The Mark of the State: Reading the Writing of ‘Right’ in Hegel’s Political Philosophy

by

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A thesis submitted in conformity with the requirements for the degree of Doctorate of Philosophy.
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2009

Abstract

This project is a critique of the connection between lethal violence and justice within Hegel’s Philosophy of Right. Our critique focuses on three specific moments—moments that Derrida touches upon in Glas, but does not address in detail—namely, heroic vengeance, execution and warfare. By subjecting each of these moments to a close reading we will be calling into question the very possibility of an act of violence that can lay claim to being absolutely ‘necessary’ or ‘just’ either within its specific historical moment or from beyond it. The theoretical basis of the project closely parallels Jacques Derrida’s work on Hegel, in that it stems from a deconstruction of the connection between epistemology and ontology. This also has serious implications for the question of ethics. By tracing the play of différance through the semeiological structure of both theoretical and practical cognition Derrida’s work makes it possible to address the ethical implications of speculative dialectics from a non-dialectical angle. Figuratively speaking, the relationship between theoretical and practical cognition can be thought of as the relationship between reading and writing. As such, the title of the project is to be taken as a figurative reference to the connection between theoretical (i.e. reading) and practical (i.e. writing) cognition and by extension to the connection between epistemology, ontology and ethics. Addressed in this manner our project begins by tracing the silence (i.e. the ‘a’ of différance) that is, at one and the same time, a condition of the possibility and impossibility of meaning. This silence has serious ramifications for Hegel’s political philosophy. Hegel’s system sets out to ground the law within the ‘positive’ infinity of the Concept [Begriff] and thus, close the circle of philosophy. This project will attempt to expose the ethical stakes—and the ultimate impossibility—of Hegel’s ‘positive’ infinity by taking up the thread of lethal violence in the Philosophy of Right.
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Heidegger, Martin


Houlgate, Stephen


Hyppolite, Jean.


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Kierkegaard, Søren


Levinas, Emmanuel


Marx, Karl


Mosès, Stéphane


Nancy, Jean-Luc


Nietzsche, Friedrich


Taylor, Charles


Thucydides

**Introduction**

This project stems from my interest in the relationship between sovereignty and violence in the so-called ‘political turn’ of Derrida’s later work. Generally speaking this ‘turn’ is read as beginning with the *Force of Law* essay in 1990 and continuing in subsequent texts such as *Specters of Marx*, the *Politics of Friendship*, and *Rogues*. And yet, in 1974 Derrida addressed the question of politics in Hegel’s *Philosophy of Right*. As such, the initial impetus of the project was to return to *Glas*, but to shift the focus from sexual difference and the family to sovereignty and lethal violence. This shift in focus required a return to Hegel’s *Philosophy of Right* via Derrida.

The project proceeds from Derrida’s work on Hegel by taking an alternate, yet complimentary course through the *Philosophy of Right*. While *Glas* centers on sexual difference and the place of the family in the state my project takes on the ‘productive value’ or ‘meaning’ of legitimated acts of lethal violence and in doing so addresses the moment that founds the family. Thus, while my point of entry is distinct from Derrida’s the central concern is the same, that is, the ethical implications of the aporias within Hegel’s text. By following the course of lethal violence through the text I was able to emphasize the ethical implications of what Derrida refers to as the ‘remain(s)’ (cf. G, 226). Each chapter sets out to trace the course of the ‘remain(s)’ within each specific moment in an effort to see how the moment functions logically and how those logical functions are ruptured from within in a way that Hegelian dialectics cannot account for or recover from.

As such, the argumentative thrust of the project rests on a pattern that develops out of a close reading of each moment. Generally speaking this pattern involves three basic
components; the intentional orientation of the subject, ontological composition of the object and the communicability of the former via the destruction of the latter. In other words, the focus is not either ontology or epistemology but both via their mediation in semiology and actualization via practical action. In order for this basic pattern to function in the manner that Hegel requires the intentional orientation of the subject must absolutely correspond to the ‘truth’ of the ontological composition of the object and this correspondence must be communicable without disruption or remainder. While the scope of this communicability changes from moment to moment in terms of those situated within the moment, each moment must be absolutely intelligible from the perspective of the philosopher. Without this correspondence—if there remains a shadow of doubt within the act—the action cannot be deemed ‘necessary’ or ‘just’ either within or from beyond the moment.¹

¹ We should note here that the common distinction between ‘ought’ and ‘is’ that forms the basis for the distinction between ‘necessary’ and ‘just’ does not apply to Hegel. According to Hegel what ‘ought’ to be is dialectically derived from the coming to be of what truly ‘is’. As such, what is ‘necessary’ in Hegel’s terms is ‘just’. On this point one can simply refer to Hegel’s (in)famous formulation from the preface to the Philosophy of Right: “What is rational is actual; and what is actual is rational” (PR, 20). Hegel does not simply mean that everything is as it ‘ought’ to be, but rather that what it ‘ought’ to be is in the process of coming into being. As such, it trades on an implicit/explicit or appearance/essence distinction that is not readily apparent in the English translation. The Nisbet translation of the Philosophy of Right provides the reader with a section taken from Hegel’s lectures that aids in the interpretation of this saying.

But if I have spoken of actuality, then it is self-evident that you are to think of the sense in which I use this expression, since I have treated of actuality in a worked-out Logic, distinguishing it precisely not only from the contingent, which has existence, but also from two senses of existence (Existenz, Dasein) and other determinations...When [the understanding] with its ‘ought’ turns to trivial, external and transitory objects, institutions, conditions, etc., which perhaps may have a great relative actuality for a certain time and in a certain sphere, it may be right and in such cases it may find much which does not correspond to universally correct determinations. For who is not clever enough to see much in his environment which is not in fact as it ought to be? But this cleverness is wrong to imagine that such objects and their ‘ought’ have any place within the interests of philosophical science. For science has to do only with the Idea, which
In *Glas* Derrida exposes this pattern of interruption within the logic of identity by tracing the course of the ‘remain(s)’. The place of the ‘remain(s)’ within this pattern is doubled as it is, at one and the same time, the infinitesimal remainder of the active process of dialectics and the limit that provokes its repetition. In effect the ‘remains(s)’ persists within Hegel’s text as both the very possibility of dialectics and a perpetual contestation of both the scope and the stakes of ‘absolute knowledge’. As such, the affinity between the ‘remain(s)’ and *différance* becomes clear as both make “…it possible to translate Hegel at that particular point—which is also absolutely decisive point in his discourse—without further notes or specifications” (MP, 14). The translation that these quasi-transcendental concepts makes possible is the translation of an unacknowledged limit within Hegel’s text. This limit bears with it an ethical question that Hegel’s ‘three-stroke engine’ is designed to resolve. And yet, as Derrida notes, “a sensible remain(s) prevents the three-stroke engine from turning over or running smoothly…the remain(s) does nothing but promise a new anniversary” (G, 252). As such, each moment within ‘objective spirit’ is both structured and carried forward by the promise of ‘right’ without ‘remain(s)’, that is, a ‘right’ beyond the shadow of doubt, a ‘reconciliation’ that would enable us to ‘delight in the present’, but this delight has a price. For each speculative ‘rose’ there must be another objective ‘cross’ (PR, 22). The necessity of the cross would of course not be comprehended from within the moment—Hegel clearly articulates that

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is not so impotent that it only ought to be without actually being; hence philosophy has to do with an actuality of which those objects, institutions, conditions, etc. are only the superficial exterior. (PR, 390)

This point is also echoed in the *Philosophy of Mind*,

The consciously free substance, in which the absolute ‘ought’ is no less an ‘is’, has actuality in the spirit of a nation. (PM, 254)
‘objective spirit’ is incomplete and while this incompleteness can and must be suppressed and constrained by the state it can only achieve ‘reconciliation’ in ‘absolute spirit’—but, from the perspective of the philosopher. As such, the question of the ‘remain(s)’—which is to say, the ‘particular point’ within the text that différance translates—contests the judgment of the philosopher in a way that Hegel’s text cannot anticipate (PM, 253-4).

In Chapter 1 I trace-out the trajectory of Derrida’s engagement with Hegel’s text from his essay on Bataille and Hegel to Glas. Of particular importance in this trajectory is Derrida’s critique of Hegel’s epistemology and its relation to semiology. As Derrida details in his essay The Pit and the Pyramid the relationship between Hegel’s epistemology and semiology—as it is presented in the Philosophy of Mind—displays a pattern of self-interruption. As such, I have intentionally placed a close reading of the section on Psychology from the Philosophy of Mind in the introduction to provide the reader with a detailed overview of both Hegel’s text and Derrida’s reading of it. Derrida’s concern in this essay is to challenge the neutrality of the sign, that is, the claim that the sign can and does convey meaning without alteration, and thus he exposes the aporia—or to borrow Bataille’s term ‘blind-spot’—within Hegel’s epistemology. In other words, the interruption within semiology entails an interruption between Hegel’s epistemology and his ontology and, as a result, the promise of ‘reconciliation’ and ‘absolute knowledge’ is also interrupted. The implications of Derrida’s critique are expansive. If the sign is not neutral and further if it is not neutralizable then the subject cannot achieve absolute identity with the object and as a result the system remains open. This ‘openness’ means that the philosopher’s reading of history is not simply the neutral comprehension of the ‘rationality of the actual’, but a reflective judgment, which can and indeed must be called
into question. Thus, Glas is not simply a philosophical reading of the aporias that remain within Hegel’s account of the family, rather, the aporias act as both indications and indictments of the philosopher’s judgments.

My focus is distinct from Derrida’s in that it centers on how this interruption within Hegel’s epistemology translates into his theory of action and more directly how it translates into the three specific moments that I have selected from the Philosophy of Right. The problem that it brings up in relation to these moments centers on the meaning of lethal violence, that is, once we take into consideration the non-neutralizibility of the sign how can absolutely positive meaning be derived from instances of lethal violence? This question does not only pertain to the question of meaning within the moment—as Hegel will be the first to concede that the moment is incomplete—but rather it pertains to the nature of this incompleteness as it is seen from the perspective of the philosopher.

Once we consider this interruption in terms of the relationship between ‘objective spirit’ and ‘absolute spirit’—or, more directly, between the historical world and the philosopher—we can begin to ask why ‘objective spirit’ is confined to the ‘cross’ and the ‘slaughter-bench’ while the philosopher is able to “…recognize reason as the rose in the cross of the present and thereby delight in the present” (PH, 27; PR, 22). This is admittedly an expansive question and, as such, it will remain somewhat implicit until I directly address the question of perspective and responsibility in the conclusion.

In Chapter 2 I address Hegel’s ‘right of heroes’. In this moment we are confronted by three related problems; first, the intentional structure of the ‘hero’ and his relation to the universal (i.e. Concept), secondly, the ontological composition of the victim(s)—this can be thought of as the distinction between essential and inessential particularity or to use
Hegel’s metaphorics the ‘seed’ and the ‘husk’—and finally the intelligibility of the
intentionality of the actor within the act.. While Hegel admits that in the case of the ‘right
of heroes’ the intentionality of the ‘hero’ is composite, in that, he wills both the universal
and his own selfish ends, he still maintains that due to the fact that these acts do realize
the will of the universal they are ‘just’. The hero’s acts are ‘just’ because of the
intentional orientation of the uncivilized individuals in the ‘state of nature’. In Hegel’s
terms the initial state of humanity is evil, in that, their intentional orientation is opposed
to the Concept and, as a result, the Concept establishes the ‘right of heroes’ to avenge
itself “…whether the form in which it is actualized appears as divine legislation of a
beneficial kind, or as violence [Gewalt] and wrong” (PR, 376). This moment leaves with
a number of puzzling questions ranging from the actual basis of the innate evil argument
that Hegel uses against Enlightenment thinkers such as Rousseau and Locke to the
relations between developed states and the ‘uncivilized’ non-state actors. This
arrangement changes considerably in the next moment.

In Chapter 3 I examine the transition from abstract right to morality. In this moment
the intentional orientation of the character that I refer to as the ‘executioner’ is of central
importance as it preserves the distinction between ‘punitive’ and ‘avenging’ justice. That
is, this moment requires “…a justice freed from subjective interest and subjective shape
and from the contingency of power—that is, a punitive rather than an avenging justice”
(PR, 131). As such, the communicability of the intentional orientation of the actor (i.e.
executioner) via the act (i.e. execution) is of central importance. This moment realizes the
transition from an atomic grouping of individual persons bound by their needs and the
contracts that they form to fulfill these needs to a community of subjects linked by a
common morality. Thus, the question of the ‘remain(s)’ in the execution casts the shadow of doubt on the foundations of Hegel’s state. In the case of the fully developed state the emphasis changes once again.

In Chapter 4 my focus is the role of the monarch and war in the fully developed state. Here we find that the state retains its structure by maintaining a unified intentional orientation among its citizens, which Hegel refers to as the ‘political disposition’ or ‘patriotism’. This orientation—which is exemplified by the ontological composition of the monarch—is maintained by utilizing lethal force both within and beyond the boundaries of the state to both actively negate those that do not exhibit this orientation and engage in wars of recognition. As such, the citizens of the state find their true identity by separating the ‘seed’ from the ‘husk’ in the act of war. At this point the question of both auto-affectivity and autoimmunity becomes salient. That is, the citizens gain their sense of self, the feeling of their ‘true’ identity, in and through their active participation in the negation of difference. This feeling is always already incomplete and interrupted by a ‘remain(s)’ that demands a further negation. This pattern of desire, negation and incomplete auto-affection brings with it the entropic cycle of autoimmunity, which I also refer to as a ‘state of siege’.

Kafka’s short-story *In the Penal Colony* was particularly useful in both fleshing-out and critiquing the structural dynamics of autoimmunity. In Kafka’s story the machine known simply as the ‘apparatus’ forms both the foundation and the eventual destruction of a particular mode of political life. In many ways the story mirrors Benjamin’s views on the distinction between mythic and divine violence; the apparatus operates by promising absolute justice (i.e. divine violence), but it can only provide the spectators with the
repetitious and bloody reality of mythic violence. As such, the apparatus is caught in the destructive cycle of law founding and law preserving violence. With each death the apparatus simultaneously preserves and erodes the political structure of the colony. Each act is paradoxical, in that, it is licensed on the basis of a promise that it cannot realize. In response to this lack the colony can only increase the frequency and intensity of its negations. The impossibility of progress towards the promise of justice exposes the mythic quality of violence and the ultimate contingency of the law. This repetitive quality ends the rule of the Old Commandant and with him the entire political structure. In the end the apparatus is preserved and finally destroyed by the absolute faith of the officer. In short, the story operates as a critique of lethal violence by exposing the impossibility of absolute meaning in the death of another.

Overall each moment follows the development of the same pattern. The problem that the project points out within this pattern is that in all cases there is an interruption that prevents the absolute identity of the intention and the act and, as such, this interruption contests the status of the philosopher’s judgments. This interruption can also disrupt the logic within a particular moment. In the transition from ‘abstract right’ to ‘morality’ this interruption renders the distinction between ‘punitive’ and ‘avenging’ justice impossible precisely because this distinction hinges upon the absolute identity between the intentions of the executioner (i.e. he must will the universal) and the act of execution. This impossibility is also at play in war, but the effect is different. In place of the impossibility of the execution we are presented with the endless repetition of war and punishment. The impossibility of an absolute identity between the intention and the act (or subject and object) means that the intentional orientation of the state can only by maintained by
constantly engaging in war and punishment. In fact, Hegel notes that in periods of extended peace the state stagnates because the intentional orientation of subjects within the state begins to shift from the universal (i.e. the state) to the particular (i.e. their own selfish ends) (PR, 361). As such, the state maintains the proper intentional orientation of the subjects that compose it in and through the use of lethal violence both within and beyond its borders. In effect, the citizens of the state find themselves by actively negating what they are not, but this logic is paradoxical because the identity that they secure through negation is never absolute. According to Hegel this incompleteness due to the failure of ‘objective spirit’ and it is a necessary failure. In fact, this failure is positive in that it spurs us towards the ‘reconciliation’ that is available only within ‘absolute spirit’.

In effect the ‘slaughter bench’ of ‘objective spirit’ is also the philosopher’s ladder (PH, 21). The cost of ‘absolute knowledge’ is that ‘objective spirit’ must—by force of ontological necessity—remain in its place as a ‘slaughter bench’. As such, Derrida’s question of the ‘remain(s)’ retains the force of Antigone’s claim while doubling its effect and it does this by contesting both the temporal authority of the state and the speculative ‘truth’ of the philosopher.

The moments of lethal violence are, in many ways, the most difficult moments in the text. Hegel’s view on ‘savages’ and his celebration of execution and war are admittedly unsettling, but it is precisely because they are unsettling that they demand our attention. There is a two-fold ethical duty in reading these moments. On the one hand they deal with legitimated instances of lethal violence and, as such, as a reader we face the ethical duty of seeking out the principles and arguments that ground this claim to legitimacy. On the other hand we have an ethical duty to Hegel’s text; a duty to present his arguments to
the very best of our abilities. These duties are inseparable. If we simply dismiss or omit these moments, then we not only fail to read Hegel’s text, but we fail those that he condemns. By following Derrida’s approach to Hegel’s text I have attempted to raise the question of ethics by practicing an ethics of reading. By tracing out the course of each moment in detail I have attempted to open a space in which Hegel’s text interrupts itself. When each moment is read carefully these interruptions or aporias within the text problematize the legitimacy of lethal violence and by extension ‘ethical-life’. This does not mean that Hegel’s text should simply be abandoned as hopelessly flawed; rather, the impossibility of the system should serve as an impetus to revisit Hegel’s text. His account of lethal violence is both rich and complicated and despite its inability to absolutely justify these moments by appealing to the promise of ‘absolute spirit’ each can and I believe should contribute to how we interpret lethal violence today. In the end I think that the failure of Hegel’s Philosophy of Right is in fact one of his most valuable contributions to political thought.

This failure is the absolute identity of the subject and the object, which is proclaimed by the philosopher at the summit of ‘absolute spirit’. I argue that this drive towards absolute identity is what both motivates and justifies the use of lethal violence in the Philosophy of Right, both within and beyond the moments of ‘objective spirit’. In addition I do not believe that this identity can be secured by reference to ‘absolute spirit’ and some form of ‘faith in reason’ without acknowledging that it is from the perspective of ‘absolute spirit’ that the activities of the state are read as necessary. That being said, the fact that the so-called totality fails does not mean that we should simply abandon Hegel’s text, but rather we should look at it as perhaps the richest account of a mode of
life in which the ultimate ‘truth’ of subjectivity is its desire for absolute identity. This subjective orientation does have explanatory power. It is a possible—if not at times dominant—way of living in the world. Read in this way we could argue that Hegel maps the terrain of this world with a level of detail that is unmatched. Thus, if we are not convinced by the claim that this mode is both the ‘true’ or ‘necessary’ orientation of subjectivity then we can at least use this text as a map to find a way that is otherwise.

**The Position in Relation to Secondary Literature**

By taking Derrida’s work on Hegel as my entry point into the Philosophy of Right my relationship to the secondary literature in the Anglo-American context automatically becomes distinct. The debates surrounding the Philosophy of Right in this context have shifted from the early debates concerning Hegel’s actual political sympathies to the status of the text’s ‘metaphysical’ content. The first wave was largely in response to Popper’s reading of Hegel. The second centers on how ‘metaphysical’ the Philosophy of Right is, that is, can it be read apart from Hegel’s ‘system’ (which is read as being contaminated). This reading is taken up by early writers such as Alan Wood, but persists in varying degrees in authors such as Hardimon, Neuhauser, Pippin and Tunik. This reading sets out to sort-out—much along the same lines as Croce—what is ‘living’ and what is ‘dead’ in Hegel’s system. As such, the interpretive enterprise is more about finding philosophical arguments and insights that are still interesting to moral philosophers (cf. Alan Wood). In contrast to this the French reading of Hegel stems from Kojeve’s Lectures on the Phenomenology, which provided a reading that was colored by the influence of both Marx and Heidegger. This reading was anthropological in the sense that it read Spirit as being strictly human consciousness. This reading is then countered by Hyppolite’s work
on Hegel. Hyppolite’s *Logic and Existence* reads Spirit as a cosmic force in relation to which humans are the highest form of vessel or conduit. Derrida’s reading of Hegel is a reaction to Hyppolite’s work on Hegel and, as such, he approaches the *Philosophy of Right* as a text that must be read in relation to Hegel’s work in general.

Due to the fact that the project addresses the question of determinate being within the context of the *Philosophy of Right* it is brought into contact with another body of secondary literature on Hegel’s *Science of Logic*. Within this body of literature the work of both Charles Taylor and Stephen Houlgate stands out. In regard to the question of determinate begin Taylor argues that, “Hegel forces his argument beyond what it can strictly yield” (H, 237). He cites a specific passage from the *Logic* to illustrate his point,

> When we say of things that they are finite, we mean thereby not only that they have a determinateness, that quality is reality and determination existing *an sich*, that they are merely limited—and hence still have determinate being beyond their frontier and their being. Finite things are; but their relation to themselves is this, that being negative they are self-related, and in this self-relation send themselves on beyond themselves and their being. They are, but the truth of this being is their end. The finite does not only change, like Something [*Etwas*] in general, but it perishes; and its perishing is not merely contingent, so that it could be without perishing. It is rather the very being of finite things, that they contain the seeds of perishing as their own being-in-self [*Insichsein*]: the hour of their birth is the hour of their death. (H, 237; GL, 142)

According to Taylor, the contradiction that Hegel sees within the concept of determinate being cannot be maintained by his argumentation. That is, Hegel is not simply arguing that determinate being is “…in principle open to alteration and destruction,” rather, he wants to argue that alteration and destruction is conceptually necessary (H, 237-8). In short, he wants to argue that determinate being necessarily contains its own negation and, as such, it must go under. Houlgate argues against this reading, which he characterizes as ‘orthodox,’ by carrying out an ‘immanent’ reading of the opening section of the *Logic*. 


He holds that, “Hegel’s *Logic* begins not with the presupposed idea of the Absolute but with the radical suspension of all our presuppositions about thinking and being” (OHL, 57). He presents this argument as the ‘cornerstone’ of an alternative reading of the *Logic* that he holds in common with commentators such as Richard Winfield, William Maker, and Alan White. While this reading does provide a very detailed account of the section of the *Logic* that it focuses on; the conclusions that it draws from this section leave the reader with more questions than answers. First, even if we concede that Hegel’s ontology begins without any presuppositions, that is, that the Absolute is not presupposed—a claim that seems to place the ‘alternative’ reading at odds with much of what Hegel himself actually says concerning the nature of the concept—we must ask how this account interacts with Hegel’s epistemology. This question relates to both how this ‘alternative’ reading interprets the text and how the interpretation that it forms relates to Hegel’s system in general. On the first count it seems that this reading does not pose the question of epistemology in relation to the ontological model that is presented in the text. As such, the question then becomes is Hegel simply presenting an abstract ontological model or is he presenting a model that claims ontic status. If the claim is the latter then the question of how Hegel is able to provide such an account is of central importance. Perhaps the presuppositions that the ‘alternative’ reading fails to see within the ontology are actually within the epistemology that enables Hegel to derive this ontology and proclaim its identity with thought. This seems to be the actual thrust of Taylor’s reading of determinate being as it sets out to interpret the *Logic* within the context of Hegel’s philosophy as a whole and it is this question that the ‘alternative’ reading does not address. This leaves the reader wondering is this ‘alternative’ interpretation is simply a
product of its own method, that is, of both the constrained nature of its textual focus and its ‘immanent’ hermeneutic approach to the text. Secondly, what are the implications of this interpretation both in terms of Hegel’s other texts and for the remaining sections of the Logic. This is especially pertinent in a project that addresses the Philosophy of Right precisely because in this text we are not simply dealing with an account of ‘what is’, rather, the text explicitly sets its task to be “to comprehend what is...for what is is reason” (PR, 21). As such, despite its intriguing approach to the question of ‘being’ the ‘alternative’ reading of Hegel’s ontology has little to offer a project that relates ontology to epistemology within the context of the Philosophy of Right.

This being the case the positions that my thesis takes on lethal violence and ‘ethical life’ are rooted in an interpretation that reads the Philosophy of Right as systemically connected to Hegel’s work as a whole. While I hold that there are historical distinctions—most notably in the case of the Phenomenology—between the various texts they are nonetheless systemically related. As such, the various readings of concepts such as ‘freedom’, ‘ethical-life’, and ‘war’ that develop from a reading that takes the Philosophy of Right as a stand alone work that is non-metaphysical will be vastly different. For instance the debates over whether Hegel’s account of war is ‘prescriptive’ or ‘descriptive’ would not occur in a reading that views the Philosophy of Right as a systemically related to Hegel’s so-called metaphysics. This is because the ‘prescriptive-descriptive’ distinction trades on an ‘ought-is’ distinction that is foreign to Hegel’s system. For Hegel, the ‘ought’ is derived from the ‘truth’ contained within being. And this ‘ought’ or ‘right’ in general progressively develops in accordance with the historical unfolding of the Concept. As such, I found that much of this type of secondary literature
interpreted the moments that I was concerned with from a set of presuppositions that I do not share. Seeing as the work of mapping out these presuppositions and relating them to the French context is a vast project all on its own I did not formally differentiate my reading from this literature. That being said, there were helpful exceptions, in particular I found the work of Adriaan Peperzak and, to a lesser extent, Charles Taylor useful. There were also other readings that were useful in securing my interpretations, for instance, Steven Walt’s argument that war acts as a form of vaccination against the internal contradictions, Ido Geiger’s work on war and its relationship to the future of ethical life, and Cyril O’Reagan’s detailed account of Hegel’s position on the Biblical myth of the Fall were all very helpful.
“Does he know his sentence?” “No,” said the officer, eager to go on with his exposition, but the explorer interrupted him: “He doesn’t know the sentence that has been passed on him?” “No,” said the officer again, pausing a moment as if to let the explorer elaborate his question, and then said: “There would be no point in telling him. He’ll learn it on his body.”

Franz Kafka, “In the Penal Colony” (144-5)
A ‘Living’ Apparatus

“It’s a remarkable piece of apparatus,” these words open Kafka’s extraordinary short story “In the Penal Colony”. The context is—at least initially—simple; the officer is speaking to the explorer. The officer’s evaluative statement is given with a sense of familiar admiration. He is presenting the machine known only as the ‘apparatus’ to the explorer. The explorer is attending this presentation “merely out of politeness,” having been invited to witness an execution by the current Commandant of the colony (PC, 140). We will discover later that the Commandant’s invitation has a political motive, namely, to decommission the apparatus and initiate a new set of penal procedures. The officer’s intent is thus to prevent this by convincing the explorer of the truth of the apparatus. It is a question of truth and not simply efficiency precisely because the apparatus does not simply punish, rather, it does the work of justice. It’s elegant and precise construction—described in detail by the officer—is not merely mechanistic in nature. Its function is to translate the sentences that are entered into the Designer (the mysterious uppermost component of the apparatus that receives the sentence(s) from the officer and translates them by guiding the movement of the Harrow), but the actual signs that are entered do not correspond to what is actually written out; at least not to the eyes of the explorer. The “guiding plans”—written by the former Commandant of the colony who designed the apparatus—appear to the explorer as nothing but “a labyrinth of lines crossing and recrossing each other” (PC, 148). As such, the actual source of the sentence that the apparatus inscribes is beyond standard signification; it is only legible to the officer. The “guiding plans” thus assume a metaphysical quality; they are a divine text. The work of the apparatus is, as we have stated, translation, but it is also transcription; it writes the
sentence onto the body of the condemned. The process of transcription is long and elaborate.

“Yes,” said the officer with a laugh, putting the paper away again, “it’s no calligraphy for school children. It needs to be studied closely. I’m quite sure that in the end you would understand it too. Of course the script can’t be a simple one; it’s not supposed to kill a man straight off, but only after an interval of, on an average, twelve hours; the turning point is reckoned to come at the sixth hour. So there have to be lots and lots of flourishes around the actual script; the script itself runs around the body only in a narrow girdle; the rest of the body is reserved for the embellishments. Can you appreciate now the work accomplished by the Harrow and the whole apparatus?—Just watch it!” (PC, 149)

Later on we find out what exactly occurs at the sixth hour.

“Only about the sixth hour does the man lose all desire to eat. I usually kneel down here at that moment and observe what happens. The man rarely swallows his last mouthful, he only rolls it around his mouth and spits it out into the pit. I have to duck just then or he would spit it in my face. But how quiet he grows at just about the sixth hour! Enlightenment comes to the most dull-witted. It begins around the eyes. From there it radiates. A moment that might tempt one to get under the Harrow oneself. Nothing more happens than that the man begins to understand the inscription, he purses his mouth as if he were listening. You have seen how difficult it is to decipher the script with one’s eyes; but our man deciphers it with his wounds. To be sure, that is a hard task; he needs six hours to accomplish it. By that time the Harrow has pierced him quite through and casts him into the pit, where he pitches down upon the blood and water and the cotton wool. Then the judgement has been fulfilled, and we, the soldier and I, bury him.” (PC, 150)

Within this ‘turning point’ we begin to see the metaphysical function of the apparatus. Its function is not simply to inflict pain or bring death, but rather, to write-out justice. Not simply to mechanically inscribe signs upon the flesh, but to manifest their true meaning. This manifestation occurs within the ‘turning point’; the moment of ‘enlightenment’ brings meaning to the inscription, but this meaning is mute. The living bear witness to the ‘truth’ of the sentence vicariously, that is, they see it through the experience of the condemned, but they do not truly comprehend it. This silence—the silence that separates
the spectators from the ‘truth’ of justice—eventually undoes the apparatus.² Our itinerary begins with this silence precisely because it is also at work in Hegel’s state.

This silence is not confined to the state—that is, to objective spirit—it affects the system as a whole, but the ethical dimensions of this silence are most pronounced in the dialectical development of the state. In objective spirit the aporias that Hegel’s system simultaneously accumulates and dialectically amortizes have practical consequences. In a certain sense this should come as no surprise seeing as for Hegel theoretical and practical cognition or thought and will are not two separate faculties. Hegel clearly articulates this point in the addition to §4 of the Philosophy of Right, “…on the contrary, the will is a particular way of thinking—thinking translating itself into existence [Dasein], thinking as the drive to give itself existence” (PR, 35). Practical cognition is the translation [übersetzend] of thought into existence and, as such, the state, which is to say ethical-life [Sittlichkeit], is the living Logos. Its life is the activity of translation, of writing the Logos into existence [Dasein], but for Hegel this writing also lies within existence waiting to be written. As such, the act of translating is at one and the same time a remembering and a forgetting. It is a process of remembering in that it is a recollection of the proper name of the object, but the re-membering or re-collecting is also a forgetting of the non-dialectical difference of the object. In this sense practical cognition—like

² First, the crowds abandon it, and then in desperation the officer enters the apparatus—as a martyr—setting the sentence from the previous punitive imperative “HONOUR THY SUPERIORS!” to the universal imperative “BE JUST!” (PC, 144, 161). The apparatus fails to inscribe the latter imperative and in this failure the officer is denied entry into the ‘turning point’ that he so admired. This failure is instructive as the apparatus was able to articulate the arbitrary imperative—and thus, to shore up the current political arrangement—and yet, it was unable to write-out the transcendental imperative. There is thus a distinction between the promise of the apparatus—the work of justice accomplished—and what it actually does. This distinction eventually is its undoing as the crowds can no long see the ‘justice’ in the silent expressions and gesticulations of the condemned. Quite simply, without its metaphysical promise the apparatus is simply an elaborate method of killing.
language—exceeds the boundaries of translation in the ordinary sense, which is to say, the meaning that it draws out of being can be recovered by theoretical cognition (LE, 31). Quite simply, this process of recovery and recollection can only establish the identity between thought and being from the perspective of absolute knowledge.

Hegel acknowledges the role of the particular in relation to the universal—in fact according to Hegel “the universal arises out of the particular and determinate and its negation”—, in fact, this can be seen to be one of the great strengths of Hegel’s system. For him the universal is only possible in and through the particular and thus the particular occupies a central position within his philosophy. The particular is the vessel of the universal, but, in terms of its own structure it is the always internally differentiated. Within this internal division “part is worthless and part is of positive value” (LWH, 89).

To quote Hegel,

The particular is as a rule inadequate in relation to the universal, and individuals are sacrificed and abandoned as a result. The Idea pays the tribute which existence and the transient world exact, but it pays it through the passions of individuals rather than out of its own resources. (LWH, 89)

Here we find that the particular acts as the conduit of the universal, a means through which the universal is transmitted, but in this process of transmission any distortion is strictly due to the limitations of the conduit. As such, in order to reconstruct the signal in its totality the signal must be continuously transmitted.

This continual transmission is Hegel’s ‘positive’ infinity, that is, the infinity of the circle as opposed to the line. As Hegel states in the Science of Logic,

…the science exhibits itself as a circle returning upon itself, the end being wound back into the beginning, the simple ground, by the mediation; this circle is moreover a circle of circles, for each individual member as ensouled by the method is reflected into itself, so that in returning into the beginning it is at the same time the beginning of a new member. (GL, 842)
Within this circular movement the Absolute Idea determines itself as its other only to pass through mediation and return to itself as the self-comprehending pure concept (GL, 843-4). Returning this process to our analogy of transmission we find that the signal transmits itself through a medium that it generates in order to receive itself. This circular process is Hegel’s ‘positive’ infinity, which finds its religious expression in a particular (heterodox) conception of Christian messianism. The ‘positivity’ of this model is predicated on the absolute recuperation of meaning, that is, from the perspective of ‘absolute knowledge’ it must be possible to recognize the object as being identical with thought. This entails that the movement from ontology to epistemology is possible without any form of distortion and this requirement places stress upon both the ontological constitution of objects (i.e. the ‘seed’ and ‘husk’ distinction) and the epistemological structure of the subject.

Hegel contrasts the circularity of ‘positive’ infinity to the linearity of what he terms ‘bad’ infinity. In ‘bad’ infinity subjectivity is eternally divided from the absolute and thus denied ‘absolute knowledge’. According to Hegel this model is exemplified philosophically in Kantian thought by the thing-in-itself and theologically by Judaism. In terms of particularity ‘bad’ infinity cannot formulate a determinative judgment concerning the ontological composition of the object and, as such, its epistemology is characterized by a series of antinomies. Hegel’s task is to go beyond this ‘bad’ infinity and achieve reconciliation between the subject and the absolute. And yet, when we begin to try to follow the dialectical progression of objective spirit closely we begin to find a silence that is not accounted for. According to Hegel this silence is due to the

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3 For a detailed study of Hegel’s relationship to Christian Theology refer to Cyril O’Regan’s The Heterodox Hegel.
insufficiency of determined particularity, that is, to its ‘worthless’ part or ‘husk, and that the system actually utilizes this silence as a resource. In short, Spirit gains its power by “…looking the negative in the face, and tarrying with it” (PS, 19). As such, the silence within each moment is utilized as an indication of the need for the next mediation. That is, within the moment Hegel utilizes this silence as evidence of the incompleteness of the moment and the need for its dialectical mediation, yet this silence extends beyond the confines of the Hegelian moment.

We can begin to trace this silence when we examine the way in which Hegel’s epistemological model interacts with his ontology. In Hegelian metaphors the division within the particular is presented as a combination of the ‘seed’ and the ‘husk’. The ‘seed’ is the inner truth of the particular—Hegel will refer to this as the ‘germ of death’ [Keim des Todes]—it is what theoretical cognition will extract and convert into the ‘name’. The ‘husk’ is simply a container and is thus not included in the ‘name’. It is mute and yet, it carries, it contains and preserves meaning. In this process of conversion or rather sublation [Aufgehoben] the ‘husk’—as the non-dialectical component of the particular—is simply cast off in and through the process of theoretical cognition. Much like the ‘sign’ the ‘husk’ is simultaneously essential and non-essential within the dialectic. Adorno comments on the doubled status of the particular.

Cognition aims at the particular and not at the universal. It seeks its true object in the possible determination of the difference between that very particular and the universal, which it criticizes as nevertheless unavoidable. But if the mediation of the universal through the particular and of the particular through the universal is put into the abstract normal form of mediation pure and simple, then the particular has to pay—to the point of being dismissed in an authoritarian manner in the material sections of Hegel’s system.4

4 This translation of Adorno’s text is Thomas McCarthy’s and is found in his translation of the first volume of Jürgen Habermas’ Theory of Communicative Action (373). I have chosen to use it
This dismissal is clearly exemplified by what Hegel refers to as the ‘cunning’ of reason. The ‘cunning’ is that reason is able to use determined particularity in such a way that it transmits itself through it without distorting itself. To re-cite Hegel,

> The Idea pays the tribute which existence and the transient world exact, but it pays it through the passions of individuals rather than out of its own resources. (LWH, 89)

That is, it pays tribute by offering up what it deems to be worthless and by doing so remains “unscathed itself” (LWH, 88-9). In short, reason effectively subverts the very concept of sacrifice by offering what it deems to be nothing. The question that disrupts this process is deceptively simple, namely, how is the distinction between the ‘essential’ and the ‘worthless’ component of determined particularity made and further more what is the nature of this determination? Is it a determinative or a reflective judgment? This question centers on the relationship between ontology and epistemology and, as such, it will draw us toward the role of semiology in mediating the division between being and thought. By approaching the problem from this angle we can use Derrida’s work on Hegel’s semiology to problematize the ‘positivity’ of Hegel’s notion of infinity. Without this ‘positivity’ the distinctions that characterize both his ontology and his epistemology cannot be made on a determinative level. That is, without the guarantee of ‘absolute knowledge’—and the ‘positivity’ of Hegel’s infinity is the very possibility of ‘absolute knowledge’—the distinction between the essential and inessential components of determined particularity (i.e. between the ‘seed’ and the ‘husk’) can only be made on a reflective level and, as such, must remain contestable. In short, by disrupting the

Instead of the Ashton translation as it is a more direct translation of the original (cf. NDE, 329; ND, 322-23).
‘positivity’ of Hegel’s circle his move ‘beyond’ Kant is not as ‘absolute’ as it initially appears. In fact, it may be that this move is little more than the difference of referring to a line as an infinite curve and yet, the implications of this move are immense.

Seen under this critical light Hegel’s speculative circle, his Concept [Begriff], is mirrored by the logic of Kafka’s apparatus. The apparatus writes the indecipherable script of the guiding plans onto the body of the condemned. Through this process of transcription the script of the “guiding plans” gains existence (PC, 148). The body serves as the medium of the script; through it the script gains existence and meaning. This meaning is the correspondence between justice and punishment. The condemned reaches enlightenment at the sixth hour and comprehends the sentence with his wounds, but this comprehension is silent. The enlightenment of the condemned—like Hegel’s ‘absolute knowledge’—can be described, but the description does not convey its ‘truth’. The fate of the apparatus hinges on the content of this truth. The apparatus both founds and continues the law by transcribing the script, but it cannot give voice to the silence of the condemned, and as such, it cannot fulfill the promise of justice. Its legitimacy hinges upon the silence of the condemned. It can project a meaning onto this silence, but it cannot exhaust it. The officer can claim that the silence of the condemned both corresponds to and thus confirms the ‘truth’ of the script, but this claim cannot be substantiated precisely because the experience of the condemned is silent. As such, the officer can—and indeed must—repeat the sentence; without repetition the question of justice—the very question that is provoked by silence—overwhelms the apparatus. In fact, once the apparatus is set in motion its only possible response to the question of justice is repetition. The officer can vary both the frequency and the intensity of the
transcription, but nothing can validate the true meaning of what is written. It is the compulsive repetition of silence that undoes Kafka’s apparatus; it must write in order to give meaning to the law, but the meaning that it brings is always already incomplete. Hegel attempts to solve this problem—the aporetic relationship between justice and the force of law—by reading the line as an infinite curve. That is, by employing the ‘positive’ infinity of speculative idealism Hegel can maintain that what is negated is indeed negative in-itself and thus, claim that the act of negation was ‘just’. And yet, within this claim—what we could refer to as the ‘speculative proposition’ as it pertains to the identity of difference—there is always a silence that simultaneously enables, limits and demands meaning. This silence lies at the very foundation of both Kafka’s apparatus and Hegel’s state and it is this silence that each continuously repeats. Derrida’s engagement with Hegel’s text traces the course of this silence from theoretical to practical cognition. He begins this process by taking up Bataille’s reading of Hegel in his essay “De l’économie restreinte à l’économie générale: Un hegelianisme sans reserve”.

In a lecture on sin that he delivered in 1944 Bataille states that: “I am Hegelian more than anything else, without being Hegelian through and through” (USN, 62). The intimacy between them is qualified and thus limited; it is an intimacy that maintains a certain distance. Bataille gains this distance by taking Hegel’s text seriously, that is, by reading it to the point of silence and at this point he bursts out in laughter. This laughter exceeds the meaning of Hegelian discourse by following it to the point of its own internal dislocation. As Derrida notes, “this can be done only through close scrutiny and full knowledge of what one is laughing at” (WD, 253). Bataille finds laughter at the extreme limit of Hegel’s text.
A comic little summary. Hegel, I imagine, touched upon the extreme limit. He was still young and believed himself to be going mad. I even imagine that he worked out the system in order to escape (each type of conquest is, no doubt, the deed of a man fleeing a threat). To conclude, Hegel attains satisfaction, turns his back on the extreme limit. Supplication is dead within him. Whether or not one seeks salvation, in any case, one continues to live, one can’t be sure, one must continue to supplicate. While yet alive, Hegel’s own salvation, killed supplication, mutilated himself. Of him, only the handle of a shovel remained, a modern man. But before mutilating himself, no doubt he touched upon the extreme limit, knew supplication: his memory brought him back to the perceived abyss, in order to annul it! The system is the annulment. (IE, 43)

Here we find that Bataille counters Hegel’s claim that speculative dialectics ‘goes beyond’ any and all limits by presenting it as a flight or an escape trajectory from the ‘limit’ Bataille locates this ‘extreme limit’ in Hegel’s account of the “sheer negative power” of the lord (PS, 116). The abstract negativity of lordship is Bataille’s entry point both into and—in a certain sense—through Hegel’s text. His writing closely traces its path through Hegel’s system, but it does so only to undo it. For Bataille, Hegel’s construction is a philosophy of work, of “project”. The Hegelian man—Being and God—is accomplished, is completed in the adequation of project. Ipse having to become everything does not fail, does not become comic, insufficient, but the private individual, the slave engaged in paths of work, gains, after many a detour, access to the summit of the universal. The only obstacle in this way of seeing (moreover, of an unequalled profundity—in some ways, inaccessible) is what, in man, is irreducible to project: non-discursive existence, laughter, ecstasy, which link man—in the end—to the negation of project which he nevertheless is—man ultimately ruins himself in a total effacement—of what he is, of all human affirmation. Such would be the easy passage from the philosophy of work—Hegelian and profane—to sacred philosophy, which the “torment” expresses, but which assumes a more accessible philosophy of communication. (IE, 81)

This point is echoed earlier on,

I have trouble conceiving that “wisdom”—science—is linked to inert existence. Existence is a tumult which overflows, wherein fever and rupture are linked to intoxication. Hegelian collapse, the finished, profane nature of a philosophy whose movement was its principle, stem from the
rejection, in Hegel’s life, of everything which could seem to be sacred intoxication. Not that Hegel was “wrong” to dismiss the lax concessions to which vague minds resorted in his time. But by taking work (discursive thought, project) for existence, he reduces the world to the profane world; he negates the sacred world (communication). (IE, 80)

Bataille makes his relationship to Hegel explicit in Inner Experience when he states that the aim of his project is to both “…recommence and undo Hegel’s Phenomenology” (IE, 80). His aim is to move from a ‘philosophy of work,’ that is, a philosophy that subordinates itself to the circular logic of the dialectic, to a more accessible ‘philosophy of communication.’ It is more accessible precisely because it does not defer, it does not wait or hold itself in silent reserve, rather, it goes out, it steps outside of circulation, outside of the Aufhebung and it does so in response, not on its own, “…not as a voluntary direction coming from itself, but like the sensation of an effect coming from the outside” (IE, 60). In short, Bataille seeks to respond to the silence. This response is not an attempt to get beyond silence—to somehow sound-it-out—or to simply tarry within it, but rather, to attend to it. As such, Bataille’s ‘philosophy of communication’ is not a speculative investment; it puts itself at stake without reserve. Bataille’s response is sovereign. Its unlimited risk, its total expenditure, exposes the servitude of Hegelian lordship. While the lord tarries with the negative—it “endures it and maintains itself in it”—the sovereign simply laughs (PS, 19). Bataille’s laughter is sovereign, because it laughs at itself. At its ‘extreme limit’ the sovereign is seized with a sort of gallows humor that effectively subverts the very idea of lordship.

The possibility of sovereign laughter—of this going-out-without-return—subsists in each permutation of Hegel’s system; it remains silently latent in what the system struggles to both contain and consume. Bataille seizes upon the impossibility of this
containment and consummation. He undoes Hegel’s system from within by shifting it from a logic of ‘containment’ to one of contamination and from ‘consummation’ to communication. As Derrida notes,

Bataille, thus, can only utilize the empty form of the Aufhebung, in an analogical fashion, in order to designate, *as was never done before*, the transgressive relationship which links the world of meaning to the world of nonmeaning. This displacement is paradigmatic: within a form of writing, an intraphilosophical concept, the speculative concept par excellence, is forced to designate a movement which properly constitutes the excess of every possible philosopheme. (WD, 275)

Bataille undoes Hegel’s system by following it to the point at which it undoes itself. He locates at point at which the system encounters an unthinkable difference, a difference that exceeds the resources of dialectical appropriation, and instead of lowering the curtain and ushering us onwards towards the next act he exposes the system to its ‘blind spot’:

> Even within the closed completed circle (unceasing) non-knowledge is the end and knowledge the means. To the extent that it takes itself to be an end, it sinks into the blind spot. But poetry, laughter, ecstasy are not the means for other things. In the “system”, poetry, laughter, ecstasy are nothing. Hegel gets rid of them in a hurry: he knows of no other end than knowledge. His immense fatigue is linked in my eyes to the horror of the blind spot. (IE, 111)

Returning to Derrida,

> The blind spot of Hegelianism, *around* which can be organized the representation of meaning, is the point at which destruction, suppression, death and sacrifice constitute so irreversible an expenditure, so radical a negativity—here we would have to say an expenditure and negativity *without reserve*—that they can no longer be determined as negativity in a process or a system. In discourse (the unity of process and system), negativity is always the underside and accomplice of positivity. Negativity cannot be spoken of, nor has it ever been except in this fabric of meaning. Now, the sovereign operation, the *point of nonreserve*, is neither positive nor negative. It cannot be inscribed in discourse, except by crossing out predicates or by practicing a contrary superimpression that then exceeds the logic of philosophy. (WD, 259)
This ‘blind spot’ is the very silence that the system was designed to annul by leading us to the position of ‘absolute knowledge’. It operates as a non-dialectical difference within the dialectical procession of negation; a silence that both conditions the possibility and impossibility of meaning. Hegel attempts to exhaust this silence by subjecting it. The system harnesses the power of silence as the power of the negative. It enables the system to continually move from moment to moment, but these moments can only be interpreted as progress if they are oriented towards the ‘positivity’ that is comprehended from the position of ‘absolute knowledge’. As such, the silence of each moment is used as a spur to carry us on to the next, but this restless movement only defers the limiting function of silence by claiming that meaning is complete when it is seen as a ‘positive’ infinity. Without this ‘positivity’ the logic of the circle becomes vicious. Hegel claims that it is complete from the perspective of the philosopher. The only assurance that Hegel can offer is the promise of absolute knowledge—a promise that requires that you ‘endure’ the silence of death or in the word’s of Kafka’s Old Commandant that you “Have faith and wait!”—and yet, can you ‘endure’ a silence that is, strictly speaking, not your own? Can you read over the death of another, or indeed a multitude of others, and simply forget their silence? This is the ultimate question of objective spirit. It is the question that exposes the true stakes—‘stake’ here taken in its multiple senses—of Hegel’s ‘positivity’. Bataille exposes the stakes of Hegel’s game by refusing to continue with its pre-determined course. Bataille is laughing at the silence of Hegel’s gallows.

