission of guilt and submission under the law implies the surrender of her individuality that becomes an 'unreality.'⁴⁶¹ This suppression of individuality amounts to the end of the *beauty* of the ethical realm, which consisted in the subject's identity with the ethical life.

In making Sophocles' drama the point of departure for the narration of the development of the true(ful) spirit, Hegel hammers two points home: the necessity of mediation and the tragicality of progress. Within an immediate universality, the particular individual cannot validly assert her perspective; her individuality is suppressed.⁴⁶² The problem is that the ethical universal does not leave room for the subjective, or more precisely, that the objective ethical order *is not a universal subject*. The supposedly self-conscious spirit lacks a Self. The becoming of spirit as subjectivity necessitates a distance between the universal and the particular. The crisis of this order already frustrates the agency of its main protagonists, Kreon and Antigone. Feeling the personal pain that the tragedy imparted on them, they experienced what Hegel considers the core of this distance, alienation.

The legal condition – entry into the valley of tears

The Roman Empire inherits this alienation. The distance between the normative order and its constituent members is what defines its form of consciousness, the *legal condition*. The (male) citizen of the Roman Empire defined himself through his claim to the status of a legal person. The ethical universality dies and dismembers into atoms which are all recognised by the political order as the bearer of legal rights.⁴⁶³ While the human order of the Greek polis granted free men numerous roles in exchange for very substantive obligations, the legal order only recognises the 'demure Self', the legal personality, a universality that is abstract instead of being dissolved in the substance of ethical life.⁴⁶⁴ The universality of legal personhood has its consciousness in the individuals who act as legal persons. They relate to the world on terms consistent with their self-understanding:

⁴⁶⁰ PS 405-6/ 466.

⁴⁶¹ PS 413/ 471.

⁴⁶² Identifying this as the central deficit, Bertram, *Hegels »Phänomenologie des Geistes«*, 161.

⁴⁶³ PS 422/ 477.

⁴⁶⁴ PS 423/ 478.

[T]he formalism of right is thus in virtue of its concept without peculiar content; it finds before it a manifold subsistence, its possession, and [...] stamps it with [...] abstract universality, whereby it is called *property*.⁴⁶⁵

The form of consciousness that tries to make sense of its experiences through the paradigm of property, the extension of its legal persona, must appropriate the world in the reifying sense of the word. People not recognised as legal persons were merely property, including slaves and, as Hegel asserts scornfully, children and women.⁴⁶⁶ However, the citizen's attempt to seize the world is bound to disappoint. The proprietor encounters an essentially hostile world, an anticipation of free market conditions: a 'chaos of spiritual powers which, unleashed as elemental essences, move against each other madly and destructively in a wild debauch.'⁴⁶⁷ Objects resist his appropriation attempts while other legal persons compete with him in a struggle untamed by a substantial ethical order.

That this world is held together at all is only due to the Emperor. However, in the absence of the substance of Greek ethical life, this 'master of the world' becomes a tyrant who wields unlimited power, making his rule in the Romans' eyes arbitrary, violent, and excessive, alienating them further.⁴⁶⁸ The Emperor gives consciousness to the hostile world, which frustrates the designs of the average Roman citizen, never mind the disenfranchised:

The lord of the world has the actual consciousness of what he is—the universal power of actuality—in the destructive violence he exercises against the Self of his subjects, the Self confronting him.⁴⁶⁹

The legal person and the master of the world constitute one spirit, *one collective form of consciousness*. Forms of consciousness that do not grasp the whole tend to be divided consciousnesses. Their schizophrenia sustains the overall state of limitedness at the price of violence, suffering, and unfreedom. For the inclined reader, Hegel's history of the spirit that awakes to its self-consciousness is almost like a therapy session. We seek to identify the source of our self-mutilations, the childhood trauma and chains that bind us. Roman-era philosophies such as stoicism and scepticism are unaware of how society's condition is self-imposed and

⁴⁶⁵ PS 425/ 480.

⁴⁶⁶ The role the former played in the Greek ethical order has no place in the Roman world: the proprietor is the only recognised role, PR 43 R, 175.

⁴⁶⁷ PS 426/ 481.

⁴⁶⁸ PS 426-27/ 481.

⁴⁶⁹ PS 427/ 482.

hence offer an unspiritual (i.e. on epistemic individualism based) therapy of detachment from an unreal world.

In contrast, law, defined by the transformation of possession into property, elevates the violent material reality to the level of thought.⁴⁷⁰ The epistemological move that made spirit the subject and object of inquiry did not simply provoke a change from an individual to a social perspective. The fundamental understanding of reality and what defines the Self have shifted, too.

This truth consists in the fact that this universal validity of self-consciousness is the reality alienated from it. [...] The actuality of the Self that was not present in the ethical world has been won by its return into the person; what was unified in the ethical world now enters the scene developed but alienated from itself.⁴⁷¹

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The existence of the universal Self came at the price of self-alienation and a loss of essence.⁴⁷² This alienation sets the stage for the whole Western history of spirit. We witnessed the two first moments of the movement in which spirit gains self-knowledge: immediate unity and alienation. The rest of Hegel's systemic philosophy consists of finding the third moment that returns spirit to a mediated unity: reconciliation.

By starting spirit's journey with the development of one extreme out of the other, Hegel clarifies that the realisation of universal knowledge and freedom is a dialectical process. Freedom and knowledge pose too complex a problem for any philosophical handyman to solve. We cannot simply 'learn' from the collapse of Greek ethical order that we need to 'introduce' distance between the norm and the norm-executing individual. Similarly, we cannot simply 'repair' the Roman conception of freedom by remedying its lack of real universality. We cannot actualise universal freedom by extending the status of the freest subjects to the rest. Granting legal personality to slaves and women surely improves their position but ignores that even the 'freer' subjects are not truly free within a divided consciousness.⁴⁷³ Emancipation which focuses solely on the franchise's expansion ignores the schizophrenia at the root of unfreedom. Liberation is neither a question of the right societal formula of mediation nor of universal inclusivity but of overcoming the division of the collective consciousness.

⁴⁷⁰ PS 423/ 479.

⁴⁷¹ PS 428/ 483.

⁴⁷² PS 428/ 483.

⁴⁷³ Fanon calls the produce of this individual liberation (which is accorded to everyone individually instead of being the result of collective self-liberation) 'enfranchised slaves' Fanon, *Les damnés de la terre*, 61.

B) Fighting oneself: the world of alienated spirit

In Hegel's analysis, the Christian era took this division of consciousness head-on. Christian alienated spirit recognises how the division is constitutive of the world's hostility and attempts to overcome it. Christian knowledge conceptions actively divide the world into the exalted part the bearer of the form of consciousness aims to participate in and the lowly part it opposes. Hegel discusses several forms of alienated spirit that range from the Christian ascetic who wishes to hone the particular flesh in the light of the universal spirit to the judging Enlightenment that critically juxtaposes the hypocritical self-serving ancient régime with an altruist utilitarianism. All of them fail and reproduce alienation in a new form.

Hegel attributes this tendency to the unmediatedness of the dichotomies with which it tries to grasp the world. The opposing partial bearers of consciousness do not understand how they depend in their supposedly exalted position on the lowliness of the other. They fail to grasp the mediation of the (exalted) universal and the (lowly) particular. In other words, how social practices deploy the categories of universality and particularity decides whether the object-subject divide can be bridged and the abstract universal transform into the concrete universal.

The Christian⁴⁷⁴ division of the world into the 'here' and the 'beyond'⁴⁷⁵ transforms the dichotomy of Roman philosophies and sows the seed of its undoing. Stoicism achieved the mere 'thought of independence' by abandoning its 'being-there'. It abandons its concrete existence in the world by flying into the 'realm of pure thought'.⁴⁷⁶ In contrast, Christianity is conscious of the division and duplicity of the world that the alienated spirit creates. The theme of the *Fall of Humankind* grants self-consciousness to the spirit living in the condition of tragedy after the collapse of the harmony of Greek ethical life. The Christian is very much aware that the world that she produces through her labour(s) is not as it ought to be; that is what defines her *individually* as the *unhappy consciousness*.⁴⁷⁷ The unhappy consciousness is caught within the individualist perspective. It asks, 'how, do I, sinner, relate to the world?' and it finds itself

⁴⁷⁴ Hegel does not speak of Christianity explicitly. He does not mention it nor its founder even once in the *Phenomenology*. The section 'revealed religion' just assumes that everybody would know who Hegel is talking about when he says he or it has an 'actual mother' and an father 'who-is-in himself' (PS 706/ 755, 740/ 787). Hegel probably thought of Christianity as an omnipresent feature of European society whose many aspects and interpretations he discussed separately instead of lumping them together under one label.

⁴⁷⁵ PS 431/ 485.

⁴⁷⁶ PS 423/ 479.

⁴⁷⁷ Shklar consistently uses the unhappy consciousness as the pre- and most significantly post Christian, i.e. romanticist form of consciousness. I think this is a misguided interpretation: although Hegel mentions the unhappy consciousness for the first time together with scepticism and stoicism, he also clarifies how it surpasses them since it goes 'beyond pure thinking' (PS 147/ 216) implying it to be historically posterior. Shklar acknowledges the existence of the opposite interpretation represented by Jean Wahl, Shklar, *After Utopia*, 22 Fn. 34.

lacking. It knows the ‘essential’ and finds itself ‘unessential’.⁴⁷⁸ However, Hegel has already rejected the individualist perspective and now seeks to reconstruct the collective consciousness that embeds and sustains the individual unhappy consciousness. That is the true knowledge conception of its time, and Hegel calls it, in distinction from the religion of whose more holistic theology it is still an abstraction, *faith*.

The crux of this consciousness is how it articulates the ‘here’ and the ‘beyond’ as constituent-members of its divided consciousness:

The world of this spirit breaks up into a twofold world; the first is the world of actuality or of spirit’s alienation itself; but the other is the world which spirit, rising above the first, builds itself in the aether of pure consciousness.⁴⁷⁹

The first is the here-and-now in which the individual loses control of her work and is subject to the violence of a de-ethicalised society. In a Manichean dichotomy, spirit tries to set itself free from its material reality, becoming an image of the divine through devotion and asceticism.⁴⁸⁰ However, this claim to freedom and independent knowledge suffers from a serious handicap:

This second world is opposed to that alienation and is, for just that reason, not free from it, but really only the other form of alienation, which consists precisely in having the consciousness in two kinds of world, and which embraces both.

Hegel describes this process of gaining distance from the material reality as *Bildung*. It is generally translated as ‘culture’ but carried for Hegel a meaning that was both pedagogical and formative in a more constructivist sense.⁴⁸¹ Self-consciousness is *formed* in the process of distancing itself from its immediate existence and through exposure to conceptual frameworks that sustain this distance, i.e. *education*.

While these Christian forms of consciousness are painfully aware of their division, they are unable to grasp how their imagined utopia depends on their dystopia’s continued existence. Žižek qualifies this dependency diagnosis as the core of the Hegelian critique of ideology. In the critical sense, ideology is the misapprehension of the condition of possibility (of what co-constitutes your position) as the condition of impossibility (an obstacle preventing its full

⁴⁷⁸ PS 142-43/ 208.

⁴⁷⁹ PS 434/ 487.

⁴⁸⁰ Siep, *Der Weg der Phänomenologie des Geistes*, 190. Cf. PS 217/ 148 ff.

⁴⁸¹ The pedagogical connotation of *Bildung* was firmly established in the late 18th century but acquired its programmatic connotation only in the aftermath of Humboldt’s work. As so often, Hegel took up the prevailing understanding while playing with its ambiguities. Lichtenstein, ‘Bildung’. 7, 13-14.

realisation).⁴⁸² In plain language, it is shadow boxing. That does not mean it will stop hurting once one stops boxing the shadow. The end of ideology is no solution to the problem ideology helped evade. The body that produces the pain and casts the shadow will still be around.

The secularisation of alienated spirit exemplifies this. The judgement of good and bad translates ‘the here and the beyond’ into the secular realm while showing how the extremes involved in shadow-boxing are prone to invert into each other. The abstract good and bad are judgements, which assign certain things to be good and others to be bad. So while alienation as education first and foremost was a self-distancing from the world, the judgement catches up with the world and grants the conceptual realm a new reality:⁴⁸³ a judgement is made not on ‘good’ and ‘evil’, the ‘universal’ and the ‘particular’ as such but on *somebody* (‘s action) as ‘evil’ or ‘good’.

Within social conflicts, the universal good and particular bad invert into each other. By attributing these categories to singular or structural bearers of consciousness, the alienated spirit is still in ‘flight from its own actuality’.⁴⁸⁴ Although the judgement brings a part of reality into the conceptual essence of spirit, it denies another part. The rigid dichotomy of judgement pits one part of consciousness against the other. Since their opposition is unmediated, they can only relate to each other through suppression or domination.⁴⁸⁵ However, this domination stands in no direct relationship to material power relationships. It is not that Hegel does not care about them, but alienated spirit defines the conceptual in general in opposition to the particular reality rendering it incapable of grasping the particularities of the world and the nature of power.

All that separates the parts of the divided consciousness is the speech act of judgement. In an antagonistic world, speech acts are alienating. They are externalisations of the Self that, like work products, are subject to forces beyond the speaker’s control that appropriate the judgement as soon as it is uttered. All too easily, we can revert the judgement and call out the self-interest of the seemingly good and universal or hail the blissful consequences of the seemingly particularistic principles. Hegel illustrates the inversion of the particular into the universal and vice versa as follows: If we oppose the state acting for the common good with the bourgeois pursuing her particular interest, it seems evident who embodies the universal and good.⁴⁸⁶ However, Moralistic political economy theories turned the tables on the supposed benefactors of the common good by outlining how the pursuit of particular interests serves everybody’s

⁴⁸² Cf. Žižek, *Less Than Nothing*, 200.

⁴⁸³ PS 476/ 527.

⁴⁸⁴ *Ibidem*.

⁴⁸⁵ With regard to the unmediated opposition between the infinite and finite, cf. Rose, *Hegel Contra Sociology*, 105.

⁴⁸⁶ PS 441-443/ 494-95

interest while painting the state intervention as arbitrary use of power tantamount to tyranny.⁴⁸⁷ Good quickly reverts into evil and vice-versa since language constructions alone decide who stands on the side of pure consciousness.

At the heart of this problem, Hegel saw a wrongly conceived Christianity in which God was dead. He died on the Cross, and henceforth we are all oriented to the beyond where He resides, untarnished by His little human escapade.⁴⁸⁸ Paradoxically, but truthful to the logic of inversion, this false Christianity finds its truest expression in its most ardent critique, the Enlightenment. As long as the Enlightenment sticks to the dichotomic framework of the *here* vs the *beyond*, the critique will mirror rather than overcome the alienation of Christian spirit.

It is just that Enlightenment rightly declares faith to be, when it says of it that what is for faith the absolute essence, is a Being of its own consciousness, is its own thought, a product of consciousness. Enlightenment thereby declares faith to be error and fiction with respect to the same thing as Enlightenment is.⁴⁸⁹

For Hegel, French intellectual culture on the eve of the revolution incorporates the logic of alienated spirit most consequentially. Its wittiness and irony mark the detachment from the indeed desolate world of the ancient régime.⁴⁹⁰ Its constant charge of hypocrisy – ‘You (the clerics) preach water while boozing wine’ – constitutes the appropriate ‘language of dismemberment’.⁴⁹¹ This mirroring makes the Enlightenment ‘an irresistible power over faith because the moments which enlightenment champions reside in faith’s own consciousness.’⁴⁹² It can sweep over it, taking its place without solving its epistemological problem: its problematic relationship with the world, and hence with itself. Its deism and metaphysical materialism express the same inaccessibility of abstract concepts as the negative theology of the dead and into the beyond-removed God.⁴⁹³

C) Remaking the world: revolution and forgiveness

Finally, some action: the French and the guillotine

The second half of the 18th century provides an exit to the mirror games of alienation once the political philosophy of the Enlightenment finds in the French people a practical expression. The combination of the principles of utility and the *volonté générale* allows for a universal action

⁴⁸⁷ PS 445/ 497.

⁴⁸⁸ Rose, *Hegel Contra Sociology*, 118.

⁴⁸⁹ PS 496/ 549.

⁴⁹⁰ Cf. LHP III 295-96/ 388-91.

⁴⁹¹ PS 465/ 520.

⁴⁹² PS 520/ 572.

⁴⁹³ PS 524-7/ 575-8.

that unites subject and object and passes during the revolution from the realm of judgement into determining a social practice.

Enlightenment posits, criticising the selfishness of the priesthood, the ‘selflessness of the useful.’⁴⁹⁴ Consciousness ‘has an assured place in that world: it is useful to others and others are useful to it.’⁴⁹⁵ Instead of pitting various orders against each other (the ascetic vs the worldly order, the public powers vs the private enterprise, faith vs pure insight), the Enlightenment now penetrates the world as a whole with the same universal principle – everything is considered with regard to its utility: it permeates all reality. Its consciousness is defined by utility and finds the world graspable according to its own identity. Hegel concludes with a pinch of sarcasm, ‘The two worlds are reconciled and heaven is transplanted to the earth below.’⁴⁹⁶

Until the theoretical work of Rousseau and the institutional settings of the French Revolution, utility was only a predicate of the object and was not identifiable with the subject or its actuality.⁴⁹⁷ That changes once the reality is conceived as the *function* of the *volonté générale*. Henceforth, gaining insight is insufficient. What matters is the transformation of reality and the universal will's immediate effectiveness. Things are not merely judged according to their usefulness but *made* useful for the universal subject, the people. Only now, the unity of subject and object exits the realm of pure consciousness and makes the consciousness one with the world by transforming it according to its will.

Albeit uniting world and spirit under a universal principle, the conceptual realm is still conceived of in the dichotomies that Enlightenment had negated in the previous alienated spirit. In Hegel's eyes, the *volonté générale* designates the *sum* total of particular wills (a possible over-simplification of Rousseau). It is an abstraction of the particular rather than a mediation between the particular and the universal. Consequentially, the ‘simple, inflexible, cold universality’ stands in conflict with the ‘real organisation’ of social life⁴⁹⁸ from which it has been alienated in the empty and abstract consciousness of materialism and deism. The only object of freedom is the ‘freedom and singularity of actual self-consciousness itself.’ (ibid). Therefore, the Self forms a consciousness that solely possesses an abstract *Being-there* unable to admit any form of mediation to the particular Selves of its citizens. As holders of particular

⁴⁹⁴ PS 522/ 573.

⁴⁹⁵ Hegel and Inwood, *Phenomenology of Spirit*, commentary on § 581.

⁴⁹⁶ PS 532 /581.

⁴⁹⁷ PS 533 /582 Siep, *Der Weg der Phänomenologie des Geistes*, 201.

⁴⁹⁸ PS 540/ 590.

wills, these citizens form the only opposition to the new regime. The latter's answer consists of the guillotine.⁴⁹⁹

The violence of immediacy quickly devours the regime itself. Since the government needs to act to actualise the universal will, it needs to determine itself, and so becomes a determinate individual itself - or in terms of a political struggle - *a faction*.⁵⁰⁰ What was supposed to be the executing arm of the universal will turns out to be nothing more than a victorious particular. The stumbling block is not the action itself, since the government finds itself in a sort of paralysis due to the necessary underdeterminacy of its will, but its intention. The masses suspect the government's ill-conceived maxims it supposedly intends to act upon.⁵⁰¹

The reliance on intentionality is the heavy burden Enlightenment inherited from the pure insight's critique of faith: utility was considered to be 'being for other'⁵⁰² as opposed to the malicious intentions of the priesthood and the ruling clique it supported. What counts is the intention that relates the internal will to the external reality. Any suspicion of malintent suffices to shatter an order built on the immediate universality of will.⁵⁰³ Intentionality reveals itself as a false means of liberation: 'It places the essential in the *intention*, in the *thought*, and thereby spares itself the actual accomplishment of liberation from natural purposes.'⁵⁰⁴

Die Gedanken sind frei – German freedom of thought

Die Gedanken sind frei
Wer kann sie erraten?
Sie fliehen vorbei
Wie nächtliche Schatten;
Kein Mensch kann sie wissen,
Kein Kerker verschließen
Wer weiß, was es sei?
Die Gedanken sind frei⁵⁰⁵

This song rose sharply in popularity after the repression of the freedom of thought following the Carlsbad decrees (1819) and captures Hegel's problem with German philosophy. Although disposing of a better account of subjectivity, Idealism and Romanticism fell back into an

⁴⁹⁹ Hegel and Inwood, *Phenomenology of Spirit*, commentary on § 590.

⁵⁰⁰ PS 542/ 592.

⁵⁰¹ Hegel and Inwood, *Phenomenology of Spirit*, commentary on § 591.

⁵⁰² PS 529 /580.

⁵⁰³ Consequentially, 'falling-under-suspicion' replaces the verdict 'guilty' as legal prerequisite to getting your head chopped off, PS 541-42/ 591.

⁵⁰⁴ PS 520/ 571.

⁵⁰⁵ Thoughts are free/ Who can guess them?/ They fly by/ like nocturnal shadows./ Nobody can know them/ No dungeon can lock them/ Who knows what they are?/ Thoughts are free!

unpolitical passivity that detaches freedom from the objective condition of the world. With not-so-subtle sarcasm, Hegel proclaims his philosophical patriotism:

Just as the realm of the actual world passes over into the realm of faith and insight, so does absolute freedom pass from its self-destroying actuality and over into another land of self-conscious spirit where, in this unactuality, freedom counts as the true; in the thought of this truth spirit refreshes itself, insofar as spirit is and remains thought, and knows this Being which is enclosed in self-consciousness as the complete and perfect essence.⁵⁰⁶

Unlike the French, the Germans had gone through the process of the Reformation. Having established a direct line from their subjectivity to the Almighty and Absolute, they could deal with absolute freedom – silently (if you do not count the rustling of moral treatises). Spirit moves from France to Germany, from fatal action to exalted passivity. We go from discussing revolutionary politics to the intricacies of dealing with the moral law.

Hegel presents morality not as something that pertains to a philosophical sub-discipline but as definitive of the German spirit's whole cosmos. Reading contemporary German idealism within the narrative arc of *Phenomenology* grants us a different look at moral philosophy. We understand it as a knowledge conception that is different from mere rationalism.⁵⁰⁷ Morality is the subject's attempt to relate to the world through a reflection on its own subjectivity. It pervades the world with the universal 'I'. The subject does not only wish to act according to a moral law but understands reality in moral terms. Kant's categorical imperative exhorts us to treat others as subjects; it unites subject and object by elevating the object to subjecthood, constituting a duty internal to the subject itself.⁵⁰⁸ Morality is thus a form of spirit, a collective emanating from *alienated spirit* and seeking to overcome it. As reality is now spirit and spirit rational, we witness a radical change in the conception of reality approaching Hegel's famous double dictum: 'What is rational is actual; and what is actual is rational.'⁵⁰⁹ As a consequence, alienation subsides or at least changes its character profoundly. If the world consists of morality, it is constituted by spirit itself.⁵¹⁰ Hegel speaks here of *absolute mediation* 'for it is essentially

⁵⁰⁶ PS 547/ 595.

⁵⁰⁷ That is what a reading of Kant's philosophy that is still caught within methodological individualism à la 'Reason as lawgiver' could imply, cf. PS 358 ff./ 419 ff.

⁵⁰⁸ PS 550/ 599.

⁵⁰⁹ PR p. XIX/ 20.

⁵¹⁰ Siep, *Der Weg der Phänomenologie des Geistes*, 206.

the movement of the Self⁵¹¹, i.e. the consciousness has itself as an object and becomes through knowing itself a universal Self, bridging the object-subject divide.

Since the consciousness now regards the world thoroughly through her own eyes, we can no longer speak of a divided consciousness. Here lies the fundamental importance of the reformation that Hegel credits with fulfilling the subjectivist turn that Christianity started.⁵¹² The persisting dichotomies between the universal and particular, spirit and matter, do not translate into the problems of social and conceptual volatility we witnessed previously. Concerned with the entire cosmos, the Christian could not abstain from judging and dividing the world into good and bad, and the utility-oriented *volonté générale* needed to test itself by transforming social relationships. In contrast, the moral subject is not necessarily concerned by other people's morality as long as they behave in a way that allows others to live a moral life of their own. Fries focus on negative political freedom reflected this indifference to the substantial constitution of society. At first glance, (deontological) morality is solely occupied with itself and is hence not drawn into the maelstrom of social conflicts that unhinged the previous knowledge conceptions.

However, the reconciliation between the subject and its world turns out to be fragile. Since we conceptualised morality as *spirit*, the social and material creeps back in through the backdoor, explaining its ultimate failure. Firstly, as a knowledge conception that tries to make sense of the world, the moral consciousness cannot remain oblivious to the world and struggles to reconcile happiness and morality. Secondly, since the subject does not know herself as moral unless she is recognised as such, we cannot abstract from social practices. Hegel conceptualises the incapacity of morality to answer either of those challenges as the birth hour of Romanticism: it covers up the unsuccessful passivity of idealism with intellectual dishonesty while being caught in the same passive subjectivist German moment of intellectual history.

The moral spirit conceives of its intellectual being as essential and independent as opposed to nature's unessentiality and lack of independence.⁵¹³ However, the moral consciousness fails to experience the moral law's supremacy insofar as it sees moral deeds to remain unfruitful and happiness⁵¹⁴ unrelated to morality.⁵¹⁵ Hegel's analysis of how Kant's postulates of god and the immortal soul try to reconcile the moral and sensual shows that the transcendentalisation of the

⁵¹¹ PS 549/ 597.

⁵¹² Cf. Ritter, *Metaphysik und Politik*, 313 ff. Cf. EPS 552 R p. 562/ 251-52.

⁵¹³ PS 551/ 600.

⁵¹⁴ Instead of the German *Glück*, Hegel uses *Glückseligkeit* which could be translated by beatitude, a state of bliss, or felicity.

⁵¹⁵ PS 551-51/ 601.

unity of the world goes hand in hand with the displacement of a utopian hope to a realm beyond reach. Only the hope for a god who rationally imparts judgement on all immortal souls after their body's death, granting beatitude to the just and punishment to the unjust, can assure a hierarchical unity between morality and nature.⁵¹⁶ The dead and abstract *deus* of idealism is no longer part of the divided consciousness (as the good or pure intellect) but sustains the contradictions that divided the consciousness to begin with. The *deus* becomes a signifier for a hypostatized contradiction. It does not only paper over the contradiction between morality and nature but also must *sustain* it insofar as it is constitutive of the moral consciousness. The latter defines her 'I' as the fulfilment of duty through overcoming her natural drives (the 'sensual non-I'). We can hardly imagine determining the moral 'I' in a world where we have been completely habituated to virtue or deafened to our natural drives. The spirit of morality becomes inconceivable unless a creator *deus* constantly recreates the 'non-I.' The actuality of morality moved entirely into the beyond.⁵¹⁷ The moral utopia is not only postponed as a sort of coping mechanism but as a matter of necessity to sustain the subject's self-determination.

By shifting moral perfection to the 12th of Never, the moral consciousness admits that it is not earnest about it.⁵¹⁸ Hegel radicalises Kantian subjectivity, thereby establishing a link to what we might call a romanticist consciousness.⁵¹⁹ In a 'typology of Romanticist subjectivism',⁵²⁰ Hegel indeed puts the beautiful soul and *irony* (a lack of earnestness) into the same rubric.⁵²¹ The moral consciousness starts to grasp that the approximation of perfection undermines the premise of the approximation of perfection since perfection would cancel the opposition between the rational duty and the sensual. Perfection is impossible, leading to accepting an *intermediate state* of non-morality.⁵²² The earnest subject must accept that it does not merit the divine reward of beatitude and reverts to a Protestant position of redemption by grace alone.⁵²³ If not merit but divine grace accords worthiness, the unity of morality and happiness breaks apart, ending the harmony of the highest good.

⁵¹⁶ PS 552 ff./ 602; Siep, *Der Weg der Phänomenologie des Geistes*, 207.

⁵¹⁷ PS 563/ 614.

⁵¹⁸ PS 567-69/ 617-18.

⁵¹⁹ In general, for the continuity of Enlightenment and Romanticism, cf, Stewart, *An Introduction to Hegel's Lectures on the Philosophy of Religion.*, Chapter 3.

⁵²⁰ Stewart, 79.

⁵²¹ PR 140 R.

⁵²² PS 573-74/ 624.

⁵²³ Siep, *Der Weg der Phänomenologie des Geistes*, 210. Offering a similar theological Kant interpretation, Adorno, *Negative Dialektik*, 287-90.

The radicalisation of subjectivity translates into the consciousness that defines itself through its conscience.⁵²⁴ At its example, Hegel demonstrates how the introspective and monological knowledge conceptions of morality cannot establish relationships of mutual recognition.⁵²⁵ The impossibility of fulfilling pure duty shifts the actuality of morality more and more to the beyond, constituting a divided form of consciousness. Confronted with these contradictions and ever jumping between conjunctive *alsos*,⁵²⁶ the moral consciousness escapes into the internal realm of its *conscience*.⁵²⁷ There alone, the consciousness is *certain*⁵²⁸ of itself and its dutiful action in a way the Kantian subject never could. The Self's conviction becomes duty *simpliciter*⁵²⁹ while simultaneously displaying this inner conviction to others.⁵³⁰ Born is the *moral genius* who listens to the divine voice of conscience and puts 'whatever content it pleases into its willing and knowing.' The pseudo-religious oracle of conscience stands in for a shallowing of the Kantian pseudo-religious postulates of practical reason in the thought of Fichte, Jacobi, Novalis and the like, which all suffer from the introspective subjectivity Hegel is about to debunk.

Hegel argues that the subjectivist unity of consciousness breaks up immediately after the choice of conscience is made. The immediate knowledge of acting in itself as being-for-other falls apart in the materialised action when the acting consciousness expects recognition from a judging consciousness. For the judging consciousness, the immediate unity of duty and action is unintelligible since the internal forum of the acting consciousness is not identical with the 'self-consciousness of all.' Therefore, she cannot grant unconditional recognition⁵³¹ and withholds conditional recognition whenever conflicts arise. If the judging consciousness challenges the dutifulness of this moral genius' actions by claiming that they have hurt her, the latter must choose between two options. Either she sticks to her divine voice, explaining the duty she followed, or she pretends that she 'actually' wanted to achieve a different effect that would not have caused hurt.⁵³² The latter's hypocrisy undermines any recognition in a society

⁵²⁴ Siep calls it a continuation in the subject's *Erfahrungsgeschichte*, Siep, *Der Weg der Phänomenologie des Geistes*, 210.

⁵²⁵ Bertram, *Hegels »Phänomenologie des Geistes«*, 234–35.

⁵²⁶ PS 577-78/ 629.

⁵²⁷ PS 580/ 631.

⁵²⁸ Inwood notes correctly the familiarity between the German terms *certain* (*gewiss*) and *conscience* (*Gewissen*), Hegel and Inwood, *Phenomenology of Spirit*, commentary of § 633.

⁵²⁹ Hegel and Inwood, commentary on § 639.

⁵³⁰ PS 588-89/ 639, 598-99/ 647.

⁵³¹ PS 599-600/ 648. This division already falls within the individual consciousness looking back at her own actions, Hegel and Inwood, *Phenomenology of Spirit*, commentary on § 648. Anybody who ever second-guessed her true motivations for a seemingly noble act can relate.

⁵³² PS 612-13/ 662.

that suspects thinly-veiled egoism where it should recognise the universality of the good conscience.⁵³³ However, insisting on having been truthful to one's own genius exposes the particularity of one's will retroactively. Furthermore, it implies validating having hurt the *other* ex-post, thus admitting not to be being-for-other but *evil*.

Two ways lead out of this dilemma: a flight into internality or what Hegel calls *trust in absolute difference*, Hegel's own 'solution', which we will analyse below. The flight into internality consists of renouncing morally meaningful action and assuming a state of lyrical appreciation of goodwill. Of course, Hegel did not use the term 'romanticism', and he probably had literary examples in mind when scoffing about the beautiful soul rather than the conservative political philosophies we discussed earlier. However, the immediate unity that characterises this form of consciousness and its inability to act in a way that would dirempt this unity, adding something that is not immediately part of itself, resonates with my critique of Ranke and Savigny.⁵³⁴ The most likely reason why Hegel only mentions the more liberal literary iterant of this current of thought is that it at least attempts to formulate its knowledge conception in terms of universality: the conscience-turned-beautiful-soul is supposed to be universal even if the reality of its universality remains empty and elusive. The conservatives' failure to do even this disqualifies them in Hegel's eyes philosophically. They lost the fundamental insight of alienated spirit animating all Christian knowledge conceptions: the reality of the division of consciousness.

Forgiveness

Hegel's answer to alienated spirit's spiral of violence is another act of unlikely violence: the sacrifice of forgiveness. It sweeps away the very distinction between good and bad, grants spirit the power to make the world anew and overcome its other-determinateness. It successfully mediates between the objective perspective of the alienated Christian spirit and the subjectivism of the French revolution and German idealism. Like the former, it acknowledges the diremption of spirit. Instead of distributing good and evil or the universal and the particular among different participants of spirit, it assumes the subjectivist standpoint of idealism and recognises its subjectivity to be constituted by a continuous overcoming of particularity. In contrast to idealism, the forgiving consciousness accepts that as the predicament is common to all, so must our liberation from it. As it forgives, it needs forgiveness itself without being able to force the other to do so. Hegel conceptualises the common predicament in a moment of negativity: the experience that one's action caused hurt. Hegel's true human essence is negativity.

⁵³³ Bertram, 236.

⁵³⁴ Cf. PS 608-9/ 658 for Hegel's colourful critique.

Forgiveness finds its roots in the very nature of judgement. More than a universalist reflection upon the first consciousness' action, the judgement constitutes a speech act on its own while dispensing the judging consciousness from articulating its own particular duty.⁵³⁵ However, duty remains meaningless without dutiful action and in this sacrosanct hypocrisy of the judging consciousness lies a surprising opportunity for mutual recognition. The judged consciousness that already wanted to pretend to have wanted the same as the judging consciousness recognises her own cowardice and hypocrisy in the latter.

The agent does not merely find himself apprehended by the other as something alien and unlike it, but rather finds the other, in its own constitution, like himself. Intuiting the likeness and *expressing* it, he *admits it*⁵³⁶ to the other, and equally expects that the other [...] will also respond in words expressing its likeness with himself, and expects that the Being-there of recognition will now come into play.⁵³⁷

This admission of guilt turns out to be a sacrifice. Although the experience and self-recognition in the other are potentially reciprocal, the confessor risks facing a 'hard heart' that opposes the evil with the beauty of its soul, unable of self-abasement. However, if the judging consciousness meets the sacrifice, they can both recognise themselves as a trespasser in the other. They together form the very essence of *spirit*: 'spirit, in the absolute certainty of itself, is master over deed and actuality, and can discharge them and make them as if they had never happened.'⁵³⁸ Here, we finally see the identity of rationality and actuality. Spirit is the master of actuality by the power of forgiveness. What is actual is rational to the extent that spirit has unburdened itself from all trespasses against the universal.

The likeness of the others appears now in their confession. 'The intuition of the self in the other'⁵³⁹ expresses how we intuitively recognise our image in the mirror – or as one could translate 'anschauen' old-fashionably: *Behold, she is like me*. In the act of forgiveness, the Self returns to the universal it had lost in the as evil judged action. Going beyond rebranding the evil consciousness as good, Hegel claims that the sacrifice of forgiveness overcomes the Manichean dichotomy of good and evil by sublating their very distinction.

⁵³⁵ PS 613-16/ 664-65.

⁵³⁶ Inwood translates *eingestehen* with 'confesses' which has a slightly less neutral and more religious connotation. He points then later out that Hegel's vocabulary becomes progressively more religious, Hegel and Inwood, *Phenomenology of Spirit*, commentary on § 667.

⁵³⁷ PS 617/ 666.

⁵³⁸ PS 619/ 667. Inwood translates 'reject' instead of 'discharge' for *abwerfen* which in my opinion does not grasp the loss of a burden and comes too close to a denial.

⁵³⁹ PS 620/ 669.

The reconciling *Yes*, in which the two I's desist from their opposed *Being-there*, is the *Being-there* of the *I* expanded into duality, an I which therein remains equal to itself and, in its complete estrangement and contrary, has the certainty of itself; it is God appearing in the midst of those who know themselves as pure knowledge.⁵⁴⁰

It emerges a concept of God and totality understood as internal differentiation, a duality sublated in the figure of spirit. In the dispute between the enlightened individuals, the Self and universal reunite through the sacrifice of denouncing the Self's action. Nevertheless, the universal is gained through the concrete. It is premised on the prior externalisation of the Self and the conflict that ensued. The isolated being for itself dared to estrange itself and came through the help of the other back to a true universal spirit in-and-for-itself.

Conclusion

The arch stone of both knowledge and liberation is the recognition that our social practices are built on a net of alienation in which parts of spirit continuously hurt other parts of the same spirit. The practice of forgiveness embodies the knowledge of the Self that recognises the loss of control that self-externalisation necessarily entails and finds in the renunciation of the Self a liberating relief from the circle of violence. Since it knows itself to be essentially evil, not much is lost. It abandons 'its unactual essence' to find its universal Self.

Violence and alienation – the consciousness of violence – have been omnipresent in Hegel's quest for knowledge. Any determiner seems to be imposed by an alien power to the concept simpliciter.⁵⁴¹ The Roman world was defined by violence, the conceptual judgements of alienated spirit always left one part of consciousness condemned to a suppressed existence. Lastly, the structural violence inherent to Christian alienation was unleashed in the French revolution when the abstract universal became political and crushed all things particular. Violence is the hallmark of a failing consciousness that, in its schizophrenia, is governed by the ghosts it tries to suppress. The violent does neither know herself nor is she free. For Hegel, violence is part of a rationally deficient reality we can only overcome by facing it head-on:

But the life of the spirit is not the life that shrinks from death and keeps clear of devastation;— it is the life that endures death and preserves itself in it. Spirit gains its truth only when, in absolute disintegration, it finds itself. It is this power, not as the positive which averts its eyes from the negative, as when we say of something that it is

⁵⁴⁰ PS 623-24/ 671.

⁵⁴¹ PS LXIX/ 55.

nothing or false, and then, finished with it, turn away and pass on to something else; spirit is this power only by looking the negative in the face, and by dwelling on it. Dwelling on the negative is the magic force that converts it into Being.⁵⁴²

By dwelling on death, the sacrifice of forgiveness goes beyond the framework of Greek tragedy. It takes the excess energy inherent to the contradictions exposed in the tragedy to offer a piece of hope. With the help of a like-minded other, the catastrophe transforms into what Tolkien coined the *eucatastrophe*.⁵⁴³ The turn to decline becomes salvation through condescendence.

The sacrifice of (asking) forgiveness is not passive but violence against violence. Asking for forgiveness instead of arguing about the morality of one's act hurts the moral order and disturbs its hierarchy, as the judging consciousness loses its superiority if it forgives, giving up the certainty of the Self that morality induced. Instead of claiming the throne of moral genius, the recognition of *common fallenness* admits that we are nothing. This admission must be total: if we only admit limited shortcomings, forgiveness would be stuck either in a logic of accidental similarity or exchange. 'I remember having done a similar wrong, so I can understand why you do it now.' Or: 'I have wronged somebody in the past and hope for forgiveness, so I should forgive now, too'. Both logics eventually fail. Different wrongdoings are not captured, and once the accounting sheet of forgiveness is balanced, the satisfied 'I' can return to its unactual Self. Asking for forgiveness is not the sacrifice that leads to the coming of absolute spirit unless it is total self-giving. In Eagleton's words:

The Hegelian Absolute is thus sacrificial in its inmost structure, losing itself in otherness and negativity as a prelude to reuniting with itself, descending into hell in order to be reborn as affirmative Spirit.⁵⁴⁴

While I lauded Hegel's universalism in contrast to the parochialisms of liberal or conservative invocations of a common human nature (as rights bearers, proprietors, family/ society members or survivalists), we cannot fail but notice that the underlying idea of forgiveness is itself parochial. The common predicament roots in the Christian narration of the fall of humankind and the universal affliction of original sin. What distinguishes Hegel's from common accounts of our universal human nature is that it has gone through the moment of negation. In Hegel's philosophy, all true (i.e. concrete) universality has to go through the moment of particularity

⁵⁴² PS XXXVIII-XXXIX/ 32.

⁵⁴³ Adding the prefix 'good' (*eu*) to the 'turn to decline' (*katastrophé*) and referring it to the climatic turn at the end of fairy tales and the resurrection, Tolkien, *Tree and Leaf*, 60–63.

⁵⁴⁴ Eagleton, *Radical Sacrifice*, 11.

and thereby become individuality. Instead of being a plain self-affirmation of one's parochialism, it is the latter's self-denial. Only after having denied herself gains the subject her true universal Self. The normative self-denial translates into an epistemological insight: the individual cannot know or liberate herself. This insight was so far reserved to the observer: reading the account of the struggle for life and death and the master-and-slave dialectics, *we* already knew that recognition practices must be in place for the subject to obtain recognition. The *subject*, however, did not know and tried all through alienated spirit and German philosophy to *merit* recognition. Now she finally realises that she does not merit it but must receive it as a *gift*. Here, spirit comes to its true self-knowledge: the participants of spirit understand the necessity of spirit and know themselves as a necessary part of it.

This does not constitute a reversal to radicalised German idealism's position of salvation by grace alone. Indeed, the individual must perceive the actuality of spirit as grace. However, it exists in the here and now and is not postponed to the beyond. Moreover, it is contingent on a subject that, despite its moralist consciousness, dares to act and finds a counterpart who exchanges forgiveness. In other words, forgiveness is not necessary (i.e. certain), and the spiral of alienation or escapism could continue indefinitely. Hence, liberation does not automatically follow from some basic human experience of negativity. A standpoint epistemology that attributes to the exploited and oppressed a privileged epistemological position remains trapped in the ropes of epistemological individualism. As long as there are no compelling reasons guiding the individual to the act of liberation, we are philosophically not justified in hoping for collective liberation. The actuality of grace depends heavily on it having already established itself as a social practice. Although we just witnessed the subject gaining the perspective of objective spirit we now must diagnose that this is still not the right perspective. We can explain instances where some members of spirit came to the consciousness of spirit without being able to explain how the whole spirit gains self-consciousness, turning the former into a potential oxymoron.

