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The Power of judgment: Aesthetics and Politics in Kant, Hegel, and Kleist

Johnston, Walter

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THE POWER OF JUDGMENT: AESTHETICS AND POLITICS IN KANT, HEGEL, AND KLEIST

Walter Anthony Johnston

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Abstract

This dissertation demonstrates the fundamental importance of Kant's theory of judgment for Hegel and Kleist. While the work of these three authors has generated an immense scholarly literature, the theory of judgment they jointly articulate has remained inadequately understood. I argue that Kant's move to make the power of judgment fundamental to the practical use of reason transforms the relationship between aesthetic, epistemological, and practical concerns in the work of all three authors. In the midst of revolutions in France and elsewhere, I furthermore contend, Kant, Hegel, and Kleist each struggle to articulate forms of reflective practical judgment capable of accounting for freedom's existence in the world. Isolating this shared problem of reflective practical judgment clarifies the complex relationship between these closely interrelated and yet strongly divergent author's views on a range of different topics. Tracing the development of a theory of reflective practical judgment throughout their works also shows how standard accounts of the relationship between French politics and German letters around 1800 frequently err. By interpreting this relationship as that between concrete action, on the one hand, and passive contemplation on the other, or rather between actual politics and mere aesthetics, these accounts fail to appreciate how Kant's thought undoes the opposition between judgment and action upon which they rely. They accordingly miss the specific way in which Kant not only establishes the terrain upon which Hegel's and Kleist's works unfold, but also arguably ushers in the historical epoch within which we still think and act today.

In Chapter One, I show how Kant's occasional writings on history and late work on politics at once parallel and refract the development of the theory of judgment in his major

critical works. Kant's writings on history and politics are, I contend, shaped by the tension between reflective and determinant judgment he develops in his major works. Though he does not resolve this tension in these lesser known writings, he does elaborate the historical and political dimension of his theory of judgment, and gestures toward the radical reworking of the concepts of both history and politics that a full synthesis of his practical philosophy and theory of judgment might entail. Such a synthesis would take place, I suggest, on the basis of the concept of time upon which Kant builds the notion of practical reflective judgment one finds nascent the writings I analyze.

In Chapter Two, I show how Hegel's early writings on the "fate" of Christianity and *Phenomenology of Spirit* contain a profound historicization of the division between reflective and determinant judgment as it is articulated in Kant's major works. In Kant's move to restrict the palpable synthesis of freedom and nature to the subject's reflective judgment of its own presentative faculty, I suggest, Hegel sees as a fateful dereliction of objectivity and politics alike. I furthermore maintain that it is the Kantian division of reflective and determinate judgment that Hegel attempts to reconcile with the power of forgiveness in the final passages of the *Phenomenology,* and that his manifest failure to do so reinscribes the "fate" that forgiveness would overcome as judgment's insuperable and historically generative difference from itself.

Chapter Three reads Kleist's early epistolary reflections and literary meditations on the experience of aimlessness as responses to Kant's discovery of non-teleological judgment as key to the reflective synthesis of nature and freedom. I begin by showing how a preoccupation with Kantian aimlessness subtends Kleist's reflections on travel and on the prospect of study abroad; his confessions regarding his turn to writing literature; his development of a theory of tragedy; and his description of the nature of artistic creativity. In the chapter's second section, I read

Kleist's *Penthesilea* as an allegory of the author's failure to discern a higher purpose animating the apparently purposeless capacity for literary creation. By depicting his heroine's aimlessness as the enemy of all, I furthermore maintain, Kleist's play sheds light on hitherto unexplored political implications of the palpable purposelessness of freedom in Kant. In Kleist's hands, the peculiar power of purposelessness simultaneously blocks Hegel's attempt at a dialectico-historical incorporation of freedom's negativity and interrupts Kant's own move to motivate purposelessness as the sublimely negative pleasure attending conscience's call.

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The work that appears in these pages would not have been possible without the formative support and intellectual guidance of many mentors and teachers over the years, including Nancy Leonard, Thomas Keenan, Avital Ronell, Werner Hamacher, Jay Bernstein, Michael Wood, Rebecca Comay, Claudia Brodsky, Michael Jennings, Étienne Balibar, Eduardo Cadava, Arnd Wedemeyer, and Peter Fenves. From them I began and continue to learn how to read, and my gratitude is immeasurable. I am particularly grateful to my advisor, Daniel Heller-Roazen, whose intellectual generosity, critical perspicacity, and erudition have been invaluable in the completion of this project. Special thanks go out to Lily Gurton-Wachter, with whom I began to read Kleist in a seminar with Thomas Keenan at Bard College, and who gifted me the edition of Kleist's complete works that I cite in these pages.

My dissertation has benefitted greatly from conversations with Catharine Elizabeth Diehl, Julie Beth Napolin, Daniel Hoffman-Schwartz, Barbara Natalie Nagel, and Matthew Moss. It owes its existence to the intellectual and material support of my parents, Joanna and Walter Johnston, whose examples continue to orient me in the world and, in doing so, allow me to remain open to the experience of disorientation within and without it.

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Dissertation: *The Power of Judgment: Aesthetics and Politics in Kant, Hegel, and Kleist*

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Abbreviations

— **Texts by Kant**

All citations of Kant are from the *Kants Gessamelte Schriften*, ed. Könighliche Prreußische (later Deutsche) Akademie der Wissenschaften zu Berlin (Berlin: de Gruyter, 1902-), and follow the standard numerical pattern for citing from the volumes of this collection, with the exception of:

A/B first (1781) and second (1787) editions of the *Kritik der Reinen Vernunft*, respectively.

— **Texts by Hegel**

All citations of Hegel are from the *Theorie-Werkausgabe*, Frankfurt: Suhrkamp, 1969-, with the exception of:

Br *Briefe von und an Hegel,* ed. Johannes Hoffmeister, Hamburg: Felix Meiner, 1961.

GC *"Der Geist des Christentums...": Schriften 1796-1800*, ed. Werner Hamacher, Frankfurt: Ullstein, 1978.

— **Texts by Kleist**

SW *Sämtliche Werke,* ed. F. H. Ehmcke, München: Droemersche Verlaganstalt, 1925.

LS *Lebensspuren: Dokumente und Berichte der Zeitgenossen,* München: Karl Hanser, 1996.

B *Briefe von und an Heinrich von Kleist: 1793-1811*, ed. Ilse-Marie Barth et al., Deutscher Klassiker Verlag, 1997.

> "Zwar denke ich vieles mit der allerklärsten Überzeugung und zu meiner großen Zufriedenheit, was ich niemals den Muth haben werde zu sagen; niemals aber werde ich etwas sagen, was ich nicht denke."
>
> Kant, to M. Mendelssohn

Introduction

The Historical A Priori

In the introductory session of his 1983 lecture series, Michel Foucault associates the investigation he plans to undertake in the course of his future lectures with two marginal texts by Immanuel Kant, "L'idée d'une histoire universelle du point de vue cosmopolitique" of 1784 and a later text, which Foucault refers to as "une suite au texte de 1784," namely the "seconde dissertation du *Conflit de facultés*"[1] (Foucault 9, 17), which Kant himself entitles "Erneuerte Frage: ob das menschliche Geschlecht im ständigen Fortschritt zum Besseren sei" (4: 79-793). Though both of Kant's minor texts on history are, Foucault notes, explicitly devoted to developing a concept of historical progress, what one finds in them is something quite different. Kant is not only unsuccessful in answering the question of progress, he also only barely succeeds in writing about history in any common sense of the term, since he finally restricts himself to the analysis of a single, rather recent event—namely the French Revolution. Kant's double failure, however, conceals an unexpected success. His writings on history remains significant not because of the great historical importance of their final chosen object (the Revolution), but rather because of the way in which Kant's analysis turns away from "la Révolution en elle-même" toward another event that resides within or plays alongside this great event while remaining "quasi imperceptibles" (Foucault 18-19). In this way, Kant suggests that

> …on ne peut pas faire cette analyse de notre propre présent dans ses valuers significatives sans se livrer à une herméneutique ou à un déchiffrement qui permettra de donner à ce qui, apparemment, est sans signification et sans valeur, la signification et la valeur importantes que nous cherchons. (18)

[1] Foucault refers to French translations of the two texts by Kant to which I will turn in the first section of this dissertations first chapter. The translations were published together in Kant, *La philosophie de l'histoire*, 26-45, 163-179.

It is such a "déchiffrement" that Kant accomplishes when he determines that the historical significance of the French Revolution lies not in its empirical determinacy but rather in the event of its reception by those "qui la regardent" or "qui y assistent," thereby shifting the philosophy of history away from empirical historiography and toward a study of the manner in which the historical event "fait spectacle." In thus shifting from an empirical approach to history to an analysis of the becoming-spectacle of phenomena, Kant gives birth to "une autre tradition critique" that, in contradistinction to a tradition that understands itself to follow from the critical epistemology contained in Kant's theoretical works,[2] "ne pose pas la question des conditions sous lesquelles une connaissance vraie est possible," but is rather preoccupied with the question "qu'est-ce que c'est que l'actualité? Quel est le champ actuel de nos expériences? Quel est le champ actuel des expériences possibles?" For this tradition, in which Foucault situates his own works, it will thus not be a question of analyzing the conditions of possibility for access to truth, but rather of "une ontologie de la modernité, une ontologie de nous-mêmes" (Foucault 22).

My dissertation proposes that this shift that Foucault glimpses in Kant's work may be best understood through a study of Kant's conception of the power of judgment. I argue that Kant's seemingly marginal texts on history and politics contain—albeit in halting, fragmentary, and still uncertain form—a concept of reflective practical judgment[3] that, though still nascent in his work, will constitute Kant's bequest to two of his most sensitive readers, namely G.W.F.

[2] For an extended analysis of the dual twentieth century appropriation of Kant to which Foucault refers, see Jahn Rajchman, "Enlightenment Today" (Foucault, *Politics*, 9-29). For a text representative of the tradition from which Foucault seeks to differentiate himself, see Jürgen Habermas, *Der philosophische Diskurs der Moderne: Zwölf Vorlesungen*.

[3] Nowhere does Kant himself explicitly refer to a form of judgment that is at once reflective and practical. He rather develops his theories of practical and reflective judgment separately the *Kritik der praktischen Vernunft* and *Kritik der Urteilskraft*, respectively. In referring to his theory of reflective practical judgment, I am forecasting the results of my analysis of the forms of judgment contained in Kant's historical writings and *Rechtslehre* that Kant does not systematically situate within his larger critical philosophy. As I have already suggested, in my analysis I will remain as close as possible to the terms of Kant's own text. I make recourse to the categories of his broader philosophical system here and elsewhere only so as to efficiently express what I take to be the systematic implications of the results of my research.

Hegel and Heinrich von Kleist.[4] Kant's writings on history and *Rechtslehre* may thus be read as alternatives to Kant's famous attempts to bridge the gap between freedom and nature with his theory of reflective judgment in the *Kritik der Urteilskraft*. By making the power of judgment fundamental to the practical use of reason, Kant binds the philosophical conception of both politics and history to the theory of reflective judgment—a move that brings with it implications that he himself is not yet fully prepared to unfold. This dimension of Kant's work strongly influences Hegel and Kleist, who develop the implications of Kant's still nascent theory of reflective practical judgment in ways the older philosopher provides for but would likely not have foreseen.[5]

[4] There is a rich tradition of that understands Kant's writings on history and politics to extend the theory of judgment he develops in the *Kritik der Urteilskraft*. For some major contributions to this tradition see Jacques Rancière, "The Aesthetic Dimension: Aesthetics, Politics, Knowledge" (Rancière also touches on Kant at several crucial moments in his important new work *Aisthesis*: *Scènes du régime esthétique de l'art*); Jean-François Lyotard, *L'enthusiasme, La critique kantienne de l'historie*; Hannah Arendt, *Lectures on Kant's Political Philosophy*; Hans Saner, *Kants Weg vom Krieg zum Frieden I: Wege zu Kants politischem Denken*; and Karl Jaspers "Politik und Geschichte" (*Die großen Philosophen I* 534-584). For an excellent recent contribution to this broad tradition see Jan Mieszkowski, *Labors of Imagination: Aesthetics and Political Economy from Kant to Althusser*. I have indicated Foucault as a predecessor in this context because he approaches Kant's text on history in its own terms rather than either setting Kant's minor works aside in favor of the major works they may be seen to reflect or interpreting the minor works through an application of terms drawn from the major works, as the other authors listed frequently do. See for example Lyotard's introductory differentiation of Kant's doctrinal and critical works, which allows him to set aside Kant's *Rechtslehre* and to approach the question of politics through a reading of the "Erneuerte Frage…" as an expression of problems contained in his three *Kritiken*. See also Arendt's of both the *Rechtslehre* and the writings on history on similar grounds, drawing upon Schopenhauer's well known critique of Kant's late works, in the first of her lectures on Kant's political philosophy. Recent years have seen a return in scholarly interest Kant's *Rechtslehre* in particular, though investigations are most often restricted to the limits of Kant's moral philosophy. For a useful analysis of the controversy pertaining to the status of Kant's *Rechtslehre,* see Manfred Kuehn, "Kant's *Metaphysics of Morals*: the history and significance of its deferral." As I suggest in my chapter on Kant, I favor a direct approach to Kant's minor writings in the interest of avoiding an overhasty assimilation of a nascent theory of reflective practical judgment I find operative there to the more fully developed categories made available in other works, which they, upon close analysis, often resist. For other readings of Kant's historical and political writings in terms of his theory of the power of judgment see also William James Booth, *Interpreting the World: Kant's Philosophy of History and Politics*; Elisabeth Ellis, "Political Judgment," in her *Kant's Politics: Provisional Theory for an Uncertain World* (41-70); Annemarie Pieper, "'On the Concept of an Object of Pure Practical Reason' (Chapter 2 of the Analytic of Practical Reason)."

[5] My reading of the relationship between Hegel and Kant is thus divergent from that presented in Rebecca Comay's excellent recent book on Hegel, *Mourning Sickness*, and is closer to the view presented by Robert Pippin at the close of his useful article "'Mine and Thine?' The Kantian State," though as will become clear my reading of Kant diverges from Pippin's on many points as well. I shall return to both works in my chapters on Hegel and Kant.

My dissertation unfolds in three chapters: the first on Kant, the second on Hegel, and the third on Kleist. Each of these chapters is divided into two sections.

Chapter One, Section I is devoted to an analysis of Kant's writings on history, in particular his "Idee zu einer allgemeinen Geschichte in weltbürgerlicher Absicht" (1784) and "Erneuerte Frage: ob das menschliche Geschlecht im ständigen Fortschritt zum Besseren sei" (1798). It shows how Kant's historical writings parallel and refract developments in his major critical works, beginning with a division between the theoretical and practical approaches to historical phenomena (i.e. human actions) understood as both sensible objects and manifestations of freedom and ending with a theory of history as a mode of reflective judgment that synthesizes the sensibility of natural objects and the supersensibility of causation through freedom.

Chapter One, Section Two is devoted to reading Kant's *Rechtslehre*, and contends that Kant's conceptualization of right is shaped by a tension between two competing concepts of acquisition that are put forth at the beginning of his work, one of which is consistent with the basic principle of right as Kant defines it and the other of which is not, and can only be justified through the further introduction of a "lex permissiva" that establishes an unavoidable injustice at the root of all positive rights.[6] At the basis of this tension between Kant's two definitions of acquisition is a perplexity as to how he can provide an intelligible basis for the existence of empirically determinant properties that can be rightfully defended through the use of coercive force. Though Kant's text does not decisively resolve this difficulty, it does hint at what would

[6] For an excellent consideration of this problem in Kant, upon which my exploration of Kant's concepts of acquisition builds, see Peter Fenves' chapter "The Political Counterpart to Pure Practical Reason: From Kant's 'Doctrine of Right' to Benjamin's Category of Justice." Though I agree with Fenves' depiction of the basic tension at work in Kant's text, I derive this tension from Kant's competing definitions of acquisition, thus suggesting that the tension cuts across his concept of a "res vacua" (or merely acquirable object) and is thus not only operative in the exclusion of the "res nullius" (or object incapable of being owned). I further argue that Kant's *Rechtslehre* contains evidence of a concept of time that joins his theory of right to his writings on history and makes both closer to Benjamin than Fenves' reading suggests. Cf. in this regard Werner Hamacher, "Jetzt. Benjamin zur historischen Zeit."

be entailed in overcoming the impasse at which his works arrive by including an entirely novel way of presenting the object of right—namely as an object of reflective practical judgment.

As a whole, Chapter One maintains that Kant's writings on history and *Rechtslehre* develop a theory of reflective practical judgment that parallels and draws upon but does not simply reproduce the theory of reflective judgment contained in the *Kritik der Urteilskraft* (1790), and reveals how this theory presupposes a concept of time which is not the sequential time of empirical causation but rather the now time of causation through freedom.

In Chapter Two, I maintain that Hegel's early essay "Der Geist des Christentums und sein Schicksal" (1799) and chapter on "Geist" in the *Phänomenologie des Geistes* (1807) together represent the development of a theory of reflective practical judgment that parallels the one that is much less self-consciously developed by Kant, aiming to overcome the dualism of Kant's theory of practical judgment through an affirmative critique of the synthesis of freedom and nature envisioned in the *Kritik der Urteilskraft*. Drawing on a theory of tragic action he finds operative in Attic drama to transform the antinomial oscillation of Kantian reason into the motor of a history that appears to dialectically unfold toward a final reconciliation of the division at its source, Hegel articulates a rich theory of historical experience that remains, despite his intermittent claims to the contrary, within the horizon of the critical philosophy from which it departs.

In Section I of this chapter, I contend that Hegel's "Der Geist des Christentums und sein Schicksal," though traditionally understood to contain the philosopher's most thoroughgoing critique of the rigid formalism of Kant's practical philosophy, in fact contains an affirmative critique of Kant's theory of reflective judgment as the means for overcoming the dualism of freedom and nature in his (Kant's) theory of practical judgment. Hegel's depiction of the

impotent "beautiful soul" in whom Christian asceticism finds its otherworldly fate, I contend, allegorizes a critique of the auto-castrative aestheticism Hegel finds nascent in Kant's *merely* reflective synthesis of nature and freedom. Though this critique marks the end of Hegel's early essay, along the way he develops the proto-dialectical tool with which he will eventually attempt to overcome the limits of Kant's theory reflective judgment. This is the concept of *Schicksal* as the tragic structure of the act of judgment. *Schicksal* first places historical agents within a world that stands over and against them, thus enrolling them on a conflictual course through which they will become capable of recognizing themselves within the world that seems to resist them by becoming self-conscious of the degree to which this world is the product of an immemorial act that gives rise to their consciousness of it.

In Section II of Chapter Two, I turn to the chapter on "Geist" in the *Phänomenologie des Geistes* in order to suggest that the final reconciliation, with which this chapter (and, perhaps, all of history for Hegel) comes to an end, bears upon precisely the problem with which the "Geist des Christentums und sein Schicksal" closes, returning to the "beautiful soul" once again, but this time with Kantian aestheticism as the more or less explicit point of reference.[7] I show how Hegel's early theorization of tragic action informs the dialectical movement of the *Phänomenologie.* Here, history is set in motion by judgment, which is depicted as the tragically self-deracinating root of historical development. Through its tragic conflict with itself, however, judgment achieves a vantage point—or rather sinks into an abysmal depth—from which its reconciliation appears possible. The act of forgiveness that has often been understood as enabling spirit's final reconciliation with itself, however, displays the clear traces of the tragic structure

[7] Here my argument draws very close Comay's, and is indebted to her rich reading of the "beautiful soul" in Hegel's *Phänomenologie,* though, as shall become clear in my chapter on Hegel, I believe that Hegel remains closer to Kant here than Comay suggests (Comay 109-136). For indications of further useful scholarship on this complex figure in Hegel, see my consideration of it in the body of Chapter Two.

that will constitute its destiny in turn. By revealing the threshold of the absolute to be the moment at which the "für uns" of speculative philosophy corresponds with the "für es" of embedded historical consciousness, such that the act of philosophizing becomes of necessity unconscious of itself, Hegel may be seen to consign the instant of historical recognizability to a darkness still more impenetrable than what Kant fleetingly imagined, transforming it into the moment that absolute knowing will have always already missed.

Chapter Three reads Kleist's early epistolary reflections on aimlessness (1801-1808) and *Penthesilea: ein Trauerspiel* (1808) as responses to Kant's discovery of purposelessness as the key to reflective judgment's synthesis of nature and freedom. I read Kleist's literary praxis as a form of auto-affection aimed at the recuperation of a higher purposiveness within the apparent purposelessness of human invention, and *Penthesilea: ein Trauerspiel* as the story of the failure of this tragic quest.

Section I counters the traditional reading of Kleist's well known exclamations regarding Kant's philosophy as a statement of epistemological despair brought on by the restrictions upon knowledge imposed by the *Kritik der reinen Vernunft*[8] by demonstrating how Kleist's declaration of aimlessness marks the rise of his interest in the role of purposelessness in Kant's thought. After a preliminary reconstruction of the role of purposelessness in Kant's three *Kritiken*, I show how Kleist's idée fixe pervades his epistolary reflections on travel, the prospect of study abroad, the turn from scholarship to literary writing, the nature of artistic creativity, and his development of a theory of tragedy. On the basis of this material, I contend that Kleist comes to understand writing itself as a tragic form of thrown agency involving a provisional sacrifice of

[8] In his *Philosophie bei Heinrich von Kleist*, for example, Ulrich Gall entitles the entire chapter devoted to this period in Kleist's life "Die Erkenntniskriese" (86-135). For further consideration of this tradition, see my chapter on Kleist.

understanding in the interest of rediscovering the traces of an inscrutable capacity for originality retrospectively through the text that one produces.

In Section II I read *Penthesilea* as an allegory of Kleist's failure to discern the concealed purpose of freedom's apparent aimlessness in the sublimity of writing. This failure, however, entails an unexpected gain, for by depicting Penthesilea's aimlessness as the enemy of all, Kleist's text explores the political dimension of the purposelessness that preoccupies him. If Hegel's reading of Kant is oriented toward reconciliation through the determination of all moments of negativity and crisis as integral to the historical unfolding of spirit, Kleist's exploration of freedom's aimlessness produces the opposite effect: introducing one to a world that is so unmotivated as to dissolve before one's very eyes, returning one to the anonymous play of difference out of which Penthesilea arises at the beginning of Kleist's play.

All three of these chapters presuppose a basic familiarity with the theory of reflective judgment contained in Kant's third *Kritik,* the pertinent features of which I shall accordingly reconstruct presently.

For Kant, all judgment involves the collusion of three faculties: reason, imagination, and understanding. Imagination is the faculty of unifying the manifold of intuition in sensation. Understanding is the faculty of subsuming intuitions under concepts. Reason makes both of these events possible in some as yet unspecified way.[9] It is how these faculties come into relation with one another that determines what type of judgment transpires.

[9] The way in which reason makes this activity of the understanding and imagination must remain unspecified at this moment of my analysis because it is an exceedingly controversial topic which will in fact be addressed differently at different moments in the texts I will read. I can accordingly only include it here in the form of a question to be pursued.

The difference between determinant and reflective judgment, which Kant defines in the introduction to the *Kritik der Urteilskraft*[10]*,* reads as follows: "Ist das Allgemeine (die Regel, das Prinzip, das Gesetz) gegeben," he writes, "so ist die Urteilskraft, welche das Besondere darunter subsumiert,… bestimmend." "Ist aber nur das Besondere gegeben, wozu sie das Allgemeine finden soll," he continues, "so ist die Urteilskraft bloß reflektierend" (5: 179). The "Gesetz" to which Kant here refers is the concept provided by the understanding, while "das Besondere" refers to the intuition provided by the imagination. Determinant judgment is accordingly a judgment in which the understanding applies a concept to an intuition provided by the imagination. Reflective judgment is a judgment in which the imagination generates an intuition for which the understanding has as yet no concept.

Thus defined, determinant and reflective judgment not only give rise to two different types of objectivity but also entail two different ways of apprehending the activity of judgment itself. Since, in the case of determinant judgment, the conditions of the conformity of the concept and the intuition that is to be subsumed under it are given a priori, judgment's synthetic activity gives rise to, and is a posteriori concealed within, a given natural phenomenon as an apparently autonomous, determinant object of the understanding. Here, the power of judgment, though objectively responsible for the existence of the object, is not manifest as such.

[10] It is important to note that Kant's definition applies to the entirety of his third *Kritik* to avoids the suggestion, sometimes proffered in scholarship on Hegel's relationship to Kant, that Hegel, who like Schelling explicitly refers to instances from Kant's theory of teleological judgment as containing the resources to move beyond the limitations of Kant's theory of reflective judgment, accordingly opposes teleological and aesthetic judgment in ways that Kant himself does not. Contrary to this, I would suggest, essentially concurring with the position argued in Pippin's "Avoiding German Idealism: Kant, Hegel, and the Reflective Judgment Problem" (132) in this regard, that Hegel's primary interest is in the category of reflective judgment as a whole as it pertains to Kant's notion of aesthetic as well as teleological judgment, and that his relative disinterest in the difference between the two is evident in his treatment of the examples drawn from Kant's writing on teleological judgment. Only if one grasps Hegel's interest in Kant's concept of reflective judgment as a whole, as I will suggest, does his early writing on the beauty of soul become intelligible as an affirmative critique of the synthetic capabilities of this concept.

In the case of reflective judgment, things are quite different. Since here no universal concept under which a given intuition may be subsumed is given in advance, the judging subject finds itself bereft of the necessary ingredients for the formation of any determinant object. In this state of pre-objectivity, judgment appears partially interrupted, but is thereby also turned inward upon itself, appearing to itself as a *mere capacity* for the production of an object that is as yet "gänzlich unbestimmt." Lacking a concept under which to subsume its intuition, judgment is thrown back upon a *capacity for indetermination* through which intuitions arise that are possessed of a "Bestimmbarkeit durch das intellektuelle Vermögen" (5: 198). The *Kritik der Urteilskraft* as a whole is the analysis of this determinability as it becomes manifest in reflective judgments.

Though in comparison to determinant judgment reflective judgment may appear as deficient or interrupted, it is in this suspended form of judgment that Kant sees the possibility of accomplishing the major goal he sets himself at the beginning of the *Kritik der Urteilskraft*, namely that of drawing a bridge across the gulf that famously separates freedom and nature. This gulf emerges in the space that separates Kant's first two *Kritiken*, the first of which is broadly devoted to the understanding, whose pure concepts legislate the appearance of natural (i.e. determinant sensible) objects a priori, and the second of which is devoted to reason, whose ideas legislate the activity of free agents a priori. Since freedom must, for Kant, remain absolutely unconditioned, it does not admit of any determination according to the forms of space and time that all intuition presupposes, and accordingly remains supersensible. Since the understanding, however, cognizes objects of knowledge only by applying its concepts to intuitions, no positive cognition of freedom appears possible. This difficulty may, however, be overcome through a

transition from the positive cognition (or determinant judgment) of natural objects to the reflective judgment of the capacity for judgment itself as it is manifested in sensible objects.

The unity of freedom and nature appears, in the reflective judgment of sensible objects, as the *purposiveness* of the latter. Such purposiveness, according to Kant, is apprehensible not in the particular determinacy of this or that empirical object, but rather in the unity and consistency of empirical principles that sensible objects manifest (5: 180). This regularity of the empirical principles that sensible objects manifest, which makes nature appear as rule-governed, is however not to be attributed to sensible objects as things in themselves, but must rather be understood as something that we contribute to natural objects in the process of synthesizing them as such (5: 180). Since sensible objects already contain this contribution by the time they are cognized as such, they appear "als ob gleichfalls ein Verstand (wenn gleich nicht der unsrige) sie zum Behuf unserer Erkenntnisvermögen, um ein System der Erfahrung nach besonderen Naturgesetzen möglich zu machen, gegeben hätte" (5: 180). The principle of purposiveness is thus the principle of regarding objects as if they have been thus "gegeben" or, as Kant says elsewhere, as if they have been designed by an intellect. Since what we actually judge when we experience objects is the effect of what we contribute to them, however, this judgment of the purposiveness of nature remains merely reflective, and one can accordingly "so etwas, als Beziehung der Natur an ihnen auf Zwecke, nicht beilegen" (5: 180).

Once Kant has defined reflective judgment as the apprehension of purposiveness, he divides it into two basic kinds. The first is "ästhetisch" or "subjektiv" and the second is "teleologisch" and "objektiv." That Kant refers to the second type of purposiveness as "objektiv" may at first seem to suggest that here one no longer deals with a purposiveness that judgment puts into the object through the process of its synthesis but rather with the purposiveness of the

object considered as a thing in itself. Kant is, however, quick to dispel this suggestion. Both aesthetic and teleological judgment are forms of reflective judgment, and accordingly pertain not to objects as things in themselves but rather to the judgment thereof (5: 266-270, 275-6, 405-6).

The difference between aesthetic and teleological forms of reflective judgment is that the first pertains to an intuition for which there is as yet no concept, and is accordingly not itself the experience of an object but rather that of a play of faculties through which the judgment of objects first becomes possible, while the second accompanies a judgment that, like all theoretical cognition, proceeds by way of a concept and thus pertains unproblematically[11] to a determinant object (5: 198). Teleological judgment is thus the reflective judgment of theoretical cognition, and accounts for the condition of possibility for investigating the empirical rules that govern the interactions of empirical objects (i.e. natural science), while aesthetic judgment is a special faculty through which judgment relates to its own activity prior to the formation of a determinant object. Aesthetic judgment is accordingly, for Kant, of fundamental, and teleological judgment of merely secondary importance to the *Kritik der Urteilskraft*, for the former provides an account of the harmonization of universal concepts and particular intuitions that the latter presupposes (5: 192-3). What is thus striking about the structure of Kant's third *Kritik* as a whole is that it designates as its essential part a form of judgment that, as the judgment of the object's "Bestimmbarkeit durch das intellektuelle Vermögen," is at once required for objectivity and yet, Kant will insists, contributes nothing to the knowledge thereof ("zur Erkenntnis ihrer Gegenstände nichts beiträgt") (I shall return to this in my chapter in Kant) (5: 194, 196).

[11] I borrow the term problematic from Kant, who expresses the restricted permissibility of applying the concept of purposiveness to natural object for the purpose of the empirical investigation of the rules that govern their interaction (or simply of what he called "Naturforschung"), which does not authorize the attribution of purposiveness to the objects as things in themselves, an application that remains "problematisch" (see for example VII 306).

The postulation of purposiveness is the enabling act that reflective judgment finds at and as the foundation of cognition: it is the self-granting of the idea that the phenomenal world has been intended by "ein Verstand" and is thus capable of being investigated through the discovery of universal concepts that govern particular intuitions. This principle, which judgment does not borrow from experience but rather posits a priori as the basis of all cognition, is the presupposition that never enters into the cognition of any object, even as it subtends the domain of objectivity in general. "Zweckmäßigkeit… sofern sie in der Wahrnehmung vorgestellt wird," Kant writes, "[ist] keine Beschaffenheit des Objekts selbst," but is rather that which the subject, "ohne die Vorstellung desselben zu einem Erkenntnis brauchen zu wollen, gleichwohl mit ihr unmittelbar verb[indet als] das Subjektive derselben, was gar kein Erkenntnisstück werden kann" (5: 189). What Kant means when he says that purposiveness is simultaneously "unmittelbar verbunden" with "Erkenntnis" and nevertheless "gar kein Erkenntnisstück" is that the postulation of purposiveness is a part of the production of objects that does not, indeed cannot appear as an attribute of the objects produced. It cannot appear thus because, like the freedom that it manifests (as a spontaneous act of self-legislation in which the subject "sich… das Prinzip… als Gesetz [gibt]"), it is by definition devoid of the determinacy it makes possible (I shall return to this aspect of Kant's concept of purposiveness at length in my chapter on Kleist).

The postulation of purposiveness is an event of which there can be no cognition because the idea that the world is comprised of particular intuitions that are susceptible of comprehension through the application of universal principles—the idea, that is, of purposiveness—must already be in effect in order for the cognitive determination of an object to transpire. As the postulation required for the cognition of objectivity in general, purposiveness is not a property of particular objects considered as things in themselves but rather the imperceptibly granted condition of

possibility for the appearance of all objects understood as phenomena, which accordingly manifests a capacity of the cognizing subject. Purposiveness thus belongs, in some sense, to the cognizing subject, not as anything cognized or cognizable, but rather as part of the pre-cognitive power of judgment by virtue of which the cognition of objects first becomes possible for a subject. Thus, even if this power must be said to belong to the subject in some sense, it cannot be attributed to it like the quality of an object, since purposiveness qua pure determinability must disappear in order for any particular, determinant object to take shape. A manifest goal of the *Kritik der Urteilskraft* is thus to elucidate if and how reflective judgment can register purposiveness as something belonging to a cognizing subject, and thus gain access, however indirect, to the sensible traces of subjective spontaneity.

For Kant, such traces appear in their purest form—which is to say in the form least mixed with the empirical determinacy that they make possible and yet within which they must disappear—in the aesthetic qualities produced by the subject's apprehension of its own purposiveness while engaged in the sensation of some object. Kant divides such aesthetic qualities into two kinds: the beautiful and the sublime.[12] These two forms of aesthetic judgment represent two different ways in which the purposiveness of the presentative faculty becomes manifest in experience. Beauty is pleasure produced by the harmonization of concepts and intuitions in the play of understanding and imagination, while sublimity results from an interruption of the application of concepts to intuitions produced by the exposure of the

[12] It is beyond the scope of this reconstruction to consider Kant's further division of these categories into pure and adherent beauty and mathematical and dynamic sublimity, respectively. An explicit consideration of first distinction may be omitted because the separability of pure beauty from adherent beauty is already contained in Kant's definition of beauty as the feeling not of the determinant object itself but rather of a particular interrelation of the faculties in the synthesis thereof. With regard to the second distinction it should be said at the outset that, although the examples I will draw from Kant's analytic of the sublime are taken from the dynamic sublime, the argument I will make about them could also be applied to the mathematical sublime, which Kant explicitly says involves an "Erweiterung des Gemüts, welches die Schranken der Sinnlichkeit in anderer (der praktischen) Absicht zu überschreiten sich vermögend fühlt" (5: 255).

imagination to ideas of reason—for example the idea of freedom—which subtend all three faculties, and which break with the conditions of possibility for sensible presentation. Respect, as the feeling produced by the interruption of the sway of sensible impulse through freedom, is a feeling of the latter kind (5: 244, 257, 262-3, 271).

The experience of the sublime, as an experience through sense of that which breaks with the conditions of possibility for sensation, is of necessity more complex than the feeling of the beautiful. Apprehending the beautiful entails pleasure at the harmonization of (universal) concepts and (particular) intuitions that accompanies the apprehension of the apparently purposive organization of clearly defined natural objects (Kant emphasizes the quality of having clear "Grenzen," which Hegel will pick up on, here), though they be ones for which one cannot yet discern any determinant purpose. Beauty is thus the *direct* apprehension of a life-sustaining purposiveness of objects (5: 241), which may indeed appear to belong to the objects apprehended as things in themselves, although it must be objectively understood as something that judgment contributes to them, which expresses the presentative faculty's harmony with itself. Sublimity is by contrast the *indirect* apprehension of the spontaneity of reason as a totality through an apparent interruption of the life affirming, purposive organization of natural objects (5: 241), which we apprehend in apparently formless, counter-purposive events like earthquakes and destructive storms. Such events, according to Kant, by giving us "unsere physische Ohnmacht" as natural beings "zu erkennen," also allows us to discover thereby "ein Vermögen, uns als von [der Natur] unabhängig zu beurteilen" (5: 262-3), revealing in us a capacity to decide independently of what natural impulse might dictate in instances "wenn es auf unsere höchsten Grundsätze und deren Behauptung oder Verlassung ankäme" (5: 263).

The apparent counter-purposiveness presented in aesthetic judgments of the sublime is thus, according to Kant, in fact the presentation of a purposiveness. Through the interruption of the harmonization of the imagination and understanding in sensible objects, the subject is thrown back upon the inner, supersensible union of the "Einbildungskraft" and "Vernunft," and thereby upon its own absolute freedom. The pain which accompanies the apprehension of an absence of purposiveness in the phenomenal world thus gives way to a pleasure at the negative apprehension of the "höhere Zweckmässigkeit" of subjectivity's "übersinnliche Bestimmung"—vis. to a purposiveness that is finally not that of natural phenomena themselves but rather of their pure determinability. In the experience of the sublime, the subject thus registers the negative dimension of the power of judgment in the purest form possible, and thus in the form most adequate to the concept of purposiveness as a manifestation of the pure spontaneity of the presentative faculty.

It is at this point in his presentation of aesthetic judgment that Kant's vocabulary shifts decisively from the register of aesthetics to that of practical philosophy, and thus, as he has promised in his introduction, begins to bridge the gap between the concept of nature and the concept of freedom. By revealing to us a capacity to judge ourselves "als unabhängig von [der Natur]," the sublime makes us aware of an actual "Überlegenheit über die Natur, worauf," according to Kant,

> …sich eine Selbsterhaltung von ganz andrer Art gründet, als diejenige ist, die von der Natur außer uns angefochten und in Gefahr gebracht werden kann, wobei die Menschheit in unserer Person unerniedrigt bleibt, obgleich der Mensch jener Gewalt unterliegen müßte.

In the passages that follow, Kant's translation of the terms of his theory of judgment into those of his practical philosophy becomes still more pronounced. He clarifies that that which demands that we sacrifice immediate concern for our material well being "wenn es auf unsre höchste Grundsätze und deren Behauptung oder Verlassung ankäme," is none other than the

"moralische(s) Gesetz" or "Idee der Freiheit," the "Unerforschlichkeit" of which, since it "aller positiven Darstellung gänzlich den Weg ab(schneidet)," has been at stake in the negative presentations of the sublime (5: 274-5):

> Das Wohlgefallen am Erhabenen der Natur ist daher auch nur negativ… nämlich ein Gefühl der Beraubung der Freiheit der Einbildungskraft durch sie selbst, indem sie nach einem andern Gesetze, als dem des empirischen Gebrauchs, zweckmäßig bestimmt wird. Dadurch bekommt sie eine Erweiterung und Macht, welche größer ist, als die, welche sie aufopfert, deren Grund aber ihr selbst verborgen ist…
> …Denn die Unerforschlichkeit der Idee der Freiheit schneidet aller positiven Darstellung gänzlich den Weg ab. (5: 269, 275)

Kant thus finds the "Brücke" he seeks between the concept of freedom and the concept of nature in the experience of the sublime. While cognition is incapable of perceiving its own freedom as an attribute of the object it cognizes, through the reflective judgment of sublimity the subject learns to apprehend the effect of its own freedom within the phenomenal world.

Though Kant himself will be exceedingly circumspect about the implications of his discovery, repeatedly insisting that reflective judgment provides a mere *analogue* of the practical determination of the subject and that it can accordingly not be understood as *constitutive* of objectivity in any way, no matter whether one judges the object aesthetically or teleologically (5: 167, 539),[13] he may be seen, as my dissertation's first chapter will attempt to show, to experiment with overcoming this limitation through the development of a theory of reflective practical judgment in his writings on history and *Rechtslehre.* To this extent, his works may be seen to anticipate their radicalization by Hegel and Kleist to a greater extent than is often thought. In what follows, I shall attempt to show how the concept of time contained within Kant's writings on history and politics may mark a limit experience around which the auto-affection of Hegelian spirit and of Kleistian writing turn.

[13] Though it may, as we shall see in the reconstruction of Kant's concept of purposiveness in Chapter Three, be understood as constitutive of the feelings of pleasure and pain that derive from reflection upon the configuration of one's presentative faculty while apprehending an object (5: 198).

Chapter One

Freedom's Determination: The Theory of Judgment in Kant's Writings on History and *Rechtslehre*.

Introduction: The Right to History

Human history is political, or at least it is conceptualized as such by Immanuel Kant, who, writing through the French revolution and counterrevolution, identifies such history with a form of progress that cannot take place without the transformation of political institutions. But what is the precise relationship between history and politics for Kant, and what would historical progress through politics entail? Does political change make history, or do historical developments stand at the foundation of political change?

Kant gives us a clue as to the answer to these questions when, in his only major work explicitly devoted to the analysis of political form,[14] he makes the historical invention of the latter dependent on something that belongs neither to history nor to politics, and yet to both at once: namely the power of *judgment*.

For Kant, no historical progress can be imagined that does not involve exiting a pre-political, natural condition through the institution of political forms, and yet no such development can be imagined that does not presuppose a historical development through which what is to be secured through the institution of political form becomes *recognizable* as something that calls for and is susceptible to such securing procedures. In his *Rechtslehre,* Kant calls this something an "Erwerbung." "Wollte man vor Eintretung in den bürgerlichen Zustand gar keine Erwerbung, auch nicht einmal provisorisch, für rechtlich erkennen," Kant writes, "so würde jener [der bürgerliche Zustand] selbst unmöglich sein" (6: 312). What Kant's formulation suggests is that both "Recht" and "Geschichte," which in the context of Kant's *Rechtslehre* are coextensive

[14] Namely the *Rechtslehre* of 1797, which will be the primary object of the second half of this study.

with the political, must *precede themselves* in some way. In order for there to be right, in order for there to be the institution of politics without which there can be no historical progress, both right and history must already be there in the form of an "Erwerbung" that one can "für rechtlich [erkennen]." They precede themselves and interpenetrate, in other words, in and as a power of judgment, and it is to this power that one must turn if one wishes to understand their interrelated possibility.

This chapter argues that what is most radical in Kant's concepts of history and politics may be best understood when one reads them for the forms of reflective judgment they contain, through which both touch upon their most basic conditions of possibility. I focus on Kant's "Idee einer allgemeine Geschichte in weltbürgerlicher Absicht" (1784), the "Erneuerte Frage: ob das menschlichen Geschlecht im ständigen Fortschritt zum Besseren sei" (1798) and *Rechtslehre* (1797) for the reasons that the first two together provide the fullest picture possible of the development of Kant's concept of human history, while the latter, as the doctrinal application of the pure principles developed in Kant's preceding practical philosophy,[15] contains Kant's most sustained development of the theory of practical judgment he merely sketches in the latter. To the extent that all three texts are fundamentally preoccupied with an analysis of the ways in which human freedom—itself "übersinnlich" or "intelligibel"—becomes manifest in the natural world of sensible phenomena, all may be read as theories of reflective judgment in the basic sense Kant gives to this term in his *Kritik der Urteilskraft*; all may be read, in other words, as analysis of the ways in which human subjectivity may apprehend the traces of its own spontaneity in the world to which it gives rise. The form that such judgment can take in Kant's writings on history and politics is however different from that found in his analyses of aesthetic and teleological judgment in the third *Kritik*. To avoid simply applying the categories of Kant's

[15] I refer to the *Grundlegung der Metaphysik der Sitten* (1785) and *Kritik der praktischen Vernunft* (1788).

third *Kritik* to his writings on history and politics, I will attempt to demonstrate the integral importance of forms of reflective judgment in Kant's writings on history and politics in their own terms and thus to understand the specifically practical, historical and political dimensions of a concept of reflective judgment that may be derived from these texts.

To my knowledge no comparable study of Kant's historical writings and *Rechtslehre* exists. There is, to be sure, no paucity of excellent scholarship on Kant's historical and political writings, but the two are rarely considered together,[16] and have never, as far as I can tell, been brought together with a view toward identifying the theory of judgment that unites them. Scholarship on Kant's *Rechtslehre,* to the contrary, tends to presuppose the empirical determinacy of the world Kant's text describes, thus suppressing the question of practical judgment at play in his text and frequently indulging in presuppositions pertaining to the nature of the subjects and objects of right that Kant himself would not allow. [17] When they do address the question of judgment, such approaches frequently reduce it to a question of applying the categorical imperative in the adjudication of acts, despite Kant's clear indications against this

[16] For a notable exception see Hans Saner, *Kants Weg vom Krieg zum Frieden*, which considers Kant's writings on history as a part of his politics and reads them together with his *Rechtslehre*, unsurprisingly on the basis of the forms of judgment they jointly exemplify. I shall address why I differ from Saner's ultimate conclusions at the appropriate moment in my reading of Kant. See also William James Booth, *Interpreting the World: Kant's Philosophy of History and Politics*.

[17] For examples of valuable scholarship representative of this approach, see Katrin Flikschuh, *Kant and Modern Poitical Philosophy*; Wolfgang Kersting, *Kant über Recht*; Ottfried Höffe, "Kant's Innate Right as a Rational Criterion for Human Rights"; Paul Guyer's chapter "Kant's System of Duties II: Duties of Right"; Allen W. Wood's chapter "Social Justice"; Annemarie Pieper "On the Concept of an Object of Pure Practical Reason"; B. Sharon Byrd "Intelligible possession of objects of choice"; Kristian Kühl "On How to Acquire Something External, and Especially on the Right to Things"; and Gary Banham's chapter "Possession, Property, Contract." For notable exceptions to this rule, see Peter Fenves "The Political Counterpart to Pure Practical Reason"; Elizabeth Rottenberg's chapter"The Legacy of the Future: Kant and the Ethical Question"; Susan Meld Shell's chapter "Community in Theory and Practice" (Shell 133-160); Jacques Derrida "Popularities: On the Right to the Philosophy of Right" and *Voyous: deux essais sur la raison*; Jürgen Habermas, *Die Einbeziehung des Anderen*; *Robert* Pippin, "Mine and Thine? The Kantian State"; and William James Booth's sub-section "Justice and the Sublime" (Booth 125-163). See also Martin Heidegger's chapter "Die tranzendentale Einbildungskraft und die praktische Vernunft" (Heidegger 156-159).

approach to questions of right.[18] Scholarship on Kant's historical writings, though more attentive to the questions of judgment so clearly at play in Kant's texts on this subject, frequently interpret this dimension of Kant's texts by applying categories drawn from Kant's first and third *Kritik* to his historical writings in ways that obscure the specific structure of historical judgment he articulates.[19]

In this chapter, I will take a different approach to Kant's writings on history and *Rechtslehre*. In Section I, I read Kant's early "Idee einer allgemeinen Geschichte in weltbürgerlicher Absicht" (hereafter "Idee…") and late "Erneuerte Frage: ob das menschliche Geschlecht im ständigen Fortschritt zum Besseren sei" (hereafter "Erneuerte Frage…") in order to show how the development of Kant's concept of history at once reflects and refracts concomitant developments in his better known major critical works, culminating in a theory of history as reflective practical judgment. In Section II, I show how Kant's *Rechtslehre* supplements his concept of history with a theory of politics as the actualization of the historical progress of which imperfect rational beings (i.e. human beings) show themselves to be capable. At the common root of Kant's concepts of history and theory of politics, I conclude, lies an experience of time which is not that of the sequential time of empirical causation but rather the a-chronological instant of historico-political recognizability.

[18] See my consideration of Kant's distinction between "Recht" and "Tugend," in the introduction to Section Two below.

[19] See for example Yirmiyahu Yovel, *Kant and the Philosophy of History*, William James Booth, *Interpreting the World: Kant's Philosophy of History and Politics*; William A. Galston, *Kant and the Problem of History*; George Armstrong Kelly, *Idealism, Politics and History.* For notable exceptions to this rule see Susan Meld Shell, "Kant's Idea of History"; Peter Fenves *A Peculiar Fate: Metaphysics and World History in Kant*; Alexis Philonenko, *La théorie kantienne de l'histoire*; and Emil Fackenheim, "Kant's Concept of History." Also see the inaugural session of Foucault's 1983 lecture series at the *Collège de France*, transcribed in *Le gouvernement de soi et des autres*.

I. Kant's Concept of History

The Phenomenon of History

The thesis that Kant's "Idee…" represents the origins of the theory of reflective judgment he develops in the *Kritik der Urteilskraft* may be supported by an analysis of Kant's prefatory comparison of the objects of natural science, on the one hand, and of the philosophy of history, on the other, which prefigures the distinction he draws between teleological and aesthetic modes of reflective judgment in the third *Kritik*.

Kant opens his essay with the suggestion that, like the weather, which appears unpredictable and even destructive in individual instances and yet, considered as a whole, fulfills the purpose of sustaining the growth of plants, the flow of rivers, and the organization of natural systems, the apparently random and disorganized acts of human beings, when "betrachtet im Ganzen," may be understood to orient themselves "unbemerkt an der Naturabsicht, die ihnen selbst unbekannt ist, als an einem Leitfaden […]" (8: 17-18 [my emphasis]). This comparison is no mere metaphor, but rather reflects Kant's express commitment to retaining the study of history within the purview of the "teleologische Naturlehre," according to which, as he clarifies in the first of his essay's nine theses, "alle Naturanlagen eines Geschöpfes [..] bestimmt (sind), sich einmal vollständig und zweckmäßig auszuwickeln" (XI 35). Kant writes,

> Bei allen Tieren bestätigt dieses die äußere sowohl, als innere oder zergliedernde, Beobachtung. Ein Organ, das nicht gebraucht werden soll, eine Anordnung, die ihren Zweck nicht erreicht, ist ein Widerspruch in der teleologischen Naturlehre. Denn wenn wier von jenem Grundsatze abgehen, so haben wir nicht mehr eine gesetzmäßige, sondern eine zwecklos spielende Natur; und das trostlose Ungefähr tritt an die Stelle des Leitfadens der Vernunft.[20]

History must not, Kant insists, appear as a "zwecklos spielende Natur." Like natural objects, its phenomena must rather appear to be guided by some overarching purpose.