In a paper presented at the Séminaire de Jean Hyppolite at the Collège de France on the 16th of January 1968—less than one year after the publication of his essay on Bataille and Hegel in L’arc—Derrida examines the role of the sign in Hegel’s model of
theoretical cognition. In this paper Derrida addresses Hegel’s system directly and the analysis here sets the stage for his most sustained encounter with Hegel, namely, Glas. In fact Derrida refers directly to Glas in a footnote.

In a work in preparation on Hegel’s family and on sexual difference in the dialectical speculative economy, we will bring to light the organization and displacement of this chain which reassembles the values of night, sepulcher, and divine—familial—feminine law as the law of singularity—and does so around the pit and the pyramid. (MP, 77)

This connection draws him toward the “organization and displacement” of the family in its relation to the state in ‘ethical-life’ [Sittlichkeit]. Derrida takes the family as his guiding thread.

In order to work on/in Hegel’s name, in order to erect it, the time of a ceremony, I have chosen to draw on one thread. It is going to seem, odd, and fragile. It is the law of the family: of Hegel’s family, of the family in Hegel, of the concept family according to Hegel. (G, 4)

This thread connects the silence that he traces out in his essay on Hegel’s semiology—the silence of the tomb—to the world of practical cognition. That is, in the transition from theoretical to practical cognition this silence is repeated. Turning out attention back to the text we find that,

…practical consciousness is at once the negation and the posit(ion)ing of theoretical consciousness. This is played out in the passage from desire to labor. Desire is theoretical, but as such is tortured by a contradiction that makes it practical. In effect, theoretical consciousness (death) has only to do with the dead. In the opposition constituting theoretical consciousness, object, its opposite is not a consciousness, but a thing—a dead thing—that itself does not oppose itself, does not of itself enter into relation. The dead thing is in the relation without, itself, relating-to. So theoretical consciousness has the form of a contradiction, the form of a relation that relates itself to something that is not related, that does not relate (itself) (Widerspruch einer Beziehung auf ein absolut nicht Bezogenes), that absolves itself of the relation. This changes only with desire. Desire is related to a living thing, thus to something that relates (itself). So the negation of theoretical consciousness is first of all desire. Desire perforce implies just what it denies: theoretical consciousness, memory and language. (G, 120)
The silence of the sign—the silence that *différance* traces—draws him towards the very question that begins *Glas*, that is, to the question of the ‘remain(s)’. *Différance* makes this question possible by providing Derrida with a non-dialectical entry point into Hegel’s text,

Writing “differant” or “*différance*” (with an a) would have the advantage of making it possible to translate Hegel at that particular point—which is also absolutely decisive point in his discourse—without further notes or specifications. And the translation would be, as it always must be, a transformation of one language by another. I contend, of course, that the word *différance* can also serve other purposes: first, because it marks not only the activity of “originary” difference, but also the temporizing detour of deferral; and above all because *différance* thus written, although maintaining relations of profound affinity with Hegelian discourse (such as it must be read), is also, up to a certain point, unable to break with that discourse (which has no kind of meaning or chance); but it can operate a kind of infinitesimal and radical displacement of it…(MP, 14)

This translation of Hegel (the one that *différance* makes possible) displaces the text by tracing the impossible course of the ‘a’ within the system. This ‘a’ of *différance* can be thought of as a space, or a spacing, that is held open within meaning and, as such, it is connected to a series of other quasi-concepts in Derrida’s work. From *aporia*, to *autrui*, and *àvenir* the ‘a’ of *différance* is a certain openness, a silent hospitality, or *chora*, within the process of signification that resists the philosophical desire for an absolutely determinate meaning or absolutely de-limitable context.5 Within Hegel’s text this ‘a’

5 This desire is a desire for indemnification, or as Derrida refers to it in “Faith and Knowledge”, auto-indemnification. But, this is only one of the possible reactions to the ‘a,’ it is the reactive, or to echo Levinas, the ‘allergic’ reaction to the ‘a’; with the ‘a’ there is always an either/or:

The same unique source divides itself mechanically, automatically, and sets itself reactively in opposition to itself: whence two sources in one. This reactivity is a process of sacrificial indemnification, it strives to restore the unscathed (*heilig*) that it itself threatens. And it is also the possibility of the two, of n + 1, the same possibility as that of the testimonial deus ex machina. As for the response, it is either or. *Either* it addresses the absolute other as such, with an address that is
becomes a tomb, a silent grave—buried within the very structures of memory—and thus it is inextricably also bound to the question of the ‘remain(s)’.

The question is not simply one of memory—that is, of a silence that would remain confined to the night-like pit of memory (a pit whose function is reminiscent of the drowning-pit referred to in the Medieval death sentence “cum fossa et furca” or “with pit and gallows”)—but one of practical cognition and as such, this silence is repeated in both the speech and labor that gives form to the state. This silence interrupts the course of

understood, heard, respected faithfully and responsibly; or it retorts, retaliates, compensates and indemnifies itself in the war of resentment and of reactivity. One of the two responses ought always to be able to contaminate the other. It will never be proven whether it is the one or the other, never in an act of determining, theoretical or cognitive judgement. This might be the place and the responsibility of what is called belief, trustworthiness or fidelity, the fiduciary, “trust” <la “fiancé”> in general, the tribunal <instance> of faith. (AR, 66)

Derrida’s either/or echoes a series of others. For Kierkegaard this collision of the subject with the limit engenders or conditions two opposing, yet related reactions, offence and faith (cf. PF, 37-54). There are similar accounts of such a collision or encounter in the work of thinkers such as Friedrich Nietzsche, Martin Heidegger and Emmanuel Levinas. For instance if we consider Heidegger’s account of the difference between ‘healing’ and ‘raging’ in relation to Being, as it illustrated in the “Letter on Humanism”, we find a similar—and here we should emphasize that to argue that the account is ‘similar’ is not to collapse philosophical distinctions and say that it is the ‘same’—account of affective or passionate reactions to the encounter with the limit of thought (BW, 260-1). In the work of Levinas we can turn to the recurrent distinction between allergy and responsibility or the compulsion to murder and the call of the ethical that one experiences in its encounter with the face of the other (TI, 198-199, 232-236). In Nietzsche’s work we would be drawn to a certain way of reading his account of the interaction between the ‘will to power’ and the ‘eternal return’; as it only the one that can overcome nausea and say ‘yes’ to the ‘moment’ that may pass through the condition of ‘man’ (Z, 267-72). And, as Derrida argues in “The Ends of Man”, this passing through or beyond, the movement of the over-man (Übermensch) is distinct from the fate of the superior man (höhere Mensch) (cf. MP, 136). In each one of these accounts we find a form of diagnostic schema, that is, we find an analysis of two opposed, yet related and inseparable (inseparable in the sense that each path or orientation is always open to the possibility of shifting back into the other) affective configurations that arise in a confrontation with the limit of thought. For our current purposes it is enough to simply indicate our awareness of this theoretical interstice, but a more comprehensive project would necessarily involve a detailed survey of the complicated and convoluted topography of this convergence point. Such a project is of central importance because it would focus on the compulsive aspect of the ‘raging’ that becomes ‘malignancy’ or the ‘allergy’ that becomes ‘murder’ and, as such, it would trace out the repetition of the limit that occurs within a particular affective configuration of the subject. In short, such a survey would provide a broader account of the cyclical, or ‘autoimmune,’ nature of violence.
—that is, it disrupts the process of the Aufhebung from within—as a force of resistance.

Forces resistant to the Aufhebung, to the process of truth, to speculative negativity must be made to appear, and as well that these forces of resistance do not constitute in their turn relievable or relieving negativities. In sum a remain(s) that may not be without being nothingness: a remains that may (not) be. (G, 43)

Derrida specifically stipulates that the term ‘remain(s)’ is not to be taken as a static by-product of a process, but rather as the non-dialectical element that provokes action.

Trying to think (but this word already holds back in the circle) a remain(s) of time (but time already engages in the circle) that would not be, that would not come under {relèverait d’} a present, under a mode of being or presence, and that consequently would fall outside the circle of Sa, would not fall from it as its negative, as a negative sound {comme son negative}, all ready to take up again the tangent in order to remain stuck {collé} to the circle and let itself be drawn back in by it. The remain(s), it must be added, would not fall from it at all. Everything that falls (to the tomb) in effect yet comes under {relève du} Sa. So would activate itself {S’agirait} a suspended remain(s). Which would not be: not presence, not substance, nor essence. In general, what remains is thought to be permanent, substantial, subsistent. Here the remain(s) would not remain in that sense. Remain(s) is also thought to be the residue of an operation (subtraction or division), a cast-off, a scrap that falls (entombed) or stays. The remain(s), here, rather, would provoke the action. The remain(s) would remain in none of these two senses. Then why this word, why keep {garder} a “remain(s)” that no longer corresponds to the remains of traditional semantics? Will it be said that this word keeps with this semantics a metaphorical relation? That would again be to reappropriate it to the metaphysical circulation. What remains of the “remain(s)” when it is pulled to pieces, torn into morsels? Where does the rule of its being torn into morsels come from? Must one still try to determine a regularity when tearing to pieces what remains of the remain(s)? A strictly angular question. The remain(s) here suspends itself. (G, 226)

Here we find that the remain(s) provokes action by resisting the movement of thought towards absolute knowledge, which Derrida refers to here with the abbreviation ‘Sa’. As such, Derrida stipulates that we must not think of the ‘remain(s)’ as either “permanent, substantial, subsistent” or “the residue of an operation,” but rather the ‘remain(s)’
provokes. It is both active in relation to and entangled with the desire for absolute knowledge; it provokes by, at one and the same time, limiting and conditioning the possibility of thought. Like silence the ‘remain(s)’ can be said to both provoke and condition the possibility of speech. It is the desire for ‘absolute knowledge’—the desire that both founds and preserves the system—that pulls and tears the ‘remain(s)’ into ‘morsels’ in an effort to move beyond any and all limitations, but in doing so it exposes its own lack. Thus, the ‘rule’ that requires this tearing is grounded only by the desire for absolute knowledge and ironically the process of tearing-up the ‘remain(s)’ exposes this groundlessness. That is, it exposes the unspeakable silence that remains between ontology and epistemology and, as such, it exposes the impossibility of ‘absolute knowledge’. Returning to the text Derrida specifies that,

The limit of language is determined from a certain void in signification. A sensible remain(s) prevents the three-stroke engine from turning over or running smoothly. Yet the remain(s) does nothing but promise a new anniversary. (G, 252)

The remain(s) as silence, as a void in signification, both provoke and limit the possibility of being becoming both in-and-for-itself, that is, of ‘absolute knowing’; it disrupts the process of speculative auto-affection while simultaneously increasing the urgency of its drive. The Hegelian subject—that is, the subject that pursues ‘absolute knowledge’—is drawn into a regressive circle of repetition and, thus it is drawn towards the tomb.

Derrida expands upon the repetitive nature of auto-affection early on in the text.

*Geist* can only repeat itself, repeat its own spiriting (away) [souffle], inhaling/exhaling itself. Effluvium or sublimate, the repetition of a spiriting (away) maintains itself above what falls (to the tomb), above matter. Such repetition unfolds the infinite freedom of an auto-affection. Between self and self, in the being (close) by self, what can prevent the spirit from repeating? The hands can be bound and the tongue cut out [couper], all the possibilities of action and auto-affection limited, but how
could *Geist* be prevented from repeating? This operation, which one would not know how to decide whether it is internal or external, spontaneous or accidental, is spirit’s last refuge—its supreme irony—against all repressive constraints. But this operation is nearly nothing, and yet matter must ferment (all this awaits us near the burial place), but the ferment, the heat that decomposes matter, is it not yet, already, the spirit preparing a beautiful repetition? It must first, because of that, forget itself. (G, 24)

Here we find that the very aim of Hegelian systemics—the absolute self-knowing of *Geist*—is, at one and the same time, limited and made possible by what remains(s). This non-dialectical element—much like Bataille’s use of the sliding word ‘silence’—conditions the possibility of contestation, that is, it opens up an irreconcilable space between the law and justice. In short, it radically contests the ‘positivity’ of Hegel’s system and thereby opens up the possibility of responsibility within history.

Now that we have established the general trajectory of Derrida’s work on Hegel we can begin to set out our own itinerary. Our course will follow closely—if not inextricably—Derrida’s, in that, we will be concentrating on the connection between theoretical and practical cognition. In particular we will be referring to theoretical cognition as a process of thinking or reading-out—in the sense of cancelling—silence and practical cognition will be referred to as a writing or sounding-out of silence; the contention is that each process fails as silence—like Derrida’s remain(s) and *différance*—

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6 Bataille’s writing seizes upon this ‘treachery’ of words and struggles to drive language towards the very “…silent, elusive ungraspable part” that it serves to obscure (IE, 14). Derrida refers to this mode of writing as Bataille’s “major writing”:

This—major—writing will be called *writing* because it *exceeds* the *logos* (of meaning, lordship, presence etc.). Within this writing—the one sought by Bataille—the *same* concepts, apparently unchanged in themselves, will be subject to a mutation of meaning, or rather will be struck by (even though they are apparently indifferent), the loss of sense toward which they slide, there by ruining themselves immeasurably. (WD, 267)
both conditions the possibility and impossibility of meaning. Furthermore this failure is not confined within the context of the moment; rather, it extends to the philosopher and his claim to ‘absolute knowledge’. In this respect silence could be thought of as strategic ‘de-terminalization’ in that it tactically disrupts the connection between a ‘term’ and its ‘terminus,’ that is, its intended destination or end. Derrida refers to this as ‘blind-tactics’, In the delineation of *différance* everything is strategic and adventurous. Strategic because no transcendent truth present outside the field of writing can govern theologically the totality of the field. Adventurous because this strategy is not a simple strategy in the sense that strategy orients tactics according to a final goal, a *telos* or theme of domination, a mastery and ultimate reappropriation of the development of the field. Finally, a strategy without finality, what might be called blind tactics... (MP, 7)

Derrida continues,

Essentially and lawfully, every concept is inscribed in a chain or in a system within which it refers to the other, to other concepts, by means of the systematic play of differences. Such a play, *différance*, is thus no longer simply a concept, but rather the possibility of conceptuality, of a conceptual process and a system in general. (MP, 11)

In particular we are concerned—much like Derrida is—with the connection between the ‘night-like mine’ or ‘pit’ [*nächtlichen Schacht*] and the practical cognition (PM, 204; PG, 446-7). The concern here is that there is a non-dialectical form of particularity that escapes Hegel’s elaborate epistemological model and is translated into practical cognition. As a consequence this non-dialectical particularity would directly affect all forms of practical action. This would—in effect—make any final distinction between the intentional and non-intentional motivations of any act impossible and as such, it would also make the claim of justice (the claim that both founds and continues Kafka’s apparatus and Hegel’s state) impossible. Hegel will think this impossibility to its limit by thinking the negative—but, always at a distance—and attempt to conserve meaning by
reading the line as the curve of an infinite circle. Our project will attempt to expose the
stakes of Hegel’s ‘positive’ infinity—and ‘absolute knowledge’—by taking up the thread
of lethal violence in the Philosophy of Right. We will examine three specific moments—
moments that Derrida touches upon in Glas, but does not address in detail—namely,
heroic vengeance, execution and warfare. By subjecting each of these moments to a close
reading we will be calling into question the very possibility of an act of violence that can
lay claim to being totally ‘just’. This is not simply to say that justice within the moment is
incomplete—as Hegel will be the first to conceded this point—but, by extension it cannot
be recuperated and this comprehended from the perspective of ‘absolute knowledge’. As
such, Hegel’s claim that history is both the ‘slaughter-bench’ and the ‘cross’ would have
to shift its status from being a determinative judgment to being a reflective judgment.
This would deprive the philosopher of his ladder. He would be confined within the
historical world: he would have to walk amongst the living and attempt to reconcile the
reality of violence with its principles without the promise of ‘absolute knowledge’.

We will begin our project with a detailed re-examination of Hegel’s account of
theoretical cognition in the Philosophy of Mind. This is necessary as the following
sections will be continually referring back to the activity of theoretical cognition, that is,
to the structure of Hegel’s epistemology. As such, the following section should be
thought of as a touchstone for the entire project. The precise details of Hegel’s account of
theoretical cognition are of central importance in that the progression from sensation to
memory—via the image and the sign—sets the stage for practical cognition. Analogously
this transition can be thought of as the transition from reading to writing and in particular
to what we refer to as the writing-out of ‘right’. Hegel’s account of theoretical cognition
hinges upon the neutralizibility of the ‘sign’—it must contain and convey meaning but not alter it—without this neutrality the speculative ledgers cannot be balanced and, as such, the circle of philosophy cannot close. In short, without an absolutely neutral sign there is no absolute return and thus, no ‘positivity’ and no totality; there is only the line of Hegel’s ‘bad’ infinity. Within the account of practical cognition the body must be neutralizable—whether it be the body of the criminal or the barbarian—as it must contain and convey, but not alter the meaning of ‘right’. And this ‘right’ must be legible both within the moment (to varying degrees) and from the perspective of the philosopher. As such, by retracing Hegel’s account of theoretical cognition we problematize both how Hegel’s model of epistemology theoretically interprets ontology and how it operationalizes these interpretations. Derrida’s work explicitly disrupts Hegel’s epistemology on the level of theoretical cognition by deconstructing the position of the ‘sign’ within the process of mediation that moves from sense to signification. This disruption also affects Hegel’s theory of action. That is, the activity of practical cognition actualizes the mental content that is derived theoretically and thus the deconstructive reading of Hegel’s philosophy of mind is also a deconstruction of his philosophy of action. As such, we can directly connect the question of the ‘remain(s)’ to the acts of lethal violence that establish the state (i.e. heroic vengeance, punitive justice, and war) and to the philosopher’s interpretation of these moments. Before we begin the next section we should note that it—and indeed the entire project—makes an implicit and permanent reference to Derrida’s essay “The Pit and the Pyramid: Introduction to Hegel’s Semiology”.

Theoretical and Practical Cognition: The Remain(s) from Reading to Writing
In order to begin our analysis of theoretical cognition we will return to the addition to §4;

When I think of an object \[ \text{Gegenstand} \], I make it into a thought and deprive it of its sensuous quality; I make it into something which is essentially and immediately mine. For it is only when I think that I am with myself \[ \text{bei mir} \], and it is only by comprehending it that I can penetrate an object; it then no longer stands opposed to me, and I have deprived it of that quality of its own which it had for itself in opposition to me. Just as Adam says to Eve: ‘You are flesh of my flesh and bone of my bone’, so does spirit say: ‘This is spirit of my spirit, and its alien character has disappeared.’ (PR, 35)

This ‘disappearance’ within cognition is compelling. In the act of thinking the subject deprives the object of its ‘sensuous’ qualities and converts it into thought. This process of thinking-out is echoed in the Philosophy of Mind.

Mind is the infinite Idea, and finitude here means the disproportion between the concept and the reality—but with the qualification that it is a shadow cast by the mind’s own light—a show or illusion which the mind implicitly imposes as a barrier to itself, in order, by its removal, actually to realize and become conscious of freedom as its very being, i.e. to be fully manifested. (PM, 22)

Philosophical thought is able to see through finitude—which, exists as a self-imposed limitation—and “show that the finite is not, i.e. is not the truth, but merely a transition and an emergence to something higher” (PM, 23). Hegel dismisses the finite as merely a ‘show’ or ‘illusion’, but how does it simply disappear? In §440 Hegel informs us that this ‘illusion’ is progressively sublated \[ \text{Aufgehoben} \] from sensation to representation and from representation to thought. Hegel provides us with a schematic account of this process in the Zusatz to §445;

(a) a Knowing that is related to an immediately single object, a material Knowing, or intuition;
(b) intelligence that withdraws into itself from the relationship in which it is related to the singleness of the object and relates the object to a universal—mental representation;
intelligence that comprehends the concrete universal nature of objects, or thought in the specific sense that what we think also is, also has objectivity. (PM, 192)

Hegel continues by providing the internal subdivisions of each stage,

(a) The stage of intuition, of immediate cognition, or of consciousness posited with the determination of rationality and pervaded by mind’s self-certainty, again falls into three subdivisions:
   1. Intelligence here starts from sensation of the immediate material;
   2. then it develops into attention which fixes the object but no less separates itself from it; and
   3. becomes in this way intuition proper, which posits the object as something self-external.

(b) The second main stage of intelligence, representation, comprises three stages:
   (aa) Recollection,
   (bb) Imagination,
   (gg) Memory

(g) Lastly, the third main stage in this sphere, thought, has for content:
   1. Understanding,
   2. Judgement, and
   3. Reason. (PM, 192)

In order to trace the ‘disappearance’ of the ‘finite’ we will have to focus our attention on the transition from intuition to representation. This initial transition is important because the alterity of the object—though progressively diminished—remains. In the transition that follows—from representation to thought—the last vestiges of alterity are effectively stripped from the object. Thus, if we are to locate the memory of lethal violence—which, we can refer to broadly as traumatic memory—we must examine this initial transition.

From this basis of this examination we will then be able to question the connection between the internalizing activity of ‘thought’ and the externalizing activity of the ‘will’.7

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7 This analytic itinerary directly parallels Derrida’s in “The Pit and the Pyramid: Introduction to Hegel’s Semiology”. Like Derrida I am following this course in order to trace the ‘remains’ of alterity and—following his later work in Glas—to subsequently “bring to light the organization and displacement of this chain which reassembles the values of night…” (MP, 77). And yet, unlike Derrida my entry point into ‘ethical life’ has been lethal violence. This is related to the
Hegel differentiates intuition from representation, but he concedes that they do have a commonality, that is, “…in both forms of mind the object is separate from me and at the same time also my own”. The qualification being that in the former “the object’s character of being mine is only implicitly present,” whereas in the latter it is explicit. Thus, Hegel states that, “in intuition, the objectivity of the content predominates” (PM, 199). The object’s resistance to intuition draws Hegel to compare this stage of cognition to Aristotle’s account of wonder in the Metaphysics,

Intuition is, therefore, only the beginning of cognition and it is to this status that Aristotle’s saying refers, that all knowledge starts from wonder. For since subjective Reason, as intuition, has the certainty, though only the indeterminate certainty, of finding itself again in the object, which to begin with is burdened with an irrational form, the object inspires it with wonder and awe. But philosophical thinking must rise above the standpoint of wonder. (PM, 200)

The transition from this immediate state of ‘wonder and awe’ to representation is also figuratively referred to as an ‘awakening’,

In this its immediacy it is an awakening to itself, a recollection of itself. Thus intuition becomes a concretion of the material with the intelligence, which makes it its own, so that it no longer needs this immediacy, no longer needs to find the content. (PM, 200-1)

In this ‘awakening’ the intuition effectively internalizes the ‘object’ as a representation [Vorstellung]. This process of cognitive internalization strips the object of its immediacy and externality, but not completely. At this stage there is still a distinction between the question of the family, but lethal violence—under the banner of the ‘right of heroes’—both precedes and conditions it. Thus, the trajectory of Glas is both distinct from and intimately connected with the overall trajectory of my project. My intention in this section is to provide a detailed and clear close-reading of Hegel’s epistemological model as it is presented in the section on Psychology in the Philosophy of Mind. This is important to our current inquiry as it effectively draws together and connects a series of argumentative trajectories and tactics that the following chapters will employ (i.e. the process of sounding, thinking, and writing-out; the ‘seed’ and the ‘name’; the ‘remains’, etc). Hegel’s account of the precise details involved in thought is directly connected to his theory of action and thus, by tracing the ‘remains’ through the process of thought it is possible to call the various legitimated modes of lethal violence that Hegel utilizes into question.
‘object’ of ‘representation’ and thought. This distinction will be broken down in a series of three stages; recollection [*Die Erinnerung*], imagination [*Die Einbildungskraft*], and memory [*Gedächtnis*].

In the first stage the intelligence ‘liberates’ the ‘intuition’ and,

…places the content of feeling in its own inwardness—in a space and time of its own. In this way that content is (i) an image or picture, liberated from its original immediacy and abstract singleness amongst other things, and received into the universality of the ego. (PM, 203)

Thus, in order to convert the ‘intuition’ into an ‘image’ the intelligence automatically—which is to say, involuntarily—correlates the ‘intuition’ with preexisting mental content. Through this process of correlation the ‘intuition’ is ‘verified’ and thus, converted to an ‘image’. The exact details of this process of internalization, correlation and appropriation are unclear as Hegel relies on a series of figurative references to define the operational structure of the ‘intelligence’. For instance, in §453 Hegel states,

To grasp intelligence as this night-like mine or pit [*nächtlichen Schacht*] in which is stored a world of infinitely many images and representations, yet without being in consciousness, is from the one point of view the universal postulate which bids us treat the notion [*Begriff*] as concrete, in the way we treat, for example, the germ [*Keim*] as affirmatively containing, in virtual possibility, all the qualities that come into existence in the subsequent development of the tree. (PM, 204; PG, 446-7)

The ‘intelligence’ assumes a number of representations in this section ranging from a ‘night-like mine or pit’ to a ‘seed’ and later on a ‘subconscious mine’ [*Bewußtlose Schacht*]. Hegel expands on this in the Zusatz for this section,

I do not as yet have full command over the images slumbering in the mine or pit of my inwardness, am not as yet able to recall them at will. No one knows what an infinite host of images of the past slumbers in him; now and then they do indeed accidentally awake, but one cannot, as it is said, call them to mind. Thus the images are ours only in a formal manner. (PM, 205)
The structure here is complicated as the intelligence acts as both an appropriative mechanism—in that, it grasps an ‘intuition’ and correlates it to mental content—and a storage area. In terms of this second function, the intelligence operates as a type of filter or catch for residual sensations and external intuitional content. That is, it is a filter for both the sensory data that is deemed to be extraneous to an ‘intuition’—and is thus removed as it is converted into an ‘image’—and the intuitions that do not correspond to preexisting mental content. This dual functionality is extremely convenient on a conceptual level as it enables Hegel to convert residual ‘intuitions’ into functional mental content, but this also introduces a potential problem. The unknowable quality of the intelligence also entails that there is a space within the mind that could conceivably store sensory material that cannot be appropriated and converted to intentional mental content (i.e. traumatic experience). Also, taking into consideration the non-intentional or involuntary operations of the intelligence during the process of ‘recollection’ it seems reasonable that the content of this particular mental space could be ‘translated’—via non-intentional acts of practical cognition—into ‘ethical life’. The very possibility of such a ‘translation’ poses a distinct problem to the overall unity of theoretical and practical cognition. For instance, the distinction between ‘punitive’ and ‘avenging’ justice becomes impossible to maintain as the involvement of ‘subjective interest’ is impossible to determine (cf. PR, 131). This is a serious problem as without this unity Hegel cannot ground normative claims via empirical observations (i.e. he cannot rely on his epistemology to override the distinction between ‘is’ and ‘ought’). Hegel can effectively defer this problem by claiming that the content of unconscious perception and non-intentional action is dictated by ‘spirit’, and thus, the content is only apparently
accidental. And yet, by constantly deferring the evaluation of particular acts the model becomes incapable of justifying acts within the moment on anything more than an intuitive level. The retrospective quality of Hegel’s dialectical ‘solution’ blinds it to the moment and thus, to the immediacy of the act of lethal violence. The implication here is that while Hegel explicitly claims that by “looking the negative in the face and tarrying with it” it converts itself into being in actual point of fact he frequently blinks (PS, 19). This ‘blink’ makes all the difference as it adds an unaccountable instant within this confrontation with the negative that precedes (and quite possibly conditions) the appearance of ‘positivity’. Thus, this ‘blink’ effectively contests the ‘magical power’ of ‘absolute knowledge’. We will return to this point later on.

In §454 Hegel moves away from the appropriative function of intelligence and focuses on its function in converting the ‘intuition’ to an ‘image’. In the first stage of this process the ‘actual intuition’ is correlated with a pre-existing ‘image’,

An image thus abstractly treasured up needs, if it is to exist, an actual intuition: and what is strictly called Remembrance is the reference of the image to an intuition—and that as a subsumption of the immediate single intuition (impression) under what is in point of form universal, under the representation (idea) with the same content. Thus intelligence recognizes the specific sensation and the intuition of it as what is already its own—in them it is still within itself: at the same time it is aware that what is only its (primarily) internal image is also an immediate object of intuition, by which it is authenticated. (PM, 205)

This authentication alters the status of the ‘image’,

The image, which in the mine of intelligence was only its property, now that it has been endued with externality, comes actually into its possession. And so the image is at once rendered distinguishable from the intuition and separable from the blank night in which it was originally submerged. Intelligence is thus the force which can give forth its property, and dispense with external intuition for its existence in it. (PM, 205)
Through the activity of the intelligence the ‘image’ emerges from the ‘blank night’ of the ‘subconscious mine’ and determines the external world. Note that the ‘external intuition’ is discarded in this process. Its only function was to serve as a temporary mediator between the object and the image. In the Zusatz for §454 Hegel states,

If…I am to retain something in my memory, I must have repeated intuitions of it. At first, the image will, of course, be recalled not so much by myself as by the corresponding immediate intuition; but the image, by being frequently recalled in this way, acquires such intense vividness and is so present to me that I no longer need the external intuition to remind me of it. (PM, 205-6)

Here again the ‘immediate’ or ‘external’ intuition is presented as being purely transitional. In fact the internalization of ‘immediate intuition’ progressively diminishes its value. In §455 Hegel formalizes this transitional status,

Mental representation is the mean in the syllogism of the elevation of intelligence, the link between two significations of self-relatedness—viz. being and universality, which in consciousness receive the title of object and subject. (PM, 207)

By characterizing mental representation as the ‘mean’ Hegel is implying that it is neutral; that is, figuratively speaking, it does not alter or distort the signal, it conveys it. This point is clearly articulated in the greater Logic.

Now the middle term whereby these extremes are concluded into a unity is first the implicit nature of both, the whole Notion [Begriff] that holds both within itself. Secondly, however, since in their concrete existence they stand confronting each other, their absolute unity is also a still formal

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8 In the Zusatz for §454 Hegel elaborates on the diminishing value of ‘immediate intuition’,

It is in this way that children pass from intuition to recollection. The more educated a man is, the less he lives in immediate intuition, but, in all his intuitions, at the same time lives in recollections; so that for him there is little that is altogether new but, on the contrary, the substantial import of most new things is something already familiar to him. Similarly, an educated man contents himself for the most part with his images and seldom feels the need of immediate intuition. The curious multitude, on the other hand, are always hurrying to where there is something to gape at. (PM, 205-6)
element having a *existence distinct* from them—the element of *communication* in which they enter into external *community* with each other. Since the real difference belongs to the extremes, this middle term is only the abstract neutrality, the real possibility of those extremes; it is, as it were, the *theoretical element* of the concrete existence of chemical objects, of their process and its result. In the material world *water* fulfils the function of this medium; in the spiritual world, so far as the analogue of such a relation has a place there, the *sign* [*Zeichen*] in general, and more precisely *language* [*Sprache*], is to be regarded as fulfilling that function. (GL, 729; WL II, 149-50)

The neutrality of this ‘spiritual medium’ is questionable even within the first stage of Hegel’s model of theoretical cognition (i.e. the transition from ‘intuition’ to ‘image’). As we progress from this stage of cognition to the next—that is, from the ‘image’ to the ‘sign’, or to re-cite Derrida’s itinerary, from the ‘pit’ to the ‘pyramid’—this purported neutrality becomes even more difficult to maintain (cf. MP, 77).

The transition—and we must remember that this ‘transition’ is dialectical and thus follows the logic of the *Aufhebung*—from the ‘image’ to the ‘sign’ occurs within the ‘imagination’ [*Die Einbildungskraft*]. Hegel internally divides the imagination into three progressive stages; the a) ‘reproductive’, b) ‘associative’ and c) ‘creative’ [*Phantasie*].

a) The activity of the ‘reproductive imagination’ functionally compliments that of ‘recollection’, in that, it *intentionally* reproduces images. This intentional or voluntary component is precisely what distinguishes the ‘reproductive imagination’ from ‘recollection’. This is significant in regards to the content of the ‘image’ as any features that deemed to be extraneous to the ‘image’ are negated. As such, the ‘reproductive imagination’ formally authenticates the content of the ‘image’ as belonging to the self.

b) The function of the ‘associative imagination’ is quite simply to connect the ‘images’ that are authenticated by the ‘reproductive imagination’. By developing
associative bonds between the individual ‘images’ the subject effectively subsumes them “…under the universal, which forms their connecting link” (PM, 209). As such, the subject is able to use the individual ‘image’ as an example of a more general quality (i.e. the red color of the rose).

c) The ‘creative imagination’ correlates general ideas with the particular qualities of the ‘image’ and, as such, it forms symbols and signs (PM, 208). In Hegel’s words, within this stage “…the universal and being, one’s own and what is picked up, internal and external are welded into one” (PM, 211). Thus, while the previous stages—‘intuition’ and ‘recollection’—were synthetic unifications of the same basic factors they are still ‘synthetic’ and, as such, are tainted by the externality of ‘intuition’. The ‘creative imagination’ is distinct in that at this stage “…intelligence ceases to be the vague mine [unbestimmte Schacht] and the universal, and becomes an individuality, a concrete subjectivity, in which the self reference is defined both to being and to universality” (PM, 211; PG, 451). The product—the symbol and sign—is distanced from the image’s content and, as a result, does not depend on the external world for verification, rather, it is self-verifying. As Hegel states, the product of the ‘creative imagination’ is “concrete auto-intuition” (PM, 211).

Hegel will go on to distinguish the ‘symbol’ from the ‘sign’ on the basis of their proximity to the ‘image’. The ‘symbol’ is thus presented as a lower form of representation because it retains general elements of the ‘image’. The ‘sign’ on the other hand is ‘liberated’ from the content of the ‘intuition’. According to Hegel this ‘liberation’
is demonstrated by the arbitrary nature of the relationship between the signifier and the signified. In §458 Hegel states,

The sign is some immediate intuition, representing a totally different import from what naturally belongs to it; it is the pyramid into which a foreign soul has been conveyed, and where it is conserved. (PM, 213)

For Hegel, the sign is a ‘vehicle of materialization’ for the ‘internal idea’—the ‘body’ for the ‘soul’—but, is it neutral, that is, does it not alter the meaning(s) that it contains? As Derrida notes,

…the concept of the sign thus will be the place where all contradictory characteristics intersect. All oppositions of concepts are reassembled, summarized and swallowed up within it. All contradictions seem to be resolved in it, but simultaneously that which is announced beneath the same sign seems irreducible or inaccessible to any formal opposition of concepts; being both interior and exterior, spontaneous and receptive, intelligible and sensible, the same and the other, etc., the sign is none of these, neither this nor that, etc. (MP, 79)

As the middle-point in the syllogism the ‘sign’—like the ‘intuition’ and the ‘body’—is the sacrificial offering, the ‘host’.

The subsistence of the community is completed by sharing in the appropriation of God’s presence [i.e., the communion]. It is a question precisely of the conscious presence of God, of unity with God, the unio mystica, [one’s] self-feeling of God, the feeling of God’s immediate presence within the subject. This self-feeling, however, since it exists, is also a movement, it presupposes a movement, a sublation of difference, so that a negative unity issues forth. This unity begins with the host. (PRel III, 337-8)

Hegel goes on to outline three views on communion (Catholic, Lutheran and Reformed), but he adopts the Lutheran model,

…according to which the movement does indeed begin with something external, which is an ordinary, common thing, but the communion, the self-feeling of the presence of God, comes about only insofar as the external thing is consumed—not merely physically but in spirit and in faith. (PRel III, 338)
In the negation of the host—this ‘external’ and ‘common thing’—the schism that divides the mortal and the divine is reconciled in the auto-affection of ‘spirit’. And yet, what remains of the ‘vehicle of materialization’ after communion? In order for this theological, or rather, onto-theological, model to work the ‘middle-point’ must simply and completely vanish, but what if the ‘middle point’ is not neutral? That is, what if the various processes of ‘theoretical cognition’ cannot purify the ‘intuition’? Would the remains be remembered?

Hegel begins his discussion of memory [Gedächtnis] in §461 of the Philosophy of Mind. The transition from the ‘imagination’ to ‘memory’ is accomplished through the ‘name’,

The name, combining the intuition (an intellectual production) with its signification, is primarily a single transient product; and conjunction of the idea (which is inward) with the intuition (which is outward) is itself outward. The reduction of this outwardness to inwardness is (verbal) Memory. (PM, 218)

The compound structure of the ‘name’ privileges the ‘idea’ by reducing the ‘form’ to a ‘middle point’. In §459 Hegel states,

To want a name means that for the immediate idea (which, however ample a connotation it may include, is still for the mind simple in the name), we require a simple immediate sign which for its own sake does not suggest anything, and has for its sole function to signify and represent sensibly the simple idea as such. (PM, 217)

The sign—specifically the alphabetic sign—is presented as a neutral medium or conductor whose transmit the ‘immediate idea’. With the structure of the ‘name’ in place Hegel goes on to elaborate on the three fold structure of the memory; a) ‘retentive’, b) ‘reproductive’, and c) ‘mechanical’.

a) In the ‘retentive memory’ the synthesis of the ‘idea’ and the ‘intuition’ is finalized. That is, the specific connotation of the ‘sign’ is set and stored.
b) The ‘reproductive memory’ possesses and affirms the ‘name’ *as* the ‘thing’ apart from the ‘intuition’ and the ‘image’. Thus, once the ‘name’ is in place within the ‘reproductive memory’ it has been verified as “a product of intelligence itself” (PM, 220). And yet, by internalizing the ‘word’ and sublating [*aufheben*] the difference between the ‘word’ and the ‘thing’ the intelligence takes on the nature of a ‘thing’. The ontic quality of the intelligence generates an internal distinction between the content of ‘memory’ and the subjective activity of ‘thought’.

c) The ‘mechanical memory’ expresses this distance as it contains ‘names’ as ‘things’, that is, as *being*. Here there is an internal estrangement within the subject as the content of the ‘mechanical memory’ is ‘meaningless words’ (PM, 222). The key here is that the externality that characterized both the ‘intuition’ and the ‘image’ has been removed. The ‘word’ within the ‘mechanical memory’ is an *inward* externality not an *external* internality. Thus, the activity of ‘thought’ will externalize the ‘word’. By applying ‘names’ to external reality thought gives being to the world and thus being is its own interiority.

Thus, memory [*Gedächtnis*] is directly connected to the process of thought [*Gedanke*].

The activity of ‘thought’ is ‘naming’, that is, it is the cognitive application of the ‘name’ to the immediate externality of the object. To quote Hegel,

> Intelligence is recognitive: it cognizes an intuition, but only because that intuition is already its own (§454); and in the name it rediscovers the fact (§462): but now it finds *its* universal in the double signification of the universal as such, and of the universal as immediate or as being—finds that is the genuine universal which is its own unity overlapping and including its other, viz. being. Thus intelligence is explicitly, and on its own part cognitive: virtually it is the universal—its product (the thought) is the thing: it is a plain identity of subjective and objective. It knows that what is *thought, is*, and that what *is*, only *is* in so far as it is a thought... (PM, 224)
Thus, according to Hegel, thought is being, but it only is being by constantly thinking. That is, the ‘name’ only has meaning through the process of ‘naming’. In other words meaning is the activity of ‘naming’. The model is necessarily dynamic. This comes as no surprise as Hegel explicitly states that theoretical and practical cognition are one and the same; “…the will is a particular way of thinking—thinking translating itself into existence…” (PR, 35). Yet, the integrity of this model of cognition hinges upon the neutrality—or, neutralizibility—of the ‘sign’. If the ‘sign’ is not neutralizible the entire system of cognition would be disrupted as the point of mediation between mind and the world would be contaminated. This would preclude the very possibility of ‘absolute knowledge’ as the absolute identity of the subject and the object would fall into an infinite regress (Hegel’s ‘bad’ infinity). As such, the actions of ‘practical cognition’ would necessarily be contingent, that is, no action would be justifiable in the absolute sense and this would not only apply within the moment itself, but at the level of ‘absolute knowledge’. As such, the judgment of the philosopher would shift from being a determinative to being reflective. With this shift the claim that history is and must remain a ‘slaughter-bench’ cannot be sustained. This has serious implications for Hegel’s model of the state.
Chapter II

Hegel and the ‘Right’ of Heroes

…the actual beginning of history is preceded on the one hand by dull innocence which lacks all interest, and on the other by the valor of the formal struggle for recognition and revenge.

G.W.F. Hegel, The Philosophy of Right (375).
I. Setting the Stage

Hegel’s Philosophy of Right contains only two relatively brief references to the ‘right of heroes.’ The first occurs in §93 and the second in §350. This lack of detail could lead the reader to believe that the ‘right of heroes’ is of marginal importance to the subject matter at hand or even that the specifics of the ‘right’ in question were somehow obvious and, as such, did not require further elaboration. But, this ‘right’ belongs to the very first moment of history and thus is far from being confined to the status of mere marginalia within a text which explicitly sets out to detail both “…the concept of right and its actualization” (PR, 25). With this in mind how are we to make sense of Hegel’s silence? One could argue that it can be explained by the very structure of the text. That is, in this

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9 To be precise the two references to the ‘right of heroes’ occur in the following sections.
   a) The first occurs in §93 in the section three (Coercion and Crime) of part one (Abstract Right).
   b) The second in §350 in the third subsection (World History) of section three (The State) in part three (Ethical Life).

10 In fact, in §2 Hegel states,

The science of right is a part of philosophy. It has therefore to develop the Idea, which is the reason within an object [Gegenstand], out of the concept; or what comes to the same thing, it must observe the proper immanent development of the thing [Sache] itself. As a part [of philosophy], it has a determinate starting point, which is the result and truth of what preceded it, and what preceded it is the so-called proof of that result. Hence the concept of right, so far as its coming into being is concerned, falls outside the science of right; its deduction is presupposed here and is to be taken as given. (PR, 26)

The rationale that is given for the exclusion of the ‘starting point’ or ‘coming into being’ of right is, in a word, unconvincing. To argue that the ‘determinate starting point’ of right should be excluded from this text because it is the product of the proof that precedes it is, at best, an appeal to formalism (which, ironically, was an accusation that Hegel was very fond of using against Kant). On these grounds we could perhaps excuse Hegel from including the full proof (in that it pertains to the concept as it is ‘in itself’ and thus falls within the preview of the logic), but to simply argue that both the proof and the result are outside of the science of right is arbitrary. This initial moment (as the first transition from the ‘in itself’ of the concept to the determinate ‘for itself’ of subjectivity) directly pertains to the “concept of right and its actualization,” and, as such, cannot be outside the text (PR, 25). Hegel cannot argue that the logical proof is identical to its ‘coming into being.’ If this was the case then there is no need for the dialectic of objective spirit
Hegel begins with the basic foundations of the state already in place (i.e. marriage and agriculture) and, as a result, a detailed examination of this ‘right’ is unnecessary.\textsuperscript{11} According to this line of thought Hegel effectively sets this ‘right’ and the particular moment that it pertains to (i.e. the ‘state of nature’) outside the bounds of the text. And yet, the boundary between this moment and the text is far from clear. Not only do the parameters set out in §1 necessarily include this moment, but Hegel also introduces this moment directly into the text by making multiple references to it. This makes the absence of a more thorough philosophical analysis of this ‘right’ and the conditions that render it necessary (i.e. the ‘state of nature’) all the more puzzling. Of course—as with all of the moments within the system—it is, in a certain sense, retained by the folding motions of the \textit{Aufheben}, but the precise details of this ‘right’ and its corresponding moment are not to be found within the \textit{Philosophy of Right}. All that remains within this text are a few and everything would be contained within the ontological dialectic of absolute spirit. So, why is the ‘product’ excluded in this instance? Hegel attempts to justify this exclusion in the addition by appealing to the dialectical dynamics of the system,

\begin{quote}
Addition (G). Philosophy forms a circle. It has an initial or immediate point — for it must begin somewhere — a point which is not demonstrated and is not a result. But the starting point of philosophy is immediately relative, for it must appear at another end-point as a result. Philosophy is sequence which is not suspended in mid-air; it does not begin immediately, but is rounded off within itself. (PR, 26)
\end{quote}

In effect, he is simply arguing that any contingency that may result from this missing ‘starting point’ will be rounded off as the concept is objectively realized, or more simply, the end justifies the means. As a transitional confrontation between the concept and nature it must involve some degree of contingency, some collateral damage, and, contrary to Hegel’s assertion, this belongs within the science of right. Hegel tacitly concedes this by referring to this excluded beginning to support arguments that he presents within the text (cf. PR, 51, 86-8, 120-1, 130, 193-4, 207-9, 224-5, 230-1, 235-6, 243, 250, 375-6). When closely examined these reference—in combination with the corresponding logical ‘proofs’—present us with a partial image of the very moment that Hegel explicitly excludes from the text.

\textsuperscript{11} Hegel specifies that both marriage and agriculture are the objective products of the hero’s actions (cf. PR, 120-1, 207, 209, 235-6, 376).
brief, but important references. I emphasize the importance of these references precisely because they refer to the very first moment of ‘objective’ spirit, to the very moment in which history (in Hegel’s unique sense) begins. Thus, despite Hegel’s silence in the Philosophy of Right this moment is not simply important but necessary.

At this point we are left with a deceptively simple question, namely, why is this necessary moment left out of the Philosophy of Right? And further what, if anything, can this omission tell us about Hegel’s system? But before we can begin to address these questions we must first determine the content of this moment in relation to Hegel’s system. According to Hegel the moment of ‘heroic vengeance’ brings an end to the ‘state of nature’ by exposing the true relationship between ‘nature’ and ‘spirit.’ It brings this truth—which for Hegel is an embryonic state of the truth—into the world via coercive force. In §93 Hegel defines this instance of coercion as pedagogical. Hegel concedes that this act of pedagogical coercion, that is, coercion that is directed towards savagery and barbarism, may appear to be a primary coercion rather than one which comes after a primary coercion. To the unenlightened eye—which is to say, to the individual who has not attained ‘absolute knowledge’—this moment may seem to be a primary coercion. If this was indeed the case then there would be no ‘right of heroes,’ no justification for acts of ‘heroic vengeance,’ no ‘pedagogical coercion,’ there would simply be coercion. This would pose a distinct problem for Hegel as the very foundations of the legal order—the foundations established by heroes—would be established by an act of unjustified coercive force. Hegel avoids this problem by reinterpreting the Christian doctrine of ‘original sin.’ This serves as evidence for Hegel’s claim that the pre-historical condition of man constitutes a primary act of coercion against the Idea (and, as we will see later on,
this claim founded upon his deeper ontological commitments). Consequently ‘heroic vengeance’ is a defensive response against the natural condition. It instructs the ‘natural

12 This interpretation of ‘original sin’ occurs in §18 of the Philosophy of Right.

With regard to the judgement of drives the appearance of the dialectic is such that, as immanent and hence also positive, the determinations of the immediate will are good; thus man is said to be by nature good. But in so far as they are determinations of nature, opposed to freedom and to the concept of the spirit in general and therefore negative, they must be eradicated; thus man is said to be by nature evil. In this situation, the decision in favor of one assertion or the other likewise depends on subjective arbitrariness.

Addition (H). The Christian doctrine that man is by nature evil is superior to the other according to which he is good. Interpreted philosophically, this doctrine should be understood as follows. As spirit, man is a free being [Wesen] who is in a position not to let himself be determined by natural drives. When he exists in an immediate and uncivilized [ungebildeten] condition, he is therefore in a situation in which he ought not to be, and from which he must liberate himself. This is the meaning of the doctrine of original sin, without which Christianity would not be the religion of freedom.

