

THE STRUCTURAL CONDITIONS OF THE RELATION OF RIGHT IN HEGEL'S PRACTICAL PHILOSOPHY

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ABSTRACT

The article explores aspects of the dialectical deductive process of the concept of free will, the principal organizing and operating concept in Hegel's Philosophy of Right. In this respect, it reflects on the structural components of the concept of free will, which is the starting point of the science of right, since the relation of right is for Hegel the objective realization of free will. The concept of free, rational will emerges in an explicit manner as a result of a complex process of determination that encompasses elements related, according to Hegel, to the spiritual sciences of anthropology, phenomenology and psychology. A central determinative stage of this process is the famous Hegelian theory of recognition, where the role of the intersubjective relation for the genesis of rational will is highly stressed. In parallel, the article attempts to highlight some crucial points with respect to the speculative dialectical method that underlies the Hegelian argument at this juncture. In that respect, the article aspires to give an elaborate reconstruction not only of the substantive, but also of the formal presuppositions of Hegel's mature practical philosophy.

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INTRODUCTION

In both Hegel's theory of rational truth and theory of right, objective validity is fundamentally associated with unconditionality (Winfield 1988: 123-125). Indeed, logical truth is deemed to be the autonomous realization of the logical concept as such, which culminates in an isomorphism between the form of pure thought and the determinate content that it imparts to itself. The resulting identity of the subjective and the objective aspect of the universal conceptual determination spells out the philosophical truth per se (Hegel 2015: 670-675). Any other truth-claiming determination, wherever it issues from, proves to be mere illusion, subjective stipulation, opinion and fiction (Hegel 2015: 735). In the same vein, the objective validity of the determinate contents of the science of right depends upon the unconditioned self-realization of the concept of the will. Whatever normative determination does not stem from that self-realizing process is, once again, no more than subjective opinion.

This is so by virtue of Hegel's general position that we can never arrive at any objective evaluation about the contents of logic and right, if we understand these disciplines to be

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conditioned be immediately given grounding reasons. Any assumed grounding conditions of logic and right, due to their immediate givenness, cannot be evaluated as more than unaccounted for, dogmatic assertions. A theory founded on such bare assertions, irrespective of its deductive rigour, cannot achieve more than mere hypothetical necessity.

Thus, when a case is made about structural conditions of right, we should keep in mind that these conditions are not immediate but *posited* ones in regressive fashion, that is, mediated by the immanent movement of the overall Hegelian philosophical system. Given this holistic methodological perspective, the structural conditions of right should not be taken to be arbitrary presuppositions but rather valid determinative frameworks, whose necessary character is demonstrated by the workings of the dialectical deductive process. Qua posited, the conditions of right lose their appearing exegetical independency and primacy, turning out to be conditioned by what they condition, in the sense that they become self-sublating, ideal internal moments of an unconditioned self-realization of the concept of freedom (Rosen 2014: 95-96).

The abstract constituent moments of the concept of right concern both its form and its content. The formal condition of the science of right is, according to Hegel, the speculative dialectical method, whose signature feature is the differentiated unity of form and content and the proceeding by way of determinate negation (Hegel 2015: 736-753). The condition regarding the content is the concept of the will, which operates as the substantive starting point for the theory of right, although its necessity has been demonstrated independently of the theory of right, more specifically, in the dialectical deductive process that Hegel labels ‘Subjective Spirit’. According to Hegel’s view, the spirit cannot yet relinquish its subjective character and arrive at its objective nature whenever immediately given determinations remain inflicting its entirely autonomous self-determination. Once spirit relinquishes given immediacy it becomes objective, that is, coheres with the objectivity of its concept, whereby the relation of right among free individual persons comes to the fore.

This being the case, my essay is first attempting to highlight and exhibit some aspects of the deductive process that results in the concept of free will, the departure-point of the theory of right. Its second concern is to give an outline of the structure of the concept of will, in an effort to show on what precise construal of the concept of will is, in Hegel’s view, based the objectively valid conception of the relation of right.

The Emergence of The Rational Will

When we think through Hegel's largely influential theory of recognition (*Annerkennung*), we see that the liberation from the dominance of the immediate, natural individuality, obtained through the self-informing working activity of the servant and through his emancipation from the external commands of the master, raises the spirit up to the realm of rationality, as long as the concept of reason signals freedom from the arbitrary contingency of the particular perspectives and the elevation to the universality of the self-determined conceptuality (Hegel 2007: 162-165). The rational emancipation coincides with the sublation (*Aufhebung*), namely the negation that at the same time preserves the negated determination as constituent moment of a more comprehensive conceptual totality, of the opposition of consciousness, which kept on over-determining the relation between the particular self-consciousnesses, whilst each one of them was beholding its own freedom in the other under the veil of an external objectivity (Houlgate 2013: 137).

The thereby obtained autonomy of reason is, according to Hegel, the quintessence of every spiritual interpersonal bond, moral or institutional, such as love, friendship, patriotism, the family or the state. This kind of normatively regulated relationships is the precise embodiment of speculative reason, by means of bridging the gap and annulling the abstract difference between the subject and the object, the form and the content, the concept and its existence. Hence Hegel straightforwardly asserts: '[...] if one supposes that the speculative is something remote and inconceivable, one need only consider the content of this relationship to convince oneself of the groundlessness of this opinion' (Hegel 2007: 163). Without being founded on the mutual recognition of unconditioned universal self-determination, the normative element becomes hostage to immediately and dogmatically espoused grounds of validation. The universal rationality underlying the particular self-consciousnesses brings to completion the dialectical process, which originates in the emergence of self-consciousness out from the region of the phenomenological determinacy that Hegel labels 'consciousness' (Pinkard 1994: 46-63).