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Thus, we must study what we have just discovered as the right object of knowledge: absolute spirit. The conceptual probing of totality and its most recurring conceptual instantiation, god, constitutes the final stage of a journey that started from a sceptic premise. However, in contrast to the respective dogmatisms of Descartes, Hume and Kant, who all discarded holistic knowledge just to take refuge in some limited but certain knowledge, Hegel embraced the totality of knowledge *and* scepticism. Either all truth can be redeemed, or none. By making the

sceptic probing of knowledge conceptions and the resulting identification of contradictions the motor of his system of philosophy, Hegel committed to demonstrating how truth arises out of untruth and freedom out of unfreedom. When we turn to Hegel's notion of the absolute, we must keep this critical commitment in mind: either it reveals how the flight into totalisation cements the failure of Hegel's project or it makes us appreciate the dynamism inherent to the notion of the absolute. Spirit only emerged as the proper rationalist object of study after the sceptic probing of undercomplex knowledge conceptions resulted in three and a half epistemological 'turns' that distinguish Hegel's theoretical philosophy even against the backdrop of contemporary epistemology. We would be hard pressed to find in liberal, conservative or (neo-) romanticist philosophies an adequate concept of mediation, an appreciation of the practicality of knowledge and the necessary socio-historical framing of knowledge and freedom. This spirit, however, turned out to be its own nemesis, fighting itself within the self-division at the source of self-consciousness. If absolute spirit is supposed to be the liberation from this self-destruction, it must not regress behind Hegel's epistemological turns. It must still be conceptualised and read as a socio-historical collective consciousness that knows and liberates itself in practice.

Only under these conditions can the study of absolute spirit substantiate a utopian hope and bring the liberating grace from the beyond down to history to determine the political, i.e. the wilful shaping of our collective self-consciousness. Hegel's remarks were never meant to be more than a teaser, leaving us with the question how this logic of the absolute can reflect back upon the rest of knowledge practices. Hegel's philosophy of absolute spirit does precisely this: it explains the necessity of absolute spirit and, with it, Hegel's apparent historic triumphalism and relates these insights systemically to philosophy as a holistic project.

Chapter Four: Liberation through capture – Thinking in absolute terms

Hegel's doctrine of absolute spirit turns around the relationship between Christian theology and philosophy. Turning to religion seems counter-intuitive given that emancipatory (post-) Hegelian philosophy developed out of a critique of religion (Left-Hegelians) and a critique of making religion the focus of study in the first place (Marx and Engels). Contemporary scepticism against whatever looks somewhat metaphysical has motivated authors to rescue parts of Hegel's epistemology and practical philosophy from his metaphysics by isolating the latter from the former. In contrast, I will argue that Hegel's account of the reconciliation with the Christian God offers an opportunity: Making the suffering God the essence and motor of universality sterilizes this concept.⁵⁴⁵ It takes it out of its neat Enlightenment shell and finds glory in the mud, greatness in smallness, and ourselves in the other. The irreversibility of technical and civilisational progress becomes the irresistibility of sacrificial love. That is the external element and experience that the philosophy of religion contains. Contra the Left and Low Hegelians, I argue that its material reality, the historicity of Jesus Christ, is an essential element for Hegel and that we can and should not understand his theory of absolute knowledge in disjunction from it. Whatever critical potential is to be found in Hegel, its destiny is decided on the grounds of the philosophy of religion.

The attractiveness of this explicitly post-secular approach and its critical potential depend on Hegel's peculiar understanding of what it means to philosophise about Christianity. By stating that 'Philosophy explicates itself only by explicating the religion; and by explicating itself, it explicates the religion,'⁵⁴⁶ Hegel does not turn philosophy into religious studies but wishes to conceptualise a certain knowledge conception with the absolute as the object of knowledge. He is interested in this object of knowledge because his search for universal knowledge and freedom drove him beyond objective spirit: objective spirit tends to oppress and limit itself, and Hegel finds a means of liberation in absolute spirit. This liberating character is tied to the form and content of Christianity: as revealed religion, it reorients objective spirit towards the sensually experienceable other while seeking the sublation of their difference.

Only once we understand this particular way of talking about religion will we grasp what is lost in the Left- and Low Hegelian accounts. Under the impression of the peculiar conceptualisation

⁵⁴⁵ This idea of the suffering God as the heart of Hegel's conceptualization of the concrete universal seems to have already been reconstructed by Iljin on whose work Williams heavily relies, Iljin, *Die Philosophie Hegels als kontemplative Gotteslehre*; Williams, *Tragedy, Recognition, and the Death of God: Studies in Hegel and Nietzsche*, i.a. 258.

⁵⁴⁶ LPR: I, 28/ I, 19, My translation of 'Die Philosophie expliziert nur sich, indem sie die Religion expliziert, und indem sie sich expliziert, expliziert sie die Religion'.

of the contradictions between sensuous experience and autonomy, and the past actualisation of absolute spirit and hope for future liberation, we begin to fathom the abyss that separates Hegel from his liberal and conservative opponents. His philosophical critique and appreciation of Christian theology demonstrate the reality of grace in the here and now as the necessary and sufficient condition of the Hegelian utopia of absolute reconciliation.

I) Contra Left- and Low-Hegelianism

A) Contra Left-Hegelianism

The genesis of post-Christian Hegelianism begins with an ephemeral student of Hegel, Friedrich David Strauß.⁵⁴⁷ Denying the facticity of the life and death of Jesus, Strauß declared him to be the idea of humanity whose importance transcended the significance of any singular human being. The disputes arising around the book in which he first expressed this conviction, *The Life of Jesus, Critically Examined*, did not only give birth to the ‘quest for the historical Jesus’ but also to the separation of Left- and Right Hegelians.⁵⁴⁸

As opposed to earlier questionings of the historicity of Jesus’ miracles, Strauß questioned the historical veracity of key elements of established Christology, such as the virgin-birth and the resurrection.⁵⁴⁹ *Prima facie*, this development's philosophical significance consists in the conceptualisation of the relation between history, actuality, and the absolute that Strauß implies. He insisted that philosophy allowed him to liberate ‘mind and thought’ from ‘religious and dogmatic presuppositions’, elevating his thought to the philosophically superior state of presuppositionlessness.⁵⁵⁰ He claimed that these events’ ‘dogmatic content’ can remain eternal truths notwithstanding their historical falsity.⁵⁵¹ Godmanhood is already realised in Jesus, the exclusively human founder of the Christian religion. Infinity and the absolute become entirely immanent. Religion’s material element is for Strauß, a mere signifier, its truth entirely conceptual with no necessary relationship to the represented material. Hence, the experiential core – if there is any – is to be searched somewhere else. However, if it is to be sought elsewhere, continuing to focus on religion, as Left Hegelianism did and Marx and Engels duly criticised, seems unhelpful.

⁵⁴⁷ He arrived in Berlin to hear Hegel a couple of months before the latter’s untimely death, Schweitzer, *The Quest of the Historical Jesus*, 70.

⁵⁴⁸ Löwith ties the split both to the dispute over whether the absolute has its actuality in the incarnate God or solely in humanity *and* over which way to dissolve the ambiguity of Hegel’s double dictum: is only the real rational or only the rational real? Löwith, *Von Hegel zu Nietzsche*, 83.

⁵⁴⁹ Strauß, *Das Leben Jesu, Kritisch Bearbeitet*, iv–v. Schweitzer considers this a major break which separates the pre- and post-Strauß historical Jesus research, Schweitzer, *The Quest of the Historical Jesus*, 10, 78–79.

⁵⁵⁰ Strauß, *Das Leben Jesu, Kritisch Bearbeitet*, vi.

⁵⁵¹ Strauß, vii.

Schweizer argues that Strauß just drew the ‘natural interferences from [Hegel’s and Schleiermacher’s] ultimate positions’ on the relation between the infinite and the finite.⁵⁵² We can find a possible source for this interpretation in Hegel’s characterisation of theology as representational thought. The latter seems to conjure up and rely on images that a presuppositionless philosophy ought to overcome. Whenever Hegel highlights its limitations and roots in sensuous imagination, we face doubts about the reality of these images. It seems unclear whether Hegel acknowledges Christianity’s historical claim of the factual condescension of God or whether it represents merely a fantasy designed to short-circuit a conceptual problem. In the *Encyclopaedia*, we can locate this doubt in the formulation of the second sentence of § 565, which states that representational thinking [*Vorstellung*] gives independence to the moments and *makes* them their reciprocal presupposition. Does this mean the human practice of religion transforms the reality of the concept into a fictitious narrative to grasp it more easily?

The answer to this question can be found in what Hegel exactly means with representational thought in the context of his philosophy of religion. *Vorstellung* can be translated as an ‘idea’, an ‘imagination’, and most Hegel translators render it into the English term ‘representation’ (-al thinking). It designates, first of all, not only our sensuous reception of the manifestation in front of us but an activity of thinking whose essence resides in starting from a sensuous impression and taking this impression as the truth. It posits (also: *stellen*) this truth as a given or a prerequisite (the affix *Vor-* translates as ‘pre’). This activity of presupposing marks the difference with philosophy.⁵⁵³ Philosophy designates an autonomous mode of thinking, which is self-mediating. In it, the truth becomes all-encompassing and ‘escapes’ the situation of manifestation. Of course, speculative philosophy cannot help but posit axioms on its own, but in contrast to representational thinking, it catches up with its presuppositions at the end of its movement of thought.⁵⁵⁴ Representational thinking designates thus a mode of thought that reflects upon sensuous images that we also encounter outside of the realm of religion. In fact, it seems like the necessary first step before we proceed to speculative philosophy. Theology

⁵⁵² Schweitzer, *The Quest of the Historical Jesus*, 73.

⁵⁵³ Jaeschke goes so far as to say that representational thinking defaces the absolute content, that by giving moments of the life absolute independence, it *kills* life, Jaeschke, ‘Die Philosophie (§§ 572-577)’, 433–34. However, he nuances this assessment insofar as he recognises that the philosophical language and structure of the syllogism of religion already catches up with the limits of representation, Jaeschke, 435.

⁵⁵⁴ Theunissen, *Hegels Lehre vom absoluten Geist als theologisch-politischer Traktat*, 231.

simply understands this sensuous image as God's manifestation to us.⁵⁵⁵ It posits the world as intelligible and grasps it as absolute self-relation.

The dispute about the reality of representational thinking brings us to the core of the contested relationship between concept and reality, which Hegel frames explicitly in terms of modern versus premodern ontology.⁵⁵⁶ Hegel acknowledges the modern differentiation between concept and reality without accepting their strict separation. The *Phenomenology* has proven this to be untenable. Representational thinking helps to imagine this difference while conceptualising a relationship between the two realms and acknowledging the fundamental presupposedness of the respective perspectives. At least in the context of the philosophy of religion, it pictures how the concept is real and yet only so in the movement in which the unity is established. It goes through the differentiation, acknowledges the world as being posited⁵⁵⁷ and the presupposedness of every moment.

As such, its imagery is not a fantasising reply to the insufficiency of our initial ideas but testifies to the idea's processuality and materiality. At times, representational thought might indeed explain complex philosophical ideas with a more accessible metaphor which should not be mistaken for the account of an event (the creation myth being the most prominent example). However, insofar as representational thinking brings the aspect of differentiation to the idea, we must interpret Hegel as recognising the ontological reality of religious imagery. The relationship between the eternal Trinity and the creation particularly exemplifies the substantive apportion of the difference that representational thinking brings into the concept.⁵⁵⁸ If we do not maintain the difference between God and the world, conflating the creation with the divine Son, we do not need to overcome difference either and the critical moment of return is lost.

Acknowledging the reality of the events that provoke representational thinking's theological endeavours grounds Hegel's logic as an ontology, takes his method down from the cloud of a neutral observer's tool to systemise the world and overcomes the dualism of method and object of study. Reading Hegel with the Left Hegelians misses out how Hegel's juxtaposition of the premodern and modern approach already points beyond modernity. Instead, the Left-Hegelians

⁵⁵⁵ EPS 565, LPR I 60/ I 54.

⁵⁵⁶ LPR II, 208 ff./ II, 352 ff. The representative of the premodern, Anselm of Canterbury, still presupposed the unity of concept and reality in the idea of God's perfection. In the ontological proof of God, the concept of the absolute is purely affirmative, limitless content in which being is reality and non-being its negation, a lacking that cannot be attributed to the concept of God. However, the modern (i.a. Kant's famous debunk of Oakham) disputes this unity by positing that being is different from the conceptual. The latter emerges from the head of the reasoning subject and is as such rational without necessarily corresponding to a sensuous reality.

⁵⁵⁷ LPR II 247/ III, 41.

⁵⁵⁸ LPR II 245/ III 38-39.

ultimately reverts into the ‘Cartesian arsenal’ as Davis coins it.⁵⁵⁹ Reversely, following the Right-Hegelian intuition also makes a series of rather beautifully disturbing events the experiential core of Hegel’s philosophy that will help liberate the latter from its own accommodationism, offering us a critical perspective on self-sufficient and complacent forms of objective spirit. The real suffering of God stands between Hegel’s philosophy and the necessity of reconciliation ipso facto. Commenting on Hegel’s assertion that the task of philosophy is to find the rose in the cross of the present, Löwith notes:

Reason is not a rose in the cross of the present simply because every division strives for unification according to its very nature, but because the pain of diremption and [process of] reconciliation have their world-historical origin in the suffering of God.⁵⁶⁰

At the conceptual heart of the discussion about Hegel’s (a-)theism, we may identify a misinterpretation of the somewhat ambiguous concept of sublation. It can ‘conserve’ what is sublated or revolutionise the content and go beyond it. Both taken alone are one-sided, and the former can be said to be represented by the Right- the latter by the Left-Hegelians.⁵⁶¹ The Left-Hegelian’s take-away from Hegel was almost entirely formal, reducing the dialectics to a method, or, as Löwith puts it even more polemically, to a ‘rhetoric’ and ‘ideology of becoming and movement’.⁵⁶² In the transition from religion to philosophy, Hegel himself warns against a purely formalistic interpretation of the spirit (for-itself) in which all mediation is sublated, but that ignores the objective content of spirit (in-itself).⁵⁶³ For Hegel, the sublation of Christianity into philosophy implies the recognition of the necessity of Christianity’s content and the liberation from one-sided forms into the absolute form.⁵⁶⁴ The form that Strauß overcomes is not only a form of thinking and relating different moments of a conceptual movement but the material facticity of this movement.

If we interpret the events cumulating in the incarnation and Pentecost as a mere externalisation of the nascent absolute consciousness, then ‘external’ history loses its significance for its constitution.⁵⁶⁵ From this perspective, narrated history becomes a mere projection screen and the big other a fiction whose fictionality ought to be unravelled to achieve true absolute

⁵⁵⁹ Explaining why a materialist theologian such as Milbank must refute Hegel, in Žižek and Milbank, *The Monstrosity of Christ*, 16 ff.

⁵⁶⁰ Löwith, *Von Hegel zu Nietzsche*, 30–31.

⁵⁶¹ Löwith, 83.

⁵⁶² Löwith, 79–80.

⁵⁶³ EPS 571 R.

⁵⁶⁴ EPS 573.

⁵⁶⁵ Theunissen, *Hegels Lehre vom absoluten Geist als theologisch-politischer Traktat*, 234.

consciousness.⁵⁶⁶ Liberation shrinks to self-liberation, the unity of the divine and human nature in Jesus to a mere foreshadowing of the human apotheosis at the end of history.⁵⁶⁷ The relationship to the self-posed but really existing external shifts into the accessory, clearing the way for Hegelianism's reputation of lofty intellectualism.

As these announcements of Hegel's positioning exemplify, there is little textual evidence for a non-religious interpretation as long as one is unwilling to ignore Hegel's doctrine of absolute spirit in its entirety. As a welcome side-effect, such an interpretation does a service to the Hegel reception in general since it puts an end to the double-edged intellectual attitude of those who portray themselves as uncovering the real Hegel under the surface Hegel.⁵⁶⁸ Once one takes Hegel's claims to the Christian core of his philosophy seriously, we waste less effort in twisting his words to fit our needs making the read much more straightforward.⁵⁶⁹ Inter alia, we do not need to explain away the 20 pages in which Hegel defends (his) philosophy against charges of atheism and more prominently, pantheism.⁵⁷⁰

B) Contra Low-Hegelianism

The Low-Hegelians constitute the logical consequence of the Left-Hegelians triumph in the mirror of contemporary analytical and pragmatist philosophy: rather than criticising or denying the Christian core of Hegel's doctrine, the Low-Hegelians set it aside and isolate their field of Hegelian interest from it. Of course, we can only make blurry demarcations in the intellectual history of Hegelian thought, and no direct line can be drawn over 200 years of Hegel reception. Many thinkers stayed aware of the field of tensions they are operating in, and yet there remains a perceived tendency of intellectualisation and accommodation to the modern world. In short, charges that one commonly holds against Hegel, whose shortcomings they supposedly

⁵⁶⁶ That could be one version of Žižek's Christian atheism that I struggle to categorise or even understand. While Žižek emphasises the God-forsakenness of the crucified Christ, i.e. God's complete externalisation in Christ, His self-abandonment and complete death on the cross, Žižek does not seem to believe that God once really was in an unironic sense and is no longer but that He never really was. Alternatively, we can read him as affirming the expiring divinity of Christ and hence accepting the whole Gospel with the exception of the resurrection. Only because the early church did not quite get the divine joke of God's expiration into the total immanence of the Holy Spirit as the community of believers (of God's death), they added another, obsolete punchline. Cf. my brief discussion in Fn. 663.

⁵⁶⁷ In his favourable review essay of the Right-Hegelian Göschel's theological treatise, Hegel explicitly rejects this interpretation of the knowledge of the absolute as a human *apoteosis* and insists on the difference between knowledge and being of God, GW 16, 200-203. If there was any doubt about Hegel's attitude towards orthodoxy and pantheism, his endorsement of Göschel's sophisticated interpretation and further development of Hegel's speculative theology should have dispelled it.

⁵⁶⁸ Theunissen, *Hegels Lehre vom absoluten Geist als theologisch-politischer Traktat*, 237.

⁵⁶⁹ Cf. Kondylis, 'Die Hegelauffassung von Lukács und der marxistische Linkshegelianismus', 347-48. For an analysis of the 'violent' interpretation of Strauß who tries read Hegel as suggesting that representational thought invented the Jesus-myth, Theunissen, *Hegels Lehre vom absoluten Geist als theologisch-politischer Traktat*, 236-42, particularly 241.

⁵⁷⁰ EPS 573 R. For comparison: most paragraphs come either with a half-page comment or no comment at all.

overcame. The most apparent and prominent fruits of this internal reversal are the late works of Habermas, Honneth, and relatedly, the pragmatist tradition, as well as some less prominent contemporary Hegel interpretations.⁵⁷¹ What concerns us is the falling back of Left Hegelianism into what one might call a more socially embedded liberalism. This development is not reserved for the more original works of Habermas, Honneth & Co. but unfolds equally in contemporary Hegel interpretations.⁵⁷² It warns us of the risk of losing the emancipatory edge of Hegelianism when we walk down the path Strauß opened to us.

Modern interpreters, albeit at times explicitly embracing the legacy of the Left-Hegelians, do not share their obsession with a critique of religion. They are less haunted by the imposing figure that Hegel must have been for his near-contemporaries and can often forgo the question of authentic interpretation. They are based on the assumption that either Christianity is historically untrue – or if true, is of little consequence for the philosophical question they are discussing. Most of the time, and not accidentally, this strand of interpretation also embraces what we could call ‘Low-Hegelianism’, which tries to make the best out of Hegel by side-lining his supposedly absurd or undefendable metaphysics.⁵⁷³

Among those who worked on a more moderate re-actualisation of Hegel, there is a long tradition of sorting the wheat from the chaff, or starting with Croce, asking: What is living and what is dead in Hegel?⁵⁷⁴ Arguably, this tradition has an unlikely and quite immoderate antecedent in Engels’ division between Hegel’s revolutionary method and his accommodationist system whose intellectual heir Adorno I will discuss at greater length in the sixth chapter.⁵⁷⁵ Those commentators see themselves regularly in the superior position of having witnessed Hegel’s philosophy fail in intellectual, political, and economic history. The most popular candidate for the cause diagnosed on Hegel’s philosophical death certificate is his metaphysics, whereas his

⁵⁷¹ Honneth, *Leiden an Unbestimmtheit*; Honneth, *Kampf Um Anerkennung*; Habermas, *Postmetaphysical Thinking*. One could speak of Dewey’s life-long Hegelianism, Good, *A Search for Unity in Diversity*. A more recent prominent example of this tradition is Brandom’s pragmatist Hegel rereading, Brandom, *A Spirit of Trust*.

⁵⁷² Buchwalter, *Hegel and Global Justice*; Moland, *Hegel on Political Identity*; Hardimon, *Hegel’s Social Philosophy*; Pippin, *Hegel’s Practical Philosophy*; Wood, *Hegel’s Ethical Thought*; Pinkard, *Hegel’s Phenomenology*.

⁵⁷³ There are certainly exceptions, such as Pippin’s thorough engagement with Hegel’s metaphysics, Pippin, *Hegel’s Realm of Shadows*.

⁵⁷⁴ Benedetto Croce, *Ciò che è vivo e ciò che è morto della filosofia di Hegel*.

⁵⁷⁵ Engels, *MEW 21 Engels Mai 1883 bis Dezember 1889*, 269. Ironically, Rose accused Adorno, who was highly dismissive of Croce’s distinction, of falling thereby himself into a fundamentally Neo-Kantian dichotomy that loses the radicality inherent to the dialectical relationship between the process and the absolute, Rose, *Hegel Contra Sociology*, 36.

normative writings still hold significant value in the eyes of these judges of the history of ideas.⁵⁷⁶ The shorter the treatment of his metaphysics, the stronger is the vocabulary:

We must admire the boldness of Hegel's methodological conception in the *Phenomenology*, but we must also admit that Hegel's *hopelessly* ambitious project proves *utterly* unconvincing in its execution. (...) Viewed from a late twentieth-century perspective, it is evident that Hegel *totally* failed in his attempt to canonise speculative logic as the only proper form of philosophical thinking. Many of the philosophical paradoxes Hegel needs in order to make his system work are based on *shallow sophistries*; the resolution to paradoxes supplied by his system is often artificial and unilluminating. When the theory of logic actually was revolutionised in the late nineteenth and early twentieth centuries, the new theory was built upon precisely those features of traditional logic that Hegel thought most dispensable. In light of it, *philosophical sanity* now usually judges that the most promising way to deal with the paradoxes that plague philosophy is the understanding's way. Hegel's system of dialectical logic has never won acceptance outside an isolated and dwindling tradition of *incurable enthusiasts*. [emphases added]⁵⁷⁷

In Croce's tradition, Wood declares Hegel's speculative logic to be dead while his social thought was, contrary to Hegel's humble opinion, his actual strength. Thanks to this separation, many authors can read Hegel's legal and political philosophy without even noticing the metaphysical corpse's odour of decay. Despite the notorious systematicity of Hegel's philosophy, one can somehow disentangle the two realms, presumably by reading Hegel's social philosophy from a common-sense perspective. Interpretatively, this division between the dead and the living is often sustained by the distinction between the young, methodologically radical Hegel and the old accommodationist and over-systematising one.⁵⁷⁸

⁵⁷⁶ Bertrand Russell's sizeable influence over the Anglo-Saxon tradition might have helped turning this exercise into a common trope: he called the logical determination of history a 'farrago of nonsense', the philosophy of mathematics 'plain nonsense' and Hegel's logics an exercise that no self-respecting philosopher would call logic, Russell, *Unpopular Essays*, 18–19. The strong and unequivocal disavowal of Hegel's metaphysics then offered a convenient excuse for those only interested in practical philosophy anyway, cf. e.g. Herzog, *Inventing the Market*, 43–46; Honneth, *Leiden an Unbestimmtheit*, 14. Rosen is an exception among the Hegel interpreters insofar as he thinks that there is nothing alive because his metaphysics built around a 'sheer Neo-Platonic phantasy' thoroughly spoils the rest Rosen, *Hegel's Dialectic and Its Criticism*, 179.

⁵⁷⁷ Wood, *Hegel's Ethical Thought*, 4–5.

⁵⁷⁸ Dilthey, *Die Jugendgeschichte Hegels*; Lukács, *The Young Hegel*; Siep, *Anerkennung als Prinzip der praktischen Philosophie*; Honneth, *Kampf Um Anerkennung*. In contrast and although he adheres to the recognition-centric reading, Williams sets out to show how Hegel's mature philosophy equally attempts to integrate his progressive theory of freedom, Williams, *Hegel's Ethics of Recognition*, 21–22.

Not all ways to blend out the metaphysical and religious dimensions of Hegel's thought are so blunt and inaccurate. Some are simply guided by a more pragmatic research interest prevalent in the analytic tradition.⁵⁷⁹ Pippin is probably the foremost exponent of those who look at Hegel primarily through the lens of his Kant critique and who hence understand his absolute idealism as a sublation of, not fallback behind Kant's critical idealism.⁵⁸⁰ Another, what I call *therapeutic*, strand of interpretation⁵⁸¹ starts from the idea that Hegel's major riddle to solve was an accelerating modernity. The first philosopher to problematise the latter, Hegel identified alienation as the gist of the matter, and the therapeutic Hegelians interpret it as a thoroughly modern phenomenon. After the 18th-century revolutions vanquished the justification of social relations through the natural or divine order, individuals experienced the domination of their supposedly free will by the state and markets as alienating. Hegel sought to reconcile the modern subject with the institutions that determine its life by rationally showing how we are *at home* in this world. In short, Hegel offers philosophical therapy against the ills of modernity.

They often recognise the overall coherence of Hegel's philosophical system and the place of religion within it but clearly think that his fundamental insights lie elsewhere and that his philosophy of religion is at best just an expression of them and at worst a very bad one.⁵⁸² While the disagreement with my approach is less categorical,⁵⁸³ I attribute a much more existential role to the religious content of the absolute idea in Hegel's philosophy. Politically speaking, my interpretation senses an intense neediness for a utopian resolution of the quest for knowledge and freedom. Rather than seeing the philosophy of religion as an appendix to his rationalist speculative method, I reconstruct it as its inevitable conclusion that maintains the hope for universal liberation in the face of an omnipresent cross.

My critique of Low-Hegelianism does not imply that the High-Hegelians, i.e. those who recognise the centrality of religion and metaphysics, are of one heart and spirit. One can hardly

⁵⁷⁹ Farneth, *Hegel's Social Ethics*, 7.

⁵⁸⁰ Pippin, *Hegel's Idealism*.

⁵⁸¹ Hardimon, *Hegel's Social Philosophy*; Taylor, *Hegel and Modern Society*; Honneth, *Leiden an Unbestimmtheit*; Brandom, *A Spirit of Trust*. Taylor's truly encyclical 'Hegel' treats religion but notwithstanding Taylor's (later emerging?) own religious agenda, the metaphysical dimension of Hegel's thought seems beyond saving since 'no one actually believes his central ontological thesis, that the universe is posited by a Spirit whose essence is rational necessity.' Taylor, *Hegel*, 538.

⁵⁸² E.g. Pippin, *Hegel's Idealism*, 11, 151.

⁵⁸³ In general, the positions seem to come closer the more the (highly) theoretical and practical become entangled. Pippin's 'realm of shadows' designates the same idea as Adorno's experience content on which I rely: even Hegel's most abstract concepts are always self-consciously capturing a world experience, Pippin, *Hegel's Realm of Shadows*, 28. Zambrana who frequently picks up Pippin and attempts to bridge the analytical and continental Hegel tradition distils from Hegel's epistemology the idea of the precariousness and ambivalence of normativity that comes in my eyes close to the ephemeral and vulnerable absolute I try to recover, Zambrana, *Hegel's Theory of Intelligibility*, 6–7.

expect, for example, that Žižek would come to terms with the Jesuit Hegel revival⁵⁸⁴ or with the conservative 19th-century Right-Hegelians. The point here is not to give an exhaustive overview of the international literature – which, in Hegel studies, is a hopeless endeavour.⁵⁸⁵ Instead, we need to acknowledge that the choice to take Hegel’s philosophy of religion seriously does not automatically result in embracing universal knowledge and liberation. Notably, it matters whether Hegel’s heterodoxy⁵⁸⁶ reinforces or erases the critical experiential core of a suffering God who – as an other – liberates humanity to its embrace of absolute spirit. If he effectively embraces a form of pan(en)theism⁵⁸⁷ or Gnosticism⁵⁸⁸ and the obnoxious core of Christian theology gets lost, his politico-historical accommodationism remains untouched by our interpretive escapade. That is what Löwith claims when he asserts that at the core of Hegel’s conception of history resides a reason for success whose popularity in the social-Darwinist age becomes explainable ‘as soon as we strip it of its Christian theological shell.’⁵⁸⁹

Therefore, a clear interest of knowledge guides my inquiry into Hegel’s doctrine of the absolute spirit. It is a conviction that putting the core of a theology of sacrifice and reconciliation into conceptually universal (i.e. logical terms) can make for a transformative philosophy that recognises the tragedy of suffering and keeps the hope of liberation for all. By embracing this critical potential of Hegel’s political theology, pairing it with an undeferential eye for its accommodationist tendencies and an overall brilliant account of Hegel’s doctrine of absolute spirit, Theunissen volunteered as my Virgil for the following two chapters. As this is primarily a work of legal and political philosophy, I will highlight only few major divergences with the other interpretations that would affect the course of the argument.

⁵⁸⁴ First and foremost Chappelle’s monumental four volumes, fruit of 10 years of struggling with Hegel that had a large resonance in the decade around the Second Vaticanum, Chapelle S.J., *Hegel et la religion*. Cf. for example, Bruaire S.J., *Logique et Religion Chrétienne Dans La Philosophie de Hegel*; Brito S.J., *La Christologie de Hegel*; Splett, *Die Trinitätslehre G. W. F. Hegels*; Fessard S.J., *Hegel, le christianisme et l’histoire*. Splett is not a Jesuit but taught at Jesuit university in Frankfurt and was an assistant of Karl Rahner. Rahner himself was not a direct Hegel interpreter, but his conception of God’s grace as self-communication strongly resonates with Hegel. For an overview of his indebtedness, cf. Corduan, ‘Hegel in Rahner’; Czakó, *Geist und Unsterblichkeit*, 190–208. This connection has also become object of critique from a more classical dogmatic (not to say scholastic) side, Cavalcoli, *Rahner e Küng*. Of a similar style as the formerly named Jesuits is the non-Jesuit Catholic’s work of Piero Coda that includes a multilingual bibliography with only a few English omissions Coda, *Il negativo e la trinità. Ipotesi su Hegel*, 426–36.

⁵⁸⁵ Ever since the first turmoil about Left vs Right-Hegelians had ebbed down, the engagement with Hegel’s theology exited the narrow German Lutheran context and seems to have been unbroken ever since, albeit with a narrow audience, cf. e.g. Balthasar, *Prometheus*; Küng, *Incarnation of God*; Shanks, *Hegel’s Political Theology*; Adams, *The Eclipse of Grace*.

⁵⁸⁶ O’Regan, *The Heterodox Hegel*.

⁵⁸⁷ Agar, ‘Hegel’s Political Theology’; Agar, *Post-Secularism, Realism and Utopia*. Williams, *Tragedy, Recognition, and the Death of God: Studies in Hegel and Nietzsche*, 15.

⁵⁸⁸ Discussing some traces of Gnosticism, Hodgson, *Hegel and Christian Theology*, chap. 6.

⁵⁸⁹ Löwith, *Von Hegel zu Nietzsche*, 237–38.

II) Revelation and liberation

Before we go into the concrete content of Hegel's reconstruction of the core Christian dogmata, I will briefly outline how we should qualify his turn towards the philosophy of religion. We need to answer the question of what makes revelation structurally potentially liberating before we go into the detail of why it makes Hegel's philosophy actually liberating. The first step consists in retracing the necessity of liberation from the perspective of objective spirit and its inherent oppressiveness rooted in the conceptualisation and perpetuation of the absolute as an other. Revelation is the other's reconciliatory answer to this need.

A) Liberation

From the outset, Hegel defines the enlargement of objective spirit to absolute spirit as an act of liberation:

The concept of spirit has its reality in the spirit. That this reality be knowledge of the absolute Idea and thus in identity with the concept, involves the necessary aspect that the implicitly free intelligence be in its actuality liberated to its concept, in order to be the shape worthy of the concept.⁵⁹⁰

That a refined 19th-century version of the ontological proof of God from the subjective standpoint can be liberating might be a surprising turn, but it is an attempt to reckon with the domination and violence immanent to society, the objective existence of spirit. Hegel's freedom as autonomy is the overcoming of boundaries that limit spirit.

Freedom is the highest determination of the spirit. First of all, on the formal side, it consists in the fact that the subject has nothing alien, no limit or boundary, in what it faces, but finds itself in it.⁵⁹¹

So far, we have encountered two instances in which the immanent human spirit hit a wall: in the *Phenomenology*, the potentiality of freedom in forgiveness became graspable, but its reality remained elusive. In the *Philosophy of Right*, even the state, the objective existence of a people's spirit that Hegel took great care to depict as the actuality of reason encounters an internal and external other. In the state, the spirit 'apprehends itself in its essentiality',⁵⁹² i.e. spirit knows itself as spirit. And yet it is immanently limited to the spirit of a people:

⁵⁹⁰ EPS 553.

⁵⁹¹ Hegel, *Vorlesungen über die Aesthetik*, 126.

Translation from <https://www.marxists.org/reference/archive/hegel/works/ae/part2.htm#c1-c-3> last retrieved on 25/02/2023.

⁵⁹² EPS 552.

The national spirit contains nature-necessity, and stands in external existence (§ 483): the ethical substance, potentially infinite, is actually a particular and limited substance (§§ 549, 550); on its subjective side it labours under contingency, in the shape of its unreflective natural usages, and its content is presented to it as something *existing* in time and tied to an external nature and external world.⁵⁹³

Hegel admits that the embodiment of objective spirit of whose idolatry he so often stands accused descends from its concrete universality again into the category of particularity. The ‘potentially infinite’ is still finite – one spirit among many. Not only do foreign nations appear as an other, but in the light of their existence, objective spirit becomes self-alienated again since it must recognise its own contingency. Moreover, although the dominant national spirit of its time disposes of the absolute right in relationships to others, as Hegel formulates in the *Philosophy of Right*,⁵⁹⁴ the way that it ‘rises to apprehend the absolute spirit’ is by ‘stripping of’ the limitations of the people’s spirit. This constitutes no invitation to fall into platitudes of ‘getting rid of your particularity to attain universality’. The *Encyclopaedia* clarifies that, despite its insufficiency, there is no going back behind the achievements of modern statehood. Quite the contrary: ‘Genuine religion and genuine religiosity only issue from the ethical life’.⁵⁹⁵ This dependence is reciprocal. They need to penetrate each other; otherwise, the religious conscience will reject the law, coining the adage ‘no revolution without reformation’. This unity presupposes precisely what the state already is for the particular national spirit: *spirit that knows its essence*.⁵⁹⁶

The *prima facie* secular logic of universality is what drives Hegel’s system towards the study of the cognition of God. The dialectics of contradiction drive us to an object of knowledge that is substantially at the heart of all quests for knowledge and freedom. As long as the absolute is an *other* to humanity, we are in trouble. The confessed (Christian) atheist Žižek considers the positing of the incarnation a necessary step from the abstract to the concrete universality and the sacrifice of the cross as the death of the *Big Other*, which ultimately is the precondition of a self-liberated humanity.⁵⁹⁷ Similarly, Eagleton – albeit not a confessed atheist of any sort – recognises the sacrifice of God’s only begotten Son as *the* way of overcoming the violence and oppression inherent to all societies. As long as we do not appropriate the sacrifice and go

⁵⁹³ *Ibidem*.

⁵⁹⁴ PR 347.

⁵⁹⁵ EPS 552 R, p. 555/ 250.

⁵⁹⁶ EPS 552 R, p. 565/ 256.

⁵⁹⁷ Žižek, *Less Than Nothing*, 97–100.

through its pain ourselves, we will always sacrifice others as scapegoats to render civilisation sustainable.⁵⁹⁸ As long as a people's spirit conceptualises the absolute as an *other*, either as the highest (and, in Christianity, the lowest) being, or as projection of their state of mind, they will other their fellow human beings and sacrifice them to cover up their own lacking. They will see others as their boundary instead of being with themselves in them.

In short, atheists, pagans, and Christians all inhabit the same conceptual realm – the realm they create,⁵⁹⁹ and so do their deities. If we conceptualise a particular religion's attempt to grasp the absolute, we come closer to the fundamental problem of this society. In this vein, Hegel comments on the religion of the ancient Egyptians:

In this sense we regard the Egyptian works of art as containing riddles, the right solution of which is in part unattained not only by us, but generally by those who posed these riddles to themselves.⁶⁰⁰

Once spirit has fully grasped itself as absolute spirit, conceptualised it in the practical sense of the world, it is free and knows itself. For Hegel, this is what Christianity contributed to world history: the essence of human spirit is to be found in absolute spirit, which 'has its reality in the activity of its liberation.'⁶⁰¹

B) Revelation

Hence, the great question arises of *how* Christianity liberates objective to absolute spirit. The answer lies in a combination of the object conception and the content of Christianity as *revealed* religion. Revelation implies that the absolute is external to the objective spirit and yet self-communicating. The content clarifies that this externality is to be overcome: revelation is not thought of as a command theory of the absolute but as a means to come to terms with our self-relationship. Paradoxically, to be revealed as external, absolute spirit must always already exist for humanity, while to be able to liberate a previously unfree spirit, we must find it in the process of actualising itself. Hegel articulates the contradiction between the actuality and un-actuality of the liberated spirit in the movement of *return*:

The absolute spirit, while it is eternally being in itself, is always also *identity* returning and ever returned into itself: if it is the one and universal substance it is so as a spirit, discerning itself into a self and a consciousness, for which it is as substance. Religion,

⁵⁹⁸ Eagleton, *Radical Sacrifice*, 28, 124.

⁵⁹⁹ Cf. Davis' introduction to Žižek and Milbank, *The Monstrosity of Christ*, 7.

⁶⁰⁰ Hegel, *Vorlesungen über die Aesthetik*, 464.

⁶⁰¹ E 552 R, p. 565/ 256.

as this supreme sphere may be in general designated, if it has on one hand to be studied as issuing from the subject and having its home in the subject, must no less be regarded as objectively issuing from the absolute spirit which as spirit is in its congregation [*Gemeinde*].⁶⁰²

Absolute spirit must be subject and object at the same time without subject and object being wholly identical. Theunissen unravels this contradiction by showing that God is the first in the *ordo essendi* while absolute spirit's finite consciousness, the religious practice, is the first in the *ordo cognoscendi*.⁶⁰³ Hence, for our finite consciousness to grasp the ontological truth of the absolute spirit, we must follow the process from its very beginning: the first moment we tried to grasp the absolute. However, even if we assume that Hegel is convinced that the Christian Trinity is more than a philosophically inspiring metaphor or intuition, we cannot stop short at the explication of the Christian revelation. The mode of thinking of revealed religion maintains a divide that stands in the way of the actualisation of absolute spirit since it still contains an element of externality. In factual reality, religion takes the form of what Hegel calls *representation* (or *representational thinking*), consisting in reflecting on events and material images that contain the truth without, however, formally overcoming the event's externality to the community recalling it.

Revelation has the peculiarity that is the form of representation that reveals a truth that already contains the momentum for overcoming this divide: God becomes one human (takes the 'form of One'), revealing Himself thereby as spiritual since His incarnation has the purpose of becoming one spirit with humanity.⁶⁰⁴ Conceptualising spirit becomes thus the primordial task of philosophy since spirit is the way and the end of this very unification. That is what makes the Christian faith stand out in Hegel's eyes: it openly contains unity in its immediacy and relation.⁶⁰⁵ The double consubstantiality⁶⁰⁶ of Christ signifies an immediate unity of divine and human nature, allowing God to enter into a relationship with humanity. This externality of religion overflows into the *cult*, the practices of the *ecclesia* in which spirit becomes internal to us, overcoming as absolute mediation all possible divides. Revealed religion thus contains the

⁶⁰² Widely translated as 'community', EPS 554.

⁶⁰³ Theunissen, *Hegels Lehre vom absoluten Geist als theologisch-politischer Traktat*, 126.

⁶⁰⁴ Theunissen, 137.

⁶⁰⁵ Theunissen, 138.

⁶⁰⁶ The theological term for the doctrine that Christ is of both divine and human nature, affirmed as a dogma by the church at the council of Chalcedon (451) against the heresy of the Monophysites who held that His divine nature superseded His human nature. As the three major Christian denominations recognise this council, Hegel's philosophy centring around this dogma is ecumenical in the widest sense.

momentum of absolute mediation since it is not only about to, but has already been mediated from its very beginning.⁶⁰⁷

Christianity has the distinct advantage of uniting all three modes of grasping the absolute, in the belief in the gospel as handed-down knowledge, the cultus as a practice of unification, and the philosophical conceptualisation of those that are otherwise divided between art, religion, and philosophy.⁶⁰⁸ The epistemic and practical unrest of revealed religion shows how spirit is *labour*. It is a process through which the subjective consciousness becomes liberated:

The subjective consciousness of the absolute spirit is essentially and intrinsically a process, the immediate and substantial unity of which is the Belief in the witness of the spirit as the certainty of objective truth. Belief, at once this immediate unity and containing it as a reciprocal dependence of these different terms, has in devotion - the implicit or more explicit act of worship (cultus) - passed over into the process of superseding the contrast till it becomes spiritual liberation, the process of authenticating that first certainty by this intermediation, and of gaining its concrete determination, viz. reconciliation, the actuality of the spirit.⁶⁰⁹

‘Revelation’ brackets this dynamic and can refer both to a divine truth that is apparent in the world (e.g. natural law or natural theology) and to a specific event in which the divine presents itself. In the *Phenomenology*, Hegel still speaks of Christianity as the ‘Offenbare Religion’ (manifest religion)⁶¹⁰, while the *Encyclopaedia* adopts the title ‘Geoffenbarte Religion’ (manifested religion), shifting the emphasis clearly from the discernment of what is *evidently* divine in the world to what the divine *agent shows* us to be divine.