[20] For a sustained consideration of the relationship between Kant's early writings on natural history and subsequent writings on the particular form of history proper to rational beings see Peter Fenves's excellent study *A Peculiar Fate: Metaphysics and World History in Kant.*

Apprehension of the "Leitfaden" that guides historical action will, however, pose special difficulties. The link Kant asserts between nature and history soon runs into trouble. The question of freedom, which Kant provisionally sets aside as an object of metaphysical investigation on the grounds that "menschliche( ) Handlungen," as "Erscheinungen" of freedom, "eben sowohl als jede andere Naturbegebenheit, nach allgemeinen Naturgesetzen bestimmt [sind]," reasserts itself at the level of appearance. For human history, as it appears "auf der großen Weltbühne," confronts the philosopher of history with a lawlessness that resists absorption into a larger organicity, interrupting the harmony of individual phenomena and universal law that characterizes the experience of the natural world. This interruption, according to Kant, provokes a feeling of repulsion or disgust ("Unwillen") (8: 17-18).[21] Kant writes,

> Da die Menschen in ihren Bestrebungen nicht bloß instinktmäßig, wie Tiere, und doch auch nicht wie vernünftige Weltbürger, nach einem verabredeten Plane, im ganzen verfahren: so scheint auch keine planmäßige Geschichte (wie etwa von den Bienen oder Bibern) von ihnen möglich zu sein. Man kann sich eines gewissen Unwillens nicht erwehren, wenn man ihr Tun und Lassen of der großen Weltbühne aufgestellt sieht; und, bei hin und wieder anscheinender Weisheit im einzelnen, doch endlich alles im großen aus Torheit, kindischer Eitelkeit, oft auch aus kindischer Bosheit und Zerstörungssucht zusammengewebt findet: wobei man am Ende nich weiß, was man sich von unserer auf ihre Vorzüge so eingebildeten Gattung für einen Begriff machen soll. Es ist hier keine Auskunft für den Philosophen, als daß, da er bei Menschen und ihrem Spiele im Großen gar keine vernünftige eigene Absicht voraussetzen kann, er versuche, ob er nicht eine Naturabsicht in diesem widersinnigen Gange menschlicher Dinge entdecken könne; aus welcher von Geschöpfen, die ohne eigenen Plan verfahren, dennoch eine Geschichte nach einem bestimmten Plane der Natur möglich sei. – Wir wollen sehen, ob es uns gelingen werde, einen Leitfaden zu einer solchen Geschichte zu finden[.] (8:17-18)

The difference between natural and historical objects, Kant here suggests, is that between two different kinds of webbing or of weaving, one of which appears to follow a plan and the other of which does not. It is the planlessness of the latter that induces disgust. The task of the philosophy of history as Kant depicts it at this moment is to alleviate this revulsion by specifying

[21] For a sustained consideration of the role of disgust in Kant, see Winfried Menninghaus's chapter "Strong Vital Sensations and Organon of Philosophy".

the manner in which the fabric of history is "zusammengewebt."[22] The individual agents of history, Kant has suggested, may always appear unaware of the historical significance of their own activity. What one must nevertheless know is what kind of historical textile such agents produced when their actions interweave. One must, by observing this textile, determine whether the weave of history "an einem Leitfaden [fortgeht]," thus revealing a "Naturabsicht" of which the weavers themselves remain unconscious, or whether it is "zusammengewebt" from such recalcitrant materials that one can discover no coherent "Absicht" in the "widersinnigen Gange menschlicher Dinge."

What makes the assessment Kant proposes particularly difficult is that, unlike an empirically determinant tapestry, the weave of human history is not woven once, but rather woven and rewoven at every instant. There is accordingly no stable textile to which one can refer as the indisputable object of analysis, for one can never definitively separate what has been woven from the activity through which one reconstructs its weave. Kant's analysis is accordingly not that of historical events considered as things in themselves but rather of the way in which historical phenomena appear as such. The analysis of historical phenomena is not the study of the appearance *of* something that exists prior to or apart from its appearance—as the storming of a prison or siege of a government building exists prior to and apart from the many subsequent events through which it is experienced, recorded, witnessed, interpreted, and communicated beyond the immediate space and time in which it transpires—but rather the analysis of

[22] Cf. Fenves, *A Peculiar Fate,* 177-8n19. To the extent that the philosophy of history includes this attempt to retain historical phenomena within the "teleologische Naturlehre," even if it will not ultimately be able to sustain this impetus, Fenves's suggestion, which he offers in the context of a fully justified critique of Booth's reading of the relationship between Kant's philosophy of history and the beautiful, that "history would hardly appear beautiful… [but] would show itself to be sublime through and through" is too restrictive. In fact history, as this chapter will attempt to show, is not reducible to any one form of reflective judgment, but takes place rather as the conflict between beautiful, sublime, and teleological modes of the latter. For an illuminating account of the such conflict as it is reflected in a fictionalized account of a historical event written by an author who claimed to have been strongly influenced by Kant's writings, see Werner Hamacher reading of Kleist's "Das Erdbeben in Chile," "Das Beben der Darstellung (Kleists 'Erdbeben in Chili' und Kants Analytik des Erhabenen)".

appearance itself as the medium of historical existence.[23] What is of fundamental significance for the philosophy of history is accordingly not the "Tun und Lassen" of individual historical agents but rather the question of how "man ihr Tun und Lassen auf der großen Weltbühne aufgestellt [sieht]" (8: 17-18).

What is historical in historical events is not their mere existence as empirical data but rather the modes of judgment that allow historical objects to appear as such. The "Spiel der Freiheit" that appears "auf der großen Weltbühne" is accordingly a drama in which the spectators play the historically decisive role, not because what happens 'on stage' is less significant than what happens in the gallery, but rather because, without the spectators, neither the stage nor those who act upon it would appear in the first place, since the medium in and through which they act, and thus exist in a way that is historically significant, would be lacking. For Kant, the philosophy of history, if it is to be true to the nature of its object, must break with the dualism of action and contemplation, as of objectivity and subjectivity, that natural science and empirical historiography jointly presuppose. The philosophy of history cannot take the form of an analysis of what appears to be empirically given either as individual phenomena or "im Ganzen," but must rather be a reflection upon the processes through which something called history can appear in the first place.

[23] This point must be emphasized in light of a common tendency in reading's of Kant's writings on history, which frequently apply a dualism of spontaneity and receptivity foreign to Kant to the interpretation of his theory of historical spectatorship, depicting the spectatorial position as both belated and passive with regard to the actuality of historical events. See for example Anthony J. Cascardi, "Communication and Transformation: Aesthetics and Politics in Kant and Arendt"; and Martin Jay "Reflective Judgments by a Spectator on a Conference that is Now History." In her chapter "The Kantian Theater," Rebecca Comay at times comes close to this understanding of Kant's concept of spectatorship as well, though she is, to be sure, reading Kant through the lens of Hegel's critique of him (26-50). Nothing could be farther from Kant's analysis of the role of judgment in history, which is not the belated observation of empirical events but rather the condition of possibility for such events to happen in the first place.

The Infinite Species

Kant grounds his account of the spectator-dependence of historical events and the dissolution of the opposition between action and contemplation that this dependence entails in an account of the distinctive nature of action accomplished by beings endowed with reason. Unlike the behavior of non-rational animals, which is, according to Kant, "bloß instinktmäßig," human action is not to be understood as the means to a predetermined, fixed, and immediately given end. The presence of reason, in other words, does not give human action reasons for acting in this or that particular way. Much to the contrary, the existence of reason "in einem Geschöpf" must be understood, according to Kant, as "ein Vermögen, die Regeln und Absichten des Gebrauchs aller seiner Kräfte weit über den Naturinstinkt zu erweitern." This capacity to expand the rules governing the use of its powers beyond the givenness of natural instinct, Kant furthermore stipulates, exists within the "Geschöpf" in such a way that it "keine Grenzen ihrer Entwürfe [kennt]" (8: 18). As this limitless capacity to transform the "Regeln" and "Absichten" that determine action, reason sets action free from any pre-given "Regeln" or "Absichten," and may accordingly be understood as a capacity for the spontaneous self-determination of action.

Since the "Regeln" and "Absichten" to which the rational individual freely binds him or herself through action do not already program the individual's capacity for outward action as such, they must present themselves to this individual in some way from without, appearing as pre-existent within the world in which the individual finds him or herself. Whereas instincts need not be learned but are simply performed, the mutable "Regeln" and "Absichten" that determine the actions of beings who are not programmed by pre-given reasons thus require some form of "Unterricht."

In order to be at once learnable and teachable, Kant suggests, "Regeln" and "Absichten" must be repeatable. Indeed, the "Unterricht" to which Kant refers requires no school for its implementation, but is rather the mere form of "Übung" and "Versuche" (8:18). Though this repetitious learning-process may be slower and more laborious than the immediate enactment of instinct, the "Regeln" and "Absichten" to which it gives rise have an important characteristic that instinct lacks. Since such "Regeln" and "Absichten" must be detachable from the immediate context of their enactment and repeatable in the context of an "Unterricht," they may also be displaced, retained, and transported beyond the space and time of their immediate application and thus transmitted, in a state of disuse, from one individual to another or from one generation to the next. The slowness of reason's learning process is thus compensated by the survival of reason's results in the absence of the individuals who produce them, which in turn provides for the displacement of this learning-process from the individual subject or generation to future generations, thereby facilitating the historical development of the human species as a whole. Kant writes,

> [Die Vernunft] wirkt [..] selbst nicht instinktmäßig, sondern bedarf Versuche, Übung und Unterricht, um von einer Stufe der Einsicht zur andern allmählich fortzuschreiten. Daher würde ein jeder Mensch unmäßig lange leben müssen, um zu lernen, wie er von allen seinen Naturanlagen einen vollständigen Gebrauch machen solle; oder, wenn die Natur seine Lebensfrist nur kurz angesetzt hat (wie es wirklich geschehen ist), so bedarft sie einer vielleicht unabsehlichen Reihe von Zeugungen, deren eine der andern ihre Aufklärung überliefert, um endlich ihre Keime in unserer Gattung zu derjenigen Stufe der Entwickelung zu treiben, welche ihrer Absicht vollständig angemessen ist. (8: 18)

The "unmäßig lange Leben" that Kant introduces as requisite for the full development of the "Keim" of reason in a single human individual is merely rhetorically intended. That it does not objectively mark an empirical possibility for Kant is already evident from the section heading under which his statements fall, which unequivocally binds the possibility of accomplishing a "vollständig(e) (E)ntwickel[ung]" of a rational beings "Naturanlagen" to the "Gattung" and

denies it to the "Individuum," no matter how long the latter may live. The "(U)nmäßig(e)" of Kant's "unmäßig lange(s) (L)eben" must accordingly be understood in the strict, denotative sense. For the "[L]eben" of a single individual to make possible the full "Entwickelung" of humanity's "Naturanlagen," this "[L]eben" would not have to be very long, but rather *immeasurably* long, for, as we have seen, the mutability of the "Absicht" with which the "Stufe der Entwickelung" must become "vollständig angemessen" "kennt keine Grenzen." The "Stufe der Entwickelung" that Kant imagines is accordingly unattainable. Indeed, in the sixth thesis of the "Idee…" Kant will declare that the "vollkommene Auflösung" of this "schwerste(n)… Aufgabe" that the attainment of such a "Stufe der Entwickelung" would represent is "unmöglich" (XI 41). The *task* that the *idea* of the attainment of the highest "Stufe der Entwickelung" prescribes remains, however, and the nature of *progress* toward the "vollkommene Auflösung" of the problem this task poses is such that it cannot not be accomplished by the isolated "Individuum," but may only be pursued at the level of the "Gattung."

But Why?

The reason, Kant suggest, lies in the link between repetition and universality, or more precisely, between the fundamental repetitiousness of "Versuche," "Übung," and "Unterricht," on the one hand, and the possibility of "[Ü]berliefe[rung]" on the other. Because of this repetitiousness of learning, progress, understood as the increasing prevalence of universal laws governing the outward form of action, happens at the level of the "Gattung" irrespective of the self-interestedness that may drive individuals in the present. Though "[e]inzelne( ) Menschen und selbst ganze( ) Völker" evidently infrequently consider the universalizability of the inner maxims implicit in their outward actions "indem sie, ein jedes nach seinem Sinne und einer oft

wider dem andern, ihre eigene Absicht verfolgen" (8:17), the incommunicability of purely particular motives cancels them out over time, thus gradually bringing action in line with universal principles capable of being shared by all.

Since the individual's ability to legislatively regulate its own activity involves a process of self-instruction that must draw upon forms that pre-exist the individual within the external world it inhabits, the individual, though autonomous in some sense, loses its exclusive individuality from the moment that it acts. According to Kant, the individual freely appropriates the "Regeln" and "Absichten" that governs his or her action. Still, he or she does not first create these forms, which are rather the traces of prior "Zeugungen, deren eine der anderen ihre Aufklärung überliefert" (8:17-18). A rational being's freedom from instinct does not, accordingly, denote the absolute autonomy of the acting individual as such, but rather the irreducible sociality of the rational individual's existence.[24] According to Kant, though, it is the individual's freedom from instinct that first makes the individual *un*sociable, since each would place this freedom in the service of the self-interest that motivates him or her as a merely natural organism and accordingly exercise this freedom in sovereign disregard of the interests of others. But the "Regeln" and "Absichten" to which free individuals find they must bind themselves if they are to act and thus exist as apparent beings in the world retain them within a horizon of irreducible sociality. Since this sociality intervenes even at the level of the minimal ideality of the individual's learning process and of the maxims that govern its action—which must, as we have seen, find their basic measure in repeatability—the individual remains social even where he or she appears least so. The well known "ungesellige Geselligkeit" that, according to Kant, best

[24] Cf. Susan Meld Shell (146-147, 151). Shell's persuasive account of the existential value of community for the individual in Kant is developed in the context of her reading of the Metaphysics of Morals, but she is strangely reluctant to carry this insight over fully into her consideration of Kant's early writings on history, where it is however of essential importance.

describes human kind's socio-historical behavior, is nothing but the expression of this fundamentally split existence of the individual subject, because of which each finite individual is unavoidably bound to the infinitude of its species.

The Perspective of the Future

Kant understands the fundamental splitting of the historical individual as the incorporation of a spectatorial position within all historically significant action. Rational beings cannot act without first appropriating the "Regeln" and "Absichten" that will govern their action from without. Though individual actors need not be aware of it, all historical action, for Kant, must involve the pre-conscious or conscious application of forms left over from prior "Zeugungen" in the formation of outward activity, as the condition of possibility thereof. Since this regulatory self-relation is constitutive of rational actors, such actors cannot come into existence as such without first coming into a relationship with themselves that, being mediated by forms that are not of its own making, places them in a relationship with themselves that is formally analogous to the relationhsip established between themeselves and the others who observe their actions from without, such that these others may be thought of as virtually present within a rational agency even when they are empirically absent as phenomenal persons confronting an individual agent.

The incorporation of a spectatorial position into historical action is, according to Kant, what drives human history in the direction of increasingly universal forms of self-regulation. Since all action is minimally social, even the most apparently anti-social of human actions must be understood as "die Ursache einer gesetzmäßigen Ordnung derselben" (8:21). The unavoidable formality of free action detaches the objective historical effects of action from whatever inner, subjective intentions may seem to motivate them, such that, as Kant will famously write in *Zum*

ewigen Frieden, even "ein Volk von Teufeln" in possession of the most unworthy of "Privatgesinnungen" must be regarded as capable of civility, provided that they are "vernünftige Wesen, die insgesamt allgemeine Gesetze für ihre Erhaltung verlangen" (8: 367).

The "gesetzmäßige( ) Ordnung" toward which human action tends is, to be sure, not yet the "innerlich und, zu diesem Zwecke, auch äußerlich-vollkommene Staatsverfassung" that Kant envisions as the "Vollziehung des verborgenen Plans der Natur" through the "Geschichte der Menschengattung" (8:27), but it is, according to Kant, the basis of historical progress toward the latter. Indeed, Kant is so enamored of the potential of this dimension of historical action to drive historical progress that, in the sentence with which he closes his essay, he suggests that promoting the effects of this fundamental ideality of history has been his essay's tacit goal. Kant thus suggests that his essay, and the philosophy of history it outlines, aims *not*—as one might expect of Kant at the moment he is elsewhere busily establishing the categorical imperative as the basis of all morally coherent action—to provide criterion for directly assessing the intrinsic moral worth of historical deeds, but rather to instruct political leaders in how they may best court enduring fame. The question such historical actors must ask, Kant suggests, is "wie es unsere späten Nachkommen anfangen werden, die Last von Geschichte, die wir ihnen nach einigen Jahrhunderten hinterlassen möchten zu fassen." It is to help the agents of history in responding to this question, Kant furthermore reveals, that he has attempted to direct their attention "auf das einzige Mittel… das ihr rümliches Andenken auf die späteste Zeit bringen kann" (8:31). Kant's essay's "Bewegungsgrund," he himself thus suggests, is neither to instruct his readership in morality nor to move them toward a determinant course of action but rather to persuade them to view historical action in general from a different "Gesichtpunkt"—namely that of "unsere späten Nachkommen."

Kant's declared motive is of great significance for the theory of historical action he unfolds, since it transforms his essay into an exemplary instance of the object it analyzes. If Kant's essay transforms the "Gesichtpunkt[e]" of historical actors in the way he envisions at its close, then it becomes, in so doing, a part of the agency whose structure it seeks to understand.[25] Kant, in fact, marks this recursion in the title of his essay's ninth and final section, which contains his statement regarding his essay's "Bewegungsgrund." The title reads "Ein philosophischer Versuch, die allgemeine Weltgeschichte nach einem Plane der Natur, der auf die vollkommene bürgerliche Vereinigung in der Menschengattung abziele zu bearbeiten, muß als möglich, *und selbst für diese Naturabsicht beförderlich angesehen werden*" (8: 29 [my emphasis]).

Kant's presentation of his own philosophy as prerequisite to the historical progress it analyzes is no mere rhetorical flourish or vain premonition of philosophical grandeur. It is rather the simple result of the centrality of spectatorship to historical action Kant discovers in his object, which shifts the field of historically significant action away from the immediate contestation of empirical objects already existing in the world toward the modification of pre-objective "Gesichtpunkt[e]" that first give rise to a world in which historically significant objects can exist. At this moment in Kant's analysis of historical action, the shift to a reflective historical "Gesichtpunkt" *prior to* the stabilization of historical objectivity and the consideration of the "Gesichtpunkt" of "unsere(n) späten Nachkommen" perform the same function, for in both instances what is at stake is a suspension of the presence of the present through an apprehension

[25] Cf. Susan Meld Shell's apt observation that "the authors of history" are, in Kant's "Idee…," "in an important sense its subject matter as well." That this does not, however, turn history into a "*Bildungsroman* whose hero is the learned public at large," as Shell here suggests, might be evident to her from her own illuminating account of the Kant's relationship to Rousseau and of the general synthetic will of the *Metaphysik der Sitten* as a practical *ens realissimum*. The denaturalizing and thus historicizing self-consciousness that Thucydides represents may be reflected in, but need not therefore be limited to, the learned (145-160, 176).

of the conditions of possibility for its constitution as such, which, in their inherent multiplicity, can never be resolved in the determinacy of any one present, such that this turn to the immanent past of the present is also the exposure of the ineluctable consignment of the present to an as-yet-indeterminate future.

The Aimlessness of History

By directing his readers' attention to the question of their own fame, Kant would transport them from the present in which they act into the future in which their acts will be interpreted. The specific temporality of the "Gesichtpunkt" he encourages them to inhabit is that of the future anterior.[26] By encouraging his readers to inhabit the perspective of those who will interpret the traces of their actions, Kant induces them to experience events not in their immediate sensuous particularity but rather as things that will have been. In so doing, he asks his readers to inhabit a perspective that presupposes their own absence—a perspective for which, indeed, "die Urkunden" of the present "längst erloschen sein dürfen" (8:30). He seeks to place them, in other words, in a position similar to the one they inhabit as readers of his own philosophical corpus—namely that of an audience that lacks immediate access to the author of the acts whose "Last[en]" they read, and can accordingly only imagine the intentions that have motivated its author. He tells his readers his intention in calling their attention to the question of their fame: it is to move them to understand that the interpreters of their actions will not know their intentions, but will interpret the traces of their acts "aus dem Gesichtpunkt dessen, was sie interressiert" (8:30).

[26] Cf. Comay, who identifies Kant's fascination with the non-legal origins of law with an inability to master the future anteriority of revolutionary action: "What repels and fascinates Kant about the king's trial is that it reveals an illegality that seems to be both internal to the law and the key to its foundational authority… What the trial exposes is the "future anterior" of a rule that will have been invented only upon being executed, and the circularity of a syllogism that will have justified its antecedent only from its conclusion" (41). Kant may be less mystified than Comay suggests, since such future anteriority is essential to the concept of history he develops.

It is because history liquidates the sensuous particularity of the present and transmits only the universalizable aspects of action's outer form, according to Kant, that he may predict the "Gesichtpunkt" from which "unsere späten Nachkommen" will interpret the traces or our acts. "Ohne Zweifel werden sie," Kant writes in 1784, "die der ältesten Zeit, von der ihnen die Urkunden längst erloschen sein dürften, nur aus dem Gesichtspunkte dessen, was sie interessiert, nämlich desjenigen, was Völker und Regierungen in welbürgerlicher Absicht geleistet oder geschadet haben, schätzen" (8:30). The perspective from which those who come after us will assess our action will thus be, according to Kant, precisely the one from which his essay, as its title announces, has been written—namely one that is informed by a "weltbürgerlicher Absicht." What is to come, Kant's text thus suggests, is not to be anticipated in a chronologically future time, but has already arrived in the present, and not, as one might easily suspect, because the present contains philosophers that are ahead of their time, but rather because history only happens in and as the immediate displacement of the present into the time of its recognizability.

To write from a "weltbürgerlicher Absicht," Kant's text thus suggests, is simply to engage this temporal dislocation that history already is. It is to court one's own disappearance within the historical movement that casts the present outside of itself and, by interrupting the immediate empirical determination of interest, subtends the historical transformation of the latter. What this means, however, is that the interests of "unser späten Nachkommen" resist all positive determination, not merely because the positive attainment of "Weltbürgerschaft" represents the "vollkommene Auflösung" of the "schwerste… Aufgabe" that, according to Kant, remains forever "unmöglich," but moreover because the temporal dislocation of the present that potentiates progress toward this infinitely receding "Stufe der Entwickelung" "kennt keine Grenzen ihrer Entwürfe" (8:23). Despite Kant's many references to the secret purpose that

history unfolds, the concept of history that his essay develops is thus the concept of a form of action that is and must remain without determinant end. The progress he predicts takes the form of a transience without aim.

Renewing the Question: The History of Future Time

Kant returns to the concept of progress first developed in the "Idee zu einer allgmeine Geschichte in welbürgerlicher Absicht" in an essay that, though likely written over a decade later, nevertheless contains a direct and consequential extension and reassessment of the ideas presented in his earlier essay on history, which it transforms in ways that, as we shall see, reflect developments in the major works that he has published in the intervening period—in particular those pertaining to the relationship between judgment and freedom in his second and third *Kritiken*. The text in question is the "Erneuerte Frage: ob das menschliche Geschlecht im ständigen Fortschritt zum Besseren sei," which appears in 1798 as the second of three sections of Kant's longer anthropological work *Der Streit der Fakultäten*, in the context of which it ought to represent the "conflict" between the faculties of law and philosophy. Though this approach to the question of history portends a rehearsal of Kant's earlier argument pertaining to the fundamental historical significance of the "Gesichtpunkt" from which one interprets history, Kant's essay in fact contains a major revision of his earlier approach, fundamentally altering the methodological role of the future anterior in the philosophy of history. The perspective of the future, Kant now argues, cannot be understood as the result of the interests of future subjects. The people of the future are not to be understood as those who will view the present "aus dem Gesichtpunkt dessen, was sie interessiert" (8:30). The future, accordingly, does not arrive through the transformation of the interests on the basis of which one acts, but rather in and as the interruption of the immediate determination of action by interests. The future inhabits the present, in other

words, in the form of a disinterestedness therein. In what follows, we shall attempt to understand what this development in Kant's approach to history means for the relationship between judgment and historical time.

In order to be in a position to understand this development, we must briefly situate Kant's later essay in the contexts 1) of the development of his critical system and 2) of the larger work in which it appears.

The methodological transition that takes place in Kant's historical writings reflects the basic problem of the relationship between the theoretical and practical branches of his system, which he famously attempts to bridge with the theory of reflective judgment developed in the *Kritik der Urteilskraft*. Kant's theoretical philosophy, which he develops in the first of his three *Kritiken*, attempts to establish the boundaries of the legitimate use of human cognition for the acquisition of knowledge about the objects of understanding, thereby securing the basis of claims to such knowledge against the threat posed by Humean skepticism while avoiding relapse into metaphysical dogmatism represented by Leibnizian rationalism. Kant's practical philosophy, as represented by his second *Kritik* and *Grundlegung der Metaphysik der Sitten,* on the other hand, argues for the freedom of rational beings and elaborates the principles that govern the morally consistent use of such freedom, while denying direct cognitive access to freedom as such on the grounds that the latter must, in order to ground the moral responsibility proper to free agents, remain in itself entirely unconditioned and thus without sensible determinacy. Kant's third *Kritik* attempts to bridge the gap between his theories of theoretical cognition and practical freedom by providing an account of the knowing subject's experience of its own spontaneity, not directly in the objects of knowledge that it synthesizes, but rather through the oblique apprehension of the synthetic activity that makes the formation of such objects possible.

As previously noted, at the time Kant writes the "Idee zu einer allgemeinen Geschichte in weltbürgerlicher Absicht," he is already in the process of formulating the first installment of his practical philosophy, the *Grundlegung zur Metaphysik der Sitten*, and is thus still in the process of determining the relationship between the freedom of action, on the one hand, and cognition on the other. The traces of this process are evident in the "Idee…," in which Kant attempts to circumvent the difficulty posed by freedom's inscrutability by focusing on the reception of free acts as sensible phenomena, while simultaneously attempting to provide an account of how human action frees itself from the laws governing other natural mechanisms. This approach represents an attempt to retain the philosophy of history within the domain of theoretical cognition and thus circumnavigate the "unübersehbare Kluft" that, famously, opens up between the sensible "Gebiet der Naturbegriffs" or of possible theoretical knowledge, on the one hand, and the supersensible "Gebiet des Freiheitsbegriffs" or of pure practical reason, on the other (5:174-5).

As we have seen, this attempt is already fraught with difficulties in the "Idee…," which fails to retain historical action within the horizon of the "teleologische Naturlehre," as is its stated goal. But it is not until the publication of the "Erneuerte Frage…" that Kant develops an account of history that responds to this difficulty.

Kant's "Idee…" is written in the period between the publication of his first and second *Kritiken*. By the time Kant writes the "Erneuerte Frage…" (in 1795), he has published all three of his *Kritiken* and is likely already at work on the *Metaphysik der Sitten,* which he had planned to write in the early 1760's[27] but publishes only in 1797. He publishes his second essay on history, as mentioned, as the second of three essays that together comprise the larger work *Der*

[27] See Kuehn (9-27).

Streit der Fakultäten, which appears in 1798.[28] Though each of the three essays gathered together in this work were written at different times and, in Kant's own words, "in verschiedener Absicht," they are nevertheless, he insists, susceptible of systematic organization as a single work. The overarching problem that joins Kant's three essays is that of a conflict between the three "oberen Fakultäten" (theology, law, and medicine), on the one hand, and the "unteren Fakultät," represented by philosophy, which for Kant in this context includes the breadth of what we would today call the liberal arts, on the other.

Kant clarifies what differentiates the higher and lower faculties in general in the introductory apparatus that situates his three essays: It is not primarily the content for which they are responsible—for the lower faculty, according to Kant, contains the texts of theology, law, and medicine within its purview—the difference lies rather in the mode of cognition proper to each faculty, which itself derives from their different relationships to executive power, with which the higher faculty is directly involved and the lower faculty is not. By entrusting the higher faculty with executive power, on account of which it receives its conventional status as "oberen," government strips it of the power to freely judge the textual material for which it is responsible, which it must not critique but rather merely implement, such that its relationship to the writings that constitute its field is rigid and dogmatic (7:19-23). Since the teachings of the lower faculty are, by contrast, not adopted as governmental directives, this faculty is left free to

[28] See the editorial introduction to Kant's "Conflict of the Faculties" in Kant, *Religion and Rational Theology,* 235. Cf. Ak. 7: 338 ff. for a full discussion of the origin of Kant's treatise by Karl Vorländer. The reason Kant gives for the delaying publication of this and other essays until 1798 is that, having been censured by King Frederick William II for the publication of the *Religion innerhalb der Grenzen der bloßen Vernunft,* he had consequently promised, in a letter to the King which he publishes in a preface to the *Streit der Fakultäten,* to abstain from publishing works touching on theology. He referred to himself, in the sentence that contained the promise, "als Ew. Königl. Maj. Getreuester Untertan," and therefore regarded himself as absolved of the promise when William II died in November 1797. He therefore evidently regarded himself as free to publish the three essays that touch not only on theology but also, in the case of the "Erneuerte Frage…" on enthusiasm for revolution and the virtues of republicanism, at this time (7:9-10).

interpret the writings it studies as it likes, such that its relationship to the writings that constitute its field is fluid and critical (7:19-20, 27-9).

The relationship between the upper and lower faculties is accordingly similar to that between the a-historical/instinctual and historical/rational modes of action in the "Idee…". Like the instinct driven animal, the higher faculty does not reflect upon the forms for which it is responsible but rather merely implements them, while the lower faculty is capable of entering into a reflective relationship with the forms through which it obtains knowledge of its field, thus demonstrating the freedom characteristic of rational judgment and, therewith, the capacity to alter its relationship to the forms that it engages, which Kant, in the "Idee…," identifies as the foundation of the capacity to make history (7: 27-9). What is interesting about this evident parallel is that it would seem to locate the capacity for historical change on the side of those who do not to act.[29] In what follows, however, I will attempt to show how the concept of spectatorship Kant develops in the "Erneuerte Frage…" aims to break the link between executive power and dogmatic cognitive modes that the introduction to the *Streit der Fakultäten* identifies by undoing the opposition between contemplation and action that the governmental distribution of academic labor into higher and lower faculties reflects.[30] The "Erneuerte Frage…" supplements the synthesis of spontaneity and receptivity articulated in Kant's theory of reflective

[29] This aspect of Kant's argument, which, as we shall see, extends to the concept of spectatorship he develops in the "Erneuerte Frage…," will indeed make him available to critique as the great progenitor of what Marx will later diagnose as the "German ideology," which abandons concrete action for the purity of reflective judgment and thus substitutes mere aesthetics for real politics. See for example Rebecca Comay's chapters "The Kantian Theater" and "Revolution at a Distance" (26-50, 81-109). Chapters One and Two of this dissertation will suggest that there is less distance between Kant's theory of history as reflective practical judgment and Hegelian phenomenology than Comay maintains.

[30] I choose the verb "reflects" carefully here, for Kant suggests that his true target is not merely the empirical, historically contingent categorization of university faculties, but rather the way in which the "Vernunftidee" of "einer Regierung" makes itself practical in the form of a "Gegenstand der Erfahrung"—which is in this case represented by "das ganze gegenwärtige Feld der Gelehrsamkeit" (7:19-20). Though the passage in which this statement occurs is exceedingly obscure, it nevertheless seems clear that Kant's intended object is the mode of judgment through which the idea of becomes practical, rather than the contingent historical fact of the division of the Prussian university into higher and lower faculties, which is a particular reflection of this general mode of judgment.

judgment in the third *Kritik* with a concept of spectatorial "Teilnehmung" that is not opposed to action but is rather itself, for Kant, the form of genuinely historical action.

The conflict of high and low faculties that structures the *Streit der Fakultäten* as a whole is reflected, in the "Erneurte Frage…," as a tension between positivistic and empirical versus reflective approaches to history. Beyond this, Kant makes no attempt to synthesize the terms of his essay with the framework that the introduction to the *Streit der Fakultäten* provides.[31] The question he poses at the outset of his essay, rather, situates his investigation at precisely the point at which the "Idee…" leaves off. "Was will man hier wissen?" Kant asks at the outset, and immediately responds: "Man verlangt ein Stück von der Menschengeschichte, und zwar nicht das von der vergangene( ), sondern der künftige( ) Zeit" (7: 79). By motivating his investigation in this way, Kant seems to take as his methodological point of departure precisely the "Gesichtpunkt" that his earlier essay develops. Just as the "Idee…" attempts to develop a universal concept of history not by abstracting from the chronicles of time past but rather by analyzing the conditions of possibility for the present to become a past for the future, so too the "Erneuerte Frage…" determines the object of the philosophy of history not as "vergangenen" but rather as "künftige( ) Zeit." Here, as in Kant's earlier essay, the methodological perspective that

[31] Indeed, though Kant places the "Erneuerte Frage…" under the heading "Der Streit der philosophischen Fakultät mit der juristischen," there is not a single direct reference to any such struggle within the body of his essay, in which no word with the base "jurist" appears. This would seem to suggest that 1) Kant simply inserts the article he had written in 1795 into the framework of the *Streit der Fakultäten* wholesale, making very few changes and 2) that he believes that it is self-evident how his essay reflects the concerns of his larger work. Given what little Kant says, in the introductory apparatus to the *Streit der Fakultäten,* regarding the "Juristenfakultät," the connection in fact seems relatively clear, despite the fact that Kant himself does not explicitly draw it. For it is the characteristic of the jurists, as instruments of the government, to unthinkingly apply the law handed down to it by governmental decree without pausing to questions whether or not the law is right (7: 25). It is by implication the lower faculty's job to ask the question that the jurist's omit, as Kant himself does in the *Rechtslehre*, to which his mention of the law of "Mein und Dein" in the section of the *Streit der Fakultäten* on the "Juristenfakultät" seems directly to refer. Now since "Recht" is for Kant, as we shall see, nothing other than the determinant extension of the supersensible indeterminacy of freedom in the world, the conflict between the faculties of law and philosophy must be understood as that between different ways of apprehending such expressions of freedom. It is precisely such a comparison that the "Erneuerte Frage…" undertakes, not through a comparison of lawyers and philosophers, but rather through a comparative account of different approaches to history. Cf. Fenves (*Fate* 170n1).

the philosopher recommends would transform the experience of the present into that of the past of a future in which the traces of the present will be interpreted.

No sooner has Kant accomplished this shift in perspective, however, than he seems to abandon the methodological importance of such a shift in "Gesichtpunkt" for the philosophy of history. This abandonment is part of his attempt to differentiate the cognitive mode proper to the philosophy of history from that proper to natural science. While, in his earlier essay, Kant never entirely relinquishes the analogy linking natural science to the philosophy of history, calling it into question only when forced to do so by the peculiarity of his chosen object and remaining otherwise committed to retaining his analysis of historical action within the purview of the "teleologische Naturlehre" throughout, in the "Erneuerte Frage…" he actively repudiates the parallel between the philosophy of history and natural science at the outset. Though modifications of the perspective from which one approaches the object one analyzes may be of fundamental importance for the natural-scientific analysis of phenomena, he now suggests, this methodological principle cannot be extended to the philosophy of history. For although, as Kant asserts at the beginning of the "Idee…," the "Erscheinungen" of the "Freiheit des Willens" may indeed follow the "allgemeinen Naturgesetzen" that determine "jede andere Naturbegebenheit," the same may not be said of the spontaneity that subtends them, nor of the futurity that derives from the indeterminacy of the latter, which, Kant suggests, is the object of the philosophy of history understood as the analysis of "künftige( ) Zeit."

Kant's questioning of the utility of shifts in methodological perspective for the philosophy of history is based in part on the suggestion that while, in the natural sciences, the utility of methodological perspectives may be measured according to the explanatory power of the results generated with regard to the phenomena they would explain, the philosophy of

history, as a thinking that attempts to explain not the regularity but rather the mutability of the laws that govern the phenomena it analyzes, has no such external measure by which to make a comparable judgment, for it has no determinant object of study, but is rather the analysis of history's susceptibility to transformation by the "Gesichtpunkte" through which it is reconstructed. The philosophy of history cannot proceed through mere changes in perspective, in other words, because what it must understand is the possibility of historically significant changes in perspective. Kant writes,

> Vielleicht liegt es auch an unserer unrecht genommenen Wahl des Standpunkts, aus dem wir den Lauf menschlicher Dinge ansehen, daß dieser uns so widersinnisch scheint. Die Planeten, von der Erde aus gesehen, sind bald rückgängig, bald stillstehend, bald fortgängig. Den Standpunkt aber von der Sonne aus genommen, welches nur die Vernunft tun kann, gehen sie nach der Kopernikanischen Hypothese beständig ihren regelmäßigen Gang fort. Es gefällt aber einigen sonst nicht Unweisen, steif auf ihrer Erklärungsart der Erscheinungen und dem Standpunkte zu beharren, den sie einmal genommen haben: sollten sie sich darüber auch in Tychonischen Zyklen und Epizyklen bis zur Ungereimtheit verwickeln. — Aber das ist eben das Unglück, daß wir diesen Standpunkt, wenn es die Vorhersagung freier Handlungen angeht, zu versetzen nicht vermögend sind. Denn das wäre der Standpunkt der Vorsehung, der über alle menschliche Weisheit hinausliegt, welche sich auch auf freie Handlungen des Menschen erstreckt, die von diesem zwar gesehen, aber mit Gewißheit nicht vorhergesehen werden können…, weil er zu dem Letzteren der Zusammenhang nach Naturgesetzen bedarf, in Ansehung der künftigen freien Handlungen aber dieser Leitung, oder Hinweisung, entbehren muß. (7: 83-4 [my emphasis])

This passage marks Kant's decisive turn away from his earlier attempt to retain the thought of history within the horizon of the "teleologische Naturlehre" as an apotropaic measure against the danger that history appear as a "zwecklose spielende Natur" (8: 17).[32] It is to avoid this danger that Kant, in the very first sentences of the "Idee…", sets aside the direct analysis of the concept of freedom and turns to that of "die Erscheinung derselben" in "menschlichen Handlungen," which, he claims, like all other "Naturbegebenheiten," are determined by "allgemeinen Naturgesetzen" (8: 17) and may thus become the licit objects of teleological

[32] See my section "The Phenomenon of History" above (22-26).

judgment.[33] Kant now reverses this gesture: while the "Idee…" begins by comparing meteorological science and the philosophy of history in order to argue for a perspective on historical phenomena analogous to that which allows meteorological science to discern the natural laws governing apparently unpredictable atmospheric phenomena by postulating the concept of a purposive organic totality to which such phenomena belong—a perspective with which it never fully breaks—the "Erneuerte Frage…" opens with a similar analogy, but only so as to undermine its fundamental premise from the start.

While natural science may indeed render the seemingly haphazard movement of celestial bodies comprehensible by shifting from a geocentric to a heliocentric perspective, the philosophy of history will not be not so lucky. Its "Unglück" is that it lacks the capacity for a change in perspective analogous to the one Copernicus accomplishes. While the astrologer may use the power of reason to displace the scientist's perspective to one other than that immediately given to him or her through sense experience while yet retaining the natural laws that may be garnered through the study of empirical phenomena and applying them in the context of the new perspective it has adopted, when the philosophy of history turns its attention to "künftigen freien Handlungen," it must do without the "Leitung" or "Hinweisung" provided by the "Zusammenhang nach Naturgesetzen." Although the "freie Handlungen des Menschen" may indeed "gesehen… werden," Kant now reasons, the analysis of the phenomenal dimension of action is of little use to the philosophy of history understood as the analysis of "künftige( ) Zeit." For the rules that govern the "freie Handlungen" that constitute history are not those that govern natural phenomena. And yet neither are they the purely supersensible laws that govern moral

[33] For a sustained consideration of this aspect of Kant's argument in the "Idee…" see Peter Fenves's chapter "Fatalities: The Turn of Freedom in the 'Idea for a Universal History'" (*Fate* 83-169); and Susan Meld Shell's chapter "Kant's Idea of History," (*Embodiment* 161-189).

phenomena. It is indeed the specific difference of the historical from both the natural and the moral, both the sensible and the supersensible, that the philosophy of history seeks to understand.

The Phenomenon of History (Revisited): Historical "Begebenheit"

In the fourth section of the "Erneuerte Frage…", entitled "Durch Erfahrung unmittelbar ist die Aufgabe des Fortschreitens nicht aufzulösen," Kant directly addresses the problem his earlier treatment of the concept of progress attempted, albeit unsuccessfully, to circumvent—namely that of the possibility of an experience of freedom. The philosophy of history, understood as the conceptualization "des Fortschreitens," cannot immediately draw upon the experience of something called "history," no matter what "Gesichtpunkt" it chooses to occupy, for the question of a possible cognition of historical objects, understood as manifestations of human freedom in the world, is immediately a problem for it. What the philosophy of history requires is a form of experience that "[erstreckt sich] auf freie Handlungen des Menschen" without thereby contradicting the freedom whose guiding principle it would analyze. Such an encounter cannot be "nach bekannten Naturgesetzen… geführt," but must rather occur in and as what Kant calls at the outset of his essay, with only apparent irony, an "übernatürliche Mitteilung" (7: 79). Only such an "übernatürliche Mitteilung," Kant suggests, can found the philosophy of history, because only such a "Mitteilung" can bring about an "Erweiterung der Aussicht in die künftige Zeit." The task Kant's essay sets itself is accordingly the further specification of the "Mitteilung" it names at its beginning.

The "übernatürliche Mitteilung" with which the philosophy of history first becomes possible would have to be the "Mitteilung," Kant suggests, of the "a piori mögliche Darstellung der Begebenheiten, die da kommen sollen" (7: 79). What it communicates is supernatural, in other words, because it does not take the form of a sensibly given empirical datum, but rather

that of the a priori possibility of the latter—the possibility, in other words, that a historical "Begebenheit" be first *given*. The "Mitteilung" Kant describes is accordingly that of an *es gibt*... in the absence of any determinant thing given. It is the communication of the possibility of presentation as the possibility of historical objectivity in general and, as such, as the possibility of the future. The philosophy of history is "wahrsagend" as the study not of the *Dasein* of what *was* or *is there* but rather of the possibility for a presentation of what "da kommen [soll]."

As the analysis of the a priori possibility of the appearance of historical objects, the philosophy of history must be in the first instance a philosophy of its own capacity to relate to such objects. "Wie ist aber ein Geschichte a priori möglich?" Kant accordingly continues, and once again answers without delay: "…wenn der Wahrsager die Begebenheiten selber macht und veranstaltet, die er zum Voraus verkündigt" (7: 79). The philosophy of history is possible, Kant thus argues, only in and as reflection upon its own capacity to produce the objects about which it speaks.[34] The study of history becomes philosophical, and thereby prophetic, only when it turns its gaze away from historical "Begebenheiten" and toward the historical "[V]eranstalt[ung]" thereof. Only through the act of contemplating its own contemplative activity, Kant suggests, can historians become philosophical. What is more, only in this way can the mere narration of past events give way to a history of future time.

Though the philosophy of history must, according to Kant, relinquish its attachment to historical "Begebenheiten" and, indeed, its attachment to the immediacy of experience in general, it cannot be therefore bereft of all relationship to "Erfahrung" without relinquishing its claim to be a philosophy of history, which is to say a philosophy of the existence of freedom in the world. At stake in the specification of the form of experience proper to the philosophy of

[34] For a range of views on Kant's complex treatment of the self-fulfilling prophecy see, Margherita von Brentano. "Kants Theorie der Geschichte und der bürgerlichen Gesellschaft," 205-214; Lewis White Beck's Introduction to *Kant: On History*; and Peter Fenves (*Fate* 187-188).

history is, rather, yet another shift in "Gesichtpunkt" after all. The shift is not, this time, simply that from one point of view to another, however, but rather a transition to a fundamentally different kind of perspective or a radically different orientation toward history. "Begebenheiten" may not, Kant suggests, be set aside altogether. But neither are they to be understood as mere givens or stable empirical data. Historical "Begebenheiten" are rather to be apprehended as *clues* ("Hinweisungen") that point the human species toward its own "Beschaffenheit" to be the cause of historical progress (7: 83-4).

The concept of causation Kant mobilizes at this point in his argument is markedly different from natural causation in two crucial respects:

1) It is not efficient causation but rather causation through freedom. The capacity for causation to which the historical object refers the one who observes it is indeed its own capacity to be the "Ursache von dem Fortrücken [im Menschengeschlechte] zum Besseren," but the causality of this "Ursache" is not itself that of the efficient, natural cause or "Begebenheit" to which it gives rise. Rather, since the act that this "Ursache" accomplishes "die Tat eines mit Freiheit begabten Wesens sein [soll]," the causality of this "Ursache" must be understood as that of an "Urheber." Historical objects, in other words, must not appear caused in the way that the movement of one billiard ball is caused by the impact of another, but rather in the way in which a work is produced by its author. The first important difference between the concepts of natural and historical causation is accordingly that between efficient causation and causation through freedom.[35]

[35] Kant elaborates this difference in terms nearly identical to those of the "Erneuerte Frage…" in passages from the *Kritik der reinen Vernunft* to which I will turn momentarily. See the "Auflösung der kosmologischen Ideen von der Totalität der Ableitung der Weltbegebenheiten aus ihren Ursachen" in the "Transzendentale Dialektik" (B 560/A532-B580/A552).

2) It does not take place at any determinant time. This second crucial difference derives from the first, and is of paramount importance to the concept of time proper to Kant's concept of historical causation. Because of its special character as free rather than natural causation, Kant suggests, the cause of which the historical "Begenbenheit" is a clue may not be understood as transpiring or as having transpired at any determinant point in time, as all natural causes do, but must appear entirely "unbestimmt in Ansehung der Zeit" (7: 84). This means that this cause must lack all empirical determinacy, since the empirical concept of causation is, according to Kant, in its purest form the concept of temporal succession that governs the appearance of all natural objects, such that determination in time is the condition of possibility for all further empirical determination of a cause.[36]

These two parts of the concept of historical causation place significant restrictions upon the form that the historical "Begebenheit" can take. The historical "Begebenheit" that refers us to a "Beschaffenheit" to be its "Urheber" must 1) not appear to be the result of any efficient cause, and must accordingly, from the standpoint of empirical understanding, appear entirely uncaused, for what appears to have caused it "[kann] nicht bestimmt werden" (7: 84). It must furthermore 2) not appear to as having been caused at any chronologically specifiable time.

Kant's exceedingly brief elaboration of this problem in the context of the "Erneuerte Frage…" reiterates his far more carefully developed attempt to reconcile the apparent tension between natural and free causation in the *Kritik der reinen Vernunft*. A brief reconstruction of this attempt will help illuminate what is at stake in the further development of Kant's concept of historical "Begebenheit."

[36] See the second "Analogien der Erfahrung," the "Grundsatz der Zeitfolge nach dem Gesetze der Verknüpfung der Ursache und Wirkung," in the "Transzendentale Analytik" (B232/A189-B257/A212).

In the first *Kritik*'s consideration of the "Ableitung der Weltbegebenheiten aus ihren Ursachen," Kant argues that all things that occur may be understood to derive from one of two kinds of causality: "Kausalität… nach der Natur, oder aus Freiheit" (B560/A532). The former type of causation is *efficient*, and is attributable to a cause whose position may be determined at a specific point in chronological time or a specific moment in a sequence of events, such as the moment at which a billiard ball, having been struck by a pool stick, hits another billiard ball, thus causing its displacement. The second type of causation is that of *first* or of *spontaneous* causation, and it is of a fundamentally different kind.

The concept of free causation, as that of a "Vermögen, einen Zustand von selbst anzufangen," is that of a capacity that "nicht nach dem Naturgesetze wiederum unter einer anderen Ursache steht, welche sie der Zeit nach bestimmte." Since the "Grundsatz der Zeitfolge," as Kant states in the definition of the concept of empirical causation, provides the conceptual basis for the "Verknüpfung der Ursache und Wirkung" in the apprehension of all empirical events, the absence of such determination is the absence of all empirical determinacy in the object (B233, B562/A534). Free causation is thus an event that refers one to a "Gegenstand" that "in keiner Erfahrung bestimmt gegeben werden kann" (B562/A534).

If there is to be any experience of the "Vermögen" for spontaneous causation, it must accordingly be an experience that breaks with the laws that govern the presentation of empirical objects within the world. It must, in other words, be an experience of a limitation of possible experience. Referring to free causation as the "intelligibile( ) Charackter" of the "handelnde(n) Subjekt," Kant thus concedes: "Dieser intelligibile Character könnte [..] niemals unmittelbar gekannt werden, weil wir nichts wahrnehmen können, als sofern es erscheint" (B568/A540).

One can thus see why, in the "Erneuerte Frage," the "Aufgabe des Fortschreitens," understood as the problem of determining the fundamental orientation of the "freie Handlungen des Menschen," cannot be "durch Erfahrung unmittelbar auf[ge]lös[t]." According to the accounts of the difference between natural and free causation in both the first *Kritik* and the "Erneuerte Frage…", the experience of causation through freedom, as that of a limitation of experience, cannot be immediate but must rather be an experience of an event of mediation or of "Mitteilung" *through* which the "Vermögen" for spontaneous productivity becomes apparent. In both the "Antinomie…" and the "Erneuerte Frage…", furthermore, Kant designates the object of this experience, which hovers between the sensible and the intelligible and thus between spontaneous and natural causation, with a single concept: it is the experience of a "sinnliche(s) Zeichen" (B574/A546, B579/A551; 7: 84).

The Sign of History: The World Stage and the Reflective Judgment of the "menschlichen Geschlecht"

The type of historical "Begebenheit" proper to the philosophy of history is that of a "Zeichen." It is in and as such a "Zeichen" that, according to Kant, history reveals the "Freiheit" of its "Urheber." The "Urheber" that is revealed in this way cannot appear as this or that particular, determinate actor. Historical agency does not take the form of an empirical individual or group of empirical individuals, whether on horseback or otherwise, but must rather become manifest as a chronologically diffuse and thus trans-individual "Beschaffenheit" for historical progress (7: 84). The historical phenomena that indicates "Freiheit" in this way does so, according to Kant, in the manner of a "Geschichtszeichen" that betrays no particular, temporally discrete, empirical transformation but rather a "Tendenz des menschlichen Geschlechts im Ganzen." It reveals this tendency, furthermore, when this "Geschlecht" is obeserved "nicht nach

den Individuen," but rather "wie es in Völkershaften und Staaten geteilt auf Erden angetroffen wird" (7: 84).

The "Geschichtszeichen"—which as a sign of history is also a sign of having been sent, shot, thrown, or destined and thus also of being well suited, of having a vocation (of being *geschickt*)—is the appearance of an entity, species, or genre that is at once split off from and (thereby) placed into relationship with itself. The entity that appears thus split and reunited is the genre or species of humanity, the "menschliche(s) Geschlecht," whose causality appears differently depending on the "Absicht" with or from which it is "angetroffen." When observed "nach Individuen" and thus calculated as an aggregate of existent, interrelating efficient causes, this "Geschlecht" appears no different from any other "Naturbegebenheiten," and no sign of "Geschichte" may be discerned. The "Geschichtszeichen" may be discerned only when the "menschliche(s) Geschlecht" is encountered globally, "wie es auf Erden angetroffen wird," which is to say from or with a "weltbürgerliche(n) Absicht" that provides for the apprehension of this internally differentiated union; it may accordingly be discerned only when this "Geschlecht" is viewed *not* as a sequence of particular efficient causes but rather as a simultaneity of difference and unity, particularity and universality, or of "Völkerschaften" and the "Geschlecht" to which they belong. The "Geschichtszeichen" thus appears in and as the time and space of relations that are international.