Initially, self-consciousness is nothing more than the sublation of consciousness. Thus, it possesses no determinacy of its own and, as a result, it is restricted to a formal self-identity, since it just represents the self-relation of the negation of consciousness. The determining difference keeps on residing on and being activated within the cycle of the generative presupposition of self-consciousness, that is, consciousness. Therefore, due to the fact that the self-relation of self-consciousness is still formal and abstract, without having developed and

actualized its content from within itself, the objectivity of self-consciousness still remains excluded and external to its self-generating activity. As a result, self-consciousness appears to be something subjective and only internal, an unrealized possibility or an unattained postulate. In order to fulfill the postulate of objective determination, self-consciousness is originally actualized in a still subjective fashion as desire (Hegel 2007: 154-156). The formal subjectivity of desire reflects the opposition of consciousness, however, only as a sublated, appearing difference. For this reason, the independence of the desired object is submerged into the ideality of self-consciousness.

If self-consciousness is to take on objective determination and become replete with content, it is necessary for it to differentiate itself from itself, thus to actively posit the determinate difference of consciousness within itself and develop it up to its final completion. This is accomplished through the disjunction of the subjective self-consciousness into a duality of independent self-consciousnesses resulting in the battle of recognition (Hegel 2007: 157). On this account, each immediately individual self-consciousness enters into the recognitive process as a natural entity, i.e., as free just for us, the philosophical spectators, or according to its nature and concept, hence not yet as free for itself, that is, in virtue of the self-realization of its autonomy. When the participants in the battle of recognition explicitly actualize the autonomy of their common self-consciousness, then self-consciousness is meant to have completed the process of recognition, having rendered its freedom something no more equal to a subjective postulate, but a universally and objectively recognized actuality. By the same token, the immediate independence of the self-consciousnesses, being a derivative product of the self-disjunction of the absolute self-consciousness, is not annulled -this annulment would amount to the cancellation of the objective realization of self-consciousness in general- but, due to its degradation into a posited constitutive moment, definitely ceases to play the role of the absolute source of determination.

This role is assigned to the universal reason of self-consciousnesses, in the horizon of which the typical form and the objective realization of self-consciousness come together in unity (Hegel 2007: 162). And since reason exhibits the universally valid determination via setting aside the partial perspectives of the opposed self-consciousnesses, its marking with the concept of self-consciousness -even universal self-consciousness- must be abandoned, for the very reason that the concept of self-consciousness, since by definition articulates the content of freedom in an one-sided fashion, i.e. only from the point of view of its immediate subjectivity, is a rather inappropriate expression to mark the speculative overcoming of the difference

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between subjectivity and objectivity (Hegel 1977: 123). Hegel, therefore, as he similarly does in the *Phenomenology of Spirit*, employs the simple term 'reason' to describe the speculative unity of determinations to which the proceeding dialectical movement of self-consciousness has arrived. Both the givenness of the object, characteristic of the opposition of consciousness, and the givenness of the subject, still pertaining to the dialectic of self-consciousness, is progressively being cancelled, so that subject and object, or form and content, are jointly deemed to figure as ideal moments of the universal conceptual self-determination. Through the positing of universal reason, the science of phenomenology gives way to that of philosophical psychology, which can be addressed to as a further structural condition of the relation of right.

The existence of rational beings of a particular psychological constitution is a necessary condition for the establishment of legal relations, albeit not a sufficient one. To achieve this sufficiency, another determination is needed, which is endemic to the conceptual realm of psychology, but capable of bringing about the relativization of this realm and its incorporation into a higher circle of spiritual self-determination. The prerequisites for the establishment of this new conceptual circle and its regressively foundational role in relation to its predecessors will become apparent at the end of the psychological determination of rational mind. This closure is tantamount to the general shift of the subjective dimension of spirit to the objective one. By virtue of dialectical negativity, the determinations of the self-constituted spirit will cease to be enclosed in its ideality and will be able to step into the region of actual reality (Bowman 2013: 220).

The sublation of givenness that marks the evolutionary process of natural, conscious and self-conscious spirit brings the latter into the determination of unconditioned self-relation, granting it full responsibility in determining its own form and content. The rational mind, having turned out to be the subject and the object of the determinative process that has already unfolded, becomes something echoing the Aristotelian *νόησις νοήσεως*, that is, mind, whose being is equal to its conceptual self-apprehension. Therefore, through the sublation of immediate, dogmatic and fragmentary particular perspectives, the epistemological aspirations for universal validity are tailored to rational self-knowledge. Self-knowledge, in this regard, is aligned with the investigation of the specific psychological functions, by virtue of which spirit achieves unconditional knowledge, or knowledge of the unconditioned. The workings of the rational mind are thus accompanied by a deep certainty that the rational form and the form in which the object is offered to the mind is one and the same (Hegel 2007: 163-166).