The character we ascribe to God’s revelation of Himself is that of something arbitrary, accidental as it were, and not that of something belonging to the *concept* of God. But God as Spirit is essentially this. He does not create the world once for all, but He is the eternal Creator, this eternal self-revelation, this actus. This is His concept, His determination.⁶¹¹

⁶⁰⁷ Theunissen, *Hegels Lehre vom absoluten Geist als theologisch-politischer Traktat*, 139.

⁶⁰⁸ Confusingly enough all summarised under the notion of ‘religion’ with which Hegel indicates that he is interested in art and philosophy insofar as they grasp the absolute, EPS 554.

⁶⁰⁹ EPS 555.

⁶¹⁰ ‘Offenbar’ seems an intentionally ambiguous choice of words as it usually would translate to evident or apparent while in the connection to religion the reader will notice the common German root with ‘revealed’. ‘Geoffenbart’ clearly presupposes an agent who revealed something.

⁶¹¹ LPR II 193/ II 334-35.

The shift from the passive to the active voice emphasises two principal characteristics of Hegel's philosophy of religion. The first consists in God's agency. It departs from cosmological arguments about the first cause and sets a fundamental limit to natural theology: the absolute as spirit can only be known through its self-manifestation. The whole of creation remains God's externalisation and, thus, a source of knowledge we can grasp once we have understood absolute spirit. This is why we captured the moments of the dialectical movement already in our previous observations on entirely finite phenomena.⁶¹² We might think of these two *epistemai* as reciprocally constitutive for our knowledge of the absolute: with the conceptual framework developed in his overall philosophy, Hegel is interpreting the Christian dogmata, and the result of this interpretation is correcting his overall philosophical system. Absolute knowledge generates itself in a circle of self-correction.

Secondly, this agency of the absolute is initially external to the human spirit: it is a contingent given or, more precisely, a *gift*. Humanity depends in its strive for absolute freedom on something contingent, uncontrollable to them, that becomes only in a second step internal and necessary.⁶¹³ The knowledge practice of revelation corresponds hence to the need of the forgiving consciousness: it comes from beyond *itself* but is *here* and not removed to the beyond. Through condescendence, God *becomes immanent* in this world and relatable in terms of objective spirit. Immanence cannot translate into a simple pantheism that would transcendentalise the external act of grace by relocating it to the non-experienceable moment of creation but must be found in the liberating 'spiritual' practices that arose from the act of condescendence itself. Revelation is, hence, both an epistemological and ontological feature of absolute religion. It is the idea's very essence to reveal itself; its self-communication is our only way of knowing it.⁶¹⁴

The next chapter will conceptualise this self-communication⁶¹⁵ and attempt to explain how it liberates us, while the following chapter explores how this gift serves as a means for the self-correction of Hegel's philosophy.

⁶¹² It explains also Hegel's conceptual realism that Brandom diagnoses without elucidating its metaphysical foundations, Brandom, *A Spirit of Trust*, chap. 1.

⁶¹³ LPR II 194-95/ II 335.

⁶¹⁴ EPS 564.

⁶¹⁵ Here, I render Hegel's definition of self-determining knowledge as 'manifestation pure and simple; [as] the spirit [that] is only spirit in so far as it is for the spirit' (EPS 564) into Rahner's notion of God's self-communication since I think it grasps Hegel's idea rather accurately. Rahner develops it out of a speculative account of the trinity and connects it to the necessity of revelation, Grütering, 'Der Begriff Selbstmitteilung Gottes in Karl Rahners Theologie', 103-4. For an account of Rahner's relation to Hegel, cf. Corduan, 'Hegel in Rahner'.

Chapter Five: The Return of God

This chapter aims to recover the precise source of what I call the emancipatory experiential content of Hegel's philosophy and explore whether this religious content can translate into a philosophy whose appeal transcends the Christian community. The (self-) determination of the idea and its liberation is rooted in God's self-abandonment and sacrifice. It sets the violence out of which human order is born right and offers in the painful experience of otherness a pathway to reconciliation and true universality. Hegel's theology does not flatten out the contradictions that emerge from the conflictuality of knowledge understood as social practices but recognises the suffering they cause as a source of redemption. God dies on the cross not merely from his fleshly wounds but from the rejection by a self-centred humanity. He expires 'into the pain of *negativity*.' Out of the reflection on how civilisation has killed God and the reliving of this pain of negativity, the earthly Kingdom of God arises. The world's brokenness gives birth to hope. The recognition of the former sets Hegel apart from his conservative and liberal adversaries who implore us to reproduce our society's violence under the disguise of immediate wholesomeness and morality. While Hegel's eschatological vision seems to offer a glance of a radically liberated future, we must reckon with how this hope transformed into the historical optimism that the modern Protestant Germanic state was the definite vehicle of this salvation. I will argue that an immanent critique of Hegel's theology can salvage its emancipatory potential and makes its philosophical sublation worth our while.

Hegel does not faithfully reproduce theology but reads the Christian revelation from the outset through the lens of the concepts his 'secular' philosophy has provided. The aim is not to show how one could read Christian revelation as an instantiation of this *logic*. The insufficiency of earlier conceptions of knowledge and freedom brought us to religion, and since Hegel considers the latter to be the inflexion point of philosophy, he now needs to demonstrate the actuality of absolute spirit in it. This demonstration takes the form of logical syllogisms. As traditional as this may sound, we should not mistake it for the application of an eternally true formal language to a sub-field of thought. Clearly distancing himself from traditional 'Aristotelian' logic, Hegel expresses what many philosophy students did not dare say: 'At the approach of this kind of syllogism, we are at once seized with a feeling of boredom.'⁶¹⁶ Instead of explaining how to formulate sound judgements, Hegel's logic illustrates the dynamics of conceptual thinking, transforming the very discipline of logic itself and re-grounding it in its world content. The relationship between logic and religion is – how could it be different? – dialectical. The

⁶¹⁶ GW 12, 140/ Hegel, *Hegel's Science of Logic*, para. 1447.

sylogisms prove the truth of revelation as much as revelation proves the actuality of logic. Both stand in a relationship of mutual dependence in which one shapes and transforms the other.

The syllogisms are most clearly posited in the *Encyclopaedia* (while the *Lectures* maintain a more textual approach), thereby transcending already the language of representational thinking. The latter always refers to events, i.e. finite history. In contrast, philosophy concerns itself with the infinite movement of the idea. Theunissen brings this relationship between the finite and the infinite to the point:

The philosophical concept reveals the finite temporal-factual history, to which Christian representation adheres, as phenomena of the eternal history of the Absolute representing itself therein.⁶¹⁷

As discussed above, representational thought always implies an imaginative activity of presupposing and positing. Hence, if religion shall present us with the truth, it can do so only in a system of presuppositions whose circular nature philosophy must unravel. Hence, Hegel sets out to show how the three moments of Christian revelation form a conclusive syllogism by assigning to each moment a different conceptual category: universality to the eternal trinity, particularity to the creation and Fall, and individuality to the Gospel's redemptive history. However, representational thought cannot express its absolute content in an absolute form. It needs to presuppose the image which inspires it. Form and content always remain to some extent separated, a difference that must be overcome by an 'infinite return, and reconciliation with the eternal being, of the world it gave away – the withdrawal of the eternal from the phenomenal into the unity of its fullness.'⁶¹⁸

By its very nature, representational thought gives every moment the semblance of independence and transforms a moment in the idea's movement into a sphere. Each sphere contains the whole movement of externalisation and return without achieving autonomy.⁶¹⁹ It testifies to the truth of revealed religion's content that each moment's story reflects this insufficiency by declaring its dependence on the other moments. Religion's content drives thought beyond religion, making philosophy its natural closure and achievement.⁶²⁰

If we divide the movement into the three moments that we already identified (initial unity, externalisation/ alienation, and reconciliation/ return), we get a matrix in which every moment

⁶¹⁷ Theunissen, *Hegels Lehre vom absoluten Geist als theologisch-politischer Traktat*, 246.

⁶¹⁸ EPS 566.

⁶¹⁹ EPS 565.

⁶²⁰ Cf. EPS 571 including R.

consists of three parts that, in turn, reflect the whole of the movement. The form of representational thinking puts the three syllogisms into a circle: if every theological statement presupposes something and posits another, it includes what it presupposes and what it is presupposed for:

A – B – C

C – A – B

B – C – A

The first statement in which B mediates presupposes A and results in C, which is, in turn, presupposed by the second statement, and so forth, forming the circle of truth. Its presuppositional and representational form also necessitates its chronological character, making one event contingent on the prior occurrence of the moment it presupposes. In other words, the idea's content is experienced historically except in the first syllogism.⁶²¹

The whole of the logical matrix is held together by what Hegel identifies as the ontological syllogism⁶²² that takes the form of Universality (U) – Particularity (P) – Individuality (I) in which the middle term mediates the extremes. This syllogism formalises the sentence ‘concept proceeds to being’ that postulates the solution of the problem of concept determination that followed us throughout my Hegel interpretation. A universal concept always suffers from its abstraction and does not enjoy reality in the way the particular does to which it is opposed. Its negation by the particular, if in turn negated, results in individuality, i.e. a concrete consciousness that identifies with the universal. While the first negation has a character of necessity, the second does not. Return, i.e. reconciliation, is not guaranteed in conceptual terms independent of their content. In Hegel’s philosophy, the idea moves and has agency, because it is a subject, i.e. spirit. The negation of the negation is not the product of a logical mechanism but the fruit of an act of consciousness, of the will to reconciliation that finds in the Gospel its historical-material basis. We must try to prove the impossible, i.e. reality of the universal, the actualisation of the utopia of absolute reconciliation.

Hegel assigns to the moments of the conceptual movement religious names: the moment of universality becomes the sphere of the Father (EPS § 567 ‘alpha’), the moment of particularity the sphere of the Son (§ 568 ‘beta’) and the moment of individuality the sphere of the Holy Spirit (§ 569 f. ‘gamma’). The last conceptual category is the result of the sub-syllogism and designates the overall name of the moment. If we follow the logic of presuppositionality in

⁶²¹ I will discuss this exception that confirms the rule *infra*, 162.

⁶²² EPS 183.

which the result of the preceding syllogism constitutes the presupposition of the succeeding one, we get the following matrix which corresponds – despite its inverted extremes⁶²³ – to the ‘scheme’ the Logic provides.⁶²⁴

Sphere of the	Moment of	Syllogism/ term
α) Father	Universality	I – P – U
β) Son	Particularity	U – I – P
γ) Holy Spirit	Individuality	P – U – I

In the sphere of the Father, Hegel discusses the eternal Trinity’s self-differentiation and self-relation where being-with-itself and manifestation are combined, and the Absolute is always already returning to itself (α). In the creation of the world, this manifestation transcends the internal realm and becomes externalisation *sensu stricto*. However, in its fall, humanity fails to return to the Absolute and instead turns to itself (β). The reconciliation of the externalised world with the infinite essence is postponed to the ‘withdrawal of the [eternal essence] from the appearance into the unity of its fullness’ (γ).⁶²⁵ Analysing these steps in detail will provide insight into the experiential core of Hegel’s dialectical speculation. Rather than having developed a logical scheme that can reconcile anything and anybody, we will see that the dialectics are rooted in the philosophising reflection upon a genuinely liberating experience of a spirit that only at the very end negates the grace of otherness and turns towards introspection.

α) The eternal Trinity or the freedom of love

And this is life eternal, that they might know thee the only true God, and Jesus Christ, whom thou hast sent. (John 17,3)

Hegel took the command to know God through the events of revelation seriously⁶²⁶ and, with it, the query for the reality of utopia, of absolute reconciliation. It was a central demarcation point from his contemporaries as he considered that while the field of finite knowledge constantly expanded, the struggle for knowledge of God, once central to all quests for knowledge, was abandoned. Even worse, it was declared pointless.⁶²⁷ He considered the

⁶²³ When comparing the resulting matrix with the respective section in the Logic (E 181 ff., GW 12, 132 ff./ Hegel, *Hegel’s Science of Logic*, para. 1443 ff.) we notice that mostly the extremes are reversed. While this is not a contradiction as such since the extremes are indeed mediated through the middle term resulting in the identity of the identical with the non-identical, we can attribute this modification to the constraints of representational thinking: only by exchanging them, we can narrate their interconnectedness, i.e. the way one presupposes the other, in the form of biblical events. It is justified insofar as in the dialectical movement the beginning becomes identical with the end, cf. Theunissen, *Hegels Lehre vom absoluten Geist als theologisch-politischer Traktat*, 254–56.

⁶²⁴ The interpretation of these passages as syllogisms is not unanimous, e.g. Jaeschke, ‘Die geoffenbarte Religion’, 455.

⁶²⁵ Theunissen, *Hegels Lehre vom absoluten Geist als theologisch-politischer Traktat*, 247 ff.

⁶²⁶ Cf. EPS 564 R.

⁶²⁷ LPR I 42-43/ I 35-36.

centring of philosophy around the knowledge of the absolute an uphill battle on the slopes of *Zeitgeist*. Without naming his enemies, Hegel discussed how the major schools of theology had sidelined the central Christian dogmata that epitomise what Christians hold true. The ‘negative and formal doing that we call Enlightenment’ rages against the concrete and renders God into a negative abstractum, whereas Pietism produces a personal Jesus for everybody’s private pious longings.⁶²⁸

Far from being a malady that solely affects the religiously minded, the indeterminacy of God mirrors the arbitrariness of philosophy:

In direct contravention of what is commanded by the Holy Scripture as the highest duty – that we should not merely love but know God – the prevalent dogma involves the denial of what is there said; viz. that is the Spirit that leads into Truth, knows all things, penetrates even into the deep things of the Godhead. While the Divine Being is thus placed beyond our knowledge, and outside the limit of all human things, we have the convenient licence of wandering as far as we list in the direction of our own fancies.⁶²⁹

A concrete concept of the absolute is *compelling*. As much as Hegel understands the sublation of objective spirit into absolute spirit as liberation, it forces our hand. Once we have such a concrete concept, it sheds an unrelenting light upon the reality of finite spirit. The abstract Deus of Kant, Fichte, and Fries essentially did the opposite: it remedied the irreality of reconciliation in the here and now in the unknowable beyond. It thereby allowed the liberals to maintain a moralist political philosophy in the face of pervasive immorality and unhappiness. Similarly, the ineffable God of Romanticism justified the conservative’s self-affirmation notwithstanding the immanent contradictions and conflicts of their revered genius or people’s spirit. If utopia is to be taken seriously as a material reality without which philosophy cannot be, we must have an intelligible concept of the absolute. Hegel makes the first step in this direction by explicating the Christian dogma of the Trinity.

In the **sphere of the Father**, Hegel conceptualises God and the Absolute as self-differentiation in a relationship of love. The abstract personality of the philosophy of understanding (*Verstandesphilosophie*) makes place for the concrete personality, which does not find its freedom in the limitlessness of its power but in the fullness of its relationship. To achieve this

⁶²⁸ LPR II 333-36/ III 139-142; LPR I 45-54/ I 38-48.

⁶²⁹ LPH 26-27/ 15.

fulness, the abstract concept must particularise, paving the way for the universal to become concrete individuality, a subject:

α) Under the ‘moment’ of *Universality* – the sphere of pure *thought* or the abstract medium of *essence* – it is therefore the absolute spirit, which is at first the *presupposed* principle, not, however, staying aloof and inert, but (as underlying and *substantial power* under the reflective category of causality) *creator* of heaven and earth: but yet in this eternal sphere rather only begetting *himself* as his *son*, with whom, though different, he still remains in original identity – just as, again, this differentiation of him from the universal essence eternally supersedes itself, and, through this mediating of a self-superseding mediation, the first substance is essentially as *concrete individuality* and subjectivity – is the *Spirit*.⁶³⁰

The double-edged language of this paragraph mixes the conceptual language of philosophy (universality, individuality, essence) unapologetically with the representational Christian imagery (creator of heaven and earth, Father and Son). The eternal Trinity is an odd object of consideration for representational thinking since it is not an object of sensory experience. This curious mix is due to the divergence between ontological and experiential primacy. Like the Big Bang, God is ontologically unconditioned. However, in our experience, which is, according to Hegel, our sole source of knowledge, the Trinity’s complex truth emerges last as a conceptualisation of the history of salvation.⁶³¹ Since representational thought narrates history, it must begin with what comes first in the *ordo essendi* even though it comes last in the *ordo cognoscendi*.⁶³² The self-relating absolute as such is presupposed in this paragraph, while the title ‘creator’ serves as a surrogate for the experientiability of the absolute’s self-differentiation. While the absolute’s unfolding becomes plausible only after understanding the movement’s last moment – a characteristic not unheard of in Hegelian philosophy – this determination of God sheds unprecedented light on the essence of Hegel’s logic and the role the external and material play in it.

Strikingly, Hegel’s abstract definition of God exhausts itself in describing a self-relationship, contrasting the tradition of attributing predicates to the absolute. There is no mention of God’s omnipresence, infinite wisdom or goodness, nor his powers to change the natural world at His will. For Hegel, they express a lack in so far as they are particular determinations that stand in

⁶³⁰ EPS 567.

⁶³¹ Theunissen, *Hegels Lehre vom absoluten Geist als theologisch-politischer Traktat*, 260 ff.

⁶³² Cf. LPR II, 241/ III 33-34.

unsolvable contradictions to other particular determinations. Ultimately, they describe the relationship between God and the world as otherness.⁶³³ The determination of the concept results in its limitedness. In Hegel's conceptualisation of freedom as liberation and autonomy, instead of being a personal token yielded by one person over another to the former's undeniable benefit, power becomes the expression of a failing relationship. Rather than glorifying the individual holding it, it seals the lord's unfreedom as much as the serf's. These predicates restrict God since they establish the other as a boundary to the Self of God. Instead, we must turn to the unfolding of the idea as self-relation:

The true (...) solution of the contradiction is contained in the Idea, which is the self-determination of God to the act of distinguishing Himself from Himself, but is at the same time the eternal abolition of the distinction.⁶³⁴

To be free, the idea must determine itself in a manner that does not limit itself. And determine itself it must: as the syllogism of 'being' suggests, determination constitutes the concept's necessary step from abstract to concrete universality. This logical structure mirrors the Trinity's self-relation: The Father, the abstract and universal creator God, begets the Son. Both overcome the negation of the universal by particularity through their love. The Father is the beginning, the Son the end and the Holy Spirit their totality. Through the mediation of the particular, the universal gains individuality and becomes spirit, 'the universal that includes everything within itself.'⁶³⁵

In Christian theology, the three moments of the absolute are represented as persons who overcome the numerical logic ($3=1$) and express the One in terms of spirit.⁶³⁶ Personality is the first and deepest freedom, and yet, when each person is considered separately, afflicted with abstraction: "'I am a person, I exist for myself' (...) Two cannot be one; each person has a rigid, reserved, independent, self-centred existence'.⁶³⁷ Hence, the only way the person(s) can achieve spirituality and concrete freedom consists in abandoning their particularity in the ascension to universality in love. 'Inasmuch as I act rightly towards another, I consider him as identical with myself. In friendship and love I give up my abstract personality, and in this way

⁶³³ LPR II, 224-25/ III 13-14.

⁶³⁴ LPR II 225/ III 14.

⁶³⁵ LPR II 234/ III 25.

⁶³⁶ LPR II 232/ III 23-24.

⁶³⁷ *Ibidem*.

win it back as concrete personality.⁶³⁸ That is precisely how St John reported Jesus characterised His unity with the Father:

²⁸When you have lifted up the Son of Man, then you will know that I am He, and that I do nothing on My own, but speak exactly what the Father has taught Me. ²⁹He who sent Me is with Me. He has not left me alone, because I always do what pleases Him.⁶³⁹

In Hegel's eyes, this relationship of love distinguishes a dead and abstract theology from a living one. Only at the 'end' of the process (that occurs in timeless eternity), God the Father is what He was presupposed to be in the beginning. Equally, life results only from a process of self-reproduction, which is the living thing itself. 'Nothing new comes out of it; what is produced was already there from the beginning.'⁶⁴⁰ That is the logic of the eternal Trinity, it is the determination of God as love, i.e. as the spirit that generates itself.

Love and spirit stand here in an ambiguous relationship. In order to identify a person, representational thinking chooses to speak of spirit, although love, which is less graspable, fits the context better. It is an almost 'childish' attempt to make the Trinity more tangible. And yet, once we stop superimposing our sensory image of personality, 'spirit' becomes better suited in the eyes of speculative philosophy since love always emanates from the abstract person while spirit designates the concrete universality formed between them.⁶⁴¹ It emphasises that love is not an attribute of the abstract person (e.g. as 'omnipotent and most loving') but an ontological transformation expressed in a third person.

In the identification of God as living love, we already find the kinetic energy that overflows the realm of the eternal and explains the creation of the finite world:

But life just means the harmonising of the contradiction, the satisfying of the need, the attainment of peace, in such a way, however, that a contradiction springs up again. What we have is the alternation of the act of differentiation or contradiction, and of the removal of the contradiction.⁶⁴²

Unless we want to conceptualise the eternal Trinity as an endlessly spinning wheel in which the Son is begotten again and again, such a new contradiction does not emerge. In what must appear in Christian eyes almost preposterously, Hegel states that this love relationship lacks

⁶³⁸ LPR II 233/ 25.

⁶³⁹ John 8, 28-29.

⁶⁴⁰ LPR II 235/ III 26.

⁶⁴¹ LPR II 234/ III 25.

⁶⁴² LPR II 229/ III 20.

seriousness. As an act of externalisation, it remains incomplete since the tie between Father and Son is never truly severed, and reconciliation the anticipated result of the movement. If defined as self-emptying and self-abandonment for the other, love involves risk-taking, the act of self-negation. Finitude adds to the reality of love. Or as Dostoyevsky's Starez Sosima put it: 'What is hell? I maintain that it is the suffering of being no longer able to love.'⁶⁴³ What Hegel polemically called a lack of seriousness and philosophised as a lack of externalisation is, for Dostoyevsky, mirrored in the limits finitude adds to our being: it makes every act of love a sacrifice, an infinite waste of time only possible on Earth. In Hegel's ontology, the affirmative and its negation, the infinite and the finite, have no truth on their own but are 'themselves merely transitory.'⁶⁴⁴

That is the fundamental opposition of Hegel's philosophy: the infinite and the finite, not spirit and the flesh or good and evil. Concurrently, his utopia is neither intellectualist nor moralist perfection but life eternal, i.e. absolute freedom, *in* the finite human spirit. Creation allows this opposition to unfold.

β) Creation, fall and the blessed wickedness of society

With the second sub-syllogism, we enter the phenomenal world, the space of history as the unfolding of events that revealed religion as representational thinking can properly represent. Biblically speaking, we combine the Prologue of St John and Genesis, a Christological theorisation of the narration of creation and the fall of humankind. It powerfully narrates and conceptualises the diremptive nature of human consciousness. The ambiguity of these passages gives us the foundation for an emancipatory combination of utter pessimism and daring hope. On the one hand, Hegel conceptualises original sin as the necessity of evil that is inherent to the very structure of self-consciousness. He thereby challenges conventional accounts of morality. In its (futile) self-governance, the self-consciousness born out of morality is self-centred and puts itself into opposition with the absolute. Morality itself becomes evil and perpetuates separation. This provocative assessment explains Hegel's despair in the face of prevailing moralisms: liberal moralists and romanticist dreamers do not take the world's negativity seriously; their practical philosophies offer only a sedative to the initiated elite and betray the suffering masses. While Hegel's analysis of the world prior to the divine condescendence offers little in the way of optimism, it implies a ground for hope: morality, in all its wickedness, reaches for the universal and knows itself as spirit. Since creation is mediated

⁶⁴³ Dostoyevsky, *The Brothers Karamazov*, 410.

⁶⁴⁴ LPR II 228/ III 19.

through the second person of the trinity and hence not ipso facto in an infinite opposition to the absolute, it can return to the latter anytime. While Fallenness is a token of social order, the return to the infinite becomes a fragile utopia that, as a transformation of consciousness, is in imminent reach.

β) Under the ‘moment’ of *particularity*, or of judgement, it is this concrete eternal being which is presupposed – its movement is the creation of the phenomenal world. The eternal ‘moment’ of mediation - of the only Son - divides itself to become the antithesis of two separate worlds. On the one hand is heaven and earth, the elemental and the concrete nature - on the other hand, standing in action and reaction with such nature, the spirit, which therefore is finite. That spirit, as the extreme of inherent negativity, completes its independence till it becomes evil, and is that extreme through its connection with a confronting nature and through its own naturalness thereby investing it. Yet, amid that naturalness, it is, when it thinks, directed towards the Eternal, though, for that reason, only standing to it in an external connection.⁶⁴⁵

Absolute spirit ‘gets serious’ about externalisation by creating the world. The creator god externalises himself in the world and sets it free as an independent moment of spirit. Taking up an essential element of the Nicene Creed and the Prologue of St John, Hegel insists on creation being mediated through the Son: everything is created ‘through’ the Son, the *logos* by⁶⁴⁶ whom the world was made (cf. John 1, 1 ff.). Chalcedonian theology does not conceptualise the world as alien to God; thus, finite and infinite spirit are not mutually exclusive. If we take up the syllogistic frame, we can translate the text into the scheme U – I – P. Absolute spirit, as reproduced in the eternal sphere, is presupposed. Meanwhile, the role of the eternal Son, the eternal mediator, splits up into two elements: first, particularity as such, which is the world governed by its determined laws (P), and second, objective spirit, i.e. humanity as collective consciousness (I that becomes P), which partakes in nature and is supposed to return through the flesh back to the absolute.

⁶⁴⁵ EPS 568.

⁶⁴⁶ While the Greek $\delta\iota'$ οὗ τὰ πάντα ἐγένετο, English (by who) and French (par qui) might be ambiguous, the Latin (per quem), Italian (per mezzo di lui) and German (durch den) tend to express an act of mediation inherent to creation. The first letter to the Corinthians (8, 6) in its Latin (Sacra Vulgata), French (Louis Segond) and English translation (King James) brings some light to the issue as it clearly distinguishes between the Father as the origin (ex quo, de qui, of whom) and the Son as the mediator of creation (per quem, par qui, by whom). Hence, we can understand the the ‘by whom’ of the Nicene creed as indicating the mediation by the Son instead of the acting origin of creation.

However, the paragraph concludes that finite, i.e. human spirit stands to the God of the preceding paragraph *only* in an external relation. What was supposed to be a self-differentiation turns into a difference simpliciter. Having a closer look, we notice that the paragraph describes two distinct events: firstly, the act of creation of nature on the one hand, and related to it, human spirit on the other. In a second step, the latter ‘completes its independence until it becomes evil.’ This translation interprets the German term ‘Verselbstständigung’ as the rendering extreme of the condition of independence already attributed to humankind in the act of creation itself. The human spirit differs from the eternal Son (has complete independence) insofar it is not necessarily returning to God. The source of this independence lies in humankind’s role as a mediator between absolute spirit and nature, which Hegel identifies as the source of freedom, self-consciousness, and evil.

For Hegel, the fall adequately captures the human essence of self-diremption. He rejects the classic question of whether humans are good or evil by nature as irrelevant.⁶⁴⁷ Nature is good in itself (it adheres to its laws without exception) – an innocence that humans, as spiritual beings, could never attain. The condition of diremption results from humanity’s role as the mediator between absolute spirit and the world. Evilness does not result from succumbing to our natural desires but from negating our being and its opposition to something or somebody other. However, this state of diremption is a necessary condition of consciousness:

It is only by means of this separation that I exist independently, for myself, and it is in this that evil lies. To be evil means in an abstract sense to isolate myself; the isolation which separates me from the Universal represents the element of rationality, the laws, the essential characteristics of Spirit. But it is along with this separation that Being-for-self originates, and it is only when it appears that we have the Spiritual as something universal, as Law, what ought to be.⁶⁴⁸

Hence, a troubling double role of evil and negation arises: separation from the absolute is evil *and* constitutive of rationality and spirit. The solution to this riddle lies in the ambivalent role of morality in Hegel’s philosophy. In the relationship between God’s universality and nature’s particularity, humans must *relate* the latter to the former. As a first step, humans take (mainly through forming habits)⁶⁴⁹ their distance from nature that is good-in-itself (necessarily following its own rationality). This first negation implies the concept of morality that constitutes

⁶⁴⁷ LPR II, 254/ III 50.

⁶⁴⁸ LPR II 257/ III 53.

⁶⁴⁹ EPS 409-410. For the centrality of Hegel’s theory of habit, cf. Menke, *Autonomie und Befreiung*, 128 ff.

the second negation, i.e. evil. We negate nature in acting according to purposes that contradict our immediate natural urges. This is the birth hour of rationality and morality as a set of norms governing human consciousness. Thereby, however, humanity not only gains independence from nature and comes to its self-consciousness as spirit but also *isolates* itself from absolute spirit. Through its morality, humankind becomes evil. The profound challenge that Hegel mounts against conventional accounts of morality conceptualises the representations of the fall of humankind in Genesis. The tasting of the tree of knowledge of good and evil, makes, so the serpent, Adam and Eve equal to God. The truth of this poisoned promise expresses the violence of morality in particular and objective spirit in general. Indeed, as self-mediated spirit governed by its own laws, Adam and Eve became like God (who is Himself autonomous spirit). However, in this apparent independence (which the previous chapters revealed to be unfree), they negate their relationship to absolute spirit and enter into opposition to it. The equality reached is one of equal loss:

God is God only so far as he knows himself: his self-knowledge is, further, a self-consciousness in the human and the human's knowledge of God, which proceeds to the human's self-knowledge in God.⁶⁵⁰

After the fall, this mutual end is further away than ever. And yet, in articulating the universal 'ought-to-be' of morality lies a force of unease that drives the human consciousness beyond the dwelling in itself.⁶⁵¹ A painful awareness arises in the human; she recognises that infinite opposition, i.e. evil as the principle of contradiction, is in her and starts to long for the good and infinite reconciliation.⁶⁵² Infinite reconciliation does not come about through the subduing of evil by goodness. In contrast to classical 'Verstandesphilosophie' (non-speculative philosophy), Hegel thinks that the good, as abstractum, is itself evil and that morality's abstract universality perpetuates the violence of opposition. To gain concrete universality that does not exist in opposition to the Big Other, *we must sublimate the difference between good and evil itself.*⁶⁵³ That is what forgiveness and God's ultimate intervention in the human history of salvation achieve.

We can draw two major conclusions from Hegel's conceptualisation of the story of creation and the Fall of humankind. While representational thought puts a time difference between creation and fall, Hegel thinks of evil as a necessary attribute of human self-consciousness, an

⁶⁵⁰ EPS 564 R.

⁶⁵¹ This emphasises the role of will: only knowledge of the divide between natural will (which is naturally self-centred) and the good of the other allows us to talk of evil and good at the same time, cf. Jaeschke, 'Die geoffenbarte Religion', 447.

⁶⁵² LPR II, 262/ III 58-59.

⁶⁵³ That is Göschel's more pointed rephrasing of Hegel that the latter endorsed, GW 16, 204-5.

inevitable part of the *fictive* transition from the *status naturalis* to the *status civilis*.⁶⁵⁴ Rousseau's savage innocence is lost the moment we gain self-consciousness.

Secondly, it reveals the obsolescence of morality as the highest good and points to how to overcome it. This vision of evil rejects Manichaeism and Gnostic juxtapositions between the spirit and the flesh, the intellectual and the material. Ethics cannot be born out of these dichotomies. Quite the contrary, they must be eschatological: the good consists in returning to the absolute that alone has substance, while the evil must content itself with the role of pure negation. The mediateness of the world and the being in itself of objective spirit and evil assign a necessary role to worldliness and the material in general. All paths to the absolute must pass through this world, its social constitution and its relation to nature. This mirrors Hegel's rebuke of both intellectualist and fideist conceptions of the good as represented in (conservative) pietism and (liberal) deism. Both abandon absolute mediation and usher in a world where the absolute is neither present nor socially or politically intelligible. According to Hegel, this is the misery of our time:

Only, how can it be helped? This discordant note is actually present in reality. Just as in the time of the Roman Empire, because universal unity in religion had disappeared, and the Divine was profaned, and because, further, political life was universally devoid of principle, of action, and of confidence, reason took refuge only in the form of private right, or, what was by its very nature essential, what existed in-and-for-itself was given up, individual well-being was elevated to the rank of an end, so, too, is it now. Moral views, individual opinion and conviction without objective truth, have attained authority, and the pursuit of private rights and enjoyment is the order of the day.⁶⁵⁵

Moralism and the juridification of political questions in terms of private law are the fruits of this forbidden tree. Their common denominator is extreme, i.e. non-mediated subjectivism incarnated by the romantic genius and people's spirit or the idealist transcendental I. This subject seeks freedom from all constraints and builds a system of her own, supposedly rational laws. The same subject becomes the only conceivable reference point in the public sphere, stripping the same of its public substance. And as if Hegel wanted to anticipate the suggestion of coercive state countermeasures to further the common good, he declares them altogether

⁶⁵⁴ This leads Splett to insist that Hegel holds a biologicistic conception of the unfolding of spirit, or at least of this part of its development, Splett, *Die Trinitätslehre G. W. F. Hegels*, 87 Fn 35. However, Splett overlooks the cognitive and social aspect of human self-consciousness: without habits and social practices, it would not exist in the first place. Evil is not a biological token but a relational one.

⁶⁵⁵ LPR II 342-43/ III 150; cf. GW 17, 298.

ineffective for the ‘decay has gone too deep’ to still reach the subject with ‘rigid’ external commands.⁶⁵⁶ Hegel seemed to have gained knowledge of how the irredeemable suffering of the poor points to a rather bleak future:

When the Gospel is no longer preached to the poor, when the salt has lost its savour, and all the foundations have been tacitly removed, then the people, for whose ever solid reason truth can exist only in a pictorial conception, no longer know how to assist the impulses and emotions they feel within them. They are nearest to the condition of infinite sorrow; but since love has been perverted to a love and enjoyment from which all sorrow is absent, they seem to themselves to be deserted by their teachers.⁶⁵⁷

The genuine despair of this passage is difficult to reconcile with Hegel’s appreciation of the actuality of reason in the modern state. I am tempted to assume that the intense confrontation with theology caused this state of mind. The ambivalence surprises all the more as it stands at the end of the lectures and is only partially relativised by a statement on what philosophy can change. Liberal and romanticists have found an empty and vain ‘satisfaction in the subjectivity and virtue of finitude’ that is inaccessible to the broad suffering masses. Although Hegel considers that his own philosophy can conceptualise true reconciliation, he acknowledges that it can only change the consciousness of a few. This pessimism is only countered by an all the more enormous hope immanent to the mediatedness of creation. If the world is mediated through the *logos*, perfection, a political utopia comes within imminent reach. Rather than being the ever postponed finale of a slowly progressing process of betterment, once the form of consciousness reorientates itself radically towards the absolute, it is just a pervasive act of forgiveness away.

However, humanity fails to achieve such a state of reconciliation on its own; morality, law and the political do not bear the fruits they could, and do not transform the good in itself in a good in-and-for-itself – *yet*. This triumph occurs in the next sphere.⁶⁵⁸

⁶⁵⁶ *Ibidem*.

⁶⁵⁷ *Ibidem*.

⁶⁵⁸ We must note a significant difference between how this salvation unfolds in the *Encyclopaedia* and the *Lectures on the Philosophy of Religion*. The *Lectures* locate reconciliation already in the sphere of the Son, in the moment of particularity. (They are published and held in a similar timeframe - 1817, 1827 and 1830 vs. 1821, 1824, 1827 and 1831 respectively in which the *Encyclopaedia* maintains its positions whereas the *Lectures* change it). I would argue that this discrepancy helps us better understand Hegel’s system. All his lectures concern a specific subject. They are standalones, which, to suffice the Hegelian definition of truth, must cover the whole truth. Hence, to make his syllogism self-sufficient, Hegel needs to anticipate reconciliation in principle in the second sphere so he can determine how this reconciliation unfolds with regard to his overall philosophy in the last one. In contrast, the *Encyclopaedia*, as an explicit attempt to systematise his whole philosophy, still has a section left to accomplish

γ) Redemption through Christ and the Holy Spirit

Once humankind has fallen, once it stands to the Absolute in an external relation, only the external, which had been othered by its humanity, can reconcile it. We could speculate in how far, by already introducing an orientation towards the eternal in the last sentence of the moment of particularity, Hegel hinted at the possibility of reconciliation beyond Christianity.⁶⁵⁹ However, Hegel clearly identifies the life and death of Jesus of Nazareth as the Absolute's intervention that brings about reconciliation. Here, Hegel spells out the emancipatory power of grace, which becomes liberating precisely by overcoming otherness – something that both liberals and conservatives cannot grasp because they essentially see no need for liberation.

This is the most complex of all moments since it is in itself composed of three moments that constitute absolute mediation, or, to put it more prosaically, that tie up all the loose ends. First, the mediation through an individuality that failed in the moment of Particularity (β) now succeeds in Christ's incarnation, death and resurrection. In the second step, humanity awakens in the painful awareness of the death of God from its self-absorbed numbness. Thirdly, human spirit realises in the Holy Spirit and the *ecclesia* what could be called the *Kingdom of God*. This overcoming of the finite and its sublation into the infinite is the permanent motive of the end of history.

The Fall did not make things easier: how should humanity in the presence of the same God they rejected beforehand, turn to the absolute? Hegel's answer fully embraces Christianity's apparent paradox: God's death leads humanity to eternal life. In Christ, humanity immediately experiences the unity of divine and human nature in their common spirituality. Meanwhile, the sacrifice of God confronts humanity with the difference that subsists between the self-giving of absolute spirit and their dwelling in objective spirit's being-in-itself. Humanity realises that they betrayed and killed God. Keeping this dangerous memory (Metz)⁶⁶⁰ alive in (knowledge) traditions and the cult upends objective spirit and sublates it into absolute spirit.

The working together of the moments of life, death and tradition makes for absolute mediation. Unlike earlier attempts at mediation, it succeeds necessarily as the name of syllogism of

this task. It does so not only by reconciling philosophy and religion (as in the Lectures) but by correcting the other pre-absolute-spirit branches of his philosophy in the light of the latter. This interpretation of the difference as one of framing and not of substance explains why the actual basis of reconciliation, i.e. the incarnation and the unfolding of the Spirit in the nascent *ecclesia* remains the same. Similarly Jaeschke with regard to the Trinitarian form and the inclusion of the cultus Jaeschke, 'Die geoffenbarte Religion', 436–37.

⁶⁵⁹ So does Jaeschke, 447–48.

⁶⁶⁰ Metz, *Glaube in Geschichte und Gesellschaft. Studien zu einer praktischen Fundamentaltheologie*, 106 ff. For the closeness of Metz' critique of privatised bourgeois religion and the reactionary Catholic (pre-Vatican II) counter position, cf. Shanks, *Hegel's Political Theology*, chap. 4.

necessity suggests. Whereas the first syllogism demonstrated mediation at the expense of true difference, the second failed because the difference was too actual. Absolute mediation does not go regress behind the actuality of difference but succeeds because the mediator becomes present in the extremes. It mediates what is partially already mediated. Let us take a closer look at the matrix that Hegel is proposing. The syllogism of necessity translates into $P - U - I$. U mediates P and I , leaving the moments $P - U$ and $U - I$ unmediated. The middle term mediates the extremes but the extremes and the middle term stand in an immediate relationship. The two aforementioned moments remedy this immediateness; they are the logical preconditions for the syllogism to succeed necessarily. The relationship $U - I$ is mediated in the first sub-sub-syllogism $U - P - I$ in which the particular human Jesus reveals God to be spirit and, as such, one with humanity. The relationship $P - U$ is mediated in the sub-sub-syllogism $P - I - U$ in which the community of believers reconciles the individual Christian with God. The result, the actualisation of the absolute in humanity, flows logically from the two. Absolute mediation succeeds necessarily because the absolute already mediated the extremes. Theologically speaking, it is the consequence of the incarnation and the work of the Holy Spirit in the mythical body of Christ. We will retrace the following scheme of the three γ sub-sub-syllogisms:

α) $I - P - U$ (the Sphere of the Father)

β) $U - I - P$ (the Sphere of the Son)

γ) $(P - U - I)$ (the Sphere of the Holy Spirit)

γ 1) $I - P - U$ (premise UI) (the Gospel)

γ 2) $U - I - P$ (premise PU) (the early church)

γ 3) $P - U - I$ (reconciliation of finite and infinite spirit)

The ultimate sacrifice – γ 1

The first one tells the story of the divine intervention itself, the externalisation of the Father in the incarnated Son whose commitment to humanity goes so far as submitting himself to the humiliation of judgement and the pain of death before negating the latter in the resurrection. This submission to and negation of death renders God's nature finally as absolute spirit visible and undeniable to humankind:

§ 569 (γ) Under the 'moment' of *individuality* as such - of subjectivity and the notion itself, in which the contrast of universal and particular has sunk to its *identical ground*, the place of *presupposition* (1) is taken by the *universal* substance, as actualised out of

its abstraction into an *individual* self-consciousness. This individual, who as such is *identified* with the essence - (in the Eternal sphere, he is called the Son) - is transplanted into the world of time, and in him, evil is implicitly overcome. Further, this immediate and thus sensuous existence of the absolutely concrete is represented as putting himself in judgement and expiring in the pain of *negativity*, in which it, as infinite subjectivity, keeps itself unchanged, and thus, as *absolute return* from that negativity and as universal unity of universal and individual essentiality, has realised its being as the Idea of the eternal, but *living* spirit, present in the world.