For Kant, the "inter" of international relations appears in three different types of phenomena: thought, commerce, and war.[37] History may involve all three, but it only becomes apparent as such in the manifestness of the first. History is thus, for Kant, not to be observed in the "wichtigen, von Menschen verichteten Taten oder Untaten," such as the erection or

[37] Kant in fact only deals with the first of these in the "Erneuerte Frage…", for reasons that will become clear in the foregoing analysis. The second two are dealt with in this *Rechtslehre*, which will be the topic of the second section of this chapter.

destruction of empirically existing civil institutions, nor in the "großen Umwandlungen" brought about by such deeds, about which there was of course much to be said in Europe in 1795. The sign of history is rather, Kant famously writes,

> …bloß die Denkungsart der Zuschauer, welche sich bei diesem Spiele großer Umwandlungen öffentlich verrät, und eine so allgemeine und doch uneigennützige Teilnehmung der Spielenden auf einer Seite gegen die auf der andern, selbst mit Gefahr, diese Partilichkeit könne ihnen sehr nachteilig werden, dennoch laut werden läßt, so aber (der Allgemeinheit wegen) einen moralischen Charakter desselben, wenigstens in der Anlage, beweiset, der das Fortschreiten zum Besseren nicht allein hoffen läßt, sondern selbst ein solcher ist, so weit das Vermögen desselben für jetzt zureicht. (7: 84-5).

Kant's (fully 102 word long) sentence suggests that history may be apprehended only when one turns ones gaze away from empirically determinate events and attends, instead, to the "Denkungsart" of those who observe these events. The philosophy of history is accordingly the study not of something seen, nor of the perspective from which it is seen, but rather of the way of thinking that accompanies an event of seeing. Thus while, in the "Idee…," the philosophy of history took the form of a study of the "Spiel" of historical events themselves "im Ganzen" (8: 17) in which the spectators of history are found to play an important role, in the "Erneuerte Frage…" the philosophy of history is rather the study of the mode of thinking that accompanies the vision of the "Spiele(n) großer Umwandlungen." While, in his early essay, Kant is accordingly preoccupied with the role of spectators *in* history, which is itself still understood as something empirically determined, in the latter he is interested in the possibility of spectatorship *as* history, which becomes visible in the "Denkungsart" of those who perceive it.

How can a "Denkungsart" provide the philosophy of history with a "Begebenheit" that it may study? In order for the "Denkungsart" of the "Zuschauer" of such historical "Begebenheiten" to become a "Begebenheit" in turn, and thus to offer the philosophy of history with the "Geschichtszeichen" it requires, it must become something that is "öffentlich verrät." The "Denkungsart" cannot remain in the invisibility of pure thought, in other words, but must

enter the sensible, empirical world; it must be published in some way. Not just any form of publicity, furthermore, will do. In order to constitute a sign of history, a publication must not merely record the "Spiel der großen Umwandlungen"; the "Denkungsart" of the "Zuschauer" must rather appear as that which plays along with or takes part in this revolutionary play, but without thereby acquiring any determinant characteristics.[38]

History as Participation Without Part[39]

The "Zuschauer" of this "Spiel großer Umwandlungen" that unfolds upon the "großen Weltbühne," in which the "menschliche(s) Geschlecht" is at once "geteilt" and reunited, appear to take part in this partitioning in a special way. Their "Teilnehmung" is not impartial, but is rather a "Teilnehmung der Spielenden auf einer Seite." Yet, in spite of this partiality, the "Teilnehmung" of the "Zuschauer" retains an "Allgemeinheit" that is forfeited by the other

[38] For a trenchant critique of this dimension of Kant's concept of historical action as it is reflected in the Romantic attitude toward politics see Carl Schmitt, *Politische Romantik.* Schmitt's view clearly draws on Hegel's critique of the experience of freedom in Kant, to which I will turn in this dissertation's second chapter; for an important contrasting view on the political precarity of the Romantics see Philippe Lacoue-Labarthe and Jean-Luc Nancy, *L'Absolu litteraire: Théorie de la littérature du romantisme allemand.* Jacques Derrida may be seen to unsettle the decisiveness that Schmitt would counterpose to the political capriciousness of the Romantic writers in his *Politique de l'amitié*. For an excellent recent critical analysis of the criterion of politically meaningful decision making in Schmitt, see Sarah Pourciau, "Bodily Negation: Carl Schmitt on the Meaning of Meaning."

[39] Cf. Jacques Rancière's definition of politics as the "disagreement" produced by the improper participation in public discourse of "those who have no part" in the ruling or management of the community to which they belong, which is made possible by a fissure at the basis of a power that arises as the institution of an inequality (the ordering of one group by another) that can take place only on the basis of an equality (the sharing of language that such ordering presupposes). Rancière develops this theory of politics in his well known book *Disagreement* through a reading of Aristotle's *Politics* and *Athenian Constitution*, the latter of which contains a reference to the "people" as those who, lacking in both wealth and virtue, "had no part in anything" (*Disagreement* 9). In more recent work, however, Rancière increasingly identifies the interruption of domination by equality with Kant's theory of aesthetic reflective judgment, which disrupts the norms of representation that establishes the place of all parts of the community by suspending the teleological judgment that evaluates these parts according to their utility within an established order. See for example "The Aesthetic Dimension: Aesthetics, Politics, Knowledge," in which Rancière differentiates theoretical cognition, practical judgment, and aesthetic reflective judgment, associating the non-hierarchical configuration of the faculties in the latter with the interruption of the "consensual distribution" of parts. See also *Aisthesis*: *Scènes du régime esthétique de l'art*, in particular the consideration of artistic genius, the universality of aesthetic judgment, and the division of the useful and the unuseful (30, 68-9, 167). Though I am sympathetic to Rancière's depiction of the disruptive potential of aesthetic judgment in Kant, I aim in this chapter to show that the political dimension of judgment, and even of many of the qualities of such judgment that interest Rancière in his reading of an "aesthetic break" (*Spectator* 75) in Kant, are not limited to Kant's theory of the aesthetic judgment of the beautiful but emerge in distinct ways that do not map neatly onto the division between the beautiful and the sublime that structures the theory of aesthetic judgment in the interruptive power of reflective judgment in his practical works as well.

participants in the drama that it observes, including some among those whose actions it may support.

What allows the "Teilnehmung" of the "Zuschauer" to appear as "Parteilichkeit" and "Allgemeinheit" at once is, according to Kant, the evident "Uneigenützigkeit" of the partiality it makes public (7: 85). This apparent "Uneigenützigkeit" derives from the potential "[N]achteilig[keit]" involved in the publication of partiality, which places the "Zuschauer" in opposition to part of the play in which it participates, against which it however erects no defense, thereby also evincing hope in the possibility that the "Gefahr" represented by what "könne sehr nachteilig werden" could also fail materialize. This posture mitigates the apparent conceptual dissonance posed by an activity that appears at once "[p]arteilich[…]" and "[a]llgemein[…]," by presenting the hostility of parties in the subjunctive. And yet, if the publication of the "Denkungsart" did not appear at least potentially "nachteilig," the "Geschichtszeichen" would lose evidence of its "Uneigenützigkeit" and thereby of its "Allgemeinheit."

If "Allgemeinheit" is to appear, Kant's text thus suggests, it must appear irreducibly bound to the conflictual frame provided by the very "Parteilichkeit" against which it, as "Allgemeinheit," must also appear to strive. "Allgemeinheit" accordingly cannot appear as pure "Allgemeinheit" but must always appear as "Allgemeinheit dennoch," as universality *despite* partiality, which is to say that it must appear as universality *despite the condition of possibility for its appearance as such*. Universality accordingly appears only as the universality of non-universality; only as that which withdraws from or disappears within the movement of its own appearance. This is why it must appear not as a party, but rather as "parteilich," not as this or that determinant position, but rather as a disposition, "Anlage," or "Tendenz." It is furthermore why history does not present itself in the form of "Fortschreiten" but rather as "das Vermögen

desselben" (7: 85). The as-yet-indeterminate predisposition represented by the "Anlage" and the "Vermögen" for historical progress is the form in which the history of future time presents itself to the philosopher of history.

The indeterminacy of the "Geschichtszeichen" thus defined is not, Kant insists, the marker of a lack or insufficiency, and it need not be understood as bound to a movement of determination, actualization, or fulfillment. The "Vermögen" for "Fortschritt" that appears in the form of the "Anlage" does not appear as a mere means to the end of "Fortschritt." The indeterminate play of the "Anlage" need not be subordinated to the future arrival of a determinant object toward which the "Anlage" tends. The "Anlage" that marks the playing-along of a "Parteilichkeit" that remains without determinant part within the empirical play at hand, Kant rather insists, "[ist] selbst schon ein Fortschreiten zum Besseren, so weit das Vermögen desselben für jetzt zurreicht" (7: 85).

How can one understand this formulation, with which Kant closes his description of the "Geschichtszeichen"? What does it mean to insist on the "adequacy" of the indeterminate non-presence of the "Anlage" "für jetzt"?

The Now of Recognizability[40]

[40] I borrow this formula from the from Walter Benjamin, who, in the fifth of his *Geschichtsphilosophische Thesen*, writes "Nur als Bild, das auf Nimmerwiedersehen im Augenblick seiner Erkennbarkeit eben aufblitzt, ist die Vergangenheit festzuhalten" (Benjamin 81), elsewhere identifying this "Augenblick" with the concept of historical "Jetztzeit" as "der Struktur einer messianistischen Stillstellung des Geschehens" that is the experience of a particular type of "Wahrsager( )" who opens the present to the future only by grasping history in and as the now of its recognizability (90, 92, 93, 94). Benjamin's notion of the fleeting "Bild" in which history appears "im Augenblick seiner Erkennbarkeit" is, I would suggest, extremely close to Kant's concept of the "Geschichtszeichen" through which a "Vermögen" for history appears that "für jetzt zureicht." For an illuminating account of Benjamin's complex relationship to Kant's theory of time as it is reflected in his (Benjamin's) concept of history, see Werner Hamacher, "JETZT. Benjamin zur historischen Zeit." Hamacher persuasively demonstrates how Benjamin's concept of historical time is at once directed against Kant's concept of sequential time and the notion of history that could be derived therefrom and deeply indebted to Kant's understanding of time constitution through primary auto-affection as it is presented in the *Kritik der reinen Vernunft*. It is this concept of time that is operative in Kant's concept of causation through freedom as opposed to natural causation in the first Kritik, whose importance for Kant's writings on history I attempt to demonstrate in this chapter. A main goal of this chapter is to suggest that it is precisely this latter concept of time that provides the basis for Kant's theory of history as reflective practical judgment. For a

The "(J)etzt" of the "Vermögen" for history that "für jetzt zureicht" is not a moment within the unfolding of a temporal sequence, nor can it, accordingly, be characterized as the presence of any determinant empirical object. The temporality of this "jetzt" is rather that of a "Vermögen" that perforates this present with the present absence of a "Teilnehumung" that takes part in or plays along with what "in unseren Tagen (geht)" without having any determinant role in the empirical playing out of events. The object of this "[t]eilnehmend[er] Zuschaung" is, in Kant's well known words, "die Revolution eines geistreichen Volks, die wir in unseren Tagen vor sich gehen sehen," but the "(J)etzt" of the philosophy of history is not the present of what "wir vor sich gehen [sehen]." Nor is it the future present in which the "wohldenkende( ) Mensch," having seen the temporal sequence that "wir vor sich gehen [sehen]" unfold to its end, will look back and, assessing the "Kosten" involved in such an "Experiment," determine whether it is worthy of repetition. Kant, indeed, includes both of these times in his analysis and says nothing to detract from the empirical importance of what may transpire within them, but he suspends their evidentiary status for the philosophy of history by immediately shifting their presentation from the indicative to the hypothetical and subjunctive moods. "Die Revolution eines geistreichen Volkes, die wir in unseren Tagen haben vor sich gehen sehen" he writes,

> …mag gelingen oder scheitern; sie mag mit Elend und Greueltaten dermaßen angefüllt sein, daß ein wohldenkender Mensch sie, wenn er sie zum zweiten Male unternehmend, glücklich auszuführen hoffen könnte, doch das Experiment auf solche Kosten zu machen nie beschließen würde… (7: 85)

The time of the "Revolution... die wir […] vor sich gehen sehen" and that of the "wohldenkender Mensch" alike are of merely relative interest to the philosophy of history

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consideration of how Benjamin's concept of the historical present informs his theory of the dialectical image and the model of historical materialism that subtend his interpretations of literature, which includes a consideration of the relationship between Benjamin's and Kant's concepts of experience, see Michael W. Jennings, *Dialectical Images*. For a consideration of Benjamin's relationship to Kant's essays on history in particular, see Peter Fenves, (*Fate* 4-5, 236). For a sustained analysis of Kant's concept of time and its relationship to the transcendental power of the imagination in the first *Kritik* see Heidegger, *Kant und das Problem der Metaphysik.* See also Samuel Weber, *Benjamin's –abilities*.

because they both represent the sequential temporality of empirical causation, and accordingly belong to the study of natural rather than historical time. What is of interest to the philosophy of history and the prophetic capacity it would demonstrate is neither the eventual empirical success or failure of this "Revolution," nor its future status as an example of revolution in general. The history of future time is not the prediction of a future present within the sequential time of empirical causation, but rather the analysis of a *Jetzt* in which "künftigen Zeit" perforates the present in and as the "Teilnehmnung" of "aller Zuschauer" of "diese(r) Revolution," "die nicht selbst in diesem Spiel mit verwickelt sind" (7: 85). The "Stück der Geschichte" in which this historicizing interruption of the sequentially determinant present may be observed is the spectatorial taking-part of those who play no empirically determinant part in that which they observe. It is as this taking-part of those who have no part that future time enters the present as the *Jetzt* of historical time. The philosophy of history is accordingly neither the philosophy of the present nor the prophecy of a future present but rather the philosophy of a *Jetzt* in which the subordination of a interminably unactual "Vermögen" for spontaneous causation to the empirically present power of efficient causation is suspended, such that this mere "Vermögen," in the absence of that which it is a "Vermögen" *for,* "für jetzt zureicht."

The "Vermögen" "aller Zuschauer" of the "Revolution, die wir in unseren Tagen vor uns sehen gehen" is not itself a "Vermögen" *for* revolution, but it is also not without relation to the object it observes. The relation between the "Vermögen" of the "Zuschauer" and the "Revolution" they observe is not that of a "Zusammenhang nach Naturgesetzen" and accordingly cannot appear as one of efficient causation. It appears, rather, as a "Teilnehmung" of those who "nicht selbst in diesem Spiel mit verwickelt sind." It can only appear as this taking-part that has no part because only in this way can it, according to Kant, represent the "Allgemeinheit" of a

"Vermögen" that is "uneigenutzig( )." To the extent that the "Teilnehmung" of the "Zuschauer" displays a "Vermögen" that is and remains without determinant end, it is not only contingently "uneigenutzig" but rather necessarily incapable of be used in any way without ceasing appear as a "Vermögen" that "für jetzt zureicht." The "Vermögen" cannot be reduced to the means to an end other than itself, for the *Jetzt* in and as which it appears interrupts the dynamic relationality of sequential time. The "Vermögen" is accordingly not a tool of revolution; it is rather the interruption of dynamic causation that must disappear within the empirical implementation of each and every actual revolution, but without which no historical change could be envisioned.

Spectators All

The difference between those who appear "in diesem Spiele… mitverwickelt" and those whose "Teilnehmung" appears interminably out-of-place and thus without determinant role, is not that between the French revolutionaries and their German spectators, as one might intuit. That Kant himself did not understand the difference his essay outlines in such terms is evident in his attribution of the French revolutionaries' successes to their possession of the same decisive qualities he attributes to the spectators whose "Denkungsart" constitutes the "Geschichtszeichen." The revolutionaries have according to Kant enjoyed success due to the purely moral nature of the concept of right that inspires their acts, which, Kant insists, "nicht auf Eigenutz gepfropft werden kann" (7: 85). Such inspiration is, Kant suggests, the only object proper to the "wahre(n) Enthusiasm" that the revolutionaries' successes evince. What differentiates such "wahre(n) Enthusiasm" from the evident motives of counter-revolutionary efforts is, Kant furthermore suggests, the relative universality of the former. The "Geldbelohnung" and even the "Ehrbegriff" that, according to Kant, motivate the mercenary and aristocratic resistance to revolution pale in comparison to the "bloße(n) Rechtsbegriff" that

inspires the revolutionaries because the latter, once taken as a motive, allows the revolutionaries to view themselves as the "Beschützer" of the universal "Recht des Volks, wozu sie gehörten." This auto-exaltation is, for Kant, tantamount to the publication of the maxim of acting in the interest not of this or that particular tribe, political affiliation, or caste, but rather of the "Volk" as a whole—a category which, in its ideality, includes the very people one seeks to depose—and thus of acting in a manner that is at once "uneigenützig" and "allgemein."

The "Geschichtszeichen" is thus not the disinterested judgment of an interested act; it is not the German contemplation of French activism, but rather the "Teilnehmung" of "alle Zuschauer" in the auto-exhaltation of the French revolution. The position of this universal "Zuschauer" remains nationally indeterminate. Indeed, as the representative of a "Vermögen" that is by definition without position within the empirical sequence it subtends, it can only appear, once again, in the form of an "Absicht" that is "weltbürgerlich." This "Absicht," to be sure, takes place as the auto-affection of the "menschliche(s) Geschlecht" across a national divide. But this international relation is not bound to the empirically determinant groups that exemplify this mode of self-relation, one of which (the French) acts and the other of which (the Germans) merely observes this action. This apparently empirically determinant distribution of historical labor is rather the exemplification of the combination of two forms of judgment requisite for the production of history. Nothing in Kant's analysis of those who exalt the motives of revolution and those whose motives are exalted in this way prevents these from being the same empirical individuals, even if these roles may also appear as distributed among different individuals.

The apparent empirical distribution of actors and spectators reflects the dual nature of historical agency as Kant understands it. As one sees already in the "Idee…," historical action

presupposes a separation between active and receptive functions. This simultaneity of action and contemplation is what, one will recall, allows Kant to suggest, in the final passages of the "Idee…," that the philosophy of history is itself "beförderlich" for the historical progress it analyzes (8: 29), though in this early text Kant appears still uncertain as to the precise nature of the relationship between historical action and the reflection thereupon. In the "Erneurte Frage…," the relationship becomes clear. The difference that interests Kant is not that between concrete action and mere reflection or between the French revolutionaries and their German spectators, but rather that between the two distinct modes of historical solidarity that these two groups may be understood to exemplify. Of primary interest to Kant is the difference between "Teilnehmung" as a form of "[S]ympathisier[en]" and "Mitwirkung" as the mode of collaboration through which one becomes "mit verwickelt" in the empirical "Spiel" of "diese(r) Revolution."

***Nicht mitwirkende( ) Teilnehmung*, or the Unforgettable Future**

The difference between "Mitwirkung" and "Teilnehmung" is analogous to that between the natural scientific and transcendental "Gesichtpunkte" with which Kant begins his essay. "Mitwirkung" is the phenomenon of collaboration "nach Individuen betrachtet," where the relationships between collaborating individuals may be "aufgezählt" and "berechnet" according to the laws that govern the dynamics of all empirical sequences. "Teilnehmung," by contrast, is the conspiratorial mode proper to "das menschliche( ) Geschlecht" apprehended "im Ganzen seiner Vereinigung."

In order to understand the significance of Kant's reference to totality in this context, one must return to his differentiation of natural and free causation in the transcendental dialectic, upon whose logic he evidently draws. Here, Kant reasons that while

> …(die) Möglichkeit der Erfahrung, ist, daß alles, was geschieht, eine Ursache, mithin auch die Kausalität der Ursache, die selbst geschehen, oder entstanden, wiederum eine Ursache haben müsse; wodurch das ganze Feld der Erfahrung, so weit es sich erstrecken mag, in einen Inbegriff bloßer Natur verwandelt wird.

Nevertheless

> Da […] auf solche Weise keine absolute Totalität der Bedingungen im Kausalverhältnisse heraus zu bekommen ist, so schafft sich die Vernunft die Idee von einer Spontaneität, die von selbst anheben könne zu handeln, ohne daß eine andere Ursache vorangeschickt werden dürfe, sie wiederum nach dem Gesetze der Kausalverknüpfung zur Handlung zu bestimmen. (B562/A534)

Knowledge of individual phenomena presupposes the sequential time of natural causation, which cannot however be extended to the totality of such determinations, since this totality would then have to appear caused and would accordingly no longer be total. Similarly, the "Vereinigung" of "das menschliche( ) Geschlecht" considered "im Ganzen" cannot itself appear "in der Reihe" of causal relationships that it makes possible but must rather appear as the unconditional "Spontaneität" that follows no laws other than those it gives to itself. Though such spontaneity can never become the object of theoretical knowledge it may nevertheless be regarded as manifest in its effects. It may be regarded as thus manifest, however, not in the "Mitwirkung" of those whose revolutionary efforts "mag gelingen oder scheitern" but rather in the "Teilnehmung" of those who "zujauchzt(en)" in "verhofftem Gelingen und den Versuchen zu demselben" (7: 87).

The philosopher of history is interested in what the hopeful "Teilnehmung" of the "Zuschauer" demonstrates about the transcendental constitution of the "menschliche(s) Geschlecht" considered "im Ganzen seiner Vereinigung." This "Vereinigung," Kant suggests, is not beholden to the requirements of place and time that govern phenomena of concrete historical "Mitwirkung." "Teilnehmnung" does not transpire as the sequential unfolding of an efficiently causal collaboration of individual, empirical subjects, but rather in and as the a-chronological *Jetzt* of a futurity that, Kant writes, "vergißt sich nicht" (7: 87). The unforgettability of the *Jetzt*

of "Teilnehmung" derives from the necessary break with the physical determination of interest and thereby of action that it represents. In order to be historical, all action must presuppose this break. The "Teilnehmung" that must always disappear within empirical "Mitwirkung" can accordingly never be entirely lost within this disappearance. The necessity of its disappearance is rather that of its retention as well. As that which must always disappear within eminently forgettable instances of "Mitwirkung," "Teilnehmung" is the unforgettability of the historical as such.

The time of "Teilnehmung" is accordingly not the time of the particular empirical challenges that define "diese Revolution" but rather the time of an "Evolution" that must underwrite each and every truly revolutionary revolution as the mode of transmission proper to the "Vermögen" for acting in a way that is "Epoche machend( )" (7: 86-7). The difference between "Revolution" and "Evolution" is thus not that between "Revolution" and "Reform," the latter of which Kant in fact places on a continuum with "diese Revolution" and associates with "Mitwirkung," while juxtaposing both to "Evolution" and the "Teilnehmung" in which the latter becomes manifest (7: 87).[41] "Evolution" is accordingly not simply the slow reform of existing

[41] Readings of Kant frequently falter on this point. See for example Volker Gerhardt, "Evolution: Remarks on the History of a Concept Adopted by Darwin." In a section of this essay entitled "Evolution as an Alternative to Revolution," Kant's writings on history serve as the primary example. See also Comay's suggestion that Kant's emphasis on spectatorship as the sign of history in the "Erneuerte Frage" represents the way in which "Kant absorbs the revolutionary rupture into the continuous reform of the moral spectator, while dispensing with the need to import democratic principles onto German soil," thus making "Evolution and revolution… logically inseparable" only as an "incremental acculturation of the embodied agent" that must follow upon "a moral 'revolution'" (48). Evolution and revolution are not only not thus related in Kant's text, they are emphatically not so in the text that Kant cites as the source of the concept of evolution that he employs, namely his student Johann Erhard's treatise *Über das Recht des Volks zu einer Revolution* (1795), which not only identifies "Evolution" with "Revolution" (Erhard 96), but is exemplary of a published potitical position about which one would hesitate to say that it merely "nahe an Enthusiasm grenzt" (7: 84). Consider: "Habt ihr vernommen, ihr deutschen Völker, das neue Aufgebot des Hauses Österreich? Wie, ihr wollet wieder hundertundzwanzig Mann zur Schlachtbank führen lassen? Ihr wollet eure noch übrigen kraftvollen Jünglinge dem ungerechten Kriege, der gegen die französische Freiheit und gegen die Menschenrechte geführt wird, aufopfern?... Was tut ihr, ihr Völker?... Was sagt euch euer Gewissen? Hat Gott euch eure Söhne dazu gegeben, daß ihr sie dem Kriege, dem Schwerte, dem Kriegsfeuer, der Verstümmelung, dem jämmerlichsten Tode preisgebot? Oder meinet ihr, ihr werdet das Frankenvolk überwinden? Ha! Sie ist unüberwindlich – die Frankennation, denn sie streitet und kämpft und ringt für Freiheit – für Menschenrechte. Die Freiheit begeistert sie; die Freiheit flößt ihr Mut ein; die Freiheit stählt ihre Kräfte. Die Menschheit, deren Rechte

institutions as opposed to the immediate dissolution and replacement of those same institutions, nor is it a gradual maturation through "äesthetische Erziehung" propaedeutic to the assumption of political responsibility. "Evolution" is rather the reconstitution of the "Vermögen" for action that is "Epoche machend( )" within a *Jetzt* defined not by the co-presence of particular, empirically determinant agents but rather by the "Wiederholung" of an "Anlage" that grants the "Vermögen" to interrupts the dynamism of empirical causation and thus appears to generate a temporal sequence "von selbst."

"Mitwirkung" can only be "Epoche machend( )" to the extent that it is already "(t)eilnehm(end)." For "Teilnehmung" is not secondary to the empirical concreteness of historical "Mitwirkung" but is rather the event of transcendental apperception that is the invisible condition of possibility for the latter. The "Anlage und Vermögen" for action that is "Epoche machend( )," which Teilnehmung first engages, is of a kind that "kein Politiker [hätte] aus bisherigen Laufe der Dinge herausgekügelt [hätte]" (7: 87), since the horizon of "Mitwirkung" in which the "wohldenkender" politician operates remains efficient only to the extent that it occludes the role of "Teilnehmung" in the potentiation of historical action. The *Jetzt* of "Teilnehmung" disappears within the present of a "Mitwirkung" it makes possible. It is not the efficient cause of the latter but rather its invisible visibility. This is why it must appear apart from the action of revolutionary change, within the gaze of the spectators of revolution, of those who

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die Frankennation verteidigt, steht ihr zur Seite und hilft ihr siegen… Wie lange, o deutsche Nation, wirst du dich noch mißbrauchen lassen?... Wisse, daß du dir die Fesseln, welche du schon Jahrhunderte hindurch trägst, weil du sie tragen wolltest, selber noch mehr stählst und drückender machst, indem du den Königen beistehst… ihr werdet selbst einsehen, daß die Könige, um ihre Schulden zu bezahlen, aussaugen werden, und daß sie daher die Völker in Dummheit und in Sklaverei zu erhalten suchen werden, damit sie sich geduldig aussaugen lassen. Wie furchtbar werden klirren eure Fesseln, deutsche Völker! Fürchterlicher, schrecklicher, grauenvoller noch, als sie schon seit so vielen Jahrhunderten um die Thronen der Könige herklirrten, werden klirren eure Fesseln, daß der Weise und Edle darob im Innersten seines Herzens ergrimmen wird… Zittert, ihr Tyrannen der Erde! Zittert, ihr Despoten der Völker! Das Volk erwacht! Das Volk hört die Stimme der Vernunft!!! Die Sonne der Wahrheit erleuchtet die Augen aller Nationen – die Göttin der Freiheit verheißt allen Nationen Glück…" etc. (Erhard 101-106).

appear sympathetic to the cause of revolution, who indeed rejoice in the thought of its success, and yet nevertheless remain always elsewhere, absent, or disengaged when the time for "Mitwirkung" arrives. Without this disengaged elsewhere that inhabits every instance of historical action, Kant suggests, no historically significant "Mitwirkung" could transpire, not because the collaborators need to persuade a broader public of the righteousness of their cause if their collaboration is to succeed, but rather because this disengagement, by interrupting the physical determination of interest and thereby of action, first give rise to a "Vermögen" for action whose criterion is not "Wirkung" but rather "Wiederholung," not efficiency but rather sustainability.

Only an actor who can become concerned about the sustainability of his mode of action, Kant's text suggests, can act in a way that is historical, and this remains the case even when historical actors are oblivious to that about which they might be concerned. Indeed, Kant suggests that the empirical conditions of political action are such that its agents must be at least partially blind to the historicity of what they do. "Der Politiker," like those members of the "obrige( ) Fakultät" who act in his service, must after all provide concrete solutions to the empirically determinant problems posed to him or her. Only the philosopher, it seems, may renew old questions not so as to answer them, but so as to assess what the tendency to pose oneself questions that one finds oneself incapable of answering says about one's capacity to repeat oneself in this way.

Coda: *Geschichtszeichen* as *Vorzeichen*, or the "Festigkeit" of History

No careful reading of the "Erneurte Frage…" could maintain that Kant provides a definitive answer to the question that he renews, for the concept of history that this essay develops is not that of "ständige(r) Fortschritt" but rather that of an immediate interruption of the

dynamic constancy characteristic of empirical development. The "Fortschritt" that the "Geschichtszeichen" represents could indeed only appear as something "ständig" if it appeared as a constant orientation within the unfolding of a temporal sequence. It could only thus appear, in other words, to the extent that its specifically historical quality has already disappeared.

In the "Erneuerte Frage…," Kant develops no concept of the appearance of constant progress. Notwithstanding, he will insist, at his essay's close, that he has discovered the grounds for a definitive answer to the question regarding the "ständigen Fortschritt" of the "menschlichen Geschlecht." "Nun behaupte ich," he asserts,

> …dem Menschengeschlechte, nach den Aspekten und Vorzeichen unserer Tage, die Erreichung dieses Zwecks und hiemit zugleich das von da an nicht mehr gänzlich rückgängig werdende Fortschreiten desselben zum Besseren, auch ohne Sehergeist, vorhersagen zu können. (7: 87)

The difficulty Kant's assertion poses is clear: if it is to provide the basis for an answer to a question about the constancy of progress, the "Geschichtszeichen" must be transformed into a "Vorzeichen." It must, in other words, appear no longer as what interrupts the dynamics of sequential temporality but rather as something that may be inscribed within a sequence as the precursor to a future "Erreichung des Zwecks." The time in which this "Vorzeichen" appears is accordingly not the *Jetzt* of historical time. It is not the time of a "Vermögen" that "für jetzt zurreicht," but rather the time of a capacity that remains to be fulfilled at some future time. The time of the "Vorzeichen" is thus a time in which the "Jetzt" of the "Geschichtszeichen" would be placed in service of sequential time once again.

The time of this subordination is not yet, to be sure, the chronological present of efficient causation, but rather the teleological time in which the "Vermögen" for an interruption of sequential time becomes the "Vorzeichen" of the achievement of a "Zweck" in future time, which is conceptualized as the fulfillment or actualization of the power this "Vermögen" manifests. The teleological time in which the "Geschichtzeichen" gives way to this "Vorzeichen"

is, furthermore, the time of a transition from an analysis of the pure concept of history to that of the actualization of the "Vermögen" for history through politics. Though Kant has, to be sure, already determined the full attainment of the "beabsichteten Zweck" of history through the "Verfassung eines Volks" that will allow "Natur und Freiheit" to appear perfectly "vereinigt" as "unabsehlich( )" (7: 87-8), he nevertheless insists that progress toward this ideal remains an unavoidable task for those who have perceived the "Vorzeichen" of this "beabsichtete Verfassung" as the promise of a time in which the interruptive power manifest in the "Geschichtszeichen" will attain the "Festigkeit… welche die Belehrung der öftere Erfahrung in den Gemütern aller zu bewirken nicht ermangeln würde" (7: 88).

The final paragraphs of Kant's essay are preoccupied with sketching the possibility of progress understood as the political actualization of historical potentialities, and employs a set of concepts that have no articulate relationship to or basis within the concept of history developed in the essay thus far. One moves from history as the "Jetzt" of the "Vermögen" that "für jetzt zureicht" to the gradual actualization of this capacity, which accordingly no longer appears as the event of history itself but rather as the mere possibility of the latter, with no intermediary. Though the transition from "Wiederholung" to "Belehrung" through direct "Erfahrung" prerequisite for the "Festigkeit" of historical knowledge clearly reverses Kant's earlier argument that "(d)urch Erfahrung unmittelbar ist die Aufgabe des Fortschreitens nicht aufzulösen." Kant does not even address this tension, which survives only in his quasi-critical reference to the "Gebrechlichkeit der menschlichen Natur," because of which, alas, one must look to providence to somehow accomplish the transition from history to politics that Kant himself will not describe (7: 92).

No bridge will be drawn between history and politics in the "Erneuerte Frage…," no matter how necessary such a bridge may be for Kant's attempt to answer the question that he renews. In the context of his essay, politics remains the property of the "Politiker," who is oblivious to history and who accordingly, Kant finally admits, may only become the instrument of historical progress through whatever "negative Weisheit" about the limits of unilateral agency he may obtain in the course of pursuing his own narrowly defined interests. If Kant is to establish the possibility of historical progress through politics, the political must be wrested from "(d)e(m) Politiker" through philosophical analysis of the "inneren Rechtsprinzip(s) des Menschengeschlechts," to which Kant refers in the "Erneuerte Frage…" but does not think through. It is this task to which Kant turns in the only major work he devotes to the analysis of political form, which he begins writing at the same time as the "Erneuerte Frage…"[42] and publishes two years later, approximately one year prior to the *Streit der Fakultäten*, namely his *Rechtslehre* of 1797, to which I will now turn.

[42] See Kuehn (15).

II. The Provisions of Right

The Place of Kant's *Rechtslehre*

As in all his major works, Kant begins the *Rechtslehre* with a consideration of how his work fits into the larger philosophical system of which it is a part, which should be preliminarily addressed in the interest of clarity.

The *Rechtslehre* is conceived of and eventually published as the first half of Kant's larger *Metaphysik der Sitten,* the second half of which is the *Tugendlehre.* The *Metaphysik der Sitten* itself belongs to the practical part of Kant's philosophy, which he differentiates from the theoretical part. The latter deals with the laws that govern all natural objects and the former with the laws that bind free, rational beings (6: 215, 5: 171-4).[43] The internal division of the *Metaphysik der Sitten* into the *Rechtslehre* and *Tugendlehre* further divides the way in which rational beings may be thus bound.

The *Rechtslehre* deals with laws that regulate the outward form of action, including the maxims on the basis of which an act *appears* to have been done, and establishes principles for adjudicating action's legality. The *Tugendlehre* deals with laws that regulate the inner positing of ends on the basis of which actions are undertaken, and establishes principles for adjudicating action's morality (6: 218-21, 230). This distinction is important for securing the possibility of the morally coherent use of coercive force in defense of rights, for only if the use of such force is restricted to the regulation of the outward form of actions does it leave sacrosanct the inner determination of ends whose apparent freedom is prerequisite for the determination of both 1) responsibility for the act in question and 2) the legitimacy of this act's extrinsic judgment, which the agent must be viewed as freely authorizing. Because the domain of "Recht" is limited in this

[43] The basic distinction between practical and theoretical philosophy is not explicitly drawn in the *Metaphysik der Sitten*, for Kant has already drawn it in the *Kritik der Urteilskraft*, to which he refers his reader.

way, the "allgemeines Prinzip des Rechts," unlike the categorical imperative which governs all free action as pertains to its morality, does not take the form of a rule for moral self-governance but rather of a principle for adjudicating the legality of acts from without.[44] It reads: "Eine jede Handlung ist recht, die oder nach deren Maxime die Freiheit der Willkür eines jeden mit jedermanns Freiheit nach einem allgemeinen Gesetze zusammen bestehen kann etc." (6: 230) It is this fundamental principle that will guide Kant's consideration of the forms of outward interaction appropriate to rational, self-legislating beings.

Uniting for Right and the Law of Transaction

The question of the fundamental nature of human "Vereinigung" that Kant develops in his historical writings is also of fundamental importance to his *Rechtslehre,* in which Kant wishes not only to provide a theory for the legitimate formation of "Verfassungen" that respect the mode of "Vereinigung" proper to free beings, but also to develop a theory of the legitimate use of coercive force in defense of the possibility of forming such binding "Vereinigung(en)," and thus in defense of the progressive actualization of the capacity for history he envisions toward the end of the "Erneuerte Frage…". In order to secure the interruptive "Vermögen" that appears in and as the transient *Jetzt* of historical time as the "Festigkeit" of a "Fortschritt" that appears "ständig," one must, Kant suggests, be able to intervene in the domain of appearances so as to block the emergence of phenomena that undermine this securing procedure. Prior to the institution of positive laws implemented by a constitutionally legitimated state—in advance or outside of what Kant calls a "rechtliche(n) Zustand"—one must be able, he argues, to legitimately exercise coercive force in defense of the possibility of entering into such a condition. It is around the question of the legitimation of such pre-civil recourse to coercion that Kant's philosophies of history and of right converge. The space proper to both is, according to

[44] Cf Allen Wood's section "The Final Form of Kant's Practical Philosophy," (*Religion* xxxi).

Kant, by definition international, since it is in international space that law hovers between its natural and civil manifestations, and accordingly here where the mere possibility of the "Festigkeit" of "Fortschritt" becomes apparent. Within this space, as we shall see, only the defense of the possibility of such "Festigkeit" can justify recourse to a form of action that Kant is frequently thought to categorically oppose: namely the waging of war.[45]

As Kant's *Rechtslehre* unfolds, however, a seemingly irresolvable tension emerges between the general concept of rightful relations and the legitimation of the use of coercive force to defend the possibility of entering into a "rechtliche(n) Zustand." In short, the human "Vermögen" for rational "Vereinigung" that underwrites the concept of right undermines the determinant judgment of objects of right that is prerequisite to the conservative use of coercive force. For, as the power to first become someone that is granted by all to each, this "Vermögen" cannot itself belong to anyone without ceasing to appear legitimate, such that the monopolization of the "Vermögen" for attribution that the stabilization of the object of right represents appears blocked in advance.

In subsection B of the introduction to the *Rechtslehre,* which is simply entitled "Was ist Recht?," Kant defines right not as a particular type of relationship to objects, as for example when one says one has the rights to a building or to some other property. Though the analysis of such property rights will indeed comprise the bulk of his *Rechtslehre*, the concept of right itself is not the concept of a relationship to things but rather the concept of a particular type of relationship between persons whose acts can influence one another in some as yet undefined way. Kant writes,

[45] Kant's theory of just war has become an object of increased critical interest in recent years. The debate regarding the significance of this theory, to which I shall return at the appropriate moment in my analysis of Kant's *Rechtslehre,* may be traced back to Carl Schmitt's well known critique of Kant's concept of an "ungerechte(n) Feind" and Jürgen Habermas's critique of this critique. For a consideration Kant's theory and of the debate pertaining to it, see my section "Perpetual War" below.

> Der Begriff des Rechts, in sofern er sich auf eine ihm korrespondierende Verbindlichkeit bezieht (d.i. der moralische Begriff derselben), betrifft erstlich nur das äußere und zwar praktische Verhältnis einer Person gegen eine andere, sofern ihre Handlungen als Facta aufeinander (unmittelbar oder mittelbar) Einfluß haben können. (6: 230)[46]

Properly understanding this definition requires first grasping the concept of personhood upon which it relies. In the preceding paragraphs, Kant has defined a "Person" as "dasjenige Subjekt, dessen Handlungen einer Zurechnung fähig sind" (6: 223). A person, like a historical agent, must accordingly be regarded as someone whose faculty of choice is capable of interrupting the sway of natural impulse so as to autonomously determine the principles on the basis of which he or she acts and accordingly constitute him or herself as an agent who may be deemed responsible for those acts. Though the "Verhältnis" between persons with which the concept of right is concerned is indeed both "äußer(lich)" and "praktisch" to the extent that its medium is "Handlungen" considered as "Facta," it is nevertheless not to be understood as essentially empirical in nature but rather as a relationship between the faculties of choice (*Willkür*) that are expressed within the acts.

From the perspective of "Recht," in other words, *actions* are to be regarded not as things in themselves but rather as *transactions* that relate persons to one another in a particular way. The way in which external objects of right relate persons to one another, furthermore, is what may, according to Kant, be subjected to legitimate regulation within the domain of right. "(D)er empirische Besitz (Inhabung) ist alsdenn," Kant accordingly stipulates, "nur Besitz in der Erscheinung" and thus not yet a "Besitz" that can be determined as rightful; for the question of whether or not properties are possessed in a way that is rightful pertains not to the physical

[46] Kant's argument is based in part on an empirical premise: namely an observation of the spherical shape of the earth, because of which human beings are bound to come into contact with one another. For a sustained analysis of the significance of this argument for Kant's politics, see Peter Fenves, Late Kant: Towards Another Law of the Earth. Cf Höffe (71-92); Flikschuh's section "The 'Lex Permissiva" (141,144); B. Sharon Byrd (109).

capacity to retain or defend the object to which one claims a right, but rather to the "praktische Bestimmung" of the "Willkür" of the presumptive bearer of rights (6: 249).

No Property But Intellectual Property

For Kant, all property rights are *objectively* intellectual property rights, even if such rights are most frequently exemplified by the rightful ownership of physical objects.[47] Indeed, from the perspective of right, the intellectual possession of the object so thoroughly determines the nature of the object's existence that it makes no sense, according to Kant, to speak of a having a right *to* an object that exists in some way apart from this determination.[48] "Eben darum sollte man billig nicht sagen," Kant writes,

> …ein Recht auf diesen oder jenen Gegenstand, sondern vielmehr ihn bloß-rechtlich besitzen; denn das Recht ist schon ein intellektueller Besitz eines Gegenstandes, einen Besitz aber zu besitzen, würde ein Ausdruck ohne Sinn sein. (6: 249)

One does not have a right to an independently existing object; one rather possesses an object rightfully and, in so doing, first brings that object into existence as such. The concept of right, as the concept of the "äußere… Verhältnis einer Person gegen eine Andere," which is expressed in a "wechselseitigen Verhältnis" that binds the "Willkür" of all those who recognize this right, is the concept of an object whose existence is determined by the nature of this "Verhältnis." Kant refers to this object throughout the *Rechtslehre* simply as "das äußere Mein und Dein."

That the object of right is something "äußer(lich)" does not mean that it must take the form of a physical object, but rather, Kant stipulates, that it is a possession that "jederzeit

[47] As we shall see, Kant also attempts to imagine the sensible presentation of the objective status of the object of right at several moments in his text, two of which I will consider at length toward the end of this study.
[48] The point bears emphasis given the prevalent tendency to suggest that Kant's concept of property is physical and that he has no concept of intellectual property right. See for example Kühl (232). Arguments such as Kühl's take Kant's second definition of acquisition as definitive at the expense of the first, and thus elide the tension between the "Universal Principle of Right" and the "Postulate of Practical Reason with Regard to Rights," which reflects that between Kant's two definitions of acquisition. For an illuminating account of the tension see Peter Fenves (*Reduction* 190-197).

erworben werden (muß)" (6: 237). The bond between a "Besitzer" and his or her "Besitz," though something "(I)ntellektuell(es)" and thus not reliant upon its determination in space and time, is nevertheless not analytic but rather synthetic in nature (6: 250). "(E)rwerb(ung)" does not objectively denote the physical acquisition of a hitherto empirically distinct thing, but rather the intellectual synthesis of a subject and a predicate that has no positive existence outside of the proposition in which the two are articulated. Kant writes that

> …der Ausdruck des Äußeren nicht das Dasein in einem *anderen* Orte, als wo ich bin, oder meiner Willensentschließung und Annahme also in einer anderen Zeit, wie der des Angebots, sondern nur einen von mir unterschiedenen Gegenstand bedeutet. (6: 253)

The exteriority of the object of right is not that of an independent empirical entity. Rightful possession, rather, lacking the empirical determinacy of "Inhabung (detention)," is a form of intellectual possession that is expressed in the intersubjectivity of "Haben( )." "(E)rwerb(ung)," as the act expressed in such "Haben," thus does not take place at any empirically determinant time but must rather take place "jederzeit," if the "von mir unterschiedene( ) Gegenstand" is to appear as something that is "mein." The time of acquisition, like the time of the "Vermögen" for historical action in general, is accordingly not the discreet, empirically determinant past moment in which something becomes mine in a way that it may still empirically be—it is not the time, in other words, of natural causation—but rather the instant of the object of right's recognizability as such.

According to Kant, it is this *simultaneity* of wills constitutive of the instant of right's recognizability that must be thought as the basis of the *sequential* unfolding of empirical processes of acquisition. In his consideration of contractual exchange, Kant accordingly argues that the two acts that comprise the transaction—namely a promise and the acceptance of this promise—though empirically sequential, must be imagined as the expression of the simultaneous act of both. He writes,

> [W]eder durch den besonderen Willen des Promitenten, noch den des Promissars (als Akzeptanten), geht das Seine des ersteren zu dem letzteren über, sondern *nur durch den vereinigten Willen beider, mithin so fern beider Wille zugleich deklariert wird*. (6: 272 [my emphasis]).

Since the simultaneity of wills that must be thought as the intelligible basis of acquisition breaks with the conditions of possibility for sensuous presentation—the minimal requirement of which is temporal sequence—no representation of this simultaneity is possible. The experience of transaction thus remains cut off from its intelligible ground. Kant accordingly writes, "(N)un ist dies aber durch empirische Actus der Deklaration, die einander *notwendig in der Zeit folgen müssen, und niemals zugleich sind*, unmöglich" (6: 272 [my emphasis]). This impossibility is, according to Kant, the source of much anthropological entertainment, for it explains the many "äußern Förmlichkeiten" that attend exchanges of property—the "Handschlag, oder die Zerbrechung eines von beiden Personen angefaßten Strohhalms (stipula)" and so on—which reveal the perplexity of the transacting parties as to "wie und auf welche Art sie die *immer nur aufeinander folgenden Erklärungen als in einem Augenblicke zugleich existierend* vorstellig machen wollen" (6: 272 [my emphasis]).

The perplexity that befalls transacting subjects, however, need not also befall the philosopher of right, who is capable of distinguishing between the objectivity of the pure concept of merely rightful possession and the subjective requirements for the sensible presentation of empirical transactions. The philosopher of right may do so, according to Kant, through a transcendental deduction of the possibility of acquisition through contractual agreement. Kant writes,

> [D]ie transzendentale Deduktion des Begriffs der Erwerbung durch Vertrag kann allein alle diese Schwierigkeiten heben. In einem *rechtlichen* äußeren Verhältnisse wird meine Besitznehmung der Willkür eines anderen (und so wechselseitig), als Bestimmungsgrund desselben zu einer Tat, zwar erst *empirisch durch Erklärung und Gegenerklärung der Willkür eines jeden von beiden in der Zeit*, als sinnlicher Bedingung der Apprehension, gedacht, wo beide rechtliche Akte immer nur auf einander folgen; weil jenes Verhältnis (als ein rechtliches) rein intellektuell ist, durch den

> Willen als ein gesetzgebendes Vernunftvermögen jener Besitz als ein intelligibeler (possessio noumenon) nach Freiheitsbegriffen mit Abstraktion von jenen empirischen Bedingungen als das Mein oder Dein vorgestellt; wo beide Akte, des Versprechens und der Annehmung, *nicht als aufeinander folgend*, sondern (gleich als pactum re initum) aus einem einzigen *gemeinsamen* Willen hervorgehend (*welches durch das Wort zugleich ausgedruckt wird*) und der Gegenstand (promissum) durch Weglassung der empirischen Bedingungen nach dem Gesetz der reinen praktischen Vernunft *als erworben vorgestellt wird*. (6: 272-3 [my emphases])

What allows the philosopher of right to exit the perplexity into which empirically transacting parties habitually fall—what allows him, in other words, to stop shaking hands—is his ability to isolate a pure concept of intelligible possession that is in no way reliant on the "empirischen Bedingungen" of the transactions that it underwrites. This concept is that of a purely intellectual unification of wills a priori. The pure object of right, as the expression of this a priori unification of wills, may thus be "als erworben [vorgestellt]" prior to any instance of empirically determinant acquisition. It remains to be determined what form of phenomenal possession may come into existence on the basis of this concept of acquisition. I shall return to this question. For now, it is important to note only the importance of the deduction of a concept of pure, non-physical acquisition for establishing the possibility of the rightful ownership of empirical objects.

To Have and (not) to Hold?

As intelligible possession, right exists in the form not of *holding* ("Inhabung") but rather of *having* ("Haben"). Kant writes,

> Der Rechtsbegriff, der bloß in der Vernunft liegt, kann nicht *unmittelbar* auf Erfahrungsobjekte, und auf den Begriff eines empirisches *Besitzes*, sondern muß zunächt auf den reinen Verstandesbegriff eines *Besitzes* überhaupt angewandt werden, so daß, statt der Inhabung (detentio), als einer empirischen Vorstellung des Besitzes, der von allen Raumes- und Zeitbedingungen abstrahierende Begriff des *Habens* und nur, daß der Gegenstand als in *meiner Gewalt* (in postestate mea positum esse) sei, gedacht werde. (6: 253)

The concept of right, as the concept of an a priori unification of wills, is not the concept of an empirical object that one holds but rather of an object that appears *as placed under one's control*. The appearance of such an object accordingly presupposes the existence of an agency

that puts or places the object in this way—an agency that would author the "Vorstellung" of an object that appears "als in meiner Gewalt." Kant's passive German formulation and the doubly passive Latin phrase he embeds within it, according to which I acquire an object only to the extent that this object "is thought as under my control" ("als unter meiner Gewalt… gedacht [werde]") or, alternately, is thought as being placed under my control – "als… (in potestate mea positum esse)… gedacht [werde]") – simultaneously places the acquisition of control over the object of right out of the control of the one who is placed in control of this object and leaves the agency that accomplishes this placement entirely indeterminant. Since the concept of right is not the concept of a relationship to things but rather that of a unification of persons, it should come as no surprise that acquisition is depicted as a fundamentally interpersonal phenomenon involving the collaboration of more than one agency. Three interrelated and as yet unanswerable questions nevertheless pose themselves at this point in Kant's argument: 1) who or what places the object of right under my control, 2) what kind of relationship between persons does this placing reflect, and 3) how does it reflect this relationship: what form of phenomenal objectivity may be understood to derive from this relationship (i.e. what is the nature of the existence of right).

In the passages that follow upon the definition of "Haben" as the pure concept of being placed in control of some as yet indeterminate thing, Kant gives two very different answers to these questions. He first suggests that the implicit subject of his passive formula must be no individual subject at all but rather the "kollektiv-allgemeiner (gemeinsamer)… Wille" of all those with whom an acquiring subject may come into relations, who must be able to recognize the "Ausdruck 'dieser äußere Gegenstand ist mein'" as a possible extension of my will into a world comprised of objects that may be rightly under my control (6: 256). What the acquiring

subject would hereby be first granted is nothing less than the ability to appear as a particular, qualitatively distinct agency in the world; it would be granted not only the possibility of having property in the restricted sense of physical goods that extend beyond the confines of its body but rather the possibility of having all of the properties by which it is known and told apart from others. The "I" who acquires would accordingly only be able to be a "me" for itself—it would be transformed from an invisible point of pure uncontextualized agency to a being with distinct attributes and, in thus shifting from the nominative to the accusative position, first become knowable to itself and to others as a distinct being—only on the basis of a capacity that is granted by others who, in thinking of me as placed in control of something, first place me in control of myself and thus introduces me to a world in which I may exercise that control.