The isomorphism in question relies on the universal determination that Hegel calls ‘concept’ (Begriff). Mind, the free concept, cognitively looks forward to a world inherently conceptualizable. Standing in relation to the objective world, it also includes within itself the distinction between cognition and object, namely itself and its object, as its constituent moments. This inclusion, however, unilaterally inclines towards the identity of the mind and its object, without expressing their conceptually equally important difference. It therefore exhibits the truth as such, i.e., the correspondence of the subjective concept and its object, in an abstract manner; and, as well-known, Hegel attaches a great deal of significance to the articulation of a determinatively complete and concrete expression of the true in itself, since the form and the content of truth are construed as inextricably united in his philosophical approach (Hegel 2008: 3-4).

It is precisely in the *Science of Logic*, particularly in the theory of judgment and inference, where the conditions of such a unity are systematically set forth (Burbidge 1981: 125-192). There it is demonstrated that the appropriate way to have rational truth objectively conveyed is not through the immediacy of judgment, in particular the affirmative type of predication asserting that: the subjective is the objective. Such a judgmental form does not do justice to the difference of the united terms, a difference which is implied in the content - inasmuch as the judgment unites the *distinct*- but remains unstated, since reason, in this case, is exhausted to the one-sided form of affirmative categorical attribution (Carlson 2007: 459).

In its immediate, thus, emergence, reason, as the differential identity of subjective form and objective content, is expressed abstractly and one-sidedly. Hence the side of difference must be equally stated so as reason to be determined in its entire concreteness. Referring, in consequence, to the immediate and still unverified certainty of reason about the truth of its knowledge, i.e., the identity of its form and content, Hegel notes: ‘Only when this identity has developed into an *actual* difference and has made itself into the identity of itself and its difference, when mind thus emerges as a totality differentiated within itself *determinately*, only then has that certainty (Gewissheit) achieved its verification (Bewahrheitung)’ (Hegel 2007: 166). And only then will the freedom of subjective spirit be determinately posited in its wholly concrete character.

In the infinite self-relation of rational spirit, the aforementioned difference is manifested in the distinction between the theoretical and the practical dimension of reason (Hegel 2007: 170). The theoretical dimension represents the consciousness-oriented aspect of spirit, that is,

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its subjugation to external presuppositions, an aspect which has in fact been sublated through the emergence of the rational mind. This means that, on the one hand, the theoretical spirit remains tied to the twofold structure of consciousness, while, on the other hand, affirming the sublation of this structure. Accordingly, the practical dimension of reason represents the self-conscious aspect of spirit; a self-consciousness, however, that has ridden its initial formality and has been realized objectively. The practical subjective spirit pronounces, at the level of rational self-relation, the truth of this realization.

Let us look at the distinction of theoretical and practical in greater detail: the theoretical spirit starts from the object and seeks to know it. The cognitive attitude, rational as it is, is convinced that the object is knowledgeable, therefore universal and inclusive of the conceptual determination. There is subjective certainty, in other words, that what the object is for the cognitive attitude is also indicative of the real objectivity of the object. However, precisely the engagement in the cognitive process testifies to the unrealized character of the identity in question. For, as a matter of fact, the one who wants to know is the one who does not know and is aware of his difference from the object of knowledge (Hegel 1988:147). In the field of cognition, despite the fact that subjectivity totally incorporates the universal concept, the bridging of difference between the knowing subject and its object relies on the side of the object. The knowing spirit resorts to the objective content so as to validate the form of its knowledge. The verification of the spiritual certainty that the object is not something separate from the rational mind depends on knowing mind's adaptation to the objective movement of determination. The latter is the criterion that is considered to attest the identity of subject and object, about which the subject is certain. Nevertheless, as Hegel points out, this does not mean that theoretical reason is something exclusively passive. On the contrary, the theoretical elaboration of the object aims at certifying its rational form by transforming the accidental immediacy of its structure into conceptual self-determination.

The latter is achieved when the dialectical progression of the modes of theoretical knowledge concludes by necessity to the true form of knowing, that of free conceptuality (Harris 1983: 214-222). It then turns out that the given immediacy of the object actually consists in free self-determination, similar to that of the theoretical subject. Therefore, the autonomous knowing subjectivity encounters the very same autonomy in the objective content, there by becoming continuous with itself in it, achieving, in this way, its objective verification. The initial theoretical objectivism is thereby sublated and the structure of self-determination is demonstrated to be the common share of both subject and object. The theoretical reason,

however, which becomes aware that the objective content is not something immediately given but a product of its own cognitive procedures ceases to be purely theoretical and knowing. That bears upon the fact that there has been formulated within it a point of contact with the intellectual capacity, which is by definition transformative of the objective side, which is none other than the practical activity. The point of contact in question is equivalent to the concept of will (Wille).

The form-content identity of the universal rationality needs to be open to difference, in order to be determinately conceptualized (Longuenesse 2007: 192-217). Theoretical cognition is one part of this process. Practical activity is its other part and goes the opposite way. That is, while knowing presupposes difference of subject and object in order to bridge it by means of the objective determination, practical activity, being volitional, searches for a subject-centered, morphological sublation of difference. The differential element in practical reason is evident: one is acting to realize something that is not realized yet. The mode of non-realization is encapsulated within the definition of the practical, motivating practical activity. Practical activity, respectively, perpetually reproduces non-realization, since the latter constitutes its original essence. If there had been a realization, the practical activity would be rendered superfluous. Originally one-sided, therefore, alike cognition, the practical aspect differs from knowing in seeking unity by focusing on the subjective side.

