

ETHICS AS ETHICAL REBELLION:
GOOD AS THE EXTERNALIZATION
OF PARTICULARITY IN HEGEL'S
ELEMENTS OF THE PHILOSOPHY OF RIGHT

Abstract: *Effectuation of Good in Hegel's Elements of the Philosophy of Right consists in neither happiness nor welfare but in deliberate and courageous externalization of particular will. Such notion of Good works directly contrary to the "good" as social peace where people are entertained by comfort and therefore maintained in the status of masses. Compensating the lack of one's freedom by comfort is rather a characteristic of the world of Abstract Right (which Morality is on the path of overcoming). Abstract Right is synonymous with the right of might because in it, righteousness is defined through contractual in(justice).*

Keywords: *joy, particularity, universality, conscience, evil, good.*

Argument Overview

The fundamental ethical ambitiousness of Hegel's *Elements of the Philosophy of Right* is too often overlooked and stifled by its interpreters. This quasi-disinterested, quasi-objective and pseudo-philosophical sloppiness has been made easy by Hegel himself. On the one hand, he admits the "right of heroes" to found states in the situations in which the civilized world comes to resemble the state of nature, to induce a rational principle into lawless, aimless, corrupt and indifferent reality by force if need be, and by *personal* force too (Hegel 1991: par. 93). Similarly, the advent of the world of ethicality (*Sittlichkeit*) is nothing short of a miracle – the miraculousness of which this article intends to prove. On the other hand, he says that within the ethical world, "heroes are no longer possible", that the desire to be something particular – which is Desire purely and

simply as passionate readers of psychoanalysis will rightly admit – typical of the stage of morality, cannot be satisfied within the ethical realm. To add more confusion to what here appears to be a contradiction, he values very highly the importance of *habit* – that is, the educational upbringing of citizens of a specific ethical realm into the customs, mores, and morals of the epoch and space that it occupies – while almost simultaneously saying that “Human beings even die as a result of habit...” (Hegel 1991: par. 151).

The confusion consists in the following: if the advent of ethicality is supposed to signify the intrusion of *spirituality* into a certain civilization, and if spirituality is the most fragile yet strongest guarantee of a certain civilization’s *civility*, and also the liveliest, the most vivid element of its public life, how can this harmonious realm of ethicality, founded upon the miracle of reconciliation between particularity and universality that happens in the moment of transition between Morality and Ethical Life and continues unto the absolute contingency of sovereign decision, become something so utterly *boring*, that its notion becomes the playfield for impotent academic exercise of positivistic argumentation?

The answer is clear: the reason why Hegel intended that all heroic and miraculous business ought to be performed *before* a certain ethical realm becomes daily reality, and the reason why he prescribed *boredom* as the effective way of *preserving* a certain ethical reality is because Hegel *never intended* for any State, any spatially-historical ethical realm, to live on indefinitely. Yes, he intended that all civilizations should have the possibility of dying, of disappearing, of being conquered by an exterior enemy and thus, in a way, be *punished* for the limitations of their internal definitions of justice, for their internal injustice, so to speak, from the outside. In this way, no civilization is meant to promote its internal ethical limitations, its mores and habits, its *Sitten*, which, after centuries of being left unquestioned must incur the stale stench of *boredom* and injustice, outside the borders of its own spatially-historical finitude. In other words, Hegel intended for a higher justice of inscrutable historical Reason to be the divine regulator of all deficiencies, injustices and irrationalities of the internal organization of (in)justice within a certain State.

What Hegel couldn’t have foreseen is the invention of atomic weapons and rainwashing of not only particular peoples, but of

all *humanity* through the mass-media and popular culture. In other words, he couldn't have imagined that a certain cultural model, which is justly called anti-culture and anti-spirituality, namely the falsity of "economic necessity" of capitalism as Badiou calls it,¹ coupled with the repressive necessity of consumerism which wipes out all spirituality by turning life into a surreally inane exercise of gorging and purging, would become a cultural model so dominant that it never meets its Otherness, never meets the point of its doom. At the point where a certain cultural model becomes invincible, not because it displays such divine ethical perfection that it is able to sustain itself through the process of vicious, uncompromising and relentless *questioning* from the inside, but because no questioning, no spiritual and thoughtful argumentation, coming from either inside or outside is able to severely *put it in question*, because the argument of *force* (intellectual or physical, military) has in fact become the strongest – at this point we are witnessing the *death* of Historical Reason. Because Historical Reason, just as the necessity of sovereign decision, as well as ethical existence in Hegel's *Philosophy of Right*, is a dialectical unity of two opposites – of naturalness and spirituality. Only in this fragile balance between naturalness and spirituality is spirit what it is, which presupposes that *spiritual death* (i.e. the death of spiritual remaking, re-invention of the world) signifies bodily demise, i.e. that conceptless, untrue existence entails natural decay:

Truth in philosophy means that the concept corresponds to reality. A body, for example, is reality, and the soul is the concept. But soul and body ought to match one another; a dead body therefore still has an existence [*Existenz*], but no longer a true one, for it is a conceptless existence [*Dasein*]; that is why the dead body decomposes. (Hegel 1991: par. 21)

For Hegel, death itself is *not* a merely natural, biological phenomenon; it is called upon the body as the result of the death of the concept, death of the truth which keeps the body's spiritual

¹ Compare to this remark from Badiou's *Ethics*: "The modern name for necessity is, as everyone knows, 'economics'. Economic objectivity, which should be called by its name: the logic of Capital – is the basis from which our parliamentary regimes organize a subjectivity and a public opinion condemned in advance to ratify what seems necessary" (Badiou 2001:30).

and natural unity alive and vivid. Consequently, peoples, nations and cultures die out as a result of being too entrenched in the habit. Capitalist culture, having sunk in the habit of consumerism and incessant invention of insipid novelty, has expelled *finitude* from its existence, i.e. the deep lawfulness according to which spiritless, conceptless and untrue existence calls physical annihilation upon itself. By embracing *death* of spirituality as the mode of physical survival, capitalism has banished *death* as a spiritual phenomenon from itself. This is precisely what makes it so invulnerable: the ability to persuade people that spirituality is a most unnecessary burden and that they would be far better off if they turned themselves into cockroaches.