This paragraph lifts Christology unto the throne of Hegel's philosophy of religion:⁶⁶¹ the needed intervention does not consist of moral teachings but focuses solely on the ontological significance of the Son.⁶⁶² His double – i.e. human and divine – nature becomes the key to understanding the significance of Hegel's conceptual logic for the idea of subjectivity. Read in the language of the ontological syllogism (I – P – U) – which Hegel suggests by positing the universal substance as presupposition – individuality proceeds to particularity and returns to universality.

God sends his Son as a concrete particular that fully merges into his human nature. As opposed to the *Sphere of the Son* where he was divided into two moments (nature and humanity), he remains one, subject to the laws of the world and in full unity of love and obedience with the Father. Hence, *in him* ('implicitly'), evil is overcome. In Him, objective spirit returns to the absolute. In sending His Son as a demonstration of His love, as an explicit act of communication with humanity, God reveals His relational nature (self-communication), i.e. his essence as spirit. Furthermore, in the person of Jesus, humankind experiences the possibility of returning this love fully and unconditionally as the determination of subjectivity.

The revelation in Christ rests thus upon two pillars: the cognition of Jesus' fully human and fully divine nature. Jesus' corporality represents only one aspect of the former. Since the fall, part of being (self-consciously) human was being subject to judgement. Radically affirming the finite-infinite unity, the incarnated logos undergoes the humiliation of a court of men, exposes himself to their hunger for power and self-justification and finally dies a violent death at their hands. He *expires in the pain of negativity*. More than just demonstrating God's full commitment to human nature, His violent death repeats the negation of return to the absolute in the flesh. More than from the physical torture and cruel execution, He suffers from the

⁶⁶¹ Cf. Jaeschke, 'Die geoffenbarte Religion', 448–49.

⁶⁶² LPR II 275/ III 73.

negation of His personal and immediate love, even by those who acknowledged His divinity. Humanity holds fast to abstract subjectivity and self-sufficiency, transforming an abstract *l'èse-majesté* into the immediacy of human feelings.

This anthropomorphisation is one side of the medal, of which divinisation is the other. The revelation of Jesus' fully human nature would have made him a great prophet if it was not for Easter. Only the resurrection reveals the crucifixion as *deicide*, the death of Christ as death of *God* and hence non-death of God.⁶⁶³ In the resurrection, God's wish for return mirrors the seriousness of His externalisation in the death of Christ.⁶⁶⁴ More than that, he brings eternity into the realm of the human grasp: The resurrected Christ does not become a spherical ghost but reaffirms his (sublated) bodiliness, appearing immediately in this world to the objective spirit.⁶⁶⁵ Even in demonstrating his divinity, he reaffirms his human nature and thereby conquers death for all who share in this nature. The biography of the particular person Jesus reconciles the mortal with eternity: his death negates his finitude, and the pain he experiences reveals this finitude as negativity.⁶⁶⁶ This dying off of particularity as pure negativity and the revelation of God as spirit and as such one nature with humanity renders the idea of spirit 'eternal, but living [and] present in the world.'⁶⁶⁷

While spirit was always present as objective spirit, it was dead, dwelling in its self-sufficiency. When unambiguously confronted with Jesus' divinity in the resurrection, the nascent *ecclesia* realises that their personal betrayal translates into *deicide*. The consciousness of the difference between objective and absolute spirit brings the human spirit back to life. The rise to awareness of the contradiction between this form of existence and the universal idea as present in the resurrected Christ constitutes Hegel's interpretation of Pentecost, the outpouring of the Holy Spirit. The latter revives in the objective spirit a force common to all conceptual unfolding: life. 'But life just means the harmonising of the contradiction, the satisfying of the need, the

⁶⁶³ This is where I most clearly part ways with Žižek's and Ruda's Hegel interpretation that omit this moment altogether, Žižek and Milbank, *The Monstrosity of Christ*, 48, 60; Ruda, *Abolishing Freedom*, 121–22. Neither Hegel nor Chesterton did imply this omission (or that of Psalm 22 as the reference for God's God-forsakenness, the poetic definition of hope for the impossible in the midst of doubt and despair), cf. LPR II 291/ III 91; GW 17, 271; GW 29,1, 104, 429. While Žižek is right to declare the death of the *transcendent* God this is due to the transformation of the Eternal Trinity by the sublation of the principle of particularity (the anonymous 'Son') into the resurrected human son of Mary, Jesus, who continues to bear the stigmata even after the ascension (the 'triumph over the grave ; - but not in such a way that death is purely the throwing away of human nature but the raising of human nature into heaven.' GW 29,1, 104). This implies a further transformation of the (other persons of the) Trinity that as absolute spirit become in the Hegelian sense identical with 'heavenised' earthly kingdom.

⁶⁶⁴ Jaeschke, 'Die geoffenbarte Religion', 452.

⁶⁶⁵ Cf. Lk. 24, 38–43.

⁶⁶⁶ Theunissen, *Hegels Lehre vom absoluten Geist als theologisch-politischer Traktat*, 281.

⁶⁶⁷ EPS 569.

attainment of peace, in such a way, however, that a contradiction springs up again.’⁶⁶⁸ The Gospel ends in a painful contradiction between the revelation of God as love and finite spirit in the condition of deicide.

Death: rehearse and repeat— γ 2

We now enter the sphere the historical practice of religion is all about: in the cult (I), the members of the Church (P) reflect upon the revealed God (U). Although they imagine the locus of unity as something external to them (the historical Jesus), by imitating Christ and overcoming their orientation towards the particular as an end-in-itself, they mediate between universality and particular nature, as the initial syllogism of reflection (§ 568 (β): U – I – P) should have done. The church succeeds where humanity has failed:

§ 570 (2) This objective totality is the *presupposition*, a presupposition that is in itself, for the *finite* immediacy of the individual subject. For the subject therefore it is initially something *other* and beheld, but the beholding of the truth that is *in itself*. Through this witness of the spirit in him, the subject, owing to his immediate nature, initially determines himself as what is nugatory and evil, and further, according to the example of its truth, by means of faith in the unity, accomplished implicitly in that example, of universal and individual essentiality, he is also the movement of shedding his immediate natural determinacy and his own will, and of joining together with that example and its *In-itself* in the pain of negativity, and so of recognising himself as united with the essence. [...]

The realisation of the Kingdom of God in finite spirit is based on the formation of individuals willing to enter the spiritual community. It always starts with the subject that comes to the consciousness of reconciliation as already having been actualised in-and-for-itself. The generation of this divine citizenship within the church constitutes mediation in itself:

The actual, permanent existence of the Spiritual Community is its continuous, eternal becoming, which is based on the fact that it is the very nature of Spirit to know itself as eternal, to liberate itself so as to form those finite flashes of light which make the individual consciousness, and then to collect itself again out of this finitude and comprehend itself, and in this way the knowledge of its essence and consequently the

⁶⁶⁸ LPR II 229/ LPR III 20.

divine self-consciousness emerges in finite consciousness. Out of the ferment of finitude, and while it changes itself into foam, Spirit rises like a vapour.⁶⁶⁹

The partaking of finite in infinite consciousness, the knowing yourself in God, amounts to a second emergence of the absolute divine consciousness. The sacraments of baptism and the Eucharist figure most prominently among the religious practices Hegel supposes to cause these flashes of light. In baptism, the evil is overcome and the individual made part of the reconciled community. In the Eucharist, confirming the Lutheran doctrine of the Real Presence, God becomes present as pure spirit in the moment of consumption.⁶⁷⁰

Suddenly, finite spirit *is* able to mediate between the universal and the particular, although the hypothetical syllogism γ^2 's logical sequence corresponds exactly to the syllogism of reflection β , whose supposed mediation resulted in the Fall. The difference originates in the structure of the logical matrix and the nature of religion as representational thinking. As discussed above, two elements characterise the latter: it is presupposing (1) and separating/ differentiating (2).

(1) Thinking in religious terms, the objective spirit can never stand on its own feet; each process of thought relies on a premise granted by revelation or tradition. Yet the premise of the syllogism of reflection posited in the sphere of the Son (β) consisted of a universality out of human knowledge's grasp. The Trinity was not revealed but prior only in the *ordo essendi*. Since humanity's epistemic journey began only after objective spirit was born out of original sin, this truth must manifest itself to humankind physically. Only after having understood the full bearing of the death and resurrection of Jesus do his disciples understand that God is love – and hence spirit – and relate this knowledge, thanks to Jesus' worldliness, to their own particularity.

In the cult's rites, and most significantly in the Eucharist, the community repeats the sacrifice and the immediate unification of the particular human with the divine. The immediacy of the experience plays thus a vital role in the reconciliation process since it inscribes reconciliation into the particular. To humans thinking in finite terms, the finite and the infinite appear united for the first time. What has been reconciliation in-itself in *beta* becomes now reconciliation *for-itself*. This immediate unity with the blood and flesh of Christ overcomes the alienation between the moral subject and her physical existence, so present in Kantian subjectivity and the

⁶⁶⁹ LPR II, 320/ III, 124.

⁶⁷⁰ LPR II 328/ III 133-34. E 552 R p. 558/ 252; cf. GW 29,1, 110.

rationalist tradition. The God that is love dwells in the flesh, and the relationship between Him and humankind retains an erotic character that liberates us from our self-isolation.⁶⁷¹

However, as in marriage, this liberation towards spirit lacks in its immediacy self-consciousness. For the consciousness of absolute spirit to pass from the individual relationship between Jesus and His disciple(s) to a spirit that ‘knows itself in God’, the particular human Jesus *had to ‘expire’*.⁶⁷² His death marks the transition from the relationship between him and his disciples as of human to religious character, from story to liturgy.⁶⁷³ Instead of focusing in their contemplation on his death’s injustice, they recognise it as a game-changer in the human-divine, finite-infinite relationship:

[...] [b]elievers are already firmly convinced in their hearts and feelings that they are not here specially concerned with morality, with the thinking and willing of the subject in itself or as starting from itself, but that the real point of importance is an infinite relation to God, to God as actually present, the certainty of the Kingdom of God, a sense of satisfaction not in morality, nor even in anything ethical, nor in the conscience, but a sense of satisfaction beyond which there can be nothing higher, an absolute relation to God Himself.⁶⁷⁴

The painful memory of the death of God establishes distance to our moral self-determination and allows to determine our being as love, i.e., self-relation of the absolute spirit. *Absolut* translates into all-englobing and -pervading, i.e. not as something external to us, situated in the beyond, not as a recommendation or simple command to love but that ‘God is love’ and of one with humanity.⁶⁷⁵

(2) The second characteristic of representational thinking is to separate moments of the whole in which the possibility of failure for these moments to work together resides. However, whereas the Fall induced a static state of self-absorbance, the deicide and Pentecoste introduce

⁶⁷¹ Hence the parallel with the role marriage plays in the *Philosophy of Right*. The parallels can be traced to the Old Testament’s Song of Songs and converge in eternity: ‘Blessed are those who are invited to the marriage supper of the Lamb.’ *Revelation* 19, 9.

⁶⁷² Jaeschke, 451.

⁶⁷³ LPR II 287-88/ III 87. Note that the Sibree’s translation misleadingly states that His death ‘does away with his human nature’ while the German original literally only speaks of the ‘human relation’. Hegel later explicitly testifies to the lasting human nature of Christ in his death and resurrection: ‘This triumphing over the negative is not, however, a putting off of human nature, but, on the contrary, is its most complete preservation in death itself and in the highest love. Spirit is Spirit only in so far as it is this negative of the negative which thus contains the negative in itself.’ LPR II 291/ III 91: Fn. 1. Citing Martin Puder, Theunissen affirms that the resurrection is the only place where Hegel effectively managed to demonstrate the inversion of the negation of the negation into the positive, Theunissen, *Hegels Lehre vom absoluten Geist als theologisch-politischer Traktat*, 282 Fn. 166.

⁶⁷⁴ LPR II 287 f./ III 87.

⁶⁷⁵ *Ibidem*.

a contradiction-driven moment that propels the church towards reconciliation with absolute spirit. In logical terms, the possibility of failure lies in the subjectivity of the hypothetical syllogism. The individuality needs to absorb both extremes (U – I – P), marking thus the universality with its particularity, prompting Theunissen to qualify it as an only apparent syllogism.⁶⁷⁶ Reconciliation occurs in the mind of the believer alone, it is cognisance, not actualisation. The more as the mind is troubled, pained by the recognition that living in the absolute spirit requires self-emptying, repeating God's *kenosis* (Phil 2:6).⁶⁷⁷

In their self-discovered morality, the fallen humans were alienated from nature and could, in objective spirit, maintain this opposition indefinitely. In contrast, Christians are reconciled with the flesh but alienated from society.⁶⁷⁸ Alienation moves from nature to the realm of spirit. The cult throws a stumbling block into the pathways of objective spirit's tranquil self-enjoyment. The subsistence of contradiction is a particularity of Hegel's logic⁶⁷⁹ and finds its *fundamentum in re* in his theology. The possibility of failure, i.e. the contingency of absolute spirit, is one side of a medal of which *life* is the other. The church embodies this logical contradiction. The events of the resurrection and Pentecost posit her as Christ's (mystical) body, completely submerged in its (mediated) unity of divine and human nature. However, her actual self-consciousness falls back behind this state of development: the cult celebrates Jesus by still imagining him as a separate other (particular).

The self-contradictory consciousness of the *ecclesia* (the difference between the doctrine of the mystical body of Christ and the actual practices of the *cultus*) makes her thrive beyond herself, renders her alive. The invocation of the concept of life justifies why Hegel already speaks of the 'idea'. Usually, the idea distinguishes itself from the concept by its actuality, an actuality

⁶⁷⁶ Theunissen, *Hegels Lehre vom absoluten Geist als theologisch-politischer Traktat*, 286.

⁶⁷⁷ Theunissen connects this not only to the self-externalisation of Christ but as well to the incarnation itself which follows a loving self-abasement that is not the necessary product of essentialist logics but of love since it results from the theology of *kenosis*, Theunissen, 280.

⁶⁷⁸ We talk here, of course, about the Hegelian Christian. Medieval and neo-scholastic traditions have an at times ambivalent, at times openly hostile relationship to the material condition of humanity. That holds especially true for the pietist schools which Hegel perceived to be dominant in contemporary Protestantism.

⁶⁷⁹ This contradiction mirrors the logical contradiction that Theunissen identifies between the premise of the first sub-moment and the overall function of *gamma*. The first sub-sub-syllogism explains to us how God manifests himself to humanity as spirit. In this process, Jesus overcomes his particularity (as a mortal human, subject to temptation) and becomes the universal human, the individual that has individuality as spirit. In Theunissen's words, the particular (Jesus) posits the universal that is itself, not the particular as the individuality that it is (spirit). The result of the categorical or qualitative syllogism (I – P – U) is the product of mediation IU, the very premise we sought to explain. At the same time, the overall structure of the syllogism of necessity demands an integration of particularity and individuality (P – U – I) an immediate unity of the universal and the individual is created in the particular: the outcome must be an 'individual particular, an exclusive individuality' (EPS 191). The absolute is hence portrayed in the incarnation both as the all-inviting spirit as well as exclusive individuality. That is the contradiction of the early church which the following process of world history must sublimate, Theunissen, *Hegels Lehre vom absoluten Geist als theologisch-politischer Traktat*, 283–84.

which still needs to unfold in the finite world. Yet, in the living contradiction, Hegel saw the seed of this actualisation, the essence of the movement that is its actuality. Fully revealed, the absolute awaits now its earthly actualisation, i.e. objective's spirit overcoming its finitude. The first step in this direction occurred in the core of religious practices, the cult (§ 570 (γ 2)), and the second translates the spirit of the first into a universal historical process (§ 570 (γ 3)).

We now understand how Hegel's intense confrontation with theology could lead him to the dire outlook invoked above – the seriousness with which the Absolute engaged in externalisation puts a big question mark behind any form of reconciliation that could mark the end of history. If the salt of the Earth has lost its taste (i.e. we stopped caring about the dogmata) and the Gospel is no longer preached to the poor,⁶⁸⁰ one step of mediation falls apart. So far, Hegel's philosophy of absolute spirit causes discomfort with not an accommodation to contemporary political reality. This is about to change in the last sub-syllogism.

The history of the kingdom of God or the liberation of objective spirit (γ 3)

The 'concise' third part of gamma stands in for an explanation of how absolute spirit actualises by transcending the church practices and overcoming her contradictions in the wider context of society. What was previously known only isolatedly by the individual now translates into a knowledge permeating society. Although its briefness makes it cryptic, I argue that we can locate the theological root of Hegel's tendency for accommodationism in this step.

The state of mind reached in gamma 2) awaits an actualisation in the form of a material movement. Such an actualisation, so much is clear from our analysis of the *Phenomenology of Spirit*, can only unfold as a complex socio-historical process. The task of summarising his whole philosophy of the history of the 'common era' as the actualisation of absolute spirit is so overwhelming that Hegel resigns from explaining it. Instead, the last sentence just displays the logical structure of the actualisation of the concept as made possible by the earlier events of revelation. The disjunctive syllogism (notated like the syllogism of necessity) proceeds from the particular over the universal to the individual (P – U – I):

§ 570 [...] (3) Through this mediation the essence brings about its own indwelling in self-consciousness, and is the actual presence of the spirit that is in and for itself as the universal spirit.

According to gamma 2), we can presuppose the particular as the particular self-consciousness that arises from reflecting upon the Gospel. The preceding sub-sub-syllogisms explained the

⁶⁸⁰ Expressively invoked as a hallmark of the messianic kingship, cf. Mt 11, 5.

unmediated presuppositions of the syllogism of necessity ($P - U - I \rightarrow PU, UI$): Particularity and universality in the community of the faithful ($U - I - P$) and individuality and universality as the unity of divine and human nature in the incarnation ($I - P - U$). Universality, here the absolute itself, mediates only to the extent that it has already been mediated ('through this mediation') – it is already present in the extremes: 'The mediating Universal is posited at the same time as the totality of its particularisations and as individual particular as well as exclusive individuality.'⁶⁸¹ At this point, Hegel achieved absolute mediation, which is self-mediation. We moved on from the unity in-itself of universal and individual essence (realised in the particular believer) to the spirit which is in-and-for-itself. The individuality 'I', the endpoint of the whole matrix, is nothing else than the objective spirit that has overcome all otherness, to whose freedom there are no boundaries because it knows itself in God. Finally, the

absolute content displays itself [...] as infinite return and reconciliation of the alienated world with the eternal essence, the withdrawal of the essence from appearance into the unity of its fullness.⁶⁸²

The identity achieved between absolute spirit as exhibited in the Sphere of the Father as the eternal Trinity and the spirit of human society should not be mistaken for simple adequacy, an equation between God and the world in the sense of pantheism or the apotheosis of humanity.⁶⁸³ The Identity of the identical with the non-identical does not level all differences but retains the difference while sublating the otherness. It is 'the joining of the subject not with the other, but with the sublated other, with itself.'⁶⁸⁴ Hence, Hegel's eschatological vision does not hope for the becoming of God out of humanity as a horizon of humanity's omnipotence but for the infinite movement's fulfilment in the vulnerability of the liberated Self.

This knowledge transforms the nature of objective spirit. Following the experience and contemplation of the revelation, it abandons its self-serving character in the practice of self-emptying. Hence, we find Hegel's political community not to be based on essentialist characteristics but on the practice of *kenosis*. However, both his lectures and the *Encyclopaedia* leave us wondering how this revelatory truth translates into his more specialised philosophy.

The fact that Hegel does not translate these claims into the language of political philosophy probably accounts for two concerns, one of a historic and one of a methodological nature.

⁶⁸¹ EPS 191.

⁶⁸² EPS 566.

⁶⁸³ For a rejection of pantheism cf. EPS 573 R; for the apotheosis, GW 16, 200-203.

⁶⁸⁴ EPS 192; cf. Theunissen, *Hegels Lehre vom absoluten Geist als theologisch-politischer Traktat*, 288–89.

Firstly, Hegel rejoiced in an idiosyncratic version of secularisation in which the Christian principle truly blossoms in a society centred around schools, not pulpits.⁶⁸⁵ His political philosophy relegates Christianity to the role of a fundamental social texture which predisposes a society's potential of political freedom (no successful revolution without reformation).⁶⁸⁶ Throughout his philosophy of history, Hegel paints the Christian principle as the defining element of his vision of positive freedom without, however, concretising any substantial theological input beyond stating that God is knowable and the philosophy of history a theodicy.⁶⁸⁷

This input can only be identified through a retrospective re-examination – a peculiarity that reflects the methodological concern. Although the *Encyclopaedia* has its distinctive style, its way of introducing a new section still follows the same logic as in the *Phenomenology*: it builds on the previous results while showing how they fall short or drive the intellectual content beyond itself. Reaching the high point of this process could simply mean the end of the story. It does not invalidate the previous results but sheds new light on their limits and potential. As we do not necessarily reinvent the process of data gathering in experiments and the subsequent reevaluation of our theorems after we have discovered the dependence of this practice on the wider social practices of the epistemic community, we do not necessarily rewrite political philosophy after unpacking the foundational role Christology plays in the definition of spirit. As we take the natural sciences objectivism with a pinch of salt, we should revisit some of the claims political philosophy made.

However, revealed religion cannot carry out this correction on its own. Although it *exhibits* here the concept's *full content*,⁶⁸⁸ it remains at the level of *exhibition*. Representational thinking is caught in the logic of externality.⁶⁸⁹ Only the final syllogism of philosophy will overcome this *formal* obstacle (*cf. Chapter Six*). Since the syllogism of necessity relates the particular to the individual (P – U – I), the individuality at the end is particular – not ending the circle as the concrete Universality of the eternal Trinity. The consciousness of the Christian community is caught between its actuality as the (mythical) body of Christ and the worship of a particular

⁶⁸⁵ In his inaugural address at Berlin university, Hegel declared philosophy to be the 'Sunday of life', justifying university research as an exercise that frees itself from everyday necessities, GW 18, 26; Okochi, 'Universität als Ort des Säkularisierten Sonntags'.

⁶⁸⁶ EPS 552 R.

⁶⁸⁷ LPH 27-28/ 15-16.

⁶⁸⁸ EPS 566.

⁶⁸⁹ Some forms more firmly than others: Hegel's problem with the Catholic version of Transubstantiation is not the material presence of God but its objectification in the moment unity with the human is not yet achieved, E 552 R p. 558/ 252; cf. GW 29,1, 110.

person (devotional consciousness).⁶⁹⁰ The becoming of Absolute Spirit remains, to some extent, an *other* to the cult community.

The activity of the Self retains towards it this negative meaning because the externalisation, the kenosis of substance, is taken by the Self as an *in-itself*; which neither grasps nor comprehends, or does not find it in its own action as such. Since this unity of the essence and the Self has come about *in itself*, consciousness too still has this *representation* of its reconciliation, but as representation. It obtains satisfaction by *externally* attaching to its pure negativity the positive meaning of the unity of itself with the essence; its satisfaction thus itself remains burdened with the opposition of the beyond. Its own reconciliation therefore enters its consciousness as something *distant*, as something distant of the future, just as the reconciliation which the other Self achieved appears as something in the distant past. (...) Its reconciliation, therefore, is in its heart, but its consciousness is still divided and its actual world is still broken.⁶⁹¹

The world the church inhabits still awaits its ‘transfiguration’; its love is a projection towards a future it cannot bring about on its own. Hegel’s analysis corresponds to the eschatological expectation that was perhaps predominant among early Christians: the end was near but only in temporal terms. Its advent was up to God, who, although reconciled with humanity in the past, still acts in the end times as an other. Their hope of reconciliation does not rest on an active transfiguration of the world; it can even ignore the structures of its brokenness while preparing for the last day. Rome, the new Babylon, does not need to fall since its demise is anticipated in the *Book of Revelation* as *God’s doing*. This characterisation of the future as a *beyond* negates absolute mediation and the identity Hegel’s absolute spirit must achieve.

Hence, we can conclude that Hegel does not think that Christianity actualises absolute mediation from the outset. It needs a further actualisation to which the contradictions of Christianity drive it that unfolds throughout history until it culminates in speculative philosophy that brings absolute reconciliation from past and future into the present. The *Encyclopaedia* skips the explication of this process and directly transitions from the formal contradiction of revealed religion to its formal sublation in philosophy. In my opinion, this omission obscures the step which transforms Hegel’s emancipatory theology of the cross into a partially

⁶⁹⁰ Theunissen, *Hegels Lehre vom absoluten Geist als theologisch-politischer Traktat*, 283.

⁶⁹¹ PS 740-41/ 787.

accommodationist philosophy of total reconciliation. So let us reconstruct this step from the bits and pieces we can find in other sources.

The actualisation of the principle of Christianity in history starts with the specificity of the moment in which the incarnation occurred: when the time was ripe.⁶⁹² Notably, the new spirit could have taken hold only after the crushing of national spirits through the all-engorging power of the Roman Empire, the ‘labour pains of a [...] higher spirit’.⁶⁹³ A *tabula rasa* of the particularisms of national spirits emerges as a condition for the Christian spirit to become the essence of society. But even this levelling was not enough since Roman culture could not easily be transformed into something fundamentally different unless shaken and broken down to the bottom of its existence. Only the fall of the Western Roman Empire at the hands of the Germanic Barbarians and the ensuing breakdown of societal structures would make for fertile ground for Christianity and its principle of subjectivity to penetrate society.⁶⁹⁴ In this sense, we must understand the attribute Germanic: it does not refer to the Germans⁶⁹⁵ but to the various successor entities of the Western Roman Empire. Religion itself is not fully constitutive of a *Volksgeist*, and even its cult is only one of many practices. It needs to be cultivated: if, as in the case of Byzantium and Christianity, the religion is introduced in an already mature civilisation with well-developed social and legal institutions, it cannot take root but remains an abstract principle which is not truly alive in this culture.⁶⁹⁶ The ultimate result of this spiritless (i.e. not the actual social practices penetrating) Christianity is a political struggle over who holds the right dogma, who is *orthodox*.⁶⁹⁷ The abstract knowledge of theory does not suffice if it does not permeate practice.

These vignettes from Hegel’s more text-heavy philosophical writings cannot replace a detailed account of his historical narration. However, they sketch how, for Hegel, a particular people’s spirit could become the agent of world spirit vested with the absolute right to spread the Gospel of reason. In principle, this particular people’s privilege finds its *ratio essendi* in overcoming its own particularity, in the pain of negativity. Nevertheless, it can hardly go unnoticed that Hegel’s account of the rise of the Germanic Protestant nation to that position is astonishingly

⁶⁹² LPR II 310/ III 112; cf. Gal 4, 4-6: ‘⁴ But when the fulness of the time was come, God sent forth his Son [...] that we might receive the adoption of sons. ⁶ And because ye are sons, God hath sent forth the Spirit of his Son into your hearts, crying, Abba, Father.’

⁶⁹³ LPH 386/ 330.

⁶⁹⁴ LPH 413-415/ 354-356.

⁶⁹⁵ For whom he would have used the term *Deutsch* and not *Germanisch*.

⁶⁹⁶ Hegel cites Gregory of Nazianzus, who said that if one had business in the street of Constantinople, one could have been accidentally taught Christian dogmata by an artisan or slave considering themselves theologians, LPH 410/ 352.

⁶⁹⁷ LPH, 406 ff./ 348 ff.

unpainful to tell for a German Protestant philosopher. Given his dismissive accounts of other cultures and their religions, it is safe to say that he perpetuated a strong racial bias that later imperialists would have no hard time appropriating.⁶⁹⁸ Although his account of history is full of contingency, all historical accidents play out to the benefit of the Protestant Germanic state and the detriment of everybody else.

We can criticise all of these developments quite pointedly. Some of them, such as Hegel's disdain for Catholicism and Eastern Orthodoxy as philosophies of yesterday, lost most of their relevance in a world no longer divided along confessional lines. Others, such as his civilisational bias, deserve greater scrutiny, given their importance in justifying an imperialist international order. At this moment of the analysis of his philosophy of religion, we must however acknowledge that he does all that solely to prove the triumph of absolute spirit as a history of salvation according to Christian dogmata. We cannot explain Hegel's optimism historically until we see the world through the prism of his eschatological hope.

Uncomfortable joy – a critique

Conflating optimism and hope, I argue, was a fateful mistake. Hegel's optimism comes at the cost of the ontologically transformative power of otherness. The pain of negativity that woke up Jesus' disciples from the deafening comfort of self-indulgence is entirely internalised on the level of objective spirit. Not even the disunity of the church that gave birth to human absolute spirit bothers Hegel besides provoking his advice that his Catholic and Orthodox brethren shall better proceed to reformation if they wish to catch up politically. His complacency is all the more startling in the face of a globe full of otherness. Even the institution of slavery can co-exist with the shining light of absolute spirit, despite condemning its participants to darkness. In general, the world beyond the Germanic spirit is reduced to a source of external inputs of contingent events that provoke a development within Germanic Spirit.

Claiming the (immanent) success of bringing the Christian principle to full fruition constituted a false hope and a source of what we could call an experience of negativity. It pains as it excludes those who suffer under the regime of the Protestant Germanic nation-state from the sunshine of the absolute without much hope for redemption. That is even more astonishing as

⁶⁹⁸ Hoffheimer emphasises the link between Hegel's philosophy of religion and his race theory, calling the Trinitarian theory even 'useful' in establishing the superiority of the Europeans whereas I contend that it was for Hegel a serious source of truth instead of an intellectual tool, cf. Hoffheimer, 'Race and Law in Hegel's Philosophy of Religion', 198 ff. The *Phenomenology* and the *Encyclopaedia* which contain the most systemic accounts of the role of religion do not rely on a racist hierarchy of religions as the *Lectures on the Philosophy of Religion* do. One could however argue that the turn towards spiritual introspection within Hegel's theory of grace created a system that Hegel's geographical racism helped to keep closed.

Hegel recognised the suffering of the rightless and poor at home and the enslaved abroad. Something is rotten in Hegel's Kingdom of God. Karl Barth raised in his critique two important points that will help us come to terms with Hegel's theology and theodicy. The first regards the central question of grace, i.e. whether Hegel's God is not essentially unfree and made in the image of human subjectivity, leaving no emancipatory power to revelation and otherness. It closely relates to the second question of whether Hegel's theory got ahead of the practice it tried to conceptualise and lost the truth that a thorough analysis of Christian theology could have provided.

To unravel the falsity of Hegel's hope, it is helpful inquiring why the legacy of Hegel's philosophy of religion faltered so quickly. Hegel's reconciliation of philosophy and theology by sublating the latter's content in the former's form seemed to have predestined Hegel to become the Protestant Aquinas or Augustin of the secular age.⁶⁹⁹ Probably the first to voice the question, Barth wonders how late 19th-century Protestant theological thought could completely forsake Hegel and descend into pettiness and mediocrity.⁷⁰⁰ Barth answered by arguing that Hegel demanded too much of the 'modern man' and the theologian. His synthesis of Lutheran Christianity and modern philosophy asked both sides to understand their respective causes more radically instead of making a compromise between the two poles.⁷⁰¹ However, leading theologians had no interest in a renewal of the theology of the Trinity, nor did the 'modern man' – albeit subscribing to the omnipresence and -potence of culture – wished to reach a profound self-understanding of himself as a Christian. (The Victorian phraseology of 'Muscular Christianity' bears witness to this claim.) Neither of them was particularly fond of the processuality of truth and making the principle of contradiction the motor of this process.⁷⁰² Instead, they preferred the comfort zone that a compartmentalised knowledge practice could provide, abandoned the Hegelian ambition and celebrated Enlightenment and Kant revivals instead.⁷⁰³

We might doubt whether this refusal was not the symptom of underlying sociological causes rather than intellectual ineptitude or that the former caused the latter. However, the result stands; the Hegelian synthesis vanished and what Hegel justly had criticised gained new dominance in

⁶⁹⁹ Adam 'corrects' Barth's question (ignoring that he actually posed a closed historical question) by asking 'Might it be possible that Hegel might become for modern theology what Augustine became for patristic theology?', Adams, *The Eclipse of Grace*, 7.

⁷⁰⁰ Barth, *Protestant Thought*, 268–70.

⁷⁰¹ Barth, 295.

⁷⁰² Barth, 298–300.

⁷⁰³ Barth, 292.

most compartments of late 19th-century intellectual thought.⁷⁰⁴ Instead of heralding the dawn of a philosophically reconciled Christianity, the ambiguity of Hegel's sublation of Christianity inspired the destruction of Christianity's transcendent dimension.⁷⁰⁵ The Young Hegelians might have been wrong to claim Hegel's authority,⁷⁰⁶ but their role in the self-dissolving of Protestant theology (Strauss and Feuerbach were initially, like Hegel, theologians) and the 'liberating' effect it had on their intellectual environment⁷⁰⁷ would not have been conceivable without Hegel's philosophy of religion. Inadvertently, Hegel prepared the way for Weber's secularisation diagnosis and the latter's Neo-Kantian method and normative outlook.

For a philosopher who claims to grasp and conceptualise his time instead of leaping ahead of it, the failure of Hegel's eschatological hope to materialise is quite a damning piece of evidence. Either revelation or Hegel's account and philosophical sublation of it was wrong. Barth seems to combine the latter two, arguing that if 19th-century theologians had had the nerves and intellectual stamina to try to understand Hegel, they *should* not have made him the Protestant Aquinas but a mandatory passing point for the further development of theology.⁷⁰⁸ For our purposes, it is interesting how Barth's reasons for this assessment could be formulated not solely as calling out an unacceptable divergence from Protestant orthodoxy but as an immanent critique of Hegelian philosophy.⁷⁰⁹ Barth argues that, on two occasions, Hegel got ahead of the social practices his philosophy of religion was supposed to grasp: the relationship between sin and reconciliation and the identity of the self-movement of truth with the self-movement of the thinking human subject.

As we have discussed earlier, sin becomes a necessary passing moment of consciousness to which reconciliation follows with the same logic as the eternal Trinity always already returns to itself. According to Barth, Christian revelation, however, leaves damnation and salvation to God's liberty. Hegel outran the mystery of salvation at the cost of abandoning the unity of thought and practice for the sake of a purely speculative and hence untrue theory. The Trinitarian logic coincides with basic principles of logic – the definition of the Trinity could

⁷⁰⁴ Rose tells this as a story of a return to Kant through Neo-Kantianisms, which constitute a canon barring access to Hegel and even affecting Hegel *appassionati* like Adorno, especially with regard to the analysis of Hegel's absolute without which 'Hegel's philosophy has no social import.' Rose, *Hegel Contra Sociology*, chap. 1 and p. 218.

⁷⁰⁵ Löwith, *Von Hegel zu Nietzsche*, 350–56.

⁷⁰⁶ Löwith, 357.

⁷⁰⁷ Löwith, 358.

⁷⁰⁸ Barth, *Protestant Thought*, 301, 304.

⁷⁰⁹ Barth formulates it as a critique 'from the point of view of theology' that supposedly could not build a theory of truth which is not based on human practice, Barth, 301–2. That point, however, seems to be utterly Hegelian.

also be the definition of man and man's knowledge.⁷¹⁰ Barth correctly reminds us that Hegel's God comes like all knowledge to us as an object of experience, de- and preformed by the human logic:

But with Hegel, God and man can never confront one another in a relationship which is actual and indissoluble, a word, a new word revelatory in the strict sense, cannot pass between them; it cannot be uttered and cannot be heeded. [...] Hegel's living God – he saw God's aliveness well, and saw it better than many theologians – is actually the living man. [...] the identification of God with the dialectical method [...] implies a scarcely acceptable limitation, even abolition of God's sovereignty, which makes even more questionable the designation of that which Hegel calls spirit, idea, reason, etc., as God. This God, the God of Hegel, is at the least his own prisoner.⁷¹¹

Barth was, of course, right. While Hegel's relationship to Lutheranism and (to a lesser degree) Catholicism remains ambiguous, his undeniable confession was anti-Calvinism. He could never have found what Barth calls the 'actual dialectic', namely the 'dialectic of grace which has its foundation in the freedom of God.' Hegel's failure to recognise that God is free (in Barth's sense) resulted in his failure to recognise double predestination.⁷¹² The inner dialectical dynamic of love compels God to totally externalise himself, thereby *selecting* God's people (those to whom the truth is revealed) but forsaking the possibility of determining those who are damned (since the truth can be relayed) and any future historical intervention in the necessarily contingent unfolding of the Kingdom of God.⁷¹³

It is worth unpacking Barth's critique because its arguable deficiencies and confessional bias sharpen the contours of Hegel's political theology, while Barth's brilliance and theological-philosophical depth open pathways for a non-Calvinist critique. Despite the critique's obvious appeal, I maintain that the detailed analysis my reader has endured does not substantiate it. Barth's synthesis of Hegel's idea of sin and reconciliation is essentially correct, but I disagree that its theory outruns the practice. Hegel's account of sin, albeit original, has its experiential content in the Judeo-Christian creation story, Hegel's earlier conceptualisation of the gaining

⁷¹⁰ Barth, 302–3.

⁷¹¹ Barth, 303–4.

⁷¹² It should be noted that Barth himself held a somewhat idiosyncratic view of double predestination as he criticised the presentation of election and rejection as a speculative balance and focussed the election on Christ. This shift of focus from the individual election to the election of Israel and then Christ and his church brings him in result perhaps closer to Hegel than Calvin, cf. Barth, *Church Dogmatics*, II/2, § 35, 111 ff.

⁷¹³ Ruda says that the ultimate revelation is that God's plan is that there is no plan to which I might add: beyond the one exercised on Calvary, Ruda, *Abolishing Freedom*, 118.

of self-consciousness (itself grounded in real-world struggles) and a critique of bourgeois morality. Here, it appears that Barth's painting with a broad brush outruns his object of critique. It is not entirely clear why Hegel should have declared this a mystery instead of delivering a philosophical account of original sin. Barth's resistance roots probably more in the moment of reconciliation. Hegel's God is indeed his own prisoner and dependent on humanity to the extent that His being as absolute spirit is characterised by His self-abandonment to humanity that in its reconciliation with God adds concreteness to His universality. Whether this is a problem depends on confessional commitments, our knowledge interest and the consequences for the internal coherence of Hegel's philosophy.

Leaving the confessional commitment aside, it appears indeed contradictory that a philosophy built around the notion of freedom denies its highest subject any freedom at all. Theunissen claims that if Hegel maintains that God 'does not have a will that escapes thinking', it is out of his emancipatory knowledge interest, i.e. his concern for human liberty.⁷¹⁴ While Barth's free God would disrupt any overarching system of meaning in history, liberating individual humans and nations to live their own story, it would also imply that every single atrocity becomes sacrosanct. Double predestination is a double-edged sword. However, this juxtaposition of divine and human freedom suffers from its undialectical terms. The freedom that Barth imagines for God is not a freedom Hegel would have recognised – it is arbitrary will, thinly disguised by the veil of 'mystery'. The thought-through will Theunissen correctly ascribes to Hegel's God stands in contrast only to conceptions of freedom that Hegel soundly repudiated. Freedom is for Hegel always also autonomy and self-determination. His God found a sublime way to determine Himself: He externalises Himself in the world, distancing Himself from Himself only to reappropriate this world through unrelenting mercy. His non-being through self-denial becomes the condition of His actualisation. God's providence is his own un- and remaking, the conceptual necessity of self-determination.⁷¹⁵ The idea can only determine itself if it goes through the loss of its self. If Hegel was wrong to attribute *this* (necessary) freedom to God, it might well be wrong to attribute to Him *any* freedom.

Nevertheless, by showing how God constantly repeats the act of liberation and how humanity's hope of liberation resides in the same process, we can substantiate Barth's critique of the circularity of Hegel's thought. If God's and human liberty are identical, human self-consciousness seems to have assumed the place of God. We might even ask more provocatively,

⁷¹⁴ Theunissen, *Hegels Lehre vom absoluten Geist als theologisch-politischer Traktat*, 447.

⁷¹⁵ Thus Ruda claims that Hegel reaffirms his (sublated) Lutheranism in the identity of 'concept' and providence, Ruda, *Abolishing Freedom*, 113.

with the ardent anti-Christian Bauer, whether Hegel was a closet atheist. If God is the human's mirror image and religion upholds this image, the latter's sublation in philosophy demonstrates that nobody but ourselves hides behind the mirror.⁷¹⁶ If that were true, Hegel's philosophy of religion would be an enormous smokescreen behind which lingers the sporadic and random occurrence of reconciliation and Hegel's secret attack on Christianity. More importantly, even if Hegel thought revelation to be true (as Barth seems to assume correctly), the projection of human logic upon it would make its original import invisible. The salt of Hegelianism's experiential core that I defended against Left- and Low-Hegelian critique would lose its taste, the suffering God become but a token that dignifies the avoidable suffering of humanity. Hegel's philosophy would degrade into a lofty idealism and Left Hegelianism with its obsessive critique of (religious) ideas that they deemed unreal – so rightly criticised by Marx and Engels – would become its deserving legacy.

All depends on how the identity between finite and infinite spirit is conceived. Rather than straightforward adequacy, I argue that it is a sublated identity, the identity of the identical and non-identical. Or, at least, it ought to be in the Hegelian framework. What the accusation that Hegel projects his human and abstract logic on the transcendent and concrete God overlooks is that Hegel's Logic – although coming first in the Encyclopaedia – comes only second in Hegel's historical attempt to build a system. The first step was the *Phenomenology*, which contained already *in nuce* Hegel's Trinitarian theology and Christology and their sublation in philosophy. When reaching the perspective of a religiously defined consciousness, Hegel had only identified the rudimentary movement of the concept: immediate/ abstract unity, self-differentiation/ externalisation/ alienation, and return/ reconciliation to a mediated unity. He also made clear that although most of it was informed by his re-experience of human history, the conception of reconciliation had a distinctive Christian connotation. In other words, revelation is an important part of the experience content of Hegel's logic. Therefore, it should make a difference whether we read the logic in isolation or in light of his philosophy of religion. The next chapter will address the question of how significant this difference is.