This brief discussion of ‘original sin’ is expanded upon in the addition to §139,

But the question of the origin of evil signifies more precisely this: ‘How does the negative come into the positive?’ If we presuppose that, at the creation of the world, God is the absolutely positive, it is impossible to recognize the negative within this positive, no matter which way we turn; for to assume that evil was permitted by God is to assume on his part a passive relationship which is unsatisfactory and meaningless. In the representational thought [Vorstellung] of religious myth, the origin of evil is not comprehended; that is, there is no recognition of the one in the other, but only a representation [Vorstellung] of succession and coexistence whereby the negative comes to the positive from outside. But this cannot satisfy thought which demands reason [Grund] and a necessity and seeks to apprehend the negative as itself rooted in the positive. The solution [of this problem], from the point of view of the concept, is contained in the concept itself, for the concept — or in more concrete terms, — the Idea — has the essential characteristic of differentiating itself and positing itself negatively. (PR, 169)

This provides us with Hegel’s general rationale for dismissing much of the content of the myth of the fall (i.e. the position of the negative and the inferiority of representational thought), but it provides no specific details and thus it should also be compared to his more extended interpretations, which occur in the addition to §24 of the Encyclopaedia Logic and in the Lectures on the Philosophy of Religion (cf. PRel III, 104-108, 207-11, and 300-304). Later on, we will examine these interpretations and relate them to Hegel’s characterization of the ‘state of nature’ in the Philosophy of Right in order to get a more complete image of the pre-historical condition of man.
will’ of the uncivilized and orients them towards spirit by forcefully externalizing the ‘truth’ that had remained, up until that point, dormant within them. In short, the coercive force licensed by the ‘right of heroes’ sends a message. And yet, it is a message that neither the hero nor the barbarians truly comprehend. Indeed from within the moment it may well seem that the message is simply that the strong do what they can and the weak suffer what they must (HPW, 352). But, Hegel’s reading of this moment does not—and in fact cannot—allow this interpretation of right to stand. According to Hegel the truth of this moment can only be interpreted from the position of ‘absolute knowledge.’ Accordingly, the ‘truth’ of the hero can only be uncovered by the philosopher.

We can now formulate a second and slightly more precise question to guide our inquiry, what is the truth of this moment? What is its content, its meaning? And, more to the point, can this moment, this event, this act, be totally reduced to thought? Or is there a surprise within this moment? And if so what would this surprise entail both for this moment and for the system in general? Now we must ask ourselves where we would begin an inquiry of this nature. Seeing as, for Hegel, the ‘truth’ of this moment is determined by the philosopher (as the bearer of ‘absolute knowledge’) we will begin our inquiry by examining the relationship between the hero and the philosopher. By focusing specifically on this relationship we can begin to work our way through the text on a more direct and situated line of inquiry. We can begin this line by simply asking if the

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13 We could rightfully argue—along the line of Jean Luc Nancy’s essay “The Surprise of the Event”—that the surprise is not unique to any moment in particular. That is to say, that it does not only occur in certain moments and not in others. The difference here is that we are not only attempting to “...think the event in its eventful essence” but to apply that thinking to this particular instance, to the instance of heroic vengeance (SP, 95). This moment is unique because it exposes the ethical dimension of the event. It exposes the ethical implications—and the trajectory—of a thinking that would close itself off to the event. As such, a thinking that approaches this particular event brings us closer to the ethics of the event.
philosopher’s reading of the hero is complete. To be more exact, does the philosopher
totally comprehend the ‘hero’ in the moment? Or, is the hero exposed to a ‘truth’ that the
philosopher cannot think? Is there a ‘truth’ within this moment that remains concealed
from the gaze of the philosopher? Does the philosopher blink and omit this ‘truth’ from
his account? If so this ‘truth’ would not be external to thought, rather, it would remain
concealed within it (much like the ‘blind-spot’ that Bataille speaks of).

To say that the surprise is ‘concealed’ is problematic in two senses. First, we are
drawn to ask in what sense is it concealed. I do not intend to suggest that this is the
natural state of the ‘surprise’, but rather that this status (concealed) betrays a particular
set of intentions. It is concealed ‘by’ someone. This draws us to our second problem, if
we establish that it is concealed ‘by’ someone then who is it concealed from. Once we
can determine who it was concealed from we can begin to establish a set of possible
motives for the act. This particular case is unique because the ‘surprise’ is concealed both
by and from the gaze of ‘absolute knowledge,’ that is, from the philosopher. In short, the
charge being made here is that the philosopher has concealed the ‘surprise’ from himself.
And, further that the position of the philosopher—as the possessor of ‘absolute
knowledge’—is made possible by this act of concealment. This leaves us with the task of
providing evidence to support this charge. In order to do this we will have to stage a
reenactment of sorts. First, we must return to Hegel’s account of the moment (of heroic
vengeance). We must examine this account not only to see its relative position and role
within the system, but to see this account of the moment as the product of a particular
form of relationship between the philosopher and the hero. With this is analytic
framework in place we can turn our attention to the details of our case in an effort to find
traces of what has been concealed in this account of the moment and how this process of concealment constitutes the character of the hero and the philosopher in Hegel’s system. This type of ‘truth’ will not be easy to locate within the system. It will not be formally included—in fact if anything it will be obscured—but, this does not mean that there will be no trace of it. It will remain within the text as a series of related affects, a pattern of aporias and displacements. Our initial task will be to map out these displacements and shifts within the text. Only then will we be able to directly address the ‘truth’ of this moment in Hegel’s system. But, before we can begin we need to provide the reader a more explicit and detailed itinerary.

We will begin by examining the two references to the ‘right of heroes’ within the Philosophy of Right, but due to the general lack of detail in this specific text we will expand our examination and consider Hegel’s account of ‘objective spirit’ in other texts. The introduction to the lectures on the Philosophy of History will be particularly significant due to the extended discussion on the historical role of great individuals, but we will also consider the relevant sections of the Encyclopedia, the Phenomenology and others. Our analysis of the material will be broken up into a series of sections. First, we will consider Hegel’s characterization of the ‘state of nature’ and its relation to his interpretation of ‘original sin.’ This will provide us with the philosophical basis for his reading of the historical, or rather pre-historical, conditions that render this ‘right’ to vengeance necessary. In connection to this we will address the relationship between the ‘right of heroes’ and the struggle for recognition as both occur prior to the formation of the state.
At this point we must explicitly caution the reader that despite the similarities between the ‘right of heroes’ and the struggle for recognition that occurs in the relationship of lordship and servitude (mentioned only once in the Philosophy of Right in §57 and gone over in detail in both the Phenomenology, ¶¶ 178-196 and the Encyclopedia, §430-436) there are distinctions. According to Hegel both occur in the ‘state of nature’ and serve as the foundation of the State, but from the descriptions given in both the Philosophy of Right (see, §93, 350; as well as, §70, 150 and in the Encyclopedia §432) and in the Introduction to the Lectures on the Philosophy of World History (cf. 68-93) suggest that the ‘hero’ or ‘great man’ precedes this relationship. The ‘hero’ is described as requiring no recognition and being connected to the Idea with an ‘almost’ animal-like passion, as such, his actions represents the first actualization of ‘right’ (LWH, 86). Hegel also states that,

…to try to resist these world-historical individuals is a futile undertaking, for they are irresistibly driven on to fulfill their task. Their course is the correct one, and even if the others do not believe that it corresponds to their own desires, they nevertheless adopt it or acquiesce in it. There is a power within them which is stronger than they are, even if it appears to them as something external and alien and runs counter to what they consciously believe they want. For the spirit in its further evolution is the inner soul of all individuals, although it remains in a state of unconsciousness until great men call it to life. It is the true object of all men’s desires, and it is for this reason that it exerts a power over them to which they surrender even at the price of denying their conscious will; they follow these leaders of souls because they feel the irresistible power of their own inner spirit pulling them in the same direction. (LWH, 84-5)

Here the distinction between the ‘hero’, ‘great man’ or ‘world-historical-individual’ and the relationship that occurs within the struggle for recognition is quite clear; the master-slave relationship begins with the struggle to the death, it begins with a confrontation between two seemingly equal forces, that is two individuals that recognize one another as
equals, but here we have a figure that is both unequaled and irresistible. It should also be noted that in the Philosophy of Right Hegel states that ‘heroes’ can only occur in the absence of civilization, but in the Introduction to the Lectures on the Philosophy of World History they appear during those ‘great collisions’ that mark the transition from one stage of the Idea to another; this also serves to maintain to distinction between the ‘hero’ and the ‘master’. (LWH, 82; PR, 120-1). We will return to this distinction later on.

From this we will turn our attention to his account of the hero and his contemporaries. Here our attention will be drawn to the details of the relationship between the hero and the Idea. Hegel’s account of the ‘cunning of reason’ will be particularly important here. Once we have outlined the details of these relationships (i.e. the ‘state of nature,’ the hero, the uncivilized) we will turn our attention to Hegel’s reading of the hero, that is, we will take a step back from the prescribed limits of the system and examine his account as a ‘reading’ from a situated perspective. This will enable us to reconsider the relationship between the philosopher and the hero. With this relationship in mind we will be able to address the relationship between ‘absolute spirit’ and ‘objective spirit’ from a new angle, under a different light, as if, for the first time.

II. The Two References

Hegel’s first reference to the ‘right of heroes’ appears in his discussion of coercion and crime in §93,

Because coercion destroys itself in its concept, it has its real expression [Darstellung] in the fact that coercion is cancelled [aufgehoben] by coercion; it is therefore not only conditionally right but necessary—namely as a second coercion which cancels an initial coercion. The violation of a contract through failure to perform what it stipulates or to fulfill rightful duties towards the family or state, whether by action or by default, is an initial coercion, or at least force, in so far as I withhold or withdraw from another person a property which belongs to him or a
service which is due him. [If we pause here for a moment an interesting problem begins to suggest itself, namely, if the violation of a contract represents an ‘initial coercion’ then what of the initial imposition of an ethical-legal framework, such as the “family or state,” that would recognize and enforce such contracts? If this constitutes an initial coercion then the dialectic is essentially abortive in Hegel’s own terms as all individuals would have the inalienable right to resist the coercive force of the ‘hero’. Hegel recognizes this potential problem and immediately introduces his solution,] – Pedagogical coercion, or coercion directed against savagery and barbarism [Wildheit und Rohheit], admittedly looks like a primary coercion rather than one which comes after a primary coercion which has already occurred. But the merely natural will is in itself a force directed against the Idea of freedom as that which has being in itself, which must be protected against this uncivilized [ungebildeten] will and given recognition within it. Either an ethical existence [Dasein] has already been posited in the family or state, in which case the natural condition referred to above is an act of violence against it, or there is nothing other than a state of nature, a state governed entirely by force, in which case the Idea sets up a right of heroes against it. (PR, 120-1)

Here we see that this ‘right’ is legitimated by the orientation of the ‘natural will.’ This will is presented as “…a force directed against the Idea of freedom” and, thus, the ‘right of heroes’ constitutes a defensive reaction to the ‘natural will’ (PR, 120-1). The fact that it is characterized as a response is significant, because as a secondary coercion it is justified. That is to say, it is ‘justified’ in the sense that it cancels [aufgehoben] the primary coercion and thus objectively actualizes right. We should note that this is the first moment of ‘objective spirit’ and that this moment is enacted via coercive force. We will elaborate on the significance of this later on. At this point we have established that the ‘right of heroes’ is a right to use coercive force as a legitimate response against the ‘uncivilized’ will. This point is elaborated on in the addition to §93;

Within the state, heroes are no longer possible: they occur only in the absence of civilization. The end they pursue is rightful, necessary, and

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14 As we have previously stated Hegel’s reading of the ‘natural will’ is directly connected to his reading of ‘original sin.’ We will take up a more though examination of this condition later on, but for now we will focus our attention on the specific details that define this ‘right’ within the Philosophy of Right.
political, and they put it into effect as a cause \([\text{Sache}]\) of their own. The heroes who founded states and introduced marriage and agriculture admittedly did not do this as their recognized right, and these actions appear as \([a \text{ product of}]\) their particular will. But as the higher right of the Idea against the state of nature, this coercion employed by heroes is a rightful coercion, for goodness alone can have little effect when confronted with the force of nature. (PR, 120-1)

Hegel specifies that this ‘right’ is limited to a specific context, namely, the ‘absence of civilization’ and that its legitimacy is grounded in the Idea itself, but what is unique about this particular right, aside from the fact that it initiates the dialectic of objective spirit, is that it requires neither recognition nor proportion. As a result within the ‘state of nature’ the hero seems to possess an unlimited right to arbitrarily employ coercive force against the ‘natural’ or ‘uncivilized’ will of others. Hegel emphasizes this point in §350,

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\text{It is the absolute right of the Idea to make its appearance in legal determinations and objective institutions, beginning with marriage and agriculture, whether the form in which it is actualized appears as divine legislation of a beneficial kind, or as violence \([\text{Gewalt}]\) and wrong. This right is the right of heroes to establish states. (PR, 376)}
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As Hegel states, the Idea has an ‘absolute right’ to make its appearance and as such it does not matter whether this appearance takes the form of “divine legislation…or as violence and wrong” (PR, 376). At this point we are confronted by a serious problem, namely, given that the ‘right’ in question requires neither recognition nor proportion, how is it to be distinguished from wrong? Or more directly, how are we to distinguish between the hero and the criminal?\(^1\)

Hegel’s response to this problem is complicated and involves

\(^1\) The criminal’s motivations are simple, self-oriented, the stuff of ‘natural will’ and desire, they are, in short, autistic or idiotic in relation to the universal. The criminal does not will the ‘universal’ and, as a result, the coercive actions of the criminal do not speak. Crime “destroys itself in its concept,” it is silent, self-directed; it only has meaning when it is cancelled by a secondary coercion (i.e. punishment) (PR, 120). But, the hero is different. The hero’s violence speaks, but the voice is not his own, rather, he is a messenger, a conduit for the will of the Absolute. His coercive acts sound, or rather resound \([\text{Klang}]\), precisely because the victims are hollow. Savages and barbarians, indeed any subject that remains with the idiocy of the ‘natural
both his interpretation of the context (i.e. the state of nature) and the primary actor (i.e. the hero). For the sake of clarity we will address each of these interpretations separately beginning with the context.

III. The State of Nature and Original Sin

We have already established that within Hegel’s system heroes only occur in the absence of civilization and thus, their context, and by extension the context of their ‘right,’ is pre-historical (PR, 121). Our task now is to focus our attention on the specific details of this context. These details are important because—in combination with our reexamination of the hero later on—they will provide us with a more precise account of how history begins in Hegel’s system.

Now if we are going to attempt to understand Hegel’s interpretation of the pre-historical condition, or ‘state of nature,’ we must understand that, for Hegel, it is not, strictly speaking, an ‘interpretation’. That is, it is not simply a possible set of initial conditions, rather, it is necessary and, as such, it is the ‘truth’ as seen from the perspective of ‘absolute knowledge.’ The veracity of this ‘truth’ or indeed any moment is, and can only be, established from the perspective of the philosopher. All evidence that is used to illustrate this truth, whether it is historical, religious or aesthetic is thus interpreted philosophically. It is important to bear this in mind as Hegel often refers to the Christian doctrine of original sin in order to support his interpretation of the ‘state of

will,’ stand in opposition to the universal and thus, like the criminal, appear as ‘vulnerable’ singularities (PR, 123). The truth of these singularities is expressed, is sounded, when they are punished. Figuratively speaking the hero brings the possibility of speech to a silent world. Yet, he does not understand the meaning of this speech; he is simply driven by it. He brings the ‘wound’ into the world, but for him it is a cipher, a riddle and only the one who possesses ‘absolute knowledge,’ can decipher it and through deciphering it heal the ‘wound’ (PRel I, 103).

16 We use the definite article (the) in this case because within Hegel’s system there is only one true philosopher (i.e. the ‘speculative’ philosopher).
nature.’ Hegel references this doctrine, but in a very specific manner; he sees it as a representation (Vorstellung) of the ontological truth and, as a representation, it is necessarily incomplete. To quote Hegel,

> It must be observed, quite generally, that a deep speculative content cannot be portrayed in its true and proper form in images and mere representations, and hence it essentially cannot be portrayed in this mode without contradiction...For the speculative content is precisely the comprehension of the concept of the thing—[which involves] the concept’s development—and hence [the comprehension of] the inner antithesis that the concept contains and through which it moves. (PRel I, 105)

As such, only the philosopher can determine the true content of the representation and anything that does not conform to this ‘truth’ is inessential. Despite this fact the doctrine of ‘original sin’ plays a key role in supporting his account of the ‘state of nature.’ For instance, consider the addition to §18 of the Philosophy of Right.

> The Christian doctrine that man is by nature evil is superior to the other according to which he is good. Interpreted philosophically, this doctrine should be understood as follows. As spirit, man is a free being [Wesen] who is in a position not to let himself be determined by natural drives. When he exists in an immediate and uncivilized [ungebildeten] condition, he is therefore in a situation in which he ought not to be, and from which he must liberate himself. This is the meaning of the doctrine of original sin, without which Christianity would not be the religion of freedom. (PR, 51)

This addition clearly shows us that Hegel finds support for his reading of the ‘state of nature’ in the doctrine of ‘original sin,’ but beyond that it is somewhat ambiguous. It provides us with a very condensed summary of his interpretation of the doctrine, but it lacks detail. It is, strictly speaking, only a reference to his more sustained and detailed readings. The most sustained discussion is found in the Lectures on the Philosophy of Religion, but the most concise is in the third addition to §24 of the Encyclopaedia Logic.
In §24 Hegel is concerned with the philosophical status of thought, which he determines to be ‘objective,’ or ontological, in that it determines and expresses the “essentialities of the things.” The doctrine of ‘original sin’ is discussed in the third addition to this paragraph, because, according to Hegel,

> It appears appropriate to consider the myth of the Fall at the very beginning of the Logic, because the Logic is concerned with cognition, and the myth deals with cognition, with its origin and significance. (EL, 61)

Here we see that both the ‘state of nature’ and ‘original sin’ are in fact partial representations of the “origin and significance” of cognition. In fact, both deal specifically with the very first mode of cognition,

> When we are comparing the various forms of cognition with one another, it can easily appear that the first one, that of immediate knowledge, is the most adequate, the finest, and the highest. It includes everything that is called innocence in the moral sphere, as well as religious feeling, simple trust, love, fidelity, and natural faith. Both of the other forms, first reflective cognition and then philosophical cognition too, step out of that immediate natural unity. Insofar as they have this in common with one another, the mode of cognition that consists in wanting to grasp truth through thinking can easily appear as the human conceit that wants to recognize the true by its own strength. This standpoint of universal separation can certainly be looked on as the origin of all wickedness and evil, as the original transgression; and on this view it seems that thinking and cognition must be given up in order to return [to unity] and become reconciled again. (EL, 61)

We should pause here for a moment and carefully consider what Hegel is attributing to ‘immediate knowledge,’ as it is a characterization of an alternative philosophical position on human nature, namely that ‘man’ is by nature good (Rousseau’s philosophy is the primary target here, but, implicitly, Locke’s theory that ‘man’ is born as a *tabula rasa* is also rejected). Hegel dismisses this position as naïve and holds that ‘immediate knowledge’ only has an ‘apparent’ superiority over ‘thinking and cognition.’ Indeed we will shortly see that the first mode of cognition is ‘evil.’ Hegel continues,
As for the abandonment of natural unity here, this marvelous inward schism of the spiritual has been something of which all peoples from time immemorial have been conscious. An inner schism like this does not occur in nature, and natural things do not do evil. We have an old account of the origin and consequences of this schism in the Mosaic myth of the Fall. The content of this myth forms the foundation of an essential doctrine of faith, the doctrine of the natural sinfulness of man, and his need of help to overcome it. (EL, 61)

But, this myth does not—indeed, as representation [Vorstellung], it cannot—provide us with the “deep speculative content” (PRel I, 105). Only the philosopher—in Hegel’s sense (i.e. the speculative philosopher)—can grasp this content and only philosophy can convey it. As a result the myth contains contradictions,

Now, it says in our myth that Adam and Eve, the first human beings, or humankind as such, found themselves in a garden, in which there were both a tree of life and a tree of cognition of good and evil. We are told that God had forbidden this human pair to eat of the fruits of the latter tree; at this point there is no more talk of the tree of life. So what this means is that humanity should not come to cognition, but remain in a state of innocence. We also find this representation of the original state of humanity as one of innocence and of union, among other peoples that have reached a deeper consciousness. What is correct in it is the implication that the schism in which we find everything human involved can certainly not be the last word; but, on the other hand, it is not correct to regard the immediate natural unity as the right state either. Spirit is not something merely immediate; on the contrary, it essentially contains the moment of mediation within itself. Childlike innocence does certainly have something attractive and touching about it, but only insofar as it reminds us of what must be brought forth by the spirit. The harmonious union that we see in children as something natural is to be the result of the labour and culture of the spirit—Christ says, “Except ye become as children,” etc. [Matt. 18:3]; but that does not say that we must remain children. (EL, 62)

In this passage we find the first major discrepancy between Hegel’s reading and the myth: Hegel explicitly rejects the idea that humanity was created innocent. Instead we are told that “spirit…contains the moment of mediation within itself,” thus innocence is not possible and ‘evil’ is necessary. This leads us directly to the next contradiction,

In our Mosaic myth, moreover, we find that the occasion for stepping out of the unity [of innocence] was provided for humanity by external
instigation (by the serpent). But in fact, the entry into the antithesis, the awakening of consciousness lies within human beings themselves, and this is the story that repeats itself in every human being. (EL, 62)

At this point the consequences of Hegel’s ontological position begins to become evident.

Sin is not the consequence of a decision, and, as such, the theme of this myth is not transgression and punishment, nor is it the fall from grace, rather it is awakening and shame. Furthermore, it is a myth that is repeated in ‘every human being,’ which seems to suggest that children are barbarians and criminals or vice versa, in the sense that, they all share the same mode of cognition (we will develop this further later on). Hegel continues,

The serpent expounds divinity as consisting in the knowledge of good and evil, and it is this cognition that was in fact imparted to man when he broke with the unity of his immediate being and ate of the forbidden fruit. The first reflection of awakening consciousness was that the human beings became aware that they were naked. This is a very naïve and profound trait. For shame does testify to the severance of human beings from their natural and sensible being. Hence animals, which do not get as far as this

17 Hegel’s position concerning the origin of sin is made explicit in the lecture manuscripts for the Philosophy of Religion.

Thus evil, the will of self-seeking, exists only through consciousness and cognition, and constitutes the first form of will. One must keep the concept of the thing before one’s mind. [One] can say that there is indeed formal freedom, but right along with it the content [is] given—[so it is] not, free will and [there is] no guilt. It does not matter here whether this first, evil will is fixed or transitory, whether it is the impulse or the life of one human being or of a people; [it is] a necessary transitional point, whether it is momentary or long lasting. (But the divine principle of turning, of return to self, is equally present in cognition; it gives the wound and heals it, [because] the principle is spirit and is true.) (PRel I, 103)

We should pay particular attention to this selection as Hegel explicitly states that this “a necessary transitional point.” This ‘necessity’ is the necessity of the ‘wound’ he refers to in the closing sentence. This ‘wound’ is, in one sense, brought about by the awakening of man to the reality of his ontological condition, that is, by his cognizance of the schism between the human and the natural, or to use Hegel’s terminology, ‘spirit’ and ‘nature,’ ‘infinite’ and ‘finite.’ In another sense this ‘wound’ was always there and thus it was neither delivered nor received, rather, its effect comes when it is recognized. Later on we shall see that the hero bears this ‘wound’ in a unique manner; he feels the sting of this ‘wound’ before all others and he brings this ‘wound’ into the world with the force of divine law.
severance, are without shame. So spiritual and ethical origin of clothing is to be sought for in the human feeling of shame; the merely physical need, on the contrary, is something only secondary. (EL, 62)

The connection that Hegel draws between ‘awakening’ and ‘shame’ is illustrative of his overarching reading. That is, according to Hegel, this awakening and the shame that follows it is not the product of guilt (for transgressing the law), but an awareness of the intrinsic separation between the spirit and the natural world. Even clothing finds its origin in this shame and serves to points to the fundamental schism between the human and the natural world. Returning to the text,

At this point there follows the so-called Curse that God laid upon human beings. What this highlights is connected with the antithesis of man and nature. Man must labour in the sweat of his brow, and woman must bring forth in sorrow. What is said about labour is, more precisely, that it is both the result of the schism and its overcoming. Animals find what they need for the satisfaction of their wants immediately before them; human beings, by contrast, relate to the means for satisfaction of their wants as something that they themselves bring forth and shape. Thus, even in what is here external, man is related to himself. (EL, 62)

Here Hegel begins to analyze the curse that God places on humanity after the fall and within it he finds the means through which this ‘schism’ or ‘wound’ is mediated. The means is labor; through labor man is able to transform the natural world into his own image. The power of labor, that is, the power to shape and transform matter, echoes the

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18 It is interesting to note that Hegel finds the solution to the separation between man and the natural world within the curse that God places upon man yet has nothing to say concerning the curse that is imparted to woman. Hegel simply states that “woman must bring forth in sorrow,” but this is a very truncated version of what is stated in Genesis 4:16,

Unto the woman He said, “I will greatly multiply thy sorrow and thy conception; in sorrow thou shalt bring forth children; and thy desire shall be to thy husband, and he shall rule over thee.” (KJV, 8)

In the complete verse the woman is also subjugated to man by her own desire for him, but oddly Hegel does not figure this into his interpretation. Perhaps this is because—according to Hegel—marriage is the product of the hero’s actions and not the result of the fall (cf. references provided in footnote 3).
manner in which God created man.\textsuperscript{19} In short, the power of labor, the power to shape the
natural world, is divine and Hegel insists upon this point,

But the myth does not conclude with the expulsion from paradise. It says
further, “God said: Behold Adam is become as one of us, to know good
and evil [Gen. 3:22]. Cognition is now called something divine and not, as
earlier, what ought not to be. So in this story there lies also the refutation
of the idle chatter about how philosophy belongs only to the finitude of
spirit; philosophy is cognition, and the original calling of man, to be an
image of God, can be realized only through cognition. –The story now
goes onto say that God drove man out of the Garden of Eden, so that he
should not eat of the tree of life; this means that man is certainly finite and
mortal on the side of his nature, but he is infinite in cognition. (EL, 62-3)

For Hegel, Genesis 3:22 clearly articulates a central point within his own reading (i.e.
that cognition is divine), but this verse only fits within this interpretation because it is
only partially quoted. As it is presented in Hegel’s text it seems as if God is making a
statement concerning the ontological and epistemological condition of man after the fall,
but the second half of the verse does not fit with this reading.\textsuperscript{20} Consider the complete
verse,

And the Lord God said, “Behold, the man is become as one of Us, to know
good and evil; and now, least he put forth his hand, and take also of the
tree of life, and eat, and live forever:—” (KJV, 8)

The verse ends in an aposiopēsis—a sudden silence—which, serves to add an emotive
emphasis to the consequences of the fall. This pause, this purposeful break at the end of
the sentence, effectively contradicts Hegel’s reading. If God is not simply remarking

\textsuperscript{19} On this point it is useful to consider Genesis 2:7,

And the Lord God formed man of the dust of the ground, and breathed into his
nostrils the breath of life, and man became a living soul. (KJV, 5)

\textsuperscript{20} The ‘condition’ is both ontological and epistemological as it is the composite nature (i.e. both
‘nature’ and ‘spirit’) of the ontological reality of ‘man’ that enables him to become aware of his
condition and shape it via the activity of theoretical and practical cognition.
about man’s ontological condition, if he is in fact lamenting, showing his grief by
graphically indicating that he is unable to speak, then Hegel’s reading must confront yet
another contradiction. After all, if Hegel is correct and man was simply awakening to his
own innate ontological condition, why would God be grieved? The emotional intonation
that the aposiopēsis adds to the verse adds weight to the reading that suggests that God is
grieved by man’s decision, and its possible consequences. This directly contradicts
Hegel’s interpretation.

Of course Hegel can rely upon the superiority of philosophical interpretation to
dismiss this problem as simply more evidence of the inferiority of representational
thought [Vorstellung], but as the contradictions accumulate the procrustean quality of
Hegel’s interpretation begins to show through. This becomes evident when we consider
the number of contradictions that his reading produces,

1. Man is not created innocent.
2. Sin is not the result of a decision. Nor is it prompted by an external actor.
3. The expulsion is not a punishment. It is an awakening to an ontological reality.
4. Shame is not the product of guilt, but of the awareness of the ontological
   condition of man.
5. God does not lament man’s condition; rather, he merely remarks that man is now
divine.21

Simply put, if the myth of the fall is so riddled with contradictions how can it possibly
serve as supporting evidence for Hegel’s argument concerning the ‘state of nature’? In
order to act as supporting evidence the myth must align closely with Hegel’s own

21 For a more detailed account of Hegel’s interpretation of the Fall and of his relationship to
theology refer to Cyril O’Reagan’s The Heterodox Hegel.
ontological position (i.e. the Absolute Idea). The process of interpretation can help to resolve apparent contradictions, but as these contradictions mount, the plausibility of the interpretation is stretched to the breaking point and we are left with a revision. A revision lacks independence and thus cannot serve, in any convincing manner, as evidence to support an argument. Now we must ask ourselves, if Hegel’s reading of ‘original sin’ cannot serve as evidence for his reading of the ‘state of nature’ then what is its function? In short, what is the relationship between ‘original sin’ and ‘state of nature’?

The answer to this is, in a sense, quite simple; they are unified by and from the position of ‘absolute knowledge.’ That is to say, once we have determined that Hegel’s interpretation of ‘original sin’ cannot serve as supporting evidence for his interpretation of the ‘state of nature’ we are brought back to the interpretive position that connects both. This position becomes clear in the concluding paragraphs of the third addition to §24 of the Encyclopaedia Logic.

That mankind is by nature evil is a well-known doctrine of the Church, and this natural state of evil is what is called Original Sin. But in this connection, we must give up the superficial notion that Original Sin has its ground only in a contingent action of the first human pair. It is part of the concept of spirit, in fact, that man is by nature evil; and we must not imagine that this could be otherwise. The relationship [of man to nature] in which man is a natural essence, and behaves’ as such, is one that ought not to be. Spirit is to be free and is to be what it is through itself. Nature is, for man, only the starting point that he ought to transform. (EL, 63)

At this point Hegel is much more explicit; the ‘state of nature’ is a necessary moment in the concept of spirit and ‘original sin’ is relevant to this moment, because it is the religious representation [Vorstellen] of it. Hegel continues,

The profound doctrine of the Church concerning Original Sin is confronted by the modern Enlightenment doctrine that man is by nature good and should therefore remain true to nature. When man goes beyond his natural being he thereby distinguishes his self-conscious world from an
external one. But this standpoint of separation, which belongs to the concept of spirit, is not one that man should remain at either. All the finitude of thinking and willing falls within this standpoint of schism. Here man creates his purposes from himself, and it is from himself that he draws the material of his action. Inasmuch as he takes these purposes to their ultimate limits, knows only himself, and wills in his particularity without reference the universal, he is evil, and this evil is his subjectivity. At first glance we have a double evil here; but both evils are in fact the same. Insofar as he is spirit, man is not a natural being; insofar as he behaves as a natural essence and follows the purposes of desire, he wills to be a natural essence. Thus, man’s natural evil is not like the natural being of animals. Man’s belonging to nature is further determined by the fact that the natural man is a single [individual] as such, for nature lies everywhere in the bonds of isolation. So, insofar as man wills this state of nature, he wills singularity. But this acting on the basis of drives and inclinations that is characteristic of natural singularity is then, of course, confronted by the law or universal determination too. This law may be an external power or may have the form of divine authority. Man is in servitude to the law so long as he continues his natural behaviour. Among his inclinations and feelings, man does also have benevolent and social inclinations that reach beyond his selfish singularity—sympathy, love, etc. But, insofar as these inclinations are immediate in character, their content, though implicitly universal, still has the form of subjectivity; self-seeking and contingency still have free play here. (EL, 63)

Hegel defends his argument concerning the initial conditions of human nature from the opposing view (i.e. Rousseau), by making reference to the ‘profound doctrine’ of ‘original sin.’ Yet, as we have seen, in order for this ‘profound doctrine’ to add any weight to Hegel’s argument it must retain some independence from the interpretive process. The more contradictions and anomalies an interpretation encounters the less convincing it becomes. Thus, without the support of ‘original sin’ Hegel is left with the philosophical basis of his argument (i.e. his ontological commitments). His

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22 I use the term ‘commitment’ to characterize Hegel’s ontological position, because, as Taylor notes, “Hegel forces his argument beyond what it can strictly yield” (H, 237). Taylor cites a specific passage from the Logic to illustrate his point and this quotation is pertinent to our discussion,

When we say of things that they are finite, we mean thereby not only that they have a determinateness, that quality is reality and determination existing an sich,
that they are merely limited—and hence still have determinate being beyond their frontier and their being. Finite things are; but their relation to themselves is this, that being negative they are self-related, and in this self-relation send themselves on beyond themselves and their being. They are, but the truth of this being is their end. The finite does not only change, like Something [Etwas] in general, but it perishes; and its perishing is not merely contingent, so that it could be without perishing. It is rather the very being of finite things, that they contain the seeds of perishing as their own being-in-self [Insichsein]: the hour of their birth is the hour of their death. (H, 237; GL, 142)

According to Taylor, the contradiction that Hegel sees within the concept of determinate being cannot be maintained by his argumentation. That is, Hegel is not simply arguing that determinate being is “…in principle open to alteration and destruction,” rather, he wants to argue that alteration and destruction is conceptually necessary (H, 237-8). In short, he wants to argue that determinate being necessarily contains its own negation and, as such, it must go under. Moreover, the ‘truth’ of determinate being is the recognition of this mortal ‘wound’ (PRel I, 103). This is not simply an objection to the ontological or simply ontic account of determinate being, but rather an objection that pertains to the epistemological dimension of this claim. That is, it does dispute it as a model of a possible ontology, but as a determinative account of ontology. As such, the pertinent question here is not is this ontological model internally consistent, but rather, how do we know that this ontological model is true. Hyppolite highlights a similar problem in relation to the connection between epistemology and ontology,

The discourse of experience and the discourse of being, the a posteriori and a priori, correspond to one another and mutually require one another. There would be no possible experience without the presupposition of absolute knowledge. It is true that the historicity of this absolute knowledge poses at the very heart of Hegelianism new and perhaps unsolvable problems. (LE, 36)

Further on he elaborates on the consequences of a disruption of the connection between thought and language (i.e. epistemology and semiology),

This absolute knowledge is the intellectual intuition immanent to the dialectical discourse which in language is the identity of determinate thoughts and of the thought which thinks itself in them, and thinks itself only by fixing itself at these determinate thoughts, by stopping at these determinations in order to penetrate them and see them become. In this discourse, being itself reflects itself and expounds itself as intelligible speech. This philosophical logic assumes therefore that the thought which is there in language is at the same time the thought of thought, the discourse of the self in the discourse of being, and that this discourse of the self, this reflection, remains at the same time the discourse of being. If this unity is not realized, only a formal reflection that opposes itself to the content exists. (LE, 36)

As such, the problem with Hegel’s account of determinate being—and in particular the composite nature of it (i.e. essential and inessential or the ‘seed’ and the ‘husk’)—is its epistemological status. That is, for the account to function as Hegel requires it to it must be a determinative judgment, but how is this status verified? If it is dependent upon the position of ‘absolute knowledge’ then we begin to encounter the problems that Hyppolite refers to above. Seeing as this account of the ontological composition of determined particularity is effectively the basis for
interpretation of both ‘original sin’ and the ‘state of nature’ are articulations of his philosophical position, but, despite his apparent intentions, neither can serve as a convincing illustration of the epistemological validity of this position. In short, neither gives Hegel’s philosophical position explanatory power. Instead, as articulations, they can provide us with valuable insight into the precise details of this philosophical position, but not into the ‘true’ composition of being. Thus, the only way to verify the ‘truth’ of Hegel’s account of the ‘state of nature’ and ‘original sin’ is to somehow prove that ‘absolute knowledge’ is ‘true’.

That being said, we can now see that the ‘state of nature’ refers to the objective deployment of a specific and necessary mode of cognition (i.e. immediate knowledge) in which the subject acts solely on the basis of its own natural drives and inclinations. This cognitive orientation brings the subject into conflict with the universal law and, as Hegel states, “this law may be an external power or may have the form of divine authority” (EL, 63). The ‘right of heroes,’ arises out this context (i.e. the objective deployment of immediate knowledge). It is established by the Idea in order to reorient—by whatever Hegel’s arguments concerning both ‘original sin’ and the ‘state of nature’ we can begin to appreciate how this logical problem enters into (and in fact shapes) objective spirit. Within the realm of ‘objective spirit’ this moment—which is formally excluded from the Philosophy of Right—is first brought about by the act of ‘heroic vengeance.’ Yet, it resonates throughout the development of the state; the ‘natural will’ is exemplified outside of history and the state by barbarians and within by children and criminals. Pedagogical coercion reveals the truth of determinate being in a manner appropriate to each form; the hero and vengeance for the barbarian, the executioner and the monarch for the criminal, the father for children. The state is founded and justified by the continual re-inscription of this ontological ‘truth,’ yet this process is by no means stable. Its very iteration is a demonstration of its instability. Hegel will utilize this instability as the motile force of the dialectic itself, but the progressive claim of this motion is predicated upon the ‘truth’ of ‘absolute knowledge’ and therefore on the ‘truth’ of the connection between language and thought.

23 This ‘evil’ mode of cognition or orientation of the will is not contained within the pre-historical world; it is also used to characterize the child and the criminal within the state. We will expand upon this point later on.
means necessary—the uncivilized [ungebildeten] will. This reorientation, this turning towards the ‘wound,’ constitutes the first moment in Hegel’s ontology (PR, 120-1). But how does the hero claim this right? What enables this particular individual to recognize and employ this ‘right’?

IV. Heroes, Savages and Society: The Cunning of Reason.

Now that we have addressed the question of context we can begin to examine the role of the hero. The hero is the means through which the concept of right is actualized, but in order for this actualization—that is, in order for right to shift from being abstract to being actual—the hero must act upon a medium. The process here is analogous to that of transmission, in that, a signal is being sent from one position to another. Within this moment the message is the concept of right, the transmitter is the hero, and the receiver is the body of the uncivilized [ungebildeten]. When the signal makes contact with the receiver it is effectively translated from abstract to actual right. The product or result of

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24 At one and the same time it is the first moment and precedes the first moment. It claims an a priori truth that enables the system to set to work. Without this ontological assertion ‘absolute knowledge’ remains impossible and yet paradoxically without ‘absolute knowledge’ this assertion remains unsustainable. In order for the Hegelian system to overcome the Kantian ‘thing in itself’ being—which, for Hegel is simply thought—must be complete within itself; there must be nothing outside of the system. This exclusion of any and all alterity (beyond the illusory appearance of alterity) begins by containing it within the individual. In other words determined finitude must bear its other (infinity) within itself; it must be the ‘seed’ of the totality. In order for the system to maintain itself it must retain this containment at all costs; there must be no other outside of ‘reason.’ This logic of exclusion and containment forms the itinerary of ‘objective spirit’ from before the beginning. Absolute knowledge can only maintain itself if it sees itself and only itself developing through the course of history, that is, from the ‘seed’ that determinate being bears within itself. And yet, the ‘truth’ of this ‘seed’ hinges upon the ‘truth’ of ‘absolute knowledge’. History is thus not only the ‘court of judgment’ and the ‘slaughter-bench,’ but it is also the philosopher’s mirror and his ladder (PR, 372).

25 Hegel uses terms such as, transmission, translation, impression, and transition to describe the activity of the will in relation to nature (cf. PR, 35-6, 57-8, 90, 138, 225, 293-4). These analogies are instructive as they offer us the possibility of a unique approach to reading the dialectic of ‘objective spirit.’ That is, if the process through which spirit moves form being abstract (and therefore confined to ‘absolute spirit’) to being objective is analogous to the process of writing
this process is the introduction of agriculture and marriage (PR, 235). These are the most basic proto-elements of the state and their introduction initiates a chain of successive moments, each more complete than the previous, and each maintaining the same dialectical pattern of transmission. This series of moments—or as Hegel refers to them ‘shapes’—eventually culminates in the formation of the ‘state’ (PR, 60-1). In order to be able to appreciate the finer details of this process we must address both the structure and the role of both the hero and the uncivilized. That is, we must understand the structure of each in isolation and then the role of each in relation to the other. We have already dealt with the structure of the uncivilized in our discussion of the context (i.e. as subjects of ‘natural will’ they are accounted for within Hegel’s discussion of both ‘original sin’ and (and we should note that Hegel does refer to the state as a ‘hieroglyph’ of reason) then we can look at the relationship between ‘absolute’ and ‘objective’ spirit as the relationship between a reader and a text (PR, 321-2). This enables us to focus on the logical specifications that determine what must be (and yet cannot be) written in order for the text to continue. These moments may be concealed or even formally excluded (as is the case with the moment we are currently examining), but they remain within the text as an excess that demands to be written out. In fact, compulsion is what drives the dialectic forward. In short, it is Hegel’s systemic attempt to exclude the possibility of what he refers to as ‘bad’ infinity. The only infinity that can ‘be’ within Hegel’s system is ‘positive,’ the infinity of self-reflection, but the determined subject must be brought to recognize the ‘true’ infinite by reading the text of ‘objective spirit.’ It must see and recognize the ‘wound’ that exists within the heart of determined finitude, but how is it brought to this position? What form does this education take? And, we should acknowledge, that it is education and habituation that form the basis of Hegel’s ‘ethical life.’ This being the case it seems that in order for the subject to come to the position of ‘absolute knowledge’ it must be shown the ‘wound’ and learn to recognize its meaning. But, once this occurs what remains to be done? That is, once the subject has become the philosopher what does he do? Simply put, what is the philosopher’s role? At this point we can only provide a hypothesis, namely, he begins to read the ‘wounds’ of others, and in them he decipher the rationality of the actual, he reveals the ‘positivity’ of the infinite by reading the ‘surprise’ out of each and every moment. Thus for the philosopher ‘objective spirit’ becomes a text in which he can read the progression of the absolute idea, but this reading entails comprehending the necessity of the ‘cross’ in history. By comprehending the ‘truth’ of ‘objective spirit’ the philosopher is able to magically convert the world’s misery is the proof of his salvation. The cost of this salvation is his labour or reading the ‘truth’ of ‘objective spirit’. Thus we can imagine him, he sits hunched over his texts, he reads and re-writes, inserting each moment into a series of moments, and each moment asserts its difference from the whole, each defers the final moment. Despite the apparent passivity of his labour we must note that his text is written out in the blood that flows from the ‘slaughter bench’.
the ‘state of nature’). As such, we will begin with the structure of the hero and move on to his relationship to the uncivilized.

There is little to be found on the structure of the hero within the Philosophy of Right, but Hegel does address the exceptional quality of the hero in his examination of the relationship between the ethical order and virtue. This discussion occurs in §150;

Within a given ethical order whose relations are fully developed and actualized, virtue in the proper sense has its place and actuality only in extraordinary circumstances, or where the above relations come into collision. But such collisions must be genuine ones, for moral reflection can invent collisions for itself whenever it likes and so give itself a consciousness that something special [Besonderem] is involved and that sacrifices have been made. This is why the form of virtue as such appears more frequently in uncivilized societies and communities, for in such cases, the ethical and its actualization depend more on individual discretion and on the distinctive natural genius of individuals. In this way, the ancients ascribed virtue to Hercules in particular. And since, in the states of antiquity, ethical life had not yet evolved into this free system of self-sufficient development and objectivity, this deficiency had to be made good by the distinctive genius of individuals. – If the theory [Lehre] of virtues is not just a theory of duties and thus includes particular aspects of character which are determined by nature, it will therefore be a natural history of spirit. (PR, 193-4)

Here we see that virtue, in the Hegelian sense, has its place and actuality in, and only in, extraordinary circumstances; that is, in the ethical void that is generated by a genuine collision of ethical duties. Thus, for Hegel virtue describes a way of deciding or acting that takes place in cases in which the ethical system has effectively reached a state of antinomic deadlock. According to Hegel the frequency of these instances directly corresponds to the level of ethical development that the system has achieved. In a developed and actualized ethical order it seems that it exists ‘outside’ of the state in the sphere of external sovereignty, but in the ‘state of nature’ it is the general rule.²⁶ That is

²⁶ This raises a very distinct series of questions in relation to Hegel’s view of international relations and conflicts. If recognition is not the sole rational for conflict we must ask what role for
to say that in the ‘state of nature’ the individual has no recourse to an ethical system to
guide his/her actions and thus right can only be actualized by an individual that displays
‘virtue.’ For Hegel this individual is the hero. This clarifies the role that virtue serves
within the development of the ethical order, but what of virtue in relation to the
individual, that is, how does one act virtuously in the Hegelian sense? Is it an acquired
skill or an innate attribute? This is a very specific question because in order to act
virtuously the individual must effectively actualize right and thus the action in question
must serve to further the realization of the Idea. In the Philosophy of Right Hegel
describes virtue as being dependent upon ‘individual discretion’ and the ‘distinctive
natural genius of individuals,’ but what exactly does this mean (PR, 193-4)? In order to
clarify the relationship between the hero and the Idea we must turn to Hegel’s
introduction to the Philosophy of History.