That is why Žižek is wrong when he proposes that the true Otherness to capitalism is a revolutionary subjectivity that is “un-dead”, a “monster”, a “Terminator”, “the abyss of self-relating negativity that forms the core of transcendental subjectivity, the acephalous subject of the death drive. ... the properly in-human subject” (Žižek 2008: 452). His “revolutionary” subjectivity breathes strictly hypothetical, imaginatively sterile *inanity*, and naturally cannot persuade anyone – and especially those that would have to become revolutionaries – of the necessity of there being something like a revolutionary subjectivity. Žižek’s mistake, as that of many other readers of Hegel, consists in assuming that the framework of habits, lifestyles and consumerist practices of capitalism *is* ethical life in Hegel’s sense of the term, insofar as they both aim at preserving the *status quo* in society, by simply sanctioning the already established social practices. Yes, both capitalism and Hegel’s ethical realm are aimed at preventing the strong, anonymous, subjectivity, subjectivity originating in the people, in the “downtrodden”, the “part of no-part” from assuming a significant, seriously *lawgiving* role in society. But because in Hegel social practices of the ethical realm are *spiritual* insofar as they are indissolubly tied to the irrationality of the unfounded, arbitrary necessity of the *sovereign’s decision*, to the contingent necessity of his *natural* existence and hereditary entitlement to reign, they are the representation of Idea that the rationality inscribed in the contingency and arbitrariness of a *personal* decision is something worth dying for. There is no such fidelity to the concept of the freedom of will, of will’s autonomy in capitalism. Capitalist

subjectivity (and this qualification could be an oxymoron, because capitalism is the erasure of subjectivity) worships its customs and practices on a purely gratifying, hedonistic level so much that it wages war not in order to impose a *culture of its own* upon the supposedly less developed peoples, but because it is utterly empty of any authentic *propriety*, it goes into war in order to prevent its own citizens from awakening from the anti-spiritual slumber, to maintain them in the status of impotent consumers. Capitalism expunges all pride, omnipotence and misery of tragic *finitude* inscribed in the absolute freedom of will of Hegel's Historical Reason, and spreads banal infinity, the preeminence of sheer biological life instead.

Consequently, the subjectivity that is properly challenging to capitalism cannot be the "undead monster", the "Terminator", the "inhuman subject", because such subject capitalism already is itself. The properly revolutionary subjectivity is *ethical* subjectivity, and exactly the kind whose description builds up in the whole first half of Hegel's *Philosophy of Right*, and culminates in paragraphs 139–141, namely in transition from Morality to Ethical Life. This subjectivity is that of a *personal* decision whose apparent contingency is redeemed from arbitrariness by the process of deep questioning on the part of moral consciousness, of both itself and the external world. But the questioning is deep enough only if it reaches not only the understanding of the external world's lawlessness, inertia and futility, but also the point of tragic desperation over its own (consciousness's) impotence in the face of the task it ought to perform. At this moment, the will performs what could be called the movement of "infinite resignation" (Kierkegaard, internet) in Kierkegaard's terms; it stifles the acuteness, the piercing pain of the lawgiving Desire, the desire to *be* the particular person that it is in a significant, public, historical, *lawgiving* way, by shrouding the dread of lawgiving responsibility in the cloak of irresponsible perversity of private enjoyment. This is the stage of *evil*.

But evil, as intense presence of moral will within itself, is truly evil only when its sincere and shattering pleasure loving becomes satiated with the trite private perversion and thus comes to understand the world's fundamental *hostility* to the possibility of earth-shaking pleasure. The person of true evil is the one of high sensitivity, both bodily and artistic, as the infinite *refinement* of

evil's self-indulgence can prove. But precisely because of this high sensitivity, s/he will not be able to make do with the vacuity of masturbatory pleasure on the inside, and utter emptiness on the outside. In a moment of repeated self-affirmation, evil consciousness decidedly *abides* by its inalienable particularity, its pure self, but now in a *public*, socially significant manner. Because, as this essay will show, the transition from evil to good is nothing but a tautological re-affirmation of utter moral particularity already present in evil, in such a way that this will is no longer confined to the safety of private unimportance, but *exteriorizes* the utter *nullity* of its morally autonomous, lawgiving particularity. This nullity is none other but the *universality* of the notion of Good (*Gute*) as the freedom of will that moral consciousness is searching for. In this way, the universal and particular achieve complete identity. The proper meaning of Good (*Gute*) as Idea in Hegel, is neither welfare (*Wohl*) nor happiness, nor any specific *content* of good that is considered valid in a certain ethical realm. It is the *exteriorization* of inalienable freedom of a particular will's autonomy in such a way that this becomes a *lawgiving* act, the act whose transgression is not merely rebellious, but properly *foundational*.