It will have to look out for the (logical) necessity with which the absolute spirit of *gamma 3* unfolds throughout history. Does the concept of necessity capture the seriousness of the Absolute's kenosis that marked the transition from the Eternal Trinity to creation? Does it reflect the self-contradictory consciousness of the church and its endurance in the pain of negativity? Ultimately, the religious syllogism of necessity remains in its shortness ambiguous.

⁷¹⁶ Bauer, *Die Posaune des jüngsten Gerichts über Hegel den Atheisten und Antichristen. Ein Ultimatum*, 148.

The interpretation that it implies the triumph of the Protestant Germanic Spirit as the vessel of absolute spirit anticipated much of Hegel's philosophy of objective spirit – which seems justified given that it preceded the chapter on absolute spirit. However, whether this triumph's necessity originates in the philosophy of religion is open to debate. Much seems to point to the contrary, as the fullness of absolute spirit hinged on the possibility of humanity refusing reconciliation, i.e. the contingency of the concrete universal. Elsewhere, Hegel points out the philosophically void necessity of fate⁷¹⁷ of the Greek religion. Philosophical necessity and historical causality are not identical per se.

Nevertheless, I wish to point to another possible *theological* locus of Hegel's isolationist understanding of absolute spirit that makes him ignore (not blind to) the suffering the modern Protestant Germanic nation is causing and tolerating: grace. The discussion of Barth's critique already clarified that we cannot ascribe an implicit doctrine of predestination to Hegel. However, predestination seems to creep in through the backdoor, namely at the intersection of grace and ecclesiology. Since revealed religion already delivers the full content of the idea, Hegel's church can afford to look inward. The contingent external factors that drive the Christian community's development never become included in an esoteric self-reflection. External encounters constitute rather lucky accidents than continuous outpourings of grace. The grace that leads to salvation by truly transforming the consciousness is the sublimation of Christ in the resurrection and the subsequent reliving of the pain of negativity.

Hegel's position on grace seems ambiguous as he lauds reformation's leap forward in intellectual and political history while demonstrating that *sola gratia* constitutes ultimately just another reversion of alienated spirit, a one-sided consciousness.⁷¹⁸ On the other hand, one could qualify Hegel's philosophy even as a radicalisation of this doctrine insofar as faith becomes solely based on reproducing the memory of the events of revelation in the church instead of being a continuous divine grace. The life, death and resurrection of Jesus cover all sins, and no actions by the Christians are required besides the internalisation of this truth. The external, i.e. the church transcending action, ceases to be of any importance to salvation. We have once and for all looked into the mirror of otherness and overcame it.

There are good reasons for Hegel to have thought that way. *Prima facie*, the overcoming of the Big Other plays on a qualitatively different level than the encounter with another, not yet redeemed objective spirit. This encounter between two qualitatively different objective spirits

⁷¹⁷ PS 681-82/ 731.

⁷¹⁸ Cf. *supra*, 132.

seems unavoidable in Hegel's philosophical framework. All spirits are not equal. Revelation is an external material event that does not happen everywhere simultaneously. Perhaps there are other ways to get to the same truth, but not much in Hegel's theology suggests so. From the standpoint of immanent critique, this difference between spirits is hence not the problem.

The crux of the matter is the stability of absolute spirit. The earthly Kingdom of God is invulnerable to an extent that God was not. It seems to stand and endure with a necessity that the process of internalising the Gospel within the Church – which the syllogism of necessity presented as a moment of contingency – does not substantiate. The retrospective transformation of the Christian Germanic spirit into absolute spirit occurred once and for all and is not called into question anymore – at least as long as the practice of reconciliation subsists within the church. A continuous reflection on otherness and hence our particularity by seeking reconciliation with our society's external and internal others is irrelevant since our particularity has already been overcome through an internal process. Cooperation with grace, the experience of the other as a continuous act of grace, makes in this radicalised 'Lutheran' system little sense.

As a theological choice, this doctrine of grace is neither necessary nor explicitly defended by Hegel. If he had, contradictions would have emerged. The liberation that absolute spirit offers consists in overcoming otherness. The other, while remaining different, ceases to be an other in the unity of spirit. Reconciliation crosses the limits of spirit by appropriating what lies beyond them. For those caught in the hell-bound logic of objective spirit, the pain of negativity offered an exit as they experienced the other's otherness as painful. If this experiential element goes lost, the continued inner reformation of objective spirit, which Hegel's syllogistic logic painted as contingent, becomes implausible. If the community of believers grows accustomed to the majority of the world and a plurality of their own society remaining in the state of otherness, they can hardly stay alert to the pain of negativity in which God expired. The Gospel explicitly invokes the identity of the crucified with those left behind: 'Truly, I say to you, as you did it not to one of the least of these, you did it not to me.' (Mt 25, 45). If the church loses sight of the crucified, how can its members see and co-suffer with the crucified God? Hegel himself admitted that the sublation of theological notions into the speculative philosophy contains the risk of losing sight of the truth of the theological content that a continuous working with them could have avoided.⁷¹⁹ The conceptualisation of *gamma* seems to have lost sight of a

⁷¹⁹ Hegel justifies this with the struggle with which philosophy emerges from representation (-al thought), conceding that, as a consequence the conceptual might become sometimes too detached from the represented. However, once the 'conceptual movement' has gained 'solidity', one might relent and be more open to the temptations of representation, GW 16, 206-7.

fundamental theological truth that *beta* still got right as it conceptualised all creation as God's self-externalisation mediated through the Son, who appears to us hence in all worldly others.

Instead of consummating the reconciliation of the abstract creator God with His creation, a fraction of objective spirit claims absolute spirit for itself. However, leaving large parts of the externalised world to an existence separated from absolute spirit ultimately repeats the failure of mediation that the second sub-syllogism on the Fall conceptualised. Only the expiration of God in the pain of negativity and the repetition of this pain by the community was able to remedy this failure. By not extending this experience to the other who is beyond absolute spirit, the church and its members actualise the negative potential that representational thought implies. Instead of understanding the idea of absolute reconciliation, they limit reconciliation to the particular person Jesus and refuse Him the title of the universal man, the new Adam. They imprison the universal idea in an image. The other remains a boundary to the absolute, and the absolute a boundary to the other. By not fully accepting the sacrifice of God, the human practice of sacrifice is continued; the violence of the *status civilis* finds its valve in human sacrifice. Hegel's defence of the virtue-inducing qualities of war is the most telling symptom of how arid the cross has become to him in the self-isolation of the people's spirit.⁷²⁰

If philosophy's job is only to overcome the formal limitation of representational thought, the content of the practice that religion puts into images cannot be limited. To the extent that Hegel refuses to recognise the cross in the rose of the present, Barth was right. Theory and practice seem to disentangle, and the former lives on where and when the latter subsides. This doctrine of grace and its implicit limitation of representational thought to the otherness of the incarnated Son resulted from Hegel's interpretation of world history rather than a straightforward implication of his philosophy of religion. Another concept of grace, which grasps *every* otherness as a repetition of the initial grace that asks for a continued overcoming of spirit's self-absorbedness, could form the basis of a truly universal philosophy. Consequently, we would need to conceptualise the Eschaton to be as vulnerable as the God who expired in the pain of negativity. Whenever human spirit encounters a 'new' other without being able to account for it, its absoluteness is put into question. It constantly falls from grace and is reinstated in its absoluteness only through the grace experienced in the reconciliatory other.

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⁷²⁰ Cf. PR 324 R.

Hegel's transformation of the initially universal but on cult practices dependent absolute spirit into the particular Germanic people, and his almost stainless optimism only makes sense against the backdrop of the contemporary debate. Before concluding his remarks, Hegel brings his lectures back to a critique of the two intellectual currents against which he conceived his own philosophy: Enlightenment moralism and fideist pietism.⁷²¹ Neither a fideist waiting for the coming of the events described in the *Book of Revelation* nor a moralist juxtaposition of the world with Jesus' teaching brings about the reconciliation Hegel seeks. Only philosophy can demonstrate how this revelation actually transforms the broken world. Consistent with the altogether more critical and self-reflective tone Hegel strikes in the philosophy of religion, he concludes his lectures by admitting that the transformation has been very limited so far:

But this reconciliation is itself merely a partial one without outward universality. Philosophy forms in this connection a sanctuary apart, and those who serve in it constitute an isolated order of priests, who must not mix with the world, and whose work is to protect the possessions of Truth. How the actual present-day world is to find its way out of this state of disruption, and what form it is to take, are questions which must be left to itself to settle, and to deal with them is not the immediate practical business and concern of philosophy.⁷²²

In the greater scheme, revealed religion did not necessarily help us to gain knowledge on its own. We relied on the historicity of the revelation and logic to explicate its truth. While the idea that difference is inherent to true unity makes for the core of Hegel's logic, the precise formulation of the logical movement is not revealed by religion itself. Hegel just already applied it to revelation. As opposed to a mere faith in the Gospel, the philosophy of religion is not self-sufficient but relies on other knowledge practices. These are, for Hegel, the science of describing the logical structure of the natural order and the phenomenological self-discovery and constitution of spirit. Only by putting these three disciplines into relation, we can account for absolute knowledge. For them to be in a genuinely reciprocal relationship, revealed religion cannot solely be an instantiation of Hegel's logic or phenomenology but must give occasion to their critical reappraisal.

⁷²¹ Lectures II 326-27/ III 131-32.

⁷²² LPR II 343-44 /III 151; GW 17, 300.

Chapter Six: Totalisation as auto-critique

Nothing sets Hegel so clearly apart from his contemporaries as the self-reflective intertwining of dialectical logic, metaphysics and the normative project, which together uphold the knowledge of the absolute shaped by the emancipatory experience of overcoming God's otherness. This contrasts with the Kantian compartmentalisation of the world that would soon come to dominate academic thinking and whose pretension of cold-mindedness obfuscates a negative theology that cements a hopeless world. On the other side of the spectrum, romanticist conservatism is founded on a different kind of negative theology: not one of abstractedness but of immediacy. The tripartite struggle of and against the universal finds in theology a colourful instantiation or – if we follow my Hegel interpretation – source. Here, it directly translates into the question of universal salvation – or emancipation, which is the same for Hegel.

If we wish to uphold the emancipatory potential of Hegel's conceptual apparatus, we ought to keep its experiential content closely at hand and constantly remind ourselves how starkly it contrasts with the bleak outlook that liberals and conservatives have offered from Hegel's to our days. However, the intertwining of various philosophical disciplines faces since Schelling the charge of totalisation:⁷²³ how can we, in the retrospection and logification of our thought, stay open for the other, 'the negative' as Adorno framed it? I will argue that Hegel's systematisation might be compulsive, but it is so in a movement of self-critique in which the absolute perspective makes sense of prior epistemological shortcomings and frustrations. While Hegel's system is genuinely self-critical, it loses trace of the Christological subject constituted by the pain of negativity. The reason for this loss seems, however, not to be systemic. Quite the contrary, the mode of retrospection firmly attaches Hegel's metaphilosophy to its experience content, potentially including the dangerous memory of the cross.

Nevertheless, the formalisation of absolute spirit's content arguably amounts to a hypostatisation – we just need to determine precisely *what of*. I will call upon the assistance of one of Hegel's most admiring and yet forceful critics, Adorno, to determine this. Adorno thought that the formalisation of Hegel's compulsive reconciliation in logical terms hypostatized a self-contradictory subject and hence papered over the suffering those contradictions cause. The subject in question was the proto-bourgeois as framed by German idealism. In contrast, I will argue that it was not only the proto-bourgeois but also a certain

⁷²³ Löwith, *Von Hegel zu Nietzsche*, 132–33.

Christological subject that was hypostatised in the process of the formalisation of Hegel's philosophy (I). Finally, I will outline the syllogism of philosophy that redefines cosmological and phenomenological approaches in light of the philosophy of religion (II). Tracing how Hegel corrected earlier metaphysical systematisations renders absolute spirit's (and the pain of negativity's) role in establishing universal knowledge and freedom transparent.

By explaining the Trinity in terms of his logic, Hegel explained his logic to be Christological. Christology, i.e. the memory of the cross and the reconciliation through the gift of the other, becomes part of logic's experiential content. The Trinity becomes the ultimate validation of the idea that unity is constituted in difference, not in the abstract and violent equivalence that Hegel's logic criticises.⁷²⁴ The difference is put into the one. This understanding will allow us to continue the critique that the chapter on Hegel's philosophy of religion started and posit with and against Hegel the absolute as a vulnerable and ephemeral Eschaton.

I) Hegel, the compulsive totaliser?

At the core of the problem of the philosophical sublation and formalisation of the theological absolute towers one question: If we accept the development of Hegel's thought until this chapter, can and must we establish the absolute in the face of the reality of unreason and unfreedom?

Adorno attributes the apparent paradox of the actuality of the absolute and the reality of unreason to the Janus-facedness of Hegel's philosophy. The *cunning of reason* represents its experiential core: his dialectical thinking 'hopes for victory over the overwhelming power of the world, which it sees through without illusion, by turning this excess power against itself until it reverts into its negation.'⁷²⁵ Hegel's possibly delusive vision of the mechanics of reality joins what Adorno calls the bourgeois moment of Hegel's philosophy, the apologetics of the presently existing world. Since, in its heaviness, a fundamentally historically oriented philosopher must find reality impossible to change, Hegel needs to find the standpoint of absolute freedom within reality so he can claim the standpoint of absolute knowledge which is the basis and self-correction of any knowledge. The irrevocable entanglement of epistemological and practical philosophy translates into the insight that an unfree subject can hardly aspire to genuine knowledge. Hence, Hegel must think of himself, i.e. the society that he conceptualises as free, *coûte que coûte*.

⁷²⁴ Cf. Theunissen, *Sein Und Schein*, 15.

⁷²⁵ Adorno, *Drei Studien zu Hegel*, 288.

This compulsion is reinforced by the dialectical drive that constantly critiques abstract rationality for failing to acknowledge the interconnectedness of the whole. Each judgment of reason propels in its one-sidedness beyond itself towards the absolute in whose all-connecting movement all concepts find their truth⁷²⁶ – a state that spirit must already have reached for Hegel to claim to be free to know. Consequently, according to Adorno, subjective reason does what it already did in Kant: it reverts into objective reason. That is the Janus face of Hegel's philosophy: on the one hand, it exposes bourgeois subjectivism as an unconscious product of vast socio-historical processes, while on the other, it asserts this subjectivity in the supposed rationality and freedom of this world.⁷²⁷

According to Adorno, Hegel's *Logic* transposes this compulsive reconciliation in the formula of the identity of the identical with the non-identical. The process in which the negation of the negation results in an affirmation reinforces the untruth of identity.⁷²⁸ Although thinking implies identifying, it should not obfuscate looming contradictions. Otherwise, it will hypostatise the fruits of its thinking, giving autarky to what is founded on the non-identical. Instead, Adorno centres philosophy around the possibility of making the suffering audible and unfreedom speak.⁷²⁹ According to him, real self-consciousness means breaking through the appearance of total identity and preserving the contradiction that the conceptual judgment's uneasiness unveiled. Ultimately, so Adorno, Hegel's formalisation of the dialectics in the logic must result in the primacy of the subject over the object. If this result is preordained, the proof of the absoluteness of the concept turns out to be mere appearance since it was presupposed from the beginning.⁷³⁰

From a diagnostic perspective, my analysis largely aligns with Adorno's. The cementation of a certain kind of subjectivity through the formalisation of philosophy makes Hegel appear accommodationist. It sublimates the civilisational divide and the bourgeois economics at the core of 19th-century international order. The compulsive affirmation of reconciliation makes Hegel's philosophy slip into the realm of the fantastical when it assumes the pervasiveness of the Christian reconciliation in the process of secularisation or when he reconciles the antagonistic tendencies of the bourgeois society in the all-encompassing but non-existing corporate state. What to do with this rather devastating diagnosis? Do we move on from Hegel

⁷²⁶ Adorno, 255.

⁷²⁷ Adorno, 288–89.

⁷²⁸ Adorno, *Negative Dialektik*, 17.

⁷²⁹ Adorno, 29.

⁷³⁰ Adorno, 48–49.

since he is too reconciliatory? Do we expose international order as penetrated by his rotten ideas?

While I agree that Hegel's false reconciliation hypostatizes a self-contradictory subject, it is worth looking at what kind of concrete subject is hypostatized. To demonstrate the material fullness of Hegel's philosophy, Adorno draws on the notion of *Erfahrungsgehalt* (the content of experience), which I have widely borrowed in this thesis. The term 'experience-content' designates the intimate connection between thought and its material object.⁷³¹ The core of the experiential content that determines the subject whose hypostatisation Adorno criticises seems to reside in pre-industrial Germany's early bourgeois society and its dominant intellectual movement, Kantian and Fichtean idealism.⁷³² I wish to add another experiential content that Adorno largely ignores:⁷³³ the debates on the philosophy of religion and the process of secularisation.⁷³⁴ Hegel hypostatizes his peculiar version of the Protestant subject who has become oblivious to the Christological moment of the pain of negativity in the process of secularisation.

My discussion of Barth's Hegel critique reconstructed how Hegel's speculative philosophy lost sight of its theological experience content, which Hegel arguably admitted himself.⁷³⁵ This theoretical detachment finds its concrete expression in the violence of the modern subject, whose collective self-projection is the last standard-bearer of Hegel's absolute spirit. This subject has gone through the process of secularisation without retaining the pain of negativity as the sensuous-intellectual experience that sublated the objective into the absolute spirit. By sidelining the memory of the absolute sacrifice, we lose the moment that sublated the violence inherent to objective spirit. We can now recognise the emptiness of Hegel's circular argument at the end of the *Philosophy of Right*: the state's international fragility is sublated by world history that brings forth precisely this modern Protestant Germanic state.⁷³⁶ Unlike the Bacchanalian frenzy that catches up with its own assumption, the state has no autonomous life. Its driving force, the movement of reconciliation in grace, was lost to the world-historical

⁷³¹ Adorno, *Drei Studien zu Hegel*, 295 ff.

⁷³² Adorno, 263, 300–302.

⁷³³ Shanks complains that, due to his lack of interest in Christology, Adorno left the terrain of immanent critique and presents a flat metaphysical 'Hegel minus the Christology', Shanks, *Hegel's Political Theology*, 140.

⁷³⁴ He seems to think of theology as a merely unavoidable conceptual tool to uphold a notion of the absolute rooted in secular considerations and not a deep and sustained struggle with the content of Christian faith, cf. Adorno, *Negative Dialektik*, 201, 300.

⁷³⁵ Cf. *supra*, Fn. 719.

⁷³⁶ Cf. *supra*, 91.

archives. Oblivious to the sublation of violence in the absolute sacrifice, Hegel's 19th-century version of absolute spirit must reproduce this violence.

In Adorno's words, the hypostatized subject overpowers the object. We can hence agree with Adorno but must qualify that the problem is not absolute but the absolutized objective spirit. Indirectly, Adorno confirms this diagnosis when he reproaches Hegel for not fulfilling the promise of absoluteness (that, for Adorno, really is a *threat*), constating that, in Hegel's work, the 'absolute is nowhere to be found but in the totality of divisiveness, in the unity with his other.'⁷³⁷ What Adorno unmasks as Hegel's bastard version of the absolute comes rather close to my rendition of Hegel's conceptualisation of the Christological absolute. Since the engagement with Christian dogma and Hegel's despair at its neglect by the contemporary elite are indeed integral parts of his philosophy's experiential content, the fragility and even brokenness of the absolute arising from the philosophical consciousness shines forth at unexpected times. To this, the end of his *Lectures on the Philosophy of Religion* testified. Contra Adorno, I attempted to demonstrate that the theological language is no mere façade⁷³⁸ but the locus of the decisive struggle over the soul of Hegel's philosophy.

So while I agree that Hegel's philosophy compulsively drives us towards the absolute and that the latter's formalisation in logical terms risks hypostatizing a certain experience-dependent subjectivity, I claim that we can also hypostatize the *right* subject. If the hypostatized subject galvanises the transformation of consciousness through the experience of the pain of negativity, its formalisation could capture the vulnerability of the actuality of reconciliation that I tried to expose in the preceding chapter. All depends on what Christological subject Hegel's metaphilosophy sublates.

II) The spiral circle of truth: the syllogism(s) of philosophy

The analysis of the section on philosophy, Hegel's metaphilosophy so to speak, may reveal whether an immanent critique is possible or whether, in its last absolutising moment, the dialectical movement necessarily embraces the world as it is. Rather than extinguishing the emancipatory potential of the pain of negativity in a logical formalisation, I follow Theunissen in arguing that the syllogisms of philosophy conceptualise the critique of previous epistemologies that results from Hegel's philosophy of religion.⁷³⁹ Therefore, the philosophy

⁷³⁷ Adorno, *Drei Studien zu Hegel*, 266–67.

⁷³⁸ Adorno, *Negative Dialektik*, 48.

⁷³⁹ The interpretation of these syllogisms is contentious in a way that warrants a thesis just for the synthesising the debate on the precise nature of the connections between the different moments of Hegel's system. I will adhere to

of religion can serve as a retrospective critique of earlier stages of Hegel's thought, including his legal and political philosophy. The philosophy of religion thereby transforms into a political theology. However, since the metaphilosophy solely draws on the philosophy of religion's content and runs parallel to the syllogism of religion, it does not constitute a moment of self-critique vis-à-vis the content of Hegel's political theology. We hence must briefly outline how the immanent critique of the philosophy of religion plays out on the stage of the sublation of the form of religion into the form of philosophy.

The move from art and religion to philosophy rationally transubstantiates the socio-historical move from churches to universities. In other words, as the spearhead and ultimate appropriation of the spirit of its time, modern philosophy must reconstitute the concept of truth and rationality. The standpoint of absolute spirit must take all of its constituent parts, from the philosophy of nature, over logic to the philosophy of spirit and form them into a mutually constitutive whole. It must explicate *the idea that thinks itself*.⁷⁴⁰

By declaring the science of philosophy to be the unity of art and religion,⁷⁴¹ Hegel aims to overcome the formal disaggregation and fallback into immediacy that the content of absolute spirit experienced in those two forms of knowledge. The comparison to the previous forms of consciousness plays out on the level of the *way of thinking*. Religion has established the object: it is spirit itself; the community that thinks itself as partaking in the absolute. However, revealed religion cannot fulfil the role of a keystone of the *science of philosophy* that the Encyclopaedia promised. The German term *Wissenschaft*, transcending the natural sciences, designates philosophy as a 'systematic, methodological discipline'.⁷⁴² Philosophy steps in as the *concept* of art and religion: it shows the conceptual structure implicit in religion to be necessary and free. The idea is necessary because it demonstrates a logical structure within the contingent story and free because it is self-determined, having accounted for and appropriated all external factors.⁷⁴³ The stepping stone of philosophy is religion, not religion *and* art. The latter two are sequences in which the sublation of art in religion precedes the sublation of the latter in philosophy.⁷⁴⁴ Philosophy starts where less philosophical projects fell short but remains heavily

Theunissen's interpretation that allows for precisely what we were looking for: a retrospective correction of Hegel's philosophy and framing of his 'methodology' as interested knowledge. For a (somewhat dated) overview of the literature, cf. Theunissen, *Hegels Lehre vom absoluten Geist als theologisch-politischer Traktat*, 309–10. Jaeschke attributes the controversiality also to ambiguities arising from the (even grammatically incoherent) changes introduced in the third edition, Jaeschke, 'Die Philosophie (§§ 572-577)', 468, 478–81.

⁷⁴⁰ EPS 574; cf. EPS 469.

⁷⁴¹ EPS 572.

⁷⁴² Hegel and Inwood, *Phenomenology of Spirit*, commentary on § 636.

⁷⁴³ EPS 572; Hegel and Inwood, commentary on § 637.

⁷⁴⁴ *Ibidem*.

dependent on the material those projects transmitted. As science *in toto*, it only ‘looks back on its knowledge’ and ‘finds itself already accomplished’.⁷⁴⁵

Hegel puts this retrospective into the same syllogistic form as his philosophy of religion. Since my argument centred on the latter, I will not give a detailed analysis of the syllogism of philosophy but only briefly explain the conceptual move that impacts my argument the most. The first two syllogisms represent Hegel’s pre-doctrine-of-absolute-spirit attempts to relate the fundamental categories of logic, nature, and spirit that we could broadly associate with premodern and modern (subjectivist) metaphysics. By criticising them, Hegel rearranges metaphysics as a whole and reassigns to logic (i.e. formal philosophy) a new role.

The first syllogism follows the structure of the *Encyclopaedia* itself:

The first appearance is constituted by the syllogism that has the logical as its ground, its starting-point, and nature as the middle that joins the spirit together with the logical.⁷⁴⁶

In this classical cosmology, one element flows from the other ($L \rightarrow N \rightarrow S$), the mediator is a mere transition point and free spirit, the basis of all knowledge, is ultimately unexplainable.⁷⁴⁷ Therefore, understanding logic as pre-worldly forms that determine cognition with necessity is a failing basis of knowledge criticised by the second syllogism. The latter takes the modern critical standpoint that the subject (spirit) mediates all knowledge by connecting the nature that it finds with the conceptual realm ($N - S - L$).⁷⁴⁸ This approach reflects the knowledge conceptions that the *Phenomenology* discussed under the rubric ‘consciousness.’⁷⁴⁹ However, whether the consciousness actually can mediate by capturing nature in logical terms depends on the logical intelligibility of nature, i.e. on whether nature *is already* mediated.⁷⁵⁰ This puts classical (or Aristotelian) syllogistic logic, whose universal terms presuppose an already

⁷⁴⁵ EPS 573.

⁷⁴⁶ EPS 575.

⁷⁴⁷ Theunissen, *Hegels Lehre vom absoluten Geist als theologisch-politischer Traktat*, 312. Hegel and Inwood, *Phenomenology of Spirit*, commentary on § 656.

⁷⁴⁸ EPS 576.

⁷⁴⁹ For a short discussion of Lasson’s and Fackenheim’s central claims, cf. Theunissen, 312–13. The section ‘Phenomenology of Spirit’ in the *Encyclopaedia*, unlike the book *Phenomenology of Spirit*, covers not all forms of consciousness but only those that fall short of having any objectivity and calls them subjective spirit. Cf. EPS 413–439. In contrast, the *Phenomenology* frames it as the result of the chapter on self-consciousness and only attributed to objective forms of consciousness the notion spirit, i.e. those that self-consciously defined themselves as spirit, PS 112–13/ 177, 376 ff./ 438 ff. Thunissen, *Hegels Lehre vom absoluten Geist als theologisch-politischer Traktat*, 313.

⁷⁵⁰ Hegel and Inwood, *Phenomenology of Spirit* Commentary on § 657.

rationalised world, into perspective: on their own, they are empty formalisms; their truth depends on their experience content and the process in which the latter has been rationalised.⁷⁵¹

Rather than presenting Hegel's definitive epistemology, the third syllogism⁷⁵² constitutes a correction of the former two syllogisms in the exact image of the self-mediation of religion's third syllogism. The mediator, i.e. 'self-knowing reason' that Hegel substitutes for 'logic', necessarily mediates the extremes 'spirit' and 'nature' because it is shown to be already present in them (S – SKR – N). After the experience of the syllogisms of revealed religion, the previous epistemological approaches are revealed to be lacking not in their overall structure but in their one-sidedly subjective or objective conception of rationality or, more precisely, the idea. Their correction by the philosophy of religion transforms their failure into the genesis of the self-consciousness of absolute spirit. Retrospectively, the *Encyclopaedia* can start with the logic from which everything follows because the *idea* gains agency as absolute spirit's return to itself. Similarly, the logical apprehension of nature is indeed possible because the first nature is *created* through the mediation of the Son, and the second nature is a *produce of spirit itself*.⁷⁵³

The substitution of self-knowing reason for logic is crucial in this process. Formal philosophy can only close the circle of thought because its conceptual dynamics are more than a simple toolset for philosophical handymen: they are the sublations of spirit's experiences. As such, the conceptual movement is subject to the same contingencies and limits as the experiences that informed it. The necessity of reconciliation comes only retroactively into being as the conceptualisation of spirit's successful self-mediation. That is why Hegel can state that in philosophy as the concept of art and religion 'the diversity in the content is cognised as necessity, and this necessity is cognised as free.'⁷⁵⁴

Theunissen comments:

But since the third syllogisms correspond to each other, philosophy can also only complete itself Christologically: it can assure itself of the original power of the absolute spirit in no other way [...] than by reflecting on the event in which God reveals himself as precisely this spirit. The revelation of God in His Son proves to be the methodological

⁷⁵¹ By calling it the syllogism of reflection Hegel refers explicitly to this structure that he criticises in the 'Small Logic' under EPS 190.

⁷⁵² EPS 577.

⁷⁵³ Theunissen, *Hegels Lehre vom absoluten Geist als theologisch-politischer Traktat*, 318–19.

⁷⁵⁴ EPS 572.

basis of the very philosophy of absolute spirit that, by looking back, Hegel summarises at the end of his encyclopaedic system presentation.⁷⁵⁵

Even a philosophy at the height of its concept must presuppose the historical experience of the absolute that grants access to the content of thinking. In Adorno's terms, the experience content retains a positive element in the sublation: the story is still part of the thought and, rightly sublated, elevates the experience content of the pain of negativity to true universality.

The vulnerable absolute and the ephemeral infinite

Hegel's Christology still looms large and is not cancelled out by the mechanics of Hegel's system. His dialectics and meta-philosophy do not have an independent life on their own, which would make it impenetrable to an immanent critique of his philosophy of religion, but retrace the latter's movement. At the same time, precisely this dependence on earlier developments gives us little material for developing a political theology that faces down the regressive tendencies of decisionism latent in Hegel's conception of the state and the disregard for the intra- and extrasocietal other. Since Hegel's meta-philosophy aims at connecting everything else instead of revisiting previous forms of thought in detail, it cannot further sustain the claim of the ontologically transformative role of the other in Hegel's Christology. Furthermore, we face the problem of the apparent finality of this self-correction. If the absolute standpoint is indeed reached at the end of the third syllogism of philosophy, it is dubious what difference the immanent critique of Hegel's philosophy of religion can make. If absolute spirit emerged in this precise moment of self-judging, does this not exclude everything that hurts itself against absolute spirit after those errors have occurred and been reappreciated? In other words, how can we formalise the vulnerability that I claimed was central to the emancipatory reinterpretation of Hegel's absolute spirit?

I contend that the answer to this problem lies in Hegel's differentiation between bad and true infinity. Instead of imagining the absolute as knowing everything materially relevant, we focus on the moment of infinity that Hegel emphasises himself in the third syllogism's last sentence: 'The eternal Idea, the Idea that is in and for itself, eternally remains active, engenders and enjoys itself as absolute spirit.'⁷⁵⁶ The eternity of this movement does not signify a never-ending repetition, which Hegel would rightfully reject as false numerical infinity.⁷⁵⁷ The idea's eternity emerges from overcoming human spirit's finitude. However, humanity's finite dimension does

⁷⁵⁵ Theunissen, *Hegels Lehre vom absoluten Geist als theologisch-politischer Traktat*, 321–22.

⁷⁵⁶ EPS 577.

⁷⁵⁷ EPS 95 R; Williams, *Tragedy, Recognition, and the Death of God: Studies in Hegel and Nietzsche*, chap. 6.

not cease to exist. I argued earlier that Hegel did not confound absolute spirit as emerging within finite spirit with the eternal Trinity.⁷⁵⁸ The identity of the identical and non-identical overcomes otherness without erasing difference. Human spirit knows itself in the absolute and still recognises the absolute's manifestation as the condition of its own transformation. Human spirit does not become an all-knowing and all-encompassing God but part of an eternal movement of return. This reorientation from its self-absorbed dwelling in its finite empire of self-righteousness occurred in the painful recognition of God's otherness. Although objective spirit has already been ontologically transformed, it still continues to be transformed whenever it encounters the other. The possibility of this encounter does not impair spirit's absoluteness. Quite the contrary, acknowledging the vanishing of one's absoluteness in the face of the other is constitutive of finite spirit's infinite return to the absolute. Absolute knowledge is not knowledge of an abstract 'absolute', but the knowledge of what is constitutive of knowledge.⁷⁵⁹ Translated into the language of absolute spirit: participating in absolute spirit is not the knowledge of God's attributes but of what makes the subject of knowledge self-conscious and free.

Since the absolute spirit formed in the pain of negativity is vulnerable, the infinity of philosophy's movement of self-correction can only be ephemeral. Every new experience of contradiction and reconciliation that questions and reaffirms the politically-theologically understood absolute spirit demands, on the meta-philosophical level, a new round of epistemological self-critique. The dialectics must be reconstituted in light of the experiences that it has made. This is absolute spirit's eternal self-generation and -enjoyment. As any form of abstraction, Hegel's speculative philosophy and its culmination in the idea of absolute spirit is ambiguous. Whether the balance of Hegel's philosophy tips towards its critical potential or reconciliatory triumphalism depends on whether the abstraction and re-concretisation keep the experience alive from which we abstracted. That the negation of the negation amounts to an affirmation is guaranteed by the will of and to the absolute alone. All reconciliation in Hegel is based on a fundamentally reconciled world; all reconciliation is a *return*. Humanity's participation in absolute spirit's return to itself cannot move to a purely intellectualised space but must revolutionise the latter in the function of every experience of contradiction.

I hope that I have shown that this return can be thought of as accomplished and yet in urgent need of re-constitution. Utopia can triumph for a world-historical blink of an eye, vanish and

⁷⁵⁸ Cf. *supra*, 180.

⁷⁵⁹ Ruda, *Abolishing Freedom*, 125.

come back into imminent reach. The next chapter will try to exemplify where Hegel should have seen in his day that absolute spirit yet again needed to return to itself.

Chapter Seven: Agents of liberation and the eclipse of grace⁷⁶⁰

Nous ne sommes rien, soyons tout !

Where does my immanent critique of absolute spirit leave us with the political and juridical Hegel? Clearly, neither did we reach the apex of the history of philosophy nor is there an obvious stepping stone for a philosophical revolution beyond Hegel since we do not know how far a truly Hegelian Hegel could have brought us. Due to the chronological priority of the exposition of objective spirit, my immanent critique left the political philosophy untouched. It is still the product of the falsely conceptualised invulnerable, quantitatively eternal absolute. Although the flight schedule of Minerva's owl prevents us from sketching the outlines of a genuinely Hegelian state, we can take a look at those cracks in the whole that should have triggered a crisis of the spirit's absoluteness. With any luck, the crisis that Hegel overlooked but should have seen grants us insights into where to look for the utopian horizon that the concept of the absolute promises in the contemporary world order.

The one philosopher who definitely has revolutionised the Hegelian tradition and dialectical philosophy was Marx. There is no lack of dramatic accounts of what fundamentally changed between the two. Most take the shift from idealism to materialism and the philosopher's transformation from an interpreter to an agent of change to be central.⁷⁶¹ They allowed the focus on the analysis of our life's material conditions centred on the relations of production and the elucidation of how those contradictory conditions could be overcome. A very detailed account and juxtaposition of the two philosophers would – in my opinion – make many of these shifts appear less paradigmatic.⁷⁶² In dialectical philosophy, what goes around comes around, making the relevancy of the question of whether the idea or matter came first in practice more difficult to discern. Both philosophers were deeply concerned with the birth of freedom out of unfreedom. We are subject to physical and social demands under which we can hardly be considered free, and it needs a political will to set us free. The all-important question is: *who* will break the chains?

⁷⁶⁰ The title is inspired by Adams' central thesis (and his study's title) that argues against the eclipse of grace since he rightly asserts that Hegel does not equalise God with humanity and hence does not eliminate the role of grace, Adams, *The Eclipse of Grace*, chap. 6. And yet, I will argue that the turn to introspection eclipses grace through the slamming of a practical backdoor since God does no longer appear in or as the other.

⁷⁶¹ Inspired by the famous eleventh thesis on Feuerbach, Marx and Engels, *MEW 3 1845-1846*, 7.

⁷⁶² For two leading and differentiated studies, cf. Losurdo, *Hegel and the Freedom of Moderns*; D'Hondt, *De Hegel à Marx*. Later I will discuss Ruda, *Hegel's Rabble*. He was in turn influenced by Žižek whose *magnum opus* should not go unmentioned in this context, Žižek, *Less Than Nothing*.

In answering this question, Marx was arguably a better Hegelian than Hegel. The latter recognised that for us to become self-conscious, we need to pass through a moment of alienation in which we gain the painful but necessary distance from the social practices we need to appropriate. His philosophy of religion exposed the *pain of negativity* as the turning point through which a society must pass to liberate itself from its self-imposed servitude. Hegel's consequential Christology attributed a pivotal role to the suffering Other who transformed the violent self-righteousness of objective spirit. However, this disruptive agency got lost in Hegel's practical philosophy and his identification of the modern Protestant Germanic state as the vessel of universal salvation. This chapter continues the theological critique of *Chapter Five* in one of the philosophical disciplines *Chapter Six* connected it to by zooming in on the agents who carried the Hegelian state and those whose sufferings Hegel sometimes saw but eventually set aside. The contrast between Hegel's trust in the monarch, bureaucrats, and land-owners and Marx's identification of the destitute, but through communist ideology to the consciousness of their power rising masses as agents of liberation, sets the two philosophers apart. Both theories rise and fall with this identification of political agency. If the continuation of the immanent critique of Hegel's philosophy is to succeed, it ought to identify Christological figures whose otherness causes the crisis of the absolute aspirations of objective spirit. At the same time, more than just being victims of objective spirit's violence, they ought to *will* the return to the absolute themselves. That is what would characterise them as agents of liberation, instigators of a new ephemeral absolute.

The first section highlights the role Hegel attributed to the law in the process of liberation. It assists bourgeois society and the family to liberate us from our first nature while subjecting us to the second nature that emerges from bourgeois society and that the state's disciplinary power reinforces. More than an abstract discussion of the principles that make up its content, it matters which social reality this law captures and sustains. Ultimately, its liberating force depends on whether it is the act of will of a political agent. Reversibly, the liberating capacity of the Christological figure depends on whether it can determine the law.

The second section criticises the socio-historical actors Hegel chose to fulfil this political role. None of them seemed to have gone through the pain of negativity. In contrast, the third section examines three groups as agents of freedom whose difference and disenfranchisement Hegel even saw. As an immanent critique, this section is not concerned with judging Hegel but with recovering in the experiences of these groups what it means to be agents of liberation. The reasons why Hegel did frame those groups as agents of liberation are manifold, and some of

them tell us something about where to place our hopes. While the exclusion of women was arguably based on a false anthropological observation, Hegel's argumentation highlights the conflictual character that liberation always takes. In contrast, Hegel's comments on the disenfranchised poor are lucid and underline how suffering is not a sufficient condition for liberation but needs to be guided by a universalist ethos or ideology. However, it remains inexplicable how Hegel did not despair of the reality of the modern state in the face of this lacking. Both errors combine in Hegel's failure to draw the consequences from the Haïtian revolution in which an ideologically universalist uprising against the ills of contemporary order was shattered by what we might call the rich rabble. The ephemeral absolute that shone forth in Hegel's philosophy was clearly at a vanishing point. If anything, an era of the cross dawned.

I) The Janus face of the law: conqueror and liberator

Law takes a peculiar place in the system of right and the process of liberation. For Hegel and most of his contemporaries, it is almost equivalent to private law or bourgeois right as the literal translation of the German *Bürgerliches Recht* still reads. Its content and universality are closely linked to the increasingly bourgeois organisation of society. Only the emerging ubiquity of commodity production and exchange renders the contractual logic a universal pillar of society. Hegel's dual analysis of abstract right and the bourgeois society perfectly captures this dynamic. The abstract subject *legal person* is precisely what it takes to engage in these relationships. We need to be recognised as proprietors of our goods, land, body, and the products of our work to engage in exchange. By tying abstract right directly to the bourgeois society, Hegel shows us that it cannot be understood solely as an abstract mode of thinking but is a mode of recognition and social organisation.

Law plays thus an instrumental role in the liberation from the first to the second nature. The bourgeoisie does not work to fulfil her natural needs but delays and suppresses, i.e. masters them. She works for the needs of others and becomes thoroughly spiritual [*geistig*]. Although Hegel was a staunch supporter of a rationalist private law code, he acknowledged that the natural legal form of this second nature is custom, the collective habit, two terms for which Hegel mostly uses one word: *Gewohnheit*.⁷⁶³ Bourgeois asceticism does not arise from a heroic decision to overcome our animalistic nature but grows out of habit. This liberation proves a double-edged sword. The legal person cannot project a knowledge conception under which it is free. She depends on the behaviour of other legal persons with whom she forms a community

⁷⁶³ Cf. GW 26,3 1267, 1344.

that Hegel characterises as the struggle of all against all.⁷⁶⁴ Hobbes' brutish and short life moves from the first into the second nature, the specific *status civilis* of bourgeois society. The habitual unconsciousness of the bourgeois legal activity marks this version of ethical life as a *mere appearance*.⁷⁶⁵ Ethical life is only an appearance in the bourgeois society since the universal spirit only *appears* to be present. The invisible hand does not belong to a free and self-knowing agent. Although a liberator from first nature, law keeps us in second nature's disciplinary grip. At the same time, Hegel indeed advocated for a private law codification which implies an act of appropriation of the unconscious customary law. For the law to take part in the actuality of reason, it must be known and known to be universally valid.⁷⁶⁶ It must be universally intelligible and promulgated.⁷⁶⁷ Abstract right's objectivity depends on it constituting the actual content of consciousness of all members of bourgeois society. Although those stipulations operate within the rationale of bourgeois society, Hegel thinks they depend on an external imposition from a higher sphere of ethical life. Left to themselves, the self-preserving bourgeois protagonists would not even establish formal freedom and equality. His mistrust of the dynamics of bourgeois society expresses itself in his comments on the legal profession. A rational and intelligible codification should safeguard us from a law hidden in mountains of scholarly commentary.⁷⁶⁸ In a thinly veiled attack on the Historical School, Hegel calls this a right of scholars. Against the emerging practice of policing against everybody who trespasses into their domain of expertise, Hegel maintains that

just as one need not be a shoemaker to know whether one's shoes fit, so is there no need to belong to a specific profession in order to know about matters of universal interest. Right is concerned with freedom, the worthiest and most sacred possession of man, and man must know about it if it is to have binding force for him.⁷⁶⁹

Since the law is ultimately at the mercy of those functionaries and judges who decide in our everyday life about its concrete application, Hegel hopes to have found in the second estate an adequate guardian. This educated part of society that chooses the state service as their professional vocation is kept by the pressure from the monarch and the mediated institutions of

⁷⁶⁴ PR 289 R. Not unlike the Roman world PS 426/ 481.