Only if my properties are thought as willed by others in this way may I *have* them; only in this way may I be in control of them in a way that is merely rightful and thus obviates the need for constant physical defense; for only in this way may others be excluded from having what is mine without infringing upon the freedom of acquisition that they too must possess if the collective will that grants this freedom is to appear truly "allgemein." The kind of relationship that transpires between acquiring agents is accordingly one in which each agent is dependent on all the others for his or her existence as such.[49] The form of objectivity that derives from this relationship is accordingly one that devolves immediately upon the a priori event in which each is placed in control of him or herself by all the others.

This first definition of the agency that thinks an object as placed in my control is found in the first chapter of the *Rechtslehre,* which is entitled "Von der Art, etwas Äußeres als das Seine zu haben" (6: 255). The second definition, which offers a second way of answering the questions

[49] Cf, Susan Meld Shell (*Embodiment* 146-147, 151).

enumerated above, is put forth in Kant's second chapter, which is entitled "Von der Art, etwas Äußeres zu erwerben" (6: 258).

This second chapter title is somewhat perplexing, since Kant already includes a definition of "(E)rwerb(ung)" in his first chapter, which, in defining the object of right as external, defines it as something that must "jederzeit erworben werden" (6: 237), and furthermore gives a detailed account of how such acquisition may transpire. Indeed, as an analysis of "der Art, etwas Äußeres als das Seine zu haben," Kant's first chapter must include an account of the conditions of possibility for such "having," and must accordingly already provide an account of acquiring. Since such an account is, as we have seen, in fact central to Kant's first chapter, it appears as though Kant, in entitling his second chapter "Von der Art, etwas Äußeres zu erwerben," would start his *Rechtslehre* over again. What one finds in the opening sections of this chapter, furthermore, seems to confirm this appearance. For in them Kant provides a definition of acquisition that appears fundamentally opposed to that found in Chapter One.

In Chapter One, acquisition of an object of right is defined as involving a modification of the relationship between persons, whose reciprocally restrictive activation of the capacity of each person to extend his or her "Willkür" within a perspectivally differentiated world of shared objects under one another's control gives positive shape and existence to the "I" who acquires by first making this "I" a "me" for itself and for others. Here, acquisition is a fundamentally intellectual event involving the establishment of a mode of representation that governs the subsequent existence of the objects a priori. In Chapter Two, by contrast, acquisition is defined as the unilateral act of an individual will upon a physical object, of which it takes control. Kant writes,

> Die ursprüngliche Erwerbung eines äußeren Gegenstandes der Willkür heißt Bemächtigung (occupatio) und *kann nicht anders, als an körperlichen Dingen (Substanzen) statt finden*. Wo nun eine solche statt findet, *bedarf sie zur Bedingung des empirischen Besitzes die Priorität der Zeit*

> vor jedem anderen, der sich einer Sache bemächtigen will (qui prior tempore potior iure). Sie ist als ursprünglich… nur die Folge von einseitiger Willkür[.] (6: 258-9)

The definition of original acquisition Kant provides here would seem to contradict the definition of acquisition put forth in his doctrine thus far on three major scores.

1) By defining "ursprüngliche Erwerbung" as acquisition that "nicht anders [statt finden kann], als an körperlichen Dingen (Substanzen)," it reverses Kant's insistence, which he proffers in the definition of "Recht" with which his work opens, that all right is to be understood as a relationship between persons and not primarily as a relationship to things.

2) By making "die Priorität der Zeit vor jedem anderen, der sich einer Sache bemächtigen will" the decisive criterion of acquisition, it reverses Kant's argument that acquisition, if it is to be the basis of rightful rather than merely empirical possession, cannot be objectively understood as something that happens or has happened at a discrete moment in sequential time, as when I pluck an apple from the tree or plant a flag upon a hill, after which point the object may be regarded as acquired, but must rather be understood as an intellectual event involving the reciprocal determination of the "Willkür" of all those who may come into contact with one another, which much accordingly transpire "jederzeit," in the interminably fleeting "Augenblick" of the object of right's recognizability as such.

3) By asserting that the originality of an acquisition derives from the fact that it is "die Folge von einseitiger Willkür," it contradicts Kant's claim that all rightful and not merely empirical ownership, as a modification of relations between all persons and not a relationship between a single person and an object, must be understood as a fundamentally interpersonal event in which an "I" is first granted the ability to meaningfully declare "dieser äußere Gegenstand ist mein" to the extent that it has already entered into a relationship that binds it a

priori to all other persons, who represent the enabling addressees without whom the declaration would be meaningless.

In three short sentences Kant would thus transition from a definition of acquisition as intellectual, temporally indeterminate, and fundamentally interpersonal event to a physical, temporally determinant, and unilateral phenomenon.

Since Kant does not immediately develop any sustained and consequential explanation for this transition, one is initially left in the dark as to the possible reason for the apparent change in course. It will not suffice to say that Kant has simply shifted from a transcendental to an empirical account of acquisition without announcing this move. Kant in fact frequently does this and, in so doing, intermittently produces an apparent contradiction where none, upon closer examination, exists. Though such a shift does clearly take place at this moment, the phenomenon of right must nevertheless agree with its transcendental condition of possibility in a way that can be clearly deduced. Kant does not, however, provide such a deduction, nor is it evident how his definition of phenomenal acquisition could be deduced from that of intelligible acquisition.

The Split Foundation of Right

In fact, this moment, once situated in the broader context of Kant's *Rechtslehre,* does not mark a decisive shift in his conceptualization of acquisition or of right but rather marks the introduction of a tension that runs throughout Kant's doctrine, which returns to and recuperates elements from his first definition of acquisition and mixes them in challenging and not infrequently obscure ways with aspects of the second. Kant himself clearly marks his own awareness of this tension in the nearly impenetrable phrases that follow immediately upon his redefinition of acquisition, which he introduces with the concession, couched in an interjection separated from the rest of his text by two framing *Gedankenstriche*, that flatly states what will

already be abundantly clear to any attentive reader of his doctrine up until this point, writing "—(w)ie ein solcher Akt der Willkür, als jener ist, das Seine für jemanden begründen könne, ist nicht leicht einzusehen —" (6: 259).

Kant's immediate attempt to resolve the difficulty he thus remarks is more bewildering than clarifying,[50] and in any case does not clear up the tension his dual definition of acquisition introduces, which shapes the development of his doctrine from this point forth. Since the difficulties this tension introduces frequently pose apparently irresolvable challenges to the systematic integrity of the concept of right developed in his work, one cannot avoid asking why Kant interrupts himself in the second chapter of this text in order to substitute, for a definition of acquisition upon which he has begun to build his doctrine, another that seems fundamentally incompatible with its most basic premises.

In order to approach a possible answer to this question, we must analyze the difficulties Kant's first theory of acquisition poses for his larger theory of right up until the moment of his apparent introduction of a second definition of acquisition. These difficulties pertain to the legitimation of the use of coercive force in defense of empirically determinant rights.

On the basis of his fundamental distinction between the domain of "Recht" and that of "Tugend," Kant reasons that coercive force may be used to regulate the outward form of actions that threaten legitimately established rights without abrogating the basic freedom of those who find themselves thus coerced. The legitimacy of the rights to be defended, however, derives from

[50] Kant in fact merely states the difficulty without resolving it, though he seems to gesture toward a solution by introducing a distinction—nowhere systematically developed in his text—between "ursprüngliche" and "erste Erwerbung" that is perhaps intended to translate that between natural and free causation articulated in the first *Kritik* and found operative in the philosophy of history but, even if this is so, inverts the association that one would expect here by seeming to connect transcendental acquisition with what is "first" in time and determining empirical acquisition as "originary": "Indessen ist die erste Erwerbung doch darum so fort nicht die *ursprüngliche*. Denn die Erwerbung eines öffentlichen rechtlichen Zustandes durch Vereinigung des Willens aller zu einer allgemeinen Gesetzgebung wäre eine solche, vor der keine vorhergehen darf, und doch wäre sie von dem besonderen Willen eines jeden abgeleitet und *allseitig*: da eine ursprüngliche Erwerbung nur aus dem einseitigen Willen hervorgehen kann" (6: 259).

the way in which these rights have been acquired. Thus, the concept of rightful coercion presupposes the concept of rightful acquisition.

According to Kant's initial definition of acquisition, a person may extend his or her freedom as control over external objects only insofar as this person is a priori placed in control of such objectivity by all other persons with whom it may enter into practical relations. This placement, as an a priori act accomplished by all persons, is not to be understood as the deed of any particular empirical agent or group of such agents: it is not an empirical-psychological but rather a transcendental act, the idea of which expresses the fundamental rationality of beings who, lacking in pre-given instincts, must be governed by self-given laws in order to act and thus exist in a world.

The condition of possibility for the positive existence of each person as such is accordingly an a priori act of a "synthetisch-allgemeinen Willen" to which all persons belong, which accomplishes, through its a priori activity, the synthesis of persons and objects previously analyzed.[51] An acquiring subject can thus "eine äußere Erwerbung berechtigen," according to Kant, only insofar as it is included in an "a priori vereinigten (d. i. durch die Vereinigung der Willkür aller, die in ein praktisches Verhältnis gegen einander kommen können) absolut gebietenden Willen" (6: 226). Acquisition therefore cannot be objectively understood as the act of an "einseitige(n) Wille(n)," since no such will could lay a binding obligation upon another without thereby infringing upon his or her freedom and thus abrogating the basic "Prinzip des Rechts" that must underwrite his or her act. Acquisition must rather, according to Kant, be understood as the act of "einem allseitige(n) nicht zufällig(en), sondern a priori, mithin

[51] Indeed, as Susan Meld Shell has noted, since the "connection of wills and things without contradiction" is "only possible in the idea of a common will… in which empirical possession is willed or constituted," "so also," as she cites Kant writing in the *Vorarbeiten* to his *Rechtslehre*, "without outer objects of the will, we could not become conscious of the possession of our own determinations and the inborn right of the use of ourselves" (*Embodiment* 151).

notwendig vereinigte(n) und darum allein gesetzgebende(n) Wille(n)," since only according to this "Prinzip" is the "Übereinstimmung" of the "freie( ) Willkür" of an acquiring subject "mit der Freiheit von jedermann, mithin ein Recht überhaupt, und also auch ein äußeres Mein und Dein möglich" (6: 263).

The possibility of acting in defense of the properties to which such acquisition gives rise can only be thought as the possibility of acting in defense of their *continued* existence as properties that have been recognized. The idea of defending the pure a priori giving of property itself is incoherent, since one would thereby defend a giving against those who give. The idea of a use of coercive force in defense of right accordingly presupposes a transition from a transcendental to an empirical perspective on acquisition, and thus a transition from the *Jetzt* of the object of right's general recognizability as such to the sequential time of its empirical determinacy. The object to be defended, in other words, is not the mere recognizability of what is acquired in general, which is all that the synthetic general will grants a priori, but rather the continuous recognition of what has been acquired as an empirically determinant object recognized.

In the final two sections of Chapter One, Kant attempts an account of this stabilization of recognizability in the form of something recognized. The transition from the former to the latter, he decides, involves the development of a "rechtliche(n) Zustand" out of a "Naturzustand" that precedes and potentiates it. The mere recognizability of acquisition, which Kant has determined as the a priori condition of possibility for the empirical existence of rights, does not, it turns out, mark the transition to the "rechtlichen Zustand" that it potentiates but is rather the a priori basis of the "Naturzustand" that precedes it. In this "Naturzustand," rights are not yet "peremptorisch"

but rather merely "provisorisch," and accordingly cannot be *legitimately* defended through the use of coercive force, pending entry into a "rechtliche(n) Zustand."[52]

Herein lies the insight that motivates the introduction of a new definition of acquisition in the beginning of Chapter Two. For the way in which Kant partitions a "(R)echtliche(s)" and "Naturzustand" belies his tacit recognition that the concept of acquisition at work in his doctrine thus far may indeed secure the conditions of possibility for the merely rightful acquisition of properties but does not support the right to use coercive force in the defense of properties thus acquired. The right to properties acquired in the way envisioned by Kant's first definition of acquisition is a right that the acquiring subject could never unilaterally defend, since although this subject is, according to Kant, placed in control of properties, it is not thereby placed in control of the necessarily perpetual *granting* of these properties, which is and remains the a priori synthetic act of a will to which the acquiring subject indeed *belongs*, but which is not therefore under this subject's control. On the basis of Kant's initial definition of acquisition, the acquiring subject's acquisitions, though a priori *recognizable* as the condition of possibility for the existence of a particular person to whom one may practically relate, would never be definitively *recognized* as the determinant possessions of this or that individual subject, and would accordingly never provide the basis for a defensive use of coercive force in the interest of their conservation as such.

[52] The crucial distinction between provisional and peremptory right remains controversial in Kant scholarship. For an exemplary range of approaches to this distinction see Allen Wood, "The State as Supreme Proprietor" (*Ethics* 197-8); Paul Guyer, "The Right to Property" (*Kant* 273-4); Wolfgang Kersting "Das Privatrecht und die Architektonik der Rechtsmetaphysik Kants" (*Recht* 78, 94-95); Robert Pippin "'Mein and Thine?' The Kantian State" (440). Scholars frequently treat the peremprory/privisional distinction as a *merely* juridical question pertaining to an object whose empirical determinacy may be presupposed, rather than as a question pertaining to the determinant judgment of the object of right as such. For an attempt at an interpretation of Kant's political philosophy as a whole through the lens of his concept of provisionality see Elisabeth Ellis, *Kant's Politics: Provisional Theory for an Uncertain World.*

Gesetzgebende Gewalt: From Provisional to Peremptory Right

"Im Naturzustand," Kant asserts in the title of the final section of Chapter One, "kann doch ein wirkliches, aber nur provisorisches äußeres *Mein und Dein* statt haben" (6: 256) [my emphasis]). "Nur in einem rechtlichen Zustand"—which is to say only in a situation in which all persons are empirically subject to "ein(er) öffentlich gesetzgebenden Gewalt"—is it possible "etwas Äußeres als *das Seine* zu haben" (6: 255-6 [my emphasis]). The shift from what is provisionally "Mein und Dein" to "das Seine" at this moment retroactively illuminates the importance of Kant's use of the conjunction "und" in the formula with which he designates the state of the object of right in his first definition of acquisition, to which we will return in our analysis of his account of the transferability of rights.[53] What is important at this point is how the transition into a "rechtliche(n) Zustand" alters the nature of the object of right.

The positive institution of a "gesetzgebende( ) Gewalt" transforms the "kollektiv-allgemeine(n) Wille" that first places an acquiring subject in control of an object into a will that is "machthabend" in the sense that it may deploy coercive force through which what a subject acquires "gesichert [wird]" (6: 256-7). It is this addition of a capacity to use such "Gewalt" that first transforms what is "nur provisorisch Mein und Dein" into "das Seine," thus ending the transience of provisional right through the addition of a "Garantie" backed by the threat of coercive force (6: 256). This securing procedure, however, does not merely affirm the properties that it guarantees, but fundamentally alters their nature. For the moment that a "provisorisch äußeres Mein und Dein" becomes "das Seine" it ceases being the gift of all to each of an

[53] In the Cambridge edition of Kant's works, Mary Gregor translates Kant's "das äußere Mein und Dein überhaupt" (6: 245) with "What is Externally Mine or Yours in General" (37), reflecting a convention that holds broadly in English language scholarship on Kant's *Rechtslehre*.[53] Gregor's substitution of "or" for "and," which she notes but does not explain (37n), has significant interpretive implications, since it steers Kant's reader away from Kant's grounding of the acquirabilty of objects in the idea of their original possession in common. For a contrasting view to the one Gregor's translation seems to favor, see Pippin's "'Mine and Thine?': The Kantian State."

indeterminate *capacity* to acquire and becomes precisely the physically secured, empirically determinant possession that, according to Kant's first definition of rightful acquisition, a merely rightfully acquired object may never be.

Seeming to recognize the difficulty that his definition of acquisition poses for legitimating the use of coercive force, Kant attempts at the last minute to project the positive determination of the object of right backward, as it were, into the state of nature. By doing this, he would allow the institution of a coercive "Gewalt" to appear as a mere affirmation and defense of a property whose empirical determinacy has already been established in the state of nature, and thus as defense of *merely* rightful possession. The "bürgerliche( ) Verfassung" that legitimates coercive "Gewalt," Kant writes, "ist allein der rechtliche Zustand, durch welchen jedem das Seine nur gesichert, *eigentlich nicht ausgemacht und bestimmt wird*," and continues, "— Alle Garantie setzt also *das Seine* von jemandem (dem es gesichert wird) schon voraus" (6: 256). The property that Kant now claims one must *presuppose* as already "ausgemacht und bestimmt" *prior* to the institution of the "gesetzgebende Gewalt" through which this property "gesichert [wird]"—namely "das Seine von jemanden"—is however precisely that which, Kant has suggested, only the institution of a "gesetzgebende( ) Gewalt" can produce.

Prior to the institution of a "Gewalt" that can stabilize the capacity to acquire what is given by all to each by transforming the mere recognizability of what is acquired in the "Augenblick" of right's recognizability into an empirical acquisition that appears to have been decisively recognized at a determinant point in chronological time, all properties are, according to the definition of acquisition with which Kant opens the *Rechtslehre*, emphatically not already "bestimmt und ausgemacht" as "das Seine von jemandem" but are rather the as yet undetermined "provisorisches äußeres Mein und Dein." In the final section of Chapter One, Kant's move to

suggest the contrary marks a tacit recognition that the concept of merely rightful acquisition with which his text opens cannot provide a foundation for the peremptory possession of an object of right as "das Seine," since it cannot legitimate the "Gewalt" that first gives rise to such possession. If Kant is to include such "Gewalt" in his concept of right, he will accordingly have to alter the concept of acquisition through which he has begun to establish the possible legitimacy of rights.

Kant's second definition of acquisition, which he puts forth in the opening passages of Chapter Two, extends the notion of a determinant provisional property toward which he moves at the end of Chapter One in service of an account of the *phenomenon* of original acquisition as at once physical, temporally determinant, and unilateral. As I have previously noted, since Kant tacitly shifts from a transcendental to a phenomenal perspective at this moment, it does not go without saying that the attributes of the phenomenon of acquisition, which seem to contradict those of acquisition as it has been defined thus far, are necessarily incompatible with his earlier definition of acquisition. The attributes of the phenomenon of acquisition must, however, be reconcilable with their transcendental conditions of possibility. Kant is thus faced with the problem of reconciling the empirical and transcendental concepts of acquisition he has provided thus far, for to rest with the description of the phenomenon of acquisition alone would be to abandon the task of developing an intelligible and not merely empirical concept of right altogether.

Taking First and Asking Later: from Pure to Proleptic Acquirability

Kant attempts to reconcile his concepts of transcendental and phenomenal acquisition by producing an account of phenomenal acquisition in which the rationality of possession is immanent to the empirical process of taking something under one's control. He writes,

> Die Momente (attendenda) der *ursprünglichen* Erwerbung sind also 1) die *Apprehension* eines Gegenstandes, der keinem angehört, widrigenfalls die der Freiheit anderer nach allgemeinen Gesetzen widerstreiten würde. Diese *Apprehension* ist Besitznehmung des Gegenstandes der Willkür im Raum und der Zeit; der Besitz also, in den ich mich setze, ist sensibler Besitz (possessio phaenomenon). 2) Die *Bezeichnung* (declaratio) des Besitzes diese Gegenstandes und des Akts meiner Willkür, jeden Anderen davon abzuhalten. 3) Die *Zueignung* (appropriatio) als Akt eines äußerliches allgemein gesetzgebenden Willens (in der Idee), durch welchen jedermann zur Einstimmung mit meiner Willkür verbunden wird. (6: 259)

Though the first moment of this three stage process of original acquisition seems to directly contradict Kant's initial account of the transcendental possibility of rightful acquisition by representing the act of acquisition as unilateral, this apparent contradiction is mitigated by the second and third moments, which reveal the objectively interpersonal and thus rational nature of acquisition and, in this way, reveal how the phenomenon of acquisition as a whole yields a phenomenon of "Besitz" that is "bloß rechtlich" (6: 259). Here, as in the "Erneuerte Frage…" the minimal rationality of the phenomenon under consideration is manifest in the necessity of making a declaration (declaration) or giving a sign ((*B)ezeichn(ung*)).

That the deed of acquisition cannot be merely physically *done* but must also be *declared*, and that the phenomenon of possession to which acquisition gives rise accordingly presupposes the communicability of the latter, marks Kant's retention of the phenomenon of acquisition within the horizon of a concept of right as that of a modification of the relationship between persons. Since the acquirer must, after placing him or herself in possession of the object, declare that he or she has done so in order that his or her acquisition may be ratified by others, brings the phenomenon of acquisition into accord with the fundamental basic principle of right, according to which I must act outwardly in a way that harmonizes with the freedom of all, and thus with the pure concept of acquisition that derives from this principle. Though the *phenomenon* of acquisition may *begin* as the unilateral acquisition of an object that "keinem angehört," it cannot *end* without a declaration through which this act becomes communicable and the subsequent

ratification of this communicable act by others. The "Zueignung" of that which the acquiring subject unilaterally controls is thus accomplished not by this acquiring subject him or herself but rather by "eine(n) äußerlich allgemein gesetzgebenden Willen( )," whose empirical relationship to the individual acquiring subject represents the intelligible relationship of all to each in the pure concept of acquisition.[54] Though the phenomenon of acquisition begins *unilaterally*, it must, taken as a whole, still be regarded as an act that is essentially *omnilateral* ("allseitig" in the sense given in the citation from 6: 263 above) and thus as giving rise to possession that is not merely empirically grounded but rather interpersonally, and thus objectively, valid—a possession, in other words, that is "bloß rechtlich."

In the passage immediately following his tripartite division of the phenomenon of acquisition, Kant justifies the reduction of "possessio phaenomen" to "possessio noumenon" that this division has prepared with a set of statements that do more to reveal the residual difficulties posed by his attempted reconciliation than to confirm its success. He writes,

> Die Gültigkeit des letzteren Moments der Erwerbung, also worauf der Schlußsatz: der äußere Gegenstand ist mein, beruht, d.i. daß der Besitz, als ein bloß rechtlicher, gültig (possessio noumenon) sei, gründet sich darauf: daß, da alle diese Actus rechtlich sind, mithin aus der praktischen Vernunft hervorgehen, und also in der Frage, was Rechtens ist, von den empirischen Bedingungen des Besitzes abstrahiert werden kann, der Schlußsatz: der äußere Gegenstand ist mein, vom sensibelen auf den intelligibelen Besitz richtig geführt wird. (6: 259)

The logic that underlies this uncharacteristically slack formulation, which at times borders on tautology, is nevertheless discernible within the broader context of Kant's doctrine. As Kant frequently argues elsewhere (for example his account of the transfer of right considered above), a phenomenon of right—which is to say in some sense always a phenomenon of transaction—when interrogated for its a priori conditions of possibility, must be torn out of the

[54] Though Kant does not explicitly say this, his account of the phenomenon of acquisition may only be reconciled with his concept of intelligible acquisition if the empirically determinant relationship between this "äußerlich allgemein gesetzgebenden Willen( )" and the individual acquiring subject represents the intelligible relationship of all to each in the pure concept of acquisition. Since one must assume that he intends such a reconciliation, without which his doctrine would disintegrate, this interpretation seems permissible.

spatially and temporally determinant context in which it occurs and interpreted as though all of the moments that make up the phenomenon happen simultaneously. This is what Kant means when he says, in the passage just cited, that one may abstract from the "empirischen Bedingungen des Besitzes" in order to get from the sensible phenomenon of possession to its intelligible condition of possibility. It is with this argument, furthermore, that Kant would resolve the difficulty posed by the two seemingly irreconcilable definitions of acquisition contained in Chapters One and Two of the *Rechtslehre.* These seemingly irreconcilable definitions, he suggests, are merely the subjective-phenomenal and objective-noumenal perspectives regarding one and the same concept of acquisition. All that is needed to demonstrate their basic reconcilability is to interpret the entire phenomenon of acquisition as occurring simultaneously, such that the immanent rationality of the second moment reveals the extent to which "alle diese Aktus rechtlich sind."[55]

That Kant here immediately qualifies the introduction of the already phenomenally secondary role of the "allgemeinen gesetzgebenden Willens" with the parenthetically inserted phrase "(i)n der Idee," however, marks the distance he has come from his initial definition of acquisition as the act of a "kollektiv-allgemeine(n) Wille(n)," which he would reconcile with the empirical possibility of legitimate unilateral acquisition. For Kant's initial definition of acquisition as the condition of possibility for a phenomenon of "Haben" that is "bloß rechtlich" to the extent that it devolves upon the omnilateral gift of recognizability from all to each is *not* that of a *mere* idea that provides for the retroactive justification of the empirical fact of possession, as it becomes in this later iteration; it is rather the definition of the idea of acquisition

[55] If one emphasizes Kant's reference to the fact that acts proceed from practical reason, Kant may also be understood to simply insist that, since the acts to which he refers are all practical phenomena and therefore entail a use of practical reason, they are all immanently legislative and thus "rechtlich." Since merely stating the definition of all practical activity whatsoever in this way would hardly contribute to a solution of the particular difficulty in which Kant finds himself, however, I prefer a more generous, contextualized reading of this passage.

as the objective condition of possibility for a person to *have* properties *legitimately,* and thus without ever having to *hold* them.

In Kant's second account of the phenomenon of acquisition, by contrast, property originates from an act of physical detention through which the acquiring subject unilaterally places him- or herself in control of a possession (Kant thus refers to the "Besitz also, in den ich mich setze"). This act is not immediately wrong because the object appears to belong to nobody, such that nobody's freedom appears to be abrogated by its unilateral appropriation. Thus, in contrast to Kant's initial account of acquisition, in which relations of right are always primarily relations between persons that give rise to an object that expresses this relationship, in this later account of acquisition the relationship between subject and object that gives rise to right appears direct. Because of this, the agency that appears primary in the first account of acquisition—that of the "synthetisch allgemeine(n) Wille(n)" to which the acquiring subject initially indistinguishably belongs, which first places him or her in control of a still indeterminate external objectivity and thus first brings him or her into existence as one to whom properties may belong—now appears as the initially passive empirical audience to the unilateral activity of an already formed acquiring subject, and subsequently as the "äußerliche(r)" and "gesetzgebende(r) Willen( )" that, having seen and recognized the empirical sign of possession that the acquiring subject has made, confirms that what this agent *physically* controls indeed *rightfully* belongs to him or her.

When one considers these differences between Kant's accounts of intelligible and phenomenal acquisition, it becomes evident that even if one reduces the temporally sequential elements of Kant's account of the phenomenon of acquisition to a simultaneity, the elements themselves have been so altered that no reconciliation with his definition of intelligible

acquisition is possible. What Kant presents as the sensible and phenomenal dimensions of the same concept of acquisition are in fact two distinct and irreconcilable definitions of acquisition.

The Right to Fight for Right

While Kant's initial definition of acquisition cannot justify the use of coercive force in defense of acquired properties and thus cannot reconcile the use of such force with the basic principle of right, as is his declared aim, the revised definition of acquisition put forth at the beginning of Chapter Two legitimates the use of force in defense of right not only within the civil condition, in which a "gezetzgebende( ) Gewalt" that applies equally to all ought to rationalize the use of such force, but also in the pre-civil "Naturzustand" in which no such "Gewalt" has yet been instituted. While the legitimacy of the defense of right in the "rechtliche(n) Zustand" derives immediately from the authority of the "äußerliche gesetzgebende( ) Gewalt" that merely affirms rights that have already been empirically determined and is in possession of constitutionally legitimated power to force compliance with its judgment, in the pre-civil condition coercive force may be unilaterally deployed, Kant argues, *not* so as to conserve that which one has acquired but rather so as to force others to enter into a civil condition in which such conservative force may be legitimated.

Kant legitimates the use of force to coerce entry into a "rechtlichen Zustand" through reference to the primary innovation that differentiates the second concept of acquisition from the first—namely the argument that the "Garantie" of property in the civil condition presupposes the existence of "das Seine" in the pre-civil condition. Since "(a)lle Garantie [..] also das Seine von jemanden (dem es gesichert wird) schon voraus (setzt)," Kant reasons, one must also recognize a corresponding "Recht, jedermann, mit dem wir irgend auf eine Art in Verkehr kommen könnten, zu nötigen, mit uns in eine Verfassung zusammen zu treten, worin jenes gesichert werden kann"

(6: 256-7). If Kant did not allow himself to insinuate the empirical "Bestimmung" of "das Seine" prior to the institution of a civil condition that, according to his first definition of acquisition, is the condition of possibility for the appearance of such an "Erwerbung," no such legitimation of the use of force to coerce others to subject themselves to an "äußere(n) gestezgebende(n) Gewalt" could be coherently envisioned, since no person would appear to have been placed in possession of a property whose defense legitimates the institution of such "Gewalt."

Once the existence of empirically determinant property in the pre-civil condition has been allowed, one may legitimate the unilateral defense of that which one holds on the grounds that the will of any who threatens one's property may be understood to do so in contravention of the will of all. One may legitimate the use of such force, in other words, not by reference to one's peremptory right to this or that particular property—for the establishement and legitimate defense of such rights can only be the act of an external law-giving power, in a constitutionally regulated civil condition, to which all may be regarded as having freely subjected themselves; one may legitimate the unilateral defense of provisional acquisitions rather only as a demonstration of one's preparedness to enter into a civil condition in which the will of all may be legitimately enforced. When one defends what one acquires and holds unilaterally, one thus does so *in the name of all*, whether or not one knows that one acts in this way or publishes such a justification of ones deed, for one's act, though not truly in possession of "gesetzliche( ) Kraft," nevertheless *appears* alongside the act that threatens one's property "*komparativ* für einen rechtlichen" (6: 356-7). Kant writes,

> Vor dem Eintritt in [de(n) rechtliche(n)] Zustand, zu dem das Subjekt bereit ist, widersteht er denen mit Recht, die dazu sich nicht bequemen und ihn in seinem einstweiligen Besitz stören wollen; weil der Wille aller anderen, außer ihm selbst, der ihm eine Verbindlichkeit aufzulegen denkt, von einem gewissen Besitz abzustehen, *bloß einseitig* ist, *mithin eben so wenig gesetzliche Kraft* (als die nur im allgemeinen Willen angetroffen wird) *zum Widersprechen hat, als jener zum Behaupten*, indessen daß *der letztere doch dies voraus hat, zur Einführung und Errichtung eines bürgerlichen Zustandes zusammenzustimmen*. – Mit einem Worte: die Art, etwas Äußeres als das

> Seine im Naturzustande zu haben, ist ein physischer Besitz, der die rechtliche Präsumption für sich hat, ihn, durch Vereinigung mit dem Willen aller in einer öffentlichen Gesetzgebung, zu einem rechtlichen zu machen, *und gilt in der Erwartung komparativ für einen rechtlichen*. (6: 356-7 [my emphases])

Though the two acts Kant considers—one of which defends a property held and one that threatens this detention of property—are equally unilateral and thus mutually bereft of "gesetzliche Kraft," one appears *comparatively less* unilateral than the other to the extent that it "zusammenzustimmt" with the will of all and thereby with the possible "Einführung und Errichtung eines bürgerlichen Zustandes" in which this will becomes legitimately coercive. The "Präsumption" of such relative legitimacy, however, only holds if the a priori activity of the "synthetisch allgemeine(n) Wille(n)" is understood to determine something as "das Seine" and not merely to potentiate such a determination as the pure recognizability of that which one acquires. Indeed, according to Kant's first definition of acquisition, all possession based on unilateral physical appropriation of an object would appear immediately illegitimate, since the possibility of acquiring justly must be first given by all to each. In that case, the presumptive right in a pre-civil condition would fall on the side of an activity that interrupts the unilateral detention of the object by one who has placed him or herself in possession of it by force, since such an interruption would be the condition of possibility for the establishment of a form of possession that is *merely* rightful. In this case, however, no entry into a "rechtliche(n) Zustand," understood as the "Errichtung" of a "Gewalt" capable of guaranteeing the continued ownership of that which one has physically defended, could be envisioned, for justice would appear as the interruption, rather than the affirmation, of the determinacy of "das Seine."

The "Einführung" of a "Gewalt" devoted to the conservation of the "Besitz" of individual subjects is possible only if one conceives provisional right to already contain what is to be conserved in the "rechtliche(n) Zustand." But to conceive of provisional right in this way is to

divest it of the indeterminacy definitive of a mode of acquisition that is "bloß rechtlich." A "Besitz" that is "gesichert" by the "gesetzgebende( ) Gewalt," Kant's text thus suggests, may only come about when one allows for the abrogation of the concept of acquisition that first grants possession a legitimacy that is merely rightful. No legitimation of coercion in defense of rights thus appears possible that does not delegitimize itself so as to become peremptorily legitimate.

The Provisionality of International Law

After he has attempted to legitimate the use of force to coerce entry into a "rechtliche(n) Zustand," Kant sets aside the problem of transitioning from "provisorische(m)" to "peremptorische(m) Recht" for the remainder of *Rechtslehre*'s first part. Since this part is primarily devoted to the analysis "Privatrecht" in a conditions in which civil law has already been instituted, the question of how one may first enter into a "rechtliche(n) Zustand," though still not adequately answered, is temporarily suppressed.[56] The question returns however in the second half of the *Rechtslehre*, which Kant devotes to the topic of "(d)as öffentliche Recht" understood as "(d)er Inbegriff der Gesetze, die einer allgemeinen Bekanntmachung bedürfen, um einen rechtlichen Zustand hervorzubringen."

With the question of the possibility of first entering into a "rechtlichen Zustand" thus back on the table, Kant proceeds to divide the domain of public right according to the same logic that separates the pre-civil "Naturzustand" from the "rechtlichen Zustand" and thus "provisorisches" from "peremptorische(m) Recht." The equivalent categories in the domain of public right are "Staatsrecht," or law that governs the relationship between persons and the sovereign civil institutions through which they govern themselves, and "Völkerrecht," or law

[56] The problem of provisionality is not entirely invisible in the remainder of this section, though it is no longer explicitly addressed as such. Indeed, it returns at several instances in which it becomes difficult to decide which empirical individual or group owns an object of right. I turn to an analysis of these instances, which illustrate the unresolved status of acquisition in Kant's text, at the end of this chapter.

governing relations among such sovereign entities. In its relationship with other states, each state is, according to Kant, "eine moralische Person im Zustande der natürlichen Freiheit," and the natural condition that holds among sovereign nations is, here as in Kant's analysis of the relationship between the "rechtliche(n)" and "Naturzust(ä)nde(n)" in general, not to be understood as a condition that is fundamentally opposed to right but merely as one in which no "äußere gesetzgebende Gewalt" to which all are equally subordinated has been instituted (6: 343). The "natürliche( ) Zustand durfte" accordingly "nicht ein Zustand der Ungerechtigkeit (iniustus) sein, einander nur nach dem bloßen Maße seiner Gewalt zu begegnen," but must rather be understood as "ein Zustand der Rechtlosigkeit (status iniusta vacuus), wo, wenn das Recht streitig (ius controversum) war, sich kein kompetenter Richter fand, rechtskräftig den Ausspruch zu tun" (6: 312).

Like relationships between individuals in the pre-civil condition, relationships between states are not merely physical. The condition of "Rechtslosigkeit" that exists among states is not one of absolute lawlessness but rather one in which the place of law—which is to say that of a "Richter" with the capacity to conclusively apply the law in particular cases—remains vacant (it is a "status iustitia vacuus"), such that the law itself appears as something merely "provisorisch." International law remains in this condition, according to Kant, pending the positive institution "eines öffentlichen Gesetzes" and of "diese Recht ausübende( ) Gewalt" through which the judgments of this power could be "gesichert" (6: 312-13). Even in the absence of such an institution, furthermore, coercive "Gewalt" may be legitimately exercised, here as in the account of the creation of a state by individuals, not in direct defense of one's own rights—since these do not yet have any determinant existence—but rather in the interest of securing the possibility of

building a positive legal institution competent to evaluate and secure these rights, thus bringing about a transition from "provisorische(m)" to "peremptorische(n) Recht."

At this point in his analysis of public right, Kant seems to simply presuppose the validity, in the context of international law, of his earlier argument for the *comparative* legitimacy of the unilateral use of force in defense of what one holds, understood as a defense of the institutability of a legitimate "Recht ausübende Gewalt," when considered alongside an equally unilateral threat to one's ability to retain what is under one's control. For he immediately follows his description of the "status iustitia vacuus" with the simple assertion "…aus welchen nun in einen rechtlichen zu treten ein jeder den anderen mit Gewalt antreiben darf" (6: 312).

Without the tacit addition of the argument for the comparative legitimacy of conservative over transgressive unilateralism, this conclusion would appear glaringly problematic, since it would lack any justification for privileging the right of one unilateral use of coercive force against another. What this means, however, is that Kant's argument at this point presupposes not only his thesis pertaining to the comparative legitimacy of a use of unilateral force that appears to harmonize with the possibility of instituting a "rechtliche(n) Zustand," but also the definition of "ursprüngliche Erwerbung" and resultant concept of peremptory right that are integral to this thesis. Indeed, only if Kant allows the empirical determinacy of "das Seine," which, according to Kant's first definition of merely rightful acquisition only comes about through entry into the "rechtlichen Zustand," to be proleptically posited as already present in the pre-civil condition, thus reducing the characteristic indeterminacy of the "provisorisch äußere(n) Mein und Dein" that is essential to Kant's formulation of a concept of a "Haben" that is "bloß rechtlich," can he close his introductory analysis of international law with the statement:

> Denn, der Form nach, enthalten die Gesetze über das Mein und Dein im Naturzustande ebendasselbe, was die im bürgerlichen vorschreiben…. Nur das im letzteren die Bedingungen angegeben werden, unter denen jene zur Ausübung… gelangen (6: 312-13).

Here, the institution of a "diese Recht ausübende Gewalt" represents, as in Kant's second definition of original acquisition, merely the provision of a "Garantie" for rights that appear already determined in the pre-civil condition. The addition of a power capable of *applying* the law would thus not change the objective nature of the rights to be adjudicated in any way. Indeed, only if this fundamental continuity of right in the pre-civil and civil conditions may be maintained can Kant justify the unilateral deployment of coercive force in instituting an "äußere gesetzgebende Gewalt."

Kant himself notes the necessity of establishing the continuity of right across the "Natur-" and "rechtliche Zuständ(e)" for the establishment of an imperative to leave the state of nature in the final sentence of the introductory paragraphs to the second section of the "*Rechtslehre*," in which he writes,

> – Es würde also, wenn es im Naturzustande auch nicht provisorisch ein äußeres Mein und Dein gäbe, auch keine Rechtspflichten in Ansehung desselben, mithin auch kein Gebot geben, aus jenem Zustande herauszugehen. (6: 312-13)

What he does not remark here, however, is that the definition of a "provisorisch(en)… äußere(n) Mein und Dein" that is required to make this imperative unilaterally actionable, as he claims it must be, cannot be the one with which he begins his *Rechtslehre*, but must rather be the second definition of provisional right he develops on the basis of a reworked concept of acquisition, upon recognizing the difficulties his first definition of acquisition poses for the legitimation of the use of coercive *Gewalt* in the pre-civil condition. If there can be no "Rechtspflichten" according to which one may coerce or be coerced to leave the pre-civil condition without the presupposition of an "äußere(n) Mein und Dein" that is no different from "das Seine," however, then there can be no such "Rechtspflichten" that does not abrogate the

"bloß rechtlichen" character of this very "Rechtspflichten," thereby once again delegitimizing itself in the interest of its defensible legitimacy.

Perpetual War

Nowhere does Kant struggle more intensely with the difficulties presented by his legitimation of the right to coerce others to leave the pre-civil condition than in his writings on the international law of war. In international relations, the "Naturzustand," though not a state of absolute injustice, nevertheless represents, for Kant, nothing other than a perpetual state of war. International relations must be understood in this way not because empirical wars are always being fought but rather because such relations are not universally subjected to a single "gesetzgebende Gewalt" to which the right to deploy coercive force has been delegated by all, with the result that the threat of unilateral deployment of coercive force remains the horizon within which international relations unfold (6: 344).[57]

Within this condition, Kant furthermore stipulates, there is no essential conceptual difference between the freedom of states and the freedom of persons in the "Naturzustand" save one: unlike individuals persons, states must be regarded not only externally, in relationship to one another, but also internally as the sovereign institutions through which peoples must be regarded as having freely determined to govern themselves. This single difference, however, has important consequences for the concept of international law, for it means that, though the "Zustand des Krieges," like the "Naturzustand," appears as a condition "aus welchen die Staaten… auszugehen verbunden sind," and although the way of exiting this condition is, according to Kant, to be understood "nach der Idee eines ursprünglichen gesellschaftlichen Vertrages," such a supranational "Verbindung," *unlike* the "Vereinigung" that gives rise to the

[57] It is perhaps clarifying to note that the definition of coercive force implicit in Kant's conceptualization of international space as a space of perpetual war would almost certainly apply not only to the use of military force but to the use of economic sanctions as well.

"äußere gesetzgebende Gewalt" in the case of a "bürgerlichen Verfassung," *cannot* give rise to a "souveräne Gewalt" but must rather take the form of a "Genossenschaft" or "Föderalität," understood as a "Verbindung… die zu aller Zeit aufgekündigt werden kann, mithin von Zeit zu Zeit erneuert werden muß" (6: 344).

A transition analogous to the one through which individual persons move from a pre-civil to a civil condition through the "Errichtung" of an "äußere(n) gesetzgebende(n) Gewalt" cannot in fact take place in the domain of international relations, for the relations between states are relations between entities that, unlike individual persons, cannot alienate the sovereignty that their subjects delegate to them to an external power without abrogating the internal relationship between subject and sovereign that first give rise to the state and, by thus dissolving their legitimacy as states, also undermining the claim to representative legitimacy that underwrites their ability to enter into international relations in the first place.[58] Unlike an individual person, in other words, the corporate person of the state is not free to alienate its right to absolute freedom in external affairs. Since an external power capable of enforcing international law must accordingly remain outstanding, international law is, according to Kant's own definition, not merely temporarily but rather *interminably "provisorisch"*: it is a law that demands that one exit the very condition to which it permanently consigns one.[59]

International law's interminably provisional status has important consequences for the possible legitimation of the use of coercive force in defense of right in international relations. According to Kant, the unilateral deployment of such force may only be legitimated in a single

[58] It is for this reason that Kant defines an "Unterjochungskrieg" as an attempt of the "moralische Vertilgung eines Staats" and excludes it from the forms of war that may be legitimately pursued within the context of international law (6: 347).

[59] Cf. Hans Saner's chapter "Der Friede in der Metaphysik" (275-339). Saner's rich account of the political implications of Kant's elevation of "Weg" over "Ziel" nevertheless avoids the clear implications of this in Kant's writing's on international relations, in which the interminability of the "Weg" is not the perpetuation of peace but rather that of war.

instance: when the one that one thus coerces has been determined to be a "Feind" by displaying a tendency to act in a way that is "ungerecht." [60] Kant defines such an enemy as

> …derjenige, dessen öffentlich (es sei wörtlich oder tätlich) geäußerter Wille eine Maxime verrät, nach welcher, wenn sie zur allgemeinen Regel gemacht würde, kein Friedenzustand unter Völkern möglich, sondern der Naturzustand verewigt werden müßte. (6: 349-50)

Thus defined, the unjust enemy is the structural equivalent of the one whose unilateral use of coercive force threatens the equally unilateral defense of "das Seine" in pre-civil relations among individual persons. Just as, in the account of relations among such persons, unilateral recourse to coercive force may be justified *not* by direct reference to the particular object of right defended, since the content of right may only be conclusively determined in the civil condition, but rather as a defense of the conditions of possibility for entering into the civil condition in which such contents might first be decided, so too, in international relations, a state may

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[60] According to Schmitt's seminal critique, which is contained the section of his 1950 book *Der Nomos der Erde* entitled "Kants ungerechter Feind," Kant's theory demonstrates the fundamental hypocrisy of a humanitarian pacifism that would conduct just wars in the interest of peace and for the protection of humanity. Already in his early *Begriff des Politischen,* Schmitt writes "Wenn der Staat im Namen des Menschheit seinen politischen Feind bekämpft, so ist das kein Krieg der Menschheit, sondern ein Kriege, für den ein bestimmter Staat gegenüber seinem Kriegsgegner einen universalen Begriff zu okkupieren sucht, ähnlich wie man Frieden, Gerechtigkeit, Fortschritt, und Zivilisation mißbrauchen kann, um sie für sich zu vindizieren und dem Feinde abzusprechen" (*Begriff* 55). In *Nomos der Erde,* Schmitt extends this general critique of humanitarian warfare to a critique of the dissultory effect of Kant's moral universalism on his political and legal philosophy. The concept of "Humanität" that undergirds the "Gefühl für den globalen Charakter eines Völkerrechts" evident in Kant's political writings will not bring about the peace that it seeks—"Humanität" does not cease to have enemies but rather produces a new kind of enemy that brings along with it a kind of war that is at once old and new. Schmitt writes: "Erst mit dem Menschen im Sinne der absoluten Humanität erscheint nämlich, als die andere Seite desselben Begriffs, sein spezifisch neuer Feind, der *Unmensch*" (72). Kant's unjust enemy is, for Schmitt, the correlate, within the domain of international law, of this dehumanized other of humanity. For a trenchant critique of the position Schmitt articulates here, the force of which is however reduced by its unlikely reduction of Kant's writings on the unjust enemy to a mere accident within his late work, see Habermas, "Kants Idee des ewigen Friedens – aus dem historischen Abstand von 200 Jahren, (*Einbeziehung* 192-236). Kant's writing on the unjust enemy is situated within a long philosophical and juridical tradition of conceptualizing the "enemy of all" in a valuable recent work by Daniel Heller-Roazen entitled *The Enemy of All: Piracy and the Law of Nations.* For other recent contributions to this debates, see Ian Baucom, "The Disasters of War, On Inimical Life"; Gil Anidjar's chapter "*De Inimicitia*"; and Susan Meld Shell "Kant on Just War and 'Unjust Enemies': Reflections on a Pleonasm". See also Heinz-Gerd Schmitz, "Kants Lehre vom hostis iniustus und Carl Schmitt's Kritik dieser Konzeption". For approaches to this question in English from the perspective of political science see Antonio Franceschet, "Kant, International Law, and the Problem of Humanitarian Intervention"; John Macmillan, "Liberalism and Democratic Peace"; Howard Williams, *Kant and the End of War: A Critique of Just War Theory*. For a useful selection of key moments in the history of reflections upon the ethics of war and the concept of just war from Thucydides to Kofi Annan see Gregory M. Reichberg and Henrik Syse's coedited volume *The Ethics of War.*

legitimate the use of all the resources at its disposal "um Seine zu behaupten" *not* by direct reference to the particular object whose rightful possession is "behaupte(t)" but rather by reference of the imperative of depriving the one who threatens this merely provisional right of the power to do so by inducing this agency to adopt a new constitution that will disincline it from continuing to act as it does (6: 349-50). What the state, like the person in the state of nature, would thus legitimately defend are the conditions of possibility for exiting the state of nature in which it finds itself—the state of nature, that is, which the unjust enemy's acts, unlike those of the state that confronts it, threaten to perpetuate.

Here, however, Kant's argument, as well as the analogy that links individuals in a pre-civil condition and states in a "Naturzustand," comes into difficulty. For Kant's argument for the comparative legitimacy of a conservative over a transgressive deployment of "Gewalt" in pre-civil relations among persons does not hold for international law, in the context of which the transition from "provisorische(m)" to "peremptorische(m) Recht," which provides the criterion for adjudicating the relative legitimacy of individual actors in the pre-civil condition, is blocked in advance.

In the subsection that follows immediately upon his consideration of the unjust enemy, Kant explicitly concedes that the idea of "einem allgemeinen Staatenverein (analogisch mit dem, wodurch ein Volk Staat wird)"—which would be the prerequisite for transitioning from a condition in which "alles Rechte der Völker und alles durch den Krieg erwerbliche oder erhaltbare äußere Mein und Dein der Staaten bloß provisorisch [gilt]" to one in which such rights become "peremptorisch geltend" through the introduction of "ein(em) wahre(n) Friedenszustand" among nations—"eine unausführbare Idee [ist]" (6: 350). This is the case, however, not for the peculiar empirical reasons Kant gives in immediate justification of this

concession, which are argumentatively inconsequential in the context of his larger analysis.[61] The difficulty that befalls Kant's argument is rather that, in the context of international law as he defines it, the essential qualities that distinguish the "ungerechter Feind" from those who would be called upon to deprive this enemy of the power to act as he does are properties that each and every sovereign state that could legitimately undertake such a defense of international law must itself betray. For such states, who cannot in fact act toward the end of world government, must in fact always act upon maxims according to which "kein Friedenzustand unter Völkern möglich, sondern der Naturzustand verewigt werden müßte," for to act otherwise would be to relinquish the sovereignty that defines their very existence.

Unjust Enemies All

In a remark appended to the end of his consideration of the subsection of the *Rechtslehre* dealing with just war, Kant in fact recognizes the difficulty posed by his own definition of the "ungerechte(n) Feind." Since "der Naturzustand ist selbst ein Zustand der Ungerechtigkeit," he reasons, to call an enemy "ungerecht" is "pleonastisch," since under such conditions all enemies would fit this bill. To speak of a just enemy, Kant continues, involves the opposite difficulty, since if one's enemy's hostilities were justified, one would do wrong to resist their force, or, what amounts to the same thing, it would be impermissible to declare such an actor one's enemy.

At this point Kant's considerations break off. But the difficulty he has recognized is already clear. It involves the legitimation of the use of coercive force in international relations, understood as relations governed by a "Recht" that is "provisorisch." Since such "Recht" cannot be enforced by any "äußere(n) gesetzgebende(n) Gewalt" to which all freely subordinate

[61] Kant makes reference to the empirical difficulties that would be involved in physically governing the entire world, which result from the large geographical spaces involved, and would no doubt be of importance to an attempt at world governance. These reasons are peculiar not in themselves, but rather in that they carry no real argumentative force in the context of Kant's attempt to discern the a priori conditions of possibility for a world government to be legitimately instituted (6: 349-50).

themselves, it can only be enforced unilaterally, if it is to be enforced at all. Such unilateral enforcement cannot, however, be justified through direct reference to the particular right to be defended, since such right does not yet have any legitimate determinacy. One may accordingly only legitimate the unilateral deployment of coercive force on the basis of the comparative legitimacy of one's own unilateralism against the unilateralism of another. But this, as we have seen, is precisely what no sovereign state can claim.