Within the lectures Hegel provides us with a more thorough description of the specific
caracter of the hero, but this specific description is also more general than his
description in the Philosophy of Right as here the hero is synonymous with the ‘great
individual of world history’ and it seems that these individuals are not strictly confined to
the ‘dull innocence’ of the pre-historical world (PR, 375).27 These ‘great individuals’ are
unique in that they ‘embody…a moment of the productive idea itself,” they seize this
higher universal and make it their own and thus they become “instruments of the

vengeance on the international stage? Can a state act as a hero? That is, does the ‘true’ state
launch wars of vengeance? We will return to this line of questioning later on.
27 It seems that ‘great individuals’ arise within states when a ‘state of nature’ occurs—in this case
it would seem that the French Revolution and the rise of Napoleon fit Hegel’s definition—and
they may also rise as leaders of states to manifest the vengeance of the Idea on the international
stage.
substantial spirit” (LWH, 82-84). As such, the justification for their actions does not lie within the prevailing situation,

…for they draw their inspiration from another source, from that hidden spirit whose hour is near but which still lies beneath the surface and seeks to break out without yet having attained an existence in the present. For this spirit, the present world is but a shell which contains the wrong kind of kernel. (LWH, 83)

The fact that heroes do not need to appeal to the current legal or ethical conditions in order to justify their actions immediately raises the question of legitimacy. That is, given such license could not such figures simply act in accordance with the caprice of their desires? How are we to be sure that they are working to realize the Idea and not simply sating their lust for power? To this Hegel replies,

The only true ends are those whose content has been produced by the absolute power of the inner spirit itself in the course of its development; and world-historical individuals are those who have willed and accomplished not just the ends of their own imagination or personal opinions, but only those that were appropriate and necessary. Such individuals know what is necessary and timely, and have an inner vision of what it is. (LWH, 83)

While the ends of all individual agents, as ‘knowing and thinking beings,’ are ‘interwoven’ with those of the universal the ends of heroes are distinct (LWH, 81). This distinction is due to the degree to which the hero’s particular ends are ‘interwoven’ with those of the Idea. Typically individuals rationally pursue their particular ends and are not aware that their actions take part in the mediation of the Idea; heroes are the exception to this norm. The hero is, figuratively speaking, cut from an altogether different cloth. As Hegel states, heroes are those ‘world historical individuals’ that have an ‘inner vision’ of what is necessary in their age; they are “…the most far-sighted ones among their contemporaries…and whatever they do is right” (LWH, 83-4). Within the hero this
connection, this ‘inner vision’ of what is necessary, takes the form of a passion. To quote Hegel,

In such individuals, then, that which is necessary in and for itself assumes the form of passion. Great men of this kind admittedly do seem to follow only the dictates of their passions and of their own free will, but the object of their will is universal, and it is this which constitutes their pathos. Passion is simply the energy of their ego, and without this, they could not have accomplished anything. In this respect, the aim of passion and that of the Idea are one and the same; passion is the absolute unity of individual character and the universal. The way in which the spirit in its subjective individuality here coincides exactly with the Idea has an almost animal quality about it. (LWH, 86)

The hero can thus be thought of as a vector, a delivery mechanism for the Idea, he is consumed by the Idea and he serves its will in an ‘almost’ animalistic enthusiasm. Now if we compare the hero to the typical individual, who relates to the Idea through its capacity to rationalize, the hero exists as an inversion, that is, his connection to the Idea is passionate almost to the extent of being animalistic, which is to say, instinctual or unreflective. Thus, the ends that the hero pursues are not, strictly speaking, his own, he exists as the instrument of right, which is not to say the hero is totally indistinguishable from right, that he is somehow a pure manifestation of right, he is an individual subject and as such he has an existence distinct from that of the Idea. For Hegel this existence is inessential or contingent,

Their actions are their entire being, and their whole nature and character are determined by their ruling passion. When their end is attained, they fall aside like empty husks. (LWH, 85)

What is interesting here is the relationship between composite structure of the hero and his actions. For Hegel there is no relation and even if there were some form of cross contamination—some subjective interruption—this excess would simply be subsumed within the dialectical folding of the system. It would be carried over from one stage only
to be rounded off in the next. This rather puzzling structure leaves us with more questions than answers.28

It is clear that Hegel needs to maintain a distance between the Hero and the Idea (after all without this distance the Idea becomes entangled with the particular and loses its claim to purity), but this distance is difficult to maintain. The Hero is given an unlimited right to employ coercive force—a right that requires no recognition from his contemporaries—and further he acquires this right instinctively. He brings right into the

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28 Other commentators have also found Hegel’s account of the ‘world historical individual’ puzzling. Eric Weil touches upon this issue in his Hegel and the State and Ido Geiger produces a unique reading of the hero in relation to Antigone and war in his The Founding Act of Modern Ethical Life. Geiger’s account raises a series of very interesting questions, but it does not take into account the distinctions that divide the Phenomenology and the Philosophy of Right on this point. For instance, Antigone’s claim pertains directly to the family and recognition whereas the hero’s in the Philosophy of Right precede both the family and recognition. Nonetheless Geiger produces a innovative and intriguing interpretation. In Hegel’s Theory of the Modern State Avineri argues that Hegel’s account is contradictory as it seems that at times the individual is conscious of its ends, and at others semi to totally unconscious (HMS, 233). Taylor claims that Avineri’s observations are invalid due to the apocryphal nature of his source (i.e. Reason in History) and he further asserts that,

…the texts can fairly easily be reconciled around the notion that world-historical individuals have a sense of the higher truth they serve, but they see it through a glass darkly. (H, 393)

And moreover,

A category like the ‘cunning of Reason,’ far from being incomprehensible, ‘mystical’ Hegelian Idea, is indispensible for any theory of history which wants to give a role to unconscious motivation. (H, 393)

Simply disqualifying a text on the basis of canonical accord and then reconciling the text on the basis of a historical perspective argument is unconvincing. In light of our analysis of the state of nature this argument simply fails. Further, it is Hegel’s account of the ‘world historical individual’ and the so-called ‘cunning of Reason’ that enables his system to introduce the ontological assertion from the greater Logic—which Taylor openly objects to—into history and effectively determine the content of ‘unconscious motivation’ and render it totally conscious (H, 237-8). But, as we have previously noted, there is a circularity in Hegel’s ontological claim, in that, its ontic status can only be secured from the position of ‘absolute knowledge’ and ‘absolute knowledge’ can only come to be if its very possibility is built into being. In short, the philosopher guarantees the ‘truth’ of the ‘seed’ and the ‘seed’ is the very possibility of the philosopher. As Hyppolite notes, the problem here is the very historicity of ‘absolute knowledge’ (LE, 36).
world with his actions. He lays the most basic foundations of the state (i.e. the family and agriculture). He is, in short, the ‘passionate instrument’ of right. Yet, there is a fragment of his will that remains outside of the Idea and it is this fragment that is bound to what Hegel refers to as his ‘husk.’ The ‘husk’ is presented as ahiistorical. According to Hegel it is a contingency that ‘true’ philosophical enquiry would eliminate (LWH, 28). But, it is through this ‘husk’ that the purity of reason can be maintained. After all if the hero were entirely possessed by the Idea, if he had no agency, no particularity, then the products of his actions would be irreconcilably tainted. In fact it is this composite structure that enables the philosopher to read the hero’s actions; without this the hero’s actual products could not be rationalized. The hero is thus set apart, in an ontological sense, from his context—the specifics of how he is set apart remains ‘mystical’—and through his ‘inspired’ actions he sounds out the hollowness of this context. Figuratively speaking, it is the hero, or rather ‘reason’ acting through the hero, that sounds the bell [klang] and it is this sound that brings ‘man’ recognize the ‘wound’ that was there all along.\(^{29}\) In short, the hero is Hegel’s deus ex machina, it is his solution to the problem of the beginning, that is, the problem of setting a self-contained system in motion and demonstrating this system in the court of history.

For Hegel, ‘objective spirit’ is a court, it is where he can—and indeed must—make the case for his Logic. In that, the developmental course of the former must follow the structural determinations of the latter. In order to make this case he must successfully exclude anything that might interrupt his circular system. There must be no real exterior.

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\(^{29}\) I add the image of the bell and its sounding [klang] to invoke both Derrida’s work in Glas and the sounding out that formally ends the ‘dull innocence’ of the flower religions and begins the “…earnestness of warring life” and “guilt” that is characteristic of the so-called animal religions (G, 4; PS, 420).
There can be no limit to thought. The system must be self-contained and if it is not, if there is an exterior, if there is anything beyond the grasp of knowing, then his case fails, Kant’s ‘thing-in-itself’ remains and with it doubt (i.e. bad conscience and alienation). Thus, the case to be made is that the Logic is indeed the rationality of the actual (PR, 20). In terms of structure the case could be called a theodicy, but, not in the traditional sense. Hegel’s system is onto-theological in the fullest possible sense, there is no external god, no beyond, there is only the unity of existence and the concept, only the Idea, and thus the case is, if anything, an onto-theodicy (PR, 26). In order for the case to succeed—that is, in order for it to go beyond the unhappy consciousness of Kantian morality—finite being must contain its own negation (cf. footnote 22). In the objective sphere this translates into Hegel’s account of the ‘state of nature’ and the ontological structure of ‘man.’ But, in order to progress from this state and move reason beyond the confines of the ‘natural will’ there must be an exception to the rule. This exception is the hero. The hero simply appears within this pre-historical context because he is necessary on a conceptual level. He is the means through which right is first translated into actuality.

As Hegel clearly articulates this first act of translation appears as ‘divine law,’

The proper beginning and original foundation of states has rightly been equated with the introduction of agriculture and of marriage…In the consciousness of the ancients, the introduction of agriculture and of the institutions associated with it were divine acts, and they were accordingly treated with religious veneration. A further consequence, which also occurs in the other estates [this quote is referring to the substantial or immediate estate], is that the substantial character of this estate entails modifications with regard to civil law — especially to the administration of justice — and likewise with regard to education and instruction and also to religion; these modifications do not affect the substantial content, but only its form and the development of reflection (PR, 235-6).
The qualification is important because if the modifications that originate from the foundations of the state affected the ‘substantial content’ then the rationality of the actual becomes tainted by the vengeance of heroes. That is, this necessary violation of the law—and we must remember that even for Hegel this is vengeance and not punishment—would not be contained within the pre-history of the state. Consequently it would contaminate and compromise the integrity of the law and with it all of ‘ethical life.’

Hegel is emphatic on this point,

The historical origin of judge and lawcourts may have taken the form of a patriarchal relationship, of coercion [Gewalt], or of free choice; but this is irrelevant as far as the concept of the thing [Sache] is concerned. To regard the introduction of jurisdiction by sovereign princes and governments as merely a matter [Sache] of arbitrary grace and favour, as Herr von Hailer does (in his Restoration of Political Science), is an example of that thoughtlessness which fails to realize that, since legal and political institutions in general are rational in character, they are necessary in and for themselves, and that the form in which they first arose and were introduced has no bearing on a discussion of their rational basis. (PR, 252)

Here again we see Hegel arguing that the manner or form in which law is founded and by which it develops has no effect on its rational basis. In part this is because the rationality and necessity of the law are ensured by the concept, but this insurance policy is at the very least questionable. This hard and fast distinction between ‘form’ and ‘content’ holds within it an implicit argument which maintains that form is simultaneously a neutral and insufficient means of conveyance for content. Paradoxically form—like its many synonyms within the Hegelian system (i.e. nature, contingency, particularity, etc)—contains content without containing it, it carries or conveys, it bears the mark, but never the fullness of the meaning. The truth of this assertion can never be maintained in any

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30 This distinction (i.e. form and content, nature and spirit, etc) is maintained in Hegel’s account of cognition and signification,
particular moment precisely because a moment in isolation is incomplete, rather, it can only be demonstrated as a governing sequence that can only be verified from the position of ‘absolute knowledge’. In large part Hegel’s case is made by superimposing the sequence of the rational over the actual, yet he must also account for the transition from frame to frame.

This mode of transition can be referred to generally as speculative dialectics, conceptually as *Aufhebung*, and figuratively as the ‘cunning of reason,’

The particular interests of passion cannot therefore be separated from the realization of the universal; for the universal arises out of the particular and determinate and its negation. The particular has its own interests in world history; it is of a finite nature, and as such, it must perish. Particular interests contend with one another, and some are destroyed in the process. But it is from this very conflict and destruction of particular things that the

The distinction between thought and will is simply that between theoretical and practical attitudes. But they are not two separate faculties on the contrary the will is a particular way of thinking — thinking translating itself into existence [*Dasein*], thinking as the drive to give itself existence. This distinction between thought and will can be expressed as follows. When I think of an object [*Gegenstand*], I make it into a thought and deprive it of its sensuous quality; I make it into something which is essentially and immediately mine. For it is only when I think that I am with myself [*bei mir*], and it is only by comprehending it that I can penetrate an object; it then no longer stands opposed to me, and I have deprived it of that quality of its own which it had for itself in opposition to me. Just as Adam says to Eve: ‘You are flesh of my flesh and bone of my bone’, so does spirit say: ‘This is spirit of my spirit, and alien character has disappeared.’ (PR, 35)

This ‘disappearance’ within cognition is compelling. It has dis-appeared, but that means that there was a previous appearance. Of course Hegel will dismiss this appearance as merely superficial, merely form, yet how does it disappear? Does it simply vanish without a trace or could it remain within the system? Could it be that cognition accumulates disappearances? This process of cognition, that is, of cognition as translation and disappearance, is precisely where Derrida’s reading disrupts Hegel’s text. Derrida effectively interrogates Hegel’s text by tracing the repetition of disappearance within Hegel’s semiology (cf. “The Pit and the Pyramid: Introduction to Hegel’s Semiology”) and his account of love and the family in ‘ethical life’ (cf. *Glas*). Our mode of interrogation is much the same as Derrida’s, but our entry point is distinct. We are interested in the disappearance of the ‘natural will’ and the various forms that it assumes within the dialectic of objective spirit. That is to say, we are interested in the disappearance of children, savages and criminals, in how cognition interprets these others, in what content is translated into actuality through these disappearances and how these disappearances affect the content of ethical life.
universal emerges, and it remains unscathed itself. For it is not the
universal Idea which enters into opposition, conflict and danger; it keeps
itself in the background, untouched and unharmed, and sends forth the
particular interests of passion to fight and wear themselves out in its
stead. It is what we may call the cunning of reason that it sets the passions
to work in its service, so that the agents by which it gives itself existence
must pay the penalty and suffer the loss. For the latter belong to the
phenomenal world, of which part is worthless and part is of positive value
(LWH, 89).

We interrupt here in order to ask a simple question, specifically, who can make these
value determinations? Who can determine between necessity and contingency? It is clear
according to Hegel the philosopher can, but if we question the promise of absolute
knowledge, at best, we are left with a series of more or less plausible dialectical
explanations for historical events. Hegel continues,

The particular is as a rule inadequate in relation to the universal, and
individuals are sacrificed and abandoned as a result (LWH, 89).

Here again, how are we to determine where the inadequacy lies? Perhaps, “individuals
are sacrificed and abandoned,” because our conception of the universal is inadequate in
relation to the particular. That is, perhaps the ‘slaughter-bench’ is not necessary in-itself;
perhaps it is rendered or read as necessary by and for the philosopher. After all, if
‘objective spirit’ is not the realm of the ‘cross’ the philosopher cannot “recognize reason
as the rose in the cross of the present” and begin his dance (PR, 22). Returning to the
quote,

The Idea pays the tribute which existence and the transient world exact,
but it pays it through the passions of individuals rather than out of its own
resources. Caesar had to do what was necessary to overthrow the decaying
freedom of Rome; he himself met his end in the struggle, but necessity
triumphed: in relation to the Idea, freedom was subordinate to the external
events (LWH, 89).

Our problem is that it seems as if in this case the ‘cunning’ seems to be more of a
convenience. That is, the conceptual necessity for the hero is clear, but the rationality, or
even plausibility, of his actuality is very limited. He arrives on the stage without explanation and once there he is still not really there, that is, he is distant from the others, he sees beyond them, perhaps even through them, but he also shares their finitude and their passionate excesses. He is at one and the same time driven by an unconscious (even animalistic) desire for ‘right’ and his own finite passions. As a result his actions are acts of vengeance; they are excessive, coercive, and thus they go beyond what is strictly necessary. In short, they extend beyond right, yet this excessive force—which impresses its commands into the consciousness of the uncivilized with such force that it takes the form of ‘divine acts’—does not contaminate the substantial content that it produces, namely, agriculture and marriage (PR, 235). Hegel maintains that the means that were employed to realize these institutions are irrelevant; they are conceptually necessary and thus they are justified. Thus, the development of the state continues on unabated by the violence that establishes its foundations; the ‘form’ disappears leaving only the ‘content.’ Or is it rather that the content appears in the disappearance of the form? That is, the disappearance, or more precisely the act of disappearing, of making ‘form’ disappear, is necessary in order for the ‘content’ to recognize and affirm itself as absolute. Hegel concedes that the origin of institutions, such as marriage and agriculture—even the origin of legal and political institutions in general—may indeed be acts of coercion, but he insists that these are only transitional forms and they are distinct from the substantial content. And yet, this content can only become actual in and through a series of disappearances; it is dependent upon ‘form,’ on its very insufficiency, and so how can it maintain its separateness if that separation is only guaranteed by an infinite series of disappearances? In light of this unlimited dependence it seems as if ‘reason’ can only be
seen to be ‘cunning’ from a viewpoint that is both removed and retrospective. Such a viewpoint would paradoxically exceed perspective. It would be absolute. The philosopher writes from this position, or rather, claims to be written through from this position. To quote the preface of the *Phenomenology*:

…at a time when the universality of Spirit has gathered such strength, and the singular detail, as is fitting, has become correspondingly less important, when, too, that universal aspect claims and holds on to the whole range of the wealth it has developed, the share in the total work of Spirit which falls to the individual can only be very small. Because of this, the individual must all the more forget himself, as the nature of Science implies and requires. Of course, he must make of himself and achieve what he can; but less must be demanded of him, just as he in turn can expect less of himself, and may demand less of himself. (PS, 45)

The author thus reduces himself, he forgets himself in order to let being speak through him. He is an absolute reader.\(^{31}\) A translator, but never an author; he writes without responsibility.

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\(^{31}\) The paradoxicality of this formulation should be immediately evident; how can the reader be absolute and still remain a reader? This is perhaps the primary question surrounding Hegel’s text, namely, how does one write the autobiography of spirit? In such a text the author cannot be the author. He must remain a reader and a translator. He is absolute, or rather absolved, by the very fact that what he writes is not his own word. As such, his final act cannot be included in the text. It cannot be written. It falls off of the page and outside of the word. It disappears. And it is only in this final moment of disappearance that the reader recognizes himself as the author. This paradoxical movement of reading and disappearance is also found in Hegel’s early theological writings on the Lord’s Supper,

The action of eating and drinking is not just a self-unification brought about through the destruction of food and drink, nor is it just the sensation of merely tasting food and drink. The spirit of Jesus, in which his disciples are one, has become a present object, a reality, for external feeling. Yet the love made objective, this subjective element become a *thing*, reverts once more to its nature, becomes subjective again in the eating. This return may perhaps in this respect be compared with the thought which in the written word becomes a thing and which recaptures its subjectivity out of an object, out of something lifeless, when we read. The simile would be more striking if the written word were read away, if by being understood it vanished as a thing, just as in the enjoyment of bread and wine not only is a feeling for these mystical objects aroused, not only is the spirit made alive, but the objects vanish as objects. Thus the action seems purer, more
In short, Hegel’s entire demonstration, his entire case for the rationality of the actual, depends upon ‘absolute knowledge’. That is, it depends on the coming to fruition of the very seed that it begins with as a speculative assertion, namely that determined finitude necessarily bears its contradiction (its other) within itself. This necessarily entails that the ‘truth’ of the ontic can be cognitively grasped and furthermore that what is grasped is identical to thought. As such, there is a necessary developmental course from the ‘seed’ to the ‘philosopher’. As we have seen, within ‘objective spirit’ this ‘seed’ is the ‘state of nature.’ But even with this beginning in place the system cannot begin. The ‘husk’ conceals the ‘truth’ of the ‘seed’. Thus, in order to begin spirit must intervene; it must sound out the hollowness of the very first mode of cognition. The system needs a hero much like it needs an author, but it can never really offer us either. The hero does enter the stage, but he does not develop within it. He does not develop dialectically, which is to say, at least for Hegel, organically. He simply appears as a matter of necessity. The plot cannot progress without him and so, suddenly, he is there, yet he is also never really there. He is simultaneously himself and another. As a result his actions appear stilted and appropriate to its end, in so far as it affords spirit only, feeling only, and robs the intellect of its own, i.e., destroys the matter, the soulless. When lovers sacrifice before the altar of the goddess of love and the prayerful breath of their emotion fans their emotion to a white-hot flame, the goddess herself has entered their hearts, yet the marble statue remains standing in front of them. In the love-feast, on the other hand, the corporeal vanishes and only living feeling is present. (ETW, 250-1)

If we transfer this back to the case of the philosopher we can see that ‘objective spirit’—as the translation of right into the objective world—is also a ‘love-feast’ or at least becomes one in its final moment (i.e. the state). Accordingly, for the philosopher the course of world history is a text that he consumes by reading and reads by consuming. Within this infinite text the subjects die for resurrection and are resurrected for death. The philosopher reads and translates in order to teach us the love of the feast, because it is only through this feast that we can gain a ‘living feeling in the present.’ In fact the Lord’s Supper is presented to us in a much more literal manner in the state: for while both tables are laden with blood and flesh only the latter is literal. For a sustained discussion of Hegel’s interpretation of the last supper in relation to the question of reading refer to Werner Hamacher’s Pleroma.
mechanical. He is a prop, a marionette, but not a subject. The author also never graces us with his presence. We are left with a stage director, a translator and a reader, but not an author. Of course the show—the ‘show’ being ‘objective spirit’—goes on; it must always go on. It cannot stop. Its purpose is, as we have noted, to demonstrate the rationality of the actual. The demonstration hinges on the ‘truth’ of the first act—the ‘state of nature’ and the act(s) of heroic vengeance—and yet due to the very insufficiency of the finite it can never be fully verified. Faced with such a fundamental paradox the only possible response is infinite deferral via infinite demonstration; an unending feast.

V. The Philosopher and his Hero: Reading the Writing of Right

At this point we will take a step back from our close reading of Hegel’s text in order to begin to schematize our course and its possible implication(s).

1. How does ‘objective spirit’ begin?

Here we can begin with a simple statement: the beginning of history is heroic vengeance. The components of this beginning are as follows:

A) The State of Nature: In the representational [Vorstellung] thought of Christianity this moment referred to as ‘Original Sin,’ but philosophically interpreted it is the primary mode of cognition and it forms the necessary beginning of all consciousness. In this mode of cognition the subject is driven by natural, object-directed desire. It does not recognize its separation from the natural world and because it does not recognize this separation it cannot develop. Seeing as “spirit is to be free and is to be what it is through itself” and that “nature is, for man, only the starting point that he ought to transform” this mode of cognition constitutes an act of violence against the Idea (EL, 63). In response the Idea establishes the ‘right of heroes’ (PR, 120). At this stage ‘man’ is an unfertile seed.
B) **The Hero:** This character also arrives out of conceptual necessity, which is to say, he does not develop dialectically within a given moment or shape. He can be thought of as the materialization of “the divine principle of turning” in that he initiates or makes possible the “return to self” by “giving the wound” (PRel I, 103). He enacts heroic vengeance on the uncivilized and thereby exposes the emptiness of the initial mode of cognition. As the executor, or translator of the Idea he fertilizes the seed.

The products of this moment are marriage and agriculture, which form the essential foundation of the state in the Philosophy of Right. Without this foundation there is neither property nor love; there is only the uncivilized and nomadic life of savages (PR, 235). Consequently, ‘objective spirit’ does not begin with the struggle for recognition. This struggle is driven by a desire that does not exist within the ‘natural will,’ namely, a desire for recognition. This desire is indicative of a later stage, that is, a stage that follows the moment of heroic vengeance.

2. **Does the state of nature end?**

In a word, no, the state of nature is the initial mode of cognition and, as such, it is not confined to any specific temporal period. Within the boundaries of the state this mode of cognition takes the form of children and criminals. Each requires ‘education’ in the

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32 We should also note here that within the Philosophy of Right ‘woman’ is described as being in a natural state, but, unlike ‘man,’ she is perpetually in this state. She is accordingly referred to as a ‘plant’ and the perpetual inner enemy of the state. Consider §166,

The one [sex] is therefore spirituality which divides itself up into personal self-sufficiency with being for itself and the knowledge and volition of free universality, i.e. into the self-consciousness of conceptual thought and the volition of the objective and ultimate end. And the other is spirituality which maintains itself in unity as knowledge and volition of the substantial in the form of concrete individuality [Einzelheit] and feeling [Empfindung]. In its external relations, the former is powerful and active, the latter passive and subjective. Man therefore has his actual substantial life in the state, in learning [Wissenschaft], etc., and otherwise in work and struggle with the external world.
broad Hegelian sense of the term and it through this process of education that ethical life both gains and maintains a determined shape. Outside of the state we find uncivilized nations, that is, nations that are not states. These nations lack “…the objectivity of possessing a universal and universally valid existence [Dasein] for itself and others in

and with himself, so that it is only through his division that he fights his way to self-sufficient unity with himself. In the family, he has a peaceful intuition of this unity, and an emotive [empfindend] and subjective ethical life. Woman, however, has her substantial vocation [Bestimmung] in the family, and her ethical disposition consists in this [family] piety.

In one of the most sublime presentations of piety—the Antigone of Sophocles—this quality is therefore declared to be primarily the law of woman, and it is presented as the law of emotive [empfindend] and subjective substantiality, of inwardness which has not yet been fully actualized, as the law of the ancient gods and of the chthonic realm [des Unterirdischen] as an eternal law of which no one knows whence it came, and in opposition to the public law, the law of the state—an opposition of the highest order in ethics and therefore in tragedy, and one which is individualized in femininity and masculinity in the same play.

Addition (H,G). Women may well be educated, but they are not made for the higher sciences, for philosophy and certain artistic productions which require a universal element. Women may have insights [Einfalle], taste, and delicacy but they do not possess the ideal. The difference between man and woman is the difference between animal and plant; the animal is closer in character to man, the plant to woman, for the latter is a more peaceful [process of] unfolding whose principle is the more indeterminate unity of feeling [Empfindung]. When women are in charge of government, the state is in danger, for their actions are based not on the demands of universality but on contingent inclination and action. The education of women takes place imperceptibly, as if through the atmosphere of representational thought, more through living than through the acquisition of knowledge [Kenntnissen], whereas man attains his position only through the attainment of thought and numerous technical exertions. (PR, 206-7).

Woman remains within a perpetual ‘state of nature,’ she is—in terms of the universal—un-educatable. It is man that responds to the Klang of heroic vengeance, man that turns around, that reorients himself towards the ‘wound.’ Woman is illiterate; she cannot read the ‘book of life,’ because she cannot ‘penetrate’ through the form into the universal inner content. She remains with the remains; with what is left behind after the feast, and yet it is through her that the feast continues. We have set our focus primarily on criminals and barbarians (and ‘male’ children) because these bodies are the mediums on which ‘right’ is inscribed. Woman does not bear this mark in the same manner; she bears witness to the mark, but she refuses its rationality. She perpetually remains at the point of departure (the state of nature) as the guardian of an ‘eternal’ and ‘chthonic’ law; the law of the remains. Our focus in this chapter has precluded a more extended consideration of the role of woman in this first moment and the moments that follow from it. This is not because we see this as a minor or unrelated problem rather it is an expansive problem, it is the problem of the remain(s) (cf. Derrida’s Glas).
[the shape of] laws as determinations of thought” and, therefore they are not recognized (PR, 375). Thus, not all wars are wars for recognition. Some wars, that is, wars against uncivilized nations, are wars of vengeance. We will develop this point later on when we consider the monarch and its role in articulating the external sovereignty of the state.

3. **What are the implications of a continually recurring state of nature?**

Due to the nature of Hegel’s system the implications *are* the system in its entirety. That is, the fact that the finite cannot contain the absolute entails that the absolute must be distributed through the totality of possible moments. Thus, any text that attempts to verify the system will have to write out the totality; such a text would be the autobiography of God. This is Hegel’s text. It is a text that demands to be written without end. Here the labor of Hegel converges with that of Borges’ Pierre Menard. As Menard exclaims,

My purpose is merely astonishing…the final term of a theological or metaphysical proof—the world around us, or God, or chance, or universal Forms—is no more final, no more uncommon, than my revealed novel. The sole difference is that philosophers publish pleasant volumes containing the intermediate stages of their work, while I am resolved to suppress those stages of my own. (B, 91)

Each is engaged in a process of re-writing: Hegel rewrites God, Menard rewrites Don Quixote; yet what they aim to produce is not a copy, but the truth that the original had failed to fully grasp. Each struggles with a task that is, at least to them, simple: it is after all blatantly evident to the trained eye, and yet it is, at least for the time being, ineffable. Once again Menard captures the essence of their struggle,

The task I have undertaken is not in essence difficult…If I could just be immortal, I could do it. (B, 91-2)

Hegel, as the philosopher, must prove his theory by translating actuality into the text. Yet, as a translator his work does not belong to the moment. He always arrives too late; he
always arrives in the wake of the author. He reads what has been already written and copies it into his ‘book of life.’ Yet, if we were to ask him who taught him how to read he would be unable to answer. Perhaps, he is a sign of the end, a product of the penultimate moment, but seeing as he is bound within that moment he is unable to answer us in any definitive way. He does not belong to the ‘now’ of the moment. He is a stranger to the life of the living. He strives to “forget himself” in order to be able to serve the ‘truth’ of Spirit (PS, 45). As such, all that he can tell us is that he was chosen by the Absolute; that he is conceptually necessary, a product of Spirits gathering strength. Much like his hero he simply arrives. And much like his hero he accomplishes the impossible; he gathers meaning from death. Only the dead can enter his ‘book.’ Only the dead can be born again in spirit. Only they can be absolved. The living can only share in the ‘living feeling’ (auto-affection) of absolution by facing death (ETW, 250-1).

The act of facing death does not only occur in the dialectic of the lord and bondsman, it is not always the meeting of two, each mutually desiring the recognition of the other. Lethal violence is not always meaningless, not always a failure (indeed if Hegel’s text is to fulfill its function as a ‘demonstration’ of the ‘truth’ of the Logic it must not fail). In heroic vengeance meaning is taken from death. To those who bear witness within the moment they receive this death as ‘divine law,’ they recognize themselves both as they were (and ought not have been) and as they must become. Philosophically interpreted this violence—and we must remember that it is violence without measure—is licensed by the ‘right of heroes.’ As the philosopher reads this moment the apparent wrongs become ‘pedagogical coercion’ and vengeance becomes an object lesson to the uncivilized. The death of the ‘uncivilized’ at the hands of the hero founds both ‘marriage and agriculture,’
but it does this by initiating the turning away. The lethal violence of the hero is the *klang* that awakens ‘man’ from his slumber in the natural world, it is the *klang*, the sound, the blow, that initiates the ‘divine turning’ in which ‘man’ first turns away from ‘nature’ and towards ‘spirit.’ Thus, the first moment of recognition is the recognition of the ‘truth’ of ‘spirit’ in the death of another. This mode of self-recognition or auto-affection in the death of another continues outside of the bounds of the ‘historical.’ The endless return of the ‘natural will’ in the form of the criminal and the barbarian brings with it the very material through which spirit (endlessly) finds and recognizes it-self. The body of the ‘natural will’ dies for resurrection and is resurrected for death. The task of the philosopher is simply to arrive afterwards and proclaim the necessity of this negation in the course of Spirit.

4. **Can we think of ‘objective spirit’ as a process of writing?**

In the “Critique of Hegel’s Doctrine of the State” Marx writes,

> As the whole point of the exercise is to create an *allegory* to confer on some empirically existent thing or other the *significance* of the realized Idea, it is obvious that these vessels will have fulfilled their function as soon as they have become a determinate incarnation of a moment of the life of the Idea. Hence, the universal appears everywhere as a determinate particular, while the individual never achieves its true universality. (EW, 99)

If we accept this interpretation and read the *Philosophy of Right* as an allegory then we must also address the question of authorship. That is, if the text is an allegory, if the meaning of the text is concealed behind the explicit figures, then who is writing?

According to Hegel the author is the Absolute. His philosophy is merely the interpretative apparatus: the reading machine. As Marx observes the subjects are “reduced to…*names* of the Idea,” and as names or components they all work to realize the auto-affective
desire of the Absolute (EW, 67). History is thus always already an allegory written by proxy, yet there are moments when the text goes beyond the limits of allegory and indeed of writing itself. The moment we have selected in this chapter is such a moment. In this moment meaning does not enter the text allegorically—hidden or obscured by a façade—but, directly. The death of the uncivilized occurs as a writing-out of the other. This act of writing-out explodes (within) the text,

As nature enters that form, so it remains in it, just as a shell starts suddenly towards its zenith and then rests for a moment in it; metal, when heated, does not turn soft like wax, but all at once becomes liquid and remains so—for this phenomenon is the transition into the absolute opposite and so is infinite, and this emergence of the opposite out of infinity or out of its nothingness is a leap. The shape, in its new-born strength, at first exists for itself alone, before it becomes conscious of its relation to an other. Just so, the growing individuality has both the delight of the leap in entering a new form and also an enduring pleasure in its new form, until it gradually opens up to the negative, and in its decline too it is sudden and brittle. (NL, 132; also, cf. G, 106-7)

Heroic vengeance enters the text as a leap out of the text. It enters as what cannot be contained; as a flash, an instant of “unheard, inaudible, deafening speech” (BP, 331). The text recoups, it recovers after the instant has passed, finds marriage and agriculture already in place and continues on. The text continues on,

At the same time, in the manner presented above, this life fends off involvement with the negative—for (since what we have so far called positive has in the event turned out to be the negative considered in itself) it confronts the negative as objective and fate, and by consciously conceding to the negative a power and a realm, at the sacrifice of a part of itself, it maintains its own life purified of the negative. (NL, 133)

In the instant of vengeance—the instant that cannot be written—a sacrifice occurs and through it ‘life’ is “‘purified of the negative,” but, this ‘purification’ or ‘living feeling’ of the self as it is in-itself (auto-affection) can only become complete by stepping through (and thus beyond) determination. The text that remains is thus driven to what it can only
interpret as auto-phagy.\textsuperscript{33} It consumes itself. It eats itself in order to feel itself. It cannot see the ‘remain(s)’ that limit the ‘purity’ of the total or absolute auto-affection of ‘absolute knowledge’. It casts them aside as inessential contingencies or simply evidence of the insufficiency of the finite; the insufficiency of the ‘word’ itself. Hegel’s text is a text is written by and through the sacrifice of the word, but in order to maintain the purity of this or indeed these (the sacrifices occur in the plural) sacrifices it must extend beyond simply writing ‘death’ to an absolute \textit{writing-out}. Hegel’s text must—and yet cannot—extend from sacrifice to holocaust.

\textsuperscript{33} From outside the text and the promise that maintains it this auto-phagy is in fact auto-immunity. It is a failure of the self to recognize and respond to the other. It denies the other and recognizes only itself. As a result it attacks the other as its self and itself as the other. It does this in order to gain pure auto-affection. A pure ‘living feeling’ of its self as it is in itself. For a useful survey of Derrida’s use of autoimmunity refer to Michael Naas’ essay “‘One Nation…Indivisible’: Jacques Derrida on the Autoimmunity of Democracy and the Sovereignty of God.”
In the objectivity of the Hegelian dialectic, which quashes all mere subjectivism, there is something like a will on the part of the subject to jump over its own shadow.

Theodor W. Adorno, Hegel: Three Studies (13)
I. Setting the Stage

Within the dialectical movements that Hegel details in the *Philosophy of Right* the actualization of right through punishment is unique. Taken as a moment within the development of the state—that is, at a conceptual level—the act of punitive justice facilitates the progression of the Idea from abstract right to morality. In this respect it can be read as a fairly paradigmatic transition within Hegel’s system. And yet, as soon as we attempt to imagine the practical implications of this particular moment we are confronted by the aporetic quality of punitive justice. For Hegel, the distinction between revenge and punishment is made on an intentional level. That is, it depends on the orientation of the subject’s will. As such, the act of revenge is a subjectively motivated act with a subjective end (i.e. vengeance) while punishment is an act in which the subject wills the universal (i.e. ‘right’). This intentional distinction can only be made evident to others on a practical level (i.e. the intentional state of the actor is communicated by the act). As such, the act—in this case an act of physical violence—communicates the intentional state of the actor and this enables others to distinguish between acts of revenge and acts of punishment.\(^{34}\)

Consequently Hegel’s reliance on the orientation of intentional states places stress on both the internal intentional state of the actor and the communicative capacity of practical acts. In order for any particular act of violence to be deemed legitimate (i.e. punitive) the actor must have willed the universal (i.e. ‘right’) and the act must correspond to and thus communicate this intentional state. This is problematic on

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\(^{34}\) This being the case we can refer to acts of revenge as being ‘mute’—to the extant that they communicate subjectively motivated intentional states that do not correspond to ‘right’—and punitive acts as ‘speaking’, in that, they communicate ‘right’. As such, ‘right’ speaks—is communicated—through acts of punishment. Although we should note that punishment is not the only way in which ‘right’ is actualized (i.e. generally speaking ‘right’ is enacted via practical cognition and the dialectical logic of the Concept effectively converts all subjective acts to its universal end); it is simply the mode that we are examining in this chapter.
two levels; first, in terms of the internal intentional state of the actor we could argue that the presence of non-intentional motivations would compromise the purity of the actor’s motivational orientation. Secondly, the communicative capacity (i.e. the ability of an act to directly relay an internal intentional state) of acts of violence is, at the very least, questionable and at most impossible (at least in the absolute sense that Hegel requires). Taking this into account what does punishment communicate, or rather, what can be communicated via punishment?

Punitive justice is, strictly speaking, an application of right, but it is an application that is intimately connected with the principle of right. This is because the act of punitive justice translates abstract right—which was up until this moment strictly *in-itself*—into objective right. In short, the act of punitive justice effectively manifests the will of the universal to the individual spectators—who until this moment have had being for-themselves in opposition to the universal—and transforms them from persons into moral subjects (PR, 131, 135). As such, in order to satisfy Hegel’s logical requirements the act of punitive justice must be a ‘pure’ act of communication; a communicative act in which the intention and meaning are identical. According to Hegel’s stipulations in §103 an act of punitive justice must be an act that is,

…freed from subjective interest and subjective shape and from the contingency of power. (PR, 131)

And this in turn requires a unique actor,

*Primarily*, this constitutes a requirement for a will which, as a particular and *subjective* will, also wills the universal as such. (PR, 131)
If the actor’s subjectivity comes into play within the act it becomes an act of avenging justice and, as such, fails to satisfy Hegel’s logical requirements.\textsuperscript{35} Thus, in order for a punitive act to be ‘just’ and not simply an act of vengeance it must be carried out by a will that as a particular and subjective will extends beyond its particularity and wills the universal. We will refer to this unique actor as the executioner. The executioner is an instrumental actor—that is, its intentional orientation is dictated by the universal in a more direct manner than any of its peers. This type of actor takes on different forms throughout the course of the dialectic (i.e. the hero), but it is fully realized in the character of the monarch. Each of these dialectical figures acts as a medium between the universal and the particular. Also, each utilizes—either directly or indirectly—lethal violence to communicate ‘right’. This mode of communication exposes a recurrent aporia within the dialectical development of the state. We begin to approach this aporia as soon as we begin to examine the distinctions that separate ‘just’ and ‘unjust’ acts of violence. This distinction is of central importance as only ‘just’ acts of violence ‘speak’ (transmit the will of the universal). Unjust acts are, as we have previously stated, effectively ‘mute’ as they communicate only the arbitrary will of the individual that is strictly for-itself. Our focus within this chapter will initially be confined to the specific logical requirements that Hegel uses to define the act of punitive justice that accomplishes this transition from abstract right to morality in the Philosophy of Right. From these logical requirements we will attempt to reconstruct what is missing from Hegel’s text; an account of the practical

\textsuperscript{35} We should note that these requirements naturally raise a series of methodological questions. For instance what method(s) or technique(s) of execution qualifies as a punitive technique? We will return to this question later on.
and phenomenal components of the first act of punitive justice.\textsuperscript{36} Within this reenactment we will begin to see the aporetic structures that lie just beneath Hegel’s logical apparatus. In short, we begin to see the very impossibility of an act of lethal violence that could give voice to the universal and the universal alone.

To situate our inquiry more directly in terms of the structure of the Philosophy of Right our focus is on the role of crime and punishment in the transition from abstract freedom to morality. This is a crucial moment of transition within the dialectic as it is in this moment that right moves from being an abstract concept to being actual. That is to say, it is a moment in which the gap between the universal and the particular is crossed. For Hegel, this transgression—or crossing over, in which the self is ‘confronted with itself’ in a moment of affirmation—is made possible by the cancellation \(\text{Aufgehoben}\) of crime (as a negation of right). If this cancellation \(\text{Aufgehoben}\) is to be achieved certain logical requirements must be fulfilled. First, the punishment and the crime must be of equal value and secondly, the transaction must be an act of punitive justice, which, as we have noted requires an executioner (i.e. a subjective will that also wills the universal).

When these logical conditions are fulfilled the negation of the negation is realized and the punishment becomes the actualization of right in the world. For Hegel, this act enables the spectators to adopt the moral point of view—that is, to have their ‘personality’ as an

\textsuperscript{36} I state ‘for the first time’ here due to the developmental stage that we are examining within the Philosophy of Right (i.e. the transition from abstract right to morality), because in the previous instance (i.e. heroic vengeance) the message was tainted by the excess of subjectivity. As such, the act of heroic vengeance can be thought of as the \textit{klang} that ends the flower religion and marks the beginning of the animal religion whereas the execution of the murderer can be thought of as an act of speech. The execution of the murderer gives voice to the ‘evil’ of subjectivity that is oriented only-for-itself and thus, provides the moral point of view that transforms the spectators from persons (cf. §36) to moral subjects (cf. §104-106).
object of cognitive reflection—and, as such, it is the beginning of subjectivity (PR, 131, 135).

From this basis we can formulate a more specific question: If punitive justice is the specific application of right that accomplishes this moment of transition, which crime must it negate? Seeing as at this stage of the Philosophy of Right there is no one (i.e. a monarch) in place to establish a ‘just’ code of punitive measures we must find a crime that logically contains its own punishment.37 At this point we are able to limit our focus to one crime in particular. Of all of the crimes that Hegel mentions in the Philosophy of Right murder is unique. In §96 Hegel stipulates that,

It is only the existent will which can be infringed. But in its existence [Dasein], the will enters the sphere of quantitative extension and qualitative determinations, and therefore varies accordingly. Thus, it likewise makes a difference to the objective side of crime whether the will’s existence and determinacy in general is infringed throughout its entire extent, and hence in that infinity which corresponds to the concept (as in murder, slavery, religious coercion, etc.) or only in one part, and if so, in which of its qualitative determinations. (PR, 122)

Here Hegel clearly singles out murder as the one crime that infringes the “will’s existence and determinacy…throughout its entire extent, and hence in that infinity which corresponds to the concept”.38 Crime in general is a negation of both the victim’s particular property and its capacity to own or possess property. And yet,

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37 Consider this quote from Hegel’s essay on Natural Law.

The state as judicial power trades in specific wares, called crimes, for sale in exchange for other specific wares [punishments], and the legal code is the price list. (NL, 92)

This point is also addressed in §529 of the Philosophy of Mind and in §214 of the Philosophy of Right.

38 Slavery and religious coercion are distinct from murder in that, both give the victim the right to resist said coercion. In addition both constitute what we could refer to as ‘systemic wrongs’ and thus, extend beyond the sphere of criminal law.
because the victim survives the act some form of restitution can be determined. Thus, the relation between most crimes and their punishments can be decided normatively by setting a value, but this is not so in the case of murder. In the addition to §101 Hegel states that,

\[\text{…although retribution cannot aim to achieve specific equality, this is not the case with murder, which necessarily incurs the death penalty. For since life is the entire compass of existence \([Dasein]\), the punishment \([\text{for murder}]\) cannot consist \([\text{bestehen}]\) in a value—since none is equivalent to life—but only in the taking of another life. (PR, 129-30)}\]

Murder is the only crime that has a specific equality with its punishment and the only crime whose punishment cannot be re-valued. Thus, it is the only crime that is absolutely stable within the state’s judicial economy. The crime of murder is both unique and necessary within the dialectical progression of right, in that it is the only crime that totally negates right and thus it is the only crime whose negation can, in Hegel’s terms, totally fulfill the actualization of right. Thus, our specific object of inquiry will be the relationship between the crime of murder and punitive justice within the Philosophy of Right. Also, it should be noted that our inquiry is primarily excursive in nature as it attempts to read into a crucial moment in the Philosophy of Right that is discussed in principle, yet in many respects passed over in silence. There is a void in this moment in Hegel’s work, not an absence, but rather a silhouette or shadow that presents us with several possibilities in terms of describing the particular procedures that could be used to apply right and thus realize the negation-of-negation that is necessary within this moment. It is not our aim to provide a comprehensive catalog of penal procedures, but rather to raise the question of procedure in the case of this key application of right.
This brings us to the practical dimension of the question—which, as we have seen, is crucial as the act communicates the intentional state of the actor—namely, what method of execution could achieve a specific equality with the act of murder? More directly, in the case of execution, is it even possible to differentiate between revenge and punishment? Is it possible to use lethal violence to communicate ‘right’? Is there not always an irreducible excess—an ‘excess’ that simultaneously escapes and interrupts the very possibility of meaning—within the act of killing? The death penalty stretches the logical requirements of punitive justice to their limit in that it requires what is, in effect, an immeasurable act from an impossible actor. As such, we must ask how this distinction is maintained. That is, how does Hegel preserve the distinction between ‘vengeance’ and ‘punishment’? It is clear that in order for this dialectical transmission to be successful, in the terms required by Hegel’s logic, that is, in terms of a closed system, there must be a *one-to-one* conversion of ‘right’. That is to say, in order for Hegel’s logic to work the body of the murderer must act as the medium, or parchment, onto which the logos of ‘right’ is inscribed into sensible reality. Subsequently the inscription that is made on—or rather, through—the flesh of the condemned must be recognized, and thus affirmed, as a pure manifestation of ‘right’. But, where does this affirmation come from? It is clear that it must be affirmed within the moment as without this affirmation the transition from ‘persons’ to ‘subjects’ would not occur, but this affirmation could simply be normative and thus on its own it cannot sustain the ontological ‘truth’ of this distinction. As such, the philosopher must be the ultimate guarantor of the distinction between ‘vengeance’ and ‘punishment’ as only he can see the rationality of the actual (PR, 20). In short, in order for right to ‘speak’—and to be spoken, in a certain sense, for the first time—the
murderer must be executed and this execution must be read within the moment and secured beyond it. As such, execution is analogous to what we could refer to as an ‘absolute’ translation; a translation without remainder or disjunction, that is, a translation that exceeds the very limits of translation. This is problematic as it requires that the execution is perceived to be a pure manifestation of ‘right’, that is, what the person(s) sees in the act of execution—when it is done in accordance with Hegel’s logical stipulations—is a pure manifestation of ‘right’. For Hegel this moment is in many ways analogous to the “pure self-recognition in absolute otherness” that occurs in the preface to the Phenomenology of Spirit, yet at this point we must ask, what remains of the condemned flesh (PS, 14)? Is the medium entirely consumed in the act of punishment leaving only the pure precipitate of ‘right’? If not, that is, if there is an excess, a stain or a remainder in this procedure of negation, how could the disruption—which such an unaccounted for residue would undoubtedly bring about—be found within the inner workings of the machinery of the dialectic? Is there something that ‘remain(s)’ silent within the philosopher’s account?

This line of questioning provides us with the general outlines of the path that our inquiry must take. First, we will examine the unique properties that Hegel assigns to the crime of murder and then determine the place of this specific crime within the judicial economy of the state. Second, we will give a detailed account of what is necessary, in principle, for the transition from abstract right to morality to occur. From the basis of this textual analysis we can begin to speculate on the nature of the actual event that could fulfill Hegel’s logical requirements. Here we will address the question of procedure in this particular application of right. To this end Kafka’s short story “In the Penal Colony”
is both relevant and useful as it provides us with an account of an execution that is
preformed by an apparatus that literally inscribes the sentence onto the flesh of the
condemned. As such, despite their differences each is dealing with the communicative
potential of lethal violence. Figuratively speaking, Kafka provides us with a convenient
set upon which to cast our Hegelian shadows. In the final section we will return to the
theme of excess and examine Bataille’s critique of Hegel’s speculative system and as
such reconsider the role of non-knowledge in the dialectical progression of right.

II. A Crime Beyond Exchange: The Value of Murder

As we have previously pointed out murder occupies a unique position within Hegel’s
discussion of crime. Its position is unique in that it is the only crime that cannot be
assigned a value. This is significant because without a value a crime cannot enter into the
judicial exchange of crime and punishment, this is not to say that the punishment for
murder cannot be decided, but rather that it is decided in advance, decided within the
very act itself. As such, unlike all other criminal acts, it cannot be re-evaluated; its value
is absolutely fixed. The only possible punishment for the crime of murder is the death
penalty. Murder is the only crime that has a specific equity with its punishment, and as
such, it is the only crime that stands outside—in the sense of being independent—of the
judicial economy of the state.\textsuperscript{39} In order to appreciate the implications of this distinction
it is necessary to provide a brief account of Hegel’s definition of crime in general.