⁷⁶⁵ PR 181.

⁷⁶⁶ PR 210.

⁷⁶⁷ PR 215.

⁷⁶⁸ PR 215 R.

⁷⁶⁹ PR 215 A (G); GW 26.3, 1350. By mentioning Goethe's excursion into the doctrine of colours and the adverse reception by the physical sciences, Hegel seems to imply that he thinks that this practice of disciplinary disciplining is a more widespread practice.

bourgeois society from developing into a new aristocracy that would primarily look out for itself.⁷⁷⁰

It was in this way that the administration of justice, whose object is the proper interests of all individuals, was at one time transformed into an instrument of profit and domination, because knowledge of right hid behind scholarship and a foreign language, and knowledge of the legal process hid behind complicated formalities.⁷⁷¹

The bourgeois model of profit and domination can only reproduce itself as a rationalising moment of spirit (or reproduce itself at all) if it is not left to its own devices, i.e. its members acting as profiteers and domineers. Hence, Hegel adds a sociological to the formal guarantee of liberty under the law. The best of bourgeois society does not come from within bourgeois society but resides in the moment that overcomes it.

Hegel's legal formalism goes hand in hand with a normative positivism. Laws must be consciously *made*. For abstract right to be a part of rational order, it must be 'determined by thought for consciousness and known as what is right and valid.' It hence 'becomes *statute* [Gesetz],⁷⁷² and through this determination, right becomes positive right in general.'⁷⁷³ Consequentially and quite radically, Hegel denies any binding force to laws that cannot be traced to a statute: 'In this identity of *being in itself* and *being posited*, only statutes have binding force as right.'⁷⁷⁴ The self-conscious positivity of the law presupposes a legislator who is aware of the condition of bourgeois society and who actively orders it according to the will characteristic of bourgeois society. The law-making process is hence paradoxically bourgeois and post-bourgeois. It enables and reproduces bourgeois society through a political act transcending the bourgeois rationale and linked to a sphere of ethical life concerned with containing and overcoming the bourgeois rationale. Attacking the Historical School, Hegel condemns their presumption of society's incapacity to codify customary law as an insult to a civilised nation's abilities.⁷⁷⁵ The ability of legal self-determination counts among the fundamental qualities that Hegel attributes to the modern people's spirit. A nation's legal order must be the object of an act of will; otherwise, the subject acting under the law cannot be

⁷⁷⁰ PR 297.

⁷⁷¹ PR 297 R.

⁷⁷² As opposed to the English 'law', the German term *Gesetz* unambiguously refers to a statute. Hegel plays in this paragraph with its etymological origin as *Gesetz* derives from *setzen* or *gesetzt*, i.e. 'positing' or 'posited'.

⁷⁷³ PR 211.

⁷⁷⁴ PR 212 R.

⁷⁷⁵ PR 211 R. Griesheim annotated this passage in his transcription of the course with 'Savigny!', GW 26,3 1344.

considered self-determined. Law is a practice of knowledge and freedom. In legal matters, Hegel is a staunch formalist and positivist.

At political will or law-making level, abstract right intermingles with other types of right⁷⁷⁶ that legal sciences only started to understand as judiciable law and subjected to similar scrutiny as private law in the later 19th century. Those included the rights of municipalities and corporations, taxes, and any legal determination of universal content. It is not entirely clear whether Hegel considered any of these areas of law-making as purely political as opposed to private law, whose political form essentially did not challenge its bourgeois content. Hegel's vision seems to avoid genuine conflicts of interest at the ultimate level of law-making through a network of institutions that transforms the makers and executors of the law from self-interested actors into mediators of the universal. Consequentially, whether Hegel's philosophy can truly claim to be a philosophy of subjective freedom depends on the plausibility of this transformation: Are Hegel's lawmakers, enforcers and guardians really *agents of liberation*?

II) Hegel's agents of liberation

While Hegel's political agents are too numerous to discuss individually, they are ordered around two characteristics: their education towards universalism and, relatedly, a certain degree of isolation from the dynamics and rationales of bourgeois society. This section questions whether this suffices to call them liberated in Hegel's own terms. Is their isolation not a hallmark of ignorance rather than knowledge of the difference that bourgeois society painfully perpetuates and that the state supposedly sublates? Can those agents will the return to the absolute without having gone through the pain of negativity? How do they tell the self-absorbed fallen objective spirit apart from objective spirit as the vessel of the absolute? I argue that only a historically and theologically inaccurate account of the process of secularisation can lead to an affirmative answer. Hegel's politics seem to have lost their eschatological momentum. Absolute idealism's tendency towards reconciliation and the complacency of the Protestant Germanic people's spirit incapable of falling from grace could barely obscure those groups that experience the cross in the rose of the present: women, the colonial slaves, and most significantly in Hegel's case, the poor. A political will that does not emanate from their suffering is doomed to be lifeless and caught within the false infinity of finite spirit.

To identify Hegel's agents of liberation, we must look at those who form and enact the political will and constitute the totality of the state. In *Chapter Two*, we identified four groups essential

⁷⁷⁶ PR 298-99.

to the actuality of the political will: the monarch, state servants, majorat beneficiaries, and representatives of bourgeois society. All but the last are characterised by their isolation from the imperatives of bourgeois society. Since Hegel recognises the latter to have a totalising tendency, he retires the monarch from the transactions between prince-electors and the private interest-guided decisions of individual voters by making the crown hereditary.⁷⁷⁷ Similarly, he withdraws the first estate's chamber members' assets from the market through the institution of the majorat.⁷⁷⁸ The other two groups' isolation is somewhat more fragile: state servants depend solely on the state for their basic economic welfare,⁷⁷⁹ but their drive for more is kept at bay only by the other constitutional powers (namely the monarch from above and the corporation from below).⁷⁸⁰ The appointees of the corporation are at least elevated to the level of group interests and, hopefully, through their various offices, also in some way educated in a universalist ethos.⁷⁸¹ This hope strongly relies on their professional ethics and their conviction that their profession serves the common good.⁷⁸²

While the functions of the diverse actors within the organic body of the state are rather straightforward, the framing of their individual consciousness as universalist in knowledge and intention remains vague. Why do bureaucrats and the monarch care about the universal good in the first place? How is their knowledge about this good not tainted by self- or group interest? Just because they are not atomist economic egomaniacs does not necessarily imply that their cooperation results in universal forms of knowledge and will. The thinness of Hegel's account of the ethos of the persons in charge of giving expression to spirit's political will manifests itself in how he relates religion to the state. Hegel declares religion to be instrumental in forming (i.e. education) the ethos that carries the state.⁷⁸³

The fact that the end of the state is both the universal interest as such and the conservation of particular interests within the universal interest as the substance of these constitutes (1) the state's *abstract actuality* or substantiality. [...] (3) But this very substantiality is the spirit which knows and wills itself that *has passed through the form of education*.⁷⁸⁴

⁷⁷⁷ PR 281 R.

⁷⁷⁸ PR 306.

⁷⁷⁹ PR 294 R.

⁷⁸⁰ PR 295, 297.

⁷⁸¹ PR 310.

⁷⁸² PR 254, 256 R.

⁷⁸³ PR 270 R p. 214/ 292 Fn. 1; cf. EPS 552 R p. 556/ 251. The remark on 270 is solely occupied by the relationship between the state and religion and is the longest passage in the *Philosophy of Right's* main text body.

⁷⁸⁴ PR 270.

Education [Bildung] is a broad notion in Hegel's philosophy that covers far more than a school career. English editions of the *Phenomenology* widely translate it as *culture* designating the process in which consciousness is formed by distancing itself from its immediate existence and through exposure to conceptual frameworks that sustain that distance.⁷⁸⁵ We can clearly discern how the representatives of the corporations run through such a process. The market distances them first from their immediate natural existence and – if the professional ethos works– the offices they provide distance from their immediate social existence. For the other actors, the process is much less straightforward, especially since the first estate is supposed to live and represent an immediate form of universality.⁷⁸⁶ In the section on *alienated spirit*,⁷⁸⁷ we discovered how Hegel thought Christianity largely failed in relating its conceptual framework to the material world other than through outright negation. The violence of alienation that this false form of Christianity perpetuated was only overcome by the immanence of absolute spirit as reconciliation. Now that Hegel explicated how a correct Lutheran account of Christology can explain how individual church members can become reconciled citizens of the Kingdom of God, religion could finally play the role of *educating* individuals as participants in absolute spirit.

However, Hegel leaves it entirely to our imagination how religiosity educates the actors in question concretely and how this religiosity is sublated into the political ethos. At two points, Hegel calls into question the decisiveness of the content of religion, seemingly reducing religiosity to an integrative attitude. Thereby, he transforms the obscurity of the sublation of religion's content into the state's form⁷⁸⁸ that only thinly veils the loss of the emancipatory theological core into a straightforward contradiction. Firstly, Hegel holds that religion is integrative almost no matter what church community citizens participate in.⁷⁸⁹ He qualifies that this depends on the state's strength, but given that we were looking for a subjective pillar of this very strength in religion, this does not help much. Secondly, Hegel asserts that the sublation of religion necessitated the confessional schisms that rendered the formerly universal church a group of particulars and the state the sole true universal.⁷⁹⁰ The transformation of religious attitude into the political ethos that sustains the universalist agency of key actors seems not to

⁷⁸⁵ Cf. *supra*, 125.

⁷⁸⁶ PR 203.

⁷⁸⁷ Cf. *supra*, 124 ff.

⁷⁸⁸ PR 270 R p. 268/ 299; EPS 552 R p. 556-557/ 251

⁷⁸⁹ He largely limits himself to polemical attacks against (pietist) understandings of religion that would oppose religion to the state PR 270 R p. 261-63/ 293-95, 266-69/ 297-99. The quakers seem to be the borderline case, cf. p. 263-64/ 295-96 Fn. 1.

⁷⁹⁰ PR 270 R p. 272/ 301-2.

rely on a specific content. Instead of uniting conservation, cancellation and elevation in a rigorous philosophical operation, this sublation seems limited to a rather superficial sociological observation.

Interestingly, the *Encyclopaedia*'s last edition partially dissolves these contradictions in favour of a more elaborate understanding of religion and the importance of its content.⁷⁹¹ Here, Hegel posits that the two *ethe* must form one sublated unity: 'The two are inseparable; there cannot be two sorts of conscience, a religious conscience and an ethical conscience, differing from it in substance and content.'⁷⁹² He exemplifies this at the transformation of Catholic into Lutheran values: the sanctity of alms-giving charity and chastity has been displaced by the ethicality of sustaining oneself through work and marriage.⁷⁹³ Only in Hegelian Lutheranism can the 'divine spirit [...] immanently permeate the worldly'⁷⁹⁴ 'No revolution without reformation' – the state cannot reform itself and actualise reason against the dominant religion.⁷⁹⁵ Only the reformation fully actualised the principle of subjectivity implicit in Christianity and on which Hegel's state relies.

We might attribute the earlier – to use Hegel's favourite slur – shallowness to the system's immaturity in Hegel's thought as the *Encyclopaedia* presents us with a much more cogent account of the relationship between state and religion. However, this maturation did not have the power to make Hegel rearrange the institutional setting and reassign trust in other agents of liberation. Even if maturity were the issue, it would not be clear how the process of 'rehearsing and repeating' the pain of negativity and the movement of reconciliation⁷⁹⁶ concretely affects the officeholders and transforms into a political ethos. The universalisation and liberation of the individual subject remain vague, especially compared to the transition between objective and absolute spirit in the *Phenomenology*.

In the *Phenomenology*, absolute spirit actualised itself in the actions of the individual who recognised her sinfulness and the forgiving individual who realised that she shared in the same fallen nature. The former performed a sacrifice, risking encountering a hard heart and getting

⁷⁹¹ Hegel notes the speculative circularity of the relationship of religion and state. The true religion, i.e. the fully actualised Christian church can only emerge from modern ethical life while the modern state depends on the religiosity of its members (as reformed Christians). This circularity is only dissolved if we understand the unity of political power, religion and philosophical principles as the produce of a historical process in which spirit has found its actuality in the activity of its liberation, EPS 552 R p. 555-56/ 251, 566/ 256.

⁷⁹² EPS 552 R p. 556-57/ 251.

⁷⁹³ EPS 552 R p. 559-60/ 253.

⁷⁹⁴ EPS 552 R p. 560/ 253.

⁷⁹⁵ EPS 552 R p. 562/ 254.

⁷⁹⁶ Cf. *supra*, 175 ff.

rejected.⁷⁹⁷ Together, they remake the world in the act of self-emptying, renouncing their respective moral genius. In the *Philosophy of Right*, the monarch stands at this transition point and acts in the name of the majesty of spirit but has nothing to lose herself. She forgives because that is the ultimate power of spirit.⁷⁹⁸ Nothing could better express the complacency of the supposedly absolute spirit criticised in *Chapter Five*.⁷⁹⁹ In the monarch's pardon, the actualisation of absolute spirit becomes an act of simple self-affirmation. A concept of the absolute that is invulnerable and of non-ephemeral eternity loses its critical force and contradicts the defining terms of its inception. An absolute spirit that actualises itself through self-affirmation is incompatible with an absolute spirit that has its 'actuality in the activity of its liberation.'⁸⁰⁰

Furthermore, although spirit always consists of relationships between individual persons, its consciousness's actuality cannot be distributed into different completely compartmentalised sections. In other words, the agents of liberation must somehow experience the totality of absolute spirit. A mere religious education that aims to internalise the pain of negativity and movement of return leaves the individual consciousness necessarily with an understanding of the absolute as an external image. It is one thing to piously repeat the phrase 'I am a sinner' and another to ask somebody for forgiveness because one publicly recognises to have trespassed against her, realising that the condition of fallenness extends to the whole society and its ambition of moral self-governance. This difference mirrors the internal contradiction that Hegel identified in the church, and that made it formally fall short of attaining absolute knowledge. The church understood itself as the absolute (the mystical body of Christ) but still celebrated the unity of divine and human nature in Jesus as something external to them, as a particular and separate other.⁸⁰¹ In contrast, those experiencing mutual recognition in the act of sacrificial forgiveness have actualised the absolute in their practical self-knowledge instead of the distant image that the monarch carries in herself when she grants pardon to a criminal.

III) The seen unseen and the death of absolute spirit

As so often, the best critique of Hegel is to accuse him of not being Hegelian enough. If the experience of limits is the first step in overcoming them, we must ask those whose suffering hit those limits hardest to discern the boundaries that keep our spirit unfree. Three groups emerge

⁷⁹⁷ Cf. *supra*, 135.

⁷⁹⁸ PR 282.

⁷⁹⁹ Cf. *supra*, 184 ff.

⁸⁰⁰ EPS 552 R p. 566/ 256.

⁸⁰¹ Cf. *supra*, 178.

in Hegel's philosophy whose pain of negativity goes unredeemed, who experience the cross but do not participate in nor inspire Pentecost: women, the enslaved, and the poor.

The point is not to rattle down the Unholy Trinity of critical theory by accusing Hegel of legitimising capitalism, colonialism, and the patriarchy. This work has no interest in either heroising or vilifying Hegel. Instead, I hope to demonstrate the critical potential of thinking with Hegel by turning the author against himself. Hence, I must rely on material that informed Hegel's philosophy explicitly or through purposeful exclusion, which I can find in those three groups since Hegel was not blind to the inequality their status manifested. My immanent critique frames them as possible agents of liberation, Christological figures whose political presence helps discern whether the law is liberating. It thereby challenges Hegel's nonchalance towards these inequalities as a regression from his philosophy of absolute spirit. By going to society's (oversized) margins, we go to the limits of consciousness. We try to fathom the absolute-universal as defined in the philosophy of religion and identify the potential for universal liberation in those who have faced absolute difference. Particularly the discussion of the Haïtian revolution magnifies how Hegel's vision of a self-complacent absolute spirit could not recognise how experiencing oppression induces a moment of reckoning that far surpasses the epiphanies of his agents of liberation.

Stabat mater – when all the pain in the world is not enough

That and how Hegel attributes a subordinate role to women in society is somewhat unsurprising. While man is destined for a life in externality, where he struggles to become a (good) citizen, the female vocation is the inner life of the family:

Man therefore has his actual substantial life in the state, in science, etc., and otherwise in work and struggle with the external world and with himself, so that it is only through his division that he fights his way to self-sufficient unity with himself. He has a peaceful intuition of this unity, and an emotive and subjective ethical life in the family in which *woman* has her substantial determination and in whose *piety* she has her ethos.⁸⁰²

I purposefully start with women since Hegel's rejection of their ability to become fully mediated bearers of consciousness paradoxically demonstrates the critical essence of his philosophy of spirit *and* his partial blindness to the reality and transformative force of suffering. Instead of justifying the subordinate position of women, like earlier thinkers, with their supposedly lower

⁸⁰² PR 166.

intellectual capacities, Hegel contrasts their natural inclination towards unity with man's painful experience of the latter:

It is next required of the individuals in the Community or Church that they should *revere the Divine Idea in the form of individuality, and appropriate it to themselves*. For the tender, loving disposition, that of woman, this is easy; but then, on the other side, we are confronted with the fact that the subject on which this excessive demand [Zumutung] of love is made is in a condition of *infinite freedom*, and has come to understand the substantiality of its self-consciousness; for the *independent concept*, the man, this demand is accordingly infinitely hard.⁸⁰³

Since the woman generally assumes the role of embodying the principle of immediate universality – Hegel refers explicitly to his discussion of Antigone in the *Phenomenology* as the sublime example of this⁸⁰⁴ – she cannot be the bearer of the mediated universality. Unity comes as something natural to women, whereas men, in their natural disposition of atomism, perceive it as an excessive demand, a violation of their freedom. While Hegel is ferociously opposed to this atomistic understanding of freedom, he elevates the experience of negativity that this understanding induces to a central passing point in the conception of spirit:

This region is accordingly the Kingdom of Spirit, implying that the individual is of infinite value in himself, knows himself to be absolute freedom, possesses in himself the most *rigid fixedness*, and at the same time *yields up* this fixedness and maintains himself in what is absolutely an Other. Love harmonises all things, even absolute opposition.⁸⁰⁵

Only man can imitate the seriousness of God's love, externalise himself and throw himself away in kenosis. Sacrifice is only a genuinely sacrificial liberation if it hurts the ego, which it cannot for the naturally loving woman. The absurdity, I argue, does not consist in the definition of the liberated consciousness as going through a moment of alienation. Instead, it consists in Hegel's residual perception of what it means for women to live a life of family love: even if he managed to ignore that many women had to give up their dreams to serve their families, he would have known of the thanks to the cruelty of patriarchal society very often painful character

⁸⁰³ LPR II 300/ III 102-3.

⁸⁰⁴ PR 166 R; cf. *supra*, 120.

⁸⁰⁵ LPR II 300/ III 103.

of sexual ‘unification’, not to speak of the experience of childbirth.⁸⁰⁶ His discussion of paintings of the Mother of God and Mary Magdalene deliver some of the most confusing examples of his ignorance. Although Hegel was an avid studier and admirer of paintings of Mary with child,⁸⁰⁷ it seems to have escaped him that artists regularly capture the painfulness and tender sadness of the mother carrying her baby child. There are few passages less dialectical than those in which Hegel argues how Correggio’s Mary Magdalene was, in principle (even if not in her practice of prostitution!), always a foreigner to sin, refusing her a *process* of salvation.⁸⁰⁸ Given the naturalness of female love and freedom from sin, it becomes difficult to explain how, in the end, Hegel could praise Mary’s love as ‘free’ and ‘concrete’, both qualities that are necessarily the result of a process of differentiation and return.⁸⁰⁹

The poor and the rabble

The next group differs starkly from the first insofar as Hegel recognised its suffering and its consciousness of this suffering. His treatment of economic inequality has long drawn close attention from commentators⁸¹⁰ since Hegel identifies mass poverty as a systemic product of the modern capitalist economy while offering no clear solution. For Hegel, this phenomenon does not primarily arise out of a lack of virtue, education or disposition from the side of the poor, nor a market failure but is a necessary consequence of the latter’s *normal* functioning. Given the moral diatribes against the lazy lower classes that have stayed popular to our day,

⁸⁰⁶ It is interesting how Hegel’s statement of the more atomistic male archetype and the unity oriented female archetype resonates with West’s feminist critique of liberal atomism as a masculine perspective. At the same time, feminists have emphasised the (structurally) oppressive and violent and contradictory character of the female experience that challenges Hegel’s characterisation of the harmonious female experience, West, ‘Jurisprudence and Gender’, 43–48, 54–55, 58–60 with further references.

⁸⁰⁷ Hegel travelled three times as an art tourists to Dresden, where on his 50th birthday, he saw Raffaello’s *Madonna Sistina* for the first time according to his host, Friedrich Förster, *Contemporary reports*, n° 323. In his lectures on Aesthetics, Hegel appreciates how Raffaello Sanzio does not depict the child as merely innocent but as anticipating what comes without however mentioning how his mother manifests the same sorrowful foresight (in San Sisto in Piacenza, the painting initially hang opposite of the rood screen and crucifix. As opposed to the child she cannot even look straight at it). He also goes on to interpret Correggio’s *Penance of Mary Magdalene* (lost after 1945, perhaps a copy) as expressing her natural goodness to which she returns through her penance, GW 28,1, 165, 171–72.

⁸⁰⁸ In all fairness, Hegel is only describing what rationality shines through some artist’s painting (although he seems to identify in Coreggio’s work a truth akin to the truth of his own theology). The repression of the significance of (biblical) female suffering is also not systematic as Hegel’s discussion of the *stabat mater* and of Mary’s *concrete* individuality demonstrates – the latter clearly presupposes a dialectical movement of liberation, GW 28,1, 167.

⁸⁰⁹ Cf. GW 28,1, 172.

⁸¹⁰ Hardimon, *Hegel’s Social Philosophy*, 236–50; Avineri, *Modern State*, 147–54; Melamed, ‘Leaving the Wound Visible’; Pimenta, ‘The Abyss of Right’; Losurdo, *Hegel and the Freedom of Moderns*, chap. 6; Di Salvo, ‘Hegel’s Torment - Poverty and the Rationality of the Modern State’; Whitt, ‘The Problem of Poverty and the Limits of Freedom in Hegel’s Theory of the Ethical State’. Whitt stands out since he interprets Hegel to say that the rabble constitutes a Schmittian internal other that dialectically sustains the state.

this assessment in itself makes Hegel stand out as critical.⁸¹¹ It is worth mentioning that none of the authors discussed in *Chapter Four*, neither the liberals nor the conservatives, thought of systemic poverty as a problem that could call into question their relative normative projects.⁸¹² It takes a concern for thick universality and freedom as limitlessness to discern a challenge in the disenfranchisement of large parts of the population. Only the aspiration to absoluteness, i.e. what *Chapter Five* discussed as the determination of the movement of return at the heart of Hegel's dialectic, makes mass disenfranchisement a systematic concern.

Concretely, the poor become a major problem for Hegel's system of ethical life the moment they transform into the rabble.⁸¹³ The whole bourgeois existence consists of being *someone* as a member of a profession, taking an active part in the life of your estate and corporation.⁸¹⁴

When a large mass of people sinks below the level of a certain standard of living – [...] necessary for a member of the society in question – that feeling of right, rightfulness, and honour which comes from supporting oneself by one's own activity and work is lost. This leads to the creation of a *rabble*, which in turn makes it much easier for disproportionate wealth to be concentrated in a few hands.⁸¹⁵

In the Lectures, he describes the consciousness arising out of poverty most clearly. It is worth citing Hegel at length as it demonstrates to what extent his philosophy was rooted in an intense experience of his world and its lucid observation. Hegel thinks that poverty becomes the source of all sorts of social exclusions that far exceed the merely economic realm:

Poverty is a condition in bourgeois society which is unhappy and forsaken on all sides. The poor are burdened not only by external distress but also by moral degradation. The poor are mostly deprived of the consolation of religion; they cannot visit church often, because they have no suitable clothing or must work on Sundays. Further, they must participate in a worship which is chiefly designed for an educated audience. Christ,

⁸¹¹ How not to think about the numerous examples Marx cite of moral arguments given by liberals to keep or extend the working day so as to discipline the worker's laziness for their own good, e.g. citing the anonymous author of the 1770 'Essay on Trade and Commerce' Marx, *MEW 23 Das Kapital I*, 291–92. The poors' responsibility for their own poverty resonates with large parts if not the majority of society (especially in the US) until today, McCloskey and Zaller, 'Findings from the Cato Institute 2019 Welfare, Work, and Wealth National Survey'.

⁸¹² Cf. also Kant who seemed to have regarded the exclusion of large parts of the population from citizenship as rather unproblematic, Madrid, 'Poverty and Civil Recognition in Kant's Juridical Philosophy. Critical Remarks'. Notably, he thought that each generation should support its own poor, preferring the perpetuation of poverty to the risk of inducing laziness, AA VI, 326.

⁸¹³ Ruda, *Hegel's Rabble*, 32–33.

⁸¹⁴ PR 207, 253.

⁸¹⁵ PR 244.

however, said that the Gospel is preached for the poor [...] Equally, the enjoyment of the administration of justice is often made very difficult for them. Their medical care is usually very bad. Even if they receive treatment for actual illnesses, they lack the means necessary for preserving and caring for their health. If one wanted to refer the poor man to the pleasure [...] of art, he likewise lacks the means for such enjoyment and he would have to regard such a referral as a mockery.⁸¹⁶

Those exclusions culminate in a transformation of consciousness:

The poor are subject to yet another division, a division of emotion between them and bourgeois society. The poor man feels excluded from everything and mocked, and this necessarily gives rise to inner indignation. He is conscious of himself as an infinite, free being, and thus arises the demand that his external existence should correspond to this consciousness. In bourgeois society, it is not only natural distress against which the poor man has to struggle. The poor man is opposed not only by nature, a mere being, but also by my will. The poor man feels as if he were related to an arbitrary will, to human contingency, and in the last analysis, what makes him indignant is that he is put into this state of division through an arbitrary will. Self-consciousness appears driven to the point where it no longer has any rights, where freedom has no existence. In this position, where the existence of freedom becomes something wholly contingent, inner indignation is necessary. Because the individual's freedom has no existence, the recognition of universal freedom disappears. From this condition arises that shamelessness that we find in the rabble.⁸¹⁷

The very bottom of society distinguishes itself not only through its inability to provide for its physically and socially determined needs but through a *subjective disposition* that it acquires in poverty, unemployment and disintegration from bourgeois society. This revolting disposition poses a sizeable problem for the political ethos that constitutes the essence of the unity of the individual and the state. Where trust is necessary, there is a long-probed cynicism and assumption of ill will.⁸¹⁸ In short, the rabble is a problem that society and a philosopher who attempts to conceptualise the latter rationally cannot ignore.

The various ways in which bourgeois society deals with the self-produced problem have limits inherent to its *nature*. Bourgeois society necessarily produces the rabble and fails to do what

⁸¹⁶ GW 26,1, 498. English translation (mostly) from PR, p. 505.

⁸¹⁷ GW 26,1, 498-99.

⁸¹⁸ Cf. PR 272 R, PR 301 R.

would be necessary to sustain itself: elevating the rabble out of its misery and reintegrating it into society. In his lucid study of Hegel's rabble, Ruda discusses seven ways how Hegel frantically searches and self-admittedly fails to find a way for society to solve the problem.⁸¹⁹ For example, corporations that establish a bond of solidarity among their members are necessarily oblivious to non-members, including the (long-term) unemployed.⁸²⁰ Other forms of charity are ultimately against the spirit of bourgeois society and its foundation in the Reformation. That is why they are more frequently found in Catholic countries where poverty had its dignity and salvation through charity was still possible. Luther's profanation of poverty also means that the solution must *end* poverty, not perpetuate it through alms.⁸²¹ Nothing could hurt bourgeois society more than a class of people sustaining themselves without working.⁸²²

Hegel's egalitarian outlook becomes evident – so clear that he might only have dared to express these views orally⁸²³ – when he analyses that the growing inequality also creates a rich rabble⁸²⁴ that puts off the straightjacket of bourgeois society's ethical institutions and makes its fortunes through gambling.⁸²⁵ Gambling, i.e. betting on contingency, becomes the substitute for the necessities of work and the success of corporate life.⁸²⁶ What the rich rabble lacks in honour and recognition in its corporation and estate, it tries to make up for with luxury goods consumption.⁸²⁷ According to Ruda's interpretation, its excess wealth is not available to bourgeois society as the rich, like the poor rabble, is not a member of it, rendering society 'despite an *excess of wealth* [...] *not wealthy enough* [...] to prevent an excess of poverty and the formation of a rabble.'⁸²⁸

While Hegel speaks of the rabble in a very dismissive tone, he admits that the *poor* rabble is *right* to complain. Its state is a state of unrightfulness imposed by society since it is a necessary result of bourgeois society's *normal* functioning.⁸²⁹ Bourgeois society has an obligation to care for the material existence and social integration of its members. It tears the individual away from the family, and Hegel goes so far as to say that it makes 'him' its '*son*'.⁸³⁰ The poor's

⁸¹⁹ Ruda, *Hegel's Rabble*, 15.

⁸²⁰ Ruda, 21.

⁸²¹ Ruda, chap. 1.

⁸²² PR 245.

⁸²³ Cf. my brief discussion of the 'hidden' Hegel in Fn. 169.

⁸²⁴ GW 26,2, 754; GW 26,1, 496-98.

⁸²⁵ Ruda, *Hegel's Rabble*, 40.

⁸²⁶ GW 26,2, 760.

⁸²⁷ PR 253 R; Cf. Ruda, *Hegel's Rabble*, 41.

⁸²⁸ PR 245; Ruda, 46.

⁸²⁹ GW 26,1, 496-98.

⁸³⁰ PR 238; cf. PR 240.

suffering is the pain of rejection and negativity, and their cynicism testifies to their latent political awareness.

According to Ruda, who sees in Hegel's insolvable problem an anticipation of Marx's move to politics,⁸³¹ the rabble is the latent consciousness of the true character of bourgeois society, i.e. its arbitrariness and readiness to send everybody into social nothingness. Everybody can become poor, and every poor transform into a member of the rabble, making it a latently universal category.⁸³² This comes close to the proletariat, whose self-conscious experience of absolute negativity designates it as the agent of universal liberation.⁸³³ There is no justification for Hegel's omission to further expand on the political implications of this problem and his rationalisation of a state that sustains its rationality in ignorance of this fundamental contradiction of bourgeois society. Ruda calls this the 'fundamental irritation of philosophy by politics' that necessitated the transformation of philosophy in the crisis in which 'Hegel's political philosophy fails' and Marx's starts.⁸³⁴

Nevertheless, we can at least understand why Hegel did not put his hopes in the rabble but saw systemic poverty solely as a problem. The fundamental reason for the rabble's lack of agency is a *lack of ideology*. The rabble cannot have the political ethos that sustains the Hegelian state since the latter is founded on the habitual knowledge of the unity of particular and universal interests. In contrast, the rabble's disposition of ill-will and cynicism aims at perpetuating negation; an in the mere numerical sense infinite negativity. Their collective consciousness of the negativity of bourgeois society is only latent; hence, they remain, in Marxian terminology, class in and not for itself.⁸³⁵ Hegel repeatedly stresses how damning it is that 'the gospel is no longer preached to the poor.'⁸³⁶ If the moment of the internalisation of Pentecost is lost, absolute spirit loses its agency. I propose to understand liberating ideology in terms of political theology: it is an eschatological hope grounded in the knowledge of past, absolute salvation. The pain of negativity gained its transformative power only through the knowledge of the unity of the divine

⁸³¹ He calls it the irruption of inconsistency that converts the impossible into the possible, Ruda, *Hegel's Rabble*, 169–70.

⁸³² Ruda, 46–47.

⁸³³ The added ingredient to the objective condition of poverty is the subjective experience of loss that distinguishes the poor from the rabble and the working class from the proletariat, Ruda, 170–71.

⁸³⁴ Ruda, 5–6.

⁸³⁵ Marx only speaks of the class for-itself, the rest is a retroactive Hegelian interpretation although the consequentially Hegelian denomination for the self-conscious would probably have been class in-and-for-itself, Marx and Engels, *MEW 4 1846 bis März 1848*, 180–81.

⁸³⁶ LPR II 342 f./ III 150. Cf. GW 17, 298, GW 26,1, 498.

and human nature and, thus spirit's universality.⁸³⁷ If the oppressed do not understand that nothing less than God and humanity are at play, their liberation struggle must fail.

To some extent, events during Hegel's lifetime corroborate this observation. Working class political upheavals, often spearheaded by the weavers who were particularly hard-hit by the social inequities of industrialisation, such as in Augsburg in the 1780s and 90s, in Berlin, and in England in 1830, seemed to express this aimless negativity. In Hegel's mind, the *Machinenstürmer's* and Luddites' opposition to industrialisation would have been stuck in the past. Notwithstanding their legitimate grievances, they were unable to propose changes that could amend the dynamics of bourgeois society. I specified 'to some extent' since the Parisian masses' support for slave emancipation certainly testified to a consciousness that saw in their struggle for freedom the whole of humanity at play.⁸³⁸

It is damning for Hegel's agents of liberation that they saw this pain of negativity, recognised its unrightfulness – assuming that they were at the height of Hegel's philosophy – and yet could carry on as if they had incorporated the actuality of the universal spirit.

The glorious failure of the Haïtian revolution

The last candidate for becoming an agent of liberation constitutes the probably most striking example of Hegel's insufficient Hegelianism. Like with the rabble and unlike with women, Hegel noted the dismal fate of the colonised, who, unlike the rabble, gained political agency. Tavares and Buck-Morss showed that Hegel was probably aware of the events of the Haïtian revolution between 1804 and 1805.⁸³⁹ Furthermore, Tavares presented us with Hegel as an attentive reader of the abolitionists Abbé Grégoire and Abbé Raynal,⁸⁴⁰ whose extensive two volumes *Histoire philosophique de Deux Indes* put Hegel in one reading room with Toussaint Louverture.⁸⁴¹ The successful struggle of the blacks first for the abolition of slavery, then, in defence of the French Republic, against the British invasion and lastly against Napoléon's attempt to re-establish slavery and for the independence of the former colony Saint-Domingue seems an all too obvious case of historical agency that advanced the cause of universal liberation and absolute spirit. It is also a case which does not simply underline the necessity to understand

⁸³⁷ Cf. *supra*, 171.

⁸³⁸ And conversely, in their enemies the enemies of humanity as the term 'aristocrats of the skin' exemplifies, James, *The Black Jacobins*, 120, 137–42.

⁸³⁹ Tavares, 'Hegel et Haïti'; Buck-Morss, *Hegel, Haiti and Universal History*, 42 ff.

⁸⁴⁰ Tavares, 'Hegel et l'Abbé Grégoire'; Tavares, 'Le Jeune Hegel et l'Abbé Raynal'. It was probably Diderot who contributed the entry on slavery.

⁸⁴¹ James, *The Black Jacobins*, 91.

absolute spirit as vulnerable and ephemeral but also an occasion where we could argue that spirit rose to the consciousness of the critical absolute as outlined in *Chapters Five and Six*.

However, Hegel ‘somehow’ never problematises the Haïtian revolution,⁸⁴² so it seems worth recovering it on his terms. Over our previous discussions, a ‘scheme’ emerged that characterises agents of liberation. They suffer the pain of negativity (either personally or in solidarity) and understand how the unrightfulness of their condition put the ephemeral actuality of absolute spirit into question. These are not boxes to be successively checked since the concept of the pain of negativity already presupposes that the consciousness experiences its suffering as a rejection and purposeful disunity of spirit. Instead, we must understand these two characteristics in their dialectical unity.

It shall be noted that much of this section was inspired by C.L.R. James’ *Black Jacobins* rather than by the recent discussions about Hegel’s relationship with Haïti. Without wishing to characterise James’ work, I gained the impression that his captivating narration of the Haïtian revolution implies a dialectical framework that betrays a more intimate connection to Hegel than a mere mediation through Marx and Lenin would suggest.⁸⁴³ This intuition was partially vindicated when I came across James’ extensive (posterior) study of Hegel’s logic and its conceptualisation of the liberating spontaneity arising from contradiction.⁸⁴⁴ Adding the political theology of the suffering absolute to the picture seemed inherently capable of strengthening this link. After all, who was Toussaint but a Christological figure who pointed the awoken suffering masses to their absolute determination?⁸⁴⁵

Given the evidence of Hegel’s personal readings, we can assume that he knew of the slaves’ suffering and their political consciousness that originated in and surpassed the values of the French Revolution. But did he believe in the possibility of a modern state as the idea of right arising out of a black slave revolt? Or, more importantly, can a critical Hegelian political

⁸⁴² *Infra*, I will discuss EPS 393 A. Trouillot thematised how the Haitian revolution was silenced in general in Western historiographies not least due to its ‘peculiar characteristic of being unthinkable even as it happened.’ Trouillot, *Silencing the Past (20th Anniversary Edition)*, 73.

⁸⁴³ Since I admittedly wrote this section in complete ignorance of this essay, I can claim neither James’ authority nor his hypothetical allegiance for my argument. Rather, these lines articulate a perceived indebtedness and gratitude to the *food for thought* his work gave me. For accounts of James’ Hegel reception and the dialectics at work in the *Black Jacobins*, cf. Meeks, ‘Re-Reading the Black Jacobins’; Douglas, ‘Democratizing Dialectics with C. L. R. James’; Quest, ‘Observing Properly Changing Forms of Spontaneity and Organization’.

⁸⁴⁴ James, *Notes on Dialectics*, 9. I am not claiming that Hegel’s philosophy directly impacted the analysis of the *Black Jacobins* but suspect that James’ Hegel study allowed him to establish a philosophical-speculative framework for what he had already intuited in his acute observation of Haitian history.

⁸⁴⁵ We can find echoes of a political theology in James’ himself. For instance, he rephrases St Paul’s insistence on the resurrection of the dead as a revolutionary appeal (‘Let *this* go and everything else goes’) and connects it with the culmination of Hegel’s philosophy in the absolute: its justness resides in the absence of the contradictions that plague the finite – ‘The Not-being of the finite is the Being of the absolute.’ (quoting himself), James, 97–98.

theology find hope in such an uprising? The answer seems hard to find not least because Hegel's attitude towards slavery always confused commentators.⁸⁴⁶ Some of this confusion is due to undefendable anthropological positions Hegel took, some to the unclear composition and providence of the texts attributed to Hegel and some to the necessary historical relativity of his concept of spirit's self-liberation. It is worth discerning between the three since I argue that correctly understanding the latter is essential to understanding the very possibility of the genesis of freedom out of unfreedom through political agency.

Hegel's anthropology, especially his assessment of the influence of geography on the formation of the human mind, leads him to establish a racialising hierarchy: although all humans are, as spirit, implicitly rational, they are, as natural beings, differently determined in their capacity to liberate themselves from their nature.⁸⁴⁷ Some seem doomed to always lag behind. Like the rabble, they develop *bad habits* that result in a second nature unlike that of European bourgeois society to which slavery has become so appalling.⁸⁴⁸ For instance, Hegel finds the lack of resistance against slavery in central Africa unsurprising as it is surrounded by mountains and cut off from the sea (generally a connecting and opening element), closing the natives' minds.⁸⁴⁹ They do not develop much from a state of nature in which slavery is omnipresent as the result of the half-finished life-and-death struggle for recognition. Bernasconi claims that Hegel did not just reproduce the racial bias of 18th- and 19th-century travel literature but exaggerated it to support his more systemic claims.⁸⁵⁰

Within Hegel's rather appalling anthropology, one sentence suddenly appears that could turn things upside down. In the middle of explaining the spiritual inferiority of the black inhabitants of Africa, Hegel admits:

⁸⁴⁶ Even within the literature that is genuinely worthwhile, we can find irreconcilable interpretations. While most insist on Hegel's gradualism, Nesbitt thinks that Hegel calls for a *destructive* abolition. Moellendorf qualifies Hegel's assertion that slavery is not per se morally bad as a moral statement instead of an argumentative step in the rejection of a moralist framework to answer the question of slavery, Moellendorf, 'Racism and Rationality in Hegel's Philosophy of Subjective Spirit', 248–49.

⁸⁴⁷ Pointing out the fundamental importance of the relationship between nature and spirit and the former's telos to vanish into the latter, nature's essential rationality, Zambrana, 'Hegel, History, and Race', 252–53.

⁸⁴⁸ For a discussion of the link between race, the rabble, and habit, Zambrana, 'Bad Habits', 9.

⁸⁴⁹ EPS 393 A. I will critically discuss the providence and centrality of this source below. For some examples of Hegel's inconsistent geographical racism, cf. *infra* Fn. 853.