Kant's considerations thus result in a split imperative: if the rights of sovereign states are to be defensible at all, one must be able to legitimate the unilateral deployment of coercive force against those deemed to threaten these rights; but if the states who would unilaterally deploy coercive force in defense of their rights do so not in the interest of becoming world citizens but simply so as to remain the sovereign states that they are and, according to Kant, must be, then no legitimation of the use of coercive force against those whom these states see as a threat to their rights can be envisioned. If no justice can be imagined in international space without the possibility of unilaterally defending one's rights, then no such justice can be imagined that is not simultaneously unjust.

Notwithstanding his expressed reservations regarding the concept of "ungerechter Feind," Kant allows his theory of just war to stand as the basis for the defense not of the possibility of progress toward world government (for the latter is for Kant, as we have seen, an impossibility), but rather of the possibility of progress in the infinite task of approximating a world governance that may never be definitively instituted. Thus although "der ewige Friede" is, as we have seen, "freilich eine unausführliche Idee," nevertheless

> …(d)ie politischen Grundsätze… die darauf abzwecken, nämlich in solche Verbindungen der Staaten einzugehen, als zur kontinuierlichen Annäherung zu demselben dienen, sind es nicht, sondern, so wie diese eine auf der Pflicht, mithin auch auf dem Recht der Menschen und Staaten gegründete Aufgabe ist, allerdings ausführbar. (6: 349-50)

Kant's peculiar circumlocution "sind es nicht," which clearly intends "sind nicht unausführlich," seems to register his tacit awareness of the peculiarity of the notion of executable progress he presents. For what does it mean to assert that a "kontinuierliche( ) Annäherung" to a strictly unattainable goal is *ausführlich* or, as Kant in fact says, "allerdings ausführbar"? What is the measure of progress toward that which can never be achieved? The answer Kant immediately provides is circular and borders on tautology: one makes progress toward the unattainable goal in question, he writes, when one establishes "politische Grundsätze, die darauf abzwecken, nämlich solche Verbindungen der Staaten einzugehen, als zur kontinuierlichen Annäherung zu demselben dienen." But which types of "Verbindungen" represent the progress Kant names?

Kant gives only one concrete example of such binding: it is that of individual sovereign states who, when faced with an agent whose acts appears to threaten to perpetuate a state of nature among nations, "dadurch aufgefordert werden, sich gegen einen solchen Unfug zu vereinigen und ihm die Macht dazu zu nehmen."[62] It is the example, in other words, of unification in opposition to an "ungerechte(n) Feind." Yet, as we have seen, all sovereign states who could find themselves called upon to form such a "Verbindung" could themselves be accurately understood to act in a way that promotes the continuation of a state of nature among peoples, and could indeed be thus understood due to their deployment of force in the name of a "Friedenszustand" that they must nevertheless refuse to institute. Since the provisionality of

[62] The fact that the use of force is represented here as the act of group does not detract from the essentially unilateral nature of these state's decisions to act as they do, not only because Kant explicitly forbids all alliances that exclude what he refers to as the "ursprüngliche(s) Recht( ), den Verfall in den Zustand des wirklichen Krieges derselben untereinander von sich abzuwehren" (6: 344-5), but more importantly because Kant does not recognize any essential difference between unilateral and multilateral action, both of which are equally opposed to omnilateral action as the only form of action capable of bringing a legitimate political entity into existence. Thus in his account of the possibility of acquisition, Kant excludes the formation of a multi-lateral will as autonomously legitimating and demands that the acquiring subjects be considered as belonging to "ein allseitiger nicht zufällig, sondern a priori, mithin notwendig vereinigter und darum allein gesetzgebender Wille" on the grounds that a "doppelseitige, aber doch besonderer Wille" is, because if its determinate particularity, essentially still an "einseitige(r) Wille," and accordingly not legitimately legislative (6: 263).

international law is perpetual, just war undertaken in the name of peace is equally without foreseeable end.

According to the framework Kant provides in the *Rechtslehre*, one can maintain oneself in perpetual motion toward peace only by maintaining oneself in a state of perpetual war. Right must be defended by force, and only by defending right in this way can one know that one moves toward peace—only in this way, to borrow the pertinent language from Kant's writings on history, can one know that one makes *progress*. And yet no sovereign state can use force in a way that is not objectively unjust, irrespective of what gestures it may make toward acting in accordance with published principles or international agreements. The difference between acting "zum ewigen Frieden" and threatening "den Naturzustand zu verewigen" is thus, by Kant's standards, merely subjective. When sovereign states act in defense of right, one can accordingly never know whether they make progress in the infinite task of moving toward a state of peace or merely perpetuate the state of war against which they claim to fight. War in the name of peace is accordingly not only war without end but also war without discernible progress toward its declared goal, for the sovereign state who wages this war can be certain about only one thing: that it cannot finally tell the difference between itself and its enemy.

Conclusion: The Practical Philosopher's Stone

The paradox at which Kant's consideration of international law arrives derives from the unresolved status of the concept of provisional law as the law either of "das äußere Mein und Dein" or of "das Seine." Unilateral force in defense of rights may only be legitimated on the basis of the second definition, and yet this definition violates the integrity of the idea of an omnilateral synthetic general will, upon which it relies for its legitimacy. So long as Kant allows the second definition of provisionality to hold, the unilateral mobilization of coercive force in

defense of rights cannot avoid undermining the possible legitimacy toward which it must, if it wishes to appear legitimate, always claim to work. For the retroactive deployment of the *mere* idea of omnilateral synthesis as the basis for the unilateral defense of an object the determination of which no such synthesis could in fact support reduces the transcendental condition of possibility for a form of acquisition that is merely rightful into the false alibi of force-based possession. The idea of *having* would, in this way, become an essential tool for mitigating the empirical difficulties involved in *holding* by making it appear as though one possesses what one has unilaterally acquired only because it was the secret will of all that one do so, such that what may often look like an assertion of mere might is in fact a defense of something that is right.

Kant's text, however, offers an alternative to this outcome, although it is not explicitly affirmed as such, when his presentation of the object of right shifts from a determinant to a reflective mode in an attempt to render intuitive the mere acquirability of properties in those instances in which their definitive acquisition has not yet transpired.

Might may appear to make right only so long as one suppresses the transcendental deduction of rights from the idea of merely rightful acquisition that is prerequisite for establishing the legitimacy of right, thus allowing the sequential time of the empirical determination of rights to remain uninterrupted by the "Augenblick" of right's recognizability. But to suppress this deduction is to elide the difference between the rightful and natural determination of political phenomenon and thereby to elide the difference between historical and empirical causation—of causation through freedom and causation through nature—as well. Thus while Kant, from the second chapter of the *Rechtslehre* forth, routinely suppresses such a deduction in the interest of maintaining the subordination of transgressive to conservative "Gewalt," he nevertheless cannot afford to do so continuously without appearing to abandon the

fundamental motivation of his theory of right. So long as the object of right appears to have already been placed in someone's control, one may suppress a deduction of the transcendental conditions of possibility for the existence of right. But the need for such a deduction reemerges whenever the fundamental status of the object of right, whose acquirability must be able to be abstracted from the empirically determinant fact of its detention or attribution, comes into question.

One such instance stands out from the rest, since it simultaneously exemplifies an alternative to the determinant judgment of the object of right and provides a clue as to the relationship between Kant's concepts of provisional right and of reflective judgment.

This instance occurs in the context of Kant's account of the contractually mediated transfer of an object of right, in the course of which Kant arrives at certain "Schwierigkeiten" pertaining to the representation of the mere acquirability of the object of contract right, which he claims may be resolved through the "tranzendentale Deduktion des Begriffs der Erwerbung durch Vertrag." The "Schwierigkeiten" in question involve, as we have seen, the necessity of representing empirical transactions as unfolding in a series of actions in sequential time, which, by presenting the possession of the object as a matter of empirical causation, threatens to elide the intelligible source of right in the freedom of self-legislating beings and to thereby render the status of contract right uncertain (6: 272-3).

One can only overcome the perplexity as to the possibility of rightful ownership that results from this difficulty if one understands the rightful acquirability of the transacted object not as empirically caused in sequential time—not, in other words, as the direct result of an empirically determinant capability of the promissor or recipient of the promise—nor as the result of an empirically determinant quality of the object promised, but rather as the immediate effect

of the a priori unity of the will of all, which alone can grant to each the possibility of acquiring an external object in accordance with the basic law of pure practical reason (6: 272-3) The perplexity as to how to represent such a simultaneity of wills, though perhaps resolvable through a transcendental deduction of the possibility of acquisition, nevertheless remains within the sensible domain in which such transactions transpire, for the pure possibility of acquisition, according to Kant, may only be represented in thought "durch Weglassung der empirischen Bedingungen." The sensible experience of acquisition would thus remain permanently separated from the thought of right's pure interpersonal possibility by an insuperable gulf. Though the acquirability of the object may be thought as the gift of all to each, the object to be acquired may only appear to the acquiring subject in its determinacy as an object to be either unilaterally or multilaterally but never omnilaterally taken under one's control. The pure acquirability of the object, in other words, must remain invisible to the one who acquires it.

Kant, however, without declaring that he is doing so, in fact attempts to bridge the gulf to which his transcendental deduction of the concept of acquisition leads. He does so not through further argumentation but rather through the provision of an image that closes a remark he appends to this deduction, which attempts to make the pure acquirability of a transacted object intuitable. It is because the object relies for its acquirability not upon any empirical circumstances attending its transaction but rather on the activity of a will in which all persons are united a priori, Kant suggests, that the possibility of possessing the object may be understood to remain constant throughout the moments of its contractual transaction irrespective of the empirical condition of the acts or things to which the contract refers (6: 274-5). Abstracting from the empirical moments of the transaction in this way demands, once again, a reduction of the sequence of empirical events involved in a transaction to a simultaneity and a commensurate

reduction of the empirical dispersion of acts to an undifferentiated will that subtends them. The scene Kant describes accordingly takes the form of an application of the transcendental principles he has deduced in the text to which his remark is appended, but the image with which this remark ends attempts to bridge the divide his deduction makes evident, though not, as we shall see, without calling attention to the boundaries of the imaginable.

In the contractual exchange, the "Stetigkeit" of right "bringt es mit sich," Kant writes,

> …daß nicht eines von beiden (promittentis et acceptantis) besonderer, sondern ihr vereinigter Wille derjenige ist, welcher das Meine auf den anderen überträgt; also nicht auf die Art: daß der Versprechende zuerst diesen Besitz zum Vorteil des anderen verläßt (derelinquit), oder seinem Recht entsagt (renunciat), und der andere sogleich darin eintritt, oder umgekehrt. Die Translation ist also ein Akt, in welchem der Gegenstand einen Augenblick beiden zusammen angehört, *so wie in der parabolischen Bahn eines geworfenen Steins dieser im Gipfel derselben einen Augenblick als im Steigen und Fallen zugleich begriffen betrachtet werden kann, und so allererst von der steigenden Bewegung zum Fallen übergeht* (MS: 386 [my emphasis])

The peculiar image with which Kant closes his example, which calls attention to itself by virtue of the sheer incongruity of the mode of presentation it exemplifies in relation to the foregoing analysis, depicts the interruption of sequential by free causation as a movement, if only that of remaining inert, that does not bring the object of right any closer to either of the two contracting parties whose united will, according to Kant, sustains the acquirability of this object-in-transition, but rather arrests this object at the farthest possible remove from those who must be understood to retain it under their bilateral control. This aspect of Kant's image is perplexing at first, for if Kant's aim is to provide a sensible analogue for the continuous possession of the transacted object, why would he not choose an image that represents the simultaneous possession of the object by "beiden zusammen," since this is the intelligible status he claims to represent? Why does he not employ, for example, the image of a baton that, in being passed from one to another, is momentarily held by both? Why does he prefer instead an image of an object that, suspended in mid air, is under no one's immediate control?

This question is in fact not difficult to answer upon further scrutiny of the context in which Kant's image appears, for as a representation of the transcendental deduction of the pure concept of acquisition, what this image must show is not the empirical fact of momentary dual ownership on the part of two contracting parties—which is not, in any case, strictly possible for Kant[63]—but rather the possibility of having without holding. The insight that this image would accordingly analogize is that the possibility of taking rightful control of an object, as the omnilateral gift of all to each, cannot itself be brought under the control of those who would acquire an object in this way, as we have already seen in our analysis of Kant's introductory conceptualization of rightful acquisition. Thus while one might well say in this context, as Kant himself frequently says elsewhere, that the sensible representation of the pure concept of acquisition, like all figurative approximations that aim to make a priori ideas intuitable, must be approached with the greatest of caution, since its spatial and temporal determinacy, which itself follows a law that is fundamentally different from that which governs the supersensible domain it is called upon to represent, always threatens to lead imagination awry of an idea it cannot grasp in its purity, it is nevertheless noteworthy that, in this particular instance, the image with which Kant closes his application of the results of his transcendental deduction of the concept of acquisition is in fact truer to the concept Kant seeks to present than the concept of momentary bilateral ownership to which it at first appears subordinate. What this image alone makes intuitable is the loss of control presupposed by every instance of rightful possession.

The reliance of a bilateral transacting will upon an omnilateral will that first makes the practical association of the former possible, which is merely implicit in the account of

[63] The notion of a determinate object of right that empirically belongs to two unincorporated people at once, each of whom would thereby have an absolute right to its disposal, is indeed incoherent within the framework of Kant's doctrine, since these two subjects would immediately wrong one another by limiting the outward choice that must rightfully belong to each.

contractually mediated exchange analyzed above, and which becomes apparent only in the incongruous image with which it closes—becomes explicit in Kant's further consideration of another kind of contractually mediated transfer of rights in which the impossibility of an empirical presentation of a "vereinigte(n) Wille(n)" may be presupposed. The type of transaction in question is "Beerbung," which presupposes the mutual absence of the contracting parties for the simple reason that the contract only comes into effect when the testator "nicht mehr ist," while the heir to the bequest need not be apprised of his or her status in advance of the testator's disappearance from the world (6: 285-6).

Because of this presupposed absence, a transcendental deduction of the possibility of acquisition through inheritance poses special difficulties. Here, as in all instances of contractual exchange for Kant, the two acts which must conspire to form a legitimate contract are the "Versprechen" of the object to be delivered and the "Annehmung (acceptatio)" of this promise (6: 293-4), for without this, one party would presume to amend the rights of the other without his or her express consent, which would make the act inconsistent with the basic principle of right and thereby invalid. Though the empirical coincidence of promising and accepting is not, to be sure, itself the objective condition of possibility for the rightful acquisition of the object, the apparent formation of a "vereinigte(n) Wille(n) (voluntas simultanea)" allows one to deduce that the joint action is legitimated by the inclusion of both wills in an a priori common will, which first makes their engagement in rightful transactions possible. Since in the case of "Beerbung," however, a lapse in time may intervene between the death of the testator and the notification of the heir as to the contents of the testator's will, the formation of a "gleichzeitige(n) Wille" that is "erforder(lich)" for the transfer of right, Kant concedes, "hier mangelt" (6: 293-4). The question

of that status of the object of right in the time that intervenes between the recording of a promise and the express apprehension and acceptance thereof accordingly comes to the fore.

Since, in the case of inheritance, it cannot appear as though the two empirical parties involved in the transaction are themselves responsible for the continuity of control needed to ensure the testament's efficacy, inheritance is, according to Kant, a kind of acquisition that appears merely "ideal" rather than "real," though it is "nichtsdestoweniger wahr" (6: 291). Indeed, by reducing transaction to its minimal requirements, *Beerbung* may be understood to exposes the most basic actuality of all right. The mere ideality of inheritance's actuality results, according to Kant, from the fact that "Beerbung" exists as a form of "Erwerbung" in which "der Erwerbakt nicht empirisch ist" and accordingly "keine Kausalität in der Zeit enthält." Since it is nevertheless to be understood as an "Akt," "Beerbung" must involve causation of some kind. This causation cannot be natural, nor can it derive from the individual wills of those involved in the transaction. Its causality is rather that of the spontaneous unifying power of the synthetic general will. Kant identifies this "allgemeine(n) Wille(n)," shortly after the passages quoted above, as the agency that secures the acquirability of the bequest on its way from the now-absent testator to the still-ignorant heir. It is this will that, in Kant's words, "den Besitz der Verlassenschaft während dessen (bewahrt), daß diese zwischen der Annahme und der Verwerfung schwebt, und eigentlich keinem angehört" (6: 293-4).

The image of a "(S)chweben" of the "Verlassenschaft" between its "Verwerfung" and "Annahme," with which Kant depicts the "wahr(e)… ideal(e)" quality of acquisition in the section on inheritance, is nearly identical in form (and ultimately in content at well) to the image of the simultaneous "Steigen und Fallen" of the "geworfenen Stein" at the "Gipfel" of its "parobolischen Bahn" from a past to a future owner in the transcendental deduction of the

possibility of acquisition by contract in general. The difference that separates the object that appears to belong to "beiden zusammen" from one that "eigentlich keinem angehört" thus turns out to be merely apparent. For when, in Kant's first account of the contractual transfer of right, the object in transit appears to belong to "beiden zusammen," the objective status this appearance reflects can only be, as we have seen, that of an object that must be understood as momentarily belonging to everyone and, accordingly, to no-one at all, as is indeed evident from Kant's transcendental deduction of the a priori synthetic activity of an "allseitige(n) Wille(n)" prerequisite for a posteriori contractual interactions of "einseitige(m)" and "doppelseitige(m) Wille(n)" (6: 263). Similarly, in the case of inheritance, what "den Besitz (bewahrt)" in its unreal actuality is, according to Kant, the "Erwerbakt" of no particular, determinant will but rather of an "allgemeine(n) Wille(n)."

In the consideration of inheritance, Kant can thus rescue the binding status of last-testaments, which require that the heir accept the contract in some way, even when the inheritor remains entirely ignorant of the contents of the bequest, by abstracting from the particularity of the parties involved in the transaction so as to reduce the inheritor to that which he shares with everyone strictly by virtue of belonging to the *Geschlecht des Menschen*, on the basis of which his acceptance of the contract may be considered as a foregone conclusion. For although, in the case of a last testament that is unknown to the inheritor named within it, a "gleichzeitiger Wille" appears to be lacking, Kant insists that the heir may still be regarded as having accepted the promise that the contract contains not, to be sure, explicitly, but nevertheless tacitly ("stillschweigend") (MS: 409). The heir may be thus regarded *despite* his empirical ignorance of the contents of the deceased person's will "da nun jeder Mensch notwendigerweise… ein solches Recht, mithin auch stillschweigend akzeptiert" (6: 293-4).

The logic of Kant's argument is the following: Every human being would, of necessity, accept "ein eigentumliches Recht an der Verlassenschaft als ein Sachenrecht, nämlich sie auschlüßlich zu akzeptieren"—for this right is all that the testament gives one, according to Kant—because what he accepts hereby is nothing more than the freedom of choice that characterizes the human relationship to all external objects in general. According to Kant's argument, even if an inheritor does not in fact accept the testator's promise "ausdrücklich," he or she may still be regarded as having done so, for the will that tacitly accepts on the heir's behalf is not, strictly speaking, his or her own, but is still a part of her or him insofar as he or she remains a rational and thus freely self-legislative being. In the absence, ignorance, or unconsciousness of the hier, this other will must be understood to act in the inheriting subject's place—a place that, however, as that of the subject's acting in advance of itself on account of its inclusion in the synthetic general will and thus of the mere a priori possibility of inheritance in general, still lacks all determinacy and must accordingly be apprehended as the pure movement of this subject's being-placed in relationship to itself. In or through this indeterminate non-place, the inheriting subject acts in advance of him- or herself, tacitly accepting something of which it remains oblivious, with which it has as yet no positive relation, but which it nevertheless sustains in some way as the ideal actuality represented by the "res vacua" (MS: 409)—or as the mere acquirability of objects that, according to Kant, "jeder Mensch notwendigerweise… akzeptiert."

It is this pure acquirability of the *res vacua* that Kant seeks to represent with the image of a stone suspended in mid-flight.[64] This image represents not the determinant judgment of an empirically existent object of right but rather the reflective judgment of the free causality of the a priori synthetic general will, whose pure "Erwerbakt" must be understood to watch over, protect,

[64] For a provocative situating of Kant's "res vacua" as the marker of futurity within a problem of inheritance differently conceived, see Elizabeth Rottenberg (37).

or guard ("bewahr(en)") the rightful acquirability of objects in general. Kant's image can present this pure possibility of the object of right, however, only as an interruption of this very presentation.

By breaking with the laws of spatial extension and temporal sequence that condition all sensuous presentation, the image of a stone that simultaneously rises and falls draws a bridge between the intelligibility of pure synthesis and the sensible determinacy of right only to leave this bridge broken in mid-flight. Like the *Jetzt* of historical recognizability, the "Augenblick" of right's acquirability thus presents itself only in and as the interruption of that which it makes possible. The unimaginable bi-directionality of the object in translation registers right's indecision between the infinite and therefore unrepresentable indeterminacy of an omnilateral "Erwerbakt" (understood as the ideal actuality of the basic principle of right) and the particular transactions this "Erwerbakt" would underwrite. Though Kant provides no true reconciliation of this internal division of right, the instances of a reflective judgment of right contained within his *Rechtslehre* suggest, however fleetingly, what such reconciliation might entail, and further clarify why Kant would have felt compelled to abandon his initial definition of acquisition as the basis for his concept of right. For what these images suggest is that a right that remained merely rightful would not merely be a right that nobody would have the right to defend; such a right would not even present the individual who acquired it with an object whose defense could be imagined.

Chapter Two

Action's Destiny: the Aesthetics of *Versöhnbarkeit* in the Early Writing of G.W. F. Hegel

> "…for those that think they alone possess good sense, or that no other has a tongue or spirit such as theirs, when opened up expose their emptiness…"
>
> Sophocles, *Antigone*

Prelude: The Fate of a Friendship

In November of 1800, shortly before his move to Jena, Hegel wrote a letter containing a short description of the work the he had undertaken since finishing his studies at the Tübingen *Stift*. The span of time in question comprises Hegel's years in Bern and Frankfurt (1793-1800), the textual remnants of which Nohl would later gather as Hegel's *Theologische Jugendschriften*. Hegel's description, taken on its own, is exceedingly brief and enigmatic, and is strangely interrupted by a declaration of personal and intellectual fidelity toward the letter's addressee: a younger philosopher friend, who had been Hegel's roommate at Tübingen, named Friedrich Schelling. At first glance, both Hegel's description of his own intellectual efforts and his praise of Schelling's renowned precociousness appear unremarkable. Yet Hegel's lines, upon closer inspection, reveal his discovery of the dialectical principle that he will develop over the course of the next seven years, culminating in the publication of the *Phänomenologie des Geistes*. Hegel writes:

> In meiner wissenschaftlichen Bildung, die von untergeordnetern Bedürfnissen der Menschen anfing, mußte ich zur Wissenschaft vorgetrieben werden, und das Ideal des Jünglingsalter mußte sich zur Reflexionsform, in ein System zugleich verwandeln; ich frage mich jetzt während ich noch damit beschäftigt bin, welche Rückkehre zum Eingreifen in das Leben der Menschen zu finden ist. Von allen Menschen, die ich um mich sehe, sehe ich nur in Dir denjenigen, den ich auch in Rücksicht auf die Außerung und die Wirkung auf die Welt [als] mein Freund finden möchte; denn ich sehe, daß Du rein, d. h. mit ganzem Gemüte und ohne Eitelkeit, den Menschen gefaßt hast. Ich Schaue darum auch, in Rücksicht auf mich, so voll Zutrauen auf Dich, daß du mein uneigennütziges Bestreben, wenn seine Sphäre auch niedriger ware, erkennst und einen Wert in ihm finden könnest. — Bei dem Wunsche und der Hoffnung, Dir zu begegnen, muß ich, wie weit es sei, auch das Schicksal zu ehren wissen und von seiner Geist erwarten, wie wir uns treffen werden (Br 60).

What is remarkable about this passage is the underlying tension between Hegel and Shelling that it at once reveals and seeks to occlude. Hegel's well known repudiation of Schelling in the introduction to the *Phänomenologie* is, at the time he writes this letter, still seven years off, and at this moment the two thinkers have yet to embark on the period of their most productive collaboration.[65] Attention to the letters from 1794-1800, however, reveals an intense and yet asymmetrical exchange in which one can easily discern the harbingers of Hegel's eventual break. The passage quoted above is exemplary in this regard, for in it one sees the combination of intellectual parsimony and overwrought assurance of personal fidelity that characterizes Hegel's epistolary posture toward Schelling during this period, contrasting strongly with Schelling's enthusiastic and unguarded responses to Hegel's frequent requests for clarifications of the younger philosopher's then newly published ideas.[66] By the time Hegel writes the letter excerpted above, Schelling has repeatedly implored his reticent friend to share the fruits of his labors either through publication or private correspondence, and yet Hegel's apparent acquiescence to Schelling's entreaties contains nothing specific about the systematization of the "Ideal des Jünglingsalter" he claims to have undertaken.[67]

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[65] For a suggestive consideration of the significance of Hegel's denunciation of Schellings work for an understanding of the work of both authors, see Heidegger's "Einführende Erorterung" to his 1936 lectures on Schelling (*Abhandlung* 2, 14). Heidegger emphasizes the suddenness of Hegel's betrayal of Schelling, but the letters from the period between Hegel's departure from Tübingen and move to Jena foreshadow Hegel's eventual break in ways that illuminate the pressures at work in the early development of his thinking.

[66] See in particular Letter 10 (Br 20). For a detailed analysis of this exchange, see Harris, *Hegel's Development Toward the Sunlight*, throughout.

[67] It is not Hegel's unexplained reference to the "Ideal des Jünglingsalter" itself that strikes an odd note—for one may assume, with Harris, that the "Ideal" to which Hegel refers is one with which he could expect Schelling to be familiar from their conversations at Tübingen, namely that of a *Volksreligion* that could provide for the popularization the basic principles of Kant's practical philosophy (Cf Kroner's contorted interpretation of this phrase in "Hegel's Philosophical Development," 22). What is odd is the brevity of Hegel's reference to his further development of this idea, which he claims to have developed "zur Reflexionsform" and "in ein System… zugleich." It is evident from Hegel's correspondence with Shelling that the latter was not privy to this development, such that, without any further elaboration on Hegel's part, he could only have guessed at his friends meaning on this occassion. Richard Kroner, in his introduction to Knox's English translation of the *Theologische Jugendschriften*, suggests that Hegel's reticence in the letter from 1800 reflects his "dissatisfaction with the negative result" of "Der

When one considers the content of Hegel's work during this period, a likely reason for his reticence becomes clear. For Hegel's development of the youthful "Ideal" with which he could assume Schelling would be familiar from their discussions at Tübingen—namely that of a possible social *application* of Kant's practical philosophy[68]—in the still unpublished work to which he refers in his letter to Schelling, had, by the time Hegel writes his letter to Schelling, already culminated in a decisive break with the Kantian philosophy that Schelling, for Hegel, still represented.[69] In his letter, Hegel indeed marks this break, though not in terms that Schelling is likely to have been able to fully comprehend. For, as we shall see, Hegel's break took the form of a transformation of what he came to regard as the insuperable dualism of Kant's philosophy through the application of a concept of conflict drawn from the study of Greek tragedy, namely the concept of *Schicksal* that, for Hegel, governs the dialectical emergence, collision, and mutual destruction of tragically opposed forces. It is this very concept that Hegel, in the final sentence of the passage excerpted above, applies to his relationship to his Kantian friend.

Geist des Christentum und sein Schicksal," reading Hegel's reference to an unfinished systematization of the "Ideal des Jünglingsalter" as "implying that [Hegel] is not yet content with the result he has reached" and accordingly as "the expression of a man still seeking his definite position and not yet certain of himself" (19). Kroner's position is close in many regards to Harris's understanding of Hegel's state during this period (See for example Harris (*Development* 106n2)). While there is undoubtedly a limited truth to this insight (that Hegel was, in 1800, indeed not yet "content with the results he had reached" would be difficult to disprove), in what follows I will suggest that Hegel's reticence in his 1800 correspondence with Schelling in fact reflects the degree to which the "Ideal des Jünglingsalters" had transformed itself in the course of its development in Bern and Frankfurt in ways that entail a formative break with the Kantian framework to which Schelling's work, from Hegel's perspective, remains bound. In the latter regard I broadly concurr with the position on Hegel's Frankfurt writings taken by Werner Hamacher, who in his editorial afterward to *Der Geist des Christentums: Schriften 1796-1800*, justifies the chronological framework of his selection on the grounds that the texts from 1796-1800 "dem erst in Frankfurt erreichten Boden einer Kritik an Kants Theorie des moralischen Selbstbewußtseins zum ersten Mal das System einer dialektischen Ontologie, in wie auch brüchiger Form, aufzurichten versuchen" (GC 532). For evidence of Schelling's entreaties, which are not devoid of concern about the status of this friendship with Hegel, see in particular Letters 10, 16 (Br 21, 35). One moment in particular, which seems almost scripted to heighten the dramatic qualities of Hegel's eventual denunciation of Schelling's work, is worth transcribing here. Schelling: "Gewiß, l[ieber] Freund, bist Du indes nicht untätig gewesen. Hast Du von Deinem Plane indes nichts ausgeführt? Ich wartete immer, etwas von den Resultaten Deiner Untersuchungen irgendwo zu finden. Oder hast Du etwas Größeres unter der Hand, das Zeit fordert und womit Du Deine Freunde auf einmal überraschen willst?" (Br 35).

[68] See H.S. Harris (*Development*, 104n+106n).

[69] For a detailed account of the letters that bear witness to the development of Hegel's relationship with Schelling between 1795-1800 and reveal Schelling's role in Hegel's relatively belated *Auseinandersetzung* with Kant's practical philosophy and writings on religion, see H.S. Harris (*Development* 186-408).

Though Hegel is exceedingly reticent regarding his own intellectual development in his correspondence with Schelling from 1794 to 1800, with hindsight one can nevertheless discern the emergent shape of philosophical difference beneath the veneer of camaraderie—a difference which casts light upon the development of Hegel's thought during the period in which he produced the *Theologische Jugendschriften*. In the passage excerpted above, for example, Hegel's apparently self-deprecating reference to his early interest in "die untergeordnetern Bedürfnissen der Menschen" marks a concern with the concrete social and political implications of the abstract principles of practical philosophy that evidently distinguished him amongst his peers at the *Stift*, who seemed to take a greater interest in theoretical philosophy for its own sake.[70] In one revealing instance from his correspondence with Hegel, Schelling (not without a whiff of condescension) seems to affirm this distribution of philosophical labor (which Hegel himself appears to have accommodatingly played into) by declaring that he has little time for and indeed limited faith in public enlightenment through the pedagogical deployment of "praktische Glaubensgründe," but that this task, which must nevertheless "mit Ernst angegriffen werden," might fall to Hegel (Br 21).

That Hegel himself did not actually believe in the relative humility of his concerns, nor consider them to be essentially separate from the questions of theoretical philosophy, is however evident from another, still more revealing exchange with Schelling. Toward the end of January, 1795, Hegel closes a letter to Schelling with a brief question about his friend's ideas pertaining to the doctrinal implications of "die Kantische Philosophie (Br 16)." He is interested, in particular, in a critical comment Schelling apparently made in a previous letter (that has not

[70] H.S. Harris is particularly attentive to this aspect of Hegel's early intellectual character (*Development* xvii, 106n2, 137). In what follows, I will suggest that Harris's rather straightforward acceptance of Hegel's early reputation as a budding "*Volkerzieher*" risks eliding the traces of Hegel's early interest in Kant's theoretical philosophy and in his theory of judgment in particular, which are important for understanding the nature of Hegel's formative break with Kantianism as he understood it.

survived), pertaining to the notion of God as an "individuelle, persönlichen Wesen," which, he (Hegel) confesses, he has failed to comprehend. On February 4th, Schelling responds to Hegel's brief query with a lengthy explanation of his rejection of the existence of a personal god on the basis of the Fichtian concept of an absolute "Ich," which itself derives from the theory of the transcendental unity of apperception Kant had developed in the *Kritik der Reinen Vernunft*.[71] While all philosophy must proceed "vom Unbedingten," Schelling explains with mounting enthusiasm, the difference between critical and dogmatic philosophy lies in the fact that the former, which he associates with Kantianism, proceeds "vom absoluten (noch durch keine Objekt bedingten) Ich," while the latter, which he associates with Spinozism, proceeds "vom absoluten Objekt oder Nicht-Ich." "Mir," he declares with still greater enthusiasm, "ist das höchste Prinzip aller Philosophie das reine, absolute Ich, d. h. das Ich, inwiefern es bloßes Ich, noch gar nicht durch Objekte bedingt, sondern durch *Freiheit* gesetzt ist." If God can be, from such a perspective, "nichts als das absolute Ich," which must be thought as devoid of all positive attributes and therefore as null from a theoretical perspective, the concept of god as a being with determinant personal traits must be rejected (Br 22).

In a series of two letters in the spring and summer of 1795, Hegel responds to Schelling's disquisition with his usual blend of general praise and self-effacement, declaring at the outset that he has now fully comprehended Schelling's meaning; that he sees in Schelling's "Hauptideen" "eine Vollendung der Wissenschaft, die uns die fruchtbarste[n] Resultate geben wird…"; that he himself, being a mere "Lehrling" in the philosophy that Schelling had mastered, would not presume to respond directly to the work of the prococious younger philosopher, and so on (Br 23, 29). Hegel cannot, however, avoid saying something substantive about his close

[71] For thorough account of the relationship between Fichtean ego and transcendental unity of apperception in Kant as it pertains to Hegel's thought see Robert Pippin's chapter "Fichte's Contribution" (*Idealism*, 42-59).

friend's summary of a position he (Schelling) takes in an early published work,[72] and does indeed mount a mild critique, though he carefully couches his concerns as a worry about the potential unpopularity rather than the content of his friend's ideas (thus continuing to present himself as the humble *Volkserzieher*):

> Was dir im Wege stehen wird, verstanden zu werden und Deinen Betrachtungen, Eingang zu finden, wird, stelle ich mich vor, überhaupt das sein, daß die Leute schlechterdings ihr Nicht-ich nicht werden aufgeben wollen. In moralischer Rüchsicht fürchten sie Beleuchtung—und den Kampf, in den ihr behagliches bequemlichkeits-System geraten kann. Im theoretischen Sinne haben sie von Kant zwar gelernt, daß der bischerige Beweis für Unsterblichkeit und der ontologische u. s. w. nicht stichhaltig sind… aber sie haben noch nicht begriffen, daß das Mißlingen solcher Abenteuer der Vernunft und ihres Ueberfliegens des Ichs in ihrer Natur selbst gegründet ist (Br 30).

What is remarkable about Hegel's response is not only that it manages to express a substantive philosophical concern in the guise of a merely practical worry about the reception of his friend's work, but furthermore that it mobilizes the concept of transcendental illusion contained in Kant's transcendental dialectic, which is to say, in the theoretical philosophy on the basis of which Fichte had elaborated the concept of the absolute "Ich," in order to express this difference. [73] It is clearly Schelling himself, and not his readers, whose immediate absorption of

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[72] By the time of their exchange, Schelling had already published his first work on Fichte, *Über die Möglichkeit einer Form der Philosophie überhaupt* (1794), as well as his dissertation on Paul's epistles, *De Marcione Paullinarum epistolarum emendatore* (1795) and was completing *Vom Ich als Prinzip der Philosophie, oder über das Unbedingte im menschlichen Wissen* (1795) (Schelling 1: 247-309; 2: 1-374), to which his remarks in his letter to Hegel regarding the absolute "Ich" refer.

[73] Hegel's use of the term "Mißlingen" may in this context seem most clearly to refer to Kant's "Über das Mißlingen aller philosophischen Versuche in der Theodicee" (1791) (8: 253-271), but the language with which he describes the intransigence of the "Nicht-Ich" as derivative of the nature of reason itself contains even stronger echoes of Kant's definition of transcendental illusion in the first *Kritik*: "Die transcendentale Schein dagegen *hört gleichwohl nicht auf, ob man ihn schon aufgedeckt und seine Nichtigkeit durch die transzendentale Kritik deutlich eingesehen hat*. (Z. B. der Schein in dem Satze: die Welt muß der Zeit nach einen Anfang haben.) Die Ursache hie(r)von ist diese: daß in unserer Vernunft… Grundregeln und Maximen ihres Gebrauchs liegen, welche gänzlich das Ansehen objektiver Grundsätze haben, und wodurch es geschieht, daß die subjective Notwendigkeit einer gewissen Vernküpfung unserer Begriffe, zu Gunsten des Verstandes, für eine objective Notwendigkeit, der Bestimmung der Dinge an sich selbst, gehalten wird… [W]ir haben… mit *einer natürlichen und unvermeidlichen Illusion zu tun, die selbst auf subjektiven Grundssätzen beruht, und sie also objective unterschiebt*… Es gibt also eine natürliche und unvermeidliche Dialektik der reinen Vernunft… die der menschlichen Vernunft unhintertreiblich anhängt, und selbst, nachdem wir ihr Blendwerk aufgedeckt haben, dennoch nicht aufhören wird, ihr vorzugaukeln, und sie unablässig in augenblickliche Verirrungen zu stoßen, die jerderzeit gehoben zu werden bedürfen*"* (B353/A297-B345/A298 [my emphases]). It is unfortunately beyond the scope of this chapter to consider the extent to which the "moments" of Hegel's own eventual dialectic draw upon the inevitable "augenblickliche Verirrungen" that,

the concept of God into the spontaneous self-affection of the absolute "Ich" fails to recognize the necessary moment of objectivity—the intransigence of a "Nicht-Ich" that, Hegel says, "[die] Leute schlechterdings… nicht aufgeben werden wollen"—as an insuperable dimension of the "Abenteur der Vernunft in ihres Ueberfliegen des Ichs" that is grounded in reason's own "Natur." One may thus surely view Hegel's remarks on this occasion as the early traces of his eventual public denunciation of Schelling's concept of absolute identity as "die Nacht… worin… alle Kühe schwarz sind" (III 22). In this public denunciation as well, what is explicitly at stake is the "[E]ntgegensetz[ung]" and elevation of a monotonous, undifferentiated absolute over the "Unterschiedenen und Bestimmten" and the resultant elevation of the immediate self-affection of the absolute "Ich" over the immanent "[E]ntwickel[ung]" of "der unterschiedenen und erfüllten oder Erfüllung suchenden und fordernden Erkenntnis" (III 22).

The significance of this remarkable continuity extends beyond Hegel's relationship to Schelling, illuminating a crucial aspect of his early engagement with Kantianism in general. Though Hegel may have encouraged his friend's characterization of him as a practically minded "Volkserzieher" during the years of his intellectual formation, what was of primary interest to him was not the empirical question of the popular applicability of principles derived from critical theoretical philosophy but rather the way in which acts of judgment bridge the gap between the theoretical and the practical differently than his Kantian friends suspected.

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according to Kant, involve reason in an unavoidable dialectic. Hegel himself will, in any event, clearly note his indebtedness to this passage from Kant's first *Kritik* in his later works, in particular in the *Wissenschaft der Logik*, in which he writes "Kant hat die Dialektik höher gestellt – und diese Seite gehört unter die größten seiner Verdienste –, indem er ihr den Schein von Willkür nahm, den sie nach der gewöhnlichen Vorstellung hat, und sie als ein notwendiges Tun der Vernunft darstellte… [D]ie allgemeine Idee, die [Kant] zugrunde [der Antinomen der reinen Vernunft] gelegt und geltend gemacht hat, ist *die Objektivität des Scheins und Notwendigkeit des Widerspruchs, der zur Natur der Denkbestimmungen gehört*… Es ist dies Resultat, in seiner positiven Seite aufgefaßt, nichts anderes als die innere Negativität derselben, als ihre sich selbst bewegende Seele, das Prinzip aller natürlichen und geistigen Lebendigkeit überhaupt" (V 52 [my emphasis]).

Introduction: The Way to Forgiveness

Hegel's correspondence with Schelling suggests that his early thought is not, as the body of scholarship on Hegel's *Theologische Jugendschriften* suggests, engaged in an *Auseinandersetzung* with Kant's practical philosophy to the relative exclusion of his theory of judgment, but rather works from the start at the interstice of these two parts of Kant's philosophy.[74] In what follows, I will argue that Hegel's first major work, "Der Geist des Christentums und Sein Schicksal" (Hereafter "Geist des Christentums…"), betrays the formative nature of Hegel's early interest in Kant's theory of judgment that one finds evident in his exchange with Schelling. I will furthermore suggests that appreciating this dimension of Hegel's essay yields a unique understanding of the crucial penultimate passage of Hegel's magnum opus, the *Phänomenologie des Geistes,* in which the philosopher returns to the central problem with which the "Geist des Christentums…" closes and attempts to overcome it. Contrary to extant readings of the "Geist des Christentums…," to which I will turn momentarily, I will argue that Hegel's early work doesn't only mobilize a philosophical account of Christianity against Kant's practical philosophy, but rather turns Kant's own theory of the power of judgment against his (Kant's) practical philosophy. In so doing, Hegel finds the resources with which to overcome the seemingly insuperable duality of nature and freedom upon which Kant's theory of practical judgment founders in Kant's very own concept of reflective judgment—the form of judgment, to which Kant devotes his third *Kritik*, through which consciousness reflects upon the spontaneity

[74] Kant's practical philosophy contains, to be sure, its own theory of judgment, but as we shall see this theory of practical judgment takes the form, for Hegel, of an irreparably dirempted amalgam of Kant's theories of determinant judgment (which he develops most fully in the first *Kritik*) and reflective judgment (to which he devotes the third *Kritik* in its entirety).

of its own synthetic capabilities—while at the same time recognizing the limitations posed by this kind of reconciliation.[75]

This reading of Hegel's early works has several implications: First, it suggests that the theory of tragic action that Hegel begins to develop in the "Geist des Christentums..." and brings to fruition in the *Phänomenologie des Geistes* is fundamentally a theory of an act of judgment that first establishes a relationship between subjectivity and objectivity in general, prior to and as the condition of possibility for the determinant appearance of particular empirical actions, and is thus formative of action's "destiny."[76] Second, it suggests that the "destiny" of Christianity as Hegel presents it in the "Geist des Christentums..." is that of the concept of reflective judgment as a particular "Modifikation" [77] of such world-formative action, which marks at once the "höchste Synthese"[78] and the tragic limit of Kantian philosophy. Third and lastly, it suggests that by returning to the delimitation of reflective judgment with which the "Geist des Christentums..."

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[75] We have already seen the contrast between determinant and reflective judgment in the form of the tension, in Kant's *Rechtslehre*, between the empirically determinant representation of the object of right, on the one hand, and the provisional, indeterminant representation of the object of right on the other. The latter represented the interruption of the practical determination of rights by the reflective judgment of the objectivity of right in general, considered as a subjective capacity. I will return to this distinction in greater detail in the foregoing analysis.

[76] To this extent I am in agreement with a basic premise of Michael Quante's *Hegels Begriff der Handlung,* which is largely left out of the Anglo-American interpretation of Hegel's concept of action that follows in his wake. Quante founds a tradition that interprets Hegel's concept of action to be primarily a concept of attribution and accordingly a concept of action as a phenomenon that is irreducibly social. Unlike later commentators, however, Quante does not assume the empirical existence of subjects who act but rather begins his analysis of the possibility of attribution with an account of of the condition of possibility for an "I" to first comes into relationship with itself and to others as involving a particular way of judging oneself and ones properties, without which nothing nothing like what we think of as human (which is to say free) action would ever appear. Though I agree with this basic starting point, I disagree, as will become clear in the following, with the theory of action that Quante develops beyond this point, which finally reduces the intersubjective dimension of action to the retrospective criticizability of empirical acts. This turn toward the empirical and abandondment of the analysis of action as originarily dependent upon a specific form of judgment is the aspect of Quante's work that most strongly influences recent anglo-american accounts of Hegel's theory of action, to which I will consider in the first portion of the second half of this chapter.

[77] I take the term "Modifikation" directly from Hegel's analysis of the effect of Christian love on the form of objectivity generated by the Judaic law, which, as we shall see, is representative of the shift from practical to reflective judgment.

[78] I have drawn the reference to Kant's theory of reflective judgment as representative of his philosophy's highest synthesis from an article Hegel published in the *Kritischen Journal der Philosophie,* which he edited together with Schelling from 1802 to 1803. In what follows, I will however attempt to show that Hegel had already formed this judgment in the context of the "Geist des Christentums." See Hegel, "Verhältnis des Skeptizismuns zur Philosophie. Darstellung seiner verschiedenen Modifikationen und Vergleichung des neuesten mit dem alten" (II 268-9).

closes in the penultimate scene of the *Phänomenologie*, Hegel presents the act of forgiveness that builds the bridge to "absolute Wissen" as a further modification of the activity of judgment that seeks to reconcile practical judgment with itself by sublating the intransigent boundary separating determinant and reflective judgment in Kant. This controversial passage in the *Phänomenologie*, upon which the closure of the Hegelian system depends, will accordingly have to be evaluated as the conceptualization of such an act.

Those familiar with Hegel's early works may be surprised not to find several of them included as primary objects of analysis in this study. In this chapter, I focus on the "Geist des Christentums..." (1798-1800) and the chapter on "Geist" in the *Phanomenologie* (1807) to the exclusion of the intervening "Differenz des Fichtischen und Schellingschen Systems der Philosophie" (1801) and "Glauben und Wissen" (1802), although the latter contain thoroughgoing attempts to articulate the difference between reflective and speculative modes of philosophizing that results in part from Hegel's recognition, in the final passages of the "Geist des Christentums," of the limitations of the synthesis that Kantian reflective judgment makes possible.[79] I have done so for two basic reasons: First, within the framework of my analysis these undeniably important texts ultimately represent the traces of paths not taken, since Hegel will, in the *Phänomenologie*, eventually assimilate both Fichte and Schelling's thought to the epoch of Kantianism whose fateful limitations he has in fact already glimpsed in the "Geist des Christentums…." Second and more importantly, these intervening studies do not contain the theory of reconcilable action or of the relationship between action and forgiveness that Hegel carries over from the "Giest des Christentums" to the *Phänomenologie*, and which provides for his ultimate move beyond the Fichtian and Schellingian radicalizations of Kant's theory of

[79] For a helpful account of Hegel's relationship to Kant's theory of reflective judgment in these works, see Robert Pippin's chapter "Avoiding the German Idealism: Kant, Hegel, and the Reflective Judgment Problem."

transcendental apperception. I have, furthermore, restricted my consideration of Hegel's theory of tragedy to its origins in the "Geist des Christentums..." and elaboration in the account of the splitting of ethical consciousness in the *Phänomenologie* to the exclusion of the *Vorlesungen über die Ästhetik*, which contains his most sustained consideration of tragedy as an art form. I have done so not only for the obvious reason that the *Ästhetik*, which is based on records of Hegel's lectures rather than material he himself prepared for publication, provide less reliable material for close analysis, but more importantly because the concept of "Schicksal" is important to this study not as an aspect of a particular form of art (Attic drama) but rather in its broader application, which preceeds Hegel's sustained treatment of antique theater as such, as a theory of the fundamentally agonistic nature of action from out of which the dialectic of the *Phänomenologie* emerges and with the reconciliation of which it will attempt to close.[80]

As prefatorily noted, a general scholarly accord has emerged regarding the role of Hegel's early theological writings within his larger philosophy, which should be addressed at the outset of this study. The writing Hegel produces form 1788 to 1800, during the period of his study at the theological seminary in Tübingen and work as a tutor in Bern and Frankfurt, though most explicitly devoted theological themes, are most often read as being deeply preoccupied with a critical interpretation of a more temporally proximate object: the practical philosophy of

[80] For an account of the formative importance of the tragic for Hegel's dialectic, see the chapter on Hegel in Peter Szondi, *An Essay on the Tragic,* 15-22. In taking the approach I outline here, I find myself in basic agreement with the position taken by Dennis J. Schmidt in his chapter on Hegel and tragedy, in which he argues that the concept of tragedy appears in Hegel both as a "model for the operations of spirit that repeats itself in infinitely varied sites and forms" and in the analysis of particular tragedies as works of art, and notes that "curiously… [the] more detailed analyses of tragic art work, which for the most part are found in the works of the final years of Hegel's life, are not necessarily the best places to turn to gain an understanding of how Hegel thinks of the nature of the tragic [since they] generally only confirm, rather than revise, the way in which tragedies have provided Hegel with a model for the analysis of the phenomenal life of spirit since his early youthful friendship and collaboration with Schelling and Hölderlin" (Schmidt 90-91). As will become clear in my analysis of the structure of tragic action as a mode of spirit's originary diremption in Hegel, however, I am in fundamental disagreement with Schmidt's further theses according to which "a tragic structure" invariably appears "in the second stage of the development of the concept under consideration"; "the tragic framework is never appropriate as a way of explaining the origin of any idea"; and "the tragic moment in any theme is always the moment of its crisis" (92).

Immanuel Kant. T.M. Knox, in a prefatory note to his 1948 abridged translation of Hegel's *Theologische Jugendschriften*, for example, remarks "whatever theologians may think of it, philosophers will be interested to find in it Hegel's first criticism of Kant's ethics [and] the germ of the later dialectic" (Knox vii). In his 1961 text *An Essay on the Tragic*, Peter Szondi expresses a similar sentiment, remarking that "Hegel first explains his disagreement with Kantian formalism in the framework of a theological-historical study" (Szondi 17).[81] In his thorough commentary on Hegel's early life and thought, H. S. Harris says of Hegel's *Theologische Jugendscriften* that "Kant is almost certainly [Hegel's] main target…" and, though he has just cited Hegel comparing "sublime demands" to "beautiful chimera," nevertheless adduces a problem from Kant's moral philosophy as Hegel's true object: "For he [Hegel] alludes immediately to the difficulty of decideing whether the 'Bestimmungsgrund' of the will is mere 'Klugheit' or 'wirkliche Moralität', and points out that 'satisfaction of the impulse to happiness as the highest goal of life' would produce the same outward pattern of behaviour 'as if the law of reason determines our will'." Harris later reiterates that Hegel's early assimilation of the "rational faith" of Kant's *Religion innerhalb der Grenzen der bloßen Vernunft* to "positive faith" represents a "rejection of Kant's conception of practical reason" (Harris *Development* 123-4, 321).