In the horizon of practical activity, the concept of will is at first conceived in its most general sense, that is, as a movement of the subjective towards objectification. Hegel considers this movement as a reaction to the one-sided subjectivity of self-consciousness. However, although it is a movement from subjectivity to objectivity, it shouldn't be understood as an exclusively active situation, in the same way that the cognitive approach is not exclusively passive. Indeed, the passive element in the practical dimension of reason lies in the fact that the contents to be objectively realized are just immediately given to the subject of conduct, though internally in this case. To supersede this givenness, practical reason shifts to the objectivity of the theoretical, so as to give universally valid form to its contents. For the alignment of its volitional content with the rational form can only take place if the content itself has proved open to conceptualization, i.e., immanent self-determination. Provided that this susceptibility has been deduced at the conclusion of the theoretical reason's dialectical movement, the practical reason is understood in its full sense only through its unity with the theoretical. In a nutshell, the will gets rid of its one-sided subjectivism only when it evolves into a rational will by enveloping the form of theoretical truth (Hegel 2007: 214-215).

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There is, therefore, an inseparable, speculative dialectical relationship between the theoretical and the practical dimension of rationality, where theory and practice are construed as component moments of a single circle of determination. Hegel describes this relationship as follows: 'Theoretical and practical mind reciprocally complement each other precisely because they are distinct from one another in the manner indicated. This distinction is, however, not absolute; for the *theoretical* mind, too, deals with *its own* determinations, with thoughts, and, conversely, the aims of the *rational will* are not something pertaining to the individual *subject* but something that is *in and for itself*. Both modes of mind are forms of reason; for both in theoretical and in practical mind what is produced, albeit by different routes, is that in which reason consists: a unity of the subjective and objective' (Hegel 2007: 170). Since, therefore, we adhere exclusively to one or the other of these two dimensions of self-realizing reason, form and content remain in disunity. For given that the existence of theoretical dimension depends upon the constitutive difference of form and content, this comes to be symmetrically the case, though in a reverse way, with regard to the practical dimension. Consequently, at the culmination of subjective spirit's process of determination, reason is, in the broad sense, both theoretical and practical, or, alternatively stated, neither theoretical nor practical, but rather speculative.

The absolute unity of rational spirit entails its total mastery over its form and content. Thus, the formal certainty of spirit about its freedom, about its being-with-itself-in-the-otherness, is transformed into actual truth. The concept of freedom signifies that the self-mediation of rational spirit does not rest on any given presupposition, either of objective or subjective kind, but represents an entirely self-activating relation to self. Tellingly, what is in essence, entirely self-mediated, or, negatively stated, what is not deduced through immediate assurances and contingent particular perspectives is, admittedly, none other than the objectively valid (Winfield 2016: 128-130). This is, after all, why Hegel, describing the transition from the subjective to the objective spirit, is able to assure that 'objective mind knows its freedom, recognizes that its *subjectivity*, in its truth, constitutes *absolute objectivity* itself, and it apprehends itself not merely *within itself* as Idea but brings itself forth as an externally *present world of freedom*' (Hegel 2007: 172).

The spirit recognizes that its subjectivity is equivalent to absolute objectivity once it finally realizes that the extrinsic element of immediacy that insisted on afflicting its self-mediation is sublated. A self-mediation afflicted with immediate givenness is subjective, in the pejorative sense of the word, because it contains determinations that are merely affirmed by an

external stipulation, being not generated by the independent self-determination of the thing itself. The immediate self-identity of rational spirit, achieved through the sublation of a mediation still burdened with contingent subjectivity, marks the independent objectivity of spirit. The autonomy of spirit, its capacity to produce its specific particularity out of itself and thereby to individuate itself, becomes an object to itself, while the object, in turn, ends up being self-determining.

The resulting speculative integral of determination constitutes an immediate unity of free cognition and free will, with the former denoting the substantive dimension of the unity and the latter the formal (Hegel 1975: 206). The two sides of the speculative integral compose, in their mutual difference, an indivisible unity and coexist in the single horizon of the objective autonomy of rational spirit. Hegel, however, chooses to define the totality of the latter on the basis of the formal element, since this more faithfully represents the self-particularizing and individualizing nature of the speculative concept, hence its autonomy, than does its ontic, substantial universality. For this reason, the speculative integral of the objectively free spirit is identified as actual free will.

The Structure of Free Will

Since both the substance and the form of the will consist in freedom, free volition wills the substance of itself, while the substance embodies the form of volition. The substantiality of volition is equivalent to its universal independence from any given content of sense, representation, or cognition. In this way, free will is initially determined negatively, as not being determined by anything outside itself. Its intrinsic determination consists in pure indeterminacy, that is, in the lack of any determination (Hegel 2008: 28). It is easy for anyone to internally instantiate this indeterminacy: one only has to abstract from the whole range of determinate difference, be it from one source or another, and retain one's will in its unlimited unity with itself. The possibility of such an abstraction is, on the one hand, symptomatic of the conceptual character of the will, since abstraction is, if anything, the essential feature of thought; on the other hand, it betrays the incomplete character of this thought and, by implication, of the will, insofar as abstraction as such does not exhaust the totality of the self-determined concept. Abstraction is the founding act of thought, and therefore of the self-positing I, to employ Fichtean language, in the sense of a self-detachment from all givenness. Through abstraction alone, however, self-determination remains empty, failing to capture the essence of autonomy as self-determination. To do so requires determinations of a positive character.