\textsuperscript{39} The crime of murder logically—which is to say, necessarily—entails the death penalty. As
such, it precedes the punitive economy of the state and by preceding it establishes or grounds it.
That is, by enacting the death penalty the judicial apparatus of the proto-state gains universal
legitimacy and can thus begin to establish a general penal code with the consent of its constitutive
members. In short, the execution of the murderer forms the first true boundary of the state.
Let us consider Hegel’s definition of crime as it is given in §95 of the Philosophy of Right:

The initial use of coercion, as force employed by a free agent in such a way as to infringe the existence [Dasein] of freedom in its concrete sense—i.e. to infringe right as right—is crime. (PR, 121)

Thus, in general terms Hegel defines crime as the negation of right as right. In the same section he elaborates on the logical nature of this type of negation:

This constitutes a negatively infinite judgment in its complete sense whereby not only the particular—i.e. the subsumption of a thing under my will—is negated, but also the universal and infinitive element in the predicate ‘mine’—i.e. my capacity for rights. This does not involve the mediation of my opinion (as it does in deception), but runs counter to it. This is the sphere of penal law. (PR, 121)

Crime is distinguished from deception, and thus separated from the sphere of civil law, due to its logical status as a negatively infinite judgment. This type of negation does not merely aim at depriving me of my property, but rather my very capacity to claim ownership. As such, it is a negation of right and falls under the purview of penal law.

Here it is useful to reexamine the basis of abstract right,

Personality contains in general the capacity for right and constitutes the concept and the (itself abstract) basis of abstract and hence formal right. The commandment of right is therefore: be a person and respect others as persons. (PR, 69)

The criminal act, as a negation of right, thus does not only represent an infringement upon the victim’s right, but also a proportional nullification of the criminal’s right. Penal law, as a retributive cancellation of crime, restores right by determining this proportion and thus its decision proclaims the equality between the punishment and the crime. Hegel is careful to caution that the retributive aspect of punishment is not specific, but is rather an equality of values (PR, 127-39). Thus, justice, as the restoration of right, requires that each specific crime be converted into a universal value and exchanged on the basis of this
value for its equivalent punishment. The state—acting as arbiter—establishes the values that determine this exchange in its legal code. Yet, what grants this code legitimacy, that is, how are the specific determinations, which convert each crime from a particular instance to a universal value and thus fungible token of right, justified? Consider Hegel’s summary of the punitive economy in §214,

It is in this *focusing* of the universal, not just on the particular but on an individual case — i.e. in its *immediate application* — that the *purely positive* aspect of the law chiefly lies. It is impossible to determine by reason, or to decide by applying a determination derived from the concept, whether the just penalty for an offence is corporal punishment of forty lashes or thirty-nine, a fine of five dollars [*Taler*] as distinct from four dollars and twenty-three groschen or less, or imprisonment for a year or for 364 days or less, or for a year and one, two, or three days. And yet an injustice is done if there is even one lash too many, or one dollar or groschen, one week or one day in prison too many or too few. — It is reason itself which recognizes that contingency, contradiction, and semblance have their (*albeit limited*) sphere and right, and it does not attempt to reduce such contradictions to a just equivalence; here, the only interest present is that of *actualization*, the interest that some kind of determination and decision should be reached, no matter how this is done (within given limits [*innerhalb einer Grenze*]). This decision belongs to formal self-certainty, to abstract subjectivity, which may rely either on its ability —*within the given limits*— to stop short and settle the matter simply in order that a settlement may be reached, or on such grounds for determination as the choice of a *round* number, or of the number forty minus one. — It makes no difference if the law does not specify this ultimate determination which actuality requires, but leaves it to the judge to decide and simply limits [*beschränkt*] him to a maximum and minimum; for the maximum and minimum will themselves be round numbers of this kind, and they do not remove [*hebt es nicht auf*] the need for the judge to arrive at a finite and purely positive determination of the kind referred to, but assign it to him as a necessary task. (PR, 245-6)

Here we can see that Hegel acknowledges that the specific values that are inscribed within legal code cannot be determined on the basis of ‘intelligible principles’. Rather, these determinations are grounded on the contingency and arbitrariness of the executive power of the state (i.e. in the case of the fully developed state this function is fulfilled by
the monarch). In short, the specific content of the legal code is arbitrary and as such it
legitimacy is grounded in the validity of executive power. Thus, figuratively speaking,
within the fully developed state the monarch’s invisible hand sets the judicial economy in
motion by establishing and authorizing the specific value of each type of crime. That is,
each type with the exception of murder.

In the case of murder the monarch does not decide the value of the exchange, as this
has been determined directly by the very concept of right, and thus all that remains to be
done is to enact the exchange itself. The enactment of the death penalty is intimately
bound up with the principle of right as it is through the enactment of this sentence that
right shifts from being an abstract commandment—“be a person and respect others as
persons”—to being a manifest reality (PR, 69). In §102 Hegel cautions that this
enactment of right cannot be preformed by the individual in an act of vengeance:

In this sphere of the immediacy of right, the cancellation [Aufheben] of
crime is primarily revenge, and its content is just so far as it constitutes
retribution. But in its form, it is the action of a subjective will which can
place its infinity in any infringement [of right] which occurs, and whose
justice is therefore altogether contingent, just as it exists for the other
party only as a particular will. Thus revenge, as the positive action of a
particular will, becomes a new infringement; because of this
contradiction, it becomes part of an infinite progression and is inherited
indefinitely from generation to generation. (PR, 130)

Thus we can see that if the death sentence is enacted by a private individual the
manifestation of right is tainted by the contingency of its subjective will and thus it
constitutes a new infringement that may set in motion a cycle of vengeance. Hegel
presents his resolution to this contradiction in §103:

To require that this contradiction, which in the present case is to be found
in the manner in which wrong is cancelled [der Art und Weise des
Aufhebens], should be resolved in the same way as contradictions in other
kinds of wrong, is to require a justice freed from subjective interest and
subjective shape and from the contingency of power—that is, a *punitive* rather than *avenging justice*. *Primarily,* this constitutes a requirement for a will which, as a particular and *subjective* will, also wills the universal as such. But this concept of *morality* is not just a requirement; it has emerged in the course of this movement itself. (PR, 131)

The resolution of this contradiction requires an act of punitive justice. This in turn requires “…a will which, as a particular and subjective will, also wills the universal”, that is, it requires the action of a subjective will that is not only for-itself, but in-itself (PR, 131). In short, the realization of punitive justice requires what we have referred to as an executioner. The executioner is able to perform an act of punishment—as opposed to an act of vengeance—by orienting its intentional state to the universal. Simply put, the enactment of the death penalty, as the a priori sentence of right, requires an act of punitive justice and this act requires a unique type of actor. It requires an individual whose will is identical to that of the universal; it requires an individual to serve as an instrument of right. In short, it requires an executioner. We will take issue with the ramifications this logical requirement later on, but for the time being we must return our attention to Hegel’s conceptual stipulations.

**III. The Condemned within the Speculative System**

What is the enactment of the death penalty supposed to accomplish in terms of the dialectical progression of the principle of right? In Hegel’s account of the transition from abstract right to morality he provides us with a set of necessary conditions. That is, he provides us with a set of logical conditions that must be fulfilled in order for the transition from abstract right to morality to occur. These conditions are given in §104:

Thus, crime and avenging justice representing the *shape* of the will’s development when it has proceeded to the distinction between the *universal* will which has being *in itself*, and the *individual* [einzelen] will which has being *for itself* in opposition to the universal. They also show
The transition that Hegel describes here represents a crucial moment in the development of the Idea of ‘right’. This moment is crucial precisely because it is the moment in which the will of the subject shifts from being-for-itself to being both in-and-for-itself, yet in order for this to occur there must be a negation-of-the-negation. Hegel specifies that this negation-of-negation takes place in the exchange of punishment for crime, but he does not specify which punishment is exchanged for which crime. The absence of specific content is problematic in this case for in order for the conceptual movement to progress right must make the transition from abstraction to actuality. As such, what occurs in this instance must be recognized as the negation-of-the-negation and as such a necessary manifestation of right. This recognition is key as it is through this recognition that the absolute division between subject and object—the division that defines the state of abstract freedom—is sublated [Aufgehoben] and the “moral point of view” is constituted (PR, 132). Thus, the specific content of this application of right is intimately connected to the development of the principle of right. While Hegel does not provide us with the
specific content of this moment he does establish the logical outline of the necessary
conditions for the progression of the Idea and thus we are able, at the very least, to use
the shadow that this logical structure casts to infer its possible contents.

It is clear that in order for right to change its status from abstract to actual a negation
of the negation must occur, that is, first, abstract right must be negated through crime and
second this negation must be negated by punishment. Here we must ask which type of
negation of right, that is which type of crime, would be sufficient. For an answer to this
we must reconsider Hegel’s description of this negation in §104. In this instance of crime
we have the appearance of an “individual will which has being only for itself”—that is, its
will is oriented only by its own natural desires—and thus sets itself in direct opposition to
the “universal will which has being in itself” (PR, 131). \footnote{That is, at this point ‘right’ is ‘abstract’ in the sense that it is still only implicit on a subjective
intentional level. As we have already noted Hegel summarizes this transition in §104. Through
the execution—as the negation of negation—the spectators are given their personality as an
object of theoretical cognition. In this moment they are able to recognize the limitations of
personality as a principle and consciously re-orient their will from the natural for-itself of
personality to the universal for-itself of subjectivity. We will go through this in detail throughout
the course of this section.} 40 This opposition forces the
subject—that up until this stage has been strictly for-itself in the narrow ‘natural’ sense of
‘personality’—to directly confront its own intentional orientation in relation to the
universal. In this confrontation it must supersede that orientation by negating the negation
of right, thus affirming its own identity with right. The crime that facilitates this
confrontation totally excludes others in its claim to being and as such it exposes its total
immediacy to others. That is, it exposes its total vulnerability. On this point we can make
reference to the addition to §97 of the Philosophy of Right:

…right, as an absolute, cannot be cancelled, so that the expression of
crime is within itself null and void, and this nullity is the essence of the
effect of crime. But whatever is null and void must manifest itself as such—that is it must appear as vulnerable. (PR, 123)

Here we could argue that only a total negation of right—i.e. murder—could reveal the absolute immediacy of being and thus facilitate the confrontation that Hegel requires at this stage in the Philosophy of Right. With this evidence alone this argument would be, at best, tentative as one could argue that any crime, as a *negatively infinitive* judgment, constitutes a negation of right and thus an exclusive claim of being-for-itself on the part of the criminal. If this were the case then any crime would effectively fulfill Hegel’s logical requirements, yet in order for the negation of negation to take place the punishment must be in proportion to the crime. That is, in order for the punishment to be recognized as the negation of the crime it must be determined to be proportionally equal in value. If the punishment is considered to be disproportionate to the crime then it will be interpreted as an act of revenge and thus not an instance of right but a further violation of it.

In order for the punishment to be seen as the negation of the crime their respective *values* must be unquestionably equal. Seeing as at this stage of the dialectic there is no executive authority (i.e. monarch) in place to underwrite and thus legitimate the *values* that facilitate such exchanges, that is, seeing that there is no legal code, a unique type of crime is required. The transition from abstract right to morality requires a crime that logically contains its own specific punishment. As we have seen murder is the only crime that has a specific equity with its punishment and as such it is the enactment of the death penalty that introduces being to itself.

Now if we revisit Hegel’s description of the movement that concludes the section on abstract right with this specific content in mind we are able cast some light on the
shadows that Hegel is so eager to leap over. We will proceed by inserting this specific content into a step-by-step reconsideration of this moment in the *Philosophy of Right*.

In the act of murder one person absolutely negates the other and as such claims *being-only-for-itself*. This crime constitutes an absolute negation of right and thus it exposes the total immediacy/vulnerability of the murderer. That is, by absolutely negating the commandment of right—“*be a person and respect others as persons*”—the murderer has voided the basis of his/her right and thus appears as totally vulnerable (PR, 69). This crime produces an opposition between the murderer and abstract right. The opposition forces the others—which, at this stage of the dialectic, do not constitute a ‘community’ as they are an agglomeration of persons bound together only by the common will that is expressed in the form of the contract—to assert right in the form of a punishment. Once again we must be careful to stipulate that if the punishment takes the form of vengeance there is no negation-of-the-negation and thus no transition to morality. Thus, if right is to be restored the death penalty must be enacted and it must be enacted by “…a particular and subjective will (that) also wills the universal as such” (PR, 131).\(^41\) That is to say, it requires an executioner.

In the enactment of the execution, will “…determines itself as will in itself, but also for itself, as self-related negativity” and as such it is a moment in which right is actualized (PR, 131). Here we must pause and consider the details very carefully. Within our reexamination of this moment within the dialectical progression of right the execution

\(^{41}\) As Hegel notes in the first footnote to §270 of *The Philosophy of Right*:

In the present treatise, however, in which it is the principle of the state which is expounded in its *own distinct* sphere in accordance with its Idea, the principles of these other areas and the *application* of the right of the state to them can be mentioned only in passing. (PR, 292)
acts as the negation-of-the-negation. That is, the execution is the manifestation of right through which will recognizes and reorients itself in relation to the universal, thus it is the moment in which will shifts from a collection of persons to a community of subjects. Yet, in order for this movement to proceed as planned the execution must be recognized as right and only right; that is, in order for the execution to function as an act of ‘punitive’ justice there can be no lingering doubts or unexplained remainder. In order for the dialectical movement to progress the execution must be recognized as an act of ‘punitive’ justice and not an act of revenge. As we have already stated, the distinction between the two is the intelligible correlation of the intentional orientation of the actor and the act. As such, in order for the execution to succeed the intentional orientation of the actor and the act must intelligibly correspond on a one-to-one basis. In short, it must be a ‘pure’ instance of communication. To be clear, this is an instant in which the will of the universal is enacted by the hand of the executioner and inscribed upon the vulnerable (and in Hegel’s terms vacant) body of the criminal. The message that is transmitted through the hand of the executioner and onto the body of the condemned is then—according to Hegel’s account—received by the spectators as an act of punitive justice, that is, as right and right alone.42 Its status is, as we have noted, guaranteed by the

42 While Hegel’s formal account offers no details of the actual practice of execution his logical requirements necessitate some form of direct theoretical cognition. That is, the execution must be perceived to be an act of punitive justice in order for a set of persons to re-orient their intentional structure and become moral subjects. As such, there must be spectators to the event of the execution. The question of first-hand and second-hand adherence within the same historical stage is interesting (i.e. actual witnesses versus individuals who hear of the event), but only the former can preserve Hegel’s model as only they would be able to perceive the intentional state of the executioner and its relation to the act of execution. The individuals who hear of the execution at second-hand (and are in the same historical stage) thus could only re-orient their will to the universal by taking the punitive status of the execution on faith. After the execution has occurred this is not necessarily a problem for Hegel as the general re-orientation of the will that results from the execution—i.e. the transition from persons to subjects—can be passed on within the basic processes of enculturation, but there must be an initial group that perceived the execution. It
philosopher’s claim to ‘absolute knowledge’. Our contention is that this mode of communication—lethal violence in general and execution in this particular case—is not ‘pure’ nor can it be ‘purified’ by the philosopher. Rather, despite all of its logical framing the act of ‘punitive’ justice—as Hegel defines it—is impossible. In order for the execution—or for that matter any act of lethal violence—to qualify as ‘just’ it must be absolutely reducible to a single intentional meaning. It must be absolutely in accord with the will of the universal. We maintain that the ‘purity’ of the message is inevitably compromised by both the irreducible particularity of both the executioner and the criminal. This contamination cannot be simply dismissed as the nature of objective spirit, that is, as evidence of its failure to bear the ‘truth’ of the Idea, rather, the stakes of this moment (it is after all a question of life and death) are too high for such an empty and dismissive gesture. If the philosopher is the ultimate judge, that is, the guarantor who secures the distinction between vengeance and punishment, then he has to be accountable for this distinction. Simply put, how does he make his judgment? Where is his support? How can he assure us that the death that occurs within the execution (along with the ‘meaning’ that it purportedly holds) does not exceed his cognitive grasp?

Effectively we are critiquing the distinction between ‘just’ and ‘unjust’ acts of violence within the Philosophy of Right. This critique is founded upon a critique of the

is also remarkable to note that in the Phenomenology this transition—abstract right to morality—is made via the spectacle of absolute freedom and terror. As such, the re-orientation of the will from subjective ends to universal ends is made via a rejection of the spectacle of meaningless executions—the infamous death that has “…no more significance than cutting off a head of cabbage or swallowing a mouthful of water”—whereas in the Philosophy of Right the transition is made possible by the affirmation of a ‘meaningful’ execution (PS, 360). This difference requires further analysis but in order to retain our specific focus within the Philosophy of Right we will have to take this comparative line up in a separate work (cf. Rebecca Comay’s Mourning Sickness).
communicative value of ‘just’ violence. As we have stated, in order for any violent act to be interpreted as an instance of ‘punitive’ justice it must be strictly reducible to right and right alone. In effect this requirement entails that the act in question be absolutely reducible to intentional content. Our assertion is that such a reduction is impossible and further that it relies on what Derrida refers to as the ‘metaphysics of presence.’ In order for this moment within the dialectic of objective spirit to be successful the act of execution must be received as a ‘pure’ manifestation of the Idea and this must be intelligible both within the moment and ultimately beyond it. In communicative terms it is—strictly speaking—neither writing nor speech that acts as the means through which the Idea is transmitted, rather, it is violence and death. Hegel seems to rely on violence to overcome the barriers of both speech and writing and, as such, violence seems to serve as what could be referred to as a foundational communicative act (or perhaps in a more ironic tone ‘sovereign speech’). In order for Hegel’s account to succeed both the act of the executioner and the death of the condemned must be totally appropriated by and incorporated into the totality. Our contention is that acts of violence are not reducible to intentional contents and thus cannot serve as the foundation for a ‘just’ state. They may serve as demonstrations of force—as they are interpreted by the ‘realist’ perspective in political philosophy—but, never as unquestionably ‘just’ acts. Lethal violence always remains within the shadow of doubt; it is always contestable.

Now, if the message is not ‘pure’ then there must be an unaccounted for remainder within Hegel’s account of ‘objective spirit’, that is, a remainder that the philosopher cannot ultimately account for. That is, a remainder that the precise mechanisms of Hegel’s speculative logic fails to reduce. If this is the case this remainder would
constitute a hidden disruption within the system and this disruption would return in each permutation. Each disruption would carry with it a contestation of the philosopher’s claim to ‘absolute knowledge’. The question of this unaccounted for remainder—or to use Bataille’s terminology ‘blind spot’—within the circular logic of Hegel’s system brings us to the moment of the sovereign act of execution and Bataille’s re-interpretation of it.

IV. Making the Mark of the State: The Phenomenal Beginning of Right

At this point in our analysis we can argue that the transition from abstract right to morality logically requires the exchange of the death penalty for murder. The execution of the murderer is thus the phenomenal event in which right is actualized and as such, it is the phenomenal beginning of the moral community.43 In order to contextualize this claim within Hegel’s system we turn to the remark to §433 of the Philosophy of Mind:

The struggle for recognition and the submission to a master is the phenomenon within which the living-in-common of men was born, as a beginning of States. Violence, which, in this phenomenon, is a foundation, is not for all that a foundation of right, although it constitutes the necessary and justified moment in the passage that goes from the state of consciousness drowned in the desire and in singularity to the state of universal self-consciousness. It is the exterior or phenomenal beginning of States, not their substantial principle. (PM, 173-4)

43 By ‘moral community’ I mean the social arrangement(s) that is made possible by the ‘moral point of view’ that the execution provides. This distinction takes shape when we consider the limited social possibilities that personality (taken in Hegel’s sense of the term) entails. The persons that inhabit the stage of abstract right are able to effectively clump together on the basis of contracts, and, as such, they are only social on a formal level. The execution fully exhibits the contradiction of this abstract or formal social arrangement. In a very Kantian fashion the execution shows the individual (i.e. ‘person’) that it is not enough to simply formally adhere to the law; the law must be internalized and willed as one’s own. This internalization of the law is the constitutive principle of the subject and of the moral community. This ‘community’ is still abstract as it is a community of conscience and thus Hegel will go beyond Kant and sublate this stage into the objective actuality of ‘ethical life’.
Struggle is thus included in the principle of the state, but it is not the struggle for recognition. At this point in the dialectic of objective spirit the ‘necessary and justified moment’ is the execution of the murderer (as being-only-for-itself). This application of right is thus the phenomenon of the principle. It is able to fulfill this role precisely because its justification is contained within the crime of murder. Now that we have clarified the status of the act of execution in relation to the principle of right we can shift our focus to its phenomenal content.

Due to the fact that Hegel does not provide the phenomenal details of this transition we have been forced to derive, at least an approximation of, these details from a close re-examination of the logical requirements. We have previously specified the logical requirements that must be met in order for the execution to realize this transition and thus manifest right. We will now project these logical requirements onto the characters that

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44 This quote requires further consideration as it contains two pertinent—and, in my opinion, problematic—claims:

a) That the struggle for recognition is prior to the beginning of states and further that it is “the phenomenon within which the living-in-common of men was born, as a beginning of States.” This is curious as in §93 of the Philosophy of Right Hegel claims that it is ‘heroes’ that establish the state via the ‘right of heroes.’ This is in turn reinforced substantively in the introduction to the Philosophy of History and the account given is distinct from the struggle for recognition in that heroes do not seek recognition. This apparent contradiction leaves us with two related question; first, which event occurs first and secondly, what is the relationship between the two events? We examined this issue in detail in the previous chapter and established that the ‘right of heroes’ occurs first, but the second question requires more details than we can offer in this project.

b) Hegel claims that while violence is the phenomenal foundation of the state it is not a foundation of right. In this case violence is the means through which right is phenomenally actualized, but it is also—interestingly—a means that does not in any way interfere with or disrupt the message that it transmits. Again we see violence being characterized as a pure mode of communication: a mode that can be absolutely intelligible from the perspective of ‘absolute knowledge’ and whose intelligibility serves to verify the ‘truth’ of this perspective. This characterization becomes problematic as soon as we being to attempt to provide a reasonable phenomenal account of Hegel’s logical requirements.
enact this particular scenario in Hegel’s stage-play of right. That is, we will now establish the logical status of the inscription, inscriber, medium and spectator(s). Once we have determined the logical position of their respective roles we will attempt to animate the scene.

First we will establish the basic position of the roles; the inscription is the punishment that is to be inscribed onto the medium, the medium is the body of the condemned man,

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45 The theatrical metaphor is used to draw attention to two aspects of Hegelian dialectics; first, the highly detailed and reflective structure of each individual ‘moment’ or ‘shape’ of consciousnesses operates much like a scene in a well written play (and Hegel’s text—when it is at its best—can take a very literary form) and secondly, in his recourse to abrupt and, at times, inexplicable scene changes in which the curtain falls on one scene only to raise on another in which all the actors have changed positions. Reading Hegel (that is, reading him well) is like reading a play in that we can appreciate both the richness of the given moment and the fundamental strangeness of the scene change (dialectical transition). On the other hand if the reader progresses too quickly through Hegel’s text the play becomes a film and the transitions are effectively lost in the blurring succession of moments. Much like Deleuze’s concept of ‘montage’ in Hegel’s system a series of moments is selected with the presupposition of their continuity (This echoes Hyppolite’s problematization of the historicity of ‘absolute knowledge’ cf. LE, 36). As such, in montage the whole emerges from a combination of “continuities, cutting and false continuities” (MI, 29). Only by slowing down and attending to the precise details of the text do we begin to see the practical absurdity of the logical transitions. Marx’s figuratively captures this absurdity in the “Critique of Hegel’s Doctrine of the State” when he compares Hegel’s logical transitions to a kind of absurd brawl.

It is like one man intervening between two men fighting, whereupon one of the disputants intervenes between his opponent and the mediator. It is the old story of the quarrel between a man and his wife. When the doctor attempts to intervene the man has to mediate between the doctor and his wife and the wife has to mediate between the doctor and her husband. It is like the lion in A Midsummer Night’s Dream who proclaims both that he is the lion and that ‘I one Snug the joiner am, No lion fell’. At one moment an extreme is the lion of opposition, at another moment it is the Snug of mediation. Once one extreme has called out: ‘Now I am in the middle!’, the other two may not touch each other but must attack him. It is evident that the company as a whole like a fight but are too afraid of getting bruised to take things too far. So the two who wish to fight arrange matters so that the third man who intervenes will bear the brunt of the blows. But then one of the original two becomes the third and altogether they are so cautious that they never reach a decision. This system of mediation also arise when a man wishes to thrash his opponent but must at the same time protect him against other enemies so that his dual role prevents him from carrying out his original intention… (EW, 154-5)
the inscriber is the hand that writes the punishment on the medium and the spectators are those that must read and affirm the justice of the sentence. In order to reveal the specific identity of each of our players we must briefly reexamine their logical relations. Now in order for the inscription to be legible, that is, in order for it to communicate right to the spectators, it must be the logical reflection of the crime that it is a response to. Seeing as at this stage of Hegel’s play there is no State and thus no legal code we are forced to find a crime that contains its own specific punishment. As Hegel specifies murder is outside of the State’s punitive economy. It is the only crime that cannot be reduced to a value and thus it is the only crime that has specific equality with its punishment (PR, 129-30). This provides us with the specific identity of both the inscription and the medium: the inscription is the death penalty and the medium is the body of the murderer.

With the specific identity of the inscription and the medium in place we require an inscriber. Clearly if our purpose if to obtain a legible inscription—or rather to transcend the bounds of legibility and inscribe the living word, or Logos—we cannot employ just any hand.46 Hegel is specific on this account; the inscription requires the steadiness of a professional hand. The inscriber must not be acting out of revenge as the subjective

46 The execution, which in this context we are referring to as the ‘inscription’, exceeds the bounds (or rather must exceed if it is to be successful in Hegel’s terms) or meaning in that the sense that it is ‘absolute’ meaning (i.e. a meaning that is derived neither from syntagmatic or associative connections). This ‘absolute’ meaning thus would—if it were possible—have to transcend the play of différance and, as such, language itself. This ‘absolute’ meaning can be thought of as a systemically operationalized form of Gnostic (and thus metaphysical) experience that can only be intuited—in the full sense—by the initiated (i.e. those who possess ‘absolute knowledge’). Any yet, by including this epistemological valve within his system Hegel effectively makes the philosopher the ultimate guarantor of the meaning of ‘objective spirit’. As the guarantor he must be accountable for the moments that he reads as ‘necessary’ or ‘just’. When the moment that he justifies involves lethal violence this responsibility reaches its limit and yet all that the philosopher can say is that “it is the coming into being of Spirit” or “the rational is actual”, which is as assuring as the Old Commandant’s epitaph “Have Faith and Wait!” In the end the philosopher has forgotten that the judgments that he is making are not simply the will of being, but his own will to know being.
particularity of its motives would render the inscription illegitimate (i.e. it would be revenge and not punishment). Rather, the inscriber must be a particular and subjective will that also wills the universal. Only a will that is both in-itself and for-itself can bridge the gap between the universal and the particular and thus inscribe right into actuality and, as such, only an executioner will do (PR, 130-1).

Now with these three characters in place the stage is set for the execution. If the play is successful the inscriber will write the sentence onto the medium and both right and the spectators will be miraculously transubstantiated. In the successful play the inscriber acts as the instrument of the universal and transcribes the inscription onto medium. In this process of transcription ‘right’—which was until this point abstract—is translated into the world as a phenomenal actuality. The spectators perceive this process and through it they gain access to both the intentional orientation of the inscriber (i.e. executioner) and the ‘truth’ of the medium (i.e. the murderer). The opposition between the two allows them to read the inscription as an act of punitive justice and affirm it by internalizing it and taking it as their own law. Thus, the crowd enters our playhouse as individual persons, but they leave as a community of moral subjects.

Now if we are to follow Hegel’s script we must move on to the next act and not waste our time trying to comprehend the specific implications of the act we have just seen. Doubtlessly he would reassure us that if we follow the course of the script and watch each act in their logical order everything will become clear. But, our aim here is to explore the shadow of doubt that this act, in particular, leaves us with. In order to bring this shadow to the fore we will retain our characters, but alter the plot. This will allow us to catch a glimpse of the shadow that Hegel is so eager to jump over.
In a rather curious coincidence we find a very similar ensemble in a short story by Franz Kafka. In the Penal Colony we once again discover an inscriber, an inscription, a medium and a group of spectators. There are of course both similarities and differences in the respective roles, but the theme remains constant; namely, the actualization of justice via lethal violence. Just as in Hegel’s play the inscription is the sentence that is to be written on the body of the condemned, which serves as the medium. The inscriber, which in this case is a machine known simply as the ‘apparatus’ or ‘machine’, enacts the sentence and the spectators watch. With these basic similarities in mind we will now begin to examine the more specific details of Kafka’s story.

The apparatus consists of three parts; the lower part is known as the ‘Bed’, the upper one the ‘Designer’ and the middle section is called the ‘Harrow’. It requires an operator to enter the sentence into the ‘Designer’, fasten the condemned to the ‘Bed’ and set the ‘Harrow’ in motion. Once the apparatus is set in motion the average cycle takes approximately twelve hours to complete. During this time the ‘Harrow’—which we are told, is a series of needles set in glass that correspond, in shape, to the human form—inscribes the sentence that the operator has entered into the ‘Designer’. During the process of inscription a remarkable event occurs. Here we must refer to the text:

...how quiet he grows at just about the sixth hour! Enlightenment comes to the most dull-witted. It begins around the eyes. From there it radiates. A moment that might tempt one to get under the Harrow oneself. Nothing more happens than that the man begins to understand the inscription, he purses his mouth as if he were listening. You have seen how difficult it is to decipher the script with one’s eyes; but our man deciphers it with his wounds. (PC, 150)

The full significance of this moment of ‘enlightenment’ can only be appreciated if we summarize the history of the apparatus in the penal colony.
Within the penal colony the apparatus and the officer, who acts as its sole operator, are essentially remnants of a previous administration. The commandant of the previous administration was also the designer of the apparatus. Under his administration the apparatus was the center piece of the penal colony’s justice system. As the officer recounts:

How different an execution was in the old days! A whole day before the ceremony the valley was packed with people; they all came to look on; early in the morning the Commandant appeared with his ladies; fanfares roused the whole camp; I reported that everything was in readiness; the assembled company—no high official dared absent himself—arranged itself around the machine…The machine was freshly cleaned and glittering…Before hundreds of spectators—all of them standing on tiptoe as far as the heights there—the condemned man was laid under the Harrow by the Commandant himself…And then the execution began! No discordant noise spoiled the work of the machine. Many did not care to watch it but lay with closed eyes in the sand; they all knew: Now Justice is being done. In the silence one heard nothing but the condemned man’s sighs, half-muffled by the felt gag. Nowadays the machine can no longer wring from anyone a sigh louder than the felt gag can stifle; but in those days the writing needles let drop an acid fluid, which we’re no longer permitted to use. Well, and then came the sixth hour! It was impossible to grant all the requests to be allowed to watch from nearby, The Commandant in his wisdom ordained that the children should have preference; I, of course, because of my office had the privilege of always being at hand; often enough I would be squatting there with a small child in either arm. How we all absorbed the look of transfiguration on the face of the sufferer, how we bathed our cheeks in the radiance of that justice, achieved at last and fading so quickly! (PC, 153-4)

In Kafka’s story justice is achieved when the condemned man comprehends the meaning of the sentence that is being inscribed on his flesh. The spectators see justice realized in the ecstatic death throws of the medium. The officer even envies the condemned man at this moment as he comprehends the truth of justice by experiencing it. This envy, combined with his absolute conviction in the truth of this process, will drive the officer to place himself under the apparatus as a martyr to its truth. He sets the ‘Designer’ to
inscribe an imperative on his flesh: “Be Just!” But the inscription fails due to the
dilapidated state of the machine. We refer to the text one last time:

The Harrow was not writing, it was only jabbing, and the Bed was not
turning the body over but only bringing it up quivering against the needles.
The explorer wanted to do something, if possible, to bring the whole
machine to a standstill, for this was no exquisite torture such as the officer
desired, this was plain murder. (PC, 165)

In Kafka’s story we find a moment that Hegel’s script conveniently leaves out. Here
the inscription achieves its purpose when the spectators witness the mute experience of
the condemned. In this silence they believe that he understands the sentence, but his
understanding, or enlightenment excludes them. That is, he does not merely comprehend
the sentence he experiences its meaning, but this experience is silent. The final or
‘absolute’ meaning of the inscription—the meaning that would reveal the truth of the law
and justify the execution—is missing. And despite their attempts to attribute
enlightenment to the unintelligible expression of the condemned and dying body they are
excluded from the ‘truth’ of the law. And it is this silence—in Bataille’s sense of the
term—which is missing from Hegel’s account (cf. Chapter 1). This is important because
if the phenomenal event of the execution involves this silence then the inscription cannot
be pure and the formal requirements cannot be met. That is, if the true intentional state of
the executioner (i.e. ‘right’) is not absolutely intelligible in and through the act of
execution then it cannot be differentiated from vengeance and the moment fails. Within
the interaction between the inscriber, inscription, medium and spectators there is an
unspeakable silence; a silence that both conditions the possibility and sets the limits of
the law. The silence resonates throughout, and repeats itself within, the cycles of Hegel’s
dialectical machine.
V. Revenance in Retribution: The Return of the Accursed Share

In his summary of the transition from abstract right to morality Hegel is careful to avoid specifics. He provides us with an outline of the logical conditions that are required for the transition to occur, but curiously even this outline is incomplete. This is especially curious as this is the moment in which right shifts from being abstract to being actual and thus phenomenal. The importance of this moment cannot be overstated; it is the foundational act of law and, as such, the beginning of subjectivity. Hegel, the consummate showman, urges us onward, assuring us that all will be resolved if we will just push forward; “rest assured,” he whispers, “in the circle of philosophy all inconsistencies will be rounded off” (PR, 26). After all, we are told that the object of our inquiry is the principle of right and not a mere application of it; these details can only be mentioned in passing (PR, 292). But, this application of right is unique; it is the phenomenon of the principle. Its importance to Hegel’s plot is unquestionable and yet this crucial scene is missing. But, it is not entirely absent, like the missing pages of a play, traces remain. There is a gap, a chapter is skipped, yet when the characters return they all bear the traces of what we did not see; its presence is after all required for the act to continue. Here in this missing section of Hegel’s script, torn out in apparent haste, we find nothing less than the ‘phenomenology of right’. This shadow of this moment passes over the characters in our play and miraculously persons become subjects; we all know that justice has been done under the cover of this darkness. But, unlike the spectators in Kafka’s story there is no need for us to cover our eyes; the dialectical script is bloodless. Hegel’s avoidance of this moment does little more than indicate the importance of its
absence. What is passed over in silence here does not simply vanish within the folds of the dialectic; rather it is that which compels the process to continue on endlessly.

The logical content of this missing act, what must occur if the speculative play is to continue, is familiar. This is the moment in which self-consciousness is confronted with itself and in this confrontation it finds itself. The question then becomes, how do the characters in our play fulfill this logical requirement? Here the specifics are crucial; the question is not who our characters must be, Hegel’s script is very detailed in this respect, nor is it what they must do, as again, this is in the script, it is rather a question of how. How can the spectators see right and right alone in the execution? How can the inscriber effect this transubstantiation? Is there not something in the actual experience of this event, the experience that Hegel is so careful to avoid, that extends beyond the knowable? It seems that in order for the system to remain closed the medium must be absolutely negated in the actualization of right; the death of the condemned man must be absolutely appropriated. But, again, we must ask, how? At this point it is useful to reconsider §32 of the preface of the Phenomenology of Spirit:

…the life of Spirit is not the life that shrinks from death and keeps itself untouched by devastation, but rather the life that endures it and maintains itself in it. It wins its truth only when, in utter dismemberment, it finds itself. It is this power, not as something positive, which closes its eyes to the negative, as when we say that it is nothing or is false, and then, having done with it, turn away and pass on to something else; on the contrary Spirit is this power only by looking the negative in the face and tarrying with it. This tarrying with the negative is the magical power that converts it into being. (PS, 19)

When we read this, rather obscure, passage in light of our current discussion the resonance is striking. Here spirit finds itself by bringing itself to the very limit of negativity, that is, by facing the abstract negativity of the absolute master; death. But, this limit is ‘magically’ avoided. Here, face-to-face with the negative, spirit knows only
itself, but with this knowledge it acquires a ‘magical power’; it acquires the power of transubstantiation. This ‘magical power’ allows Hegel to close the circle and thus to avoid the extreme limit of death; “do not worry”, he assures us, “the flesh you see before you is vacant, its will has abandoned it, we are merely balancing the scales”. The execution mirrors is the reclamation of abandoned property:

The criminal act is not an initial positive occurrence followed by the punishment as its negation, but is itself negative, so that the punishment is merely the negation of the negation. Actual right is thus the cancellation [Aufhebung] of this infringement, and it is in this very circumstance that it demonstrates its validity and proves itself as a necessary and mediated existence. (PR, 123)

The body of the murderer is vacant; it awaits the necessary and justified act of reappropriation. This reappropriation takes place in the process of the execution; right is inscribed onto the medium by the executioner’s hand. As Hegel states:

Taking possession by designation is the most complete mode of all, for the effect of the sign is more or less implicit [an sich] in the other ways of taking possession, too. If I seize a thing or give form to it, the ultimate significance is always a sign, a sign given to others in order to exclude them and to show them that I have placed my will in the thing. For the concept of the sign is that the thing does not count as what it is, but as what is meant to signify. (PR, 88)

But, if the execution is to fulfill its logical requirements the inscription must be more than a sign, it must be the living word; the Logos. This requires an absolute reduction of the medium. Here Hegel’s play becomes a magic show, the lights go out, and when they return the characters have all be changed, yet the show continues without explanation.

The source of this ‘magical power’ is the Hegelian concept of the Aufhebung. By summoning it Hegel is able to circumscribe negativity and appropriate it in its entirety. There is, of course, a down side to this miraculous apparatus. Once this speculative logic has been used the process of appropriation cannot stand still, that is, the stability of that
which it has transubstantiated is directly linked to its ceaseless circulation. If any specific moment within the system is isolated from the teleological movement of the system as a whole the magic ceases to function and its products immediately begins to dissolve into silent unintelligibility. As Derrida notes this speculative concept par excellence:

…is laughable in that it signifies the *busying* of a discourse losing its breath as it reappropriates all negativity for itself, as it works the “putting at stake” into an *investment*, as it *amortizes* absolute expenditure; and it gives meaning to death, thereby simultaneously blinding itself to the baselessness of the nonmeaning from which the basis of meaning is drawn, and in which this basis of meaning is exhausted. (WD, 257)

It is a ‘magical concept’ precisely because it allows Hegel’s system to absorb an endless series of logical expenditures by amortizing them and thus neutralizing them by carrying them forward. The system appropriates ‘positive’ meaning from the negative on the basis of a principle that is always already in the process of arriving; meaning is never complete and thus justified. If we raise a doubt at any particular moment Hegel simply gestures towards the curve of ‘positive’ infinity. In the end the only assurance that Hegel can offer—the only way that he can stabilize the execution as an instance of ‘punitive’ justice—is the *promise* of absolute knowledge—a promise that requires that you ‘endure’ the silence of death or in the word’s of Kafka’s Old Commandant that you “Have faith and wait!”—and yet, can we ‘endure’ a silence that is, strictly speaking, not our own?

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47 In short, Hegel’s system operates like a philosophical Ponzi scheme; the system entices readers with the promise of returns that are both abnormally large (i.e. absolute knowledge) and consistent (i.e. the rate of return is set by the dialectical movement of the system), yet the actual returns are simply the readers own investments (i.e. a willingness to believe). This seems to explain, at lest in part, why Hegel’s descriptions of the state of ‘absolute knowledge’ echo his descriptions of ‘sense-certainty’; ‘absolute knowledge’ is the promotional literature for speculative idealism (i.e. the empty difference of feeling ‘rich’). Thus, the system can only be maintained if the readers do not withdraw their investments from the system. Essentially the system maintains itself on the faith of its readers for without their continual reinvestment the circulation stops and the system collapses.
Can we read over the death of another, or indeed a multitude of others, and simply forget their silence?

It is no wonder that Hegel avoids the scene of the execution at all costs; the ‘magical power’ of the dialectic requires selective blindness. But, what occurs in this negative space is not absent from Hegel’s system, rather it is that which conditions its movement; it is a remainder that the system necessarily repeats. The precise movements of Hegel’s logical machinery are haunted by a remainder that returns. As Bataille remarks:

Hegel, I imagine, touched upon the extreme limit. He was still young and believed himself to be going mad. I even imagine that he worked out the system in order to escape (each type of conquest is, no doubt, the deed of a man fleeing a threat). (IE, 43)

Hegel avoids the ‘extreme limit’ by appropriating it; he conceals it as a hidden expenditure and depends on his speculative investment strategy to repay it. In order for the circle to remain closed the death of the criminal must be totally appropriated; totally known. Here, in the impossible exchange of death for death, Hegel’s avarice effectively imprisons him. Seen from this angle Hegel is no longer the showman, no longer the magician, here, sealed behind the walls of reason, he assumes his true form, he is a prison accountant. ¹⁴⁸ We can now imagine the day of the execution. As the condemned is taken to the gallows Hegel turns his back to the window and commits himself to the business of bookkeeping. He sighs, “There is no shortage of work to be done”. As Bataille exclaimed, Hegel “did not know to what extent he was right” (WD, 259).

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¹⁴⁸ Bataille provides us with the basis for this characterization in Inner Experience.

The extreme limit is a window: fear of the extreme limit commits one to the darkness of a prison, with an empty will for “penal administration”. (IE, 45)
Chapter IV

Hegel’s Monarch

It therefore disparages the [body] as an appearance, or wishes to do so, but at the same time it requires the appearance to exist and to believe in its own existence.

Karl Marx, “Critique of Hegel’s Doctrine of the State” (107).
I. Setting the Stage

We will begin with the epigraph. Taken in its literal sense [epigaf/eiu] it is both a noun and a transitive verb; both what is written and to write upon. This is after all the proper place of the monarch; to sign his name. In fact, as Hegel informs us “he often has nothing more to do…” (PR, 321). In the end it is the name that is important, “it is the ultimate instance of the non plus ultra” (PR, 321). Therefore, we will begin with the epigraph and yet, at the same time, it is precisely where we will never leave and what we have never left. It is what Hegel’s text cannot leave behind; the double bind of his text. He must write what cannot be written. He must write the name beyond the limits of writing. Our epigraph has been selected to draw attention to this paradoxical dilemma,

It therefore disparages the body as an appearance, or wishes to do so, but at the same time it requires the appearance to exist and to believe in its own existence.

The citation is attributed to Marx, but it has been altered. The original reads,

For the sake of consistency I have retained the Nisbet translation, but seeing as the Latin does not occur in the original it is important to refer to the German text, which reads: “Aber dieser Name ist wichtig: es ist die Spitze, über die nicht hinausgegangen werden kann” (GPR, 449). In the Knox translation this reads: “It is the last word beyond which it is impossible to go” (KPR, 288). This is also unsatisfactory as Spitz cannot simply be translated as ‘word.’ In their translation of Jean Luc-Nancy’s essay “The Jurisdiction of the Hegelian Monarch” Mary Ann and Peter Caws offer a more direct translation: “It is the summit beyond which it is impossible to go” (BP, 131).

To be exact we have expanded the meaning of ‘epigraph’ from the proper noun referring to the superscript that opens this chapter to its literal sense [epigaf/eiu] as both a noun and a transitive verb.

[ad. Gr. epigafh/inscription, f. epigaf/eiu to write upon, f. epif/upon + graf/eiu to write. In Fr. épigraphé.]

1. An inscription; esp. one placed upon a building, tomb, statue, etc., to indicate its name or destination; a legend on a coin.
2. The superscription of a letter, book, etc.; also, the imprint on a title-page. Obs.
3. A short quotation or pithy sentence placed at the commencement of a work, a chapter, etc. to indicate the leading idea or sentiment; a motto. (OED, Online)
It therefore disparages the corporation as an appearance, or wishes to do so, but at the same time it requires the appearance to exist and to believe in its own existence. (EW, 107)

We have substituted ‘body’ for ‘corporation’ and yet the logic of the formulation remains valid. In fact there are a number of terms that can be placed here and the sentence retains its logical coherence. For instance,

The name therefore disparages the letter as an appearance, or wishes to do so, but at the same time it requires the appearance to exist and to believe in its own existence.

In effect it is possible to substitute an entire series of related terms in the place of ‘corporation’ and the sentence still retains its critical force. This force is directed towards the paradoxical position of the finite (and all of its various determinations) in Hegel’s system. This citation thus serves as both the motto and leitmotiv of our text. Its function is to draw our attention towards what Hegel’s text simultaneously must and cannot write-out. That is to say, it does not draw our attention to a ‘what,’ but rather towards a set or pattern of epiphenomena that occur throughout the process of writing-out. We could figuratively refer to this pattern as the breathlessness of Hegel’s text; its self-imposed asphyxia.\(^{51}\) This transitive process operates under the guise of several analogies

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\(^{51}\) The etymology of asphyxia brings with it an image that captures the essence of Hegel’s systemics:

[mod.L., a. Gr. \(\alpha \text{σφυεία}\), f. \(\alpha/\text{priv. + σφυεία}\) pulse (whence also \textit{asphyxis} has occas. been used). See also ASPHYXY.]

1. \textit{lit.} Stoppage of the pulse.
2. The condition of suspended animation produced by a deficiency of oxygen in the blood; suffocation.
   [It indicates a curious infelicity of etymology that the pulse in asphyxiated animals continues to beat long after all signs of respiratory action have ceased. \textit{Syd. Soc. Lex.} 1881.] (OED, Online)
throughout Hegel’s text, but its main feature is that it is the process through which ‘right’
is actualized. At the summit of this paradoxical process is the ‘name’ of the monarch.

Our focus here is thus the monarch both as a name and a process of naming. As a
‘name’ the monarch is the final shape of an organic process. His role within the state is
not symbolic; rather, he is the complete ontological character; the ‘true’ union of the
universal and the particular. ACCORDINGLY, it is his ‘I will’ that simultaneously
authorizes and sets the organic totality of the state in motion. Through his ‘name’ each
particular member of the state receives and continually renews their name. This is not to
say that he is the pinnacle of Hegel’s system as a whole. That privilege is reserved for the
philosopher alone. The monarch is the name, but the philosopher is the only one who can
read and comprehend the ‘divine’ significance of that name (PR, 318). The monarch is
thus the fullest realization of objective spirit. As such, he is the opposite of the nameless
or uncivilized. This opposition brings us to the process of naming or the function of the
monarch within the state.

With this ‘curious infelicity of etymology’ we find the image a living system in a paradoxical
moment; a kind of frenzied suspense. “Long after all signs of respiratory action have ceased”
circulation continues. This image captures the heart of Hegelian systematics. The system is a
‘closed circle’ and yet the permutations continue on within it taking it to the point of paroxysm.
Absolute knowledge is attained at the very limit of all determination. It recognizes itself-as-it-is-in-itself in the insufficiency of the finite, but this recognition itself is never sufficient. There is
always another moment to come, another shape for consciousness to take, and yet each shape
carries with it the presumption of a progression towards the final shape, that is, the position of the
philosopher. Absolute knowledge requires the ‘positive’ infinity of auto-repetition; it is both the
presumption and telos of all experience.