More recently, Robert Pippin only slightly modifies the basic sentiment of the foregoing authors when he, in his book *Hegel's Idealism,* argues that Hegel "spent most of his early adult intellectual life struggling with Kant's moral thoery and philosophy of religion, not with his Transcendental Deduction" (10). In an essay entitled "Love and Law: Hegel's Critique of Morality," J. M. Bernstein doubts that Hegel's early theological writings are theological at all,

[81] Szondi's "Formalism" refers to Hegel's critique of Kant's moral law as an excessively formalistic way of understanding reason's regulation of free acts.

but concurs that Kant's practical philosophy is a main target for Hegel. Despite all the "God talk" they contain, Hegel's early writings are, according to Bernstein, primarily engaged in "working out the substance of ethical living, above all in opposition to Kant's morality of universal law" (393). In her *Mourning Sickness,* Rebecca Comay reads Hegel's "verdict" on Kant in the "Geist des Christentums..." as the onset of an "unrelenting" critique centered on the "severity" of Kant's moral law, which, like the Judaic law with which Hegel anti-semetically associates it, aims jealously to extirpate "all sensuousness, all particularity, all exteriority and all outsiders, culminating in nothing less than a vacuous worship of nothingness itself" (93). Here as in the preceeding, the basic argument regarding the status of the *Theologische Jugendschriften* as a critique of Kant's practical philosophy is clear. As for those aspects of Hegel's text that pertain to aesthetics and the theory of judgment: these are usually held apart from his early reading of Kant and treated as evidence of Hegel's early interest in Greek tragedy and philhellenism more broadly.[82]

I do not seek to deny claims that Hegel's writings on Judaic law, fate, and beauty in the "Geist des Christentums..." reflect an engagement with Kant's moral philosophy and with Greek antiquity, respectively, or to overturn the arguments presented in the works listed above. I do however seek to add to the body of interpretation of Hegel's "Geist des Christentums..." an appreciation of the extent to which Hegel's analysis of a distinctively Christian "beauty of soul" and depiction of the "fate" thereof represents 1) his attempt to move beyond the division of the sensible and the supersensible in Kant's practical philosophy with resources from Kant's own

[82] See for example Szondi, *An Essay on the Tragic* and Schmidt, *On Germans and Other Greeks.* In a peculiar moment in her *Mourning Sickness*, Comay echoes this tradition as well, although in a somewhat modified form. Comay's primary object is the *Phänomenologie* ather than the *Theologische Jugendschriften*, but her passing assimilation of these works as evidence of Hegel's momentary "delirious engag[ment]" in an "aesthetic ideology" he will purge himself of only in Jena misleads, since, as I will show, Hegel's critique of Christianity, or rather his analysis of Christianity's "Schicksal," represents a critique of the theory of reflective judgment that would be at the heart of the "German ideology" with which Comay claims Hegel will break (59). Indeed, Hegel's Jena writings may be understood to temporarily retreat from this critique.

theory of reflective judgment and 2) his ultimate recognition of the limitations of this project on the eve of his move to Jena. This recognition, I will furthermore suggest, will not only motivate Hegel's shift, already nascent in his comments regarding the intransigence of the "Nicht-Ich" in his early letter to Schelling, from a theoretical-transcendental to to a phenomenological mode of philosophical exposition after his collaborations in Jena, but will also shape the concept of forgiveness with which he will stage an overcoming of the impasse at which Kantian philosophy arrives.

To the extent that forgiveness is what allows Hegel to arrive at the philosophical perspective that characterizes his work from the *Phänomenologie* onward, an understanding of the event of forgiveness is of paramount importance for an assessment of the nature of Hegel's project as a whole. In the *Phänomenologie* forgiveness is the *sine qua non* of access to what Hegel calls "absolute Wissen," which, although it is not named until the end of the *Phänomenologie,* is nevertheless present throughout Hegel's text as the general perspective of the "uns" that is intermittently exemplified in how things appear "für uns," or for the philosophical perspective from which his text is written. The separability of this "für uns" from immersion in how things appear "für es," or rather for the representatives of the particular moments in the historical unfolding of consciousness under analysis, remains a basic structural feature of phenomenological analysis up until the reconciliation that forgiveness makes possible.[83] This reconciliation, which generates the perspective of "absolute Wissen," is the moment at which the perspective from which the phenomenology is written (the "für uns") and

[83] In a series of lectures on the *Phänomenologie* given in 1930, Heidegger seems to call attention to this general significance of the moment of forgiveness in Hegel's text, for he refers to consciousness' ability to detach or to free itself from its object and return to itself in the form of self-consciousness, as it must do at every successive stage of the phenomenology, as a capacity for "Ablosung" in the sense not only of detatching or of breaking free but also of paying or absolving a debt, which he associates with access to the absolute (*Hegels Phänomenologie* 20-22). Cf. Jean-Luc Nancy's chapter "We," in *The Restlessness of the Negative* (76-79).

the perspective that the phenomenogy seeks to analyse (the "für es") become one. Since this unification collapses the distance that enables phenonenological analysis up until this moment, the possibility of giving an accounting of it within the context of the *Phänomenologie* comes into question. When the time comes, it will be our task to understand how forgiveness makes this interpenetration of the "für es" and the "für uns" possible, and how the form of knowledge represented by this interpenetration compares to that characteristic of the rest of the *Phänomenologie.*

I. The (Fateful) Beauty of Christianity

Kant *anerkannt*, or Saving Immanuel

Philosophical accounts of Hegel's works frequently hinge on establishing the nature of his relationship to Kant,[84] about which scholars frequently have very different things to say. The reasons for the continuing controversy are not difficult to discern. Hegel's habit of not naming the thinker's whose ideas he describes is of course an unending source of difficulty,[85] but with regard to Kant things are particularly challenging, for even in those places where Hegel directly declares his position on Kant, the implications of the characteristically dual position he declares for the argument in which it appears is often difficult to pin down. Things become somewhat clearer, however, when one provisionally abstracts from questions local to particular philosophical problems and positions and attends to the general approach or posture that

[84] When one compare for example Pippin's *Hegel's Idealism: The Satisfactions of Self Consciousness*, which argues that Hegel extends and in some sense completes Kant's project with Rebecca Comay's stunning recent book *Mourning Sickness*, which depicts Hegel as a relentless critic of Kant's nascent aestheticism, or with Henrich's comparison of Kantian deduction and Hegelian dialectic, one is less surprised by the fact of disagreement than by the dramatic way in which the interpretation of Hegel varies depending on how one determines his relationship to Kant.

[85] For illuminating considerations of this aspect of Hegel's phenomenological style, in particular as pertains to the composite figure of the "beautiful soul" in the *Phänomenologie*, to which I will turn later in this study, see Comay (95-6, 181n52), and Alan Spieght*, Hegel, Literature, and the Problem of Agency*, 94-121.

characterizes Hegel's relationship to Kant througout his many engagements with the older thinker's philosophy.

With regard to Kant, Hegel's approach is consistently one of restitution. The basic continuity of this approach could be demonstrated through an analysis of the selection of passages I have collated in an appendix to this dissertation, which are drawn from texts that span from the so called *Jenaer Schriften*—those texts written during Hegel's time in Jena, in the period immediately following the writing of the *Theologische Jugendschriften*—to Hegel's very last works.[i] Upon even a cursory glance, these passages reveal a striking formal consistency in Hegel's approach to Kant over time. Whether Hegel is discussing the theoretical, practical, or aesthetic branches of Kant's thought, and whether he is doing so at the beginning or the end of his philosophical career, his basic gesture with regard to the older philosopher is the same. Kant's thought appears internally riven. It is, as Hegel writes in 1803, in possession of "zweierlei Geist" that characteristically turns against its own greatest insights (II 268). This ambivalence, however, marks no systematic incoherence, but rather what Hegel refers to as a "Faulheit des Gedankens" (VIII 140). Not exactly incorrect but rather chronically underachieving, Kant's thought is at once above and below, in advance of and lagging behind its own insights. It presents Hegel with an itinerary of missed opportunity, a philosophical history of journeys well begun and turns wrongly taken. When one reads Kant, one is accordingly not called upon to refute him, but rather to save him from himself.[86] Even at its most scathing, Hegel's critique of

[86] Cf. Walter Cerf's "Speculative Philosophy and Intellectual Intuition: an Introduction to Hegel's *Essays*," in which he suggests that Hegel's "speculative philosophy" cannot "answer" the "reflective philosophy" that has gone before it "by counterargument," since counterargument is a characteristic of "reflective philosophy," which tends to proceed by way of "clear-cut dichotomies," whereas "speculative philosophy" tries to give "the true conceptual vision of the whole" (xvii). There's something to this argument, but by homogenizing Hegel's approach to all "reflective philosophy"—a group which includes, according to Cerf, all "non-speculative" philosophers and thus encompasses those philosophies categorizable as "English empiricism from Locke on," "continental rationalism," and "[t]he whole philosophy of the Enlightenment," it does Hegel's readers disservice, not merely because Hegel's approach to the many philosophies that Cerf might categorize thusly is itself so diverse, nor only because the

Kant is in service of rescuing what remains promising in the older philosopher's thought. In each instance, something must be saved and something superseded. But what principle guides the separation of Kant's vital philosophical seed[87] from his system's deadening chaff?

The verb with which Hegel gives shape to the restorative gesture for which Kant's philosophy calls is importantly not "aufheben" but rather "herausheben" (II 9, 7: 252). The operation to be performed on Kant's work is thus not the wholesale sublation that drives the dialectic forth, but rather a kind of lifting up or liberation of the "Geist" of the Kantian "Prinzip" from certain aspects of the systematic development of that principle, to which it remains attached, as to its positive shape or form. When one reads Kant's works, one must retrieve "ihr Geist vom Buchstaben" (II 9-10); one must extract the truly philosophical "Vernunftidee" from the "System" that deadens it (II 269), the "allgemeine Idee" from the "Darstellung" that ruins it (V 52), the "reine unbedingte Selbstbestimmung des Willens" from the "Rednerei" in which it dissipates (VII 252-3), the "Ausgangspunkt" from the "Schiefheit" in which it founders (X 354), etc.. Hegel's fundamental orientation toward Kant thus mirrors the logic with which, as I will attempt to show, forgiveness purifies action of the rigidity of its determinant form, thereby reconciling freedom with its the outward manifestation. But in order to open itself to the simultaneously reconciling and fullfilling power of such forgiveness, Kant's philosophy will first have to be reconstructed in such a way that it reveals its need of such intervention. It is such a reconstruction that Hegel understakes in the "Geist des Christentums…"

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separation between speculative and non-speculative philosophy would itself be an instance of precicely the type of "clear cut dichotomy" Cerf claims Hegel does without, but rather specifically (and more importantly in the context of this study) because Hegel explicitly characterizes Kant's thought as speculative and pre-speculative at once, and indeed suggested that the task Kant's philosophy presents one with is that of extracting "das rein spekulativ Prinzip aus dem übrigen" (II: 9-10). For a contrasting account of Hegel's relationship to Kant's theory of refelctive judgment in particular, see Pippin's "Avoiding German Idealism." Cf. also Comay's characterization of Hegel's critique of Kant in his early writings is "merciless and unremitting" (95).

[87] I take this term from Hegel himself, who refers to the role of the "tranzendentaler Einbildungskraft" in bridging the gulf between "Apriorität" and "Aposteriorität" that "ursprungliches Urteil oder Dualität" institutes as the "Keim des Spekulativen" (II 316).

The Origins of *Schicksal*, or the Politicization of Judgment

Beginning with the "Geist des Christentums und sein Schicksal," Hegel models his restitution of Kant's theoretical and practical philosophies upon Christianity's incorporative transformation or fullfillment of Jewish law.[88] What is striking about this approach is the immediate synthesis of Kant's practical philosophy and theory of cognition that it enables. This synthesis is evident in Hegel's striking apposition of political and epistemological terminology—in particular those of objecthood, foreigness, and enmity.

The first instance of such apposition occurs in the context of Hegel's critique of the concept of rational belief that Kant puts forth in his *Religion innerhalb der Grenzen der bloßen Vernunft,* from which Hegel quotes without attribution (GC 425). In the passage from which Hegel quotes, Kant opposes the superstitiousness and idolatry of the religious behaviours he describes to the moral principle that, according to him, subtends all religion. According to Kant, since religion is at base "Erkenntnis aller unserer Pflichten als göttlicher Gebote (6: 153-4)," it entails a demand for universalizability analagous to that with which reason, from the perspective of moral philosophy, binds free agents. This as-yet pure demand for universalizability—which finds its highest expression in monotheistic belief and its purest form in Christianity's reduction of the statutory positivism of Judaic law—constitutes the not so secret union of Kant's categorical imperative and theology's golden rule. This underlying union is, furthermore, the basis of Kant's claim that religion does not begin to oppose itself to reason until it begins to

[88] Kant's role in the *Theologische Jugendschriften* is unstable at first, and Hegel arrives at the basic relationship to Kant that he will retain throughout his works only in Frankfurt, with the writing of the "Giest des Christentums." For an account of the transition in Hegel's approach to Kant from the earlier to the later *Theologische Jugendschriften,* see Kroner (8-10). For a contrasting view emphasizing the continuity of Hegel's early writings, see Harris (*Development* 259-60). This logic of fullfillment is evident in Hegel's approach to Kant not only in the "Geist des Christentums..." but in Hegel's recourse to the concept of the unfullfilled and its fullfillment to characterize his relationship to Kant throughout his work. See for example V 45. This basic attitude toward Kant was, furthermore, not unique to Hegel, but likely suggested to him by Schelling and Fichte, whose engagement with Kant preceeded Hegel's. Hegel differed not in in thinking *that* Kant's philosophy called for fullfillment, but rather in the particular way in which he understood this task, which is the object of my prensent analysis.

betray the purity of its basic principle (that of a universalizability of law) for the positivity of its statutes.[89] When religions do so, however, each and every one, whether monotheistic, polytheistic, or animistic, become indifferent from the perspective of morality—the "sublimierte Puritaner" and the "tungusischer Shaman" appear fundementally alike—for each becomes entangled in "einem knechtischen Gottes- (oder Götzen-) Dienst (6: 176)"; all unthinkingly venerate the particular objects they revere and, in so doing, abandon the categorical demand for universalizability which remains the rational kernel of religious belief. For Kant, the critique of religion—its containment within the "Grenzen der bloßen Vernunft"—entails the liberation of this rational kernel from the fetishistic worship of statute no less than of relic.

For Hegel, the attempt to abolish religion's servile positivism by showing that "das Gesetzliche […] ein Allgemeines (sei)" and that "seine ganze Verbindlichkeit […] in seiner Allgemeinheit (liege)" is destined to reinstate the very servitude it combats. The purification and internalization of the law does not truly liberate the conscientious subject because it leaves the form of law's application as a universal over and against a particular unaltered. One does not hereby free oneself from one's master but rather enslaves oneself to a master within.

What is interesting about this moment in Hegel's critique is that he does not understand the relationship between the moral law and action in strictly practical terms, but rather understands the internalized conflict between master and slave in terms that are at once political and epistemological and thereby draw a bridge between the concerns of Kant's practical philosophy and those of his theory of judgment. One can see that the law of conscience represents a new self-enslavement because, Hegel writes "das Besondere, Triebe, Neigungen,

[89] Examples of Kant's representation of the categorical imperative as a purification of the golden rule are abundant. See the for example the *Grundlegung der Metaphysic der Sitten* (4: 400), which contains the purification of the ethical imperative from "pathologische Liebe" and "Neigung" that Hegel's criticizes below.

pathologische Liebe, Sinnlichkeit, oder wie man es nennt, ist das Allgemeine notwending und ewig *ein Fremdes, ein Objectives*" (GC 425 [my emphasis]).

The Foriegn Object

Hegel's apposition of foreigness and objectivity reveals his interest in the practical implications of Kant's theory of judgment, and in particular his theory of cognition or of object formation, which, as we shall see, is operative in his practical philosophy to a greater extent than is the theory of reflective judgment and the theory of aesthetic judgment the latter contains. We have already seen the distinction between determinant and reflective judgment in effect in Kant's different ways of depicting the object of right in the *Metaphysik der Sitten* (which Hegel had read in 1798[90]), in which property appears by turns in the form of empirically determinant acquired object and as the indeterminant acquirability of that same object considered as the effect of an a priori and thus empirically indeterminant, spontaneous synthetic activity (which is to say, judged *reflectively*), and noted how and why Kant for the most part subordinates the latter to the former. Hegel draws the link between practical reason and Kant's theory of judgment in a related and yet broader way, approaching the problem not in the relatively narrow terms of Kant's *Rechtlehre* but rather in those of the basic theory of practical judgment put forth in the *Kritik der praktischen Vernunft*,[91] thus insinuating a link between Kant's analysis of the relationship between law and action, on the one hand, and the structure of determinant judgment on the other.

Though Hegel's juxtaposition is unprepared and *prima facie* somewhat perplexing, upon reflection its logic becomes clear. In the case both of the application of law to action and of

[90] See Harris (*Development* 271).
[91] That Hegel had read Kant's second *Kritik* while at the Stift in *Tübingen* is evident not only from his subsequent letters but also from the comparison, in a fragment written during his time in Tübingen, of the concept of holiness and respect for the law as goals of action in terms that nearly paraphrase Kant's own. See Nohl 17-18, and Kant VII 143, and Harris (*Development* 141-143). The comparison of "Gesetz der Heiligkeit" and the "Gesetz der Pflicht" as forms of moral motivation is, furthermore, central to the analysis of "praktischen Urteilskraft" in the second *Kritik*, to which Hegel turns in his later, Frankfurt writings, as we shall see in the following. See Kant (5: 82).

concepts to experiences, what is at stake is the synthesis of a universal and a particular, which is Hegel's primary interest at this stage in his reading of Kant. Since, for Kant, action always includes a dimension of particularity (whether that of the drives, inclinations, or merely of the sensations involved), no accomplished (phenomenal) act, no matter how dutiful, corresponds perfectly with the moral law that governs the actor as a rational, moral, and free entity; nor can the spatial and temporal particularities of an object of cognition be directly attributed to reason's free positing of the object. Kant struggles with this problem in the portion of the *Kritik der praktischen Vernunft* devoted to the analysis of "praktischen Urteilskraft," which is flanked by his crucial considerations of practical objects and practical motives, each of which presupposes this "Kraft" (5: 57-90). Hegel demonstrates familiarity with these passages already in *Tübingen*, and indeed in terms that he continues to explore in Frankfurt. Kant argues that "praktischen Urteilskraft" must involve both the sensible and intelligible grounds of free (human) action, since it is the power by which "was in der Regel allgemein (in abstracto) gesagt wurde, auf eine Handlung in concreto angewandt wird." In order to be *practical*, which is to say in order to provide the basis for action, practical judgment must involve both the judgment of a determinant *object* as an effect possible through freedom (5: 58, 67-8) *and* the judgment of the morally good *incentive* to free action as something supersensible and thus spatially and temporally indeterminant (5: 67-8, 71-73). According to Kant, the central difficulty that befalls practical judgment is accordingly that, for it, "ein Gesetz der Freiheit auf Handlungen, als Begebenheiten, die in der Sinnenwelt geschehen und also so fern zur Natur gehören, angewendet werden soll" (5: 68).

Kant attempts to resolve this apparent paradox in two separate ways:

First, he authorizes the cognitive use of the idea of nature as a "Typik" of the morally good (5: 67-71). Nature can function as such a "Typik," however, not as the particular determinacy of physical objects but only through its representation of the formal quality of lawfullness *in general*, which may be extended to the judgment of the morally good. Once this restriction is in place, however, Kant's "Typik" cannot provide for the positive synthesis of the supersensible idea of the good and the particular determinant object that practical judgment must also involve (5: 67-71).[92]

Second, Kant develops the concept of "Achtung" as the feeling produced by consciousness of one's own freedom. According to Kant, although no experience of the freedom of the will, as absolutely unconditioned spontaneity, seems possible, there may nevertheless remain a way in which an experience of freedom can be thought. Kant's reasoning is as follows: The freedom of the will, as absolutely unconditioned spontaneity, resist determination in space and time and thus remains outside of experience. Because of this, however, free action involves interrupting the sway of sensible impulses and sensibly determined "Neigungen" (5: 72), and this interruption is itself productive of a feeling, namely the feeling of *pain*, even of *humiliation*, but also, and precicely for this reason, of *respect* (5: 73). The respect we feel for that within us which interrupts the sway of our sensible nature is, according to Kant, a feeling that is produced by an intelligible ground (that of freedom itself), and accordingly a feeling—indeed perhaps the only one, Kant speculates at this point—that circumvents the conditions of possibility for sensible experience in general. Yet since "Achtung," as an apprehension of the pure *interruption* of the positive, sensible determination of inclination, still lacks any sensible determinacy of its own, it cannot, according to Kant, provide a basis for the appraisal of particular actions ("Es dient nicht

[92] Cf. Annemarie Pieper, "'On the Concept of an Object of Pure Practical Reason' (Chapter 2 of the Analytic of Practical Reason)"; Ottfried Höffe, "Universalistische Ethik und Urtielskraft: ein aristotelischer Blick auf Kant"; and Urs Thurnherr, "Urteilskraft und Anerkennung in der Ethik Immanuel Kants."

zur Beurteilung der Handlungen") (5: 76). The concept of "Achtung" has accordingly not explained how an application of a "Gesetz der Freiheit" to "Begebenheiten in der Sinnenwelt" is possible, but has merely reformulated the question as that of the relationship between moral feeling and determinant judgment.

Both the "Typik" of nature and the feeling of "Achtung" ultimately leave the acting subject split between the determinacy of the objects it engages and the indeterminacy of moral law its actions must respect. Kant attempts to overcome this remaining difficulty, however, when he returns to the concept of respect in the context of the *Kritik der Urteilskraft*, with which Hegel had long been familiar by the time he begins writing the "Geist des Christentums...".[93]

Kant states in the introduction to the *Kritik der Urteilskraft* that the purpose of this third and last of his *Kritiken* as a whole is to determine how judgment can bring about "einen Übergang von reinen Erkenntnisvermögen, d. i. vom Gebiete der Naturbegriffe… zum Gebiete des Freiheitsbegriffe" (5: 179). Thus defined, the third *Kritik* represents an attempt to resolve precicely the problem with which Kant has unsuccessfully struggled in his theory of practial judgment. Doing so means, famously, bridging an "unübersehbare Kluft" that, for Kant, separates "(das) Gebiete des Naturbegriffs, als dem Sinnlichen, und (das) Gebiete des Freiheitsbegriffs, als dem Übersinnlichen… so daß von dem ersteren zum anderen… kein Übergang möglich ist" (5: 175-6). Because the idea of freedom can never take on positive spatial and temporal attributes without contradiction, this "Kluft" appears insuperable "vermittelst des theoretischen Gebrauchs der Vernunft," for which understanding requires the positive union of a

[93] In the sub-section "Übergang von dem Beurteilungsvermögen des Schönen zu dem des Erhabenen" Kant writes that ""Das Wohlgefallen am Erhabenen nicht sowohl positive Lust als vielmehr Vewunderung oder Achtung enthält" (5: 244) and continues to identify the experience of respect as sublime throughout the remainder of the analytic. For evidence of Hegel's early familiarity with the third Kritik, see Nohl (361-362); Hoffmeister (195-217), especially lines 696-703; Harris (*Development* 175, 191n). Hegel's early references to the third critique pertain to precicely the concept of purposiveness that, as we shall see, allows Kant to overcome the "Kluft" separating nature and freedom.

concept and an intuition. This difficulty may be overcome, Kant however suggests, when attention is turned from the object cognized to the "Urteilskraft" that makes such cognition possible. Judgment thus transforms itself from determinant judgment of an object to the reflective judgment of the possibility of cognition, which Kant prefatorily understoods as "das Vermögen, das Besondere als enthalten unter dem Allgmeinen zu denken," (5: 179).

The Sublime Synthesis

Understanding the third *Kritik* as the analysis of this power explains, in part, why Hegel regards this work as the site of Kant's "höchste Synthese"; for it is precisely the insuperable heterogeneity of the universal and the particular, because of which Kant's practical philosophy cannot provide an account of how the subject can apprehend phenomena as the fluid desiderata of its own synthetic activity, that troubles Hegel most in his reading of Kant's first two critiques. It is because the theory of reflective judgment contained in the *Kritik der Urteilskraft* promises to overcome this limitation, which derives from the use of the theory of determinant judgment developed in the first *Kritik* in the theory of moral self-consciousness in second *Kritik*, that it is Kant's *Kritik der Urteilskraft*, rather the theory practical judgment contained in the *Kritik der praktischen Vernunft*, to which Hegel will finally turn to assess the practical potential of Kant's thought.

Kant's theory of reflective judgment[94] thus contains the strongest argument to be found in his three critical works against Hegel's characterization of Kant's philosophy as containing a dualism of nature and freedom,[95] and it is for this reason that Hegel refers to the *Kritik der Urteilskraft* affirmatively as the "Kulminationspunkt" of the Kantian "Synthese" (II 268). In the

[94] For an analysis of this theory see the introduction to this dissertation.
[95] Kant's minor and doctrinal writings on history and politics are, as we have seen, another place to look for such an overcoming, although here in less consistent and explicit terms. Pippin suggests this as well at the end of his "'Mine and Thine'? The Kantian State," although the reading of Kant's political writings upon which he bases this argument differs from my own.

reflective judgment of "innerer Zweckmässigkeit," Hegel sees the promise of a move beyond the opposition of "Begriff" and "Realität" that remains dominant in Kant's theory of cognition toward the "Idee" of an "absoluter Vernunft" in which nature and freedom are reconciled (VIII 140, IX 473). And yet the synthesis of nature and freedom put forth in Kant's theory of the sublime is limited, according to Hegel, in two important ways:

Firstly, this synthesis is attained only within the limited domain of reflective judgment, and leaves the determinant judgment of objects entirely aside. It is accordingly restricted to reflection on the experience of pleasure and pain, which it derives from the subject's apprehension of its own mental state when apprehending various different kinds of objects, but not from the objects themselves. What Hegel says in his later writings regarding Kant's *Kritik der Urteilskraft* does not therefore mitigate his early suggestions pertaining to the practical dimension of Kant's theory of cognition in the least, since, irrespective of how the subject experiences its own act of judgment, it remains, in Hegel's account of Kant's theory, in relation to "ein(em) Fremde(n), ein(em) Objektive(n)," in which it detects no trace of itself or of its freedom.

Secondly, the sublime synthesis of nature and freedom is achieved only negatively. Though the sublime provides for an apprehension of the effect of freedom "within" the phenomenal world, freedom does not itself appear immediately as a part of that world, nor mediately as its resource or support. Freedom appears, rather, through the apparent suspension or interruption of the purposes that animate the phenomenal world—an interruption that throws the subject back upon its own purposiveness in its inner purity, thereby making it aware, in Kant's words, of "eine Selbsterhaltung von ganz andrer Art […], als diejenige, die von der Natur außer uns angefochten und in Gefahr gebracht werden kann" (5: 260-1). For Hegel, this aspect of

Kant's analytic of the sublime represents the type of what he will later call "das Vereinte… unvereinbar" (VIII 143); it is exemplary of the way in which Kantian philosophy reasserts a dualism of the real and the ideal in the very gesture through which it would overcome it, taking up, in this regard, the mantle of Judaic monotheism, whose unification of finite and infinite, worldly and divine powers reflects an analagous union of the radically unlike.[96]

In the remainder of this section, I will consider how Hegel's "Geist des Christentums…" addresses this persistant sundering of the practically judging subject, which Kant (for Hegel) as yet provides no means of overcoming, through a reading of the "Trennung" characteristic of Judaic theology, with which Hegel associates the combination of the determinant judgment of objects and the reflective respect for the moral law in Kant. I will furthermore suggests that Hegel's description of Christianity's reconciliation of the sundered Judaic subject through the representation of a "Schönheit der Seele" represents an evaluation of the possibility of overcoming the bifurcation of practical judgment through a unified theory of aesthetic judgment based on Kant's analytics of the beautiful and the sublime. Finally, I will suggest that Hegel's analysis of the fatedness of the beauty of soul as a mode of practical judgment represents a critique of the practical potential of Kantian reflective judgment as a whole, the essence of which is, as we have seen, to be found in the aesthetic judgment of purposiveness.[97]

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[96] Cf. For alternative accounts of the experience of freedom in Kant, see Jean-Luc Nancy, *The Experience of Freedom*; Susan Meld Shell, *The Embodiment of Reason*; Paul Guyer, *Kant and the Experience of Freedom.*

[97] In the years after writing the "Giest des Christentums," Hegel will, along with Schelling, certainly refer to moments of Kant's theory of teleological judgment (paragraphs 76-7) as key to overcoming Kant on his own terms, which might lead one to look here, rather than to the theory of aesthetic judgment, as the underlying preoccupation in his earlier writings. As Pippin has persuasively demonstrated, however, Hegel's analysis of teleological judgment in his Jena writings in fact incorporate elements of Kant's theory of aesthetic judgment to such an extent that the latter may be taken as his true object of analysis. Given what I have said thus far, this should come as no surprise, since it merely reflects the priority of aesthetic judgment within Kant's analysis of reflective judgment as a whole. See Pippin (Avoiding German Idealism 139-142).

The Judaic Sublime

Though Hegel nowhere explicitly refers to it, it is unlikely that Kant's reference to the eminent sublimity of the Judaic commandment prohibiting the worship of graven images—which leads him to associate Judaism with the strict monotheism of "Mohammedanism" (5: 274) and to view both together as religious precursors to the reflective judgment of freedom's sublimity—did not influence his early thought regarding the link between Kantian ethics and the analytic of the sublime. This influence may already be discerned in a passage, found in Hegel's early fragment "Jos. jüd. Alterth…," which associates the mathematically sublime spirit of the "Orientalen" with Abraham and ancient Judaism's apprehension of the nomadic landscapes they traversed. "Der Geist der Orientalen [ist] Erhabenheit und Grösse," Hegel writes, and continues, in a sentence only separated from the foregoing by a semicolon in the unredacted manuscript, "Abraham war ein reicher Hirte, ein unabhängiger Fürst. Der Boden, auf dem er stand, eine unermeßliche Ebene, der Himmel über ihm ein unermeßliches Gewölbe…" (GC 348). In a later fragment, Hegel makes the disidentification of the Jew's sublime itinerancy and the beautiful still more explicit, writing "Abraham irrte mit seinen Herden auf einem *grenzenlosen* Boden umher, von dem er nicht einzelne Stücke sich durch Bebauung, *Verschönerung* näher gebracht und so lieb gewonnen, und als Teile seiner Welt aufgenommen hätte" (GC 348, 402 [my emphases]).

Just as Kantian practical judgment is split between the determinant judgment of objects and the reflective judgment of the moral law, so too Judaic consciousness, in Hegel's account, appears split between "Erhabenheit" and "Gegenständlickeit." "Die Wurzel des Judentums ist das Objektive, d. h. der Dienst, die Knechtschaft eines Fremden" (GC 379), Hegel writes at the outset of a series of fragmentary reflections gathered under the heading "Das Grundkonzept zum Geist des Christentums." In the "Geist des Christentums…," furthermore, Hegel provides a

geneological explanation of this unity of objectivity and sublimity through a reading of the biblical diluvian narrative, which he interprets as progenitive of Jewish ethics. Hegel writes:

> Von dem Gange, den die Entwicklung des Menschengeschlechtes vor Abraham nahm von dieser wichtigen Periode, in welcher die Roheit, die auf den Verlust des Naturzustandes folgte, auf verschiedene Wegen wieder zur zerstörten Vereinigung zurückzukehren strebte, von diesem Gange sind uns nur wenige dunkle Spuren aufbehalten worden. Der Eindruck, den die noachische Flut auf die Gemüter der Menschen machte, mußte ein tief Zerreißen, und die Wirkung der ungeheuerste Unglaube and die Natur sein, die vorhin freundlich oder ruhig nun aus dem Gleichgewicht ihrer Elemente trat, den Glauben, den das Menschengeschlecht an sie hatte, nun mit der zerstörendsten, unzuüberwältigenden, unwiderstehbarsten Feindschaft erwiderte, *und in ihrem Toben nichts durch einen Unterschied der Liebe verschonte, sondern die wilde Verwüstung über alles ergoß.* Einige Erscheinungen, Rückwirkungen gegen den Eindruck jenes allgemeinen, durch feindselige Elemente bewirkten Menschenmordes – hat uns die Geschichte angedeutet. Damit der Mensch gegen die Ausbrüche der nun feindlichen Natur bestehen könnte, so mußte sie beherrscht werden; und da das entzweite Ganze nur in Idee und Wirklichkeit entzweit werden kann, so ist die höchste Einheit der Beherrschung enweder in einem Gedachten oder in einem Wirklichen. In jenem baute Noah die zerissene Welt zusammen; sein gedachtes Ideal machte er zum Seienden und ihm dann gegenüber setzte er alles als Gedachtes d. h. als Beherrschtes, es versprach ihm, die ihm dienenden Elemente so in ihren Schranken zu halten, daß keine Wasserflut mehr die Menschen verderben sollte; unter dem Lebendigen, das einer solchen Beherrschung fähig ist, legte es den Menschen das Gesetz auf, das Gebot, sich selbst so zu beschränken, daß sie einander nicht mordeten…
>
> Gegen die feindselige Macht sicherte sich Noah dadurch, daß er sie und sich einem Mächtigern unterwarf… [er schloss] mit dem Feinde einen Frieden der Not und [verewigte] so die Feindschaft; keiner versöhnte sich mit ihm… (GC 375)

Though Hegel does not explicitly refer to Kant's reference to the sublimity of the Jewish law, his own interpretation of the genesis of Jewish ethics in Hebrew scripture begins with an image of natural sublimity. Just as Kant considers the appearance of the sublime in nature to be manifest in nature's irresistible "Macht," so too Hegel imagines the flood of *Genesis* as an instance in which nature appears at its "zerstörendeste( )" and "unzuüberwältigste( )." Just as Kant understands the sublime as an interruption of the harmonzation of concept and intuition characteristic of the aesthetic judgment of the beautiful by a dissonance of idea and intuition, as of reason and the power of imagination, the imbalance of which hinders the production of a stable object, so too the flood interrupts the harmonious balance of the elements characteristic of the "Naturzustand" through an event in which a formerly harmonious nature "aus dem Gleichgewicht ihrer Elemente trat." Just as Kant conceptualizes the disruption of the beautiful

harmonization of concept and intuition as a dissonance of the universal and the particular through which the unconditionality of the former becomes negatively apparent, so too the "allgemeine, durch feindselige Elemente bewirkte( ) Menschenmord( )" that the flood perpetrates "[verschonte] in ihren Toben nichts durch Unterschied der Liebe […], sondern die wilde Verwüstung über alles ergoß." And just as, for Kant, the sublime disruption of the harmony of concept and intuition does not represent a simple loss of purposiveness, but rather purposiveness's elevation to the level of an ideal so pure it can appear only in disappearing, so too the disruption of nature brought about by the flood is resolved through the postulation of an absent entity whose inscrutable will governs the cosmos: a "gedachtes Ideal" in relationship to which everything else appears as a "Gedachtes… Beherrschtes."

Hegel's text thus suggests that Judaism's sublime translation of apparent purposelessness into noumenal purposiveness is fundamental to the ethico-political forms that derive therefrom, and it is for this reason that the Jew's moral and legislative relationship to themselves (whether internally as individuals or externally as a group) as well as the political relationships they forge with others admit of no true reconciliation. The noahidic subreption of the negativity of natural disaster underwrites an understanding of the relationship between ruler and ruled, legislator and legislated, as that between absolute unconditionality and conditionality or absolute freedom and servitude that, as such, is and must remain a relationship of inequality, a union of disunion or a cooperation of the fundamentally unlike. Like the Kantian "Vereinung des unvereinbare," Judaism's striving, in the aftermath of the "Zerreissen" and "Verlust des Naturzustandes" represented by the flood, returning once again "zur zerstörten Vereinigung," finds itself incapable of restoring a "freundlich(e) oder ruhig(e)" relationship to the phenomenal world in general, and in particular to those who populate it. It finds itself incapable of this because the

postulation through which Judaism would reintegrate the world torn asunder simultaneously institutes and reinforces the very difference it would overcome. Just as no equality may be discerned between the infinite power of a god without equal and the finite relativity of that over which this god rules, so too no true friendship may be forged between governors and the governed, legislators and legislated, but at best a negotiated peace. The form of this false friendship, which Hegel refers to as a "Frieden der Not," evinces the extent to which the parties that forge it remain divided not only from one another but also within themselves, for they contract their peace treaty not out of desire but out of need, and thus do not what they want but rather what they find themselves obligated to do.

"ein schönres Paar"

To this form of self-coercion, Hegel juxtaposes the "Frieden der Liebe" of which the Greek post-diluvian figures Deukalion and Pyrrha prove themselves capable. He continues,

> …nicht wie ein schönres Paar, Deukalion und Pyrrha nach ihrer Flut es taten, die Menschen wieder zur Freundschaft mit der Welt, zur Natur einluden, sie durch Freude und Genuß der Not und Feindschaft vergessen machten, Frieden der Liebe schlossen, die Stammeltern schöner Nationen wurden, und ihre Zeit zur Mutter einer neugeborenen, ihre Jugendblüte erhaltenden Natur machten. (GC 375)

This brief, increasingly telegraphic juxtaposition, with which Hegel's fragment draws to a close, marks the philosopher's discovery of the mediating link between Judaic dualism and Christian reconciliation in the religion of ancient Greece. It furthermore suggests, though exceedingly cursorily, why it is what Hegel will later call the "Religion der Kunst" (III 546) that will allow Hegel to make this transition. For Deukalion and Pyrrha represent what is, for Hegel, Greek antiquity's most important quality—namely its beauty. They are first introduced to us in Hegel's fragment not as the oracularly inspired repopulators of the post-diluvian world familiar from classical mythology, but rather simply as "ein schönres Paar." The attributes that Hegel subsequently appends to this description, furthermore, differ from those characteristic of the

noahidic flood narrative in precisely the same way that the beautiful differs from the sublime in Kant's analysis. Just as, for Kant, the aesthetic judgment of the beautiful does not experience the suspension of determinant judgment and the corresponding withdrawal of positive purposes as a loss of natural objectivity but rather perceives the play of the suspended object's determinability as a purposiveness without purpose inhering in natural phenomena themselves, so too Deukalion and Pyrrha do not experience the flood as an instance of absolute antipathy that radically estranges them from the world of natural objects but rather as an event within a natural world of which they remain a part.

In the description of Deukalion and Pyrrha, Hegel begins to elaborate the practical implications of this different way of apprehending the flood. The apprehension of flooding as beautiful rather than sublime, he suggests, gives rise to a post-diluvian world whose ethical and political possibilities stand in stark contrast to those afforded by the Judaic context. While Noah can reconcile himself to a world from which he feels himself irreparably estranged only by positing a transcendental power that creates and rules over that world, and which is yet so fundamentally unlike the world it creates that it governs it through the imposition of commandments that directly contravene the rules that determine the interactions of natural phenomena within it, Deukalion and Pyrrha, having experienced no such fundamental estrangement, encounter no insuperable obstacle in the post-diluvian transition from an antipathetic to a sympathetic relationship with the natural world. And while the form of self-governance that emerges from the Noahistic interpretation of the relationship between the divine and the profane, modeling itself on this relationship, is thus emblematized by a "Frieden der Not" that regulates events in the world by opposing the pathological aspects of their determination, the ethical world potentiated by the Greek retention of belief in nature is

emblematized by the "Frieden der Liebe" in which no fundamental opposition between the dictates of law and natural inclination may be discerned. One can already detect here the roots of Hegel's reintegration of "Neigung" in his account of Christian love, which counters the abstract purity of Kant's categorical imperative. What becomes increasingly evident here, however, is the way in which this practical development reflects a fundamentally different way of judging phenomena in general.

Of Stones and Bones

Though Hegel does not comment on the specific aspects of the myth of Deukalion and Pyrrha that illustrate the aesthetic and ethical qualities he ascribes to these figures, the salient aspects of their acts seem clear. Told by the oracle of Themis to repopulate the earth by casting their mother's bones behind them, the two Titans famously interpret "mother" to mean "Gaia" or "mother earth," whose "bones" are the stones that support her shape. They accordingly throw these stones over their shoulders, and these, upon touching the ground, begin to stir and eventually take on the form of human beings.[98] Thus, while the sublime world that revealed itself to Noah upon the recession of the flood waters, according to Hegel, appeared as a fundamentally hostile, dead, stone-like mechanism evacuated of all trace of the higher sensibility that links the chosen to their god, the beautiful world that reveals itself to Deukalion and Pyrrha upon the recession of their flood waters is one in which the stony earth and the sentient beings that live upon it remain parts of one and the same creation, offspring of the same maternal force, in which can be discerned the effects of the same animating purpose. The world Deukalion and Pyrrha inhabit, and that to which they give rise, is accordingly not divided into spiritual and material, finite and infinite aspects. The acts that transpire within it do not entail any absolute cleavage of

[98] For a rich recent consideration Oracles and of the oracular from antiquity through modernity that is particularly sensitive to the kind of generative polysemy that Deukalion and Pyrra's tale exemplifies, see Michael Wood, *The Road to Delphi: Scenes from the History of Oracles.*

active subject from passive object, but transpire within a world in which an animating power permeates the sensible, and in which activity entails merely a partitioning of this power, the institution of a partiality of perspective, an economy of the visible and the invisible, of the known and the unknown, of what is held in one's hand and thrown over one's shoulder or disseminated behind one's back. It is perhaps for this reason that Hegel places emphasis on the role of forgetting in the mode of generativity Deukalion and Pyrrha exemplify, and it is perhaps this aspect of their mythic generativity of which he thinks when, in the introduction to the *Phänomenologie des Geistes*, he famously refers to the thetic action that inaugurates spirit's dialectical movement as that through which an agent first emerges by causing something to transpire "hinter seinem Rücken" (III 80). Irrespective of this, it is surely no mistake that the association of action and the assumption of a partial perspective that Hegel's first reference to Greek antiquity forefronts is precisely that which will resurface in his analysis of the form of activity represented within what he will later refer to as the highest expression of the "Religion der Kunst," namely attic tragedy, and will furthermore underwrite the form of conflict and concept of destiny he discovers therein.



Johann Baur, "The Restoration of Humankind," etching, 1638.

Destinal Hostility: The Tragic Act

For Hegel, the capacity for post-diluvian reintegration that Deukalion and Pyrrha's story represents is characteristic of a distinctively Greek relationship to conflict, and provides an important alternative to the rivenness of the Judaic and Kantian world views. Hegel's claim is not that ancient Greek culture is more pacific than Judaic culture, but, much to the contrary, that the war-like Greeks judge the world in a way that provides for the reconciliation of conflicts that arise within it. It is for this reason that, in Hegel's early writings, the road from Zion to Jerusalem passes first by way of Athens, and the path from Kant's antinomies to Hegel's own dialectic by way of Sophoclean tragedy. Though tragedy's name, like Kant's, appears only rarely in Hegel's early writing, the concept that underwrites Hegel's analysis of tragedy in later works—that of "Schicksal"—first takes shape here.[99] Hegel's first published definition of tragedy, which occurs in his 1803 essay "Über die wissenschaftlichen Behandlungsarten des Naturrechts, seinen Stelle in der praktischen Philosphie, und sien Verhältnis zu der positiven Rechstwissenschaften," furthermore identifies the tragic with precisely the concept of "Schicksal" that evidently subtends his analysis of the historical development of religions in his earlier writings, which he formalizes here for the first time. He writes,

> …die Tragödie darin ist, daß die sittliche Natur ihre unorganische, damit sie sich nicht mit ihr verwickele, als ein Schicksal von sich abtrennt und sich gegenüberstellt und, durch die Anerkennung desselben in dem Kampfe, mit den göttlichen Wesen als der Einheit von beiden versöhnt ist. (II 496)

This definition of *Schicksal* is, as we will see, already operative in "Der Geist des Christentum und sein Schicksal." Given Hegel's evident early interests in Sophocles,[100] it is unlikely that the concept of "Schicksal" deployed in the early theological writings did not

[99] Cf. Szondi (17-18).
[100] See Harris (*Development* 47-48). According to records from his school days, Hegel read Sophocles' *Oedipus at Colonus* and translated and retranslated *Antigone* both at Stuttgart and at Tübingen.

already derive from his study of attic drama. His explicit apposition of "Schicksal" and "griechische Trauerspiel" and juxtaposition of both to "(dem) Schicksal des jüdischen Volkes" (GC 419) in the fragment "Abraham in Chaldäa geboren…," which is found among the preparatory material for "Der Geist des Christentums und sein Schicksal," and which Nohl appends to the beginning of the text he publishes under this title, further supports this thesis, while also demonstrating the extent to which Hegel understands the fate of Judaism primarily in contradistinction to Greek *Schicksal*. Hegel's fragment closes,

> Das große Trauerspiel des jüdischen Volks ist kein griechisches Trauerspiel, es kann nicht Furcht noch Mitleiden erwecken, denn beide entspringen nur aus dem Schicksal des notwendigen Fehltritts eines schönen Wesens; jenes kann nur Abscheu erwecken. (GC 419)

The two passages cited above, taken together, reveal much about what is at stake in Hegel's use of the term *Schicksal* in the context of his early theological writings, and in particular his critique of Judaic and Kantian ethics.[101] As with his reading of the story of Deukalion and Pyrrha, the key lies in the association of the Greek fate with beauty, and the latter with the possibility of "Anerkennung" and "Mitleid." Just as Deukalion and Pyrrha's beauty was defined by their ability to reintegrate themselves within a natural world that did violence to them, and thus to return to a relationship of friendship and similarity with that which declared itself their enemy, so too the tragic hero appears as a "schöne(s) Wesen" to the extent that she, having produced the fate against which she struggles from within herself by virtue of the partiality of her act, can recognize herself in the enemy against which she fights, and thereby become reconciled with that which she opposes, albeit only through the dissolution of her former self. Hegel will later identify this possibility with Antigone's famous, if enigmatic, declaration "weil wir leiden, anerkennen wir, das wir gefehlt" (III 348), which is among the few phrases he directly cites in

[101] Hegel frequently expressed great sensitivity over what counted at "tragic," sometimes even drawing the line within a single author's oeuvre. For an illuminating account of one such instance, see Lydia Moland, "An Unrelieved Heart: Hegel, Tragedy, and Schiller's *Wallenstein*."

the *Phänomenologie*, albeit in a translation (his own) that may make Antigone fit the role Hegel assigns her more smoothly than Sophocles' original would allow.[102] According to Hegel, with these words Antigone at once recognizes and re-internalizes Kreon's perspective, thereby ceasing to be the tragic self-certainty that she is and relinquishing her heroic resolve along with her life. Antigone's death is beautiful, in other words, only because her tragic heroic resolve, and the conflict that it foments, is equally so. Her revolt plants the seeds of peace; her active opposition is constitutively oriented toward reconciliation. In this, she is fundamentally unlike the Jews, whose fate is determined by a sublime act of "Trennung" (GC 402) that forecloses the possibility for a future recognition of self within other, friend within enemy, or master within slave. Such an act, by interrupting the possibility of a beautiful recognition of the self within the other, is destined for the very non-recognition that it perpetrates: its accomplishment and the destiny to which it leads cannot be the objects of either "Furcht" or "Mitleid"—for both of these express the synthetic recognition that this act characteristically interrupts—but is rather evocative of an "Abscheu" that echoes that which the act itself instantiates.

A Revolt Against All Relations

What determines Judaism's destiny, according to Hegel, is a founding act that establishes a particular kind of relationship between self and other. The act is that of Abraham, whose "Geist ist die Einheit, die Seele, die alle Schicksale seiner Nachkommenschaft regierte" (GC 373). Hegel writes,

> Der erste Akt, durch den Abraham zum Stammvater einer Nation wird, ist eine Trennung, welche die Bande des Zusammenlebens und der Liebe zerreißt, das Ganze der Beziehungen, in denen er mit Menschen und Natur bisher gelebt hatte; diese schönen Beziehungen seiner Jugend (Jos. 24, 2) stieß er von sich. (GC 402)

[102] For considerations of Hegel's renowned mistranslation of Antigone's statement, which reduces ambiguity as to the responsibility for suffering contained in Antigone's lines in the service of illustrating her recognition of the tragic nature of her act, see Judith Butler, *Antigone's Claim* (34); David Farrell Krell, *The Tragic Absolute* (368); and Schmidt (*Greeks* 101).

Here, as in the case of tragedy, a protagonist's fate is determined by a primordial act that separates or splits apart two entities and, in so doing, first constitutes them as such in relation to one another. Just as Kreon becomes what and who he is only in countering Antigone's heroic resolve, so too the phenomenal world that confronts Abraham is first constituted through his disinvestment and abandonment of it, which institutes the relational mode that will govern the life of the Jewish nation. What differentiates Abraham's founding "Trennung" from the destinal action characteristic of Greek tragedy, however, is that while the former, as exemplified by Deukalion and Pyrrha, does not break radically with what comes to oppose it but rather contains the conflict into which it enters within a horizon of similarity (as is evident in Gaia's post-diluvian return and Antigone's incorporation of Kreon's perspective), the break that Abraham institutes is absolute and insists upon the fundamental difference between what breaks and what is broken with. For Hegel, the absoluteness of this break is evident in Abraham's choice of flight over fight, which Hegel contrasts, in this regard, to the exodus of the Hektos conquerors Cadmus and Daneus. Hegel writes,

> Auch Kadmus, Danaus, usw. hatten ihr Vaterland, aber *im Kampf* verlassen; sie suchten einen Boden auf, wo sie frei wären, um lieben zu können; Abraham wollte *nicht* lieben und darum frei sein; jene, um in unbefleckten schönen Vereinigungen, was ihnen in ihrem Lande nicht mehr vergönnt war, leben zu können, sie trugen diese Götter mit sich fort, – Abraham wollte frei von diesen Beziehungen selbst sein; jene lockten durch ihre milden Künste und Sitten die roheren Eingeborenen an sich, und vermischten sich mit ihnen zu einem frohen und geselligen Volke – Eben der Geist, der Abraham von seiner Verwandtschaft weggeführt hatte, leitete ihn durch die fremden Nationen, mit denen er in der Folge seines Lebens zusammenstieß, *der Geist sich in strenger Entgegensetzung gegen alles fest zu erhalten*… (GC 402 [my emphases])

What the Hektos fight for in their war-like exodus from "ihr(em) Vaterland" are forms of attachment already present within it, but merely denied to them there: the "unbefleckte( ) schöne( ) Vereinigungen, was ihnen in ihrem Lande nicht mehr vergönnt war." The "Götter" they carry with them are thus manifest in a desire for community no different from that which drove them into Egypt as conquerors and motivated their interactions while rulers there; their subsequent

departure marks not the abandonment or transformation of this drive, but merely the impossibility of continuing to do it service in the place where they find themselves. What drove Cadmus and Daneus toward, and now drives them away from, the Egyptians is thus what will draw them again toward others. Just as Gaia returns to reconcile Deukalion and Pyrrha with the post-diluvian world, so too the Hektos' gods return to them in exile, driving them into relations with the barbarian peoples they encounter and making their conquest appear as a labor of love, their antagonism a prerequisite to reconciliation.