⁸⁵⁰ Bernasconi, 'Hegel at the Court of the Ashanti'. The overall tendency in Hegel's Berlin lectures seems to be clear but Bernasconi's study has to be taken with a grain of salt since he compares Hegel's sources with the posthumously heavily edited version of Hegel's lectures instead of the critical edition of Hegel's own surviving manuscripts, excerpts and notes from his students. This seems a methodologically questionable choice for checking whether Hegel altered the source material. In Bernasconi's defence, his article on Hegel's treatment of China that comes to the same conclusion makes only use of more reliable sources, Bernasconi, '7. China on Parade', n. 5.

They cannot be denied a capacity for education; not only have they, here and there, adopted Christianity with the greatest gratitude and spoken with emotion of the freedom they have acquired through Christianity after a long spiritual servitude, but in Haïti, they have even formed a state on Christian principles.⁸⁵¹

World-historically, the enslaved Africans made it from dishwasher to millionaire, supposedly by being relocated to a different region, coming in contact with and cultured by Christianity, and apprehending the value of freedom in the struggle with their former masters. While denigrating the value of the entire Sub-Saharan continent, Hegel recognises the first modern black nation-state to be at the forefront of historical progress. Unsurprisingly, Buck-Morss and Tavares treat this part of the *Encyclopaedia* as a crucial document.⁸⁵²

While this seems to give a clear answer to my question on Hegel's attitude towards Haïti's modern statehood, I am, for methodological reasons, very hesitant to grant the anthropology and, to an even greater degree, the statement on Haïti central importance. They are supplements to Hegel's published books added by Hegel's students and friends relying on unpublished works and student notes. In my opinion, we can cite those additions with ease if they illustrate an argument, giving closer insight into how Hegel conceived of it, but we should take precautions when they give significance to a passage that would have otherwise been a read-over statement in his published work. After all, Hegel might have intentionally left this out from the latter because he had doubts about the argument or thought it unimportant. Comments in lectures might well reflect what Hegel read the night before and about which he only later realised (if he ever did) that it contradicts his larger argument without seeing a need to rectify the record publicly. In such a case, the illustration could distract from the real experience content that informed Hegel's concepts. Hegel's anthropology might well be such a case.⁸⁵³ It possibly filled in an explanatory lacuna within a system whose basic architecture and flaws were decided elsewhere – in the philosophy of absolute spirit with its Eurocentric and Christocentric experience content, as I argue.

⁸⁵¹ EPS 393 A.

⁸⁵² Tavares, 'Hegel et l'Abbé Grégoire', 494–95; Buck-Morss, *Hegel, Haiti and Universal History*, 62 Fn 119. Similarly Heller who however contradicts Buck-Morss overall analysis by highlighting the statement's 'viciously racist' context, Heller, 'Hegel, Haiti and Revolution', 1456.

⁸⁵³ There is some consistency in Hegel's racialising based on geography but it stands in an awkward relationship with the argumentative structure of Hegel's rebuttal of biological explanations of behaviour or spirit's shape (PS 234 ff./ 309 ff.; EPS 411 R; his Berlin lectures affirm that such judgements can only be immediate and 'can just as well be untrue as true' EPS 411 A) and Hegel's affirmation of the black (i.e. Ethiopian) origins of the Egyptian *civilization*, LPH 248-54/ 208-14. This might be influenced by Abbé Grégoire, Tavares, 'Hegel et l'Abbé Grégoire', n. 25. Even the comparison of skin colours is done in completely different registers depending on the year the lecture was held, cf. GW 25,1, 235-37, GW 25,2, 607.

(How central Hegel's racism is for his overall philosophy is a debate for another day.⁸⁵⁴ At this point, I can only speculate. Even though Hegel's implicit theory of grace seems to necessitate a rationalisation of exclusion that his racism helps deliver, I deem it doubtful that the latter influenced Hegel's Christology.)

Even deeper doubts arise concerning the statement about Haïti. The Suhrkamp editions and English translations seem to have copied it from Boumann's edition of the *Encyclopaedia*.⁸⁵⁵ Boumann added remarks he found in Hegel's manuscripts and student notes from his lectures on the philosophy of subjective spirit held in the 1820s. Boumann did not 'have the time' for a 'scientific' explanation of how he managed the additions and took some 'artistic licence' to give the additions a more scientific appearance.⁸⁵⁶ While the original source might be lost, this low philological standard could explain the considerable discrepancy to Hotho's lecture notes, the sole primary source I found where Hegel mentions Haïti:

The formation of a Negro state in West India is strange. The possibility of human freedom is thus also present in the Negroes, but it is not in them to make themselves out of their naturalness.⁸⁵⁷

And yet they did, not under white guidance but against violent white resistance. If this was the statement Boumann's widely cited addition is based on, then Boumann did not iron out the linguistic rockiness but tried to suppress the contradiction that Hegel awkwardly recognises. Rather than answering my initial question in one way or another, this quote reaffirms the puzzlement at its origin. It is strange indeed to find those who are inherently unable to free themselves in the vanguard of world history and even stranger not to try to solve the obvious contradictions this statement exhibits and points to. We can reasonably assert that Hegel saw a contradiction within his system but did not care or live long enough to overcome it. What matters here is not how intellectually, politically or morally guilty or progressive Hegel appears as the result of my immanent critique but to show how his philosophy could have started to make sense of the black struggle for liberation instead of stopping short at a confusing mix of contradictory side remarks. If anything, this little escapade into the treatment of sources has

⁸⁵⁴ For the most exhaustive and possibly most extreme treatments, cf. Tibebu's accusation of Hegel's Eurocentrism and the systemic link between Hegel's epistemology and racism and Tavares provocative claim that Hegel was a friend of the blacks who deserves reparation for the injustices his reputation has suffered in this regard, Tibebu, *Hegel and the Third World*; Tavares, *Hegel l'Africain* (forthcoming).

⁸⁵⁵ Cf. Hegel, *Georg Wilhelm Friedrich Hegel's Werke vollstandige Ausgabe durch einen Verein von Freunden des Verewigten: Encyklopädie der philosophischen Wissenschaften im Grundrisse. 3. Theil: Die Philosophie des Geistes*.

⁸⁵⁶ *Ibid*, (editor's preface) V-VII.

⁸⁵⁷ GW 25,1, 36.

revealed that neither race nor Haïti was central enough for Hegel to address the inconsistencies they revealed within his system or elaborate on them in more prominent places of his published works.

In contrast, the topic of slavery allows for a better inroad into the essential elements of Hegel's political philosophy. It is clearly articulated in published works, presenting a consistent argument illustrated in his lectures. Hegel argues that humans are not free or unfree by nature but become free in the modern state.⁸⁵⁸ Hence, all justifications and condemnations of slavery based on a concept of human nature are 'inappropriate to [the] concept [of humanity].' In essence, right cannot be determined by simply taking a definition of humanity as one (abolitionism) or as differentiated (racism) and inferring from it a legal consequence. A remark that Gans took from Hotho's notes of Hegel's lectures and added to a paragraph of the *Philosophy of Right* was doomed to create confusion.⁸⁵⁹ It sounds like Hegel would attribute the responsibility for slavery equally to the master and the slave,⁸⁶⁰ although he just shows the absurd consequences if we hold the human being to be 'in an for himself free.'⁸⁶¹ For Hegel, such a historically undifferentiated moralism is like a category error. Only from the condition of a developed ethical life can we judge the undeniable wrongfulness of slavery:

Slavery falls into the transition from the naturalness of men to the truly ethical condition; it falls into a condition where a wrong is still right, where right has not yet been absolutely actualised.⁸⁶²

Where the objective right does not yet exist, slavery is a right conditioned by a state of unlawfulness.⁸⁶³

Slavery becomes impossible not due to European nature but to the consciousness of bourgeois society, which is, in essence, a socially actualised form of the Christian consciousness.⁸⁶⁴ The infinitely free individual relies on the knowledge of the unity of human and divine nature that became at least a formal reality in the professional self-determination and daily exchanges of the modern economy. In short, when the idea has become a habit, slavery becomes a wrong. This consciousness finds a rational expression in abstract right and makes the right to legal personality unalienable: all contracts regarding slavery are null and void, and every person has

⁸⁵⁸ PR 57 R.

⁸⁵⁹ PR 57 A.

⁸⁶⁰ So Buck-Morss, *Hegel, Haiti and Universal History*, 55 Fn 99.

⁸⁶¹ PR 57 R.

⁸⁶² GW 26,2, 823.

⁸⁶³ GW 26,1, 623. Three years earlier by an anonymous student.

⁸⁶⁴ EPS 482 R; Smith, 'Hegel on Slavery and Domination'. 106 ff.

the absolute right to free herself from slavery, and so does a subjugated people.⁸⁶⁵ Insofar as the Roman society never developed the bourgeois consciousness, its abstract right could not be rational nor deliver a definition of the human being since slaves would not be included and the institution of slavery continued to do violence to the concept of humanity.⁸⁶⁶ Here, the concurrent relativity (as relationality) and absoluteness of Hegel's conception of reason show. It makes no sense to judge the Romans for pursuing practices contrary to a right their spirit did not yet possess. However, the right of our society is, notwithstanding its historical contingency, the absolute right of world spirit that future forms of consciousness will not relativise. Once we have understood that slavery is contrary to the *idea*, it will always violate reason to uphold it.⁸⁶⁷

Under the impression of the successive American struggles for independence, Hegel goes so far as to say that the liberation of colonies and slaves proved to be of the greatest advantage to the metropole and former masters (particularly in the case for England).⁸⁶⁸ Practices that contradict the principles of bourgeois society also harm its prosperity and will ultimately fade out. We can hear Smith's argument about the better affordability and motivational characteristics of wage labour in contrast to slave labour echo in Hegel's writings.⁸⁶⁹ What Hegel (and Smith) seemed to have overlooked is how important slavery, especially on the sugar plantations, is for the emergence of the bourgeois principle as definitive of society.⁸⁷⁰ The concentrated excess wealth created through the slave trade and sugar production allowed for investments in (industrial) manufacturing and the spread of the principle of division of labour that Hegel considered central to the determination of bourgeois society.⁸⁷¹ In contrast, anthropological apologists of slavery, like Christoph Meiner, did not shy away from putting the centrality of slavery for the modern economy into numbers.⁸⁷² Intentionally or not, Hegel thereby overlooked another inherent contradiction of bourgeois society and the corresponding potential alliance between the poor and the enslaved, which found its historical expression in the Parisian masses' support for slave emancipation.⁸⁷³ The rich (colonising) rabble that

⁸⁶⁵ GW 26,2, 823, 832.

⁸⁶⁶ PR 2 R, 3 R.

⁸⁶⁷ It is no accident that the conservative admirer of Roman law had a more favourable – or in their eyes – neutral view on slavery, GW 14,3, 1075.

⁸⁶⁸ PR 248 A. GW 26,3, 1395.

⁸⁶⁹ Smith, *Wealth of Nations*, 387–88.

⁸⁷⁰ The groundbreaking study was Williams, *Capitalism and Slavery*. For its genesis, lasting influence and actuality, Brandon, 'From Williams's Thesis to Williams Thesis'; Solow and Engerman, *British Capitalism and Caribbean Slavery*.

⁸⁷¹ PR 198, 243.

⁸⁷² The editors of the critical edition suggest that Hegel was aware of Meiner's arguments, GW 14,3, 1072, 1074.

⁸⁷³ James, *The Black Jacobins*, 120, 137–42.

gambled on the high returns of the high-risk slave-trade was not only the product of bourgeois society but its founding father.

The failure to address this contradiction potentiates in combination with Hegel's inability to conceptualise revolutionary termination of slavery. Hegel was a *gradualist*. As a consequence of Hegel's historicising understanding of the 'injustice' of slavery, slavery and abolition could coexist, and the former still be appropriate to the historical form of consciousness of a given society. Slaves and slaveholders would need to slowly attain a higher form of consciousness, to develop better habits that embody the principle of Christianity before the bourgeois form of abstract right could correctly express their spirit. In a passing comment on Africa and its current relation to Europe, Hegel maintains that 'it is more fitting and correct that slavery should be eliminated gradually than that it should be done away with all at once.'⁸⁷⁴

Non-gradualist interpretations of Hegel end up underlining a fundamental weakness of Hegel's theory of liberation. Nesbitt suggests that the passages in the *Philosophy of Right* on slavery are Hegel's direct take on the Haitian revolution.⁸⁷⁵ Freedom is not a fact of nature, but the result of liberation and since the idea of freedom is truly present only as *the state*,⁸⁷⁶ it takes, according to Nesbitt, nothing less than a revolution to actualise freedom if we live in a society based on slavery.⁸⁷⁷ The conclusion is tempting and indeed appears to be an almost logical consequence of Hegel's conceptualisation of freedom:

The free spirit consists precisely [...] in sublating this formal phase of its being and hence also its immediate natural existence, and in *giving itself* an existence which is purely its own and free.⁸⁷⁸ [my emphasis]

However, while Hegel's political philosophy implies the necessity of revolution, it does not contain a theory of revolution. As Menke points out, Hegel's concept of spirit's self-liberation leads him to the paradox⁸⁷⁹ that the slave can only free herself if she is already free. Experiencing the contradiction between servitude and subjectivity presupposes a consciousness of freedom, 'the being of volution' that already belongs to the realm of right.⁸⁸⁰

⁸⁷⁴ LPH 129/ 103.

⁸⁷⁵ Nesbitt does not give us more than an associative link 'he never names it [but] could have been referring to nothing else' Nesbitt, 'Troping Toussaint, Reading Revolution', 27.

⁸⁷⁶ PR 57 R.

⁸⁷⁷ Nesbitt, 'Troping Toussaint, Reading Revolution', 26–27.

⁸⁷⁸ PR 57 R.

⁸⁷⁹ The paradoxical nature might explain how Hegel could embrace a position that violates the terms of the conceptual bedrock of his philosophy as Chu's aptly notes: Hegel explicitly rejects the (sudden) 'sublation' (sic!) of slavery in favour of a 'gradual abolition' Chu, 'Black Infinity: Slavery and Freedom in Hegel's Africa', 419.

⁸⁸⁰ Menke, *Autonomie und Befreiung*, 65–66.

Hegel hoped that education (*Bildung*) would resolve the paradox,⁸⁸¹ the theoretical foundation of gradualism. And while Hegel recognises the formative function of violence in republican wars,⁸⁸² he does not fathom the formation that a people enjoys in a struggle for liberation.⁸⁸³ Ultimately, Hegel remains, according to Menke, stuck in this paradox as education cannot explain the disruptive step beyond second nature, which would require a materialist genealogy of freedom that conceptualises the clash of powers.⁸⁸⁴ Or, as I surmise, the grace of the pain of negativity, the material experience of conflict that brings the absolute from the beyond into the here and now.

Setting Hegel's untenable racialising anthropological observations aside, we can substantiate this immanent critique and link it to the overall political framework of Hegel's political philosophy by highlighting two omissions: Firstly, how could Hegel not identify the Haïtian revolution as fulfilling his *own* conditions of the slaves' self-liberation and showing the prospects of a truly universal spread of world spirit? Secondly, how could the bourgeoisie be convinced of the rightfulness of her slave businesses without corrupting the fabric of domestic ethical life and the political ethos that sustains the state?

To underline the absurdity of sweeping the first question under the world-historical carpet, it is worth distancing my argument from Buck-Morss' central thesis.⁸⁸⁵ She argues that Hegel wrote the so-called master and slave dialectic with the struggle of the former slaves of Saint-Domingue in mind.⁸⁸⁶ However, we should read the parallels between the two stories carefully.⁸⁸⁷ Hegel discusses the struggle for life and death as part of a lower form of consciousness, which still tries to grasp its Self based on an epistemic individualism. The consciousness involved is hence not yet aware of being spirit; it has no concept of its historicity.

⁸⁸¹ Menke, 120.

⁸⁸² PR 324 R.

⁸⁸³ Fanon, *Les damnés de la terre*, 90.

⁸⁸⁴ For a short English account of Menke's critique of Hegel and his argument that we need a materialist genealogy of freedom, Menke, 'Autonomy and Liberation', sec. III.

⁸⁸⁵ Without prejudice to the plagiarism accusations and calls for intellectual reparation (Buck-Morss does give credit to Tavares but is for various reasons the privileged and often sole reference point in contemporary discourses about Hegel and Haïti), Traveres localisation of the influence and his delimitation of his thesis seems more accurate (the figure of 'consciousness' in the *Phenomenology* is informed by history but as uncomplete form of consciousness not supposed to discuss history and the master-slave dialectics is also informed by ancient forms of slavery), Tavares, 'A propos de Hegel et Haïti Lettre de Pierre Franklin Tavarès à Jean Ristat'; Joseph, 'On Intellectual Reparations: Hegel, Franklin Tavarès, Susan Buck-Morss, Revolutionary Haiti, and Caribbean Philosophical Association'. For further literature in support of my interpretation, cf. *supra*, Fn. 433.

⁸⁸⁶ That he never mentions Haïti in the *Phenomenology*, she explains with his desperate situation in 1806 in which he could not afford offending the German authorities or Napoléon, Buck-Morss, *Hegel, Haiti and Universal History*, 19–20.

⁸⁸⁷ For further secondary literature, cf. *supra*, Fn. 433.

None of this is true for the French masters and the Haïtian revolutionary leaders who were aware of world-historical events, their distinct peoplehood, or their Frenchness.

Connectedly, the life and death struggle that precedes the division of spirit into the master and slave consciousnesses should not be confused with the collective struggle for liberation from slavery in the colonial context. The freedom at stake in the *Phenomenology's* life-and-death struggle passage is the freedom of the individual consciousness that wishes to be independent *as an individual* through fulfilling her desire for recognition *as an independent individual*.⁸⁸⁸ It is not a struggle for recognition of political freedom which alone is appropriate to the concept of freedom. It is not the stuff revolutions are made of. If the struggle simply repeats itself, we can, at best, expect an inversion of roles but not the end of slavery.⁸⁸⁹ The liberated slave is just a master and hence is still caught in the same form of consciousness. She has not yet learned of the sacrifice of forgiveness through which spirit gains the power to remake the world. Hence, I argue contra Buck-Morss, that Hegel does not fall 'silent and becomes obscure at the point of realisation' (i.e. when the slave has achieved a superior consciousness and mastery over the world through her relation to manual labour),⁸⁹⁰ but that he stops short at an impasse of consciousness. Hegel demonstrated that there is no straightforward pathway from the state of nature over a slaveholding to a liberated society. First, spirit must come to understand itself as spirit and start acting as such.

This is not to defend Hegel for not addressing the Haïtian revolution. Quite the contrary, it makes it all the more absurd that he did not. The master-slave dialectic might have been the wrong place to do so (as was the anthropology!), but I already alluded to the fact that there was a suitable place: as a world-historical event, the Haïtian revolution belongs to *world history*.⁸⁹¹ Even a cursory look at the slave revolts of the island that the French called Saint Domingue makes clear that this uprising constituted an entirely different life-and-death struggle for recognition that would not run into the impasse of the master-slave dialectics. When Hegel asserts that states exist in a state of nature to each other, he acknowledges their commitment to their respective particular wills and the absence of an overarching political order.⁸⁹² However, his qualification 'to that extent' clarifies that states do not have anything in common with the

⁸⁸⁸ PS 119/ 187.

⁸⁸⁹ Fanon analysed the limits of this spontaneous violence. Only ideological guidance can turn the violence into a formative process which gives the struggle a direction and turns it into sublation instead of a mere reversal, Fanon, *Les damnés de la terre*, 140–41.

⁸⁹⁰ Buck-Morss, *Hegel, Haiti and Universal History*, 54.

⁸⁹¹ Cf. my discussion of PR 351 R *supra*, 90-90.

⁸⁹² PR 333.

form of consciousness that Hegel identifies in the state of nature. Their commitment to their particular will results from the insight that this *political will* is what liberates them. When states claim recognition, they do not claim recognition as naked abstract legal persons, but as the concrete wholes they self-consciously are.⁸⁹³ Here, too, staking one's life plays a vital role in gaining or reviving the consciousness that the individual has the highest freedom in her citizenship.⁸⁹⁴

The transformation of the French colony Saint Domingue into the independent Republic Haïti governed by its former slaves plays almost provocatively after the Hegelian playbook. Christianity and the bourgeois consciousness were not alien to the enslaved population, as Toussaint Louverture's reading of Abbé Raynal demonstrates. A somewhat more privileged slave, he had the time to learn reading and came across one of the great classics of Enlightenment anti-colonialist literature that had already gone into its third edition. His catholic faith⁸⁹⁵ clearly went hand in hand with an already secularised and politicised version of Christian principles. Many among the enfranchised blacks and mulattos went through even more thorough European education and consciousness (to the extent that many mulattos like Rigaud and Pétion thought that by fighting under Napoléon against Toussaint they could secure a French future for themselves). In Toussaint's well-known and very efficient practice of forgiveness against his enemies, Hegel could have discovered the principles of Christianity in political action, which contrasted with the white Jacobins' *terreur*.⁸⁹⁶

Before the official abolition of slavery by the local French commissioner Sothonax and later by the French national assembly, the oppressed people of Saint-Domingue took up the concept of freedom their masters so enthusiastically embraced, sublated and turned it against them. Through the experience of the negation of their humanity, they came to understand the self-betrayal of the aspiring universal and free spirit, gaining an epistemically privileged position in restoring it to its ephemeral infinity.⁸⁹⁷ Whatever 'education' they needed in Hegel's mind to form a consciousness capable of gaining a firm and practical understanding of freedom, they had it. Their political ethos was honed in their relentless and self-sacrificial defence of *French* Saint-Domingue against the English, who hoped the slave revolt and the French Republic's self-occupation would bring the jewel of the West Indies into their hands. Once slavery was

⁸⁹³ PR 336.

⁸⁹⁴ PR 153 R, 267-68, 324 R.

⁸⁹⁵ James, *The Black Jacobins*, 215, 246.

⁸⁹⁶ James, 201, 254.

⁸⁹⁷ Here I fundamentally agree with Buck-Morss' project of an alternative universal history, Buck-Morss, *Hegel, Haiti and Universal History*, 133.

abolished, the insurgent blacks joined the French Republic and caused one of the greatest defeats in British imperial history.⁸⁹⁸ France probably never had more patriotic citizens than the self-liberated population of Saint Domingue. Lastly, Toussaint and those loyal to him opposed the Bonapartist expeditionary force with the (secret) mission to re-establish slavery in a desperate torched earth all-or-nothing defence. When Dessalines, Toussaint's successor as leader of the rebellion, declared independence amid the genocidal war the French waged against the revolutionaries, nobody could have been more aware of the value of modern independent statehood.

Clearly, a world-historical struggle for recognition was occurring that would have – at least – merited a mention in Hegel's remark to paragraph 351 of the *Philosophy of Right*. It was the first war in the Americas that did not only establish independence but revolutionised its society as the *colonisé* took power over the *colon* and, for a short time, seemed to have sublated the difference. Whether we think Hegel implicitly hinted at it or not, he certainly did not spell out its dramatic consequences that go far beyond the rationality of the German status quo.

Those consequences become particularly clear in the long-term defeat of the Haitian revolution that had already announced itself in Hegel's time. The date hope fell is debatable – for Hegel it would have probably been already the 1804 *massacre* of the white population that remained in Haïti.⁸⁹⁹ This could have been a welcome excuse to dismiss the world-historical consequentiality of the revolution by drawing an analogy with the French revolution: the abstract juxtaposition between the here and beyond inherent to Catholicism must – if unreformed – translate into the violence that a purely Catholic Enlightenment coming to power engenders. However, Hegel did not seize that opportunity to substantiate his claims further. The other possible date of its fall would have been the signing of a treaty of reparations which the French forced upon the young republic with a classical move of state racketeering in 1825. Fourteen ships and 500 canons could not have conquered the island, but they managed to ruin it by forcing a 150 million Francs d'Or debt on the young nation-state.⁹⁰⁰

⁸⁹⁸ James. Citing the military historian Fortescue who stated that Pitt thought he could break 'the power of France in these pestilent islands ... only to discover when it was too late, that they practically destroyed the British army.', James, *The Black Jacobins*, 146.

⁸⁹⁹ For some, this atrocity was a calculated attempt by Dessalines to deprive the French of a reason for further interventions and to get rid of a possibly disloyal part of the population. James insist, notwithstanding Dessalines' brutality, that it were the British and Americans who pushed him to this step to secure their influence and profits against their French competitors, James, 371–73.

⁹⁰⁰ The *New York Times* recently dedicated a lengthy report to the history and legacy of Haïtian debts, Gamio et al., 'Haiti's Lost Billions'.

The Haïtian absolute spirit's ultimate defeat⁹⁰¹ instantiates absolute spirit's ephemeral character. In it, the Eschaton died twice: what was left of the Revolutionary European Christian absolute spirit fell finally from grace, and the non-European absolute spirit was stillborn. Taking the Haïtian revolution seriously would have made this vulnerability and ephemerality obvious. The indifference of Hegel's absolute spirit towards the internal and external other backfired. This becomes particularly plastic when we wish to answer the second question I posed before our expedition into the Caribbean. The double standard of the slave-trade profiteering bourgeoisie could not remain without consequences. Their excess wealth gained outside Hegel's imagined ethical institutions of bourgeois society and the gambling mentality⁹⁰² joined their cynicism, which soon should apply the same argumentative standards for domestic industrial workers that they fielded for slaves. The maritime bourgeoisie is the most formidable and, for the political state, most corrosive exponent of the rich rabble. The degree of care and regulation that Hegel thought would characterise bourgeois society only came about in the modern welfare state, giving in the meantime way to an era of domestic cruelty. In terms of a critical Hegelian political theology: the failure of the Christological figure of Toussaint announced the collapse of the European and decolonial Christian absolute spirit *that could have been* into the imperialist European objective spirit *that was*. If not everybody is free, nobody is free – that is the essence of absolute spirit that Hegel failed to conceptualise consequentially. The answer to Barth's incredulous question of why the Hegelian revolution of Christian philosophy did not prevail but was displaced by Neo-Kantianism finds its answer as much in the heads of German theologians as in European poorhouses and on the shores of Haïti.⁹⁰³ The defeat of all Christological figures and agents of liberations identified on these pages meant that for law to become at least a partial liberator, the world needed to stay patient.

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A critically reconstructed Hegelian political theology can both make sense of a world-historical crisis and identify instances of hope for the cause of universal knowledge and emancipation. As Hegel's treatment of women and slaves demonstrated, such a political theology cannot detach itself from a detailed analysis of the experience of violence and unity if it wishes to contribute to the high and mighty history of absolute spirit. At the same time, the pain of

⁹⁰¹ Obviously, their revolution was still a success insofar – and that means almost everything – it abolished slavery. By defeat I mean its vanishing as absolute spirit.

⁹⁰² I interpret Hegel here to mean risky investments that do not require personal labour in an established profession, cf. GW 26,2, 760 and my discussion *supra*, 222.

⁹⁰³ That is the alternative question of universal history that Buck-Morss asks, Buck-Morss, *Hegel, Haiti and Universal History*, 80.

negativity can only transform objective into absolute spirit if it is carried by what I termed ideology in the context of the rabble's indignation against the spirit that othered it. This ideology is best understood as eschatological hope rooted in the actuality and re-actualisation of past reconciliation.⁹⁰⁴ We can substantiate this hope by finding world-historical events such as the Haïtian revolution which objectivise the historically always implicit reconciliation of the finite and infinite that Hegel's Christology established.

⁹⁰⁴ Again, I am indebted to Theunissen and his account of the unity of Eschatology and Archeology in Christian theology and Hegel's attempt to sublimate the time-difference between the two that ushers in the unity of theory and practice. A red thread of this discussion is the relationship to a Marxist understanding of history and its unity of past and future, Theunissen, *Hegels Lehre vom absoluten Geist als theologisch-politischer Traktat*, 366–419.

Epilogue: Hegelianism after Hegel

The fate of the philosophy of the absolute is intrinsically tied to the actualisation of the absolute. Hegel's greatest feat was to make this link graspable, showing how the highest form of knowledge resides in the highest form of self-consciousness, i.e. universal freedom. His greatest failure was his inability to capture the vulnerability and fleetingness of this absolute standpoint. If the consciousness that is the bearer of this knowledge conception fails to overcome its ever-materialising boundaries, it falls from the absolute standpoint and becomes its own nemesis. I hope this work has demonstrated that even at his weakest, Hegel still proves insightful since his shortcomings are best illuminated by an immanent critique grounded in his philosophy of religion. The way beyond Hegel starts in and with Hegel.

In many respects, the current work only achieved delivering the introduction to what it set out to do: writing a Hegelian theory of international law that criticises the dominant Kantian ones – it delivered the critical Hegel interpretation that is necessary to go with Hegel beyond Hegel. The immanent critique cannot content itself with identifying possible agents of liberation but must illuminate the circumstances of their domination and ways to substantiate the hope that their liberation may succeed. However, the Hegelian standpoint is worth going through. If interpreted as a political theology, it can distil from our particular history a universal utopia, the state of limitlessness. Although secularisation seems to question the foundation of this eschatological vision, I argue that it nevertheless can give reasons to hope (I). Lastly, it is time to take up the question of contemporary international law (II). Going through the Hegelian standpoint enables us to see in the dominant liberal theories of international law a regress behind Hegel that threatens to extinguish all hope of transformative change. In contrast, a state voluntarist positivism could allow those elements of international law born in struggles of liberation to protect the room for new hope to grow.

I) An eschatology of limitlessness

The object of this thesis was to demonstrate that there is value in deepening the theological moment of Hegel's philosophy. It introduces a subversive element into the systemic character that can be absolute without being closed. Every philosophy of international order, especially if written from a Western standpoint, faces a history of the projection of its own subjectivity upon others and the challenge to exhume the other's otherness beneath structures of domination disguised as reconciliation. Historically, this reckoning was built upon the experience of violence, starting with the violence of the cross. Violence experienced by women forced into

domestic isolation and unpaid labour.⁹⁰⁵ Violence exercised by and against the rabble, which, despite being a necessary part of modern society, could never participate in it. Violence exercised by colonial powers that left their colonised subjects little doubt about their otherness, and, in return, the violent struggle of the latter that challenged the projection of Western subjectivity as universal. Neither the abstract universalist, who already knows everything essential, nor pluralists, whose relativism is but the reverse side of universalist individualism's medal, can meet the challenge of this reckoning.

Hegel's theology offers an alternative by opening the Self to the other for one's own sake. This transformation of consciousness builds upon painful experiences and an eschatological ethos that, in awareness of our brokenness, always hopes for more, denying the present state of the world the absolute power that liberalism has granted it. This present-transcending moment makes a theological reading of Hegel's political philosophy attractive in its own right. Transcendence and immanence go, for Hegel, hand in hand. Far from recurring to a philosophical tool to keep together what otherwise would fall apart – a *Deus* whose abstraction only thinly veils its essence as the projection of the philosopher's mind – Hegel self-consciously relies on a concrete historical religion. The transcendent divine has become immanent and subject to contingent history. Hence, Hegel's *Kingdom of God* is no flight into the beyond but a transformation of finite spirit not left to its own devices. It thereby delivers an antidote to the politics of the management of despair that abstract philosophies have left us with. Or, as Horkheimer acknowledged in his later years:

A politics which, even when highly unreflected, does not preserve a theological moment in itself is, no matter how skilful, in the last analysis, mere business. [...] Theology here means the awareness that the world is an appearance, that it is not the absolute truth, the ultimate. Theology is [...] the hope that this injustice which marks the world will not prevail, that injustice may not be the last word.⁹⁰⁶

Awareness of our finitude smashes the dangerous illusions of omnipotence and summons the oneness of the human experience. However, this insistence on human finitude can, if juxtaposed to the infinity of an unattainable divine realm, paralyse human politics. Political theology is not per se progressive but implicit to all philosophy that addresses the (un-) unknowability of God

⁹⁰⁵ Here are the limits of an immanent Hegel critique: as Hegel's exclusion of women from the political sphere is based on a false observation, we are stuck in empirical shallowness unless we go empirically beyond Hegel. Federici's historical reconstruction of female roles from early modernity to the bourgeois conception of family life Hegel championed would be an obvious point to start, Federici, *Caliban and the Witch*.

⁹⁰⁶ Horkheimer and Gumnior, *Die Sehnsucht nach dem ganz Anderen. Ein Interview mit Kommentar von Helmut Gumnior*, 60–61.

and or the whole. The Historical School, particularly Ranke, testified to the conservative outlook that a political theology could assume. Nor does an explicitly eschatological vision entail the pursuit of an earthly utopia. It can, as in the case of Kant's postulates of practical reason, just as well postpone the Kingdom of God to the twelfth of never. Only a political theology that maintains a positive theology through the perspective of epistemic scepticism can be truly emancipatory. These two categories can help us organise the field of political theology in Hegel's context around two paradigmatic axes. The negative theologies of Ranke and Kant still compare favourably to Haller's positive theology but their normative ambition does not even come close to what Hegel's double commitment to the knowledge of God and scepticism engenders.

This unusual combination of metaphysical and epistemic commitments resulted in a reformulation of the oneness of the human experience as self-diremptive whose unity originates in the fractures of pain. According to the revised Hegelian framework, the absolute's presence in human society depends on a constant re-evaluation of the relationship between the finite and the infinite. Our participation in the latter becomes the ephemeral result of a hard-fought-for reconciliation. Such a political theology evokes what Metz coined the dangerous memory: the pain of negativity, so apparent in the memory of the cross, inevitably puts us in the position to question whether we serve Babylon the Great or the New Jerusalem. It destabilises the false reconciliation with the world and often reveals our being-for-itself as a mere projection of our hypostatised subjectivity, excluding the historically other. We are reminded that history is always overdetermined and that our subjectivity is one of many possible results of past struggles. The dangerous memory of the cross establishes what both Metz and Horkheimer might call solidarity with the dead and suffering.⁹⁰⁷ More importantly, if we turn the 'we' around, it grants the defeated the opportunity to turn their defeat into the sacrifice that gives birth to absolute spirit.

Under the auspices of a theodicy so understood, not all pain is justified and finds meaning under the horizon of world history. What matters is the identity of the sacrifice and the subject that performs the sacrifice. That is what transformed the scapegoat into the Lamb of God and what differentiates martyrdom from the habitual collective murder of human sacrifice. Only *our* pain transforms us and makes us transcend *our* finitude; the other's pain is never justified but a testimony to our damnation. Every glimpse of otherness risks a complete reversal into the state

⁹⁰⁷ Metz, *Glaube in Geschichte und Gesellschaft. Studien zu einer praktischen Fundamentaltheologie*, 239–46; Horkheimer and Gunnior, *Die Sehnsucht nach dem ganz Anderen. Ein Interview mit Kommentar von Helmut Gunnior*, 55.

of fallenness. This vision of the Hegelian absolute conjures up an almost purely negative utopia: it is difficult to imagine a human community to which no other exists. However, it is only 'almost' so because it is conceptualised as a movement of return, the taking up of the reconciliation already present in the eternal Trinity, radicalised on the cross and accepted by the early church. The hope of future reconciliation relies on the look back on the past one(s), including historical moments of universal solidarity as encountered in our reading of the Haïtian revolution.

Reading Hegel's practical philosophy from the corrective perspective of his doctrine of the absolute and his philosophy of religion, i.e. reading it as a political theology, allows for the former's critical re-evaluation. We have in front of us a theory that addresses the totalisation of society without necessarily rationalising it. The fault line of its rationality runs along the question of whether objective spirit is oriented towards absolute spirit, whether its unity is preceded by the pain of negativity, the awareness of its own particularity as self-absorbedness that perpetuates the crucifixion of the other. The necessarily ephemeral character of this actualisation of reason must put us in a constant state of alert. It presents a theory of interested knowledge that pursues its object as a step in the project of liberation: everything external to us, epistemologically and normatively, posits a limit to us, and makes us unfree. Only by being with ourselves in the other that ceased to be an other can we liberate ourselves from our bondage.

This programme of political theology inevitably faces the challenge of secularisation. Hegel's doctrine of the absolute is ultimately an immanent critique of 19th-century Christianity. It is rooted in a Christian self-understanding, calls for its radicalisation, and constitutes the deep self-questioning Barth regretted the modern individual (Christian) never aspired to. Castigating praxes that have grown numb to the pain of negativity but have self-consciously left Christianity behind or were never part of it would amount to stipulating an empty ought-to-be.

This work does not aspire to missionize the non- (Hegelian) Christian world nor to propose a secularised alternative that evades the many shortcomings of Left-Hegelianism. While the first option is conveniently impossible, the second I reject for two reasons: Firstly, while I would happily engage with such a vision, I lack the interest of knowledge of constructing a post-Christian Hegelianism. The Christian one just works fine. Secondly, the (non-) method of immanent critique 'only' works out a philosophy's inherent inconsistencies, and I tried to demonstrate how a consequentially political-theological Hegel could have consistently *apprehended his time in thought*. Times have changed, and much has been written on Hegel or

with Hegel in mind that would deserve further elaboration. However, the objective of this work was to inquire how far we can get *with* Hegel without contesting the possibility that one could go further. The point is that the Hegelian perspective is decisively Christian and one worth going through. Furthermore, this theological determinate content allows us to formulate two pillars of hope that might survive the transformations of post-Hegelian philosophy.

The first regards the persons who can fathom hope and aspire to become the vessel of this hope. Hegel's doctrine of absolute spirit demonstrates the transformative power of self-conscious pain: the victors can arise out of suffering. Indeed, pain becomes an essential ingredient of liberation since it provides the necessary distance to the structures of unfreedom. However, as Táiwò brilliantly put it, 'oppression is not a prep school.'⁹⁰⁸ Hegel's political theology contradicts in two essential points a 'deference epistemology' (Táiwò) which monopolises agency in the hands of those who suffer most. Firstly, pain can also lead to bitterness and cynicism, as Hegel's analysis of the rabble instantiated. Its transformative power roots in the epistemic act of forgiveness that allows us to recognise our common humanity, i.e. our common vulnerability and fallenness. Otherwise, we are left with a finite justice caught in an endless exchange of cruelty. Eagleton comments that we need something that transcends this barren circle:

For Christian faith, it is God's refusal of this sterile principle that overthrows the *ancien régime* and inaugurates a new order, one in which equivalence gives way to excess. Forgiveness is the enemy of exchange value. What breaks this circuit on Calvary is the fact that crime and forgiveness are one. In homoeopathic mode, poison and cure are aspects of the same reality, as they are in the case of the scapegoat.⁹⁰⁹

The memory of Christ provides the poor with an other-oriented consciousness, an equivalent of the transformation of Marx's class in itself to class (in and) for itself. Christian or not, the suffering masses need an ideology geared towards the infinite to gain true, i.e. liberatory agency.

The second difference to deference epistemology resides already in the genesis of the first: the Christian ideology was not exactly born on Calvary but, in its *memory*, i.e. the 'frightful image of God himself as vulnerable animal and bloody scapegoat.'⁹¹⁰ The sacrifice of forgiveness

⁹⁰⁸ Táiwò, *Elite Capture*, 120.

⁹⁰⁹ Eagleton, *Radical Sacrifice*, 124.

⁹¹⁰ Eagleton, *Holy Terror*, 29.

taught the early church *solidarity*⁹¹¹ when they relived the pain of negativity that humanity's rejection of the magnanimous offer of love inflicted on the absolute other. By extending the liberatory agency from the crucified to all who suffer in the memory of the cross, the chances for the agents of liberation to gain momentum beyond symbolic politics increase indefinitely. Victims, bystanders and even perpetrators can join forces. That is how we ought to understand the conclusion of Hegel's *Lectures on the Philosophy of Religion*: the solace of the (Hegelian) philosopher who gains reconciliation in her 'sanctuary apart' is that she is aware of her consciousness's limitations that lie in the suffering of the poor and knows that she must do something about it outside of the realm of philosophy.⁹¹² Her solace lies in her solidarity with them.

The second pillar concerns the substance of this hope. Hegel's political theology serves as a reminder that an account of universal knowledge is possible. Not only for Christians and Christian atheists but for all since the particular standpoint of a religion and historical culture did not stand *per se* in the way of transforming the subjective into the absolute that knows no other. This is more than just a formal point but touches upon a controversy that holds much of contemporary academic thought hostage: the question of universality. Early in the thesis, I tried to illustrate with my analysis of Hegel's liberal and conservative-romanticist opponents how the abandonment of universal knowledge went hand in hand with the abandonment of a project of universal emancipation. Therefore, recovering the mere possibility of gaining universal knowledge in a way that takes the negativity of the particular seriously can become a genuine source of hope.

The possibility of qualifying a collective consciousness for a fleeting moment as the absolute impacts political dynamics. There is a point in going forward since the eschatological horizon is within reach. It allows us to take pride in achievements, motivating struggle more than grievances alone ever could since the former grant us pragmatic aims worth struggling for. The achievable universality of knowledge and freedom implies the possibility of bridging different practices and building alliances. Rather than succumbing to relativism, we can uphold standards without getting numb to the suffering those standards cause others. In short, it offers a critical way out of cynical paralysis into fallible action.

⁹¹¹ Eagleton identifies the primary practice of actualising remembrance, the Eucharist, as a practice of solidarity, Eagleton, *Radical Sacrifice*, 54, 153.

⁹¹² LPR II, 343/ III, 151.

II) International legal philosophy after Hegel

This hope shines all the more brightly if compared to the alternatives of contemporary international legal theory that often disguise means of perpetuating the status quo as modest perspectives of change. A philosophy concerned with the actuality of reason constantly oscillates between critique and appreciation. Critique can mean showing the inner contradictions of an existing order or of preceding theories that have tried to put their time into thought. For the somewhat pedestrian reason of being too idle to write an additional 300 pages to summarise the intricacies of contemporary global order, I will confine myself to a brief account of those theories. In no more industrious a fashion, I will then outline the rose in the cross of the present, i.e. what we ought to build on in service of the Eschaton.

A) Vectors of dialectical critique

One excuse for this less-than-thorough approach lies in the nature of dialectical critique and the speculative understanding of philosophy. As attempts to grasp the world, theories deliver a reflection of the latter, whose distortion results from their one-sidedness. Hence, they still accurately, albeit undialectically and at times inadvertently, capture one side of reality that, combined with its opposite extreme, gives us a better picture of the world than a hasty patchwork of socio-historical catchphrases could.