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On this account, Hegel labels the primary determinate moment of the will 'negative freedom', hinting at a positive aspect of freedom, still not explicitly stated. Negative freedom is freedom 'as the understanding conceives it' (Hegel 2008: 29), since the intellect is the mental capacity that consolidates the determinations in their abstract identity, hindering their passage to their opposite determinations. The intellectual and representational consolidation of volitional negativity, precluding any instance of difference, constitutes freedom of the void or empty, contentless freedom, which 'rises to a passion' (Hegel 2008: 29) and takes on flesh and blood in the empirical world in a variety of ways.

It would in fact be possible, to Hegel's mind, to find countless historical and social exemplifications of this utterly abstract conception of free will. In religious life, for instance, negative freedom is the essence of Hindu meditation, where all determinate differences are submerged in the abyss of indeterminate nothingness. Negative freedom could further be associated with religious fanaticism in general, or with abstract political radicalism, where the unrestrained impulse to disbelieve and fundamentally rethink everything established often results in the complete destruction of most institutionalized regulatory frameworks (Hegel 2008: 29). In such kind of political practice, the prevalence of negative freedom is manifest in the vast social diffusion of characteristically abstract political precepts, like the one which preaches an undifferentiated universal equality. From the very beginning of the *Philosophy of Right*, thus, Hegel makes the target of his critique the Jacobin notion of equality and the inherent terrorist acts of its enforcement, not in the name of a reactive political restoration that would bring rational spirit back to the captivity of immediate natural determinations, arbitrary distinctions, and inequalities, but in the name of a more comprehensive and concrete notion of freedom. The partly negative project of rational emancipation from all kinds of immediately accepted fundamental societal conditions, common to the English and French Enlightenment, to Kant's philosophy and to the political project of the French Revolution, is not only not disavowed by Hegel - given, of course, that he assigns to it the role of a constitutive component in the concept of free will - but, even more so, is critically examined in order to be restored to its full significance.

The immanent dialectical development of the determinations of free will moves precisely in that direction. Actually, the universal detachment from any kind of immediate particularity, insofar as it brings about the total volitional indeterminacy, turns out to be the self-relation of the purely negative. Hegel notoriously claims that the negative, in its self-referential isolation, applies negation to itself and, as the negative of the negative, takes on a

positive determination. From a purely conceptual point of view, thereby is being carried out the transition from the abstract universality to the specific particularity of the concept of free will.

The indifference of negative freedom is transformed into difference; hence free will begins to give content to its defining self-determination. The content is equivalent to its determinate-being (Dasein). In this way, the abstract infinity of the indeterminate free will steps into the realm of determinacy and finitude (Endlichkeit) (Hegel 2008: 30). This is not to say that the initial moment of the will, i.e., abstract indeterminacy, is devoid of finitude. Its indeterminacy admittedly represents a negation of its determinate otherness, and being something other versus something other is the minimal constitutive structure of determination per se. Therefore, the first indeterminate moment of the will, in the same fashion with its second determinate moment, belong to the territory of the conceptually finite. In this sense, the latter includes both the universal and the particular moment of free will. The constitutive structure of freedom consists in universal determinacy or determined universality.

By willing only the pure form of its self-determination or its formal identity with itself, common to all willing subjects, free will essentially wills nothing. In this sense, it comprises just a vague possibility, the empty identification of the concept of the will with itself, without any real actuality. This is largely evident, according to Hegel, in Kant's practical philosophy, where the quintessence of practical reason is seen as exhausted in the formal analytic identity underpinning the universal legislative autonomy of the will (Hegel 130-132). Without its immanent determinate differentiation, i.e., without its reference to a certain particular content, the free will is, however, not even a will at all, since merely willing its abstract self-identity equals to actually willing nothing at all. Therefore, in its utmost universality the free will is a genuine will only for our abstract representing.

Now, if the moment of will's particularity is expressed by willing a content, which is immediately given to the will, either in an internal or external manner, then the particular mode of the willing rational spirits dubiously construed as something ready-made and not as a product of volitional self-determination. By willing immediate particularities, the will is free in its concept but not in its reality, in its form but not in its content. To use Hegelian jargon, the will is, in that case, free in itself (an sich), or for us, and not free for itself (für sich).

This is a contradictory conception of free will, since what is contained in its concept, namely universal self-determination, is not posited in its existence, which remains subjected to the heteronomy of givenness. As a consequence, self-determination is falsely thought as a

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capacity, namely as a mere potentiality and not as an actuality. Nevertheless, the will must be actually free in order for the contradiction between its self-determining conceptual form and its heteronomous particular reality to be resolved.