The argument is partitioned in four sections: I: Earth-Shaking Enthusiasm as the Founding Element of Will's Freedom; II: Abstract Right as Contractual (In)justice and the Compulsion of Crime; III: Morality's Trials and Tribulations; finally, IV: Beautiful and Terrifying Possibilities of the Good.

I: Earth-Shaking Enthusiasm as the Founding Element of Will's Freedom

Indeed, the moments of miraculous tautological transition, where the will overcomes the situations of utter impasse, of excruciating absurdity precisely by *abiding* by itself are the most enigmatic in Hegel's *Philosophy of Right*. The first such moment appears in paragraphs 6–7 of the Introduction. The will, starting out from pure self-reference and freedom from all desires, utterly disconnected from the external world, comes into a necessary relationship with the external world, precisely by stubbornly sticking to its desire for absolute freedom from all desires. Because the will's refusal

of self-determination makes it opposed to the world, and thereby determined. What follows is the will's *affirmative* approach to the necessity of self-determination, what it previously suffered as an externally imposed incident. The will now forms its relationship to the world in the shape of drives, desires and inclinations (Hegel 1991: par. 11). However, neither of these drives, nor any of their objects are able to suffice to the will's primary desire, desire for infinity. The will hovers above all these disinterestedly and sporadically commits itself to one or another. This random espousal of one drive and then another is called *arbitrariness* (*Willkür*, Hegel 1991: par. 15-16) and cannot be the expression of the freedom of will because the choice of each drive is as accidental as that of another, and here, the will's exteriorization is nothing but the expression of the will being ruled by the drive.

Yet there is a single drive which seems more necessary than others and this is the drive for *happiness* (Hegel 1991: par. 19—20). But insofar as happiness is at bottom still pleasure, even if this is universal pleasure, the will is still the servant to the drive. It seems that drive cannot be avoided, just as we could not escape the absolute, self-referential subjectivity earlier but had to affirm it in order to overcome it. Judging and comparing drives in order to assess them according to the sum total of happiness they provide looks like a ridiculously meticulous, comically calculative shrewdness that is totally misplaced, because everyone knows that the secret ingredient of happiness can never be pinpointed, let alone measured. This nerdy foresight and the comic absurdity that it creates show how things truly stand between will and happiness: the latter is the elusive young maiden that eternally escapes the hands of the former.

Yet what kind of happiness is it if it is alien to the will's unquenchable thirst to give itself existence as *freedom*? The will now understands that *whatever* it chooses to stand as the representative of its infinite greed for autonomous existence – provided that it was preceded by the moment of nerdy desperation – it will be necessary, and the expression of its freedom:

The truth, however, of this formal universality, which is indeterminate for itself and encounters its determinacy in the material already mentioned, is *self-determining universality, the will, or freedom*. When the will has universality, or itself as infinite form, as

its content, object [*Gegenstand*], and end, it is free not only *in itself* but also *for itself* – it is the Idea in its truth. (Hegel 1991: par. 21)

The will here breathes a deep sigh of relief and enjoyment for it is now externally affirmed in its omnipotence in comparison to which the remote and elusive happiness of the calculative phase appears as something utterly cheap. The discarded happiness returns to it, but now as much more substantial, much more abundant, precisely in the sense in which the lover, in Kierkegaard's *Repetition* regains his beloved by renouncing her, just as Abraham, in *Fear and Trembling* preserves Isaac by decidedly willing to sacrifice him, by wielding the knife at his throat.

In a sense, *nothing happens* between paragraphs 20 and 21 other than the will's realizing that it is in the right, whatever it chooses. From the calculative assessment of drives, to the will's complete confidence in its own deliberate decision making, all that changes is the center of gravity. Formerly, the hope for meaningfulness of the will's activity was invested in the external content; now, the will understands the uselessness of this attempt and likewise acknowledges its own incompetence in the matter. The two vacuous entities, the irrationality of external nature, on the one hand, and the will's abstractness, infinite internal possibility and utter emptiness, on the other, form a double negation, a pair of non-entities, whose unity can only be a laughable absurdity. *Yet this very absurdity, God's silent pose, human ineptness and desperation issuing from there, entitle the will to actively and forcefully grasp its content.* The pair of non-entities is turned into a *being* of the truest possible kind.

There is no path for subjectivity other than exploring the extremes of its intention. What Hegel calls *infinite greed of subjectivity* (Hegel 1991: par. 26), is its insatiable urge towards liberation. Because the most secret urge of subjectivity, its *infinite greed*, has now gotten its complete justification. In this process the will realizes that its real incapacity is the greatest spur to its resuscitation. The crippled and ungodly will is all that we have; yet starting from this inherent position of inferiority, *we have to build our rational world as we only can: by realizing that an act of decision must be made, even though the particular content of decision can never be completely founded or justified.*

II: Abstract Right as Contractual (In)justice and the Compulsion of Crime

This ground of necessity constitutes the nucleus of rational constitution of the world, inscribed in the notion of *personality*. In the sphere of abstract right, personality is defined as inviolability of one's *propriety* as a person, subsumed in the formula: “[B]e a person and respect others as persons” (Hegel 1991: par. 36). This taboo of untouchability is taken over by two different interpretations. On the one hand, each person ought to possess property (Hegel 1991: par. 41); on the other, there are certain uncontested rights of personality that are inalienable, that cannot be treated in a manner of an external thing, such as “my personality in general, my universal freedom of will, ethical life, and religion” (Hegel 1991: par. 66). We may argue that the latter rights do no more than underscore the fact that any existence of right and slavery are mutually exclusive (Hegel 1991: par. 56). *However*, in one of the most enigmatic sighs in this section, Hegel gives us an almost liminal hint that *slavery still may happen in the sphere of abstract right*:

But that the objective spirit, the content of right, should no longer be apprehended merely in its subjective concept, and consequently that the ineligibility of the human being in and for himself for slavery should no longer be apprehended merely as something which *ought* to be [*als ein bloßes Sollen*], is an insight which comes only when we recognize that the Idea of freedom is truly present only as *the state*. (Hegel 1991: par. 56).