It therefore disparages the [finite] as an appearance, or wishes to do so, but at the
same time it requires the appearance to exist and to believe in its own existence.
(EW, 107)

52 In this I am in full agreement with Jean Luc-Nancy (cf. “The Jurisdiction of the Hegelian
Monarch”).
The name of the monarch—taken as an ontological template—can only function by being written out, that is, translated (via practical reason) into objective reality. The product of this process of transcription is the organic unity of each particular determination of the state; it is ‘ethical life,’

This ideality of the moments [in the state] is like life in an organic body: it is present at every point, there is only one life in all of them, and there is no resistance to it. Separated from it, each point must die. (PR, 314)

There is a distinction here between the ‘ideality of moments’ or ‘life’ and the organic body. The ‘life’ of the organic body is an ideal pattern to which the body must correspond. Any deviation from that pattern constitutes disease. In terms of the state the monarch exists as the ontological instantiation of ‘ethical life.’ His name gives shape to the state; it is both the summit and the base of the organic body of the state. Those that are separated from this living unity—separated from his name—must die, but their death is far from meaningless. In fact it is through their death—that is, by being written-out of the book of life—that ‘ethical life’ is preserved. Consider the function of monarch in §278,

The idealism which constitutes sovereignty is the same determination as that according to which the so-called parts of an animal organism are not parts, but members or organic moments whose isolation and separate existence [Für-sich-Bestehen] constitute disease. (PR, 315)

Hegel continues,

In times of peace the particular spheres and functions [within the state] pursue the course of satisfying themselves and their ends, and it is in part only as a result of the unconscious necessity of the thing [Sache] that their selfishness is transformed into a contribution to mutual preservation, and to the preservation of the whole. But it is also in part a direct influence from above which constantly brings them back to the end of the whole and limits them accordingly, and at the same time urges them to perform direct services for the preservation of the whole. (PR, 316)
Here we find that in times of peace the organic unity of the state is both maintained and threatened by the ‘selfishness’ of ‘particular spheres.’ The function of monarch is to maintain cohesion (cohesion meaning, in this instance, self-knowing proximity or simply the ‘name’ of each particular sphere within the state) by providing the state with its proper orientation. This function becomes more explicit further on,

…in a situation of crisis [Not] — whether in internal or external affairs — it is around the simple concept of sovereignty that the organism and all the particular spheres of which it formerly consisted rally, and it is to this sovereignty that the salvation of the state is entrusted, while previously legitimate functions [dieses sonst Berechtigte] are sacrificed; and this is where that idealism already referred to attains its distinct actuality. (PR, 316)

In a ‘situation of crisis’ the function of the monarch attains ‘its distinct actuality.’

Whether this takes place internally via the punitive economy of the state or externally through war the effect is the same. The ideal cohesion of the state is actualized in confrontation. By confronting criminals and/or the uncivilized citizens of the state find their proper ‘political disposition.’ On this point we can turn to §267,

The necessity in ideality is the development of the Idea within itself, as subjective substantiality, it is the [individual’s] political disposition, and as objective substantiality — in contrast with the former — it is the organism of the state, the political state proper and its constitution. (PR, 288)

Hegel expands on this ‘disposition’ in §268,

The political disposition, i.e. patriotism in general, is certainty based on truth (whereas merely subjective certainty does not originate in truth, but is only opinion) and a volition which has become habitual. As such, it is merely a consequence of the institutions within the state, a consequence in which rationality is actually present, just as rationality receives its practical application through action in conformity with the state’s institutions. — This disposition is in general one of trust (which may pass over into more or less educated insight), or the consciousness that my substantial and particular interest is preserved and contained in the interest and end of an other (in this case, the state), and in the latter’s relation to me as an individual [als Einzelhem]. As a result, this other immediately
ceases to be an other for me, and in my consciousness of this, I am free.
(PR, 288)

Through this ‘political disposition’ or ‘name’ each individual recognizes itself as a part of
a larger whole and in this recognition it becomes ‘free.’ Yet, on this point we must pause
and consider the essence of this ‘freedom’: what does the individual ‘free’ itself from in
this instance? Hegel clearly sees this as a step beyond the ‘empty’ or ‘formal’ freedom of
Kant and towards the lived freedom [Sittlichkeit] of the state, but how is this step taken?
We will address these questions at length later on, but for now we can state that this
‘political disposition’ is orchestrated by and through the ‘name’ of the monarch.

This ‘political disposition’ [politische Gesinnung] is derived from a particular mode of
relating to an ‘other.’ This mode is oppositional and it cannot be encompassed by or
limited to the relational model that Hegel outlines in the struggle for recognition. The
struggle for recognition or dialectic of the lord and bondsman describes a relationship
that is initiated by a mutual desire for recognition. This relationship fails if either party
dies during the course of the initial struggle. Yet, there are a series of other relationships
in the Philosophy of Right that neither depend on mutual recognition nor fail with death.
This relational mode operates under a number of names within Hegel’s system; from
‘heroic vengeance’ and ‘pedagogical coercion’ to capital punishment and wars with
‘uncivilized’ nations. In each case we find a logically necessary relationship that does not
depend upon mutual recognition and, in fact, derives meaning from death. This mode is
embedded within the most basic structures of Hegel’s system. For instance consider the
description of the ‘practical attitude’ in the addition to §4,

The distinction between thought and will is simply that between
theoretical and practical attitudes. But they are not two separate faculties
on the contrary the will is a particular way of thinking — thinking
translating itself into existence \textit{[Dasein]}, thinking as the drive to give itself existence. This distinction between thought and will can be expressed as follows. When I think of an object \textit{[Gegenstand]}, I make it into a thought and deprive it of its sensuous quality; I make it into something which is essentially and immediately mine. For it is only when I think that I am with myself \textit{[bei mir]}, and it is only by comprehending it that I can penetrate an object; it then no longer stands opposed to me, and I have deprived it of that quality of its own which it had for itself in opposition to me. Just as Adam says to Eve: ‘You are flesh of my flesh and bone of my bone’, so does spirit say: ‘This is spirit of my spirit, and its alien character has disappeared.’ (PR, 35)

This passage from psychology to ontology—this passage in which ‘strangeness has disappeared’ \textit{[Fremdheit ist verschwunden]}—should be considered in conjunction with Hegel’s discussion of the ‘ethical moment of war’ (GPR, 47),

Whatever is by nature contingent is subject to contingencies, and this fate is therefore itself a necessity — just as, in all such cases, philosophy and the concept overcome the point of view of mere contingency and recognize it as a \textit{semblance} whose essence is necessity. It is \textit{necessary} that the finite — such as property and life — should be posited as contingent, because contingency is the concept of the finite. On the one hand, this necessity assumes the shape of a natural power, and everything finite is mortal and transient. But in the ethical essence, i.e. the state, nature is deprived of this power, and necessity is elevated to a work of freedom, to something ethical in character. The transience of the finite now becomes a willed evanescence, and the negativity which underlies it becomes the substantial individuality proper to the ethical essence. — War is that condition in which the vanity of temporal things \textit{[Dinge]} and temporal goods — which tends at other times to be merely a pious phrase — takes on a serious significance, and it is accordingly the moment in which the ideality of \textit{the particular attains its right} and becomes actuality. (PR, 361)

In both instances an act of ‘practical cognition’ penetrates its object and comprehends it by stripping away its form and uncovering its true ‘name.’ By comprehending the ‘name’ of the particular ‘right’ becomes actual. Returning to the addition to §4,

The practical attitude, on the other hand, begins with thought, with the ‘I’ itself, and seems at first to be opposed [to the world] because it immediately sets up a separation. In so far as I am practical or active, i.e. in so far as I act, I determine myself, and to determine myself means precisely to posit a difference. But these differences which I posit are nevertheless also mine, the determinations apply to me, and the ends to
which I am impelled belong to me. Now even if I let go of these
determinations and differences, i.e. if I posit them in the so-called external
world, they still remain mine: they are what I have done or made, and they
bear the imprint of my mind [Geist]. (PR, 36)

This ‘I’ finds itself in this process of practical activity. It externalizes its thought by
transferring it into the material world and there it finds its own ‘name’ written. This
writing-out of the self—that is, the auto-affective process in which the self writes-out
‘difference’ and recognizes itself-as-it-is-in-itself— is not limited to inert matter or
‘nature’ it is also the relation of the self to the nameless other (i.e. the ‘uncivilized’ and
the ‘criminal’). The monarch is the truth of the ‘political disposition,’ the fullness of the
‘name’ and it is through his name that every particular member of the state is ‘named.’
However in order for this ‘name’ to be it must be written (it cannot be limited to
theoretical cognition, that is, it cannot only be an abstract or formal name) into existence
and yet existence cannot bear the fullness of this ‘name’. The process of writing-out is
excessive; it cannot stop.

To address the monarch is to address the ‘political disposition’ of Hegel’s entire state;
its ‘ethical life.’ As previously stated our examination centers on the monarch as both a
name and a process of naming thus we will begin with a close reading of his individual
ontological qualities and progress towards his various functions within the state. For the
sake of clarity these functions will be divided into internal and external. From this basis
we will move to a more general consideration of the paradoxicality of what we will refer
to as the auto-graphic nature of the ‘ethical life.’ The overarching aim of this examination
is to explore the paradoxical insufficiency of both what is ‘named’ and the systemics that
struggle to salvage the ‘name’ by drawing-out every possible determined iteration of it.
II. The Monarch as His Name

Hegel begins his discussion of the monarch in §273,

The political state is therefore divided into three substantial elements:

(a) the power to determine and establish the universal — the *legislative* power;
(b) the subsumption of *particular* spheres and individual cases under the universal — the *executive power*;
(c) subjectivity as the ultimate decision of the will — *the power of the sovereign*, in which the different powers are united in an individual unity which is thus the apex and beginning of the whole, i.e. of *constitutional monarchy*. (PR, 308)

Here we find that the ‘political state’ is divided into three ‘substantial elements,’— namely, legislative, executive and sovereign—and yet, these three are in actuality one.

Hegel repeats this trinitarian structure in §275,

The power of the sovereign itself contains the three moments of the totality within itself (see § 272), namely the *universality* of the constitution and laws, consultation as the reference of the *particular* to the universal, and the moment of ultimate *decision* as the self-determination to which everything else reverts and from which its actuality originates. This absolute self-determination constitutes the distinguishing principle of the power of the sovereign as such, and will accordingly be dealt with first. (PR, 313)

The structure given in §273 is preserved here; as before the ‘sovereign’ is said to contain “the three moments of the totality within itself;” but Hegel goes on to elaborate on the ‘principle’ that distinguishes sovereign power from the other two moments. This principle is foreshadowed in §273 as “the individual unity which is thus the apex and beginning of the whole,” but in §275 Hegel is explicit. The principle is self-determination [*Selbstbestimmen*]: it is “the moment of ultimate *decision*…to which everything else reverts and from which its actuality originates.” According to Marx this power of self-determination is essentially ‘caprice’ and, as such, Hegel is simply stating that ‘caprice is the power of the crown’ (EW, 76). For this reading to stand ‘self-determination’ must be
completely arbitrary, but Hegel’s model of self-determination is very specific. Consider the addition to §275,

We begin with the power of the sovereign, i.e. with the moment of individuality [Einzelheit], for it contains within itself the three moments of the state as a totality. In other words, the ‘I’ is simultaneously the most individual and the most universal [element]. On the face of it, nature, too, is individual in character, but reality — i.e. non-ideality or mutual externality — is not that which has being with itself [das Beisichseiende] for in reality, the various individual units [Einzelheiten] subsist side by side. In the spirit, on the other hand, all the various elements are present only ideally and as a unity. Thus, the state, as spiritual in character, is the exposition of all its moments, but individuality is at the same time its inner soul and animating principle, [and this takes the form of] sovereignty, which contains all differences within itself. (PR, 313-4)

The “moment of individuality [the ‘I’] is simultaneously the most individual and the most universal,” but this ‘individuality’ is not to be confused with the ‘non-ideality’ of ‘natural’ individuality. The ‘true’ individuality is not ‘mutual externality,’ rather; it is the self-contained unity of ‘spirit.’ Thus, ‘self-determination’ is a specific orientation or configuration of individuality. Hegel develops this point further in §278,

The idealism which constitutes sovereignty is the same determination as that according to which the so-called parts of an animal organism are not parts, but members or organic moments whose isolation and separate existence [Für-sich-Bestehen] constitute disease (see Encyclopaedia of the Philosophical Sciences, § 293). It is the same principle which we encountered (see § 7) in the abstract concept of the will (see Remarks to § 279) as self-referring negativity, and hence as universality determining itself to individuality [Einzelheit], in which all particularity and determinacy are superseded — i.e. the absolute and self-determining ground. In order to grasp this, one must first have understood the whole conception of the substance and true subjectivity of the concept. (PR, 315)

Hegel repeats the previous contrast between ‘spiritual’ unity and ‘natural’ individuality by referring to the systemic organic unity of an ‘animal organism’ and the simple atomic individuality of its ‘organic moments.’ We will pursue the latter half of this oppositional paring later on, but for now we will continue to focus on the former. Hegel stipulates that
the ‘idealism which constitutes sovereignty’ is the ‘self-referring negativity…in which all particularity and determinacy are superseded.’ Also, we are reminded that: “in order to grasp this, one must first have understood the whole conception of the substance and true subjectivity of the concept.” Without this understanding it is easy to mistake the ideality of sovereignty for ‘mere power and empty arbitrariness,’

Since sovereignty is the ideality of every particular authority [Berechtigung], it is easy to fall into the very common misunderstanding of regarding this ideality as mere power and empty arbitrariness, and of equating sovereignty with despotism. But despotism signifies the condition of lawlessness in general, in which the particular will as such, whether of a monarch or of the people (ochlocracy), counts as law (or rather replaces law), whereas sovereignty is to be found specifically under lawful and constitutional conditions as the moment of ideality of the particular spheres and functions. (PR, 316)

This point is made more explicit in the addition to §280,

A frequent objection to monarchy is that it makes the affairs of the state subject to contingency — since the monarch may be ill-educated or unworthy of holding the highest office — and that it is absurd for such a situation to be regarded as rational. But this objection is based on the invalid assumption that the monarch’s particular character is of vital importance. In a fully organized state, it is only a question of the highest instance of formal decision, and all that is required in a monarch is someone to say ‘yes’ and to dot the ‘i’ for the supreme office should be such that the particular character of its occupant is of no significance. Whatever other qualities the monarch has in addition to his role of ultimate decision belong to [the sphere of] particularity [Partikularität], which must not be allowed to affect the issue. There may indeed be circumstances in which this particularity plays an exclusive part, but in that case the state is either not yet fully developed, or it is poorly constructed. In a well-ordered monarchy, the objective aspect is solely the concern of the law, to which the monarch merely has to add his subjective ‘I will’. (PR, 322-3)

Here we find that the monarch is “the highest instance of formal decision”, literally “someone to say ‘yes’ and to dot the ‘i’”, but it is this ‘I will’ that authorizes and thus animates the law. So at this point it is safe to assert that the ‘self-determination’ that
“constitutes the distinguishing principle of the power of the sovereign” is not arbitrary (PR, 313).

In order to firmly establish what this ‘self-determination’ is we will have to return to Hegel’s account of the abstract concept of the will in §7,

The will is the unity of both these moments — particularity reflected into itself and thereby restored to universality. It is individuality [Einzelheit], the self-determination of the ‘I’, in that it posits itself as the negative of itself, that is, as determinate and limited, and at the same time remains with itself [bei sich], that is, in its identity with itself and universality; and in this determination, it joins together with itself alone. — ‘I’ determines itself in so far as it is the self-reference of negativity. As this reference to itself, it is likewise indifferent to this determinacy; it knows the latter as its own and as ideal, as a mere possibility by which it is not restricted but in which it finds itself merely because it posits itself in it. — This is the freedom of the will, which constitutes the concept or substantiality of the will, its gravity, just as gravity constitutes the substantiality of a body. (PR, 41)

Here again ‘individuality’ is defined as ‘self-determination,’ which is in turn defined as the activity of ‘self-referring negativity.’ This structure of this self-related activity is three-fold: the individual reflects upon itself and finds that it is determined particularity, but in willing this act of reflection it effectively distances itself from this localized existence and identifies itself with the universal. By identifying itself “as this reference to itself, it [becomes] indifferent to this determinacy; it knows the latter as its own and as ideal, as a mere possibility by which it is not restricted but in which it finds itself merely because it posits itself in it.” According to Hegel,

This unity is individuality, but not in its immediacy as a single unit — as in our common idea [Vorstellung] of individuality — but rather in accordance with the concept of individuality (see Encyclopaedia of the Philosophical Sciences, §112—114); in other words, this individuality is in fact none other than the concept itself. (PR, 41)

At this point Hegel is explicit: “this individuality is in fact none other than the concept itself” and furthermore the concept is not singularity. Hegel continues,
The first two moments — that the will can abstract from everything and that it is also determined (by itself or by something else) — are easy to accept and grasp, because they are, in themselves [für sich], moments of the understanding and devoid of truth. But it is the third moment, the true and speculative (and everything true, in so far as it is comprehended, can be thought of only speculatively), which the understanding refuses to enter into, because the concept is precisely what the understanding always describes as incomprehensible. The task of proving and explaining in more detail this innermost insight of speculation — that is, infinity as self-referring negativity, this ultimate source of all activity, life, and consciousness — belongs to logic as purely speculative philosophy. (PR, 41-2)

Here Hegel returns to the structure of ‘self-determination’. He states that the first two moments—the abstract universality of reason and the determined particularity of the individual—are ‘easy to accept and grasp,’ but the third moment is ‘incomprehensible.’ The third moment—the ‘positive’ infinity of ‘self-referring negativity’—is ‘speculative’ and “belongs to logic as purely speculative philosophy.” Now if we transfer this three-fold structure into semiohological terms we can begin to understand the significance of the monarch’s name. In this analogy determined finitude is the signifier—or rather, finitude is rendered significant by the signifying activity of the ‘practical attitude’, it is sounded-out—and the universal is the signified. A ‘sign’ is a combination of a signifier and a signified, but this relationship is fundamentally arbitrary and, as such, the ‘sign’ cannot attain the absolute specificity of the ‘name’. There is always a distance between the ‘sign’ and the ‘referent’; as Derrida would say there is always a play of différance. The Hegelian ‘name’—and Hegel reminds us that “we think in names”—requires a total reduction of the medium (PM, 220),

When I think of an object [Gegenstand], I make it into a thought and deprive it of its sensuous quality; I make it into something which is essentially and immediately mine. For it is only when I think that I am with myself [bei mir], and it is only by comprehending it that I can penetrate an object; it then no longer stands opposed to me, and I have deprived it of that quality of its own which it had for itself in opposition to
me. Just as Adam says to Eve: ‘You are flesh of my flesh and bone of my bone’, so does spirit say: ‘This is spirit of my spirit, and alien character has disappeared.’ (PR, 35)

This transition is echoed in the Logic as Hegel describes the necessity of the shift from the symbol to the sign,

Since man has in language a means of designation peculiar to Reason, it is an idle fancy to search for a less perfect mode of representation to plague oneself with. It is essentially only spirit that can comprehend the Notion as Notion; for this is not merely the property of spirit but spirit’s pure self. It is futile to seek to fix it by spatial figures and algebraic signs for the purpose of the outer eye and an uncomprehending, mechanical mode of treatment such as a calculus. In fact, anything else which might be supposed to serve as a symbol can at most, like symbols for the nature of God, evoke imitations and echoes of the Notion; if, however, one should seriously propose to employ them for expressing and cognizing the Notion, then the external nature of all symbols is inadequate to the task; the truth about the relationship is rather the converse, namely, that what in symbols is an echo of a higher determination, is only truly known through the Notion and can be approximated to the Notion only be separating off the sensuous, unessential part that was meant to express it. (GL, 618)

Here we find that the ‘external nature’ of the symbol—that which is both ‘sensuous’ ‘unessential’—both expresses and inhibits the ‘truth’ of the Concept. Thus, by thinking an object ‘I’ ‘penetrate’ it, ‘I’ strip it of its external, sensuous, unessential part, that is, its ‘husk’ and by doing so ‘I’ make it into a thought. As a ‘thought’ the object is deprived of the ‘sensuous’ qualities, which initially opposed me. Returning to the Philosophy of Right,

Every representation [Vorstellung] is a generalization, and this is inherent in thought. To generalize something means to think it. ‘I’ is thought and likewise the universal. When I say ‘I’, I leave out of account every particularity such as my character, temperament, knowledge [Kenntnisse], and age. ‘I’ is totally empty; it is merely a point—simple, yet active in this simplicity. The colorful canvas of the world is before me; I stand opposed to it and in this [theoretical] attitude I overcome [aufhebe] its opposition and make its content my own. ‘I’ is at home in the world when it knows it, and even more so when it has comprehended it. (PR, 36)
The abstract universality of the ‘I’ gains its determined form, its name, by penetrating the “colorful canvas of the world” and making its content its own (PR, 21). It is at home—with itself—in its ‘name’, but this possession of the ‘name’ requires the lived activity of the ‘I’. If ‘I’ as a particular ‘I’ die and ‘I’ am forgotten then the ‘name’ that ‘I’ inhabited dies with me. Thus, the ‘sign’ can only become a ‘name’ if a third term is introduced into the relationship. This third term must continually mediate the distance between the two initial terms and by mediating them, fuse them into the ‘name.’ This mediation can only be maintained by the infinite activity of ‘self-referring negativity.’ Thus, the third term is a specific orientation of the ‘will’; a specific mode of presence or of self-presencing. This orientation is, in short, the ‘political disposition’ and it retains the specificity of the ‘name’ by constantly stripping off the ‘external’ and ‘unessential’ part and thus, defining it against the ‘mutual externality’ of singularity. We will expand upon the significance of this analogy for Hegel’s model of the state later on.

Returning to Hegel,

The only thing which remains to be noted here is that, when we say that the will is universal and that the will determines itself, we speak as if the will were already assumed to be a subject or substratum. But the will is not complete and universal until it is determined, and until this determination is superseded and idealized; it does not become will until it is this self-meditating activity and this return into itself. (PR, 42)

Thus, there is a state of the will in which it is—in Hegel’s terms—incomplete and undetermined, that is, a state in which it is what it ‘ought not to be’ (PR, 50-1). In fact, according to Hegel this improper (evil) state of the will is ‘natural’: it is the initial state of ‘man’. To return to our semeiological analogy we can see that the ‘natural will’ lacks the third term and, as such, is confined to the ‘mutual externality’ of the ‘symbol’. As a

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53 For a more detailed consideration of Hegel’s semiology refer to §440-482 of the *Encyclopaedia of Philosophical Sciences* and to Derrida’s essay “The Pit and the Pyramid”.

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‘symbol’ it remains ‘nameless’ and thus ‘homeless’. In symbolism the sensuous qualities of the object are preserved and these qualities prevent me from fully inhabiting the object,

Hieroglyphics, instead of springing from the direct analysis of sensible signs, like alphabetic writing, arise from an antecedent analysis of ideas. Thus a theory readily arises that all ideas may be reduced to their elements, or simple logical terms, so that from the elementary signs chosen to express (as, in the case of the Chinese Koua, the simple straight stroke, and the stroke broken into two parts) a hieroglyphic system would be generated by their composition. This feature of hieroglyphic—the analytical designations of ideas—which misled Leibniz to regard it as preferable to alphabetic writing is rather in antagonism with the fundamental desideratum of language—the name. To want a name means that for the immediate idea (which, however ample a connotation it may include, is still for the mind simple in the name), we require a simple immediate sign which for its own sake does not suggest anything, and has for sole function to signify and represent sensibly the simple idea as such. It is not merely the image-loving and image-limited intelligence that lingers over the simplicity of ideas and re-integrates them from the more abstract factors into which they have been analyzed: thought too reduces to the form of a simple thought the concrete connotation which it ‘resumes’ and reunites from the mere aggregate of attributes to which analysis has reduced it. Both alike require such signs, simple in respect of their meaning: signs, which though consisting of several letters or syllables and even decomposed into such, yet do not exhibit a combination of several ideas.—What has been stated is the principle for settling the value these written languages. It also follows that in hieroglyphics the relations of concrete mental ideas to one another must necessarily be tangled and perplexed, and that the analysis of these (and the proximate results of such analysis must again be analyzed) appears to be possible in the most various and divergent ways. Every divergence in analysis would give rise to another formation of the written name… (PM, 217)

Thus, the sensuous or formal indicative properties that remain within a system of symbolic writing effectively resist thought and lead to confusion and polysemy. And yet, this state of ‘homelessness’ forms a necessary moment in the development of the concept. It is the first form of the will. The ‘name’ must be given, memorized and memorialized. According to Hegel the ‘natural will’ is “a necessary transition point…but the divine
principle of turning, of return to self, is equally present in cognition; it gives the wound and heals it” (PRel III, 103). A hasty reformulation: the ‘name’ gives the wound and by wounding it heals. That is, the wounding or stripping away of the unessential, sensuous, external part exposes the ‘truth’ of spirit. By beholding and comprehending the ‘truth’ of the ‘cross’ the philosopher is able is preserve his freedom and delight in the present; in fact, he can even dance (PR, 22). This still leaves us with the question of how this turning—in and through which the ‘symbol’ becomes the ‘name’—takes place within the state. At this point we will put forward a basic proposition: turning is the proper function of the monarch. He turns all eyes towards his ‘name’. This proposition requires further clarification and we will take it up more directly later on when we consider the function(s) of the monarch, but for now we will return to the ‘name’ of the monarch.

We have established that the self-determining individuality that Hegel puts forward as the principle of sovereignty is not arbitrary; rather, it is a specific orientation. Furthermore, this specific orientation is the ‘positive’ infinity of ‘self-directed negativity’, or, simply ‘the concept’, and it is distinguished from the ‘mutual externality’ of singularity (PR, 313-4). In short, the monarch is his name and his name is the ‘concept,’ which is to say, he is the temporal process of naming. The ‘name’ as the ‘concept’ is the teleo-transitive life process of the Idea, that is to say, it is the teleological unfolding of the absolute Idea through-out an infinite loop of determinations. From this basis we will begin to work outward on two related trajectories; the first, concerns the analogical relation of the ‘ethical life’ of the state and a ‘living organism’. On this track

54 The ‘healing’ of the ‘wound’ occurs with the reconciliation that is made possible by absolute knowledge, but the ‘wounding’ is the necessary precondition of reconciliation; it is the presentation of the ‘nullity’ of the finite. As such, the philosopher is able to use the ‘slaughter-bench’ of history as a ladder to the ‘truth’ of spirit.
our focus centers on the role of the monarch in the living state; specifically, how does the monarch preserve this living unity? How does he defend the state from internal and external threats? And, what exactly are these threats? This track will bring us to question both the threats to the state and its way-of-life or metabolic and immune processes that preserve its living unity. This brings us to our second track; namely, the semeiological dimension of the monarch. Given that the monarch is the ‘name’ that authorizes the transitive process of naming we will examine the state as a self-contained semeiological economy. This angle will draw us toward the process of Hegelian semiology that Derrida spells out in his essay “The Pit and the Pyramid”.55 By relating these two tracks we will begin to trace out the non-dialectical law—the law that is concealed in the ‘divine turn’ of dialectics—that constrains the ‘name’ and the economy of ‘naming’.

III. Disease and the State-Organism

Hegel frequently refers to the state as an ‘organism’, in which individuals are interrelated parts and not ‘mutually external’ singularities. According to Hegel ‘the Idea of the state’,

(a) has immediate actuality and is the individual state as a self-related organism — the constitution or constitutional law [inneres Staatsrecht];
(b) passes over into the relationship of the individual state to other states — international law [äußeres Staatsrecht];
(c) is the universal Idea as a genus [Gattung] and as an absolute power in relation to individual states — the spirit which gives itself its actuality in the process of world history.

He elaborates on the structure of the state-organism in the addition to §263,

The state, as spirit, is divided up into the particular determinations of its concept or mode of being. If we take an example from nature, the nervous system is, properly speaking, the system of sensation: it is the abstract

55 The process is explicit in this essay because it goes into the precise details of semiology, but it is also useful to consult Derrida’s more extensive engagement with Hegel (Glas) and his essay on Bataille and Hegel (“From a Restricted to a General Economy: A Hegelianism without Reserve”).
moment of being with oneself [bei sich] and of thereby having one’s own identity. But the analysis of sensation reveals two aspects, and these are divided in such a way that both of them appear as complete systems: the first is abstract feeling or self-containment, dull internal movement, reproduction, inner self-nutrition, growth [Pro-duzieren], and digestion. The second moment is that this being-with-oneself stands in opposition to the moment of difference [Differenz] or outward movement. (PR, 286)

Hegel goes on to “compare these natural relations [Naturbeziehungen] with those of spirit” and states that “we must liken the family to sensibility and civil society to irritability.” Taken on their own each is insufficient; sensibility without irritability is effectively blind and irritability without sensibility is empty. As such a third factor is required. This third factor (the factor that unifies the interiority of ‘sensibility’ and the externality of ‘irritability’) is the state, which is “the nervous system itself [für sich]” (PR, 286). This lived connection between ‘sensibility’ and ‘irritability’ is the ‘political disposition’. Referring to §269,

The [political] disposition takes its particularly determined content from the various aspects of the organism of the state. This organism is the development of the Idea in its differences and their objective actuality. These different aspects are accordingly the various powers [within the state] with their corresponding tasks and functions, through which the universal continually produces itself. It does so in a necessary way, because these various powers are determined by the nature of the concept; and it preserves itself in so doing, because it is itself the presupposition of its own production. This organism is the political constitution. (PR, 290)

We have already established that the monarch is the ‘third factor’ of the state, in that; he is the living unity of the ‘legislative’ and ‘executive’ elements. Furthermore, the monarch simultaneously preserves and produces (or reproduces) the state through the transitive process of naming. This process “is the momentous of the inner to the outer, that incorporation [Einbildung] of reason into reality which the whole of world history has worked to achieve” (PR, 294). Yet, this leaves us with the question of what the state preserves itself against. We begin to find traces of this threat in the addition to §269,
The state is an organism...This organism is the political constitution; it proceeds perpetually from the state, just as it is the means by which the state preserves itself. If the two [referring in this instance to the ‘family’ and ‘civil society’] diverge and the different aspects break free, the unity which the constitution produces is no longer established. The fable of the belly and the other members is relevant here. It is in the nature of an organism that all its parts must perish if they do not achieve identity and if one of them seeks independence. Predicates, principles, and the like get us nowhere in assessing the state, which must be apprehended as an organism, just as predicates are of no help in comprehending the nature of God, whose life must instead be intuited as it is in itself. (PR, 290)

Here we see that the disarticulation of either of the two constitutive members entails the destruction of the organism and it is the role of the ‘third factor’ to preserve this living unity by actualizing it.56 On this point we can turn to the addition to §270,

The state is actual, and its actuality consists in the fact that the interest of the whole realizes itself through the particular ends. Actuality is always the unity of universality and particularity, the resolution of universality into particularity; the latter then appears to be self-sufficient, although it is sustained and supported only by the whole. If this unity is not present, nothing can be actual, even if it may be assumed to have existence [Existenz]. A bad state is one which merely exists; a sick body also exists, but it has no true reality. A hand which has been cut off still looks like a hand and exists, but it has no actuality. True actuality is necessity: what is actual is necessary in itself. Necessity consists [besteht] in the division of the whole into the distinctions within the concept, and in the fact that this divided whole exhibits a fixed and enduring determinacy which is not dead and unchanging but continues to produce itself in its dissolution. An essential part of the fully developed state is consciousness or thought; the state accordingly knows what it wills and knows this as an object of thought [em Gedachtes]. (PR, 302)

56 We should also note that Hegel compares the three-fold unity of the organism to the nature in God [cf. PR, 303 and 322]. This is important because the ontological proof for the existence of God provides Hegel with the most basic elements of his system (i.e. Idea [Idee], concept [Begriff], and Aufgehoben). The necessity of the name of the monarch and its role within the state is, as Jean Luc-Nancy notes, “nothing other than the one established by the ontological proof” (BP, 117). We will return to the question of the ‘proof’ and its role in the political process (the sounding/writing-out of the political) later on.
Hegel stipulates, “actuality is always the unity of universality and particularity” and, as such, a ‘bad state’—like a ‘sick body’ or a severed hand—has no actuality, it ‘merely exists.’ Hegel expands on the sickness of particularity in the addition to §276,

“This ideality of the moments [in the state] is like life in an organic body: it is present at every point, there is only one life in all of them, and there is no resistance to it. Separated from it, each point must die. The same applies to the ideality of all the individual estates, powers, and corporations, however much their impulse may be to subsist and have being for themselves. In this respect, they resemble the stomach of an organism which also posits itself as independent [für sich] but is at the same time superseded [aufgehoben] whole and sacrificed and passes over into the whole. (PR, 314; GPR, 441-2)

Life in the organic body of the state is the unity between the ‘particular’ and the ‘universal’. Life—as the ‘third factor’ or ‘political disposition’ of the particular members—“is present at every point, there is only one life in all of them, and there is no resistance to it.” The separation of any particular member threatens the life of the state and thus it must die. Hegel continues in §277,

The idealism which constitutes sovereignty is the same determination as that according to which the so-called parts of an animal organism are not parts, but members or organic moments whose isolation and separate existence [Für-sich-Bestehen] constitute disease (see Encyclopaedia of the Philosophical Sciences, § 293). It is the same principle which we encountered (see § 7) in the abstract concept of the will (see Remarks to § 279) as self-referring negativity, and hence as universality determining itself to individuality [Einzelheit], in which all particularity and determinacy are superseded — i.e. the absolute and self-determining ground. In order to grasp this, one must first have understood the whole conception of the substance and true subjectivity of the concept. (PR, 315)

Here Hegel directly connects the living unity of the state to sovereignty and furthermore he specifies that the separate existence [Für-sich-Bestehen] of the individual members constitutes disease. This presents us with two related questions: first, how does disease manifest itself in the state and, secondly, how is it treated?
Within the Philosophy of Right disease operates under a series of related terms; from ‘rabble’ [Pöbels], to ‘crowd’ [Menge], ‘many’ [Vielen], ‘mass’ [Masse] and ‘aggregate’ [Haufens]. This series of terms are all used to refer to a disarticulation that takes place in civil society. In each case the individual members of the state lose their ‘political disposition’ and begin to “split up into atomic units” (PR, 343). These ‘single individuals’ do indeed live together, but only as “a formless mass whose movement and activity can consequently only be elemental, irrational, barbarous, and terrifying” (PR, 344). The states susceptibility to disease is determined by both its level of development and the extent of its exposure to an irritant or pathogen. As Hegel states in §302,

In despotic states, where there are only rulers [Fürsten] and people, the people function — if they function at all — merely as a destructive mass opposed to all organization. But when it becomes part of the organism, the mass attains its interests in a legitimate and orderly manner. If, however, such means are not available, the masses will always express themselves in a barbarous manner. (PR, 343)

In this case the ‘mass’ is the direct result of the states level of development, but even developed states run the risk of disease. A failure of any one of the states organ-systems results in disease. For instance,

When a large mass of people sinks below the level of a certain standard of living — which automatically regulates itself at the level necessary for a member of the society in question — that feeling of right, integrity [Rechtlichkeit], and honour which comes from supporting oneself by one’s own activity and work is lost. This leads to the creation of a rabble which in turn makes it much easier for disproportionate wealth to be concentrated in a few hands. (PR, 266)

Hegel is careful to specify that poverty in and of itself does not give rise to disease, rather, “a rabble is created only by the disposition associated with poverty, by inward rebellion against the rich, against society, the government, etc” (PR, 266). As such, a ‘rabble’ is formed only when the individuals lose their ‘political disposition’ and place
their individual interests against those of the state. To a certain extent the state always operates under the threat of disease in the sense that the selfish ends of individuals must constantly be limited and directed by the universal [cf. §182-3]. In fact, these selfish interests pose a distinct threat in times of peace. In peace the tension between the “the particular spheres and functions” and the universal interest of the state is only held in check by a combination of ‘unconscious necessity’ and the “direct influence from above” (PR, 316). But, what form does this ‘direct influence’ take? This brings us to the question of the internal repressive or immune functions of the state.

IV. Crime and Punishment within the State or Majesty and its Manifestation

The unity of the Hegelian state is a dynamic, living unity, which is to say that it is a continual process of unification. It—and by ‘it’ I mean the ‘living’ totality of the state—experiences this unity by constantly self-manifesting it-self, that is, by determining or ‘finitizing’ itself (PR, 322; PRel. I, 176). This transitive process of self-determination is, as Hegel himself informs us: “on the whole, the same transition as that which is already familiar to us from the nature of the will in general, as the process which translates a content from subjectivity into existence” (PR, 322). But, in the case of the state this process of ‘translation’ is the monarch. His subjective ‘I will’ authorizes the living activity of the state and in this living activity the state recognizes itself-as-it-is-in-itself and nothing more. Accordingly the function(s) of the monarch within the architecture of the state is the auto-authorization of the name. His ‘majesty’ is the name, but it is also the transitive process (naming) that maintains his name. Hegel first mentions the majesty of the monarch in §281,

The two moments in their undivided unity — i.e. the ultimate ungrounded self of the will, and its existence [Existenz] which is consequently also
ungrounded (and which belongs by definition [*Bestimmung*] to nature) — constitute the Idea of something *unmoved* by arbitrary will, i.e. the *majesty* of the monarch. In this unity lies the *actual unity* of the state, and it is only by virtue of its inward and *outward immediacy* that this unity is saved from being dragged down into the sphere of *particularity* with its arbitrariness, ends, and attitudes, from the strife of factions round the throne, and from the enervation and destruction of the power of the state. (PR, 323)

In this particular instance Hegel is laying the logical groundwork for the hereditary basis of the monarchy. Hegel is emphatic on this point: the actual unity of the state lies in the majesty of the monarch “and it is only by virtue of its inward and *outward immediacy* that this unity is saved from being dragged down into the sphere of *particularity.*” Thus, it is not simply “the ungrounded self of the will” that sits on the throne—in which case any will is as good as any other—but, a specific material instantiation “which is consequently also ungrounded.” Hegel sees this as a check on the selfish particularity of the will, which would threaten the majesty of the throne by struggling to usurp it. As such, “the rights of birth and inheritance constitute the basis [*Grund*] of *legitimacy*”, but right of hereditary succession must not be understood as a purely positive (and thus arbitrary) right (PR, 323). According to Hegel the basis of this right is contained within the Idea and, as such, “*philosophy alone* is in a position to consider this majesty [of the monarch] by means of thought, for every method of enquiry other than the speculative method of the infinite and self-grounded Idea annuls [*aufhebt*] the nature of majesty in and for itself” (PR, 324).

Here we find that the Hegelian philosopher effectively grounds the authority of the monarch via ‘speculative’ idealism. This grounding effectively functions by positing that the authority of the monarch (indeed of subjectivity in general) is found within in the ‘truth’ of being itself. This ability to breech the subject/object division and formulate an
‘absolute’ truth finds its parallel in Hegel’s interpretation of the ontological proof for
God’s existence. If we turn to his 1831 lecture on the ontological proof we find that he
goes beyond Kant’s critique of this proof by speculatively claiming that “the determinate
quality of being is in the concept itself” and thus “the finitude of subjectivity is sublated
in the concept itself, and the unity of being and concept is not a presupposition vis-à-vis
the concept, against which it is measured” (LPG, 190-1). This assertion is echoed in the
Logic.

When we say of things that they are finite, we mean thereby not only that
they have a determinateness, that quality is reality and determination
existing an sich, that they are merely limited—and hence still have
determinate being beyond their frontier and their being. Finite things are;
but their relation to themselves is this, that being negative they are self-
related, and in this self-relation send themselves on beyond themselves
and their being. They are, but the truth of this being is their end. The finite
does not only change, like Something [Etwas] in general, but it perishes;
and its perishing is not merely contingent, so that it could be without
perishing. It is rather the very being of finite things, that they contain the
seeds of perishing as their own being-in-self [Insichsein]: the hour of their
birth is the hour of their death. (H, 237; GL, 142)

As we have argued (cf. chapter 2 footnote 22) this reading of ‘determinate being’ cannot
be sustained within the argumentative framework of the Logic as it relies upon the
epistemological capabilities of ‘absolute knowledge’. Without this it is simply a detailed
model of a ‘possible’ ontology. When this ontological model is paired with Hegel’s
epistemological framework (it its complete state) then it is possible for the subject (i.e.
the philosopher) to confirm the absolute ‘truth’ of the model. As such, this model is the
‘seed’ of Hegel’s system. Once it is in place as the ‘truth’ of ‘determinate being’ the
system can begin re-discovering this ‘truth’ as objective.

The concept is always this positing of being as identical with itself. In
intuiting, feeling, etc., we are confronted by external objects [Objekte]; but
we take them up within us, so that they become ideal in us. What the
concept does is to sublate its differentiation. When we look closely at the nature of the concept, we see that its identity with being is no longer a presupposition but a result. What happens is that the concept objectifies itself, makes itself reality and thus becomes the truth, the unity of subject and object [Objekt]. (LPG, 191)

If we withhold our belief—or our willingness to suspend our disbelief—in the promise of ‘absolute knowledge’ Hegel’s system becomes analogous to the process of money laundering; an initial subjective presupposition concerning the nature of ‘determinate being’ is transformed into ‘objective reality’ through a convoluted series of permutations (dialectics) that effectively obscure the initial starting point (i.e. subjective presupposition). As such, Hegel through the process of laundering Hegel is able to convert a reflective judgment into a determinative judgment. With this ‘seed’ in place as the ‘truth’ of ‘determinate being’ Hegel can posit and ground an authentic orientation for the will. As such, Hegel’s account of the ‘state of nature’ and ‘original sin’ is founded upon this ‘seed’. The ‘evil’ of the natural will is its opposition to the ‘truth’ of Hegel’s ‘seed’ and its ‘truth’ is found in its conversion to the ‘name’. And it is a ‘name’ that can only be truly comprehended by the philosopher. As such, we find ourselves caught in the historicity of ‘absolute knowledge’ yet again (cf. LE, 36). The entire development of the state begins with this ‘seed’,

The universality which makes the animal, as a singular, a finite existence, reveals itself in it as the abstract power which terminates the internal process active within the animal, a process which is itself abstract (§356). The disparity between its finitude and universality is its original disease and the inborn germ of death, and the removal of this disparity is itself the accomplishment of destiny. The individual removes this disparity in giving its singularity the form of universality; but in so far as this universality is abstract and immediate, the individual achieves only an abstract objectivity in which its activity has become deadened and ossified and the process of life has become the inertia of habit; it is in this way that the animal brings about its own destruction. (PN, 441)
The ‘habit’ of living—the ‘natural will’—leads only to death and only by recognizing, (re)discovering and enacting (translating) the truth of ‘determinate being’ can subjectivity “subdue this Proteus, to find in this externality only the mirror of ourselves, to see in Nature a free reflex of spirit: to know God, not in the contemplation of him as spirit, but in this his immediate existence” (PN, 445).

We must pause here and consider the apparent paradoxicality of this logical structure; the ‘ungrounded self of the will’ is preserved from the influence of the ‘arbitrary will’, by the ungroundedness of its natural existence. As Marx states, “in the respect the monarch’s louse [or indeed his ‘horse’] is as good as the monarch” (EW, 85, 162). Yet, for Hegel the ‘truth’ of the former (the will) is grounded in the ‘truth’ of the latter (nature) and it is this ‘truth’ that preserves the majesty of the monarch against the ‘arbitrary will’. That is, the ‘will’ must conform to the pattern assigned to it (i.e. the concept or ‘name’) in order to exist as a true ‘will’ within Hegel’s system. It must affirm itself by simultaneously determining itself and distancing itself from this specific determination. This distance is maintained by the speculative recognition of the rational ‘truth’ that is contained within the confines of the actual as ‘determined finitude’. This truth is the truth of finitude, its ‘original disease’ or ‘inborn germ of death’ and thus the will articulates and affirms itself as will by recognizing and turning towards this ‘wound’ (GL, 142; PN, 441; PRel. III, 103). In short, the monarch’s name is death or, at the very least, it brings, and finds itself within death.57 We must proceed with caution here; it is death, but death also marks the

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57 This formulation is startling and intentionally so. The monarch’s name is secured as a ‘name’ by the manifestation of the ‘nullity’ of the finite (i.e. the ‘wound’ or ‘germ of death’) and thus it is both articulated in and preserved by death. The implications of this extend well beyond the scope of our current analysis and will require a more expansive confrontation with Hegel’s epistemology and philosophy of mind.
impossibility of the ‘name’. The monarch’s name is death in the sense that its authority (the necessary connection between the subject and object that preserves it as a ‘proper’ name) is grounded in the recognition of the ‘truth’ of ‘determinate being’. It is also death in the sense that its activity is authorizing the translation of this absolute subjective truth into objective reality; this is the transitive activity of naming that preserves the integrity of the name by effectively (and infinitely) repeating it. Yet death also marks the fundamental insufficiency of the finite in relation to the infinite; it can never contain the fullness of the ‘name’ and, as such, Hegelian systemics takes this process to the point of \textit{writing-out}, which is to say it takes it beyond the possibility of finitude by bringing it to the point of death. Hegel attempts to salvage death by containing it within the loop of a ‘positive’ infinity, but this containment is in turn predicated on the identity of the subject and the object. Without that identity in place the system ruptures and is drawn into the ‘bad’ infinity of the line and in this model of infinity the subject is merely a relative point in space not a self-contained totality. Death remains the problem here because in Hegel’s system the philosopher finds the truth of itself in the death that it does not die. Furthermore, he claims this truth in advance (speculatively) and affirms it by living in its ‘name’.\footnote{The Platonic overtones of this are unmistakable; death is the truth of life and philosophy is the lived practice of this truth [cf. \textit{Phaedo}]} Thus, the ‘habit’ of life is replaced with the living activity of ‘naming’, but here we are drawn to the question of the remain(s).\footnote{We should note that the ‘question of the remain(s)’ is the question that Derrida’s work directs towards Hegel’s system as a whole. As such, it is indicative of both the incompleteness of each particular moment and the impossibility of ‘absolute knowledge’. As such, it utilizes the very resources of Hegel’s system (negativity) against itself. In this way (among others) Derrida’s approach to Hegel’s text echoes Rosenzewig. As Stéphane Mosès states,} That is, to what is not identical; to those

\footnote{The Platonic overtones of this are unmistakable; death is the truth of life and philosophy is the lived practice of this truth [cf. \textit{Phaedo}]} \footnote{We should note that the ‘question of the remain(s)’ is the question that Derrida’s work directs towards Hegel’s system as a whole. As such, it is indicative of both the incompleteness of each particular moment and the impossibility of ‘absolute knowledge’. As such, it utilizes the very resources of Hegel’s system (negativity) against itself. In this way (among others) Derrida’s approach to Hegel’s text echoes Rosenzewig. As Stéphane Mosès states,}
contingencies that supposedly get rendered down in the process of ‘naming’ and yet continually (indeed infinitely) reappear. For Hegel, these contingencies are proof of the insufficiency of the finite and, as a result of this insufficiency, the truth of the ‘name’ must be infinitely demonstrated. In this demonstration the ‘name’ can never be fully presented in a single moment, rather, it is ‘present’ in the totality of all possible moments. The task of the subject within the state is thus to infinitely give voice to ‘death’ as its truth. It must infinitely sound-out the insufficiency of the finite and uncover (which is always already to recover) its own name. And yet, the ‘truth’ of this process is guaranteed by and through the position of ‘absolute knowledge’. Only the philosopher can comprehend and the ‘divine’ significance of the ‘name’ (PR, 318). Those that cannot read this ‘name’ are simply told “have faith and wait”, but what is the price of this faith?