In contrast to this, Abraham abandons Ur not in search of a love denied him there, but rather in absolute revolt against and negation of "das Ganze der Beziehungen." He appears as one opposed not to this or that people or natural phenomena but to all relationships as such, and accordingly as one who does not fight against particular things but rather consigns all things to an a priori oblivion. Abraham's exodus is accordingly not a flight *within* the world but an exit *from* the world. The non-relational negativity characteristic of his revolt thus comes to bear not only on the foreign nations he encounters, but also on relations with his own people and kin, as is evident in his willingness to sacrifice Isaac, who represents to him, according to Hegel, "die einzige Art, sein Sein auszudehnen" (GC 404). Hegel's diction is exceedingly telling at this moment, for the absoluteness of Abraham's abandonment of the world does not manifest itself physically but rather through a modification of his relationship to existence, or to the spatio-temporal extendedness of being—a modification, in other words, of the form of judgment that first gives rise to the world he inhabits. This modification is evident in the fact that, unlike the defining acts of Deukalion, Pyrrha, Cadmus and Daneus, Abraham's act is devoid of beauty, as Hegel repeatedly emphasizes. His defining rejection is a rejection not simply of relationality in general but of "schöne( ) Beziehungen" and "schöne( ) Vereinigungen" in particular. What

distinguishes Abraham's characteristic way of judging the world is that it does not apprehend judgment's purposiveness in the pre-objective determinability of spatio-temporally extended entities. It does not, in other words, see the beauty of the world. The structure of Abraham's seminal act rather, as described by Hegel, gives practical shape to the aesthetic judgment of the sublime, in which the interruption of the purposiveness characteristic of natural phenomena reveals a higher, supersensible purposiveness whose force is associated with the capacity for such liquidation. Like Noah, Abraham subordinates the phenomenal world to a "gedachtes Ideal" with which it has nothing in common, from which he derives the capacity to interrupt, break with, and thus reflect upon, master, and manipulate, the rules that govern the interactions of natural phenomena. It is in this sense that Abraham discovers his own freedom *not* as a freedom *of* relation, as is the case for the Hektos rulers, but rather as the inner capacity to interrupt the sway of extrinsic relationships and thus the bindingness of rules that govern spatio-temporal relationality in general. Abraham thus need not physically leave the world he inhabits in order to abandon it. Through the binding of Isaac he discovers within himself a divine power capable of breaking even the strongest of natural bonds—a power that, by allowing him to appear as one *in* but not *of* the world in which he lives, even affords him a divinely mediated mastery over external phenomena, but only by simultaneously transforming him into "ein(en) Fremdling auf Erden." Hegel writes,

> Die ganze schechthin entgegengesetzte Welt, wenn sie nicht ein Nichts sein sollte, war von dem ihr fremden Gott getragen, an dem nichts in der Natur Anteil haben sollte, sondern von dem alles beherrscht wurde. Auch von ihm hatte das andere der ganzen Welt Entgegengesetzte, das als solches ebenso wenig hätte sein können, – hatte Abraham Haltung, welcher durch ihn auch allein in mittelbare Beziehung mit der Welt, die einzige ihm mit der Welt mögliche Art von Verbindung kam – sein Ideal unterjochte sie für ihn, schenkte ihm so viel von ihr, als er brauchte, und gegen das übrige setzte es ihn in Sicherheit. (GC 404)

This splitting of two apparently autonomous regimes—that of the phenomenal and supersensible worlds—coupled with the supposition of the absolute domination of the one by the

other, echoes the Kantian division of determinant and reflective judgment. It accordingly reflects a duality inherent in Kant's concept of freedom, which becomes evident in the subreptive abandonment of the phenomenal world in the judgment of the sublime.

Obeying the Law

For Kant, human action involves a split between freedom's absolute unconditionality and the conditioned nature of all determinant activity in the world. This split inheres in the concept of freedom itself, which both postulates an absolute break with the relations of causality that determine events within the phenomenal world *and* requires the attributability of the particular phenomenal attributes of events to an agent who is responsible for them as aspects of his or her activity. The paradox is evident: to the extent that the attribution of acts to agents involves a determination of causality from which freedom must, as such, withdraw, the act is split off from itself. The agent both *must* and *cannot be* free *and* responsible, his or her act unconditioned *and* attributable, at once. That the act always fails to coincide with itself in this way is the reason why one may, according to Kant, strictly speaking *never* wholeheartedly desire to do one's duty. Dutiful action, which is to say action done in accordance with the moral law, and thus action that is compatible with the freedom of all—is always and must always be done grudgingly, for the grudging accomplishment of such acts registers the insuperable division of freedom from itself. Inclination's immorality is thus not first and foremost empirically known, but rather inheres in the structure of freedom itself. Even when one does one's duty, even when one acts in such a way that one's deed complies with the moral law's demand for universalizability, one simultaneously demonstrates the a priori bifurcation of freedom from itself by doing so only grudgingly and therefore only partially, against or in disregard of some other aspect one's desire.

It is this insuperably split nature of all action, this impossibility that freedom become reconciled with itself through action, that Hegel refers to as the "Unvereinbarkeit" of the "Vereinte" in Kant (VIII 143). In "Der Geist des Christentums…," Hegel sees this split reflected extrinsically in punishment and intrinsically in bad conscience, which he analyzes as forms governing the relationship between a particular deed and the universal law that would govern it. Action's necessary departure, qua *this* particular act, from the universal law that would govern it, constitutes the act as infinitely culpable and subject to censure even when no actual, external punishment occurs. Hegel calls this punishability of the act "böse(s) Gewissen." Such conscience expresses the insuperable antipathy of the Judaic and Kantian law with regard to those that it governs. For even when one has acted not only in outward conformity to the strictures of the law but out of an inward sense of duty as well. Even when the interiorizing shift from positive law's extrinsic coercion to conscience's inner regulation has been accomplished, and even when one both intends and succeeds in acting dutifully, one also, of necessity, fails to do so. One is plagued by an awareness of the insuperable gulf that separates the law's universality and the deed's particularity. To the extent that one acts conscientiously, one's conscience is always bad, for the guilt that one feels results neither from the intention to transgress nor from the perpetration of illicit deeds but rather from the relationship between the law and deed, as that between a universal and particular. Hegel writes,

> Das Gesetz hat die Bedingung seiner Allgemeinheit darin, daß die handelnden Menschen oder die Handlungen Besondere sind; und die Handlungen sind Besondere, insofern sie in Beziehung auf die Allgemeinheit, auf die Gesetze betrachtet werden, als ihrer gemäß oder zuwider… (GC 440)

In determining guilt or innocence, Hegel's passage suggests, it makes little ultimate difference whether one acts in accordance with the law or against it. Since the relationship between law and deed is itself one of insuperable difference, one acts against the law, and thus remains culpable, even when one acts in accordance with its strictures. All true reconciliation

with the law is blocked in advance, and this blockage is manifested not only in the form of wicked deeds but also through the residual wickedness of virtue itself—the consciousness of having done one's duty only grudgingly, which is nothing other than the consciousness of virtuous action's particularity as such. Action's culpability remains whether or not an act is deemed "(den) Gesetze(n)… gemäß oder zuwider" because the empirical act whose legality is in question is secondary to the act of judgment according to which action in general "in Beziehung auf die Allgemeinheit, auf die Gesetze betrachtet werden."

Perpetual Punishment

This is the counter-intuitive thought that Hegel's analysis puts forth: acts do not precede the observation of them; rather, action's becoming-observed is the condition of possibility for its existence as such. The act of judgment that establishes the relationship between particular and universal, as between action and law, as the transcendental condition of possibility for action is what determines action's culpability. And where the relationship between action and law is that between a particular and a universal, the act is always culpable, and the law always punishes. Punishment is, in other words, not merely a means at the disposal of the law for the correction of those who abrogate it. Rather, empirical occurrences of such punishment merely make explicit what law is.

According to Hegel, the law of the Judaic and Kantian tradition is thus not a law that stipulates punishment from time to time, depending on whether it is transgressed or not, but is rather of its nature and in every instance a punishing law. It is indeed punishment, as the form of a determinant relationship between universal and particular, that gives the act its actuality. Hegel writes,

> Insofern… die Handlung… in Beziehung auf die Allgemeinheit, auf die Gesetze betrachtet werden… kann ihr Verhältnis, ihre Bestimmtheit keine Veränderung leiden; sie sind Wirkliche,

> sie sind, was sie sind; was geschehen ist, kann nicht ungeschehen gemacht werden, die Strafe folgt der Tat; ihr Zusammenhang ist unzerreißbar (GC 440).

Since the necessity according to which "die Strafe […] der Tat (folgt)" rests not upon the empirical attributes of this or that particular deed, or of some statute that the deed abrogates, but rather upon the nature of the "Beziehung," "Verhältnis," or "Zusammenhang" into which the law and action are brought prior to their positive existence as such by the formal parameters governing the judgment of them as law and action in general, this relationship never loses its character as punishment, irrespective of the particular deeds or laws involved.

The interpenetration of ethics and judgment is once again evident: Just as the split between determinant judgment and reflective judgment places the subject in a world in which its own perceptual activity does not appear to it as such within the phenomenon to which it gives rise, but is rather ossified in the apparently autonomous form of an object, so here the acting subject appears alienated from the very act that defines it, and thus "hat über seine Handlung als eine Wirklichkeit kein Macht." The intractability of its deed, the unchangeable actuality that confronts it, is the effect of the sublimely gaping gulf separating universal from particular in the judgment thereof. Hegel's apposition may thus be clarified through the addition of a motivating conjunction: "der Verbrecher schaut sich immer als Verbrecher" *because* "er hat über seine Handlung als eine Wirklichkeit keine Macht." The form of the act of judgment thus precedes and determines the empirical possibilities of that which is judged, and to the extent that this form remains the asymmetrical relationship between a universal and a particular, no reconciliation of law and action is possible. Such reconciliation is only conceivable through a modification of the form governing the relationship between law and action in general, which is to say, through a modification of the judgment thereof. It is the promise of such a modification that Hegel sees in the Greek concept of "Schicksal." He writes,

> …so gäbe es keine Rückkehr zur Einigkeit des Bewußtseins auf einem reinen Wege, keine Aufhebung der Strafe, des drohenden Gesetzes und des bösen Gewissens… wenn die Strafe nur als etwas Absolutes angesehen werden muß, wenn sie unter keiner Bedingung stünde, und keine Seite hätte, von welcher sie mit ihrer Bedingung eine höhere Sphäre über sich hätte. Gesetz und Strafe kann nicht versöhnt, aber in der Versöhnung des Schicksals aufgehoben werden. (GC 441)

The purity to which Hegel's "reine(m) Wege" refers is that of the Kantian ideas of reason, and in particular those of freedom and the moral law. Hegel now identifies the purity of such ideas, which casts them in a role opposite to that of the particular actions they potentiate, as an obstacle to the fulfillment of the goal that they announce. The best that such ideas can hope for is, according to Hegel, the consignment of action to an infinite, because unfulfillable, task. The most it can achieve is the formation of a reformed criminal or a grudgingly conscientious subject that may indeed act as it knows it *ought*, but which, in so doing, manifests nothing more than the continued rift that separates it from the law that it follows. The reform that the punishing law potentiates, the conscientiousness that it can bring about, cannot eliminate action's exceptional status with regard to the law, but can at best induce the successful disavowal of the law's structurally necessary abrogation, which is thereby however not done away with but, much to the contrary, made to appear in the form of the agent's unreconciled individuality or as a forgotten part of his being. "Durch die Ausstehen der Strafe," Hegel writes,

> …[ist] das Gesetz wohl… befriedigt, denn der Widerspruch zwischen seinem Ausgesprochenen Soll und zwischen der Wirklichkeit des Verbrechers, die Ausnahme, die der Verbrecher von der Allgemeinheit machen wollte, ist aufgehoben. Allein der Verbrecher ist nicht mit dem Gesetz… versöhnt…
>
> …eine Wirklichkeit kann nur vergessen werden, d. h. in einer andern Schwäche sich als Vorgestelltes verlieren, wodurch ihr Sein doch als bleibend gesetzt würde… (GC 440, 443)

Having internalized the law's absolute commandment and committing him or herself to do as he or she knows he or she ought, the penitent criminal relinquishes the desire to make an exception to the law and thus sublates the contradiction between his "Wirklichkeit" and "das Gesetz," but he or she is not him or herself thereby reconciled to the law he or she accepts. The unification of law and action that the Judaic and Kantian law envision is thus structurally

imperfect, according to Hegel, such that the perfection toward which the awareness of "ought" orients the subject cannot be attained, and its goal is and remains, for it, an infinite task. The highest form of conscientiousness possible within the context of such law thus takes the form of an interminable waiting; the Jewish and Kantian messianism is a messianism that is and must remain without a messiah.[103] The Jews are not contingently but rather of necessity hostile to the fulfillment of the law they follow. No direct passage from the dualism instituted by the Judaic law to the Christian reconciliation thereof will be possible without the prior transformation of the conflict Christianity confronts. It is this transformation, for Hegel, that the Greek concept of *Schicksal* potentiates.

The Battle of Life Against Life

If Christianity is to overcome the challenge posed by the Judaic messianism-without-messiah and the "Vereinen des Unvereinbaren" that underwrites it, it will need help from "sein(em) Schicksal." The difficulty, however, is that Christianity's "Schicksal" is quite evidently not "sein" in any simple sense, nor does the "Versöhnung des Schicksal," strictly speaking, belong to *Schicksal*, which is itself a form of conflict. The phrase "Versöhnung des Schicksal," rather, expresses a complex development through which "Schicksal," as a form of conflict Hegel derives from his reading of ancient Greek tragedy, once applied to the dualism Hegel finds operative in Judaic and Kantian judgment, opens onto a "Versöhnung" brought about by Christian love as it is revealed in the forgiveness of sins. Hegel writes,

[103] I borrow this formula from Derrida, who, in his reading of Marx and elsewhere, famously identifies the concept of "l'avenir" with that of a "messianisme désertique (sans contenu et sans messie identifiables)." In another context, I would like to consider the relationship between the futurity that Derrida's marks with this "sans" and impossibility of a perfect synthesis of law and action in Kant, which produces the bad infinity whose critique Hegel begins to formulate in the "Geist des Chrsitentums," though, as we shall see in our reading of the final passages of the *Phänomenologie*, he may not himself ultimately escape its pull. Of central importance here would be the relationship between "l'avenir" in Derrida and Kant's regulative idea, which Derrida himself at once recognizes, problematizes, and contintues to entertain. See Derrida, *Spectres de Marx*, 48; *Voyous*, 122-126; "Autoimmunity: Real and Symbolic Suicides," in *Philosophy in a Time of Terror*, 133-135.

> Vergebung der Sünden ist daher unmittelbar nicht Aufhebung der Strafen; denn jede Strafe ist etwas Positives, Wirkliches, das nicht vernichtet werden kann; nicht Aufhebung des bösen Gewissens, denn keine Tat kann ungeschehen gemacht werden, sondern durch Liebe versöhntes Schicksal. (GC 445)

This passage, which anticipates by fourteen years the role of forgiveness in the *Phänomenologie*, where it is an event through which a deed can indeed "ungeschehen gemacht werden," begins to clarify the role of "Schicksal" in preparing spirit for this aspect of love's intervention. The key lies in a modification of the relationship between action and law, as between particular and universal, which in their Judaic and Kantian configuration function to alienate the agent from the empirical residue of its own activity and thus lead the subject to experience the world it produces as "etwas positives, Wirkliches, daß nicht vernichtet werden kann." Whereas the relationship between law and action in the Judaic and Kantian tradition is, according to Hegel, like that between a master and slave, through which such positivity is fomented through the denial of similarity ("Wo der Mensch das Unvereinbare vereint, da ist Positivität," writes Hegel in the fragment on love and religion), the relationship between a tragic hero and his fate is like that between enemies, where no such fundamental disparity is present. And whereas in the Judaic and Kantian understanding of the relationship between law and action the opposition between universality and particularity remains insuperable, and bad conscience thus infinite, the tragic hero, in struggling against the hostile force of fate, does not come into conflict with an abstract universal but rather with a power in which universality and particularity are no longer opposed. Hegel writes,

> In dieser feindlichen Macht, ist auch das Allgemeine vom Besonderen nicht in der Rücksicht getrennt, wie das Gesetz als Allgemeines dem Menschen oder seiner Neigungen als dem Besonderen entgegengesetzt ist. Das Schicksal ist nur der Feind, und der Mensch steht ihm ebenso gut als kämpfende Macht gegenüber; dahingegen das Gesetz als Allgemeines das Besondere beherrscht, diesen Menschen unter seinem Gehorsam hat. Das Verbrechen des Menschen, der als unter einem Schicksal befangen betrachtet wird, ist dann nicht eine Empörung des Untertanen gegen seine Regenten, das Entlaufen des Knechts von seinem Herrn. (GC 442)

The shift from the mastery of the particular by the universal to the enmity of equals that Hegel here describes is not, in the first instance, a movement of reconciliation. Indeed, to the extent that it involves a shift from the governance or regulation of action to the express antipathy of actors, it appears at first as an aggravation of conflict. For Hegel, however, this aggravation potentiates reconciliation by equalizing the competing parties and thus displacing their conflict from a terrain split between the transcendental and phenomenal to the immanent domain of shared life. Hegel writes,

> …mit dem Schicksal scheint eine Versöhnung noch schwerer denkbar zu sein, als mit dem strafenden Gesetz… Aber das Schicksal hat vor dem strafenden Gesetz in Ansehung der Versöhnbarkeit das voraus, daß es innerhalb des Gebiets des Lebens sich befindet; ein Verbrechen unter Gesetz und Strafe dagegen im Gebiete unüberwindlicher Entgegensetzungen, absoluten Wirklichkeiten. (GC 442)

To the extent that conflict takes place "im Gebiet des Lebens," Hegel suggests, it is possessed of "Versöhnbarkeit," or the capability of being reconciled in a third, higher term (that of life itself). In order for this capacity to be realized, however, a process has to take place through which each party to the conflict becomes capable of recognizing the negated portion of his or her own originarily bifurcated "life" in the other.

Such recognition entails a hero's awareness that he or she produces his or her enemy through the positional, restrictive nature of his or her heroic act and thus consigns him or herself to whatever fate he or she endures at the hands of his or her enemy. Crucial here is that the terms opposed in this conflict are no less coconstitutive than in the Judaic and Kantian model. Just as, from the Judaic and Kantian perspectives, in Hegel's account, a criminal is defined by his or her relationship to the law he or she abrogates, so too the tragic hero exists only in relation to the hostile force that his or her self-defining act produces. But whereas, for Kant, action is always culpable because of the unbridgeable difference between freedom's unconditional universality and the particularity of every determinant act, for Hegel action is destinal because of the

differential relationship in institutes between the totality of "life" (Hegel uses "das Leben" and "das Ganze" interchangeably at various points in his essay) and the partiality of the acts that constitute that life. Thus, while in the Judaic and Kantian difference the transcendental term (freedom) remains static while the phenomenal term (action) changes, in the tragic "Gebiet des Lebens" conflict produces the life that reconciles it, whose negativity is accordingly constantly transformed and rendered determinant as the destiny of each heroic act.[104]

The difference between "das Gesetz" and "das Leben" is thus the difference between two forms of negativity, one of which reflects the unconditionality of Kantian freedom and the other the destinal nature of tragic action. For Kant, the freedom of self-determination must be understood as that of which an agent partakes, but also as that which cannot be attributed to him or her as such, for the reason that, as the absolute unconditionality requisite for the determination of responsibility, freedom must remain free of the particularity of the attributions it potentiates. If free acts are to appear as such, their freedom may be represented only through the negative resources of the sublime, since the freedom of the act must withdraw from the appearance thereof as the pure, unattributable attributability of that which is attributed. If freedom is to be the source of the agent's autonomy, it must itself remain autonomous from this agent qua determinate object as well. In the case of tragic action, on the other hand, "(ist d)as Schicksal […] entweder aus eigener oder anderer Tat entstanden" (GC 445). In other words, the partitioning of life constitutive of destiny is the act of an agent whose destiny is thereby determined. This difference between reason's transcendental freedom and subjectivity's immanent destination is, furthermore, decisive for the question of "Versöhnbarkeit." For according to Hegel, while in the Judaic and Kantian account of free action "Ursache und

[104] Hegel writes, "…das Verbrechen, das die Uebertretung eines Gesetzes ist, ist nur ein Fragment, denn außer ihr ist schon das Gesetz, das nicht zu ihr gehört; das Verbrechen, das aus dem Leben kommt, stellte diese Ganze, aber geteilt, dar; und die feinseligen Teile können wieder zum Ganzen zusammengehen." (GC 445)

Wirkung als schlechthin Getrennte nicht mehr vereinigt werden [können]," in the tragic account of destinal action "die Trennung, die *er* gemacht hat, kann vereinigt werden" (GC 443).

"Oh my enemies, there is no enemy"

Hegel's theory of destinal action lays out a logic of "Abtrennung," "Gegenüberstellung," and "Versöhnung" that stands in explicit contrast to the Judaic and Kantian "Trennung," "Entgegensetzung" and "Vereinen des Unvereinbaren," in particular as pertains to the meaning of the phenomena of enmity. Whereas, for Kant, the declaration of political enmity is morally coherent only as a defense of law against its criminal abrogation in international space,[105] the understanding of enmity Hegel draws from Greek tragedy takes the form of a bifurcation of life brought about by destinal action and, once understood thus, becomes intelligible as a mere moment within the larger dialectical process of life's fragmentation and reintegration, a process that the Judaic and Kantian criminalization of action blocks.[106] Whereas the Judaic and Kantian "Frieden der Not" relates law and action as master and slave, and thus, by instituting an irreducibly asymmetrical distribution of power, gives rise to a relation of insuperable hostility in the name of hostility's cessation, for Hegel the relationship to an enemy is merely the relationship to that aspect of the totality of life that an agent has sacrificed in acting as he or she has and thus becoming what he or she is—an aspect with which he or she may accordingly be reconciled.

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[105] See my analysis of Kant's writing on enmity in the first chapter of this dissertation.

[106] Carl Schmitt has no doubt become cognizant of dimension of Hegel's relationship to Kant when, in a letter to Alexander Kojève dated December 14, 1955, he asks the latter if there can be an enemy for Hegel at all, or whether the enemy is just a passing state of negation. Schmitt is referring to Kojève's reading of the passage of the *Phänomenologie* about Christ as representative of the unhappy consciousness that prefers to flee the world rather than fight for it on its own terms, and thus transforms the bodily, material world into a diabolical enemy. He is concerned with whether this enmity may be absorbed within the reconciling motion of the Hegelian dialectic, or whether it marks an unincorporable dimension of its form. Once Kojève has answered Schmitt's question with a rather predictable "yes and no" (the enemy is reconciled from standpoint of the absolute or "für uns," and not from the perspective of history as it unfolds "für es" or for embedded historical subjects), Schmitt's interest in the power of reconciliation in Hegel seems to take a different turn, for he now requests instruction regarding in Hegel's concept of tragedy (*Interpretation* 105-108).

In Hegel's own words, Judaic peace perpetuates hostility by instituting a relationship to the law that is "ein Gefühle der Ohnmacht gegen einen Herrn, mit dem der Verbrecher nichts gemein hat, und nichts gemein haben will," which can accordingly "nur Eigensinn bewirken, Hartnäckigkeit im Widerstand gegen einen Feind" (GC 444).[107] Tragic conflict, on the other hand, potentiates friendship because, in it, the enemy represents an aspect of the hero's own life, what Hegel refers to as the "einst freundliches Leben" that the heroic agent has, through his or her defining deed, "in einen Feind verkehrt," but which the hero can therefore come to recognize not simply as an enemy but rather as a life that has been lost. For Hegel, "Schicksal" is thus the name of an experience of antipathy in which that which stands over and against an acting subject is experienced as ontologically immanent to the production of his or her activity. Hegel can thus write of the agent of destinal action that "…das Schicksal […] das Bewußtsein seiner selbst (ist), aber als ein(es) Feindlichen" (GC 445).

Penitential Pleasure: The Beautiful Enemy and Longing for Lost Life

Hegel's theory of Schicksal would thus achieve, through the analysis of tragic action, precisely what Kant accomplishes in his analysis of the beautiful, namely an account of an experience of "Gegenständlichkeit" in which the subject apprehends the harmonization of universal and particular in the object as the residuum of its own activity reflected back to it. To experience an enemy as a representation of reconcilability would thus be to perceive his or her beauty. And yet the spectacle of tragic conflict as it is described at this moment in Hegel's analysis would accomplish at once more and less than Kantian beauty can, for while, in Kant's account of the beautiful, the subjective contribution of determinability appears to the subject that contributes it only in and as the pleasurability of the object, to which the subject attributes that

[107] Cf. Kant's description of the sublime as a feeling that "gibt uns zwar unsere physische Ohnmacht zu erkennan," thereby inspiring respect (VII 185).

which it itself accomplishes, for Hegel the tragic recognition of antagonists yields not a mere appreciation of a phenomenon qua autonomous object but rather "eine Sehnsucht nach verlorenen Leben" (GC 444). This "Sehnsucht" does not, furthermore, lead to immediate reconciliation with the other, but rather to the internalization of the hostility of the enemy, such that an antipathy that arrives from without translates into a propensity for self-sacrifice motivated from within.

It is thus that Hegel understands the "Gewissenhaftigkeit" with which early Christianity devotes itself to the performance of penitential acts. He writes,

> Das Schicksal, in welchem der Mensch das Verlorene fühlt, bewirkt eine Sehnsucht nach verlorenen Leben. Diese Sehnsucht kann… schon ein Besserung heißen, weil sie, indem sie ein Gefühl des Verlusts des Lebens ist, das Verlorene als Leben, als ihr einst Freundliches erkennt; und diese Erkenntnis ist schon selbst ein Genuß des Lebens; und die Sehnsucht kann so gewissenhaft sein, d. h. im Widerspruch des Bewußtseins iherer Schuld und des wieder angeschauten Lebens sich von der Rückkehr zu diesem noch zurückzuhalten, so sehr das böse Gewissen und das Gefühl des Schmerzens verlängern, und jeden Augenblick es aufreizen, um sich nicht leichtsinnig mit dem Leben, sondern aus tiefer Seele sich wieder zu vereinigen, es wieder als Freund zu begrüßen. In Opfern, in Büßungen haben Verbrecher sich selbst Schmerzen gemacht; als Wallfaher im härenen Hemde und barfuß bei jedem Tritt auf den heißen Sand das Bewußtsein des Bösen, den Schmerz verlängert und vervielfältigt, und einesteils ihren Verlust, ihre Lücke ganz durchgefühlt, andernteils zugleich dies Leben, obwohl als feindliches, ganz darin angeschaut, und sich so die Wiederaufnahme ganz möglich gemacht… (GC 444)

The form of experience proper to Christian "Versöhnbarkeit" differs markedly not only from Kantian beauty but from the beauty of Greek antiquity as well. Unlike Deukalion and Pyrrha's forgetting of nature's hostility in the manifestation of Gaia's uninterrupted purposiveness, or Cadmus and Daneus' employment of their own hostile energy in the service of an overriding erotic drive, or the tragic harmonization of universality and particularity in the sensible guise of equal enemies, Christian reconcilability restores spirit's integrity *not* as nature's immanence, but rather through the incorporation of the Judaic interruption thereof. Christianity's "Genuß des Lebens" is thus not an experience of the presence of a life but rather of a "Verlust des Lebens." "Sehnsucht," as the enjoyment of life proper to Christian reconcilability, is

accordingly a "Genuß" that is always mixed with "Schmerz." This "Schmerz" is, to be sure, different from that produced by the punishments of Judaic law. It is no longer "ein Gefühle der Ohnmacht gegen einen Herrn, mit dem der Verbrecher nichts gemein hat" but rather the "sich selbst Schmerzen" of penitential self-sacrifice, through which one appropriates to oneself the power to which one feels oneself subordinated. Yet this power manifests itself in the capacity to break with nature's immanence by subordinating the body to the will, the sensible to the supersensible, and the outer to the inner. Life's homecoming celebration is accordingly not "leichtsinnig," but, like the "Opfer( )" and "Büßungen" of self-excoriating "Wallfahrer mit härenen Hemde," appears as something that comes "aus tiefer Seele." The structure of this incorporation is thus at once similar to and different from the sublime subreption through which, according to Kant, the interruption of nature's purposiveness, which is first registered as a "Hemmung des Lebens," subsequently refers the subject to "ein Vermögen" that, though it "allen Maßtab der Sinnlichkeit (übertrifft)," thereby makes negatively palpable an ability "die Schranken der Sinnlichkeit zu überschreiten," of which the subject "sich vermögend fühlt… in anderer (praktischer) Absicht" (5: 255). The christological incorporation is just as interruptive of nature's immanence, but while the negatively pleasurable self-affection through which the imagination reveals reason's excess over the understanding demonstrates the power of a supersensible law that is "schon… außer ihr (GC 445)," the recognition, in the law's negativity, of the vengeful return of "verlorene(s) Leben" evacuates the law of this positivity. The reabsorption of the law's negativity within life thus entails life's immanent differentiation. Once the law's power has been incorporated and revivified as the power of an absence or interruption, the law remains in force, but becomes devoid of all content. It is for this reason that the "Anschauung" of "Leben" can be the feeling of "ihre(s) Verlust(s), ihre(r) Lücke… zugleich."

A Beautiful Soul

Hegel calls the beauty specific to the Christian reconcilability he analyzes—a beauty in which the attributes of the beautiful and the sublime appear momentarily united—"die Schönheit der Seele" (GC 447). This beauty of soul is embodied in Christian stoicism's renunciation of property, emphasis on inner reserve, and related emphasis on the severability of worldly relations, through which, Hegel writes,

> …der Verlust des Rechtes bleibt, der Schmerz aber verschwindet. Und so geht eine Aufhebung des Rechts ohne Leiden hervor, eine lebendige, freie Erhebung über den Verlust des Rechts und über den Kampf. Derjenige, der das fahren läßt, dem ein Anderer feindselig sich naht, das sein zu nennen aufhört, was der andere antastet, entgeht dem Schmerz über Verlust, er entgeht dem Behandeltwerden durch den andern oder durch den Richter, er entgeht der Notwendigkeit, den Andern zu behandeln; welche Seite an ihm berührt wird, aus der zieht er zurück, und überläßt nur eine Sache, die er im Augenblick des Angriffs zu einer fremden gemacht hat, dem Andern... denn sie (die Ehre) ist über diese Rechte so sehr erhaben… (GC 447-8)

Christianity's beautification of the sublime is manifest, here, in the alleviation of the pain of punishment. This pain, which Christianity incorporates as the pain of penitence, is alleviated as such through the justifying internalization of the law's negativity, which now appears as the strength of penitential action. Christianity can endure the exquisite pain it suffers, can indeed become anaesthetized to it, according to Hegel, because it can perceive its suffering as the result of its own decision. Hegel writes,

> …diese Unglück ist… nur dadurch [sein] Schicksal, daß [er] selbst mit Bewußtsein gemacht hat, und [seine] Ehre ist es, gerecht zu leiden… Und weil dies Schicksal in [seinem] Selbst liegt, so kann [er] es ertragen, ihm gegenüberstehen, denn [seine] Schmerzen sind nicht eine reine Passivität, die Übermacht eines Fremden, sondern [sein] eigenes Produkt. (GC 448)

By recognizing the pain that it endures as self-willed and, in this way, coming to recognize tormenting phenomena (those which "[er] kann… gegenüberstehen (kann)") as "sein eigenes Produkt," Christianity's "edle Natur" would simultaneously beautify, reconcile, and dissolve the conflict that shaped its "Schicksal." The conflict between law and action, the universal and the particular, that Christianity inherits from Judaism, would be reconciled in the

beautiful soul's conscientious relationship to itself, which retains the body only in a state of penitential denial, only as the appearance of a disappearance. In the purity of conscience's self-governance, the law no longer opposes that which it governs, and the universal no longer does violence to the particular to which it is applied, because these forms do not preexist the beautiful soul's sovereign relationship to itself, from out of which this noble nature's principles must always be derived anew. Since no positive law can stand over and against this sovereign self-affection, and no physical perturbation sway its resolve, this pure self-relation represents, according to Hegel, "die höchste Freiheit" (GC 449).

Hegel's analysis of the self-annulling pain of conscience thus echoes Kant's analysis of the sublime as the bridge between the sensible and the supersensible, the concept of nature and the concept of freedom. But, unlike the aesthetic apprehension of freedom in Kant's theory of reflective judgment, the freedom to which Hegel refers is not merely indirectly apprehended through a subreption but is rather immediately apprehended in and as the beauty of soul. "Die höchste Freiheit," Hegel writes, "ist das negative Attribut der Schönheit der Seele, d. h. die Möglichkeit auf alles Verzicht zu tun, um sich zu erhalten" (GC 449). In presenting itself with the beauty of the soul as that of the possibility of maintaining oneself through a self-imposed loss of everything, up to and including the loss of one's own life, Christianity would overcome the division between the finite and the infinite, the sensible and the supersensible, the statutory and the categorical, the beauty of rule boundedness and the sublimity of freedom, and the human and the divine, the insuperable opposition of which is characteristic of the Judaic and Kantian law alike. Christ's resurrection, as a "Wiedervermählung des Geistes und des Körpers" through which "der Gegensatz des Lebendigen und des Toten [verschwindet]," emblematizes this beauty. Hegel refers to the "Auferstandenen und dann gen Himmel Erhabenen" as "die gestaltete Liebe

in ihrer Schönheit," which presents nascent Christianity with an image of its own longing for lost life in a "Sehnen der Liebe" incarnate, thus providing it with a stable form "dessen Verehrung die Religion der Gemeinde ist" (GC 507).[108] But the beauty of soul that finds a stable representation in Christ's resurrection and ascent into heaven is already present, according to Hegel, in the harmonious ethical form of the "Gemeinde" itself, which Jesus refers to as the "Königreich Gottes." Hegel writes,

> Die Entwicklung des Göttlichen in den Menschen, das Verhältnis, in das sie durch die Erfüllung mit dem Heiligen Geiste mit Gott treten, seine Söhne zu werden, und in der Harmonie ihres ganzen Wesens und Charakters, ihrer entwickelten Mannigfaltigkeit zu leben, einer Harmonie, in welcher nicht nur ihr vielseitiges Bewußtsein in einen Geist, die vielen Lebensgestalten in ein Leben einklingen, sondern durch welche auch die Scheidewände gegen andere gottähnliche Wesen aufgehoben werden, und derselbe lebendige Geist die verschiedenen Wesen beseelt, welche also nicht mehr nur gleich sondern einig sind, nicht eine Versammlung ausmachen, sondern eine Gemeine, weil sie nicht in einem Allgemeinen, einem Begriffe, etwa als Glaubende, sondern durch Leben, durch die Liebe vereinigt sind – diese lebendige Harmonie von Menschen, ihre Gemeinschaft in Gott, nennt Jesus das Königreich Gottes. (GC 492)

The harmoniousness of the Christian "Gemeinde" expresses the nature of the "Verhältnis" of its members to one another. This "Verhältnis" is not mediated by "Allgemeinen" or "Begriffen," as in the context of Judaic and Kantian law. The members of the Christian "Gemeinde" are rather "durch Leben, durch die Liebe vereint." Just as the beautiful soul's conscientious relationship to itself circumvents the law's positivity by liquidating it, so too the relationship of each member of the Christian "Gemeinde" bypasses the law's abstract rigidity to live life according to the fluid dictates of love.

A Community in Love: of Children and Angels

Hegel's description of the harmonious relationality of beautiful souls as pre- or extra-conceptual unmistakably echoes Kant's definition of the beautiful as the feeling of a

[108] Cf. Comay (110-11); Spieght (94-121); Robert E. Norton, *The Beautiful Soul: Aesthetic Morality in the Eighteenth Century*. D.O. Dahlstrom, "die Schöne Seele bei Schiller und Hegel." For an exhaustive account of the many literary illusions contained in this section, as well as a bibliography of Hegel literature up to 1997, see Harris, *Hegel's Ladder, Vol. 2: The Odyssey of Spirit*.

harmonization of the universal and the particular in the absence of a pre-given concept for an intuition that presents itself. Indeed, just as for Kant the reflective judgment of beauty as such does not involve the determination of any distinct object, but rather the feeling of the harmonization of the universal and the particular, as of concepts and intuitions, prerequisite thereto, and only for this reason involves a feeling of universalizability and communicability, so too the "Harmonie von Menschen" that comprises the Christian "Gemeinde" does not involve the relationship of distinct individuals to one another—it does not constitute a "Versammlung" of objects according to their similar attributes, or of individuals who are "nur gleich," and thus cannot be restricted to any one ethnic or historically determined group. It expresses a rather different kind of unification. To relate to another "gottähnliche Wesen" is not to judge an object to be in possession of an attribute similar to that of a God or to that of another such "gottähnliche Wesen"; it is rather to sublate precisely the "Scheidewände" such attributes represent through the apprehension of "denselben lebendige(n) Geist" that "die verschiedenen Wesen beseelt." The beauty of the "Königreich Gottes" is accordingly not that of a group of determinate objects that are definitively "gleich," but rather that of an animating soul that is itself "einig," and its harmony not that of a society composed of distinct individuals but rather of a "Gemeinschaft in Gott."[109]

For Hegel, the beauty proper to the Christian "Gemeinde" accordingly finds its purest expression in the image of those least developed, and therefore most indeterminate of human souls—those who Christ calls "die Kinder," and in whose "reines Leben," he says, one ought to

[109] Hegel makes the difference between beauty and individuality that is operative in the passage explicit elsewhere "Der Geist des Christentum und sein Schicksal," when he writes "Was an Menge der Beziehungen, an Mannigfaltigkeit froher und schöner Bande verloren geht ersetzt sich durch Gewinn an isolierter Individualitäten, und dem engherzigen Bewußtsein von Eigentümlichkeiten" (GC 499).

be able to feel "mein Wesen" for the reason that their "Engel" exist in and as the apprehension of the "Anschauung Gottes" (GC 485). Hegel recites Jesus's words in *Matthew xviii*,

> ...wenn ihr nicht werdet wie die Kinder, so werdet ihr nicht in das göttliche Reich kommen… und wer in [ein solches Kind] sein reines Leben zu fühlen, das Heilige seiner Natur zu erkennen fähig ist, der hat mein Wesen gefühlt… verachtet nicht eins dieser Kleinen, denn ich sage euch, ihre Engel in den Himmeln, beständig schauen sie das Angesicht meines Vaters im Himmel.

Hegel then breaks off recitation and continues,

> Unter den Engeln der Kinder können keine objektiven Wesen verstanden werden; denn... ihr Sein, ihr Tun ist eine ewige Anschauung [Gottes]. Um den Geist, das Göttliche, außer seiner Beschränkung, und die Gemeinschaft des Beschränkten mit dem Lebendigen darzustellen, trennt Plato das reine Lebendige und das Beschränkte durch die Verschiedenheit der Zeit, er läßt die reinen Geister ganz in der Anschauung des Göttlichen gelebt haben, und sie im spätern Erdenleben nur mit verdunkeltem Bewußtsein jenes Himmelschen, dieselben sein. Auf eine andere Art trennt und vereinigt hier Jesus die Natur, das Göttliche des Geistes, und die Beschränkung – als Engel ist der kindliche Geist nicht als ohne alle Wirklichkeit, ohne Existenz, in Gott, sondern zugleich als Söhne Gottes, als Besondere dargestellt. Die Entgegensetzung des Anschauenden und des Angeschauten, daß sie Subjekt und Objekt sind, fällt in der Anschauung weg; ihre Verschiedenheit is nur eine Möglichkeit der Trennung; ein Mensch, der ganz in der Anschauung der Sonne versunken wäre, wäre nur ein Gefühl des Lichts, ein Lichtgefühl als Wesen. Der ganz in der Anschauung eines andern Menschen lebte, wäre ganz dieser andere selbst, nur mit der Möglichkeit ein anderer zu sein. (GC 485-486)

Like the members of the Christian "Gemeinde," to whom Hegel also refers as "Söhne Gottes," the children's angels "können keine objektiven Wesen verstanden werden." Hegel's apposition of his analysis of Angelic intuition with Plato's theory of anamnesis, in which he (Hegel) discerns a principle of "Gemeinschaft" between that part of the "Lebendigen" which, like Christian love, is "außer seiner Beschränkung," on the one hand, and the "Beschränkte" on the other, makes the link between the discussion of the ethical implications of Christian beauty and angelic intuition clear. Like the beauty of the soul, angelic intuition is not yet the relationship between a subject and an object but rather the harmonization of universality (the divine) and particularity (the child) that is prerequisite thereto; it accordingly does not yet involve the differentiation of the one who intuits and the intuition it has but is rather the mere "Möglichkeit" of their "Trennung." This "Möglichkeit," furthermore, though not a determinate object, is

nevertheless not without "Wirklichkeit" or "Existenz." It finds both, according to Hegel, in and as the judgment not of an object but of a power of judgment itself: in the intuition of intuition itself as the unity of "Anschauenden" and "Angeschauten," "Subjekt" and "Objekt," the repetition or redoubling of intuition that first makes the separation of a universal and a particular possible.

What angelic intuition intuits is just that which it is—when it intuits the sun, it is light, when it intuits another, it is that other. Just as the beautiful soul finds its "höchste Freiheit" in conscience's pure self-relation, so too angelic intuition perceives "sein reines Leben" in intuition itself. But, as the pure repetition of intuition's singularity, it is also the possibility of intuition's idealization or conceptualization, and thus of its objectification. Such intuition is accordingly not something opposed to conceptualization as a particular is opposed to a universal, but is rather a redoubling of intuition that harmonizes intuition's particularity and universality in advance: the (particular) angel intuiting the (universal) intuition of god as its own (particular) intuition.

In the passage that follows immediately upon that cited above, Hegel explicitly identifies angelic intuition with the judgment of the beautiful through a reading of Jesus's statements regarding group prayer. He writes,

> In einer andern Gestalt stellt Jesus diese Einigkeit dar; wo zwei eurer auf etwas einig seid, darum zu bitten, wird es euch der Vater geschehen lassen. Die Ausdrücke: bitten, gewähren, beziehen sich eigentlich auf Vereinigung über Objekte, für eine solche nur hat die jüdische Wirklichkeitssprache Ausdrücke. Das Objekt kann aber hier nichts anderes sein, als nur die reflektierte Einigkeit, als Objekt ist es ein Schönes, subjektiv die Vereinigung; denn in eigentlichen Objekten können Geister nicht einig sein. Das Schöne, eine Einigkeit eurer zwei oder drei ist es auch in der Harmonie dies Ganzen, ist ein Laut, Einklang in dieselbe, und ist von ihr gewährt, es *ist,* weil es in ihr ist, weil es ein Göttliches ist. (GC 486)

Here it becomes clear how Hegel's understanding of Christianity's supersession of the dualism characteristic of the Judaic and Kantian law through the beautiful soul's synthesis of the beautiful and the sublime remains indebted to Kant's aesthetics, and thus the extent to which

Hegel's text plays Kant's ethics and his critique of the power of judgment against one another. Hegel's description of the "Objekt" of group prayer, which he here identifies with that of angelic intuition as the pre-objective apprehension of the beautiful in an object expressing the subjective "Vereinigung" prerequisite to the appearance thereof, as a "reflektierte Einheit" corresponds with precision to Kant's definition of the beautiful as a form of reflective judgment in which the subjective harmonization of the universal and the particular appears in and as the beauty of an object, while his further association of the beautiful pre-objectivity of prayer as the locus of social "Einigkeit" echoes Kant's position on the universality of aesthetic judgment and identification of the beautiful with communicability.

A Love Without Object

With the beautiful soul's reconciliation of the particular and the universal, Christian theology, like Kantian aesthetics, thus achieves the "Kulminationspunkt iherer Synthese" as well, and hereby lifts itself above the conflict that gave shape and movement to its destiny. Angelic intuition and communal prayer's suspension of objectivity in the domain of judgment corresponds with the Christian stoic's resignation of worldly property, through which the beautiful soul, according to Hegel, "sich über alles Schicksal erhoben (hat)," such that he is "auf keiner Seite verwundbar" because "wie die schamhafte Pflanze sieht er sich bei jeder Berührung in sich, und ehe er das Leben sich zum Feinde machte, ehe er ein Schicksal gegen sich aufreizt, entflieht er dem Leben…" (GC 448). But for Hegel, the preference for flight over fight that subtends Christianity's reconciliation with the world contradicts the universality of the harmony it thereby attains. This flight is, to be sure, potentiated by the auto-anaesthetizing justification of pain as self-punishment, through which conscience achieves its autonomy. But the numbness to pain produced by the beautiful soul's penitential internalization of the law's negativity now

returns as the marker of an absence, the trace of an immemorial sacrifice, which is present to this soul as the "Leere" into which it withdraws. For the renunciation of property in the name of the beauty of soul is the renunciation of the beautiful soul's properties as well, that is to say of its existence in and as an individual human being, which the soul willingly sacrifices in order that it may be saved, but thereby enters into contradiction. Hegel writes,

> Um sich zu retten, tötet der Mensch sich; um das Seinige nicht in fremder Gewalt zu sehen, nennt er es nicht mehr das Seinige, und so vernichtet er sich, indem er sich erhalten wollte… Das Unglück kann so groß warden, daß ihn sein Schicksal, diese Selbsttötung in Verzichttun auf Leben so weit treibt, daß er sich ganz ins Leere zurückziehen muß… Die höchste Freiheit ist das negative Attribut der Schönheit der Seele, d. h. die Möglichkeit, auf alles Verzicht zu tun. Wer aber sein Leben retten will, der wird es verlieren. (GC 448-449)

The pure self-relation of conscience is at base nothing other than this suicidal act, through which the beautiful soul sacrifices its life so as to see it saved in the eyes of god. But the reconciliation of the universal and the particular, as of law and action, that it achieves hereby is not a reconciliation of life but rather the abandonment thereof.[110] The forgiveness that such abandonment potentiates—and forgiving is, Hegel reminds us, the scripturally mandated precondition of being forgiven—is no forgiveness at all, since "ein Gemüt, das so über die Rechtsverhältnis erhaben, von keinem Objektiven befangen ist, […] dem Beleidiger nichts zu verziehen [hat]" (449). In its attempt to elevate itself above struggle and above *Schicksal*, the beautiful soul does not reconcile the struggle constitutive of his fate but unwittingly posits yet another conflict and thus readies the ground for yet another struggle, thus prolonging and altering its fate beyond the final synthesis it feels it has achieved. Since the purity of conscience is predicated on the abandonment of all objective, determinant relationships in the world, its childlike innocence conceals a disavowed debt, and since the beautiful soul's reconciliation of destiny's struggle is indebted to this concealment, its elevation above fate is in truth the

[110] For an analyses of this passage adducing a Freudian logic of auto-castration, see Hamacher, "Pleroma – zur Genesis und Struktur einer dialektischen Hermeneutik bei Hegel" (173-175). Cf. Comay's reading of the beautiful soul of the *Phänomenologie* as a figure of melancholic auto-emasculation (119-124).

production of yet another destiny. “So ist mit der höchsten Schuldlosigkeit die höchste Schuld, mit der Erhabenheit über alles Schicksal das höchste unglückseligste Schicksal vereinbar” (GC 449), writes Hegel. The remainder of “Der Geist des Christentums und sein Schicksal” is devoted to the characterization of the struggle to which Christianity thus gives rise.