Could it be that *property*, as the most primitive appearance of right in the external world, is *a priori* insufficient to account for inviolability of personality, the very idea that it stands for?

The problem must lie in the fact that the protection of one's own and taboo on usage and appropriation of what belongs to someone else is not able to articulate the rights of *particularity*: “The *particularity* of the will, is indeed a moment within the entire consciousness of the will, but it is not yet contained in the abstract personality as such. Thus, although it is present – as desire, need, drives, contingent preference etc. – it is still different from personality, from the determination of freedom” (Hegel 1991: par. 37). Therefore, bare peremptoriness of property, mute and imperious interdiction on

questioning the righteousness of the given distribution of property has thereby entitled the *stronger* and better positioned party in an exchange with the discretionary right of decision in which direction this commerce will go.

Even though muted, as Hegel suggests, particularity is not absent from the sphere of abstract right. But precisely because it is not articulated in universal terms, abstract right gives free rein to private – and therefore non-universal – development of particularity. This can be clearly read in the sections “Contract” and “Wrong”. Contract is a community of wills where each steps forth as a bearer of universal will which is at the same time compounded with his/her private interests and wants. This crude identity between particularity and universality means that the responsibility of establishing and maintaining existence of universal justice is conferred upon the singularity of the party involved in the contract, and yet, the sole principle by which s/he must abide is the fulfillment of this contract, whose terms are, again, set up by him/herself. Thus, we may say that the very appearance of contract is a travesty of universal justice, where what is right is established by an arbitrary decision of the one whose concern can only be the better deal in the exchange of property, and whose freedom of deciding is determined by his/her relative positioning vis-à-vis the other party in contract: whether s/he is richer or poorer, better or worse ranked in society etc. In contractual context, right is the right of might and justice is a matter of bargain.

For this reason, contract is the consent of unequals to take this inequality as the basis of relationship of one will to another. From here, it is perfectly possible that the less privileged party may be blinded by the imperative of property, which in abstract right is the only valid form of appearance of will, goes on to willingly subdue him/herself to someone of power, by trading off some of his/her inalienable rights (for example, freedom as sexual freedom) for the purpose of advancement in career or simple survival.

Wrong is the quintessential articulation of the nature of contractual situation. In the latter, what is right in itself is posited as “a common factor in the arbitrariness and particular wills of those concerned” while it in fact appears in immediate identity with the particular wills of each (Hegel 1991: par. 82). In other words, contract contains an implicit requirement that particular wills be in ac-

cordance with the universal right, but since each takes his/her will to actually *be* the embodiment of the universal right, and the universal to mean the fulfillment of his/her private interests, we in fact have two merely particular wills vying over some external thing. For Hegel, crime is the stubbornness of will which is “caught up in [external thing]” (Hegel 1991: par. par. 90). In order to become free it should “withdraw itself from the external dimension in which it is caught up, or from its idea [*Vorstellung*] of the latter” (Hegel 1991: par. 91). The paragraph from which the latter quotation is taken contains reference to paragraph 7, where the individual will for the first time becomes universal and concrete, i.e. attains to the status of a concept by externalizing itself in an object other than itself, while at the same time remaining self-referential and self-identical. This means that the will is neither self-sufficient nor slavishly dedicated to worshipping *this* particular thinghood, but that it has achieved the kind of detachment and flexibility where it is the act of externalization that must be cherished, and in that respect *only* does this particular thing become necessary, and not vice versa, that the thing be the master and sole incentive of the action.

The disposition in which one is sensuously determined, i.e. induced to act solely because one thinks that this particular content of action is righteous in a manner of lifeless eternity, prior to the implication of will’s autonomy, where one is practically *seduced*, is in Hegel called stubbornness: “The will which limits itself exclusively to a *this* is the will of the stubborn person who considers himself unfree unless he has *this* will” (Hegel 1991: par. 7). I call it *heteronomy*, according to that phenomenon in Kant’s theory in which the will doesn’t act according to practical necessity, i.e. in order to assert its existence of will as freedom, to be what it is, but with some pragmatic goal in mind, such as pleasure or happiness. By comparing paragraphs 91 and 7 in *Philosophy of Right*, we can also conclude that both heteronomy and pragmatism of will are products of *compulsion* born out of incapacity to let go of a desperate attachment to a single content.

Crime is the treatment of essential reality (right and justice in themselves) as nullity on the part of an intransigent will, locked in its bare particularity i.e. divorced from its essence and thus also null. Only because crime is this nullity through and through – an

infinitely negative judgment that denies both the idea of right and the fact of injury – is it immediately and unquestionably subject to cancellation, in the form of *coercion* performed against the criminal. The rightful coercion is the expression of idea that “...coercion destroys itself in its concept” (Hegel 1991: par. 93) and that “Only he who wills to be *coerced* can be coerced into anything” (Hegel 1991: par. 94). *Crime is already a coercion committed by a will that is irretrievably and pathologically caught up in the most primitive external appearance of will, i.e. property.* Only inner pathological compulsion can *force* someone into committing a *non-deed*. Since crime, as complete and utter *nullity*, is a *non-deed*, it cannot be a product of a deliberate and informed decision-making, but only of *compulsion* by forces extraneous to (the idea of) will, under whose pressure its freedom has crumbled.