Among those theories of international law that pursue a clear normative agenda, (Neo-) Kantian approaches take a leading role. Whether they sail under cosmopolitan or pluralist colours, they share a set of common characteristics: they are committed to an abstract individualist universalism, their models of normativity are timeless, and they *manage* (legitimacy) problems and crises through reforms and structural stabilisations. Importantly, we ought to look beyond the state to civil society actors for a way out of current stalemates. As a result, those theories offer the bleak hope of remedying the ills of the existing order with those elements that produced them: caught within the present, they reproduce the present with the means of the present.

Cosmopolitan liberals

Among those legal theories which address international law more globally, most try to conceptualise their reform proposals based on municipal public law principles.⁹¹³ They may

⁹¹³ As an exception, based on a private law principle, Benvenisti, 'Sovereigns As Trustees of Humanity: On the Accountability of States To Foreign Stakeholders'. The normative implications of the trend towards network theory (we should shift our focus and engagement from states to...) would be another, Slaughter, *The Chessboard and the Web*.

draw inspiration from domestic administrative law (GAL),⁹¹⁴ constitutional law (Habermas, Walker, Kymlicka, Kumm),⁹¹⁵ or broader notions such as the internationalisation of public authority (von Bogdandy).⁹¹⁶ Most of them endorse a Kantian approach to normativity that puts legitimacy concerns at the centre and or defer a historical analysis of international order to other (sub-) disciplines.

By qualifying them as (Neo-) Kantian, I do not wish to describe their strict alignment with Kant's philosophy or the Marburg or Heidelberg school but an unreflected internalisation of a philosophical standpoint for which Kant is the most outstanding example. Haakonson argues that Kant plays a pivotal role in the canonical burial of natural law since 'his two-world doctrine of human nature' makes earlier natural lawyers appear helplessly unscientific while obfuscating how Kant continues their discourse with his concepts of transhistorical rationality and transcendental freedom.⁹¹⁷ Kant needs makeshift concepts to give a plausible reason for what he considers to be essentially unknowable. Since we cannot know the free subject, we get the transcendental I. Since we cannot have an integrated knowledge of the thing-itself, we get a set of disciplines that make inquiries according to rational a priori rules – which we will come to call methodology – and can plausibly dissect aspects of the thing's reality.

The delegation of the historical to other disciplines or methodologies is probably the most devastating part of this scientific compartmentalisation. Almost all of the abovementioned theories include, at best, sweeping recounts of recent developments that justify the relevance of their reform proposals. Often, they cite the 90s, which brought about transformations that undo the explanatory and critical force of previous theories, justifying the need for their own.⁹¹⁸ A continued analysis of the historical contexts of the concepts employed is not part of this

⁹¹⁴ Kingsbury, Krisch, and Stewart, 'The Emergence of Global Administrative Law'.

⁹¹⁵ Habermas, 'Plea for a Constitutionalization of International Law'; Habermas, *The Divided West*; Kymlicka, 'The Internationalization of Minority Rights'; Walker, 'Making a World of Difference?'; Kumm, 'The Cosmopolitan Turn in Constitutionalism'. There are of course many more and the boundaries are blurred as Neil Walker's work exemplifies. For an overview, Lang and Wiener, *Handbook on Global Constitutionalism*.

⁹¹⁶ von Bogdandy, Goldmann, and Venzke, 'From Public International to International Public Law'; Bogdandy et al., *The Exercise of Public Authority by International Institutions*.

⁹¹⁷ Haakonssen, *Natural Law and Moral Philosophy*, 98.

⁹¹⁸ Tesón, for example, argues that the emergence of a liberal world produces the need for a more liberal theory than the supposedly prevailing realism (which is not sufficiently centred on the individual), Tesón, *A Philosophy of International Law*. Similarly to the GAL theorists, Bogdandy et al. simply cite the recent increase of the exercise of public authority as triggering the need for legitimacy von Bogdandy, Goldmann, and Venzke, 'From Public International to International Public Law', 117. Habermas shows the plausibility of the Kantian approach by showing how some elements of the international legal history have favoured it, Habermas, *The Divided West*, 143–79.. Analytical jurisprudence, seemingly caught in an eternal Hart-Dworkin debate reminds us that this ahistorical mode of argumentation is not limited to openly Kantian theories, Lefkowitz, *Philosophy and International Law*.

programme. Kant himself was not greatly invested in the philosophy of history.⁹¹⁹ At best, natural tendencies lent plausibility to the moral imperatives that in themselves had to be free of the stain of sensual knowledge.

However, we would be led astray if we took this ahistoricity as a source of a lofty idealism (in the colloquial sense), dreaming about utopias never to be reached. This would fail to appreciate how realistic and practical Kant's philosophy was and is.⁹²⁰ By abstracting from historically contingent conflicts, Kant was able to internalise the antagonisms of proto-bourgeois society. For instance, the transcendental 'I' as the source of freedom, the reduction of subjectivity to the point of singularity, relieved of its phenomenal conditions, renders all reflection on natural and social constraints impossible.⁹²¹ It postulates freedom where we would need to free ourselves by gaining a concept of freedom through the reflection on the reality of unfreedom. However, this is essentially how the individual *is* treated: as a consumer and entrepreneur, it must be free and is granted freedom by the law. On the other hand, the same law must remain blind to those circumstances that render the individual unfree – especially those that sustain economic efficiency. The individual that the likes of Lefkowitz, Slaughter & Co wish to see protected under international law is the same individual that already under domestic law would need to be liberated, not protected.

Universalist pluralists

The seeming alternative of pluralism is no exception to this scheme which does not surprise given the pluralist's philosophical inspirations: Berman and Krisch openly refer to Habermas, and Teubner reflects Weber's Neo-Kantian concerns.

Their management of the status quo consists in keeping the plurality alive by taming those forces that wreak havoc on the system or threaten its pluralist character. This in itself excludes radical alternatives and suggests a functionalist approach. Berman openly endorses *managing* pluralism⁹²² and introduces a proceduralisation and standard of reasonability familiar to the status quo of domestic public law.⁹²³ Krisch, demonstrating classical sceptical humbleness, wishes to keep social relations flexible ('adaptable') and treats contesting legal principles with

⁹¹⁹ Only few and short texts deal with the subject in a more narrow sense such as his race theory, and his Idea for a universal history with a cosmopolitan aim, Kant, 'Of the different races of human beings' (1775); Kant, 'Idea for a universal history with a cosmopolitan aim' (1784).

⁹²⁰ Adorno, *Negative Dialektik*, 231, 254–55.

⁹²¹ Adorno, 238–39, 263–64.

⁹²² Berman, *Global Legal Pluralism*, 11.

⁹²³ Citing an Habermasian proceduralist approach, Berman, 18; Gallin and Patterson, 'The Limits of Normative Legal Pluralism: Review of Paul Schiff Berman, *Global Legal Pluralism: A Jurisprudence of Law beyond Borders*', 796.

equal respect ('equidistance'), ensuring the plurality's survival.⁹²⁴ Teubner follows Luhmann, who thought of societal differentiation as inherent to modernity anyway and thus limits his normative aspirations to the management of the negative externalities of the diverse sub-systems.⁹²⁵ They all wish to manage the *pluralist status quo*; their appreciation of plurality amounts to a reverted (universalist) individualism; their diagnosis of pluralism itself is rather defenceless against the totalising tendencies of modernity in the form of global capitalism and compartmentalisation itself.

The intrinsic value of diversity, the room for contestation it grants, and our humble incapacity to judge which principle shall prevail, seem, for Berman and Krisch, to motivate the management instead of the destruction of the plurality. Teubner considers it to be more of a matter-of-fact question: sustaining the autonomy of the sub-systems alone can avoid 'turbulent social conflicts' which occur once the expansionist sub-systems become unhinged and start devouring others.⁹²⁶ Thereby, he mirrors Max Weber: the disenchanted world of modernity allows for no metaphysically grounded ethical unity and solicits new means of binding individuals and keeping society from chaos.⁹²⁷ Precisely the neutral and problem-solving attitude mirrors the normativity suited to the bourgeois project of liberalism. When taking a closer look at the pluralists' juxtaposition to liberal constitutionalism, doubts arise as to whether they are not fighting a strawman whose formal denomination they have internalised. The kind of universalist political unity they oppose could rather be attributed to Hegelianism or socialism. As Adorno outlined convincingly, relativism, tolerance and the celebration of plurality are not the antipodes of universalised individualism but the *self-limited form of consciousness of the bourgeois society*:

[...] it was the [form] of bourgeois individualism, which takes the individual consciousness, itself mediated by the absolute, for the last and therefore grants equal rights to the opinions of each individual, as if there was no criterion of their truth. [...] Relativism is void, however, because what it considers arbitrary and accidental on the one hand, and irreducible on the other, itself arises from objectivity - precisely that of an individualistic society - is to be derived as a socially necessary appearance.⁹²⁸

⁹²⁴ He does, however, point to the risk the adaptability could at times amount to a surrender to prevalent social forces Krisch, *Beyond Constitutionalism*, 80 ff.

⁹²⁵ Teubner, *Constitutional Fragments*, 5, 41.

⁹²⁶ Teubner, 165.

⁹²⁷ Cf. his lecture on the vocation of the politician, Weber, *The Vocation Lectures*.

⁹²⁸ Adorno, *Negative Dialektik*, 46.

In other words: we should explain why pluralism came about as the only acceptable normative stance within the current framework of society instead of taking it as the ‘humble’ starting point of our philosophical inquiry. The dialectical reversal of pluralism’s normativity mirrors the necessary inversion of its diagnosis: the plurality of the global order. The pluralist effort to undermine the unity of false liberal universality brackets the question of whether the forces behind compartmentalisation constitute a unity in themselves. In other words, the supposedly autonomous sub-systems or spheres of self-legislation, although apparently following their own rationale, are the object of organising principles that cannot be separated from their historical genesis. Only by ignoring the latter and looking at the spheres as timeless constructs could we characterise them as autonomous. Despite warning against the encroachment of many economic institutions on the lives of those who did not constitute them, all the abovementioned authors fail to comprehensively address the problem of global capitalism.

Instead of constituting an alternative to universalist individualism, the pluralist project is its limited consciousness. As such, Global Legal Pluralism reinforces the unity of international society by selling its primary pillar, compartmentalisation, as a means of resistance. Both anti-utopian visions are rooted in the abandonment of universal knowledge, of an immanent critique of metaphysics in the post-Kantian sense. Their essential difference is that the pluralists openly embrace the dystopia that the cosmopolitan universalist categories still hide under the shallow hope of unity on the first day of never.

Romanticist critiques?

We can hence draw relatively straightforward lines from the liberals discussed in *Chapter One* and our contemporary colleagues of the same confession. In contrast, there are no apparent inheritors of Hegel’s conservative romanticist opponents and the merger of their philosophy with Hegel’s in the likes of Kaufmann and Lasson. Of course, as the abstract universalism of the Enlightenment and its liberal and Kantian succession drew harsh criticism from those concerned with the value of existing particular(s) (orders), contemporary liberal theories give rise to similar challenges. Various ‘posts’ currents of thoughts have asked whether a priori emancipatory concepts such as universalism, progress and individual freedom have been complicit in imperialist, patriarchal, racist or capitalist oppression the West inflicted on the rest of the World. However, in stark contrast to the likes of Savigny and Ranke, those critics are seldom in a position of power and do not try to save the existing order from radical transformation. Perhaps because they do not need to rationalise the status quo as much as the liberals, there are few systemic accounts of international law from such a viewpoint. Notions

such as postcoloniality or eurocentrism often remain catchphrases that rarely translate the radical departures from modernity and European philosophy that postmodern and postcolonial studies originally meant into legal doctrine.⁹²⁹

The true ‘posts’ rail against the presumptuous Western idolatry of speaking in universalist terms in a way indeed reminiscent of romanticist critiques of the Enlightenment. Hence, it is unsurprising that Derrida’s and Latour’s monolithic sketching of the platonic-metaphysical and the modern that orders Western thought around recurrent hierarchical dichotomies⁹³⁰ paved the way for the “monolithic bogeyman” of the Enlightenment [that] is everywhere and nowhere in postcolonial theory.⁹³¹ These histories of philosophy reflect a lack of engagement with the transformation of the category of universality from the Enlightenment to the liberal and Hegelian traditions. Chakrabarty’s assumption of the continuity of the ‘Enlightenment tradition’s’ universalisms and Liberalism, Marxism and the ideals of modern European natural and social sciences exemplifies this monolithic understanding of modern philosophy.⁹³²

Notwithstanding the ‘impurity’ of the legal transposition of the post’s ideas, the latter’s attractivity captures another aspect of reality. They crystallise how individual struggles have become insulated and particularised. In the wake of the downfall of ‘actually existing socialism’, a global alternative has gone amiss. It is fitting that those theories often stem from a disappointment with or turn-away from Marxism.⁹³³ At times, they reveal an aestheticisation of defeat in which the idea of liberation distantly shines in the vocabulary of disruption and subversiveness. The hope they can deliver is primarily metaphorical, a signifier for something we cannot quite know.

⁹²⁹ Anghie, although often taken to be a prime example of postcolonial legal theory, is in a rather straightforward historically critical way concerned with undeniably oppressive origins of international law and the insufficiency of formal equality and political independence unless met with economic sovereignty, akin to the NIEO, Anghie, *Imperialism, Sovereignty and the Making of International Law*; Anghie, ‘Towards a Postcolonial International Law’. Although de Sousa Santos seems to be a prime example of a disappointed Marxist who conceptualises insulated struggles without conceptualising their insularity, his work appears somewhat ambiguous. He seems to accept the initially emancipative role of modern law and thinks of its decline as historically contingent, de Sousa Santos, *Toward a New Legal Common Sense*. Furthermore, he thinks that the different epistemologies of the South are in theory translatable, keeping the possibility of universal knowledge alive, Santos, *The End of the Cognitive Empire*. However, since this translation remains elusive, one could say that for a universalist aspiration this is too much to die but not enough to live. Although postmodern phraseology seems prominent in international legal discourse, consistent large-scale adaptations are not that easy to find. The tendency of the deconstruction of the determinacy and meaning of legal discourses is a notable exception, Koskenniemi, *From Apology to Utopia*; d’Aspremont, *After Meaning*. Tzouvala illustrates how this can work with regard to a particular historical discourse although she includes Marxist elements in her approach, Tzouvala, *Capitalism As Civilisation*.

⁹³⁰ Derrida, *De la grammatologie*; Latour, *Nous n’avons jamais été modernes*.

⁹³¹ Carey and Festa, *The Postcolonial Enlightenment*, 267.

⁹³² Chakrabarty, *Provincializing Europe*, 5, 51 ff., 250.

⁹³³ Jameson argues this e.g. for Lyotard and Tarfuri and Chibber for subaltern studies, Jameson, *Postmodernism, or, The Cultural Logic of Late Capitalism*, 61; Chibber, *Postcolonial Theory and the Specter of Capital*, 2–7.

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Obviously, these three approaches do not cover the entirety of international legal discourse. Not all theories that run along the Western political mainstream can be qualified as (Neo-) Kantian, and there is a myriad of critical approaches which to name in one sentence with romanticism would be utterly unfair. However, to a man with a hammer, everything looks like a nail: I can draw conclusions only from theories within the framework of this work. At least, as far as the liberal mainstream goes, (Neo-) Kantianism does loom large if not dominant, and the anti-universalist critique is prominent even if too often as a strawman. Either way, they fall behind the Hegelian moment in philosophy that I wish now to paint in broad strokes.

B) Ephemeral self-determination: positivism as a republican rear-guard action

A distinguished mark of a philosophy whose core is a Christian eschatology is its ability to find reasons for hope while wandering through a valley of tears. No oppression can erase the fact that the absolute has already walked the Earth and that the Big Other has been overcome. We just need to find the re-actualisation of this consciousness that overcame its other and, thereby, its limits. That is the core of political theology that *any* Hegel interpretation endorses once it notes his conviction that philosophy must identify the actuality of reason, the rose in the cross of the present. My immanent critique of Hegel's philosophy of religion only added to this a sense of how vulnerable and ephemeral this re-actualisation of the absolute always is.

Implicit in the project of identifying the actualisation of reason by agents of liberation is a renunciation of a prescriptive legal programme. It would be tempting to identify certain legal forms and argumentative patterns as intrinsically promoting absolute spirit as the spirit that knows no other. Legal forms associated with contemporary politics of recognition and transitional justice would be an obvious place to start.

However, it is not the legal form that makes or breaks reconciliation but the politics behind it. The law is but the formal expression of this will. Indeterminate as the law might be, the possible outcomes of legal disputes are bound by the structures that this will has put into place in and outside the law. Hence, the same legal form can fortify objective spirit in its self-righteousness and liberate it to its absolute form. Affirmative action, for instance, can further empower agents of liberation who fight for a society in which they are no longer an other. Inversely, it can serve as a virtue-signaller for bourgeois institutions whose interest are diametrically opposed to the notion of radical change. If affirmative action elevates the elites among the disenfranchised demographics independent of their experience of or solidarity with the pain of negativity, it can

even perpetuate and solidify their otherness. When a black or female multi-millionaire CEO with a blue-collar mother can claim to be the voice of the disenfranchised, class, race and gender are no longer considered the pathologies of a self-contradictory society but natural features.⁹³⁴ Instead of overcoming otherness, these politics of recognition naturalise the difference. In contrast, eschatological politics struggle with the root causes perpetuating otherness. The aim is not the genuine representation of the plurality but the liberation of the totality.

Whether the legal form of recognition serves one end or the other depends on the agents who enact it. Taiwò's analysis of the elite capture of identity politics exemplifies this point. Prescribing a set of legal reforms would be misguided. As philosophers, we can only rationalise reforms enacted by agents of liberation retroactively, and as lawyers, we can strive to uphold them.

A similar argument can be made about the legal formalisations of reconciliation between former colonisers and the colonised. They, too, constitute intrinsically political acts that cannot be reified in the form of law. The law can express the triumph of the defeated or their magnanimous forgiveness, but a law proscribing either would be oxymoronic ('transitional justice' could never become a global legal prescription). Such a law would not overcome the struggle that arises out of different moral reference systems (by overcoming morality as such) but only express the struggle's provisional outcome in another ought-to-be. Only past acts of reconciliation that have later found expression in the law can be loci of absoluteness.

Extending these past acts into the future by turning them into legal-political formulae would cover up the contradictions that these formulas failed to address or produced themselves while falsely assimilating new contradictions with old ones. That is the fundamental predicament of contemporary Left-Hegelianism as voiced by the likes of Fukuyama and – if we follow Žižek's polemic cue – Habermas.⁹³⁵ They follow the Left-Hegelian intuition that, once the correct philosophical method permeates our institutional life, every contradiction can be resolved within the established frameworks of the politics of recognition (Fukuyama)⁹³⁶ or moral universalism (Habermas).⁹³⁷ Both insist that social conflicts whose resolution could be qualified

⁹³⁴ This is what Taiwò describes as the privilege of being in the rooms where 'listening to the most affected' rarely elevates the voice of those actually experiencing misery, Taiwò, *Elite Capture*, 70.

⁹³⁵ Žižek, 'Beyond a Neoconservative Communism'. However, I do not see why he implies that Habermas is the Left-Hegelian Fukuyamaist given that Fukuyama himself, notwithstanding his Nietzschean terminology, sticks essentially to a Left-Hegelian framework in which the slave-ideology of Christianity has finally given way to a this-worldly realisation of freedom and equality via the Kojévian politics of recognition.

⁹³⁶ Fukuyama, *The End of History and the Last Man*.

⁹³⁷ His eponymous essay in Habermas, *Die nachholende Revolution*, 201.

as a historical struggle transforming the very foundation of our society are a thing of the past. Hence, the end of history is reached and the revolutions that still occur are just catching up with this last stage of human development. Whether this deserves the predicate Hegelian or not,⁹³⁸ it shows how a Left-Hegelian eschatology reverts into the introspective politics of self-fulfilment. The idea's essence is already there, it just has to unfold. As this work attempted to demonstrate, Hegel was no alien to the discipline of spiritual self-indulgence. He tamed the only element that kept the dialectics of absolute spirit alive by declaring the pain of negativity a thing of the past. In contrast, a truly dialectical understanding of eschatology acknowledges utopia's (or the Kingdom of God's) ephemeral character. The re-emergence of the suffering other betrays absolute spirit either as having been a mere appearance (as it never really overcame its other) or as collapsing into an objective spirit excluding a new other. In this vision, history does not end but just gets momentarily suspended.

I suggest that we can locate one such suspension, an ephemeral end of history, in the moment that Hegel foreshadowed without being able to substantiate it empirically: the *state* as the formalisation of political self-determination. At some point in the mid-20th century, it looked like the state could indeed overcome its internal other, the working class and women, as well as its external other, the colonised. Whether the people of this period truly witnessed a suspension of history or just approached its event horizon may be deferred to more detailed analyses. Although we cannot, pace Habermas and Fukuyama, simply perfect this institutional vessel of absolute spirit to solve all future problems, its concrete historical form in this period included a number of emancipatory achievements worthy of protection and continuation.

At the same time, the continued existence of *causes* of historical struggle obviously does not imply the actual continuation of these struggles. History can also be suspended in a paralysing sense. Fukuyama and Habermas indeed captured a historical moment, namely the “renaturalization” of capitalism.⁹³⁹ When Chesterton situated himself and his contemporaries in the period of decadence of the great revolutionary period, he suggested that things went awry since an ephemeral historical summit was reached during the 18th and 19th-century revolutions. Similarly, I propose that while history got suspended in an eschatological sense in the 1950s to 70s, it proceeded to become paralysed in what we could call the decadence of the period of self-determination. Neither law nor philosophy can reignite the historical struggles necessary to overcome old and new otherness. As the attempt to capture the actualisation of reason within

⁹³⁸ Tunick correctly points to the fact that Fukuyama follows rather Kojève's peculiar recognition focussed Hegel interpretation than Hegel himself, Tunick, 'Hegel against Fukuyama's Hegel', 385.

⁹³⁹ Žižek, *In Defense of Lost Causes*, 405.

its time, a Hegelian philosophy can, however, help identify those elements lawyers should protect and engage with. That is why they can operate as republican rear-guard, as guardians of that notion of state expressive of the democratic ownership of society.

The ephemeral actualisation of the Hegelian state

The state is not a vessel of absolute spirit qua form. For most of its history, international law formalised an imperialist order in whose division of labour capitalist accumulation was the almost exclusive privilege of the Global North, whereas exploitation was more generously bestowed upon the Global South.⁹⁴⁰ The modern Western state, Hegel's vessel of salvation, turned out to be a means of disciplining the exploited at home and abroad and was very effective in protecting 'investment' interests. However, we would do a disservice to what I termed historical agents of liberation if we hypostatized this capitalist and imperialist reality of international law and made a transhistorical monolith out of the latter. International law is not a willing subject nor formed by a single one and is hence neither hostage to eternal 'complicity' to various forms of oppression nor a transhistorical language for making emancipatory claims. Rather, international law is an amalgam of rules that express the political will of those who made and transformed them. Given the contingency of the struggles from which these rules emerged, we can try to differentiate between them and hope that some have retained an emancipatory core.

Particularly the period around World War II opened a window of opportunity that agents of liberation artfully used. In many nations, the labour movement became a necessary and driving force of the political alliances that formed governments between the wars. The war economy entrenched Keynesianism so that, in many Western nations, a consciously demand-oriented fiscal policy transformed the state from a manager of the excesses of bourgeois society to its tentative transformer. At the same time, Empires came under pressure from liberation movements that would transform the map of the world. Achieving independence in the dozens between 1946 and 1980 and believing in the necessity of a robust notion of self-determination, former colonies pushed for a level of sovereign equality and economic independence unheard of since the dawn of imperialism. As Getachew has brilliantly demonstrated, they tried to remake the world order.⁹⁴¹ Simultaneously, the period leading up to the 70s saw a state model emerging that came closer than ever to fulfilling the Hegelian promise.

⁹⁴⁰ For the growing literature on international law and empire, cf. Pitts, *Boundaries of the International*; Koskenniemi, Rech, and Jimenéz Fonseca, *International Law and Empire Historical Explorations*. Exploitation remains, however, a marginal analytical category, Marks, 'Exploitation as an International Legal Concept'.

⁹⁴¹ Getachew, *Worldmaking after Empire, The Rise and Fall of Self-Determination*.

This high tide of self-determination found a counterpart in a ‘high tide of decolonial legalism’⁹⁴² in the 1960s and 70s. The standard of civilisation, which still played an important role in gaining membership in the League of Nations, especially for nations under the mandate system, was replaced by an invitation to all ‘peace-loving’ states to join.⁹⁴³ The former colonies’ struggle for liberation affected the UN’s understanding of statehood and the UN’s institutional structure.⁹⁴⁴ Until the mid-1960s, membership in the UN more than doubled, granting former colonies, for the first time, a majority within the international community. With this majority came the opportunity to shape international law, i.e. by putting self-determination and national sovereignty at the centre of the 1966 UN Human Rights Covenants, wielding them as shields against foreign interference and economic domination.⁹⁴⁵ The most cogent expression of this Hegelian moment was probably the *Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States* (A/RES/2625(XXV)) that formulated a robust conception of self-determination and sovereign equality.

The Soviet legal theorist G.I. Tunkin gave a cogent expression to this historical moment that mirrors my thesis’ understanding of international law as the produce of struggle and the manifestation of the will of historical agents. Rejecting a vulgar materialist mono-directional conceptualisation of the relationship between base and superstructure, Tunkin asserted that international law has transformed from a means of colonisation into a basis for decolonisation.⁹⁴⁶ The principles of sovereign equality and self-determination were not bourgeois principles but historically tied to this process of decolonisation.⁹⁴⁷ Parallely, two economic systems have emerged whose laws of societal development interacted with each other and gave birth to a legal structure that cannot be reduced to a tool of capitalism.⁹⁴⁸ Thus, Tunkin witnessed the emergence of a partially new class content of law since law expresses the will of the class that made it.⁹⁴⁹ Consequentially, Tunkin staunchly rejected the formerly (i.e. during the era of bourgeois revolutions) progressive natural law approach that obscured the historical

⁹⁴² Moyn ties this historical episode explicitly to Hegel’s promise of universality through statehood, Moyn, ‘The High Tide of Anticolonial Legalism’, 7. For an overview of these struggles for which the editors invoke Koselleck’s notion of *Sattelzeit*, von Bernstorff and Dann, *The Battle for International Law*.

⁹⁴³ A contrary point in case is certainly South-Africa’s prolonged trusteeship of ‘South-West Africa’, Tzouvala, *Capitalism As Civilisation*, chap. 4. Moreover, Tzouvala argues that civilization lives forth in the concept of development. While she has a point, we cannot deny that a lack of development does not keep you from voting in the General Assembly and actively shaping international law.

⁹⁴⁴ Sinclair, ‘A Battlefield Transformed: The United Nations and the Struggle over Postcolonial Statehood’.

⁹⁴⁵ Randall, ‘The History of the Covenants: Looking Back Half a Century and Beyond’, 10–11.

⁹⁴⁶ Tunkin, *Theory of International Law*, 234, 248.

⁹⁴⁷ Tunkin, 9, 11.

⁹⁴⁸ Tunkin, 235.

⁹⁴⁹ Tunkin, 249.

reality of progress that a positivist approach would unveil and reinforce.⁹⁵⁰ This rejection of vulgar materialism and the positivist appreciation of progressive elements of international law was later repeated by the contemporary Third World Marxist B.S. Chimni.⁹⁵¹

Both the struggle for liberation and the worldwide class struggle allowed a peek at what the Hegelian state could look like and seem to have been driven by forces that display key characteristics of what I called agents of liberation. You will be hard-pressed to find in the work of Fanon moral condemnations of those who were causing the trauma he had to deal with in his clinic. Nor does the class struggle misjudge the constraints under which capitalists work. Worker movements and decolonial liberation struggles advocated for their own interest out of the necessity of the pain of negativity and saw how the oppressors were caught within the same system as the oppressed (albeit somewhat more comfortably). If, at any point in modern history, a spirit has come close to overcoming morality and alienation, it was the spirit that animated the democratic states formed and consolidated in this period. Rather than elevating self-interest and the struggle for power to just another moral paradigm (as Ranke, Kaufmann, and Lasson did and many realists still do today), those agents of liberation saw in their struggle humanity at stake.

As Moyn's notion of high tide already implies, this moment of the Hegelian state has since receded.⁹⁵² Particularly in the wake of the Volker shock, the 'empire' stroke back. It faced significantly less opposition after the demise of the Sowjet Union that, notwithstanding its own imperialism, provided support, a powerful ideology and a bargaining chip for the decolonising states and proof of the possibility of overcoming capitalism to socialists worldwide. As Slobodian argued, the neoliberal project attempted to compensate for the collapse of formal empire by containing the threats that new nation states' robust understanding of Sovereignty posed to international trade and investment.⁹⁵³ Even though this Hegelian moment could not fulfil its promise, not all of its achievements have vanished into thin air. That is the progressive core a formalist interpretation of international law can still uphold.

⁹⁵⁰ Tunkin, 225–30.

⁹⁵¹ Chimni, *International Law and World Order*, 450–62, 517–21. However, Chimni discards Tunkin's work without any discussion as merely 'justifying Soviet foreign policy in the vocabulary of international law' that has no theoretical value and aspiration (as opposed to Pashukanis' theory), cf. Fn. 79 on p. 462. This is almost inexplicable given their substantial closeness and Tunkin's theoretical lucidity which his pro-USSR propaganda cannot obscure entirely.

⁹⁵² Moyn, 'The High Tide of Anticolonial Legalism', 25–26; Getachew, *Worldmaking after Empire, The Rise and Fall of Self-Determination*, 176–80. With reference to the American Imperialist counter project Cohen, 'Whose Sovereignty?'

⁹⁵³ Slobodian, *The Globalists - The End of Empire and the Birth of Neoliberalism*.

When we look at the interpretation and identification of particular norms, the difference that a Hegelianism preoccupied with such a conservatory task makes in conceptualising positivism seems unspectacular and predictable. I have already outlined most of the characteristics of such a positivism in the *Second Chapter*.⁹⁵⁴ Starting from a political understanding of self-determination, it would reaffirm state consent as the sole foundation of international law. It would emphasise the principle of non-intervention, territorial sovereignty, including over natural resources, and invite to reconceptualise the principle of *pacta sunt servanda* and the *acquis* of international law. Whether states that newly entered the international legal community can be assumed to have accepted all rules made before they participated in this community seems dubious in a Hegelian framework. Their recognition as states presupposes (life-and-death) struggles for recognition incompatible with the notion of submitting to the enemy's rule(s). Statehood is, for Hegel, too high an achievement to be sullied by such a lack of sovereignty. Nor could these new states, if they indeed assented to some of those rules, be held hostage to them forever. Hegel recognises that treaties should be observed⁹⁵⁵ but also notes that we should not confuse⁹⁵⁶ international law with private law. There is not only a lack of enforcement, but international legal agreements are based on agreements of particular wills of *particular persons*. Whereas the private person is recognised solely as an abstract person, the recognition of statehood implies that in this state, the people's particularity is sublated to the form of right.⁹⁵⁷ While we can abstractly recognise that other states have a similar process of sublation, only the state *knows what it truly is*, making its governance and consent a matter of its 'particular wisdom.'⁹⁵⁸ Hence, states cannot be obliged to act against their interest. They may deem it in their general interest to sometimes violate their immediate interest and hence submit to a general law of treaties, but they could never structurally undermine their legal position in a way that legalises the exploitation of their natural resources by foreign powers or submit their government to a regime of Western oversight.

Those insights are accessible to a 'standard' Hegelian interpretation of Hegel's practical philosophy. Indeed, Kaufmann's attempt to establish the *clausula rebus sic stantibus* as tacit precondition of any state consent, timidly taken up by the Vienna Convention on the Law of

⁹⁵⁴ Cf. *supra*, 83-86. Therefore, the following paragraph is a short repetition, or, more euphemistically put, a reminder of what I have already discussed in the interpretation of the *Philosophy of Right*. Going beyond a mere reproduction of Hegel would presuppose an in-detail analysis of the practices that the 20th-century agents of liberation have left us which the present epilogue cannot hope to achieve.

⁹⁵⁵ PR 333.

⁹⁵⁶ GW 26,2, 1039.

⁹⁵⁷ PR 336.

⁹⁵⁸ PR 337.

Treaties (Art. 62), can be read as an attempt to find a conceptual angle for such an interpretation.⁹⁵⁹ And so does his insistence that treaties depend on the interests on which they are based.⁹⁶⁰ Whether this primacy of national interests still holds or agents of liberation became dependent on a more substantial understanding of international law, only a detailed analysis of history could answer.

On a more fundamental level, political theology adds two eschatological aspects. Firstly, it rationalises the hope that what once was can become even fuller tomorrow because it has seen the absolute and deemed it feasible. Lastly, it adds the consciousness of grace from which the state can always fall if it starts othering the other and is not driven by agents of liberation anymore or reminds us of the necessity of making sure that it is.

The philosopher-lawyer

Political theology's principal practical apport for the international lawyer may consist in transforming her consciousness in the 'sanctuary apart' that is philosophy.⁹⁶¹ It is a sanctuary because it offers solace *only in the form of philosophy* to the philosophising lawyer, *not* because it intentionally seals itself from the world and political action. In other words, Hegel's sanctuary does not pretend to be an ideology nor a religion that could instil the masses with the certainty of truth necessary to move spirit forward. As such, the philosopher-lawyer knows her place and the limits of her hope. We cannot develop a *philosophy* capable of reversing the decline of the Hegelian state, tackling its root causes, and offering a more sustainable hope. All we can hope for is that new opportunities for absolute spirit's actualisation will arise from the remnants of this moment of self-determination. Since lawyers can seldomly claim to be agents of liberation themselves, they can but aspire to protect the remaining roses in the cross of the present.

My cursory historical narrative identified this rose in the self-determination that agents of liberation achieved in the middle of the 20th century. The vulnerable and ephemeral character that my interpretation of Hegel's political theology attributes to this actualisation of the absolute means that we must think of a state voluntarist positivism as a republican rear-guard action. Such an understanding does not only see the project of self-determination as being on the defence but is conscious of the necessity that this defence must protect the room for a future offensive. More than just in need of regaining lost ground, absolute spirit must constantly reinvent itself if it is not to fall from grace in the face of otherness. The towards the absolute

⁹⁵⁹ Kaufmann, *Das Wesen Des Völkerrechts Und Die Clausula Rebus Sic Stantibus*, 110.

⁹⁶⁰ Kaufmann, 58–63.

⁹⁶¹ LPR II 326/ III 131; GW 17, 300.

oriented consciousness is hence animated by a transformative hope that still allows it to hold her horses when it matters.

Hegel prefaces the consecration of the ‘sanctuary apart’ with a pessimistic outlook on a society in which the poor are left to their own devices,⁹⁶² and the actualisation of reason is only graspable to a few privileged philosophical minds. The sanctuary is hence nothing more than a minor consolation for the philosophers who are able to see the deep contradictions that bedevil their world and, above all, a reminder of the limits of their power:

How the actual present-day world is to find its way out of this state of disruption, and what form it is to take, are questions which must be left to itself to settle, and to deal with them is not the immediate practical business and concern of philosophy.⁹⁶³

True to the dictum Hegel expressed in the *Philosophy of Right*, philosophy cannot jump ahead of its time but only hope to apprehend it in thought, to show to what extent reason has actualised in it.⁹⁶⁴ This also implies an exposition of contemporary society's contradictions without pretending that we conjure up a philosophical recipe to solve them. Nevertheless, it would be equally irrational to lean back and patiently wait for something to happen on its own. The philosopher – who we all should be whether we are earn our daily bread with lawyering or not – lives on the truth. She cannot conceptualise what has not yet been reconciled and faces non-sublated contradictions as a barren soil she cannot feed on. The sanctuary apart is never truly isolated and will always be punctured by the pain of negativity a self-contradictory spirit inflicts on its members. At times, this pain may result in epiphanies, at others, it will remain unredeemed. The redemption of this pain becomes hence an inner necessity to the philosopher. Faced with contradictions, aware of the untruth of her Self, which is intrinsically bound to the objective spirit that brings forth those contradictions, she must embark on a frantic search for means of struggle that could sublimate these contradictions.

Going a step further than Hegel, my work endeavoured to identify political agents that can bring about the ephemeral utopia we long for. Their presence is historically contingent and will not always be discernible, nor will the political strategies one should adopt. However, if we can identify agents of liberation, this gives us a first practical hint concerning the causes philosophically worthy of support. Inversely, we can identify political actors who clearly do *not* qualify as agents of liberation either because they have not gone through the pain of negativity

⁹⁶² LPR II 342-43/ III 150; cf. GW 17, 298.

⁹⁶³ LPR II 343-44 /III 151; GW 17, 300.

⁹⁶⁴ PR p. XXI/ 21.

or because they are not carried by a universalist ethos that sees in their struggle the whole of humanity at stake.

Unless we hold the legal profession to be dominated by agents of liberation – which requires more phantasy than I can muster – this also means that we ought to search for the sublation of societal contradictions not only beyond philosophy but also beyond the law. Undoubtedly, this work remains attached to a Hegelian framework that separates philosophical reflection of past events from the realm of essentially experimental politics in which only time will tell if we bet on the right horses and race strategies. Nevertheless, the relationship between theory and (forward-looking) practice remains somewhat unarticulated. Here, we encounter the limitations of an immanent critique of Hegel. Hegel's admissions of the contradictory nature of society and the necessity of further developments are scattered and never brought into a cohesive philosophical unity with which an immanent critique could work. If we wish to flesh out this relationship, we would be well-advised to turn to those dialectical philosophers who faced the question of political practice head-on: Marx, Engels and their numerous comrades. Subjecting them to an immanent critique that pays attention to not falling back behind the Hegelian insights this work attempted to highlight seems the logical way forward. Until then, I must contend with calling the philosopher-lawyer, to be a Hegelian positivist in her professional life and to engage as a citizen in experimental politics in support of agents of liberation.

For the critical scholar, this historically contingent compartmentalisation of the legal and political persona under the umbrella of a holistic philosophy committed to universal liberation is of almost therapeutic value compared to a more classical legalism option. The latter, I argue, fails to square the circle between political commitment and disciplinary self-constraint.

At the core of every critical project lies the attempt to put things into a new perspective, unchaining them from mainstream ideology and analysing how they are connected to structures of domination. One could say that a dialectical intuition guides critical scholarship: to be free, we need to know our limits and go beyond them. This contextualising drive seems incompatible with classical legalism, which relies on artificial scientific compartmentalisation. Legal *science* must not be hermeneutical but committed to understanding law as part of a societal hole. Koskenniemi's call for a formalist legal culture⁹⁶⁵ avoids the schizophrenia that the adoption of Kelsian legalism would imply for lawyers critical of the scientific dogmas of positivism but comes at the price of paradox: He accurately describes what we need without attempting to

⁹⁶⁵ Koskenniemi, *The Gentle Civilizer of Nations*, 494–510.

convince us of the coherence of this consciousness. The practising lawyer needs to become what she, as a theorising lawyer, appreciatively observes but intellectually does not fully subscribe to. It was the great appeal of Marxism to present us with a scientifically founded political ideology, i.e. an ideology that was none, a self-sublated, liberated ideology. Hegel can offer us something similar regarding international legal positivism: a scientific integration of our practical and theoretical personae. As philosophical lawyers, we can attempt to grasp how law plays a decisive but limited part in our quest for freedom and knowledge. And precisely because we understand the place of law in the totalising whole of the human experience, we can advocate firmly for a formalist and positivist constraint in the legal practice. As lawyers, we cannot anticipate the universal knowledge and freedom that spirit politically still struggles for. As the future citizens of utopia, we must struggle to overcome the contradictions that bereave our society and the law it produces.

Abbreviations

For the sake of greater transparency and accessibility, references to Hegel's most cited works are bilingual. The first number refers to the German original (Meiner: page numbers on the inner margins) or edited version (Suhrkamp), and the second to the English translation. I adapted the translation whenever I deemed it necessary without necessarily highlighting the changes I made. Again, in the interest of accessibility, I also used the heavily edited Suhrkamp version and the corresponding free-access English translations. Wherever the passage seemed crucial to my argument, I added a cross-reference to the critical Meiner edition.

AA: Kant, '*Akademieausgabe*', Edition of the Royal Prussian Academy of Science, Volume number

GW: Hegel, *Gesammelte Werke*, Meiner edition, Volume number

EPS: Hegel, *Encyclopaedia of the philosophical science*, unless otherwise specified, the number refers to the paragraph, *R* to remarks and *A* to additions (Meiner/ CUP (Part 1 Science of Logic) OUP (Part 3 Philosophy of Mind))

LHP: Hegel, *Lectures on the history of philosophy* (Vorlesungen über die Geschichte der Philosophie), Volume number

LPH: Hegel, *Lectures on the philosophy of history* (Vorlesungen über die Philosophie der Geschichte)

LPR: Hegel, *Lectures on the philosophy of religion* (Vorlesungen über die Philosophie der Religion), Volume number (German I-II/ English I-III)

MEW: Marx and Engels, *Werke*, Dietz

PR: Hegel, *Elements of the philosophy of right*, unless otherwise specified, the number refers to the paragraph, *R* to remarks and *A* to additions

PS: Hegel, *Phenomenology of spirit*, (Die Phänomenologie des Geistes), the numbers of the German original refer to pages, the numbers of the English translation to the paragraphs the translator added

Contemporary reports: Nicolin (ed.), *Hegel in Berichten seiner Zeitgenossen*. The number refers to numeration of the reports.

Letters: Hegel (et. al.), *Briefe von und an Hegel* (4 Vol.) Roman numbers refers to the volume and arabic numbers to the numeration of the letters

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