This can only be accomplished if the specific particularization of the will does not derive from its willing any immediate particularity, but the free will, on the contrary, wills the particular contents that stem from the self-differentiation of its universal concept. In this respect, the object of the will is its own self-determining subjectivity, thus the conceptual form of willing and its content thoroughly coincide. Willing something particular, i.e., something other than the universal volitional self, entails, in this way, a return to self. This is the moment of the will's actual individuality (Hegel 2008: 31). By way of definition, what is self-determining is what individuates itself completely on its own. When the will wills an immediate particularity, its individuality is equally immediate and given, which is in conflict with its defining concept. By contrast, willing no other than its self-particularizing universality, amounts to the true individuation of the will, which is obtained autonomously, from within its own resources.

Therefore, according to Hegel, the will is the unity of its abstract universality and its specific particularity, a unity that composes the speculative moment of individuality. Anon-abstract and conceptually complete notion of free will must include both its negative emancipation from any given determining principles and its particular positive determination, which is achieved not by willing any immediately given content but by rendering itself, that is, its actual self-determination, the object of its volition. Hence the concept of the will is grasped in its concrete universality, in its true individuality, in its idea (Hegel 2008: 32).

At this connection it is possible to think not only of a universal volitional denominator, which equates all rational beings in the unity of their abstract freedom, but also of a multiplicity of individual wills, willing something specific. In their multitude these wills exclude one another in the exercise of their particular freedom. Nevertheless, far from leaving us confronted by a chaotic situation of non-reducible volitional individuality, this exclusivity brings about just the opposite. Indeed, insofar as every particular subject wills not any immediate content but the universal particularization of free will, then one's exclusive individuality does not entail arbitrariness and caprice but largely contributes to the realization of the universal rationality.

The speculatively construed individuating dimension of the will situates the interacting willing subjects into the horizon of an autonomous concretization of the nature of volition. If

this dimension is ignored, the concept of freedom is reduced to the formally common constitutive capacity of the willing subjects to arbitrarily choose this or that. Their individual choices, in this respect, would have no significance for the constitution of their freedom, since the latter would exist as a predetermined physical entity, given before operating its self-determination. On this view, individual choices are attributed to individuals without adding any essential categorical dimension to their abstract self-determination, that is, without actually individuating them. Conversely, individuality is surrendered to the necessity of physical and psychological particularity, without being woven into the sphere of a second nature, i.e. the social and political relation.

According to Hegel, the individuality of free will is accounted for as its differentiated universality, which is realized within the sphere of the mutual interaction of willing subjects. In this respect, freedom is disengaged from the formality of mere equality and, without abolishing the latter, acquires a non-naturally determined content, locating its origin not in nature but in history and society. Therefore, freedom is disentangled both from the naturalistic distinctions of the pre-modern world and from the abstract types of procedural political validation of the modern one, with actual self-determination being recognized as the deep structure of just institutions. Thus, the speculatively construed concept of individuality does not signify any more the irreducible, natural uniqueness, which bears its traits indifferently to the universal rationality of freedom, invoking the latter as a formal rule in order to maintain its supposedly natural rights. On the contrary, the concept of individuality can now be disassociated from any grounding on the natural state and transformed into a product of universal self-institution. ‘This unity is *individuality*, not individuality in its immediacy as a unit, our first idea of individuality, but individuality in accordance with its concept; indeed, individuality in this sense is precisely the concept itself’ (Hegel 2008: 32).

But Hegel also points out the reluctance of the finite intellect to endorse such a conception of free will, that is, to think of it as the universal that works out its specific determination, being thus transfigured into a concrete individual unity. The contradictory character of this unity, namely its being universal and particular at once, is so evident that even thinkers like Kant -Kant and Fichte are specifically mentioned by Hegel in the current context-, although arrived at the threshold of speculative reason, did not take the final step.

It is well known, for example, that the Kantian theory of practical autonomy presumes that the moment of volitional particularity in practical reason is not the fruit of reason’s self-

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determination, but is acquired through the intellectual acts that unite the multiplicity of given data to render them objects of the only accepted kind of knowledge, the knowledge which remains within the boundaries of experience; a view, which ends up leaving behind any notion of self-activated individuation of the free will. Thus, the worlds of practical reason and practical intellect remain separated in their abstract difference. The gap between the universal categorical imperative and the utilitarian imperatives of prudence is not bridged, with the fatal consequence that autonomy gets thereby trapped in formalism. Bridging the gap seems unthinkable from this standpoint, for the reason that the intellect clings to the negative, destructive character of the contradiction, unable to appreciate its positive role in the constitution of the rational determination.

The Hegelian theory of right stresses, precisely, this positive role. It even links it to the intrinsic nature of conceptual knowledge in general. It is by virtue of this rationale that the realization of the concept of free will unfolds, which comprises no more than a more determined version of the logical concept. The determinate moment of the will, that which performs the negation of its universal self-reference, plays a positive role in itself, because instead of dissolving the will, demonstrates it, on the contrary, as self-relating in its difference, and thus as actually self-determining individuality. The various abstract, on the contrary, considerations, i.e., those which intellectually isolate either the universal form of volition or the particular one, fail to account for their inherent mutual interconnection and thus falsify the nature of self-determination.