Nullity of crime consists in the opinion of the criminal that his/her will has the option to exist as unfreedom, to make appearance as coercion stemming from obsessive pathology. Punishment of crime is neither a deterring nor a preventive action. In fact, browbeating and intimidating has quite the opposite effect, that of a “... threat, which may ultimately provoke someone into demonstrating his freedom in defiance of it.” (Hegel 1991: par. 99). The only purpose of punishment is honoring the criminal with a public and unambiguous confirmation of autonomy and universality of his/her will, i.e. his/her freedom, even or purposefully despite the criminal’s most immediate *wish*:

The injury [*Verletzung*] which is inflicted on the criminal is not only just *in itself* ...it is also a *right for the criminal himself*, that is, a right *posited* in his *existent* will, in his action. For it is implicit in his action, as that of a *rational* being, that it is universal in character, and that, by performing it, he has set up a law which he has recognized for himself in his action, and under which he may therefore be subsumed as under *his* right. (Hegel 1991: par. 100, my underlining)

Hence, the purpose of punishment is to destroy all hesitation and second-guessing as regards the essential aim of will’s existence, by proving that the latter cannot exist other than as *freedom*. This freedom is *autonomy* in the sense of enfranchisement of the will from anything that keeps it in thrall, from any external enslavement

that may yet appear in the grey zones of unregulated subjectivity of abstract right, and also from internal *coercion* of fetishistic love for possessions.

III. Morality's Trials and Tribulations

This insight marks the transition from Abstract Right to Morality. The will, having experienced the extreme of its contingency and particularity, in crime, and having been treated as a will who actually *had willed* this infinite self-reflection and self-reliance, through punishment, now definitively understands that the purpose of its existence is none other but *universality*. It becomes *subjectivity*, i.e. “the Idea’s aspect of *existence* [Existenz], its real moment” (Hegel 1991: par. 106) as that through which the universal gains body. But even though the universal is understood to be the subjectivity’s essential aim, their relationship is not yet that of identity (which will be accomplished only in the ethical realm), but that of obligation, of an “ought” by which subjectivity is *required* to be in accordance with the universal (Hegel 1991: par. 111).

This relationship of obligation is filled with tensions. On the one hand, the peremptory character of the universal is internalized by subjectivity, and taken to be the convergence of all its fundamental goals. That is why in the sphere of morality, subjectivity no longer appears as a merely singular and immediate subjectivity, but externalized in a manner that it is identical with other subjectivities (Hegel 1991: par. 112). As a consequence of this broader embodiment of subjectivity, an individual *action* with wholly universal significance becomes possible: “The relationship of my will to that of others implies production or alteration of something existent” (Hegel 1991: par. 113). *In other words, the relationship of a will to will in the sphere of morality is no longer merely prohibitive, merely protective of a certain property* (Hegel 1991: par. 113), in which context the subjectivity of another can only be a nuisance. On the contrary, the advent of morality implies that my subjectivity and that of others fundamentally coincide, even though the exact nature of this coincidence is mysterious and unclear at the beginning.

On the other hand, and this is the other end of the tension, morality implies that subjectivity is a particularity that must feel

itself recognized in the universal, must feel it as its own: “The moral point of view therefore takes the shape of the *right of the subjective will*. In accordance with this right, the will can recognize something or be something only insofar as that thing is its own” (Hegel 1991: par. 108). Indeed, it seems that the necessary commerce between the universal and the particular in the sphere of morality creates the necessity – and a possibility – for there being a completely new kind of *particularity* that the will must adopt, particularity that carries a wholly new significance of *gratification* with it:

But the subject, as reflected into itself and hence as a *particular* entity in relation to the particularity of the objective realm, has its own particular content in its end, and this is the soul and determinant of the action. The fact that this moment of the *particularity* is contained and implemented in the action constitutes *subjective freedom*, in its more concrete determination, i.e. the *right of the subject* to find *satisfaction* in the action. (Hegel 1991: par. 121)

It seems that togetherness of the universal and the particular in morality, brought on by the harshness of punishment, does not create a timid or apprehensive consciousness at all. Moral subjectivity is aware of being the substance of all universal happening, and this awareness, far from being constrictive, gives it confidence much more powerful than the compulsive cupidity of abstract right could ever have dreamt of. Reconciliation to the universal by no means implies giving up one’s particularity, whose mysterious depth is yet to be discovered, free from all selfishness, on the one hand, and all prudery on the other. Duty is not to be fulfilled with repugnance, as Hegel stresses (Hegel 1991: par. 124). For, if we are to have an ethical transformation of reality, the realm where individual, in his/her singularity, breathes and resonates with rich and varied meanings of communal life, the living entity that is to bring this about, namely *restlessness of morality* (Hegel 1991: par. 108), must not be repressed, regardless of how disordered and frightening it may appear.

The will’s restless self-seeking ought not to be vanquished, but as a sheer negative, met with affirmation and thus raised on a higher level. This insight had already been contained in transition from abstract right to morality, and Hegel articulates in the following manner:

...in wrong, the will of the sphere of right in its abstract being-in-itself or immediacy is posited as *contingency* by the individual

will, which is itself *contingent*. In the moral point of view, it [the abstract being in itself of the will of the sphere of right] is overcome in a way that this very contingency, reflected *into itself* and *identical with itself*, becomes the infinite and inwardly present contingency of will, i.e. its *subjectivity*. (Hegel 1991: par. 104)

Repressing and disempowering contingency may create a semblance of an ordered and untroubled society. But for that very reason, this hideous legal construction must cement itself in the worst possible kind of contingency: that of natural differences in beauty, health, wealth, talent for acquisition, cunning and flattery, all those passive discrepancies among people nurtured by vanity, for which the proper *distinctness* of personality is altogether unnecessary.