Referring briefly to the Philosophy of Nature we find an example of this sounding-out; when “a bell is struck it gets hot; and this heat is not external to it but results from its own inner vibrations” (PN, 147). It is sound—as the conversion of space into time—and not sight that fully penetrates the object,

The specific simplicity of the determinateness possessed by body in density and in the principle of its cohesion, this at first inward form, emerging from its submergence in material asunderness, becomes free in the negation of the self-subsistence of this its asunderness. This is the

[Rosenzweig’s]…first operative gesture rests, to some extent, on the principle of quotation: of taking the Hegelian discourse out of its context, that is, out of the book where it slumbers innocently, and transposing it, as is, to a radically different context, that of the reality of the world itself. A technique that is less like a reversal of Hegelian theses than a diversion of them: on the stage of history, they finally speak their real language. (AH, 39)

Derrida’s ‘blind tactics’ also diverts Hegel’s discursive itinerary: from the contaminative approach of Glas—which contests the very structure of the family form the position that it simultaneously excludes and includes (i.e. Antigone and Genet)—to the deconstruction of the ‘sign’ within Hegel’s epistemology, Derrida recites Hegel is such a way that the itinerary of the text ruptures and exposes the philosopher as both the presupposition and author of ‘being’. That is, as an author that has forgotten himself.
transition of materialized space into materialized time. In the vibration of the material body—i.e. through the momentary negation of its parts and, equally, the negation of this negation of them, the two negations being sooked that one evokes the other, and through an oscillation between the subsistence and the negation of specific gravity and cohesion—this simple form, as the ideality of material body, achieves independent existence and mechanically soul-like manifestation. (PN, 136-7)

Hegel goes on to distinguish the ‘soul-like manifestation’ of sound from noise and voice,

The origin of Sound is hard to grasp. Sound is the emergence of the specific inner being freed from gravity; it is the plaint of the ideal in the midst of violence, but also its triumph over the latter since it preserves itself therein. Sound is produced in two manners: (a) by friction, (b) by vibration proper, by elasticity of inner being. Vibration is also present in friction, for while it lasts a manifold is brought into unity, the various separately existing parts being brought momentarily into contact. The place of each part, and hence its materiality, is sublated; but it is just as much restored. It is precisely this elasticity which announces itself in sound. But when the body is rubbed, the rubbing itself is heard and this sound corresponds rather to what we call noise. If the vibration of the body is caused by an external body, we hear the vibrations of each; each works on the other and prevents purity of sound. In that case the vibration is not so much independent as forced on each by the other; then we call it noise. Thus in bad musical instruments one hears the clatter, the mechanical striking of the instrument: e.g. the scratching of the bow on the violin, just as, in a bad voice, the vibration of the muscles can be heard. The other, higher sound is the inward vibration of the body, its inner negation and self-restoration. Sound, properly speaking, is reverberation, the unhindered inner vibration of a body which is freely determined by the nature of its cohesion. There is still a third form where the outer excitation and the sound emitted by the body are like in kind, and that is the singing voice of man. It is in the voice that we first have this subjectivity or independence of form; this merely vibratory movement thus has something spiritual about it. The violin too does not reverberate; it sounds only while the strings are being rubbed. (PN, 139)

Noise results when “the vibration of the body is caused by an external body” and thus “we hear the vibrations of each” that is, they remain distinct and discordant. “The other, higher sound is the inward vibration of the body, its inner negation and self-restoration.

Sound, properly speaking, is reverberation, the unhindered inner vibration of a body which is freely determined by the nature of its cohesion”. Sound is the externalization of
the interiority of the object, but on its own it remains confined to the unintelligibility of
the natural. The inner truth of sound can only be recognized as voice. In voice “the outer
excitation and the sound emitted by the body are like in kind”. Yet, the full ideality of
the material is only exposed when sound goes beyond itself and becomes heat,

Sound is the alternation of the specific asunderness of the material parts
and of their mutual negatedness; it is only the abstract, or so to say, only ideal ideality of this specific asunderness. But this alternation is thus itself
directly the negation of the material, specific subsistence. This negation,
therefore, is the real ideality of specific gravity and cohesion—heat. (PN, 147)

Hegel continues in the remark,

The generation of heat in sonorous bodies and in those which are struck or
rubbed together, is the manifestation of heat originating with sound in
conformity with its Notion. (PN, 147)

And the supplementary addition,

The inwardness which reveals itself in sound is itself materialized: it
dominate matter and acquires a sensuous existence in that matter is
subjected to violence. Because the inwardness, as sound, is only
conditioned individuality, not yet a real totality, its self-preservation is
only one aspect of its being; the other is the fact that the matter pervaded
by this inwardness is also destructible. With this convulsion of body
within itself there occurs not merely an ideal sublation of matter but a real
sublation of it by heat. Instead of the body displaying itself specifically as
preserving itself, it is now manifest rather as negating itself. The
reciprocity of its cohesion within itself is, at the same time, a positing of
the opposite of cohesion, an incipient sublating of its rigidity; and this
precisely is heat. Sound and heat are thus directly related; heat is the
consummation of sound, the manifestation in matter of matter’s negativity:
sound itself can even shatter or fuse an object, in fact a glass can be
shattered by a sharp cry. To picture-thinking sound and heat are widely
separated phenomena and it may seem odd to associate them in this way.
But if, for example, a bell is struck it gets hot; and this heat is not external
to it but results from its own inner vibrations. Not only the musician gets
warm, his instruments do also. (PN, 147)

The ‘truth’ of the ‘name’ extends beyond its “self-preservation”—which, as Hegel
reminds us, is “only one aspect of its being; the other is the fact that the matter pervaded
by this inwardness is also destructible”—and fully manifests itself in negating itself. The
true ‘name’ extends beyond speech and becomes an all consuming fire. Up until this
phase change—from sound to heat and from material to ideal—the ‘truth’ of the ‘name’
is only retained by being spoken (the alternation must be constant), but even speech does
not capture or contain the fullness of the Idea. The ‘name’ only manifests its ‘truth’ when
it is simultaneously written-out (written beyond writing) and sounded-out (spoken
beyond sound). The activity of naming—as the political activity—thus, realizes the
ideality of ‘gravity and cohesion’ by giving voice to death and death is the manifested
truth of the ‘name’. But, how does this relate back to the majesty of the monarch? What
instrument does he play?

We begin to find an answer to this question in §282,

The sovereignty of the monarch is the source of the right to pardon criminals, for only the sovereign is entitled to actualize the power of the spirit to undo what has been done and to nullify crime by forgiving and forgetting. (PR, 325)

The ‘right to pardon’ is thus grounded in the ‘sovereignty of the monarch’, which is to
say in his ‘name’ and moreover Hegel specifies that,

The right to pardon is one of the highest acknowledgements of the majesty of the spirit…this right is one of those instances in which a determination from a higher sphere is applied to, or reflected in, a lower one. (PR, 325)

The fact that Hegel brings this determination into the text suggests that unlike most
determinations this determination relates directly to the concept of right and its
actualization. He couples the power to pardon with the power to punish crime,

Another example of such applications is the subsumption under the concept of crime (which we encountered in an earlier context — see § 95—102) of injuries [Verletzungen] to the state in general, or to the sovereignty, majesty, and personality of the sovereign prince; such injuries
are in fact classed as crimes of the highest order, and a particular procedure etc. (PR, 326)

While Hegel does not specify the exact nature of these crimes we can refer to §95-102 and see that crime—as a negatively infinitive judgment—wrongs the victims very capacity for rights and, as such, can be seen to constitute a crime against ‘the state in general’ (PR, 121-3). This coupling of the right to pardon and the right to punish suggests that both are instances ‘in which a determination from a higher sphere is applied to, or reflected in, a lower one’ and thus both are among ‘the highest acknowledgements of the majesty of the spirit’. But, what does this entail? How does the act of pardoning or indeed punishing a criminal acknowledge the majesty of spirit? The answer to this lies in the process of translating or ‘actualizing’ the concept. That is, in the act of either pardoning or punishing the monarch translates the concept from abstract ideality to objective actuality; he transcribes his name over the criminal he negates the negation and actualizes right (PR, 123). In this case of punishment the actualization brings spirit to say: ‘This is spirit of my spirit, and its alien character has disappeared’ (PR, 35). But, in the case of the pardon the distinction remains,

Pardon is the remission of punishment, but it is not a cancellation of right [die aber das Recht nicht aufhebt]. On the contrary, right continues to apply, and pardoned individual still remains a criminal: the pardon does not state that he has not committed a crime. This cancellation [Aufhebung] of punishment may be effected by religion, for what has been done can be undone in spirit by spirit itself.’ But in so far as it is accomplished in this world, it is to be found only in the majesty [of the sovereign] and is the prerogative of [the sovereign’s] ungrounded decision. (PR, 326)

The monarch’s decision brings the pardon and the pardon remits the punishment, but the criminal remains a criminal. The criminal remains as a living testament to the power of the monarch’s will; he is a token of the monarch’s ‘name’. The overall function of this
transitive process of naming is to both enact and conserve ‘ethical life’ by teaching subjects to read the ‘name’,

Education [Pädagogik] is the art of making human beings ethical: it considers them as natural beings and shows them how they can be reborn, and how their original nature can be transformed into a second, spiritual nature so that this spirituality becomes habitual to them. (PR, 195)

In this sense the entire punitive economy of the state becomes a pedagogical apparatus. Each punishment is a translation, a naming, and each act of naming exhibits the majesty of the name to the subjects. By reading this name and believing upon it they become changed into the same image; they live within the ‘name’. The ‘name’ is their ‘second nature’; their ‘ethical life’. But, this life is always already under siege. The ‘name’—as the ‘political disposition’ or ‘ethical life’ of the state—is constantly threatened by the influence of ‘natural will’, yet it is only by confronting and writing-out this threat that the ‘name’ retains its cohesive force. The ‘name’ only exists as a living name (a ‘home’) if it is actively writing-out its other.

Within the state the majesty of sovereign power is manifested in three moments and these three moments effectively reiterate the three fold structure of the monarch given in §273 and §275,

1) The right to pardon, which manifests the ‘power of the sovereign’ as the ‘ultimate decision of the will’.

2) The ‘second moment’ is the moment of “particularly or of determinate content and its subsumption under the universal”. In other words the ‘executive power’.

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60 As we have noted in chapter 3 this punitive economy is set in motion by the name of the monarch. Without his name the exchange values cannot be established (except in the case of murder). Consider Hegel’s summary of the punitive economy in §214 of the Philosophy of Right and §529 of the Philosophy of Mind. We must remember that the legislation that provides the judiciary with the list of determinations is authorized by the monarch’s name and thus each punishment is a reiteration of that name.
3) “The third moment in the power of the sovereign concerns the universal in and for itself, which is present subjectively in the conscience of the monarch and objectively in the constitution and laws as a whole”. This is the ‘legislative power’. (PR, 325-7)

These three moments exhibit or manifest the ‘majesty’ of sovereign power by being enacted. This transitive activity requires a resistant medium, a medium that stands in opposition to the will, and by writing-out (which for Hegel is both a thinking-out and a sounding-out) this resistance it continually re-discovers its own ‘name’.\(^{61}\) This re-discovery is predicated on the non-being of the remain(s); those unspeakable elements that get cast off in and through the process of naming. If these remains are not neutral, if they do not simply evaporate or vanish without a trace, then the circular economy of the ‘name’ is incomplete and it remains open and exposed to the ‘bad’ infinite. This is not simply to say that the moment itself is rendered incomplete, but rather the very possibility of thought finding itself (that is, of the philosopher comprehending the ‘truth’ of this moment) within this moment is predicated on an exclusion. To formulate this figuratively, ‘absolute knowledge’ is predicated on a blink: a kind of necessary exclusion or active forgetting. If this is the case then Hegel’s system lacks ‘the objectively binding moment’ and becomes little but “a drawing of [circles] into empty space” (PRel I, 192). That is, it becomes a (as opposed to the) book and thus, as all books it has an author that can be called into question. Hegelian discourse seeks to escape this responsibility by claiming that its voice is not its own—that it is spoken through—and that it has forgotten itself. As such, its ‘truth’ is concealed within ‘absolute knowledge’ and it solicits the participation of us as readers by promising to bring us to this position, that is, to show us

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\(^{61}\) Within the state this resistance can take on a number of forms but their common feature is their deviation from the ‘political disposition’ of the ‘name’.
how to recognize the rose in the cross of the present (PR, 22). But, before we accept this offer it seems prudent to ask a few more questions about the cross. As we have previously noted the question of the ‘remain(s)’ (which can, both figuratively and literally, be found on and below the ‘cross’ and the ‘slaughter-bench’) will draw us to the question of perspective, authorship and responsibility. We will continue this line of questioning up in the conclusion. For the time being we will turn our attention to the external articulation of sovereign power.

V. Foreign Bodies: War as Therapy

Throughout the majority of the Philosophy of Right Hegel provides the reader with the conceptual development that leads from ‘abstract right’ to the state as-it-is-in-itself. That is, he provides an account of the series of necessary moments that actualize the transition from ‘abstract right’ to the ‘ethical life’ of the state, yet taken on its own this account is incomplete due to the fact that the state also exists for-itself. Referring to §321 we find that,

…the spirit, which in its freedom is infinitely negative reference to itself, is just as essentially being-for-itself which has incorporated the subsistent differences into itself and is accordingly exclusive. In this determination, the state has individuality, which is [present] essentially as an individual and, in the sovereign [Souverän], as an actual and immediate individual. (PR, 359)

Simply put, as being-for-itself the state has ‘individuality’ and this ‘individuality’ is the monarch (which, as we have seen, is the ‘name’ or ‘concept’). Moreover, this individuality “appears as the relation [of the state] to other states, each of which is independent [selbständig] in relation to the others” (PR, 359). Hegel develops this point further in §323,
In existence [Dasein] this negative relation [Beziehung] of the state to itself thus appears as the relation of another to another, as if the negative were something external. The existence [Existenz] of this negative relation therefore assumes the shape of an event, of an involvement with contingent occurrences coming from without. Nevertheless, this negative relation is the state’s own highest moment—its actual infinity as the ideality of everything finite within it. It is that aspect whereby the substance, as the state’s absolute power over everything individual and particular, over life, property, and the latter’s rights, and over the wider circles within it, gives the nullity of such things an existence [Dasein] and makes it present to the consciousness. (PR, 360)

Here we find that “this negative relation…assumes the shape of an event”. This ‘event’ occurs when the state encounters and negates ‘something external’ and furthermore it is in this ‘negative relation’ that the state realizes its ‘highest moment’. This ‘moment’ is the “ethical moment of war” (PR, 361). War—much like ‘punishment’ within the state—is thus the process that actualizes the ‘name’. That is, it is a ‘naming’, a writing-out; a teleo-transitive process in which the self gives itself the ‘nullity’ of life “and makes [this ‘nullity’] present to the consciousness”. By grasping this ‘nullity’ the consciousness reads and comprehends the ‘truth’ of the ‘name’. At this point the parallels between this ‘moment’ and Hegel’s account of cognition should be evident; in each case ‘truth’ is uncovered by and through a process of thinking-out the finite (or in Hegel’s terms a ‘negation of the negation’). As Hegel stipulates in §324,

This determination whereby the interests and rights of individuals [der Einzelnen] are posited as a transient moment is at the same time their positive aspect, i.e. that aspect of their individuality [Individualität] which is not contingent and variable, but has being in and for itself. This relation and its recognition are therefore the substantial duty of individuals—their

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62 We must remember that it is a negation of the negation precisely because of what Hegel refers to as the ‘speculative element’. This entails that “concrete actuality is grasped as the unity of [opposed, abstract] determinations” (PRel I, 205). The ‘speculative element’ operates under a series of terms in Hegel’s text; it is both the ‘germ of death’ and the ‘wound’. With this element in hand Hegel can effectively begin his system and suspend judgment by continually stating: “Here and for the moment this is a fact; later its necessity [will be demonstrated]” (PRel I, 212). And yet, we must ask how is ‘absolute knowledge’ demonstrated? What is its practice?
duty to preserve this substantial individuality—i.e. the independence and sovereignty of the state—even if their own life and property, as well as their opinions and all that naturally falls within the province of life, are endangered or sacrificed. (PR, 360)

War entails a transition from the contingency of individual ‘rights and interests’ to the universality of the ‘name’. This process distinctly echoes Hegel’s account of the ‘religious standpoint’ in his lecture manuscript on the concept of religion,

> Consciousness of the true that has being in and for itself without limit and wholly universal: this is an *elevation* [Erhebung], a *rising above* [Erhebung], a reflecting upon, a *passing over* [Übergehen] from what is immediate, sensible, singular…and thus it is a *going out* [Fortgehen] and *on to an other*—<not to a third, and so on into infinity, [for then] the other itself again becomes finite and is not an other,) but [to a] second. But therefore it [is] at the same time a sublation of the progression to and production of a second since this second should rather be the first, the truly unmediated and unposited. This is the process of spirit in general, and since, | as thus immediately posited, it is the absolutely universal, therefore this activity is *thought*, and this unlimited universal, God, is the highest thought. (PRel I, 207-8)

Much like the activity of thought war presents the ‘nullity’ of the finite to consciousness and thus it enables individuals to rise above [Erhebung] and pass over [Übergehen] what is “immediate, sensible, singular” and go out and on to the ‘truth’.

At this point we must pause and ask how the negation of finitude—its passing out of existence—offers a positive content to cognition. According to Hegel, the object “shows itself in its progression not to be as it immediately gives itself to be, but rather as destroying itself, becoming, referring to an other” (PRel I, 224). This reference occurs on the side of the object,

> Therefore it is not *our* reflection and consideration, our judgement, which tells us that the finite with which we begin is founded on something that is true. It is not *we* who adduce its foundation. Rather it is the finite that shows implicitly that it is resolving itself into something other and higher than itself. We follow the object as it returns of itself to the source of its truth. (PRel I, 224)
Cognition simply follows this reference by ‘looking away’ from the contingent and towards the truth. Now because Hegel strictly ascribes this reference to the object (or rather to its death) he can claim that his system begins without presupposition or at least without a presupposition that counts. In a marginal note to his manuscript for the lectures on the concept of religion Hegel states,

The only presupposition [that we need to make is] that we do not wish to halt and remain in any subjective standpoint other than what we discover corresponding to its concept. (PRel I, 223)

Thus, the only presupposition he admits is that of a desire to go beyond, but this desire is constrained by and directed towards the concept. If we accept that it is the ‘object’ that makes reference to the concept and moreover that the remains of the object have no referential qualities then the system is a totality. But, if we do not accept Hegel’s ‘speculative element’ or ‘germ of death’ argument concerning the nature of determined finitude then his system becomes a solitary shell game. Even if we suspend our judgment and follow the demonstrative permutations of the system we face both the practical constraint of time (the truth of the concept is distributed throughout the totality of the loop) and a series of inexplicable transitions. In these transitions either the curtain falls on one scene only to rise again and reveal a series of mysterious transformations or we are simply given a description of the conceptual dynamics of the act in place of a situated dialectical scene. In the case of war these scene changes are particularly curious. We are informed that war exposes the ‘nullity’ of the finite and, as such, it exposes the implicit unity of the subject and the object in the Idea. Hegel informs us that: “philosophy

63 That is, an infinite game in which a single player (subject) conceals a single ball (the concept) under a single shell (object). Once the board is set the player actively forgets that it was he who set the board and then victoriously exposes the ball and wins the game (the subject confirms the ‘positivity’ of the idea) only to conceal it again.
is by definition consciousness of the idea, and its business is to grasp everything as idea” (PRel I, 204-5). Thus, war is the product of necessity; it is simply the breaking forth of the concept from the inert husk of finitude. War opens up the finite and exposes its hidden truth; it reveals the inborn ‘germ of death’. This in turn enables the subject to cognitively recognize this ‘truth’ as its own. In this recognition it simultaneously contains the other (by recognizing that it is finite) and exceeds it (in this recognition it creates a distance and asserts itself as thought or ‘spirit’). As Hegel states, “it [is] at the same time a sublation of the progression to and production of a second since this second should rather be the first, the truly unmediated and unposited”. Thought (spirit) closes the gap between the subject and the object by recognizing their implicit unity, but as we have previously stated this economy of spirit relies on the ‘name’. That is, it relies on the implicit identity of subject and object. In order for the system to function the object must contain the concept (which is the ‘name’) and cognitive activity must not retain finite distinctions. Hegel’s system thus requires a specific epistemological model in which cognition effectively thinks-out and forgets all possible remainders; “just as Adam says to Eve: ‘You are flesh of my flesh and bone of my bone’, so [must] spirit say: ‘This is spirit of my spirit, and alien character has disappeared’ (PR, 35). In war both the appearance of the concept and the disappearance of the remain(s) must be called into question.

In Hegel’s state ‘war’ is neither an ‘absolute evil’ nor ‘accidental’; it is what exposes contingency as “a semblance [Schein] whose essence is necessity” and, as such, it contributes to the health of the state (PR, 361). In §324 Hegel states,

…the ethical health of nations [Völker] is preserved in their indifference towards the permanence of finite determinacies, just as the movement of the winds preserves the sea from the stagnation which a lasting calm
would produce—a stagnation which a lasting, not to say perpetual, peace would also produce. (PR, 361)

He continues,

The ideality which makes its appearance in war in the shape of a contingent external relationship is the same as the ideality whereby the internal powers of the state are organic moments of the whole. (PR, 362)

The implications of this statement require close attention. In both the case of war and the internal development of the state it is the ‘appearance’ of ideality in “the shape of a contingent external relationship” that unifies the state as an organic whole. In each instance it is the ‘appearance’ of the ‘nullity’ of the finite that confirms the ‘name’ and revitalizes ‘ethical life’. Without this appearance ‘ethical life’ stagnates and loses its ‘political disposition’. According to Hegel the revitalizing effect of war,

…is apparent in various occurrences in history, as when successful wars have averted internal unrest and consolidated the internal power of the state. (PR, 362)

This revitalizing effect strongly parallels Hegel’s account of ‘therapy’ in §373-4 of the Philosophy of Nature,

The medicine provokes the organism to put an end to the particular irritation in which the formal activity of the whole is fixed and to restore the fluidity of the particular organ or system within the whole. This is brought about by the medicine as an irritant, but one which is difficult to assimilate and overcome, so that the organism is confronted by something alien to it against which it is compelled to exert its strength. In acting against something external to it, the organism breaks out from the imitation with which it had become identified and in which it was entangled and against which it cannot react so long as the limitation is not an object for it. (PN, 436)

Here we find that the therapeutic property of medicine is its resistance to the digestive activity of the organism. Hegel refers to medicine as an ‘indigestible substance’, which
serves to provoke the organism thus effectively compelling to ‘exert its strength’. Hegel continues to elaborate on this in the addition,

But now the medicine excites the organism to digest it, and the organism is thus drawn back again into the general activity of assimilation; a result which is obtained precisely by administering to the organism a substance much more indigestible than its disease, to overcome which the organism must pull itself together. This results in the organism being divided against itself; for since what was initially an immanent involvement is now an external one, the organism has been made dual within itself, namely, as vital force and diseased organism. (PN, 438)

The sheer particularity of the medicine provokes the ‘general activity of assimilation’ and in this activity the organism asserts its unity. This ‘positive irritation’ model effectively repeats Hegel’s views on both warfare and punishment in regards to the health of the state. In a state of peace or general calm the state-organism is prone to ‘stagnation’ as

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64 This is only one of the three therapeutic models (which in turn correspond to the three types of disease given in §371-2) that Hegel develops in the Philosophy of Nature. The others being the negative irritant (a repression of the activity of the organism [i.e. fasting] and by extension the disease, which forces the organism to respond) and animal magnetism (which, treats what Hegel refers to as “…diseases of the soul (Seele), which are caused by terror, grief, etc., and which can even result in death”) (PN, 432). Hegel addresses this third mode of treatment in the addition to §373,

A third way of healing, corresponding to the third type of disease (see §371, Zusatz, p. 431), is that which acts on the universal aspect of the organism. It is here that magnetism has its place. The organism, immanently universal, is to be raised above itself and brought back to itself, and this can be brought about externally. Since, therefore, the self, as simple, falls outside the diseased organism, it is the finger-tips of the magnetizer which conduct this magnetism throughout the whole organism and which, in this way, fluidify it. Only sick persona can be magnetized, can be put to sleep in this external manner; sleep is just this gathering itself together of the organism into its simplicity, whereby it is brought to the feeling of its inner universality. But instead of this magnetically induced sleep, a healthy sleep, too, can produce this; turning-point in illness, i.e. the organism can then spontaneously gather itself together into its substantiality. (PN, 440)

This externally induced sleep enables the organism to recover by ‘raising it above’ and ‘bringing it back’ to itself. In sleep, we are told, “the organism is alone with itself” and in this solitude it ‘extricates’ itself from the ‘entanglement’ with particularity and returns to itself “by way of assimilation” (PN, 438-9). Hegel’s therapeutic sleep is (or at the very least seems to be) dreamless; a void (a ‘void’ reminiscent of the “nightlike or unconscious pit [nächtliche Schacht,
the self-interest of its individual members begins to override the universal interest of the state. If this condition is left untreated it can give rise to masses and eventually lead to systemic organ failure. The state-organism can overcome this disease by confronting and assimilating a separate and resistant particularity. In this confrontation (which, as Hegel informs us, can be either internal or external) the ‘nullity’ of the particular is revealed and the ideality of the state-organism is asserted. As Hegel articulates it in the addition to §324 of the Philosophy of Right.

Not only do peoples emerge from wars with added strength, but nations [Nationen] troubled by civil dissension gain internal peace as a result of wars with their external enemies. (PR, 362)

Effectively war (and punishment within the state) is a ‘naming’ in which finitude is written-out; in each instance the state-organism encounters resistance and assimilates it thus asserting its universality, its ‘name’. At this point it is useful to explicitly link the three critical terms we have been using; that is, thinking-out, writing-out, sounding-out.

What Hegel refers to as the general ‘process of spirit’ is not limited to the appropriative bewusstlose Schacht)” where the images are stored up out of consciousness”) in which the self extricates itself from the ‘terror’ and ‘grief’ that plagues it (MP, 77; PM, 204). This leaves us with a number of questions: Are dreams that express these affective states a symptom of this ‘disease of the soul’? Furthermore, how does one become afflicted by this disease? What brings us to a ‘terror’ and/or ‘grief’ of this intensity? Could it be that the negation of the finite (which revitalizes the organic unity of the state) leads to this disease? If this is the case then who is the ‘magician’ (Hegel’s term cf. PN, 438) that brings us to this dreamless sleep in which we recollect and recover ourselves? Is it philosophy (or more specifically the philosopher) that eases our conscience and returns us to the lived freedom of ‘ethical life’? Is he the ‘magician’ that brings us to this solitary and dreamless sleep? Or, articulated in a more general sense; can the monarch’s name function without the ‘magical’ activity of the philosopher, which is to say, without the one who reads and comprehends the truth of the ‘name’? Does each act of naming (each exhibition of the ‘nullity’ of the finite) require a subsequent reading (or rather a translation or decoding by the philosopher) in which the act is returned to consciousness as the ‘name’? If so what is lost in translation and where are these remain(s) stored up and accounted for? Does the philosopher forget himself in order to forget the remain(s) or forget the remain(s) in order to forget himself? And if either is the case it would seem that by finding one we would find the other as well. It a certain sense it seems that, Antigone’s inflexible and unremitting claim extends beyond its dialectical moment and points its accusatory finger in the direction of the philosopher; we will attempt to address these and other questions surrounding the remain(s) in the conclusion.
idealizations of theoretical cognition. Rather, the *thinking-out* of the finite necessarily involves practical cognition and thus ‘ethical life’. As such, the *thinking-out* of determined finitude is at one and the same time a *sounding-out* and a *writing-out*. It is a *sounding-out* because the ‘truth’ that the subject apprehends comes from the ‘specific inner being’ of the object; the subject merely draws this ‘truth’ out by *giving-voice-to-it*. It is also a *writing-out* because the subject does not simply operate at a distance—the transitive process is intimate and tactile—it inscribes and translates its thought into the world but this is not limited to a shaping or molding of the finite. The highest realization of the ‘name’ is the total exposure (the phase change from sound to heat) of the hidden ‘truth’ of the finite; in this (impossible) instantiation the subject *writes the finite out of existence*. In each term the preposition ‘out’ has been added to the preceding verb in order to highlight the paradoxicality of the process by which the ‘nullity’ of the finite is ‘exposed’. In this process the subject effectively confronts an imperative in the form of a double bind; it must write beyond the possibility of writing and speak beyond the possibility of speech in order to *think the beyond*. The philosopher acts as the ultimate guarantor of the ‘truth’ of this process, but he simply functions as a guide through the text. He cannot explain the remain(s) that the text accumulates. He can simple promise that the next act will resolve (at least some) of our concerns. This leaves us with the question of both the paradoxicality of the process and place (or placelessness) of both the remain(s) and ‘absolute knowledge’. In both war and punishment this question becomes unavoidable as the practical consequences of Hegel’s *Logic* are explicitly articulated.

Returning to the question of war we are still left with the question of the enemy; that is, is there only one type of ‘enemy’ and thus one type of war? This brings us back to the
question of the lord and bondsman and the ‘right of heroes’. In the closing sections of the

*Philosophy of Right* Hegel briefly addresses international law and world history. He defines international law in §330,

> International law [*das äußere Staatsrecht*] applies to the *relations* between independent states. What it contains *in and for itself* therefore assumes the form of an *obligation*, because its actuality depends on *distinct and sovereign wills*. (PR, 366)

As such, international law is effectively limited to a mode of contract law that is held in place by mutually recognized and agreed upon obligation. This distinguishes it from “moral relations or relations of private right” because there is “no power…present to decide what is right in itself in relation to the state and to actualize such decisions” (PR, 366). Hegel continues,

> The nation state [*das Volk als Staat*] is the spirit in its substantial rationality and immediate actuality, and is therefore the absolute power on *earth*; each state is consequently a sovereign and independent entity in relation to others. The state has a primary and absolute entitlement to be a sovereign and independent power *in the eyes of others*, i.e. *to be recognized* by them. (PR, 366-7)

Hegel immediately qualifies this entitlement,

> At the same time, however, this entitlement is purely formal, and the requirement that the state should be recognized simply because it is a state is abstract. Whether the state does in fact have being in and for itself depends on its content — on its constitution and [present] condition; and recognition, which implies that the two [i.e. form and content] are identical, also depends on the perception and will of the other state. (PR, 367)

On the surface this conditional restriction on recognition could be construed to be beneficial to international law as ‘rogue states’ are effectively isolated, but this reading ignores (or simply naturalizes) the ontotheological scale that effectively determines the
content of the state. This scale becomes apparent when Hegel addresses the question of non-state nations,

In the case of a nomadic people, for example, or any people at a low level of culture, the question even arises of how far this people can be regarded as a state. The religious viewpoint (as in former times with the Jewish and Mohammedan nations \([\text{Völker}]\)) may entail a higher opposition which precludes the universal identity that recognition requires. (PR, 367)

Hegel contends that “the legitimacy of a state…is a purely internal matter” and thus “one should not interfere in the internal affairs of another”, but this non-interference principle does not include non-state nations (PR, 367). Hegel explicitly articulates this in §349,

In its initial stage a nation \([\text{Volk}]\) is not a state, and the transition of family, tribe, kinship group, mass \([\text{of people}]\), etc. to the condition of state constitutes the formal realization of the Idea in general within it. If the nation, as ethical substance — and this is what it is \(\text{in itself}\) — does not have this form, it lacks the objectivity of possessing a universal and universally valid existence \([\text{Dasein}]\) for itself and others in \([\text{the shape of}]\) laws as determinations of thought, and is therefore not recognized; since its independence has no objective legality or firmly established rationality for itself, it is merely formal and does not amount to sovereignty. (PR, 375)

Hegel continues,

Even in the context of ordinary ideas \([\text{Vorstellung}]\), we do not describe a patriarchal condition as a constitution, nor do we describe a people living in this condition as a state, or its independence as sovereignty. Consequently, the actual beginning of history is preceded on the one hand by dull innocence which lacks all interest, and on the other by the valour of the formal struggle for recognition and revenge. (PR, 375)

These non-state nations do not recognize the Idea and conform themselves to the truth of the concept and, as such, they exist as they-ought-not. According to Hegel the ‘will’ of these ‘uncivilized’ “…is \(\text{in itself}\) a force directed against the Idea of freedom” (PR, 120). This opens these nations up to the ‘pedagogical coercion’ or ‘heroic vengeance’ that is licensed by the ‘right of heroes’. Thus, the developed states can effectively use whatever means they deem necessary to force these nations to turn and recognize the ‘truth’ of the
concept. In effect, this mode of war (which we will hereafter refer to as ‘colonial’) requires neither recognition nor proportion; it is a total war. Hegel states this directly in §350,

> It is the absolute right of the Idea to makes its appearance in legal determinations and objective institutions, beginning with marriage and agriculture…whether the form in which it is actualized appears as divine legislation of a beneficial kind, or as violence [Gewalt] and wrong. This right is the *right of heroes* to establish states. (PR, 376)

In turn this act of ‘heroic vengeance’ invigorates the developed state by effectively confronting and assimilating a resistant particularity. In short, the state re-discovers its ‘name’ in the act of ‘heroic vengeance’, but this is not the only mode of conflict. There is also inter-state war that breaks out when “no agreement can be reached between particular wills” (PR, 369). This latter form seems to conform to the dialectic of the lord and bondsman, but it still leaves us with the question of development. That is, at which ontotheological stage of development does a ‘state’ become entitled to the recognition of other states? Can a fully developed state enter into a war of recognition or are its conflicts simply punitive and pedagogical in nature? Do states need to be at an equal level of development in order to be bound by the ‘civilized’ or ‘familial’ bonds that supposedly mitigate the destructive capacity of ‘modern war’ (PR, 370-1)? Hegel clearly limits this civilized or limited form of warfare to the ‘family’ of ‘European nations’ so what of the non-European state? Or is the ‘state’ itself essentially ‘European’? These questions remain open as Hegel simply gestures towards self-referring circularity of the concept to avoid (by infinitely displacing and deferring) the question of violence and its remain(s).

**VI. The Monarch, the Killing-Name and the Disease of the Soul**
Hegel reads war as the absolute limit of duty and, as such, it is the realization of substantial freedom. It liberates me of my “dependence on mere natural drives” by exposing the “vanity of temporal things”, but this exposure must be fleeting (PR, 192, 361-2). Recognition limits war and acts as a bond that prevents war—“as the condition of rightlessness [Rechtlosigkeit], force and contingency”—from becoming total (PR, 370). Without this ‘bond’ war becomes limitless and without limitation the ‘name’ loses its effect. Effectively the ‘name’ can be overexposed. If the ‘nullity’ of the finite appears without the proper ‘bonds’ in place “has no inner significance or filling” and is thus “the coldest and meanest of all deaths” (PS, 360). This also applies in cases where the ‘bond’ is not mutual recognition. In both the execution of the murderer and the ‘pedagogical coercion’ licensed by the ‘right of heroes’ lethal violence is employed to set an example; it manifests the ‘nullity’ of the finite and thus exhibits the positivity of the ‘truth’. The appropriable death must be presented as meaningful and thus it must be limited. But, is such a limitation possible in death? This is in effect Kafka’s question in the “Penal Colony”; can death become meaningful? Can lethal violence fulfill the law and thus be unquestionably just? In order for justice to be done the sentence that the machine writes-out upon the flesh of the prisoner must be comprehended by both the crowd and the prisoner. This process (or ‘ceremony’) initially draws the crowd together and unifies them in that knowledge that “now justice is being done” (PC, 154). As the officer exclaims,

How we all absorbed the look of transfiguration on the face of the sufferer, how we bathed our cheeks in the radiance of that justice, achieved at last and fading so quickly! (PC, 154)

Without these “judicial procedures”—that is, without the necessary limitations—the spectacle shifts from one in which ‘justice’ is written-out to the mere inarticulate
“jabbing” of “plane murder” (PC, 165). In Kafka’s text the line that divides these two deaths is illusory; the activity of the machine is and was never anything other than “plane murder”. There is a longing for ‘justice’, but the spectacle that is offered is (to borrow Benjamin’s terminology) ‘mythic’ and not ‘divine’ (CV, 294-5). But, Hegel attempts to salvage meaning from death. Without death—or rather without the ‘truth’ that is revealed in death—Hegel’s text cannot go beyond. It must sound-out the hidden truth of the object; if what it obtains in the process of thinking is not the ‘truth’ of the object, but simply the ‘truth’ of a subject that does “not wish to remain in any subjective standpoint” then the system effectively collapses in upon itself (PRel I, 223). This collapse is suspended by the infinite deferral of Hegelian dialectics, but this tactic only works if the reader has faith in the text. In effect Hegel attempts to teach the reader to comprehend the monarch’s ‘name’ and in this endeavor he assumes the role of Kafka’s officer,

“Read it,” he said. “I can’t,” said the explorer, “I told you before that I can’t make out these scripts.” “Try taking a close look at it,” said the officer and quite near to the explorer so that they might read it together. But when even that proved useless, he outlined the script with his little finger, holding it high above the paper as if the surface dared not be sullied by touch, in order to help the explorer to follow the script in that way. The explorer did make an effort, meaning to please the officer in this respect at least, but he was quite unable to follow. Now the officer began to spell it, letter by letter, and then he read out the words. “BE JUST!” is what is written there,” he said, “surely you can read it now.” The explorer bent so close to the paper that the officer feared he might touch it and drew it farther away; the explorer made no remark, yet it was clear that he still could not decipher it. “BE JUST!” is what is written there,” said the officer once more. “Maybe,” said the explorer, “I am prepared to believe you.” (PC, 161)

65 In fact, it is the demand for and the impossibility of ‘divine’ violence that exposes the failure of ‘mythic’ violence. As such, in Benjamin’s text ‘divine’ violence is not the ideal model that the ‘general strike’ aspires to, rather, the ‘general strike’ (as collective refusal or passive resistance) openly exposes the impossible distance that separates ‘mythic’ from ‘divine’ violence. It exposes this distance by exposing itself to violence (cf. Benjamin’s “Critique of Violence”).
Hegel frames death and presents it to us as the necessity of the concept, but it only appears as such from a distance. That is, in each instance in which lethal violence becomes a necessary moment (the ‘right of heroes’, the execution of the murderer and war) it is presented to us abstractly. The actual process of killing takes place off stage and we are simply told: “Here and for the moment this is a fact; later its necessity [will be demonstrated]” (PRel I, 212). If we actually attempt to see this miraculous instantiation of ‘nullity’ we see just that nothing. The promise of ‘justice’ is not fulfilled; the lethal violence that the system employs is never univocal, that is, its message (despite Hegel’s assertions to the contrary) is always plural. Hegel attempts to constrain violence in order to make it speak and he presents its inner ‘truth’ to us as the “rose in the cross of the present”, “but, in this very violence something rotten in law is revealed” (PR, 22; CV, 286). If we do not delight in this ‘nullity’ and are instead struck with a mixture of terror and grief we are simply informed that we have contacted a ‘sickness of the soul’ and are thereby excluded from the majesty of the ‘name’. But, what of those that remain in the ‘name’? What is the price of the ‘freedom’ that the state-organism brings? The freedom that I gain (the freedom of ‘ethical life’) liberates me from the burden of the “subjective standpoint” and allows me to go beyond, but in return it requires that I take on the ‘name’ as my own. This in turn requires that I actively live the ‘name’; each act of negation perpetrated by the state is the act of my will and should the state require my active participation I cannot fail to do so. In these acts of negation I must see the ‘nullity’ of the finite as the positivity of the ‘truth’. If I begin to doubt the legitimacy of the ‘name’ or if I recoil from any act that duty may require of me I become an impediment to the ‘ethical
life’ of the state and I am cast out. The ‘purity’ of violence is ensured by a constant sorting out and separating of the ‘sick’ from the ‘healthy’.

As the auto-biography—or, simply auto-graphy, seeing as it is written precisely by writing-out life—of the absolute Hegel’s text struggles to verify this ‘final’ truth. And yet, its very inability to verify this ‘truth’ becomes the shibboleth that gives it away. This shibboleth is ‘death’; death is ‘said’ in Hegel’s system, it is even ‘faced’, but only as a possibility and an after-effect. Hegel is blind to the affect of death in the now and thus is blind to its radical undeterminability and the experience of this un-determination. As such, ‘death’ enters the system as meaningful, as a manifestation of the ‘truth’ of the finite, but grief and terror—as both the immediate and residual affective states that correspond to the radical absence of death—are either relegated to the ‘sickness of the soul’ or confined in the burial ground and the chthonic realm of ‘woman’. In each case it is isolated from the sphere of ‘ethical life’. Hegel attempts to simultaneously suspend, contain and lift-up ‘death’ through the folding motions of the Aufhebung, but this motion is justified by an impossible premise; the ‘truth’ of the finite is death. While this can be demonstrated to be a tendency it cannot be logically qualified as an a priori truth, yet Hegel’s system requires that it is a priori. As a result the system is caught in an infinite loop of ‘demonstration’ and to avoid failure it claims that this loop is the totality; it is the repetition of Golgotha without the promise of Patmos. This leaves the system caught in a form of positive feedback loop or autoimmune state; finite determinations appear within the system in order to pass-out of existence and pass-out in order to appear. This system depends on the appearance of the ‘nullity’ of the finite in order to guarantee the ‘name’, but this appearance is never complete in any one determination and thus it must be
repeated infinitely. In other words, Hegel attempts to prove that the ‘truth’ of life is death by forcing death into the present. In short, in order to verify that death is indeed the ‘truth’ of life death (like god) must enter being; it must be completely written-out. The impossibility of this demand is effectively the system’s double-bind; in order to realize the ‘truth’ of the ‘name’ it must write beyond writing by infinitely writing-out writing. Placed within the terms of ‘ethical life’ we find that the ‘name’ is both founded and preserved by (infinitely) writing-out the uncivilized body, but, what of the remain(s)? What is left when the process has run its course?

And here, almost against his will, he had to look at the face of the corpse. It was as it had been in life; no sign was visible of the promised redemption; what the others had found in the machine the officer had not found; the lips were firmly pressed together, the eyes were open, with the same expression as in life, the look was calm and convinced, through the forehead went the point of the great iron spike. (PC, 166)

Without its ‘truth’ Hegel’s system “becomes completely barren and empty, its activity a movement that makes no advance” and “remains at best a drawing of [circles] into empty space”, but this ‘truth’ returns from the grave (PRel I, 192). Writing transmits the promise of Hegel’s ‘truth’ from death into life. This is what the grave says,

“Here rests the old Commandant. His adherents, who now must be nameless, have dug this grave and set up this stone. There is a prophecy that after a certain number of years the Commandant will rise again and lead his adherents from this house to recover the colony. Have faith and wait!” (PC, 167)
Conclusion

The Remain(s) in Hegel’s Living State

Now the officer began to spell it, letter by letter, and then read out the words. “‘BE JUST!’ is what is written there,” he said, “surely you can read it now.”

Franz Kafka, “In the Penal Colony” (161)
I. From the Stage(s) to the Script

At this point we will take a step back from the course that we have followed thus far and reconsider Hegel’s overall account of the state. This ‘stepping back’ entails both a perspectival and methodological shift as we progress from a detailed textual examination of particular moments abstracted from the development of the state to a critical examination of the state in general. Naturally this critique will be directly predicated on the work that has preceded it. As such, this chapter will serve three related functions. First, it will provide an explication of the broader connections that link the three moments we have examined together. Secondly, it will draw out the various aporetic problems that we have already encountered in each of the moments that we have examined (i.e. violence and meaning; death and memory, etc.). Thirdly, it will relate these aporetic problems to the general structural dynamics of Hegel’s system. In regards to this final aim my intention is not to explicate these connections—as this would necessarily entail a much more sustained and direct engagement with the system as a whole—but, rather it is to present a set of openings that exist within the dynamics of the system. These openings lead to the question of authorship and responsibility in Hegel’s text. As such, my overall aim is not to conclude, close or in some way finish with Hegel, but rather, to open up other possibilities of approaching his work. With this aim in mind I have purposefully read his text from a different angle, under a different light, so that we can begin to see it as if almost for the first time.

Summary of the Course

In order to step-back we must first summarize our course up to this point. The preceding chapters operate as a succession of detailed re-examinations of three specific
moments from the Philosophy of Right. These three moments are abstracted from Hegel’s sequence, that is, they are taken out of the sequence that Hegel explicitly develops. This process of sampling moments out of Hegel’s conceptual chain has enabled us to concentrate our attention on a recurring pattern that parallels the entire life of the state. We begin to pick up on this pattern when we carefully scrutinize the positive function that lethal violence plays in each of these three moments. In each moment death is presented as the exposure of the ‘truth’ of determined finitude. This ‘truth’ plays a crucial role in Hegel’s system; with it in place Hegel is able to overcome the epistemological limitations of the Kantian ‘thing-in-itself’ and ground the totality. In Hegel’s terms this truth is the manifestation of ‘spirit’, which remains concealed ‘in-itself’ within the natural world. Both the status of this ‘truth’ and the precise nature of its ‘manifestation’ depend upon the connection between Hegel’s ontology and his epistemology. That is, it depends upon the connections that bind the biological and semeiological strands of Hegel’s system. This brings us to the dialectic of the ‘seed’ and the ‘name’ (cf. Chapter 3).

Hegel often refers to the ‘truth’ of determined finitude as the ‘seed’ or ‘germ of death’ (PN, 441; LPH, 83). This analogy is clearly articulated in the 1824 Lectures on the Consummated Religion:

The idea, therefore, can issue forth for consciousness from everything; for it is always just the idea that is in these infinitely numerous drops that reflect it back again The idea is represented, recognized, foreshadowed in the seed, which is the fruit, the ultimate determination of the tree; the seed first dies out in the earth, and only through this negation does the plant spring forth. A story—an intuition, a portrayal, an appearance of this kind—can also be raised by spirit to the level of the universal, and thus the history of the seed or of the sun becomes a symbol of the idea, but only a symbol; these are configurations that, in terms of their peculiar content or specific quality, are not adequate to the idea. What is known in them lies
outside of them; their meaning does not exist in them as meaning. (PRel III, 225)

As such, the ‘seed’ and life cycle of the tree operate as an incomplete ‘symbol of the idea’. This partial status is due to the natural status of the symbol. The seed can only represent one part of the concept because in this representation the idea does not become self-conscious. Thus, the symbol of the ‘seed’ must be elevated \[Aufhebung\] to cognition in the form of the ‘name’. As a ‘name’ the ‘seed’ is effectively elevated to the ‘spiritual’ realm of thought. This process of exposing the ‘inner truth’ of determined finitude is the \Aufheben of the biological to the semeiological; the elevation of the ‘seed’ to the ‘name’ or the ‘in itself’ to the ‘for itself’.66 Once the ‘seed’ is logically equated with the ‘name’ the path to ‘absolute knowledge’ is open as the subject now has access to the essence of the object. As such, the realization of ‘absolute knowledge’ is dependent upon the logical equivalence of the ‘seed’ and the ‘name’. Hegel claims to prove this equivalence via demonstration. For Hegel, death serves as the demonstration of the ‘truth’ of determined finitude, in that, death is the ‘negation of the negation’ and thus has definite positive meaning. On this point we can refer to the following quote taken from the 1824 Lectures on Determinate Religion:

…the finite is what it is as negation; thus we do not have the finite as a [mode of] being, but the nonbeing of the finite. The mediation between

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66 The theological dimensions of this relationship are unmistakable; by being exposed the ‘seed’ becomes the ‘name’ and within thought the ‘name’ becomes both the ‘tree’ and the ‘book’ of life. This is hardly surprising considering the emphasis that Hegel places on the Christian doctrine of ‘original sin’ as the only way to leave ‘sin’ and obtain ‘salvation’ is through the ‘tree’ and ‘book’ of life. There is also a distinct resonance with the Parable of the Sower from the synoptic gospels (Mark 4:1-20; Matthew 13:1-23; Luke 8:1-15). This parable is also useful to Hegel as the distinction between the ‘good’ soil and ‘bad’ soil figures directly into his distinction between superior and inferior modes of cognition. As such, the ‘seed’ (which for Hegel is a metaphorical representation of the ‘idea’) does not take root in a mind that is confined to the limits of ‘understanding’ [Verstand] as it can only receive the evidence of ‘sensible content’. Rather, the ‘seed’ takes root in the mind that can go beyond the finite bounds of ‘understanding’ and think speculatively.
finite and infinite thus resides rather in the negative nature of the finite. Thus the genuine moment of mediation is not expressed in the major premise as given; on the contrary, it is the nonbeing of the finite that is the being of the infinite. But because this transition is dialectical—because the speculative cannot be expressed in the form of a proposition, namely that the being of the infinite is the negation of the finite, the whole nature of the finite is to pass over into the infinite—for this reason the other propositions which to a syllogism cannot be added. For if one says that the nature of the finite is not to be, then one cannot, in the minor premise, any longer characterize the finite as being. What is amiss in the syllogism is that the finite is expressed as affirmative and its relation to infinite is expressed as positive, whereas it is essentially a negative relation, and this dialectical element in the finite cannot be confined within the form of a syllogism of the understanding. (PRel II, 264; cf. GL, 91-3)

But, how is this ‘positive’ meaning recognized? In the 1827 Lectures on the Consummate Religion Hegel will appeal to a form of intuitionism under the banner of the ‘witness of spirit’ (PRel III, 255). He will define this in general terms as “…whatever accords with spirit, whatever awakens in it, or produces in its inwardness, a deeper resonance” or a mode of sympathy in which “…the spirit or soul cries out, “Yes, that is the truth”” (PRel III, 255-7). Hegel goes on to qualify this by stating that the ‘witness of spirit’ is thought (PRel III, 346). Thus, in its highest form is philosophy and, as such, the philosopher retains his position as the sole guarantor of the ‘truth’ (PRel III, 256). Yet, in ‘witnessing’ the actual moment of death—which, we must remember is the negation-of-negation and thus the key stone of the entire system—can we honestly say that our ‘soul’ cries out, and exclaims, “Yes, this is the truth”? Is it not more, or at least equally, plausible that the moment of death calls the very possibility of meaning—let alone ‘truth’ or the ‘idea’—into question?