The abstract intellectual isolation of the universal moment affords, through external reflection, substantiality to the will, before the latter determine itself in an immanent fashion that would make its volitional nature manifest as the will of a particular somebody who wills a particular something. The isolation of the moment of particularity, respectively, detaches the volitional determination from the sphere of unconditioned self-determination and considers it tied to the region of the heteronomous necessity of causal relations, where aims of a relative character, of a technical and instrumental nature, prevail. In both cases the circle of autonomy is fragmented and does not become intelligible in its concrete universality. As a consequence, the universality of free will is either presupposed, as if it was a natural given, or it is entirely rejected. This is also true with regard to its particularity, which is either taken in its contingent immediacy, or is totally dismissed, which makes nothing more than an undifferentiated emptiness of the will.

In its moment of individuality, the will holds together in differentiated unity the universal self-determination and its particular existence, demonstrating the latter as the crucial component for the regressive foundation of self-determination as a concrete determinative totality. With regard to the volitional moment of particular differentiation, Hegel, in §6 of his *Philosophy of Right*, already foreshadowed its disjunctive, either-or character, claiming that the content of the will can arise either as an internally or externally given datum, or be produced by the objective concept of the will. In the first case, the specific particularization of the will takes on the intentional structure of consciousness, inasmuch as its universal self-relation comes into referential correlation and opposition to an immediately existing external world. The opposition, in this case, is formal and abstract, for it is construed independently of the negatively self-related source of freedom and is tailored to an immediate difference between the subjective and the objective. By implication, the form of this willing becomes formal and abstract, in the sense that it does not articulate freedom in its concrete concept, but rather in its appearance.

The appearing character of determination originates in the consciousness-determined deep structure of the formally particularized will, namely, in the fact that its self-determining character appears to determine something other and independent from itself. An example of such a formal will (formale Wille) is purposeful action in the external world, where both the object of purposeful activity and the means for carrying out the purpose exist as immediately distinct from one another, connected by an external teleological link. In this respect, the unity of the form and content of free will is broken since the exercise of its autonomy is subject to conditions indifferent to its intrinsic self-activity.

The object of the formal will is immediate, because it is intertwined with a given external multitude of objects, which are morphologically subject to the self-reference of freedom, i.e., they are the objects of *my* volition, while still retaining their independent and indifferent to self-determination specified features. The immediacy of its content makes the will itself immediate, that is, free in itself and not for itself, potentially but not actually free, since the particular content of its self-determination appears alien to the form of self-determination.

The Relation of Right as The Realization of Free Will

The sublation of immediacy is achieved when the free will has as its object its own self. The signature feature of a will willing itself is that it wills none other than the immanent differentiation and the corresponding individuation of its concept. Thereby the difference

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between the formal subjectivity and the objective realization of freedom is removed, so that the will ceases to embody a finite appearance of its infinite concept.

The will that does not will its determinate autonomy and remains submerged into immediacy is additionally characterized by Hegel as natural. If the cardinal feature of the will, provided that the latter expresses a spiritual determination, lies in transcending natural necessity, natural necessitation should be opposed more than anything else to free individuation. And yet, modern natural law theorists (including Rawls, who in his political constructivism still deploys the concept of natural duties) and the attendant liberal political tradition put forward just such a conception of freedom. According to it, freedom constitutes a naturally given endowment of the rational being, under the structural form of which all rational beings are de facto collected and abstractly united. But what does this freedom consist in? Obviously, it consists in the projection of subjective ends onto an independent external world and in the capacity of choosing between immediately existing contents, such as impulses, desires, inclinations, and so on. On the basis of such a conception of natural law, the rational being is free inasmuch as it can choose without coercion among a variety of possible ends and means, whatever they may be.

From the political point of view, this conception is articulated in a familiar way: the natural state prescribes equality of freedom, i.e., all rational beings are recognized as owners of the right to choose among given contents. The givenness of the willed contents renders the particularity of everybody's choosing will given and unmediated. The free rational beings in their commonality are therefore distinguished from each other as immediate individualities. Their common freedom, insofar as it is abstractly and formally construed, is indifferent to the particular contents of their choices and has nothing to do with their individuation, since the latter is only indicative of empirical differences, which do not originate in the immanent particularization of the universal concept of freedom. Consequently, in the natural state the freedom of all becomes precarious, since one's choices, due to his/her unmediated, arbitrary particularity, are likely to impinge on the choices of others. Hence, a supra-subjective, sovereign will is required to guarantee the harmony of the particular volitional perspectives. This political will comes to secure the exercise of the irreducibly individual natural wills and to order them by integrating them into generally recognized boundaries.

Given that what it is called upon to defend is the natural autonomy of formally self-determined choices, and in order to ensure that natural autonomy is not compromised, the

political order must be legitimated on the basis of the self-determined natural choice, and therefore must be based on the arbitrary and at any time retractable consent of those who fall under it. If, on the contrary, the free will is conceived in speculative dialectical terms, as Hegel does, then the aforementioned political consequences can be avoided. The political state, in this respect, is not considered to be an abstract power that subordinates individuals who are in every other respect immediately heterogeneous, nor is it based on the contingent consensus of their natural will but constitutes the motor of their entirely self-determined individuation, concerning both the form and the content of their will (Hegel 2008: 228-234). Living under the institutional forms of a political state like this is, in Hegel's view, the apex of concrete freedom.