On the other hand, breaking contingency down by allowing it to take charge of its own burning temperament, filling it with the dread of responsibility and burden of self-reliance that the terror of punishment so cleverly extracts from the irresponsible contingency of crime, creates *subjectivity* as infinitely self-reflected *contingency*, particularity which must externalize itself in an act, in a universal act. Abstract right, as Hegel implicitly stresses, is not able to engender action. The reason for this must be that its population consists of the blindly winning, smirking heads of the well-positioned, and the strapped-down, inhibited weaklings that dare not touch the sanctity of property and other crippling delimitations between “mine” and “yours”.

The stage of morality carries with it the assignment of discovering how “subjective satisfaction of the individual him/herself ...[can be] found in the implementation of ends *which are valid in and for themselves*” (Hegel 1991: par. 124). But exactly what *kind* of subjective satisfaction is implied, what sort of fulfillment of desire and gratification of passion (Hegel 1991: par. 121) are these, if they are utterly free from any kind of private self-interest? The task is still fresh with incomplete articulation.

On the one hand, the understanding of “subjective satisfaction” is still at its rather immediate phase, where it is taken to be the satisfaction of “*natural subjective existence* [Dasein] – its needs, inclinations, passions, opinions, fancies” in other words “*welfare or happiness*” (Hegel 1991: par. 123). On the other, the only universal that these are able to aim for is general satisfaction of natural partic-

ularity, welfare of the greatest number of people, which is *not* identical with the universal in and for itself, the universal of freedom:

This universal moment ... includes *the welfare of others* – or in its complete, but wholly empty determination, the welfare of *all*. ... But since the *universal which has being in and for itself*, as distinct from such particular [kinds of] content, has not so far been determined beyond the stage of *right* these ends of particularity, different as they are from the universal, may be in conformity with it – but alternatively, they may not. (Hegel 1991: par. 125)

This means that the particularity of the stage of morality has a much larger sway, a much more generous ambition than the universal as it is defined by abstract right – the only one available at the moment – is able to handle. Because a mere prohibition *against* touching another's personality hasn't got breath – and breadth – enough to articulate the need to be responsible *for* the happiness of a great many others. However, neither a mere wishful thinking safeguarded by million excuses, nor a true zeal whose heart is eaten out with despair, will accomplish this. The reason is simply that the goal of *welfare and happiness* is in the end, always contingent, and of the bad sort of contingency: the one dependent on God, Nature and Luck. By worshipping such deities, this contingency creates a dangerous illusion that by fulfilling the ever-reasonable goal of happiness, even if it's happiness of the masses, one is doing something essential.

The term “masses” used here is quite indicative of the dichotomy between what morality wishes to accomplish and what the term “happiness” can provide for this goal. Morality is a stage which goes back and forth, which “cannot arrive at something *that is*” (Hegel 1991: par. 108). It struggles to engender the ethical substance. But it is not yet able to do this because at the moment, it puts a sign of equation between happiness in its most ordinary meaning of calm and lack of disturbance, and the universal, an equation which is false, as we have seen above. This type of happiness is typical rather of the world of abstract right where *comfort and possessions* are the primary concern. Human beings as masses still crave the kind of satisfaction which is typical of abstract right, that of private indulgence, contingency fallen from heaven, which is in discordance with the basic premise of freedom as a “self-creating process” (Hegel 1991: par. 123). But this by no means implies that masses are

lazy and that they should be taught, by a brave and providing hand of a capitalist, to “work harder”. Hard work, in the sense of a timely appointed drudgery, is never in itself enough to teach one freedom, as much as a horse that tugs a plow will never pause and ask himself why he is being treated like a horse in the first place. Simply, the unique and unrepeatable particularity in each and every one of us has to be extracted from the darkness where it dwells as soon as any number of human beings is called “masses”.

But what exactly is particularity of universal action? It can be no other but *naked particularity* – *particularity which has positively broken out of assimilation in any group, party, marriage or partnership*, all those associations who cherish calm and security so much that they forbid thought. Morality as self-reflected subjectivity *sets up the priority of thought* over pursuing any *interests* of a certain group. Especially if those are interests of one’s family, tribe and religious group, since they are infamously inclined to form themselves into a cell cut off from the universal, and provide for the private benefit of a measly kind – possessions and safety of callousness, indifference towards the lives and freedom of the rest of the world. This means that ethical particularity – and moral attitude is on the way of becoming such – is equally free from compulsive worry over private benefit and hedonism, the most common type of individuality offered today. The latter is no more than yet another form of *affiliation*, because it forms a pact with loneliness of pleasure and pain where each dutifully observes the custom of non-disturbance, of spiritless cohabitation with another. Only particularity of an infinite and uncompromising *thought* is able to engender action of such universal purport, which will eliminate cowardice and slavery from one’s heart, *thoughtlessness* proper from which no soul is spared to begin with.