Each of the three moments that we have selected requires a demonstration of the ‘positive’ meaning of death. In short, each moment involves the sounding-out of the
finite and it is through this *sounding-out* that the ‘seed’ becomes the ‘name’. Our aim in each moment has been to challenge the status of this demonstration by reading Hegel’s text to the letter. By carefully scrutinizing the textual development of each moment we have problematized the very notion that death has any definite meaningful content. Without this ‘truth’—that is, without the ‘inner truth’ of the object—the subject cannot transcend the epistemological limits of its own perspective and, as such, Hegel’s system fails. In terms of Hegel’s model of the state this failure translates into a fundamental crisis of legitimacy. That is, without the definite and positive meaning of death to ground the law’s claim to justice the basis of political authority becomes arbitrary.

Hegel’s text has a built-in defense to this type of critique; in order to recognize and affirm the ‘manifestation’ of the ‘truth’ of determined finitude as true the subject must have ‘absolute knowledge’. This epistemological qualification acts as a sealing mechanism on Hegel’s entire argumentative structure. In effect any and all objections to the events that take place within any particular moment are explained to be the result of the readers own limited epistemological viewpoint. This deferral operates in conjunction with the basic promise of Hegelian systemics, that is, the promise to bring the reader true ‘reconciliation’ via ‘absolute knowledge’. Accordingly the text solicits the participation of the reader in order to suspend their judgment and urge them to continue forward. By

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67 The sounding-out of determined finitude involves an *Aufhebung* in which the essence of the biological is elevated to the semio-logical realm of thought. This process always already involves a distinction between the essential and the non-essential or material. Hegel frequently employs the figurative ‘husk’ and ‘seed’ or ‘germ’ [*Keim*] to articulate the distinction between the portion of the finite that has positive value (the seed) and the part that he deems to be worthless (husk). The distinction relates to Derrida’s reading of Hegel as it directly concerns the issue of ‘remain(s)’ within the system; we will develop this connection later on (cf. Chapter 3; GL, 129; PH, 441-5; LWH, 85, 89).
taking particular moments out of Hegel’s conceptual sequence we have effectively refused to participate in the text’s explicit epistemological organization.

Our challenge to Hegel’s text centers on a recurring pattern. This pattern is evidenced in the demonstrative role that lethal violence plays in each of the three moments we have selected. Hegel’s system is predicated on the ‘truth’ of determinate finitude and this ‘truth’ is manifested in death, that is, in the moment in which the ‘seed’ and the ‘husk’ or the ‘sign’ and its ‘meaning’ are separated. Thus, the system operates by negating the ‘unessential’ part of the finite, but the distinction between ‘unessential’ and ‘essential’ can only be made from the position of ‘absolute knowledge’. Thus, those that do not posses this knowledge must simply continue on with the process of negation. Without the guarantee of ‘absolute knowledge’ there is no final justification. Thus, the system effectively shares the fate of Kafka’s apparatus: it is exposed a machine that simply negates simply in order to negate. Hegel attempts to stabilize this dynamic by claiming that the negation of the finite is the negation-of-negation and thus has a ‘positive’ content, but this claim can only be confirmed by one who possesses ‘absolute knowledge’ (i.e. the speculative philosopher) and furthermore this confirmation is always retrospective. As a result Hegel’s ‘totality’ exists in a type of unstable equilibrium, which can be thought of as a positive feedback loop or in my own terms as a state of siege.

While I would argue that this applies to Hegel’s system as a whole our specific focus here is Hegel’s state. As such, we will now direct our inquiry towards the life of Hegel’s state.

II. A Remarkable Apparatus: But, how does it work?

Kafka’s short story “In the Penal Colony” opens with the officer presenting ‘the apparatus’ to the explorer. In the very first line of the text he exclaims “It’s a remarkable
piece of apparatus” and he goes on to provide the explorer with a detailed tour of the system’s structure (PC, 140). As the officer methodically enumerates the parts of the apparatus—taking us from the ‘Bed’, to the ‘Designer’ and the ‘Harrow’—it becomes almost impossible not to share in the officer’s admiration. The rational elegance and frightening precision of the apparatus is nothing short of inspiring, but this inspiration is tinged with a definite sense of dread. This strange mix of admiration and dread also applies to any serious reading of Hegel’s Philosophy of Right. The structure of the text is no less methodical than Kafka’s apparatus. Hegel develops the concept of right by enumerating a specific series of necessary determinations of right. Each determination is painstakingly constructed in accordance with Hegel’s dialectical logic to form a necessary temporal sequence. Taken on their own each moment is incomplete and thus in order to continue on we must tacitly agree to temporarily suspend our judgement and accept much of Hegel’s philosophical argumentation—which serves to situate each specific determination within the totality—on faith. Hegel is constantly urging us forward to the epistemological denouement that will—he assures us—resolve all of our doubts and grant us ‘absolute knowledge’. Yet, as we read along and struggle to understand what is taking place before us we are inevitably confronted by a moment—or, as in our case, an interconnected series of moments—that stands out from the others. Once we reach this moment we can either choose to accept Hegel’s profuse and brilliant reassurances and continue on or we can take a step back and begin to question the course that has brought us to this point, but in either case we are forced to decide. Here again our course converges with Kafka’s explorer; as the officer sets the apparatus to work on his own flesh we are faced with a decision. We can side with Kafka’s explorer and flee the
colony. We could even attempt to blind ourselves to the ultimate failure of the apparatus, take up the officer’s cause and attest to its fundamental ‘truth’, but our course of action will diverge from both of these options. We will begin by taking a step-back, pausing and seriously examining the failure of the apparatus in relation to its structural logic. By taking this course of action we can begin to understand and expose the underlying logic that determines history of the apparatus within the colony. This underlying or implicit logic would effectively explain entropic relationship that exists between the apparatus and the political structure of the colony. Furthermore it would account for its capacity to simultaneously found, preserve and eventually undermine the legitimacy of that political structure. In relation to Hegel’s text we can begin this course by asking a deceptively simple question, namely, how does the state live?

A). The Organic Apparatus

How does Hegel’s state ‘live’? That is, how does it both come to life and continue to live? This question centers on Hegel’s definition of ‘life’ and its relation to his model of epistemology and, as such, it cannot be confined strictly to the realm of ‘objective spirit’. Rather, by asking this question we begin to confront and problematize the connections that bind the entire system together. While the pinnacle of the system is doubtlessly ‘absolute spirit’ the actual ‘truth’ of the claims that are developed in ‘absolute spirit’ are dependent upon the strict ontological identity of the ‘subject’ and the ‘object’. In Hegel’s own words,

Truth consists in objectivity being adequate to the concept; but what is adequate to the concept is only the concept itself insofar as it has itself as its counterpart or object. The content as idea is the truth. (PRel III, 269)

I should note here that my observations here concerning the paradoxical relationship that exists between violence and the legitimacy of the state relate directly to Benjamin’s “Critique of Violence” as well as Derrida’s work on auto-immunity and Levinas’ work on allergy.
Hegel recognizes that the task of proving this identity—and thereby justifying the ‘concept’—requires a complete explication of “…every form of the relation of consciousness to the object” (GL, 48). He carries out this explication in the portions of the system that specifically deal with determined finitude and consciousness, namely, ‘objective’ and ‘subjective spirit’.

Hegel’s overall aim is to go beyond the limits of the Kantian ‘as if’ and prove that ‘spirit’ is the ontological ground of ‘life’. In order to succeed Hegel must exhibit and directly correlate all possible determinations of ‘life’ and show how these determinations are “the coming into being of spirit’ (PRel III, 90). This requirement introduces a structural interdependence between Hegel’s ontological account of ‘life’ and his epistemology, which can be thought of as a type of key and lock arrangement. Taken on their own each is incomplete and if they are to function properly the correspondence between them must match up exactly. The process of achieving this level of correspondence is dialectical. Each of the three moments that we have chosen act as bench-marks within this process. Seeing as we have already provided a detailed account

\[\text{But life, which is the highest exhibition of the idea in nature, means precisely the sacrifice of self—the negativity of the idea vis-à-vis this its existence [}\text{Existenz}]—and the coming into being of spirit. Spirit is this coming forth by means of nature; that is to say, spirit finds its antithesis in nature, so that, through the sublation of this antithesis, spirit is \textit{for itself}, i.e., is spirit. Nature, [however, is] the idea subsisting only \textit{in} itself, i.e., posited in immediate form or in otherness. (PRel III, 90)\]

This statement is effectively summed up earlier on in the same text;

\[\text{What is spirit or its concept is can be explicated only through its realization or totality because its concept is precisely to be the idea. (PRel III, 74)}\]
of each moment we will simply summarize each. These summaries are necessary as they will enable us to schematize the ‘life’ of the state.

The process begins out of alignment. That is, it beings with what Hegel refers to as the ‘state of nature’. At this stage consciousness is immersed in a ‘natural’ state. This entails that the determinations of the will are ‘determinations of nature’ and, as such, in §18 of the Philosophy of Right Hegel explicitly states that they are,

…opposed to freedom and to the concept of the spirit in general and therefore negative, they must be eradicated; thus man is said to be by nature evil. (PR, 51)

This ‘negative’ condition—which, Hegel also refers to as uncivilized [ungebildeten], savagery [Wildheit] and barbarism [Rohheit]—effectively inhibits the development of ‘spirit’ and as a result the ‘right of heroes’ is established. As Hegel states in the addition to §139,

The solution [of this problem], from the point of view of the concept, is contained in the concept itself, for the concept — or in more concrete terms, — the Idea — has the essential characteristic of differentiating itself and positing itself negatively. (PR, 169)

In §350 Hegel stipulates that,

It is the absolute right of the Idea to make its appearance in legal determinations and objective institutions, beginning with marriage and agriculture, whether the form in which it is actualized appears as divine legislation of a beneficial kind, or as violence [Gewalt] and wrong. This right is the right of heroes to establish states. (PR, 376)

As such the form that the ‘solution’ (i.e. the ‘right of heroes’) takes requires neither recognition nor proportion. In §93 Hegel admits that,

Pedagogical coercion, or coercion directed against savagery and barbarism [Wildheit und Rohheit], admittedly looks like a primary coercion rather than one which comes after a primary coercion which has already occurred. But the merely natural will is in itself a force directed against the Idea of freedom as that which has being in itself, which must be protected
against this uncivilized [ungebildeten] will and given recognition within it. (PR, 120)

Thus, the very orientation of the ‘natural will’ constitutes an ‘act of violence’ against the Idea and, as a result, any action taken against it is justified by the ‘right of heroes’. The hero serves as an ‘instrument of spirit’ and educates the ‘uncivilized’ by exposing the ‘truth’ of determined finitude. This ‘exposure’, or negation-of-negation, requires neither recognition nor proportion, and thus is not to be confused with the struggle for recognition (cf. Chapter 1). As such, the very first appearance of ‘spirit’ on the historical stage is the act of ‘heroic vengeance’. The ‘positive’ result of this moment is the formation of the necessary precursors of the state (i.e. the family and agriculture).

The second moment that we take up is the transition from ‘abstract right’ to ‘morality’. In a sense the function of this moment is to go beyond the inherent limitations of ‘heroic vengeance’. This ‘limitation’ stems from the inherently disproportionate nature of ‘avenging justice’. Referring to §102 we find that,

In this sphere of the immediacy of right, the cancellation [Aufheben] of crime is primarily revenge, and its content is just so far as it constitutes retribution. But in its form, it is the action of a subjective will which can place its infinity in any infringement [of right] which occurs, and whose justice is therefore altogether contingent, just as it exists for the other party only as a particular will. Thus revenge, as the positive action of a particular will, becomes a new infringement; because of this contradiction, it becomes part of an infinite progression and is inherited indefinitely from generation to generation. (PR, 130)

Thus, while Hegel clearly distinguishes ‘heroic vengeance’ from ‘private revenge’ he also recognizes that they both share a common limitation in terms of their capacity to actualize ‘right’. As such, ‘heroic vengeance’ is confined to the exterior of the state—‘exterior’ in this sense referring to both time (preceding) and space (outside)—precisely because it is incapable of fulfilling the function of ‘punitive justice’. According to Hegel
‘punishment’ is a proportional response to the ‘crime’ and thus, it lacks the subjective form of ‘revenge’. He acknowledges that in most cases this proportionality or equivalence is not specific. Rather, it is a formal equivalence that established by a criminal code. The criminal code effectively converts crimes into a set of values that are then exchanged for punishments that are equal in terms of their value. The problem is that at this stage of the Philosophy of Right there is no state to establish a criminal code.

Hegel solves this problem by pointing out that there is one crime that logically entails its own punishment. Murder necessarily incurs the death penalty and, as such, the punitive execution of the murderer fully actualizes ‘right’. That is, the execution must be preformed in such a way that the executioner “…as a particular and subjective will, also wills the universal” (PR, 131). If this condition is fulfilled the act of ‘punitive justice’ exposes and cancels [Aufgehoben] the opposition between the individual will and the universal. Consequently in the act of execution ‘right’ “…is and is recognized as actual by virtue of its necessity” (PR, 131). The manifestation of ‘right’ in the execution has a transformative effect on the individuals that bear witness to it. Effectively the execution of the murderer enables them to relate to their own individuality from the perspective of the universal. The reflective internalization of the execution transforms the individual spectators into a community of subjects. In short, the punitive mode of lethal violence establishes the boundary that defines the interiority of the state.

In the third moment we address the complete state, both in terms of its internal structure and its metabolic relationship to its external environment. In regards to its internal constitution the functions of the state are divided into three substantial elements,

(a) the power to determine and establish the universal — the legislative power;
(b) the subsumption of particular spheres and individual cases under the universal — the executive power;
c) subjectivity as the ultimate decision of the will — the power of the sovereign, in which the different powers are united in an individual unity which is thus the apex and beginning of the whole, i.e. of constitutional monarchy. (PR, 308)

According to Hegel this threefold internal structure is necessary in the strongest possible terms as it directly reflects the ‘nature of the concept’. Referring to §269 we find that;

The [political] disposition takes its particularly determined content from the various aspects of the organism of the state. This organism is the development of the Idea in its differences and their objective actuality. These different aspects are accordingly the various powers [within the state] with their corresponding tasks and functions, through which the universal continually produces itself. It does so in a necessary way, because these various powers are determined by the nature of the concept; and it preserves itself in so doing, because it is itself the presupposition of its own production. This organism is the political constitution. (PR, 290)

As such, the three-fold internal structure of the state-organism enables it to continually ‘produce’ itself and ‘preserve’ itself, but what does this process of internal self-production entail? To answer this question we have to review Hegel’s definition of the ‘political disposition’ as it is set out in §268;

The political disposition, i.e. patriotism in general, is certainty based on truth (whereas merely subjective certainty does not originate in truth, but is only opinion) and a volition which has become habitual. As such, it is merely a consequence of the institutions within the state, a consequence in which rationality is actually present, just as rationality receives its practical application through action in conformity with the state’s institutions. — This disposition is in general one of trust (which may pass over into more or less educated insight), or the consciousness that my substantial and particular interest is preserved and contained in the interest and end of an other (in this case, the state), and in the latter’s relation to me as an individual [als Einzelnem]. As a result, this other immediately ceases to be an other for me, and in my consciousness of this, I am free. (PR, 288)

The state thus establishes and maintains its internal structure by continually orienting and re-orienting its particular members. This internal uniformity is of central importance for
Hegel as the state only is a ‘living’ system to the extent that it is able to both maintain a
definite boundary (i.e. between the interior and exterior) and a constant teleological
orientation (i.e. towards the Idea). As such, pattern maintenance—the process of forming
and maintaining the proper orientation of the state (i.e. ‘patriotism’)—must be constant
because the ‘living unity’ of the state is under the constant threat of dissolution.

This threat can be either internal or external in origin but, in either case the result is a
functional deviation of a particular structure from the state as a whole or analogously an
organ from the organism. The result is loss of the universal ‘political disposition’ and the
formation of the ‘rabble’ [Pöbels]. Hegel utilizes a series of synonyms to refer to the
‘rabble’—from the ‘crowd’ [Menge], to the ‘many’ [Vielen], ‘mass’ [Masse] and
‘aggregate’ [Haufens]—but each refers to a group of individuals that are driven by
particular and not universal interests. The state can utilize its executive powers to re-
orient its particular members towards the universal, but this assertion of state power is
directly limited by existing legislation. Thus, once the state has lost its internal continuity
it has entered a ‘situation of crisis’ and, as such, the remaining structure(s) of the state
will turn to the simple concept of sovereignty to save the state (PR, 316). In the case of an
internal crisis the sovereign is able to utilize martial law to essentially redraw the
boundaries of citizenship in an effort to excise the ‘rabble’ from the state. In the case of
an external crisis the sovereign declares war on an enemy. In either case the ‘political
orientation’—which, we must remember is the ‘living-unity’ of the state—is both
founded and preserved by the demonstrative power of lethal violence.

In other words, the state is a living system in the sense that it is involved in a dynamic
process of boundary articulation and pattern maintenance (i.e. this pattern is the
‘concept’). If that pattern is disrupted (i.e. it develops a ‘rabble’) or if the boundary is compromised (i.e. is invaded by ‘barbarians’) the state must reassert the pattern or dissolve. The irony is that the pattern itself is unstable and thus reassertion entails the acceleration of dissolution, which in turn requires reassertion. Where the perpetuation of a Ponzi scheme requires an ever-increasing flow of capital the perpetuation of Hegel’s ‘living’ state requires an ever-increasing flow of blood.

B). Limitations within the Circuit: Death and Thought.

The three moments we have selected both chart the development of the state-organism and outline its metabolic process. In Hegel’s terms this living ‘process’ is the ‘dialectic’ of the ‘concept’. Referring to §31 of the Philosophy of Right we find that;

The moving principle of the concept, which not only dissolves the particularizations of the universal but also produces them, is what I call dialectic. (PR, 60)

Hegel continues,

The higher dialectic of the concept consists not merely in producing and apprehending the determination as an opposite and limiting factor, but in producing and apprehending the positive content and result which it contains; and it is this alone which makes it a development and immanent progression. This dialectic, then, is not an external activity of subjective thought, but the very soul of the content which puts forth its branches and fruit organically. (PR, 60)

The key here is that the ‘concept’ is the ‘very soul’—or, as Hegel states in the Logic the “…very heart of things, their simple life-pulse”—of the object (GL, 37). If Hegel can sustain this claim then he does indeed go beyond the limits of Kant’s critical philosophy and think the totality, but the substance of this claim rests on his epistemology. Only philosophical cognition [Erkenntnis] can penetrate through the brightly colored surface of substance and think the rationality of the actual (PR, 20-1). Yet, the only ‘proof’ that Hegel can call upon to verify the claim that the ‘concept’ is the truth of the object and not
simply a subjective mode of understanding [Verstand] is death. Hegel clearly states that the ‘truth’ of determined finitude is death and thus, the true test of philosophical cognition is to think death. This connects back to our previous discussion of the analogy of the ‘seed’ and the ‘name’. The speculative philosopher thinks the ‘truth’ of determined finitude by penetrating it, uncovering its ‘seed’ and converting it to a ‘name’. In this conversion of the biological to the semeiological—and from the semeiological to thought—he deprives the object of its alterity. This process is echoed in Hegel’s account of the Eucharist;

Sensible presence is nothing on its own account, nor does consecration make the host into an object of veneration; rather the object exists in faith alone, and thus it is in the consuming and destroying of the sensible that we have union with God and the consciousness of this union of the subject with God. Here the grand awareness has arisen that, apart from communion and faith, the host is a common, sensible thing: the process is genuine only within the subject’s spirit. (PRel III, 338)

Here we find that the subject becomes aware of its ‘union with God’ in the ‘consuming and destroying of the sensible’. Hegel refers to the ‘consciousness of this union’ as “…the unio mystica, [one’s] self-feeling of God, the feeling of God’s immediate presence within the subject” (PRel III, 337). This logic is directly paralleled in Hegel’s account of the execution of the murderer. In the destruction of the murderer’s body the spectators feel their unity with the universal and in this feeling they become subjects. The state is both founded and maintained by the unio mystica that proceeds from the consuming and destroying of alterity, but there is a problem. The success of Hegel’s account hinges upon being able to bring us into this auto-affective state and thus, stave off the skepticism that will question the distinctions that enable him to present this destruction as sacrifice and
not simply murder. At this point is useful to turn to the Preface to the Philosophy of
Right:

To recognize reason as the rose in the cross of the present and thereby to
delight in the present — this rational insight is the reconciliation with
actuality which philosophy grants to those who have received the inner
call to comprehend, to preserve their subjective freedom in the realm of
the substantial, and at the same time to stand with their subjective freedom
not in a particular and contingent situation, but in what has being in and
for itself. (PR, 22)

The problem begins to take a more pointed articulation; what of those who do not receive
the ‘inner call to comprehend’? Those who do not or cannot think death and share in the
auto-affective glow of the unio mystica? It is clear that these individuals would be shut
out from the ‘political disposition’ and would thus exist as a ‘mass’ within the body of
the state. The state can utilize its disciplinary apparatus to excise this ‘mass,’ but this only
exacerbates the initial problem and generates more ‘masses’. The state thus faces a
double-bind; it must use violence to both found and preserve itself and yet the use of
violence erodes the very foundations of its legitimacy. In other words, the structural
dynamics of Hegel’s state—its very metabolism—are unstable. The reliance upon lethal
violence to secure the ‘political disposition’ of individual citizens generates a crisis of
conscience that erodes ‘political disposition’ and results in the formation of ‘masses’. As
a result, Hegel’s state is locked into a permanent state of siege. By using the siege
metaphor I am not suggesting that it is left in a static deadlock, rather, the state is an ever
diminishing circle. The state of siege is fundamentally entropic. Not only does the state
face the external threat of the enemy, but the constant internal threat of collusion and
sedition. As a result the basic distinctions that maintain the state—internal/external,

70 Walter Benjamin develops a very similar account on the relation between sovereignty and
violence in his “Critique of Violence” and The Origin of German Tragic Drama.
friend/enemy—become blurred by the corrosive power of suspicion and the state collapses in upon itself.

Hegel is not unaware of the entropic trajectory of the state. In fact it is integral to his account of the ‘concept’; in its final phase it returns to itself from diremption and achieves reconciliation. But, seeing as the ‘truth’ of the ‘concept’ itself hinges on its ability to account for each and every determination of finitude we are faced with a decision. In each and every moment that lethal violence is legitimiz\!ed by the ‘concept’ we must decide to either accept the distanced assurances of the philosopher or to begin to doubt. In the former case we will continue forward in locked-step with the state towards our own inevitable ‘reconciliation’. Thus, there is an incentive to draw us towards the path of the philosopher and accept the ‘political disposition’, but at what price? How are we to decide who is to die? How can we justify the use of lethal violence and see it as the realization of ‘right’? If on the other hand we choose to doubt we are forced to diverge from Hegel’s course—that is, from the course of ‘absolute knowledge’—and to find our own path within the text. This dilemma cuts to the core of Hegel’s system; the philosopher calls upon us to bear witness to the ‘truth’ of ‘spirit’, to read the truth of the text, but how are we to read the death of another?

When we specifically direct our attention to the case of death we find that for Hegel it acts as the transition of spirit from diremption back to unity with itself. But, in order for this interpretation to fit there must be a discernable distinction between ‘spirit’ and ‘substance’. This distinction must be intelligible within the moment of the execution. We must be able to determine what is simply residual—and thus only apparently real—and what is ‘spiritual’. If this is not possible then the transition from ‘persons’ to ‘subjects’ is
all the more puzzling. How do they know that this death is the actualization of ‘right’? That there is no subjective excess or residue that would contaminate this act of ‘punitive’ justice and transform it into simple vengeance? As such, the problem with Hegel’s concept is not the distance between form and matter, but rather, it is the undecidable nature of their proximity.

Hegel’s system is built upon an organic relation between form and matter, but this relation is governed by a set of distinctions that constantly divide and define ‘life’ in relation to the ‘concept’. This correlation enables Hegel to distinguish between the inner ‘truth’ of ‘life’ (the ‘seed’) and the substantive remainder (the ‘husk’). This distinction also extends to modes of living as he separates the authentic ‘life’ (i.e. lived in accord with the concept) from the inauthentic (i.e. the ‘uncivilized’). The execution itself is justified by such a distinction. The act of punitive justice negates the ‘body,’ but in this negation ‘right’ is actualized and the criminal is “…honored as a rational being” (PR, 126). According to Hegel this ‘actualization’ of ‘right’ can be thought of as energy moving through a ‘circuit’;

The infinite form is the circuit of this determining process; the concept is spirit only because it has achieved determinacy through this circuit, has moved through it. This is how it first becomes concrete. (PRel III, 269)

This point is echoed further on,

It is only when the subject ceases to be classed as belonging to the immediate being of the natural and is posited as what it intrinsically is, namely, as movement, and when it has gone into itself, that finitude as such is posited, and indeed as finitude in the process of the relationship in which the need for the absolute idea and its appearance come to exist for it. (PRel III, 295)

Thus, in the case of the execution the division between the ‘immediate being’ of the ‘body’ and the ‘movement’ of ‘spirit’, becomes ‘concrete’. In the circuit analogy the
energy of ‘spirit’ simultaneously passes through and expends the ‘body’ like a passive conductor. In the instant that the ‘body’ is expended ‘right’ is actualized—in our circuit analogy, the current overloads and expends the conductor in a flash of light and heat—and the spectators become subjects. Yet, in order for this to work there must be a clear distinction between the essential and inessential components of determined particularity (i.e. the ‘seed’ and the ‘husk’), but where is the line that objectively divides them and, perhaps even more importantly, how is this line determined? It is the inability to completely distinguish between the ‘seed’ and the ‘husk’ that brings the shadow of doubt both into the moment of execution and the philosopher’s reading of it. In this case—as in any legitimized use of lethal violence—speculative philosophy faces its limit. It cannot dwell within the moment, it cannot ‘issue instructions’ and thus, it simply abstains from attending to the immediacy of death (PR, 23). Seeing as the philosopher cannot follow us to either the gallows or the trenches how can we be sure that what we are bearing witness to is ‘right’? And if we find that we are indeed overwhelmed by the spectacle of death how can we be sure that what we are feeling is the unio mystica with the divine?

Returning to our reading of Kafka, what of those that cannot read the sentence and thus cannot immerse themselves in the knowledge that what they are seeing is ‘justice’? What of those that simply cannot let go of the husks?

C). Bearing Witness at the Gallows: Reading the Writing of Right.

At this point we are confronted by two related questions; first off, do, or rather, can those who participate in acts of lethal violence forget those acts? Now, to be clear, I specifically use the term ‘participation’ so that we can extend the question to both those who actively carry out such acts and those who passively participate as ‘spectators’.
Secondly, if we find that the memory of lethal violence is preserved—and we maintain our contention *contra* Hegel that death lacks the ‘positive’ meaning that he ascribes to it—then how does this effect ‘ethical life’? Seeing as this question relates directly to perception, memory and practical activity we are drawn towards Hegel’s epistemology. In the addition to §4 of the *Philosophy of Right* Hegel stipulates that,

> The distinction between thought and will is simply that between theoretical and practical attitudes. But they are not two separate faculties; on the contrary, the will is a particular way of thinking—thinking translating itself into existence [*Dasein*], thinking as the drive to give itself existence. (PR, 35)

This selection from the text enables us to begin to formalize the connection between our opening questions, that is, both center on the process of ‘translating’ [übersetzend]. I contend that this process is subject to a twofold distortion. First, there is the distortion that Hegel accounts for, namely, that the ‘translation’ from thought to existence [*Dasein*] is not exact. For Hegel, this is due to the fundamental insufficiency of the finite in relation to ‘pure’ thought (i.e. Absolute Idea). Secondly, there is the distortion that effects the transition from the finite to thought. We can refer to this second distortion as a distortion of ‘reading’. On this point Hegel attempts to solve the problem by presenting an epistemological model that is (purportedly) capable of progressively purifying thought by completely filtering-out distortion. Thus, the question of memory, and in particular the memory of lethal violence, relates directly to the activity of theoretical cognition and the ‘reading’ distortion. By calling the inner workings of theoretical cognition into question we are then able to extend this question to the entire process of ‘translating’, that is, the activity of practical cognition and ‘ethical life’. Yet, as we observed in the introduction the integrity of this model of cognition hinges upon the neutrality—or, neutralizibility—of the ‘sign’. If the ‘sign’ is *not* neutralizable the entire system of cognition would be
subject to an infinite regress (Hegel’s ‘bad’ infinity). As such, the actions of ‘practical cognition’ would necessarily be contingent, that is, no action would be justifiable in the absolute sense. This has serious implications for Hegel’s model of the state.

The acts of lethal violence that are justified by the ‘Idea’ are grounded upon the neutralizibility of the ‘sign’ or ‘middle-term’. Each of the moments or shapes that we have analyzed play-out the teleological neutralization of the ‘sign’; the heroic vengeance corresponds to the stage of ‘intuition’, the execution of the murderer to ‘representation’ and the monarch to ‘memory’ and ‘thought’. The activity of the complete state is a continual process of translation or naming, but contrary to Hegel’s claims the ‘name’—that “fundamental desideratum of language”—is not ‘pure’ (PM, 217). As a result, the process of ‘translation’ (practical cognition) is subject to double contingency (i.e. both the ‘name’ and the ‘object’ are contingent). Hegel’s defense against this challenge is twofold; ontological imperfection and epistemological qualification. That is, he concedes that the ‘object’ is contingent and attempts to salvage the purity of the ‘name’ by diffusing any and all contentions on the basis of ‘absolute knowledge’ (i.e. anyone who challenges the purity of the ‘name’ does not have ‘absolute knowledge’ and only those that have ‘absolute knowledge’ know the purity of the ‘name’). The circularity of the system promises to resolve the circularity of the argument. Hegel’s state—much like the penal colony in Kafka’s story—is a continual redrawing of this circle in empty space. A body enters the apparatus to receive the sentence and a crowd gathers to watch. They are drawn by both the promise of justice and the spectacle of punishment. The apparatus sets to work and begins to inscribe the sentence onto the body. The crowd watches as the sentence is written-out. The struggle to read the sentence—to recognize justice in the
punishment of the condemned—but, only the condemned body understands the inscription; as Kafka’s officer exclaims,

“You have seen how difficult it is to decipher the script with one’s eyes; but our man deciphers it with his wounds.” (PC, 150)

The spectacle of punishment cannot fulfill the promise of justice and thus, the crowd abandons the apparatus. In desperation the officer attempts to force the apparatus to write-out an imperative—“BE JUST!”—but, unable to translate the imperative the apparatus collapses upon him. The final refuge of Hegel’s state is also the final refuge of the apparatus; “Have faith and wait!” (PC, 167) This final imperative requires that we wait and accept the sentence—however unintelligible—on ‘faith’, but what is the cost of this ‘faith’? And, more importantly, who pays the price for our patience?

On this point Hegel will direct us towards Absolute knowledge and reconciliation, that is, he will point towards Absolute Spirit. And yet, if we choose to take Hegel on his own terms and move on from Objective Spirit to Absolute Spirit we effectively leave the practical consequences of his speculative proposition behind us. This shift in perspective is tempting as from the perspective of Absolute knowledge—the only ‘true’ seat in the Hegelian theater—we can see war as celebration and execution as justice; by seeing all sacrifice as self-sacrifice we become free. And yet, by accepting this position either we do not question the price of this freedom or we simply assume that we have already paid it in full. This position and the freedom that it entails relies upon the absolute neutrality of the sign. As such, by tracing out the transference and repetition of a remainder from theoretical to practical cognition we must question the freedom that Absolute knowledge offers. For Hegel, we become one with the Absolute by forgiving from the perspective of the Absolute—that is, we become one with god by forgiving as a god—but, if this
absolute appropriation of alterity is impossible then Hegel’s reconciliation is not Absolute. Thus, by taking up the speculative proposition and claiming Absolute knowledge we fail to bear witness to the writing-out of the finite and, as such, we become complicit in the violence that Hegel’s system attempts to justify.

Can we forgive for the other? That is, can we forgive the other and absolve it of its very alterity? Can we claim the alterity of the other as our own? Is forgiveness so easy to give if we change positions and instead of standing on objective spirit (as if it were proven and true) to reach the height of Absolute Spirit we turn our attention towards the proving grounds of the proof itself? Are the transitions as easy to stomach when we read them closely? Is it possible to forget when we see war from the trenches instead of from the throne? Can we achieve reconciliation—and with it ‘absolute’ knowledge—if the sacrifice that we make is not our own?

Perhaps it is time to stop being ‘philosophical’ about lethal violence; to stop making sense of—and from—violence and actually pay attention to the event and its interpretation. By watching objective spirit closely—that is, by taking the responsibility of bearing witness seriously—we can begin to see the impossibility of Hegel’s text. If we maintain this ethical vigilance we will view the moments like a play and thus, we will see a series of inexplicable scene changes (the curtain drops and when it is lifted everything has been changed). If we fail and take the position that Hegel urges us towards we see the moments of the system play-out before our eyes too quickly and, like a film, the transitions occur with such speed that they are forgotten for us. In the end we must have the patience to read Hegel to the letter, that is, we must read Hegel ethically. We ‘must’
read ethically because to fail in this reading we do not simply fail our self, rather, we fail
to bear witness of and give testimony for another.
That man may crawl like a worm into the folds of the naked earth before the whizzing projectiles of blind, pitiless death, or that there he may feel as violently inevitable that which he never feels otherwise: his I would be only an It if it were to die; and he may cry out his I with every cry still in his throat; against the Pitiless One by whom he is threatened with such an unimaginable annihilation—upon all this misery, philosophy smiles its empty smile and, with its outstretched index finger, shows the creature, whose limbs are trembling in fear for its life in this world, a world beyond, of which it wants to know nothing at all. For man does not at all want to escape from some chain; he wants to stay, he wants—to live.

Franz Rosenzweig, *The Star of Redemption* (9)

To risk one’s life is certainly superior to simply fearing death, but it is also purely negative and therefore indeterminate and valueless in itself. Only a positive end and content can give significance to such courage. Robbers and murderers whose end is crime, adventurers whose end is a product of their own opinion, etc. also have the courage to risk their lives. —The principle of the modern world—*thought* and the *universal*—has given a higher form [Gestalt] to valour, in that its expression seems to be more mechanical and not so much the deed of a particular person as that of a member of a whole. It likewise appears to be directed not against individual persons, but against a hostile whole in general, so that personal courage appears impersonal. This is why the principle of thought has invented the *gun*, and this invention, which did not come about by chance, has turned the purely personal form of valour into a more abstract form.

G.F.W. Hegel, *Elements of the Philosophy of Right* (365)
The contrast between the above epigraphs in many ways parallels our course through Hegel’s text. The first offers us the perspective of the solider in the trenches and the second the removed (both in terms of time and space) perspective of the philosopher. Within the Philosophy of Right each moment—from heroic vengeance to execution and finally warfare—is interpreted ‘philosophically’, which is to say conceptually. We are told explicitly that the subject of the text is ‘right’ in principle not the vagaries of the world of practice. This impersonal distance is presented as ‘the’ condition of the possibility of ‘true’ thought. The presumption here is that the perspective of those within the actual event posses less ‘truth’ than the philosopher that arrives on stage after the act has finished. As such, it should be of no surprise that it is the principle of this mode of thought that gives both birth and praise to the impersonal distance of the ‘gun’. In stark contrast to this mode of ‘thought’ Rosenzweig writes to us from within the moment (in this case the trenches of the Balkan front). Here we find that the ‘truths’ promised by and from the perspective of ‘philosophy’—which, for Rosenzweig, must be understood as a reference to German Idealism in general and Hegel in particular—offer the actual living subject nothing. This thought, that is, the thought from within the moment, is unable to appreciate the rationality of the ‘gun’ in principle precisely because for it the ‘gun’ is a lived reality. As such, the epistemological promises of Hegel’s system simply evaporate in the face of actual violence. While Hegel can and will attempt to write this off as yet more evidence of the incompleteness of the moment this gesture is only sustainable under the presumption of ‘absolute knowledge’. Without this presumption the distant assurances of philosophy are reduced from the rational of the actual (i.e. a determinative judgment) to a rationality of the actual (i.e. a reflective judgment). Hegel can attempt to
sustain his claim to the former by soliciting our participation in the project. He can explain how we are, in effect, already on the path that will undoubtedly lead us to ‘absolute knowledge’ and ‘reconciliation’. And yet, if the course of this path is in the ever present shadow of the ‘cross’—indeed of countless crosses—how can we justify our simply continuing on our course? That is, how can our desire for ‘reconciliation’ enable us to accept the misery of the historical world as ‘necessary’? As such, the question of perspective is a serious question both on the ethical level and on the epistemological level.

In epistemological terms the philosopher claims the ability to ‘read’ the ‘truth’ of historical moments on a determinative level. This entails that this perspective is capable of going beyond the limitations of reflective judgment and knowing the ‘inner truth’ of the object. Once this ‘truth’ is grasped the philosopher is able to absolutely determine the necessity of each moment. While Hegel clearly stipulates that ‘objective spirit’ is incomplete its very incompleteness becomes necessary. In fact, it is the necessary incompleteness of ‘objective spirit’ that turns consciousness towards ‘absolute spirit’. In many ways this move parallels a particular mode of Christian theology in which the historical world is presented as a ‘veil of tears’ that serves to spur consciousness towards the promised reconciliation of the next life. Hegel alters this formula by substituting the image of an ethereal afterlife—a life beyond and outside of the world—with a lived state of consciousness (i.e. ‘absolute knowledge’). Thus, Hegel is able to utilize the very incompleteness of the historical world as a motivational force to spur consciousness to ‘go beyond’ the confines of the historical and towards the heights of art, religion and philosophy. But, the addition of this motivation simply serves to compound the ethical
problems that are engendered by his interpretation of ‘objective spirit’. In simple terms, the question of ‘how do you know that ‘x’ is in fact true’ acquires an ethical dimension if you have a vested interest in ‘x’ being true. This problem is made all the more urgent when we shift our considerations from a removed conceptual level to the level of a lived reality. From this perspective we can simply ask how can we take shelter in the promise of ‘absolute knowledge’ when we bear witness to the suffering of others? If we want to attempt to justify our epistemological pursuit by referring to the fact of suffering and violence we must concede that we do not know that this is in fact a necessary state of affairs. At the most we can state that is in fact the case, but without a determinative judgment to make it a necessary state of the world it could be otherwise and this possibility places an ethical call on us. In short, how is it that the imperfection of history is interpreted as a spur to lead us beyond history to the inner perfection of the mind and not a call to our responsibility to intervene in the world? Hegel could respond by pointing out that his philosophy does offer the meta-historical form of the state and the lived ‘freedom’ of ‘ethical life’. As he states in §513 of the Philosophy of Mind these serve to ‘suppress’ [aufgehoben] the imperfect one-sidedness for both ‘objective spirit’ and ‘subjective spirit’ (PM, 255-6). We have already seen the price of this freedom; the freedom of the mind is bought by reading the endless strife of the world as necessary. The palliative reassurance of ‘absolute knowledge’ is unavailable to us as soon as we step outside Hegel’s course and skeptically question the status of the philosopher’s ‘truth’.

This brings us to the related questions of perspective and responsibility. That is, once we challenge the status of the ‘truth’ claims that are made form the position of ‘absolute knowledge’ we have essentially raised the question of perspective. In terms of Hegel’s
text this raises the question of authorship. While Hegel clearly sets out the position of the philosopher in the preface to the Phenomenology (i.e. the philosopher as in individual must do his best to ‘forget himself’ and allow the ‘truth’ of the Absolute Idea to be communicated through him) this characterization is predicated upon the ‘truth’ of ‘absolute knowledge’. If the ‘truth’ that is passing through the philosopher is, in fact, not ‘true’ then it is not simply passing through him; rather, he is saying it. In short, if we do not grant ‘absolute knowledge’ the provisional capacity to articulate determinative judgments (i.e. by having ‘faith in reason’) then the judgments must be the reflective judgments of a historically situated subject. In this case we face two questions; first, how are we to read Hegel’s text? Secondly, why should we continue to read it?

These are in fact very serious questions. In regards to the latter, we could refer to the historical impact—both within and beyond the academic confines of philosophy—of Hegel’s text. In this regard the impact of Hegel’s text cannot be ignored. From the rejection of British Hegelianism by Bertrand Russell and G.E. Moore to the more direct and sustained engagements of Marxism, existentialism, phenomenology and post-structuralism Hegel’s legacy is immense and his work cannot and should not simply be ignored. The question of what we are to make of this legacy brings us back to our first question, that is, how are we to read Hegel’s text? There are a wide variety of possible answers to this question and it would be foolish to try and account for each and everyone. Our answer to this question has been to read Hegel’s Philosophy of Right as being an expression of his ontology. As such, our interpretive aim was not to simply dismiss Hegel as being metaphysically confused, but rather to take the expressed aims of the text seriously. Thus, instead of explaining away the problem of legitimated lethal violence we
have related it to its ontological and epistemological context. The aim is not to simply condemn or indict Hegel, but to read him ethically. This ethical demand is two fold in that it pertains both to the text and to those who are condemned by it. These duties are inseparable. If we simply dismiss or omit these moments, then we not only fail to read Hegel’s text, but we fail those that he condemns.

While it is possible that some readers will feel that by focusing on these moments we have, in some sense, misrepresented Hegel. When dealing with a philosopher as complicated as Hegel such disagreements are inevitable, but whatever hermeneutic approach one decides to adopt one cannot argue that these moments are not in the text. If one wants to simply dismiss ‘absolute knowledge’ with its ontology and epistemology and read Hegel’s social philosophy as a kind of reservoir of useful concepts then one has already abandoned the task reading Hegel and is instead simply salvaging the ‘living’ and abandoning the remainder. Alternatively one could attempt to shift the interpretation of ‘absolute knowledge’ from the ‘positive’ knowledge of the identity of being to the impossibility thereof. If this is interpreted as the actual intention of Hegel and not simply a strategy of utilizing the very negativity of the system against itself (i.e. Adorno’s critical approach) then it must seriously take stock of what this hermeneutic project entails. Such an approach would not be able to simply select a few key passages or texts to support its assertion; rather, it would have to systematically account for each and every instance of Hegel’s ‘positivity’. This would be extremely difficult in the case of the moments that we have selected as the epistemological question of their necessity would pose an even more serious problem; that is, if Hegel’s ‘absolute knowledge’ is read as the impossibility of absolute identity then how can he claim to generate determinative
judgments? Without the possibility of a determinative judgment these moments can exist as facts—that is, events that have occurred—but, they cannot be necessary. If this is the case then why does the Philosophy of Right leave us with so many unanswered questions? Why is war necessary? How can we be sure that ‘man’ is by nature ‘evil’? How can we be sure that an individual is a ‘savage’ and thus our acts of coercion are ‘pedagogical’? How can we distinguish between heroes and criminals? How do we make sense of the role of the execution in the transition from abstract right to morality? Essentially, once we begin to examine the actual stakes of Hegel’s philosophy this approach simply offers us more questions than answers and in the end we are still faced with the question of the ethical responsibility of the philosopher. Quite simply we cannot ameliorate the horror of the ouroboros by merely arguing that the snake is open to receiving whatever may appear over the horizon and that, in the end, it is receptive to alterity, but in the practice of its openness it finds that—once it has sunk its teeth in to what initially appeared to it as another—it encounters only itself.

By following Derrida’s approach to Hegel’s text we have attempted to raise the question of ethics by practicing an ethics of reading. We have closely followed the details of each moment by quoting the text and by shifting its context we have attempted to bring it to life. That is, to bring it face to face with the life that it is so eager to read (out) at a distance. The effort here is to try to force the philosopher out of the reassuring slumber of ‘principles’ and bring it to the lived practices that are necessitated by those principles. Hegel—as the philosopher of the negative par excellence—includes these moments within his account. He is not afraid to tarry under the shadow of the cross, but this confrontation is incomplete. The philosopher speaks of the moment in past tense; he has
confronted the negative and now sees the ‘rose’. He offers us the path to that rose within his text, but, as any guide, he charts our course from the perspective of one who has already reached its end. He draws our attention to the negative and asks our patients. We are to observe it, tarry within this moment of ‘utter dismemberment’ (PS, 19). Our patients will bring us yet closer to the sweetness of the rose, but whose dismemberment are we witnessing? Does this reassurance come to our aid when it is our turn to face the slaughter-bench? If not why should we find it so easy to find the ‘magical power’ of dialectics at work in the suffering of others? These questions are not simply indictments; rather, they carry with them the demand to read philosophy with care. We, as readers, must remember that texts that we approach do not slumber innocently on their shelves. Their words, no matter how abstract and rarified, have lived consequences and thus our duty as readers cannot be one-sided. We cannot blindly defend a text without bearing some responsibility for the acts that it condones. Nor can we flatly condemn a text without bearing some responsibility to the words that it contains. Every act of interpretation is thus doubly responsible. This does not mean that we should simply abandon Hegel’s text; rather, it should serve as an impetus read him with ever greater care. The practice of this care cannot simply be extended to those aspects of the text that we admire or that bring us to wonder; it must bring us to those moments of the text that we find the most difficult to face. By reading these irredeemable moments, these ‘dead’ moments, we are following the author’s own imperative. We are attempting to look the negative in the face, not from the reassuring distance of ‘absolute knowing’, but within the moment itself and without blinking. At this point how can it be that our only question is that of the ‘rose’ that it may yet yield? If this is indeed our only question within the
moment then it seems that we are ready to—with the grim and terrifying confidence of
Borges’ Otto Dietrich zur Lind—proclaim the following,

    An exorable epoch is spreading over the world. We forged it, we who are
    already its victims…Let heaven exist, even though our dwelling place is
    Hell. (B, 234)
Bibliography


——. “The Hypothesis, the Context, the Messianic, the Political, the Economic, the Technological: On Derrida’s Specters of Marx.” In *Ethics—Politics—Subjectivity*. New York: Verso, 1999.