Therefore, the immediate contents of the formal, natural will -inclinations, desires, passions, impulses, etc.- in their irreducible randomness, already contain the seeds of their potential systematic integration. Empirical psychology has as its object such systematic taxonomies. However, ruled by formal rationality, it operates in an abstract and incomplete manner, alien to the concrete unity of the speculative concept and the immanent correspondence of form and content.

The natural will, the subject of empirical psychology, confronts the multiplicity of given contents and subordinates them to the analytic identity of the willing I. The contents possess their being and their particular character in their own right and independently from the will, but they are, at the same time, subjugated to the willing I. The contents are *my own* contents, they belong to the universal form of *my* self-determination. Thus, the natural will is individualized by the choice of this or that individual content. It can also make efficiency calculations and comparisons concerning the choice of this or that content, organizing them in such a way that they serve the broader goal of happiness. Both the individual choice and the organizing of contents fall under the notion of deciding, or, more precisely, of making a conclusive decision (*beschliessen*), i.e., a voluntary choice that sets the stage for the transition of the will from empty universal self-reference to determinate individuality.

To decide means '[...] to cancel the state of indeterminacy in which one content is *prima facie* just as much of a possibility as any other [...]' (Hegel 2008: 36). This description is common both to the speculatively conceived will and to the formal, natural will. The former, after all, in order to be grasped as actually self-determining, presupposes the existence of rational beings capable of natural volition and able to make decisions, even if its conceptual content is not exhausted in this presupposition. In any case, therefore, whether we refer to

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immediate natural liberty or to the entirely self-founded speculative concept of freedom, free will becomes actual will, hence the will of this or that individual, when one decides to implement his will to this or that content. Decision is the root of individuation. Thus, in the arena of the Objective Spirit, the societal space of intersubjective interaction opens up no longer exclusively for the mutually recognized self-consciousnesses, as was the case in the field of Subjective Spirit, but, more concretely, for the deciding volitional persons. Still, under the perspective of the natural will, this new territory of rational interaction is built into an irreducibly individualistic natural ground, with important consequences for the basic structure of our social and political theorizing, some of which we have already demonstrated.

CONCLUSION

It is here that the distinction between the natural and the social per se is inscribed, and it is worth pinpointing the central difference between the Hegelian view of this distinction and the usual approaches to it, as reflected mainly in the diverse liberal and socialist political theories. In simple terms, according to Hegel, and in harmony with Kant in this respect, the natural corresponds to the immediately given and the unfree, i.e. the normatively neutral and indifferent, whereas the social corresponds to the spiritual zone, where unconditioned voluntary self-constitution works out the specification of its being, instituting the particular, but universally valid and binding norms of rational conduct. As self-constituting, the social can include the decisions of private individuals, since self-determination per se should contain an individual extreme, were it to be concretely realized; as spiritual, at the same time, it expels them from their natural origins and incorporates them into rational normative frameworks. Thus individuality, being exclusive, as long as it decides in a unique way, but also intersubjective, as long as its decisions are intertwined with those of others, is organically integrated into the collective task of the actual determination of the indeterminate universal autonomy. This integration is equivalent to socialization. Its conceptual completion, at the level of the Objective Spirit, is reflected on the process of political institutionalization and the historical progress in the self-consciousness of freedom.

On the contrary, from the standpoint of theoretical approaches that insist on the natural concept of will, the distinction between the natural and the social becomes significantly blurred, precisely because of the equation of the free will with the natural will. The notion of an intersubjective interaction rooted in natural volition is formed on the basis of the empirical generalization of individual decision, which, due to its abstractness, is incapable of conceptually

grasping the object of choice in its concrete uniqueness, so as to remove its alleged independence from the will. To the extent that it is the outcome of such decisions, individualization is equally immediate and abstract since it retains elements indifferent to the immanent particularization of common autonomy. Such natural and immediate willing individualities constitute, in this respect, society, whether they are judged, according to the view of traditional liberalism, to be inherently self-interested, or, from a more socialistic point of view, to be inherently interdependent and cooperative. In both cases, the natural and the social are conflated. Society, therefore, instead of being construed as the process of overcoming natural necessity, which culminates in unconditioned moral, social and political self-determination, is regarded tied to the formal freedom of choosing between given contents.

These defects are remedied if in the sphere of its particularity the intersubjectively determined will wills nothing else than its freedom, namely if the will in its freedom wills no content other than its own self-determination. Thereby the unity of form and content is restored, and the concept of freedom, emancipated from its formal and finite misconceptions, complies with its objective existence. In this respect, as Hegel will note in §21, ‘[...] the will is not only the will as such, but, equally, the will free to itself - the true idea’.

The premises have therefore been made clear, on the basis of which the will is objectively, and therefore rationally, free in the speculative sense of the term. To repeat, its objective freedom is attained when in the framework of its particular determination by means of conclusive decision the will renounces the naturalness of its immediate goals and purposes, willing instead only the concrete form of its freedom. Its pursued object, in other words, becomes its own self-realization, whereas in its subjective aspect it is nothing but the form of this process of self-realization. This being the case, the circle of impulses, desires, aspirations, and decisions is rationally reconstructed, providing for the actual realization of infinite self-determination. Thus, ‘[...] the impulses should become the rational system of the will’s volitions. To grasp them like that, proceeding out of the concept of the will, is the content of the philosophical science of right’ (Hegel 2008: 40).

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