The indissoluble tie between *thought* and *action* is accentuated early on in *Philosophy of Right*:

The theoretical is essentially contained within the practical; the idea [*Vorstellung*] that the two are separate must be rejected, for one cannot have a will without intelligence. On the contrary, the will contains the theoretical within itself. The will determines itself, and this determination is primarily of an inward nature, for what I will I represent to myself as my object [*Gegenstand*]. It is equally

impossible to adopt a theoretical attitude or to think without a will, for in thinking we are necessarily active. The content of what is thought certainly takes on the form of being; but this being is something mediated, something posited by our activity. *These distinct attitudes are therefore inseparable: they are one and the same thing, and both moments can be found in every activity, of thinking and willing alike. ... spirit is initially intelligence and the determinations through which it proceeds in its development, from feeling to representational thinking [Vorstellen] to thought, are the way by which it produces itself as will* (Hegel 1991: par. 4, my emphasis)

While representational thinking may get away with imagining, criticizing, contrasting sans engagement, with recreational rumination of futile assumptions, *thought proper* doesn't exist until inwardness is exteriorized, and particularity becomes concrete and universal. The chief reason why action first becomes possible in morality is because there subjectivity – as contingency reflected into itself and identical with itself – for the first time has itself as its own object, which means that it cannot unburden itself from the task of deciding on the matters of universal subjectivity by disowning its potential in some external, alien thinghood. This process, whereby the will loses its fetishistic grip upon the false firmness of thinghood, realizes its sham existence, its passing nature, is the one where the will gives itself over to true contingency of the external world: its own subjectivity in the shape of *another*.

But this other is the same contingency, the same kind of insecurity that rules my inwardness. The world has become dangerously depopulated, because together with plain thinghood which has now lost its value entirely, all specific beliefs and norms have disappeared, too. But this *other* is the eye of publicity which will ultimately be the spur of my ethical concretization.

IV. Beautiful and Terrifying Possibilities of the Good

To be sure, *good (Gute)* is the ultimate norm, in its universality and essentiality *distinct* from any specific norms of a certain epoch, by which I am to be guided. But despite the fact that the irreplaceable vehicle of good is *particular will*, its content *cannot* be that of *welfare*:

The good is the *Idea*, as the unity of the *concept* of the will and the particular will. ... Within this idea, welfare has no validity for itself as the existence of the individual and particular will, but only as universal welfare and essentially as *universal in itself*, i.e., in accordance with freedom; welfare is not good without right...

(Hegel 1991: par. 129)

Thus, since the good must necessarily be actualized through the particular will, and since it is at the same time the latter's substance, it has an absolute right as distinct from the abstract right of property and the particular ends of welfare.

In so far as either of the latter moments is distinguished from the good, it has validity only in so far as it is in conformity with the good and subordinate to it.

(Hegel 1991: par. 130, my emphasis)

We would make a mistake to overhear what is truly controversial, unordinary and revolutionary about this quote. Neither welfare (*Wohl*) nor property ought to have precedence over the *good* (*Gute*) which is the realization of freedom through particular will. The *good* that Hegel is talking about is *the concrete universality of particular freedom of subjectivity*. With morality, as the direct consequence of crime and punishment, this freedom has already stepped into the sphere of inner contingency, reflection into oneself, the infinity of self-questioning and deliberating on the content of the universal. *Good* implies finalizing this process of thought by producing the universal in and out of the very particularity which constitutes morality.

It is certainly very dangerous to confide hopes for the effectuation of true justice, justice both universal and particular, in this singularity. But the fact that those in whom this trust is confided are for the most part unworthy of it doesn't mean that the task may be forsaken in all innocence. Especially because the risk of allowing our civilization to remain spiritually unawakened, to snore in the fetid repetitiveness of abstract right, to breathe the boredom of cleanly comfort and adore the safety of the daily exercise of timid pleasure – which is none other but spiritual dim-wittedness – is much greater. For, as we have seen above, only the affirmation of

my rationality that surrenders body and soul to the risk of externalizing one's particularity can bring one (and one's environment) true joy. Precisely the lack of this type of joy is responsible for the fact that our civilization, at its deepest level, is marked by discontent (*Unbehagen*), for the melancholy substructure of our societal life that Freud justly detects.²

An individual finds him/herself before an immense responsibility here because his/her act, as unmistakably, distinctly *particular*, ought to decide on the existence of ethical life in humanity. For who has the right to even try to guess the thoughts of the eternally righteous historical mind, the Sphinx that holds the secret of the outcome of our enterprise, heroic or criminal? But just as both wisdom and horrible guilt of Oedipus consisted in knowing that the solution to the riddle of humanity lies in his very own particularity, it is best for us to do the only thing we are actually able to: to trust ourselves.

That ethical moment is all about having the courage to trust oneself will be seen from the analysis of evil in *Philosophy of Right*. At the moment when the idea of good appears for the moral consciousness, this good is only abstract universal essentiality with no content. *Conscience*, as absoluteness of interiority, is the one supposed to bring about this good. However, s/he is left with no help in this task, for the very appearance of *conscience* means that all externally valid criteria have been annihilated through the absoluteness of subjectivity. But in order for conscience to be actualized and for the good to develop from an abstract idea to actuality, the good has to "be a particular will for me... ; the nature of the good must be stated...; and lastly, the good must be determined for itself and particularized as infinite subjectivity which has being for itself" (Hegel 1991: par. 131). That is, *if the good is going to be particularized as infinite subjectivity, then it must in a certain sense contain the satisfaction of a primary rebellion against the impersonality and empty universality of the law asserted in abstract right, rebellion exemplified in the infinite reflection into oneself*. So even if the brazenness and exaggeration of crime are *aufgehoben*, so to speak, their trace will still be recognizable in the *extraordinariness* of the will's stepping out of itself that pours life into the universal.

² Here I am referring to Freud's *Civilization and its Discontents* (1931) and "Civilized Sexual Morality and Modern Nervous Illnesses" (1908).

However, the moment of inner absoluteness expressed in conscience, does not always result in decision-making. In fact, it most commonly stops at the annihilation of all values without being ready for the pain of a new creation:

If we look more closely at this process of evaporation and observe how all determinations are absorbed into this simple concept and must again issue forth from it, we can see that the process depends on the fact that everything which we recognize as right or duty can be shown by thought to be null and void, limited and in no way absolute. Conversely, just as subjectivity evaporates every content into itself it may also in turn develop it out of itself. Everything which arises in the ethical realm is produced by this activity of the spirit. On the other hand, this point of view is defective inasmuch as it is merely abstract. When I am aware of my freedom as the substance within me, *I am inactive and do nothing*. But if I proceed to act and look for principles, I reach out for determinations, and there is then a requirement that these should be deduced from the concept of the free will. *Thus, while it is right to evaporate right or duty into subjectivity, it is on the other hand wrong if this abstract foundation is not in turn developed.*

(Hegel 1991: par. 138, my emphasis)

Unless the externally valid determinations of lawfulness and morality, rightly destroyed by conscience, are recreated, that is, if rebellious consciousness recoils from the lawgiving task, this consciousness will be *evil*. If we keep in mind that the effectuation of good means implementing my particularity in the universal cause, we may infer that *being evil consists in fully knowing that the authority of tradition, God and morality are dead and that what actually rules is people's inertia, non-questioning obedience and search for gain and pleasure, determinants of abstract right where wrong is an everyday occurrence*, without undertaking the responsibility of creating new laws.

Absolute subjectivity of true conscience knows that everything can be invalidated and that nothing is binding for it *except making one's conscience actual*. But evil consciousness goes on to invalidate the institution of conscience as well by treating the mat-

ter of its own particularity as a thing of no consequence. Instead of investing this particularity in the difficult, serious and risky business of acting that might change the world, s/he, as unprejudiced consciousness to whom the external criteria mean nothing, chooses the safety of hypocrisy. S/he dishonors the righteousness of his/her own particularity by drowning its lawgiving and revolutionizing potential in private pleasure and self-flattery. Pleasure accompanying evil, insofar as the latter is *passive*, can only be *private*.

Satisfaction accompanying the good certainly cannot be gratification or passive indulgence; it rather repeats the moment of thunderous joy of giving into absurdity and overcoming it in the same stride, exposed in section I of this text:

For the *good* as the substantial universe of freedom, but still as something *abstract*, determinations of some kind are therefore *required*, ... For the *conscience* likewise, as the purely abstract principle of determination, it is required that its determinations should be universal and objective. Both of them, if raised in this way to independent totalities, become the indeterminate which *ought* to be determined. – But the integration of these two relative totalities into absolute identity has already been accomplished *in itself*, since this very subjectivity of *pure self-certainty*, melting away for itself in its emptiness, is *identical* with the abstract *universality* of the good; the identity – which is accordingly concrete – of the good and the subjective will, the truth of them both is *ethical life*.

(Hegel 1991: par. 141)

The effectuation of good must come from *inner* determinations of conscience. Yet conscience itself is an undetermined abstraction which doesn't and essentially *cannot* contain any sound directions for acting. The external void matches the internal incompetence. But this absurdity is no less than the paradigm of human condition. It is a moment in which a blind cripple meets the barefaced nullity of all things human. However, this scandalous truth of impotence of human spirit is the strongest spur to its rising from ashes. For the one who knows nothing and yet has to act is aware of the stakes in this wager and is no longer even able to be tempted by masturbatory pleasures of evil.

The fact that moments like these are very rare in history by no means implies that they are not crucial, not only for the cultural and civilizational development of human race, but also for its survival. Because if morality, as infinitely self-reflected subjectivity, is not brought to its completion, i.e. if it does not consummate itself in ethical acting, we are condemned to live in a wretched, uncultured world – world of abstract right where big fish eats small one and mentality of avarice is our spiritual guide. Aristotle therefore rightly considered avarice, cowardice and flattery to be vices, because these trademark virtues of capitalism that today put even our planet's life in danger.

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Ana Haber

ETIKA KAO ETIČKA POBUNA:
DOBRO KAO OSPOLJAVANJE PARTIKULARNOSTI
U HEGELOVIM *OSNOVNIM CRTAMA FILOZOFIJE PRAVA*

Rezime

Apstrakt: Ispoljavanje dobra u Hegelovim *Osnovnim crtama filozofije prava* nije postizanje sreće ili malograđanskog komfora, nego hrabro i odlučno, gotovo slučajno i spolja posmatrano *neosnovano* ispoljavanje partikularne volje. Ovakav pojam dobra je upravo suprotan pojmu dobra u smislu dobara i uživanja koji sprečava stvaranje subjektivnosti kod onih koji su neprepoznati od datog društvenog sistema, urušavajući mogućnost partikularnog delanja kod ovih, i time ih podržavajući u mentalitetu *ruļje*, to jest mase. Nadomeštavanje nedostatka slobode komforom je pre karakteristika faze apstraktnog prava, koju faza moralnosti teži da prevaziđje. U fazi apstraktnog prava (koja vrlo sliči današnjem kapitalizmu), zbog slepog poštovanja suvog legaliteta, ono što je pravo u sebi i za sebe ne može nikako biti ispoljeno u pravom smislu reći jer je izjednačeno sa ugovornom (ne)pravdom, čija je prava osnova ništa drugo do pravo jačeg.

Ključne reči: sreća, partikularnost, univerzalnost, savest, dobro, zlo.