What the highest reconciliation of the Christian “Gemeinde” sacrifices, what the sublimely beautiful image of an earthly “Königreich Gottes” leaves outside its frame, is, according to Hegel, precisely the domain of objectivity that its angelic intuition of the beautiful potentiality of objects suspends—a domain that Hegel associates with politics as the empirical organization of groups of living individuals. Hegel writes,

> In der Liebe hat sich der Mensch sich selbst in einem andern wiedergefunden… ihre Freude vermischt sich mit jedem andern Leben, erkennt es an, aber zieht sich beim Gefühl einer Individualität zurück, und je vereinzelter die Menschen in Ansehung ihrer Bildung und ihres Interesses, in ihrem Verhältnis zur Welt stehen, je mehr Eigentümliches jeder hat, desto beschränkter wird die Liebe auf sich selbst; und um das Bewußtsein ihres Glücks zu haben, um sich selbst wie sie gern tut, es zu geben, ist es notwendig, daß sie sich absondert, daß sie sich sogar Feindschaften erschafft. Eine Liebe unter vielen läßt daher nur einen gewissen Grad der Stärke, der Innigkeit zu und fordert Gleichheit des Geistes, des Interesses, vieler Lebensverhältnisse, Verminderung der Individualitäten diese Gemeinsamkeit des Lebens, diese Gleichheit des Geistes kann aber, da sie nicht Liebe ist, nur durch ihre bestimmten stark gezeichnet Äußerungen zum Bewußtsein kommen; von einer Übereinstimmung in Erkenntnis, in gleichen Meinungen kann nicht die Rede sein; die Verbindung vieler beruht auf gleicher Not, sie stellt sich an Gegenständen dar, die gemeinschaftlich sein können, in Verhältnissen, die darüber entstehen, und dann in dem gemeinsamen Bestreben um dieselben, und gemeinsamer Tätigkeit und Handlung; sie kann sich an tausend Gegenstände gemeinschaftlichen Besitzes und Genusses und gleicher Bildung anschließen, und sich darin erkennen. Eine Menge gleicher Zwecke, der ganze Umfang der physischen Not, kann Gegenstand vereinigter Tätigkeit sein, in dieser stellt sich der gleiche Geist dar, und dieser gemeinsame Geist gefällt sich dann auch sich in der Ruhe zu erkennen zu geben, seiner Vereinigung froh zu sein, indem er sich in Freude und an Spiel sich selbst genießt. (GC 493-494)

Since love, as the pre-objective self-enjoyment of life, can only be happy in the absence of the objective world it inhabits, its attempt to end all hostility through the reconciliation of law and action, universality and particularity, in the pre-objective play of life runs into a contradiction, for it must separate itself from those aspects of spirit, of interests, of living relationships, and even from the individuality of the members of the Christian “Gemeinde,” and,

by opposing these to the life it is capable of recognizing as such, transform their representatives into enemies. Since love itself offers no tools for drawing such distinctions, furthermore, the community immersed in love can only articulate its own purity through recourse to the very attributes from which it flees. It accordingly abandons its pure apprehension of the "Einigkeit" of the beautiful for the "Gleichheit des Geistes, des Interresses," etc.. Love's pretense of purity thus dissolves, and the Christian "Gemeinde" reveals itself in its frailty against the backdrop of a "Gemeinsamkeit des Geistes" that "nur durch ihre bestimmten stark gezeichneten Äußerungen zum Bewußtsein komm(t)," a field of objectivity whose criteria for "Verbindung" are neither beauty nor love but rather "gemeinsame( ) Tätigkeit und Handlungen," "gemeinsame(s) Bestreben," "Besitz( ) und Genuss( )," "gleiche( ) Zwecke," and "physische( ) Not," and whose pleasure is not the pre-objective harmonization of the universal and particular but rather the enjoyment of this objectively mediated "gemeinsame(n) Geist(es)" and the "Ruhe" that derives therefrom. In all of this, the angelic intuition of beautiful souls has no part. Hegel writes,

> Die Freunde Jesu heilten sich nach seinem Tode zusammen, aßen und tranken gemeinschaftlich… sprachen zusammen von ihrem geschiedenen Freunde und Meister, beteten gemeinschaftlich, und stärkten einander in Glaube und Mut… Gemeinschaftlich zogen viele aus, ihres Glaubens und ihrer Hoffnungen andere Völker teilhaft zu machen… Außer diesem gemeinschaftlichen Genießen, Beten, Essen, Freuen, Glauben und Hoffen, außer der einzigen Tätigkeit für die Verbreitung des Glaubens, die Vergrößerung der Gemeinschaftlichkeit der Andacht, liegt noch ein ungeheures Feld von Objektivität, die ein Schicksal von dem vielseitigsten Umfange und gewaltiger Macht aufstellt, und an mannigfaltige Tätigkeit anspricht. In der Aufgabe der Liebe verschmäht die Gemeine jede Vereinigung, die nicht innigste, jeden Geist, der nicht der höchste wäre… Diese Beschränkung der Liebe auf sich selbst, ihre Flucht vor allen Formen, wenn auch schon ihr Geist in ihnen wehte, oder sie aus ihm entsprängen, diese Entfernung von allem Schicksal ist gerade ihr größte Schicksal, und hier ist der Punkt, wo Jesus mit dem Shicksal zusammenhängt und zwar auf die erhabenste Art, aber von ihm lit. (GC 495)

The beautiful souls, whose task it was to reconcile the Judaic law by beautifying its sublimity, are now those whose mode of being in the world appears "erhabenste" and accordingly least reconciled thereto. This reversal does not, however, contradict the beauty of the life they lead, but reveals the extent to which the synthesis of the beautiful and the sublime that

they have accomplished takes place within a field of aesthetic judgment that consigns an aspect of the existence in which they participate to oblivion, a field of objective relations which, having been cast outside of conscience's consciousness, can return to it only as a monstrosity. The "tausand Gegenstände gemeinschaflichen Besitzes und Genusses" and the "Verhältnisse( ), die darüber enstehen," appear to these souls as an "ungeheures Feld von Objektivität"—one in which they are incapable of recognizing the traces of their own activity, incapable of recognizing the harmonizing power of beauty and of love, and thus one with which they cannot feel themselves reconciled. This field makes itself known not through the manifestation of a love that is "außer seiner Beschränkung," nor as a beautiful intuition of the mere "Möglichkeit der Trennung," nor as a harmony in which "die Scheidewande gegen andere gottähnliche Wesen aufgehoben werden," but, much to the contrary, through "bestimmte( ) stark gezeichnete( ) Äußerungen," and it is accordingly in relation to this field that the beauty of soul appears as something sublime. The sublimity of the beauty of soul is that of the field of reflective judgment viewed from the perspective of determinant judgments.

The Abandonment of Worldly Things, or Political Suicide

Throughout the remainder of Hegel's essay, it becomes increasingly clear the extent to which it is this Kantian distinction between reflective and determinant judgment that provides the framework for Hegel's understanding of Christianity's "Schicksal." Hegel processes this distinction, first, through a meditation on the implications of Jesus's scriptural affirmations of the freedom of conscience for the field of justice, in which they introduce, according to Hegel, a distinction between judgments "in der Wirklichkeit" and judgments "in der Vorstellung;" between active punishment and mere abandonment to the darkness of non-belief; or between "Gewalt" and mere "Macht." Hegel writes,

> Das Richten selbst kann wieder von zweierlei Art sein, das Ungöttliche entweder nur in der Vorstellung oder in der Wirklichkeit zu berherrschen. Jesus sagt Joh. 3, 18/19: "Wer an den Gottessohn glaubt, wird nicht gerichtet; wer aber nicht an ihn glaubt ist schon gerichtet", weil er diese Beziehung des Menschen zu Gott, seine Göttlichkeit, nicht erkannt hat; und: "ihr Gericht ist ihre größere Liebe selbst zur Finsternis, als zur Wahrheit." In ihrem Unglauben besteht also das Gericht selbst. Der göttliche Mensch naht sich dem Bösen nicht als eine es beherrschende, unterdrückende Gewalt, denn der göttliche Menschensohn hat zwar Macht erhalten, aber nicht Gewalt, er behandelt, bekämpft der Welt nicht in der Wirklichkeit; er bringt ihr Gericht nicht als Bewußtsein einer Strafe bei. Was mit ihm nicht leben, nicht genießen kann, was sich abgesondert hat, und getrennt steht, dessen selbstgesteckte Grenzen erkennt er als solche Beschränkungen, wenn sie schon vielleicht der höchste Stolz der Welt sind, und von ihr nicht als Beschränkungen gefühlt werden, und ihr Leiden für sie vielleicht nicht die Form des Leidens, wenigstens nicht die Form der rückwirkenden Beleidigung eines Gesetzes hat; ihr Unglauben aber ist es, was sie in eine tiefere Sphäre setzt, ihr eigenes Gericht, wenn sie sich in ihrem Unbewußtsein des Göttlichen, in ihrer Erniedrigung auch gefällt. (GC 478)

The judgment of which the beautiful soul, here the "göttliche(r) Menschensohn," is capable is not one that applies to the world "in der Wirklichkeit," and accordingly does not take the form of a "Bewußtsein der Strafe" on the part of those judged.[111] The punishment of the unholy is, rather, immanent to the restricted form of judgment they enact. Like reflective and determinant judgment, these two forms of judgment are mutually restricted within their own domains: Jesus's judgment, as a judgment which merely consigns those who "[die] Beziehung des Menschen zu Gott, seine Göttlichkeit, nicht erkannt ha(ben)" and thus "mit ihm nicht leben, nicht genießen (können)" to the same unbelief they bring upon themselves is thus a "Macht" devoid of "Gewalt," a power that cannot externalize itself in action, which accordingly recognizes the "selbstbesteckte Grenzen" that the non-believers restricted mode of judgment erects, thus leaving the condemned unaware of their condemnation, unaware of what they lack, such that their "Beschränkungen… von ihr nicht als Beschränkungen gefühlt werden."

The punishment of those who cannot perceive the beauty of soul, in other words, is simply this "Unbewußtsein des Göttlichen," which remains as such unperceived by them, wholly

[111] Cf. Harris (*Development* 354). Oddly, Harris introduces the beautifual soul only to say that it does not "properly belong" to Hegel's essay, seeming to suggest the *Phänomenolgie* as its proper home (and thus late 18th century German letters as its proper historical referent) and yet grievously misinterprets the figure as one of forgiveness, whereas in the *Phänomenologie* the figure is, as we shall see, characterized by an absolute refusal of the forgiveness.

immersed as they are in a form of judgment that is predicated upon this restriction. Jesus's judgment thus does not, indeed cannot take place in the world that the judged inhabit, and this restriction, for Hegel, manifests itself in an abandonment of the world of determinant objectivity that he, for the first time, identifies as the domain of politics.[112] Jesus's abandonment of the world of political objectivity is apparent, according to Hegel, in his passive suffering at the hands of the state and declaration that the "Königreich Gottes" is not of this world. And yet the abandonment through which the soul thus clings to the beauty in which it finds its essence contradicts this essence as well, for in abandoning the political, the beautiful soul, according to Hegel, relinquishes "ein(en) Teil der Freiheit" that is constitutive of "de(n) negativen Charakter( ) eines Bundes der Schönheit." Hegel writes,

> Das Reich Gottes ist nicht von dieser Welt; allein es ist für dasselbe eine große Verschiedenheit, ob ihm diese Welt als entgegengesetzt vorhanden ist, oder nicht existiert, nur möglich ist. Da jenes der Fall war, und Jesus mit Bewußtsein vom Staate litt, so ist mit diesem Verhältnis zum Staate schon eine große Seite lebendiger Vereinigung, für die Mitglieder des Reiches Gottes ein wichtiges Band abgeschnitten, ein Teil der Freiheit, des negativen Charakters eines Bundes der Schönheit, eine Menge tätiger Verhältnisse, lebendiger Beziehungen verloren; die Bürger des Reiches Gottes werden einem feindseligen Staate entgegengesetzte, von ihm sich ausschließende Privatpersonen. (GC 498-499)

Though "Die Existenz des Jesus" thus appears, from the perspective of its end, as a "Trennung von der Welt" and as "Flucht von ihr in den Himmel; Wiederherstellung des leerausgehenden Lebens in der Idealität," others among Jesus' followers negotiate Christianity's fate differently. Through the formation of monastic orders, the beauty of soul carves out a space of relative autonomy for itself within the hostile state that it inhabits, thus bringing the difference between the two forms of judgment that hold sway in these two domains into high relief. Hegel writes,

[112] Cf Pippin (*Agency* 540-1). Pippin's suggests that the "dispute between Kant and Hegel about morality" turns on Hegel's criticism of Kant for excluding collaborative engagement with determinant objects as socially meaningful, but his account of this divergence is limited by a failure to recognize its derivation from Hegel's critique of Kant's theory of practical judgment.

> Das Schicksal Jesu war nicht ganz das Schicksal seiner Gemeine; da sie ein aus mehreren Zusammengesetztes war, die zwar in gleicher Trennung von der Welt lebten, so fand aber jedes Mitglied merhere ihm Gleichgestimmte, sie hielten sich zusammen und konnten sich in der Wirklichkeit von der Welt entfernen halten, und da damit des Zusammentreffens und Widerstoßens an ihr weniger war, so werden sie weniger von ihr gereizt… das Wesen ihres Bundes war Aussonderung von den Menschen, und Liebe untereinander; beides ist notwendig verbunden; diese Liebe sollte und konnte nicht eine Vereinigung der Individualitäten sein, sondern die Vereinigung in Gott, und in Gott allein, im Glauben kann nur das sich vereinigen, was eine Wirklichkeit sich entgegengesetzt, von ihr sich aussondert; damit war diese Entgegensetzung fixiert und ein wesentlicher Teil des Prinzips des Bundes; und die Liebe mußte immer die Form der Liebe, des Glaubens an Gott behalten, ohne lebendig zu werden, und in Gestalten des Lebens sich darzustellen, weil jede Gestalt des Lebens entgegensetzbar vom Verstand als sein Objekt, als eine Wirklichkeit, gefaßt werden kann. (GC 501-502)

Thus the beautiful souls who remain on earth after Jesus has flown from it in truth separate themselves from it as well. Though they continue to propagate Christ's message, they find "keine Aussöhnung" of the "Schicksal" Jesus's flight introduces. The unreconciled conflict between "Vereinigung in Gott" and a "Vereinigung der Individualitäten," from the beauty potentiated by the monastic orders' "Aussonderung von Menschen" and all possible "Gestalten des Lebens" as "Objekt" and "Wirklichkeit" is also manifest in the "Liebe" that binds such orders' members to one another, such that the limitation of this form of "Vereinigung" restricts not only its political aspect but its ability to transform itself into a stable religion as well. Hegel writes,

> …[die] Gemeinde… fand in ihrer Gemeinschaft, in ihrer Liebe ein Genuß, ein Reales, eine Art lebendigen Verhältnisses; nur da jede Beziehung dem Bezogenen entgegengesetzt, die Empfindung noch die Wirklichkeit, oder subjektiv ausgedrückt, das Vermögen derselben, den Verstand als sich Entgegengesetztes hat, so muß ihr Mangel in einem beides Vereinigenden ergänzt werden. Der Gemeine hat das Bedürfnis eines Gottes… [von etwas daß] zugleich die Empfindung, und Gegenstand ist; Empfindung als Geist.
>
> Ein Kreis der Liebe, ein Kreis von Gemütern, die ihre Rechte an alles Besonderen gegeneinander aufgeben und nur durch gemeinschaflichen Glauben und Hoffnung vereinigt sind, deren Genuß und Freude allein diese reine Einmütigkeit der Liebe ist, ist ein kleines Reich Gottes; aber ihre Liebe ist nicht Religion, denn die Einigkeit, die Liebe der Menschen enthält nicht zugleich die Darstellung dieser Einigkeit. Liebe vereinigt sie, aber die Geliebten erkennen diese Vereinigung nicht, wo sie erkennen, erkennen sie Abgesondertes. Daß das Göttliche erscheine, muß der unsichtbare Geist mit dem Sichtbarem vereinigt sein, daß alles in einem, Erkenntnis und Empfindung, daß eine vollständige Synthese, eine vollendete Harmonie, *daß Harmonie und das Harmonische eins sei*. (GC 504 [my emphasis])

The terms with which Hegel closes his description of Christianity's fate elucidate the extent to which this fate is that of reflective judgment. Christianity's withdrawal from politics and difficulty institutionalizing its faith as religion differently manifest the same unreconciled tension: that between "jede Beziehung" and "dem Bezogenen," between "Wirklichkeit" and the "Vermögen derselben," "Empfindung" and "Erkenntnis," between the "Einmütigkeit der Liebe" and the "Darstellung dieser Einigkeit," between "Vereinigung" and "Erkennen dieser Vereinigung," and finally, and perhaps most tellingly, between "Harmonie" and "das Harmonische." They manifest, in other words, the unresolved tension between reflective and determinant judgment as Hegel understands it.

In the second section of this chapter, I attempt to show that it is precisely this residual opposition to which Hegel returns in the *Phänomenologie des Geistes*, which, I suggest, represents Hegel's response to the demand for an account of "Empfindung als Geist" with which his analysis of the spirit of Christianity draws to a close, and through which he envisions the possibility for a reconciliation of the split between reflective and determinant judgment that Christianity's fate manifests. At the penultimate moment of the *Phänomenologie,* the beautiful soul, with which the "Giest des Christentums" closes, will return, though under very different historical auspices, to usher spirit in to the "absolute Wissen" that represents, for Hegel, the decisive move beyond Kant's "höchste Synthese" and the attainment of the philosophical vantage point upon which his philosophy will thenceforth unfold. In order to understand how Hegel accomplishes this transition, we will however have to reconstruct the process that leads to the reappearance of the beautiful soul in the context of the *Phänomenologie.*

II. Action's Reconciliation: the absolution of *Urteil* in the Hegel's *Phänomenologie des Geistes*.

After several years spent entertaining the possibility for an overcoming of the limitaitons of Kantian reflective philosophy through a transition to speculative philosophy in a post-Fichtean, Schellingian mode, Hegel returns to precicely the insight at which his earlier work, the "Giest des Christentums," had ended. Returning to a phenomenological mode of philosophical exposition with which he had begun to experiment in the "Geist des Christentums," Hegel's work now explicitly pursues the commitment to the thickness of experience he had timidly attributed to Schelling's positivistic readers in his letter of 1800 (See the "prelude" to this chapter), which he is now in a position to interpret as the very historicity of consciousness, whose slow development philosophy must patiently unfold if it wishes to attain a perspective that is truly absolute. But if "Geist" can attain absolution only in accounting for its own history in this way, it must first of all be able to provide an account of how it comes into the relationship with the world that it now seeks to understand. This account is contained, in the context of the *Phänomenologie,* in Hegel's theory of the tragic nature of a primordial act that first establishes such a relation—the tragic nature, that is, of the act of judgment.

Kollision: Tragic Action as *Ur-teilung*

In the introduction to the portion of the *Phänomenologie des Geistes* devoted to the analysis of "Geist," Hegel begins with an analysis of action as a way of coming into a relationship with actuality in which objectivity does not at first appear as a foreign thing opposed to the agent but rather as action's immanent resource and end. The world such action inhabits is not composed of inert matter that stands over and against action as a foreign material *upon* which one may act but is rather itself a totality of action. Action, Hegel suggests, is the name of a movement through which an agent comes into being by articulating a determinant relationship to

"Geist" as "die sittliche( ) Substanz," which appears to it as "das allgemeine Werk" in its totality or as "das Tun aller und Jeder." Hegel writes,

> Er ist das Selbst des wirklichen Bewußtseins, dem er oder vielmehr das sich als gegenständliche wirkliche Welt gegenübertritt, welche aber ebeso für das Selbst alle Bedeutung eines Fremden, so wie das Selbst alle Bedeutung eines von ihr getrennten, abhängigen oder unabhängigen Fürsichseins verloren hat. Die Substanz und das allgemeine, sichselbst-gleiche, bleibende Wesen, – ist er der unverrückte und aufgelöste Grund und Ausganspunkt des Tuns Aller und ihr Zweck und Ziel, als das gedachte Ansich aller Selbstbewußtseine. – Diese Substanz ist ebenso das allgemeine Werk, das sich durch das Tun Aller und Jeder also ihre Einheit und Gleichheit erzeugt, denn sie ist das Fürsichsein, das Selbst, das Tun. Als die Substanz ist der Geist die unwankende, gerechte Sichselbstgleichheit; aber als Fürsichsein ist sie das Aufgelöste, das sich aufopfernde gütige Wesen, an dem jeder sein eigenes Werk vollbringt, das allgemeine Sein zerreißt und sich seinen Teil davon nimmt. Diese Auflösung und Vereinzelung des Wesens ist eben das Moment des Tuns und Selbst Aller; es ist die Bewegung und Seele der Substanz und das bewirkte allgemeine Wesen. Gerade darin, daß sie das im Selbst aufgelöste Sein ist, ist sie nicht das tote Wesen, sondern wirklich und lebendig. (III 325)

Action is, at this stage in Hegel's analysis, an event of originary distribution in which an agent takes part in "die Bewegung und Seele der Substanz" by taking part of this substance as its own ("seinen Teil davon nimmt"), by acting "als…" or by playing the part of this part. The agent's particularization (its "Vereinzelung") is accordingly just its partaking in a partitionable totality by performing an apparently pre-existing part. As such partaking, this partitioning does not oppose a particular self to a universal substance, but rather poses this substance as the movement of an "allgemeine Werk" in which it takes part. The breaking up or tearing apart (zerreissen) of "das allgemeine Sein" is thus not, like the originary "Trennung" characteristic of Judaic ethics in Hegel's early writings, the introduction of a transcendental heterogeneity into the immanence of life, and the "gegenständliche… Welt" that the agent inhabits does not have the "Bedeutung eines Fremden… getrennten… Fürsichsein." Rather, the relationship between agent and object that ethical action institutes is "lebendig" in the sense that it retains both terms related within the horizon of an "allgemeine(s) Werk" as moments of the "Bewegung" of the spontaneous distribution of ethical substance. To the extent that action relates life to life in this way, it is structurally reminiscent of the concept of "Schicksal" that Hegel develops in "Der

Geist des Christentums und sein Schicksal." It should thus come as no surprise that Hegel derives the theory of action with which the section of the *Phänomenologie* devoted to the analysis of the development of "Geist" opens with an analysis of Greek antiquity, and in particular of the form of conflict found in attic tragedy.

Since action is only the gesture by which an agent takes part in the movement of substance's spontaneous partitioning by taking on this or that part as its own, it is, in the first instance, nothing other than this attribution, which institutes a difference between substance as "allgemeines Wesen" and "vereinzelte( ) Wirklichkeit." This relationship between universal and particular is however not fundamentally heterogeneous, as is legal regulation or punishment. Rather, since the difference between universal essence and individualized actuality expresses nothing but the movement of ethical substances' actualization, the relationship between universal and particular appears complementary and unproblematic. According to Hegel, the ethical agent produces this unproblematic unity of universal essence (the ethical substance) and particular actuality (itself) in the form of "sein Werk" and "damit als Wirklichkeit." This apposition of "sein Werk" and "Wirklichkeit" is telling. It suggests that Hegel is interested in the production of work not as an empirical event but rather as a form of judgment. An "act" is an event in which an agent attributes an aspect of the substance's activity to itself and thereby becomes conscious of this act's actuality as its own work, irrespective of empirical facts pertaining to the production of the object. Action, in other words, is not in the first instance the empirical alteration of the world, but rather the attribution of an alteration to an agent as its author.[113] Action is simply the agent's

[113] There has been much interest in Hegel's concept of action in recent years. Quante's *Hegel's Concept of Action* has prompted an anglo-american tradition of philosophical works on the topic, while others, such as Charles Taylor, have pursued the topic in other directions. Unlike those who follow in his wake, Quante's book does not presuppose the existence of empirically determinant subject who act, but rather considers action, as Hegel does, as constitutive of the one who acts. Action is constitutive of the one who acts because its basic form is that of the attribution of an event to a subject as its author, which first allows that author to appear as a being with distinct properties (31). Since the subject is fundametally structured by a minimally mediate self-relation (expressed in the Fichtean form, taken

consciousness of something actual as its own work. But consciousness, understood in this way, does more than it is conscious of. Hegel writes,

> Der Geist ist in seiner einfachen Wahrheit Bewußtsein und schlägt seine Momente außeinander. Die Handlung trennt ihn in die Substanz und das Bewustsein derselben… (III 327)

These two sentences do not describe two different actions, but rather articulate the differential structure of one and the same act. "Die Handlung" is, here, not something different from "Bewußtsein." Rather, "Bewußtsein," as that which "seine Momente außeinander (schlägt)," *is* "die Handlung" that "ihn [den Geist] in die Substanz und das Bewußtsein derselben (trennt)," and is *at the same time* the "Bewußtsein" *of* the "Substanz" from which it splits itself off. Consciousness is, in other words, both the act of partitioning and the awareness of that from which this act separates it and, in separating it, places it in a relationship of consciousness *of*…. Consciousness is not, however, conscious of what it *is* (the act of partitioning), but only of that to which it *relates* (substance). In consciousness's unconsciousness of its own being, in its lack,

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over by Hegel, of the I=I) that must pass by way of the same evaluative structures that others bring to bear upon it, a person lacks determinacy even for him or herself prior to such attribution, and is thus originarily consigned to the social. Through the process of his analysis, however, Quante retreats from the implications of this starting point and, in the second half of his book, shifts to a causal theory of agency that reduces the radical intersubjectivity of action to the empirical criticizability of the agent's perspective on his or her own deed. By abandoning the concept of action as constitutive of subjectivity, Quante severs it from its fundamental role as a motor of the phenomenological development of spirit in Hegel and thus elides the historicity of action. A more recent article entitled "Hegel's Planning Theory of Action," by reintroducing the originary bind of action and judgment, seems poised to recuparate the promising account the intersubjectivity of action with which his book begins. Here too, however, Quante reduces intersubjectivity to retrospective criticizability, indeed moving even further in the direction of an empirically oriented, pragmatic, and a-historical concept of action. The Anglo-American tradition that has followed in Quante's wake has continued this aspect of his work. Wood's "Hegel on Responsibility for Acts and Consequences," Pippin's "Hegel's Social Theory of Agency," Deligiorgi's "Doing without Agency: Hegel's Social Theory of Action," Spieghts, "Hegel, Narrative, and Agency," and Ludwig Siep's "The *Aufhebung* of Morality in Ethical Life," for example, all understand action as a socially constituted event of attribution, but do not understand this event as intself constitutive of subjectivity, tending rather to presuppose empirically existing, causal actors and thus eliding the historical dimension of Hegel's theory of action as that which first establishes a split between consciousness and the world that confronts it, on the basis of which all further empirically determinant acts become possible. Charles Taylor, in his "Hegel and the Philosophy of Action," takes the mediated act of self-perception to be fundamental to Hegel's concept of action, and furthermore takes Hegel's concept of action to be fundamental to his philosophy as a whole. His attempts to develop this concept of action in the direction of a theory of the relative "adequacy" of accounts, however, seems to presuppose the very causality he has left behind, and cannot, in any case, be squared with the irreducible plurality to which originarily social agents are consigned, much less with the irreducible historicity of forms of consciousness that, as we shall see, results from Hegel's concept of action as tragic. See also Terry Pinkard, "Freedom and the Lifeworld."

that is, of self-consciousness, furthermore, lies the seed of ethical spirit's entry into conflict with itself. Hegel writes,

> …in dem Auseinandertreten des Bewußtseins hat die einfache Substanz den Gegensatz teils gegen das Sebstbewußtsein erhalten, teils stellt sie damit ebensosehr an ihr selbst die Natur des Bewußtseins, sich in sich selbst zu unterscheiden, als eine in ihre Massen gegliederte Welt dar. Sie spaltet sich also in ein unterschiedenes sittliches Wesen, in ein menschliches und göttliches Gesetz. Ebenso das ihr gegenübertretende Sebstbewußtsein teilt sich nach seinem Wesen der einen dieser Mächte zu, und als Wissen in die Unwissenheit dessen, was es tut, und in das Wissen desselben, das deswegen ein betrogenes Wissen ist. Es erfährt also in seiner Tat sowohl den Widerspruch jener Mächte, worein die Substanz sich entzweite, und ihre gegenseitige Zerstörung, wie den Widerspruch seines Wissens von der Sittlichkeit seines Handels mit dem, was an und für sich sittlich ist, und findet seinen eigenen Untergang. (PG 328)

The simple unity of ethical consciousness, the synthesis of substance and action that it manifests, is thus predicated on the elision of self-consciousness. Indeed consciousness, in its simplicity, is this very elision, of which it must remain unconscious. Though consciousness is unconscious of the division between consciousness and unconsciousness, the "Auseinandertreten" that it is is nevertheless manifest to it, according to Hegel, "als eine in ihre Massen gegliederte Welt." The difference of which no consciousness can become conscious as such—namely the differentiation of substance that its action institutes—becomes manifest to consciousness, instead, in and as the difference between it and another consciousness. The difference between these two consciousnesses reveals to each the "unterschiedenes sittliches Wesen" to which they, as consciousness, relate, and which they, as ethical beings, enact. Self-consciousness thus does not appear to consciousness as what it is, as its relationship to itself, but arrives rather in the form of another consciousness that differs from the first as the two ethical substances they enact differ from one another. Since consciousness is the certainty of the universality of the ethical substance it enacts, this difference must appear to it either as an impossibility or a contradiction, and thus involves what Hegel calls a "Kollision." Hegel writes,

> Das sittliche Bewußtsein, weil es für eins derselben entschieden ist, ist wesentlich Charakter; es ist für es nicht die gleiche Wesenheit beider; der Gegensatz erscheint darum als eine unglückliche Kollision der Pflicht nur mit der rechtlosen Wirklichkeit. (III 343)

In the case of *Antigone*, from which Hegel draws the well known distinction between the "menschliches" and "göttliches Gesetz" to which he here refers, the tragic narrative, for both Antigone and Kreon, progresses from impossibility to contradiction. Sophocles' protagonists remain exemplars of ethical consciousness, however, only up to the point when contradiction is recognized as such. Since ethical consciousness, as the certainty of one's existence as a particular manifestation of a universal ethical substance, is manifest, for Hegel, in the pathetic unity definitive of tragic-heroic "Charakter," self-consciousness entails character's ruin through the dissolution of the form of ethical consciousnesses it represents. For, according to Hegel, ethical consciousness, "als Wissen," must remain "die Unwissenheit dessen, was es tut" if it is to reveal, through its conflict with another, "den Widerspruch jener Mächte, worein die Substanz sich entzweite" as tragedy, which is to say, through consciousness' "Untergang." Tragedy is thus ethical consciousness' crisis and "Sittlichkeit"'s passage beyond itself. Understanding what is at stake for Hegel in the structure of this crisis and the transition it potentiates requires further analysis of the nature of tragic conflict.

Self-Consciousness and the Loss of Character

Hegel's analysis of tragic action, of the "Charakter" to which such action gives rise and the "Kollision" that such characters foment, and of the way in which this "Kollision" brings about ethical consciousness's ruin, corresponds with precision to his analysis of the structure of "Shicksal" in his early theological writings. Just as Hegel defined "Schicksal" as a form of "Entgegensetzung" in which life comes into conflict with life in the form of an enemy, so too tragic "Kollision" is a conflict in and through which a "sittliche Wesen" comes into conflict with itself in the form of another, hostile consciousness. In both instances, conflict is retained within a horizon of immanence (that of "life" in the first instance and of the "sittliche(s) Wesen" in the

second), such that it holds out the potentiality of reconciliation. Just as the "Versöhnbarkeit" of the conflict constitutive of Christian fate, furthermore, appears in the pre-penitential internalization of the law's negativity as the pure power of conscience, so too the reconcilability of the tragic "Kollision" takes the form of "Schuld." But herein also lies an important difference between the reconcilability of Christian conscience and that of tragic guilt. Whereas the *Versöhnbarkeit* of Christianity takes the form of the internalization of the pure negativity of absolute universality (and is thus the reconcilability of Judaic law and action), the second takes the form of an awareness of the fragmentation of ethical substance through its appropriation and embodiment as such (and is thus the reconcilability of life with itself). Whereas, in the first instance reconcilability remains indebted to a power that infinitely exceeds its grasp, in the second self-consciousness is placed in relation to the infinitude of life as that with which it has always already broken, and which makes its absence felt not in the emptiness of a pure beyond for which one longs as for a permanently departed friend, but as the recalcitrance of an actual world of reified objects that stand over and against this self-consciousness. Such reconcilability accordingly does not present itself as an always only possible, and therefore practically impossible, perfection (as "ought"), but rather as a concrete problem to be confronted in the world.

The process through which ethical consciousness gives way to tragic self-consciousness involves the conflict between consciousness' experience of its resolve as an immediate manifestation of ethical substance and its becoming aware, through conflict with other such consciousnesses, of its exclusive individuality or irreducible oppositionality as a particular iteration of the universal ethical essence. Hegel writes,

> Hierdurch dann, daß einesteils die Sittlichkeit eigentlich in dieser unmittelbaren Entschiedenheit besteht und darum für das Bewußtsein nur das eine Gesetz das Wesen ist, andernteils, daß sie die

> sittlichen Mächte indem selbst des Bewußtseins wirklich sind, erhalten sie die Bedeutung, sich auszuschließen und sich entgegengesetzt zu sein. (III 343)

The "sittliche Mächte" are thus, according to Hegel, "in dem Selbstbewußtsein für sich, wie sie im Reiche der Sittlichkeit nur an sich sind." In other words, the previously noted difference between what consciousness *is* as an act and what it is *conscious of* falls away with self-consciousness. In becoming aware of what it is "an sich" (*Auschließen* and *Entgegensetzen*), ethical conscience not only accedes to self-consciousness, but also loses the self-certainty that defined it, thereby entering into a new relationship not only with itself but with the external world as well. Since ethical consciousness's self-consciousness tears it away from the perceived unity of its particular self and the universal ethical substance that it enacts, it comes to experience its own exclusivity as transgression, and its self-relation thus takes on the form of "Schuld." Since the world is no longer the expression of the ethical substance of which it partakes, but is now comprised of other consciousnesses whose difference from the first is the measure of its guilt, its relation to the world from which it has been separated is the consciousness of something no longer identical with, but rather newly opposed to, itself. Action's guilt and the world that stands over and against it nevertheless do not arise from outside of ethical consciousness but rather emerge out of the movement of ethical consciousness' immanent departure from itself in and as an act. Hegel thus writes that the "Gegensatz" that emerges with the experience of exclusiveness and guilt,

> …ist die Tat [des Selbstbewußtseins]. Denn dieses, eben indem es sich als Selbst ist und zur Tat schreitet, erhebt sich aus der einfachen Unmittelbarkeit und setzt selbst die Entzweiung. Es gibt durch die Tat die Bestimmtheit der Sittlichkeit auf, die einfache Gewißheit der unmittelbaren Wahrheit zu sein, und setzt die Trennung seiner selbst in sich als das Tätige und in die gegenüberstehende, für es negativ Wirklichkeit. Es wird also durch die Tat zur Schuld. Denn sie ist sein Tun und sein Tun sein eigenstes Wesen; und die Schuld erhält auch die Bedeutung des Verbrechens: denn als einfaches sittliches Bewußtsein hat es sich dem einen Gesetze zugewandt, dem anderen aber abgesagt und verletzt dieses durch sein Tat. (III 346)

Though ethical action already contains "an sich" the "Gegensatz" that self-consciousness makes explicit, this becoming-explicit for self-consciousness of what was merely implicit in consciousness' act does not leave consciousness itself unchanged, but rather fundamentally alters consciousness' way of being in the world. It does so by making consciousness conscious of itself as an agent (as "das Tätige") split off from the "gegenüberstehende… Wirklichkeit." Consciousness's consciousness of what it is, in other words, transforms it into self-consciousness as the consciousness of a subject standing in relation to an object. Though self-consciousness, furthermore, recognizes its own consciousness as the author of this split, it cannot undo what has been done or return itself to unconsciousness. Self-consciousness' characteristic act is thus not the reconciliation of the split consciousness institutes, but rather the transformation of the opposition implicit in ethical consciousness into an explicit opposition, which it experiences in and as the bounded nature of the self and the resultant positionality of its defining act—in the simple fact, Hegel writes, that consciousness "sich als Selbst ist und zur Tat schreitet." This agent's experience of itself as responsible for its own separation from the world is its "Schuld."

Pure Guilt

Self-consciousness' guilt, as the guilt of having separated itself from the world, is importantly *not* guilty for having committed some particular infraction or transgressed some positive law but rather for having first produced, through its self-constituting act, a split between subject and object in general as that between "Tätigkeit" and "Wirklichkeit." A further interpretation is always necessary for self-consciousness' transcendental guilt—the pure guilt of having first entered into a relationship with actuality—to take on the significance of a particular crime perpetrated within the world thus constituted, and for the subject to thereby come into relationship with the positivity that resists or punishes it, and in so doing to begin to unfold its

destiny in the world. The verb with which Hegel gives shape to the slide from guilt to crime is crucial in this regard. He writes that "die Schuld erhält auch die Bedeutung des Verbrechens." Self-consciousness's guilt thus "maintains," "retains," "supports," or "makes accessible" ("erhalten" means literally "to hold out our towards") guilt's manifestation as crime, but it is itself not yet the positive particularity of any existing crime.

Hegel's insistence on the difference between guilt and crime is informed by his critique of conscience in "Der Geist des Christentums und sein Schicksal," as is evident in the negative reference to the innocence of children with which he closes the *Phänomenologie*'s analysis of the act of self-consciousness:

> Die Schuld ist nicht das gleichgültige doppelsinnige Wesen, daß die Tat wie sie wirklich am Tage liegt, Tun ihres Selbst sein könne oder auch nicht, als ob mit dem Tun sich etwas Äußerliches und Zufälliges verknüpfen könnte, das dem Tun nicht angehörte, von welcher Seite das Tun also unschuldig wäre. Sondern das Tun ist selbst diese Entzweiung, sich für sich und diesem gegenüber eine fremde äußerliche Wirklichkeit zu setzen; daß ein solches ist, gehört dem Tun selbst an und ist durch dasselbe. Unschuldig ist daher nur das Nichttun wie das Sein eines Steines, *nicht einmal eines Kindes*. (III 346 [my emphasis])

The absolute denial of the innocence of children with which Hegel closes his analysis of the guilt of self-consciousness situates this analysis as an extension of his writing on angelic intuition in the "Geist des Christentums…," thus placing his analysis of self-consciousness' guilt within the context of the critique of the reconciling power of the beautiful soul and the synthetic capability of reflective judgment more broadly. In his earlier essay, the "reines Leben" of children represents the purity of conscience's relationship to itself and thus the pre-objective potentiality of the beauty of the soul. By denying innocence to even the youngest, and thus most pure (because least determinant) of children ("nicht einmal eines Kindes") in the context of *Sittlichkeit*, Hegel simultaneously makes the implications of his earlier analysis of conscience's exclusivity for angelic intuition explicit and links his analysis of the transcendental guilt of self-consciousness to that of the exclusivity of reflective judgment, with which his analysis of

Christianity's fate closes. The guilt of self-consciousness is, in other words, the infantile guilt of reflective judgment itself, of which tragedy becomes conscious. It is the guilt of a form of judgment that, albeit unknowingly, "sich für sich und diesem gegenüber eine fremde äußerliche Wirklichkeit [setzt]," which finds its highest expression (and end) in the "Religion der Kunst."[114]

The existence of an actuality opposed to consciousness' act, or an objectivity standing over and against the subject, does not precede the act but rather results from its positionality. Guilt is consciousness' awareness of itself as the agent of this bifurcating act, and is, as such, self-consciousness. Since consciousness has already accomplished its act prior to self-consciousness's awareness of it as such—since, in other words, the "self" of self-consciousness is always already in effect as the pre-conscious possibility of a consciousness thereof—this guilt appears at once unavoidable and insuperable to self-consciousness. To be innocent is just to be inactive, to have never been conscious in the first place, and thus to lack the possibility of self-consciousness. Through its absolute commitment to the guilt of subjectivity as such, Hegel's theory of destinal action draws very close to Kant's analysis of the constitutive impurity of action's motivation, which results, for Kant, from the insuperable finitude of subjective apprehension. But Hegel does so only so as to move beyond the insuperable dualism he sees in Kant's thought. The key difference is that between the conflict of the idea of freedom (i.e. the moral law) and determinant action, on the one hand, and the conflict of multiple consciousnesses, on the other. Reconcilability is not, in the latter context, the possibility of a return to innocence through aesthetic reflective judgment, or through the isolation of consciousness' pre-objective purposiveness, as it is in the latter, but rather a particular way of modifying guilt. It is not a retreat into reflective judgment, not the pre-objective play of the faculties in relation to one another, not the autonomous aesthetic judgment of the mere

[114] Cf Comay's account of Hegel's break with the "German ideology" in *Mourning Sickness*, especially 108-10, 128.

determinability of objects, but rather the concrete apprehension of consciousness' guilt *as such*, and thereby of the dialectical unity of reflective and determinant judgment.

The purest expression of the potential for reconciliation contained in the tragic representation of destinal action is, according to Hegel, to be found in Sophocles' *Antigone*, which Hegel counterposes, in this regard, to Sophocles' *Oedipus Rex*. The key lies in the difference between the nature of Sophocles' heroes' defining acts and the recognition of guilt that is potentiated by them. Hegel writes,

> Es kann sein, daß das Recht, welches sich im Hinterhalte hielt, nicht in seiner eigenthümlichen Gestalt für das handelnde Bewußtsein, sondern nur an sich, in der inneren Schuld des Entschlusses und des Handelns vorhanden ist. (III 348)

Such is the case for Oedipus, who, Hegel notes, is unconscious of any transgression at the moment he commits his act. Because of this ignorance, Oedipus' guilt exists only "an sich" and not "für sich," such that, for him, Hegel writes,

> Die Wirklichkeit hält… die andere, dem Wissen fremde Seite in sich verborgen und zeigt sich dem Bewußtsein nicht, wie sie an und für sich ist… die Tat [tritt also] in die Sonne, – als ein Solches, worin ein Bewußtes einem Unbewußten, das Eigene einem Fremden verbunden ist, als das entzweite Wesen, dessen andere Seite das Bewußtsein, und auch als die seinige, erfährt, aber als die von ihm verletzte und feindlich erregte Macht. (III 348)

Since Oedipus, when he acts, does not will the transgression of any law (and accordingly, as "handelnde Bewußtsein," does not confront "das Recht… in seiner eigenthümlichen Gestalt"), the fate that befalls him seems, to him ("für sich"), to emerge from an unknown that "die Wirklichkeit… verborgen (hält)," even as it is at the same time, for us or "an sich," a manifestation of the "innere( ) Schuld des Entschlusses und des Handelns." The "Kollision" of *Oedipus Rex* is thus one that binds "ein Bewußtes" to "ein Unbewußtes" as "das Eigene" is bound to "ein Fremdes." Though Oedipus, to be sure, accepts responsibility for his actions, and is thus representative of antiquity's obliviousness to intentionality in questions of guilt and its expiation, still the fact of his guilt appears, for him, to lie in unknown aspects of the external,

empirical world, and as this "lichtscheue Macht" remains something foreign to and fundamentally different from his conscious activity.[115] Antigone, in contrast to this, by willingly transgressing a law she finds illegitimate and thus willingly committing what she takes to be a just crime, knowingly arms a hostile power against herself. Indeed, perhaps nothing is more consistently striking to readers of Sophocles' tragedies than the fact that Antigone, unlike Oedipus, evidently knows her fate from the outset of the play and thus, in contrast to Oedipus' treatment of Teiresias, never once disagrees with Ismene's suggestion that she is "in love with death." That Antigone knowingly commits her crime, and that she, in this regard at least, wills the punishment she knows she will receive, means that her fate appears to her not as the result of her entanglement in unknown aspects of the external world that are foreign to the nature of her act but rather as the direct result of her deed, which she can accordingly come to understand as a manifestation of the partiality of her consciousness of ethical substance. Hegel thus writes,

> Das sittliche Bewußtsein ist vollständiger, seine Schuld reiner, wenn es das Gesetz und die Macht voher kennt, der es gegenübertritt, sie für Gewalt und Unrecht, für eine sittliche Zufälligkeit nimmt und wissentlich, wie Antigone, das Verbrechen begeht. (III 348)

Antigone's guilt is "reiner" than Oedipus's but not, as one might expect, because she is unaware of it. This is, rather, the case for Oedipus. Antigone's guilt is "reiner" because she is aware of the transgression she commits. Antigone's recognition of guilt thus does not involve the recognition of a conflict or discrepancy between consciousness and external actuality, or between willing and knowing, as in the case of Oedipus, but rather reveals a conflict between the will and itself, which is expressed as the positionality of action.

[115] Hegel explores this aspect of tragic heroic consciousness most fully in the *Grundlinien der Philosophie des Rechts* (VII 217-229).

The Diversity of Action

Through conflict, action thus appears to its agent (Antigone), or becomes "für sich" what it is "an sich": agency becomes self-conscious. Antigone's guilt is purer because the conflict into which she enters, which takes the form of self-consciousness, involves no necessary relation to empirical objectivity as a positive, autonomous domain. [116] But this reason involves a second dimension as well, which pertains to the form of judgment this apprehension of guilt entails. Antigone knows, according to Hegel, that she authors the power that opposes her, which her ethical consciousness arms against her when it splits her off from the pure potentiality of ethical substance as a positioned and thus partial agency. To the extent that she knows this, she knows that the essential difference between the external actuality that confronts her (the other ethical consciousness that opposes her, for example Kreon), and her own ethical consciousness is merely apparent. Her self-consciousness is the awareness that her deed, as ennacted, transforms itself into determinant objectivity that is also for others. For Hegel, this self-consciousness is manifest in the breakdown of the opposition between divine and human law as the laws of privacy, interiority, secrecy, and singularity on the one hand, and of publicity, exteriority, appearance, and universality on the other. Of Antigone's defining deed, Hegel thus writes,

[116] Cf Judith Butler's *Antigone's Claim*. Butler's compelling account of the political quandary represented by "Antigone's Claim" falters in its critique of this important moment in Hegel's reading. Following Miller in translating "reiner" with "more inexcusable," she suggests that Hegel is involved in "establishing the excusability of [Oedipus'] crime" and "the inexcusability of [Antigone's]" (33). This accordingly becomes part of Hegel's goal of "bid[ding] Antigone to acknowledge the legitimacy of [Kreon's] law" (34). But the "purity," rather than the "inexcusability," of Antigone's guilt does legitimate Kreon's law, but rather emphasizes Kreon's relative insignificance in the drama in which Antigone is involved. For Antigone, who freely chooses death and decisively courts "the impossible" from the start, Kreon and his law have become superfluous. For Hegel, it is not Kreon, but rather the fundamental split between the privacy and publicity of action (in other words, precicely the inherent split between mere doing and claiming that interests Butler in her analysis of Antigone's deed) that constitutes ethical consciousness' "Schicksal." This fate, furthermore, brings about the destruction of both sides. But only Antigone, who has from the start declared that her deed need not only be done but also claimed, is capable of confronting fate in its purity, for only she is capable of understanding the historicizing split of *Shicksal* as something that her act immanently produces. What she recognizes is accordingly not the legitimacy of Kreon's state, but rather the historicity of her own activity, which is essentially neutral with regard to the particularity of Kreon's perspective. It is this that, for Hegel, makes her guilt tragic rather than moral (her act is neither wrong or reprehensible from any absolute perspective).

> Die vollbrachte Tat verkehrt seine Ansicht; die Vollbringung spricht es selbst aus, daß, was sittlich ist, wirklich sein müsse; denn die Wirklichkeit des Zwecks ist der Zweck des Handelns. Das Handeln spricht gerade die Einheit der Wirklichkeit und der Substanz aus, daß die Wirklichkeit dem Wesen nicht zufällig ist, sondern mit ihm im Bunde keinem gegeben wird, das nicht wahres Recht ist. Das sittliche Bewußtsein muß sein Entgegengesetztes um dieser Wirklichkeit willen und um seines Tuns willen als die seinige, es muß seine Schuld anerkennen… (III 348)

Hegel's phrase "denn die Wirklichkeit des Zwecks ist der Zweck des Handelns" compresses, into the crystalline pregnancy of a single relative clause, the entirety of his dual critique of Kant's theory of reflective judgment and concept of the moral law whose power is registered therein—his critique, in other words, of the bad infinity of what always only "ought" to be the case, of the negative apprehension of this disjunction in the sublime, and of the restriction of freedom's apprehension to the subjective domain of reflective judgment. In becoming conscious of action's dialectical unification of "Zweck" and "Wirklichkeit," of ethical substance and objectivity, of essence and existence, as of the inwardness and privacy of ethical consciousness and the positivity of "wahres Recht," of absolute singularity and substitutability, particularity and universality—in becoming aware, in other words, of ethical consciousness' "Schuld"—ethical consciousness "verkehrt seine Ansicht" from the self-certainty of its enactment of ethical substance to self-consciousness as the consciousness of this dialectical unity of disunity.

The moment of ethical consciousness' self-consciousness is, for Hegel, the moment of "Versöhnbarkeit" proper to the phenomenological epoch of "Sittlichkeit." It is expressed not only in the "Vollbringung" of Antigone's deed, which simultaneously lays claim to the absolute secrecy of the unwritten law and to the singularity of the bond that it expresses *and* demands that this very claim be publicly proclaimed in the language of right, which is to say of equality, universality and substitutability (Hegel repeatedly states that Antigone's action "spricht" this aspect of its "selbst" "aus"), but also in the form of her express recognition of guilt, which Hegel

cites without attribution: “da wir leiden, anerkennen wir, das wir gefehlt.” For Hegel, this recognition of guilt, which represents ethical consciousness’ becoming self-conscious of its authorship of the hostile actuality it confronts, is the recognition of the structure of destinal action as such. With this recognition, tragedy has attained its highest point, for it has hereby recognized its own essence. The equanimity with which Antigone accepts her punishment derives from her recognition of the structure of guilt, which brings about her character’s demise qua self-certain character long before the tomb’s stone door rolls shut, as Sophocles’ frequent references to Antigone’s pre-carceral death-within-life make clear. Hegel writes,

> Dieses Anerkennen drückt den aufgehobenen Zwiespalt des sittlichen Zweckes und der Wirklichkeit, es drückt die Rückkehr zur sittlichen Gesinnung aus, die weiß, daß nichts gilt als das Rechte. Damit eben gibt das Handelnde seinen Charakter und die Wirklichkeit seines Selbst auf und ist zugrunde gegangen. (III 348)

In recognizing that the “Wirklichkeit” that opposes ethical consciousness is the result of its own “Fehler”—its mistaken belief in the simple universality of the law it expresses and consequent obliviousness to the irreducible partiality of its position—the ethical consciousness that accomplished the deed is ruined as such (“zugrunde gegangen”). For ethical consciousness consists in the immediate, quasi-natural bond to the law that it executes, which this “Anerkennung” destroys. Hegel writes,

> Sein Sein ist dieses, deinem sittlichen Gesetze als seiner Substanz anzugehören; in dem Anerkennen des Entgegengesetzten hat dies aber aufgehört, ihm Substanz zu sein; und statt seine Wirklichkeit hat es die Unwirklichkeit, die Gesinnung erreicht. (III 348)

The Rise of Objectivity

Ethical consciousness’ recognition of the “Wirklichkeit” that stands over and against it as the dialectical result of its own self-formative act, its recognition of objectivity, that is, as the appearance of what it has excluded from substance, puts an end to its experience of the world as coterminous with the universal ethical substance it enacts. In losing its self-certainty regarding

the simple unity of itself and the ethical substance it enacts, the heroic agent's "Charakter" dissolves. What takes its place in the eyes of self-consciousness is a form of consciousness that reflects the partiality of ethical-consciousness' act—namely what Hegel calls "Gesinnung" or disposition. Self-consciousness' consciousness of the positionality of its consciousness as the irreducible particularity of its disposition destroys the unity of knowledge and action definitive of ethical consciousness and, along with it, the experience of actuality as the immediate embodiment of activity. Ethical consciousness' consciousness of its disposition is accordingly also its consciousness of actuality as something different from the ethical substance that animates it, and is thus the emptying out of ethical consciousness itself. This emptying out is narrativized in the mutual ruin of conflicting ethical powers whose contest appears no longer as that between equally justified ethical-consciousnesses, but rather as that between equally unjustified individuals. Hegel writes,

> Die Bewegung der sittlichen Mächte gegeneinander und der sie in Leben und Handlung setzenden Individualitäten hat nur darin ihr wahres Ende erreicht, daß beide Seiten derselben Untergang erfahren. Denn keine der Mächte hat etwas von der anderen voraus, um wesentlicheres Moment der Substanz zu sein, Die gleiche Wesentlichkeit und das gleichgültige Bestehen beider nebeneinander ist ihr selbstloses Sein. (III 385)

Ethical consciousness experiences its ruin in and as its own "selbstloses Sein." This feeling of selfless being marks the moment at which ethical consciousness passes out of existence as such; and yet it is not merely negative. Rather, in the appearance of this selfless being, the appearance of ethical consciousness' disappearance, ethical consciousness registers the destinal nature of its constitutive act. "…[I]n der Tat sind sie als Selbstwesen," Hegel thus continues, "aber ein verschiedenes, was der Einheit des Selbst widerspricht und ihre Rechtlosigkeit und notwendigen Untergang ausmacht" (PG 385).[117] Through conflict with

[117] Much has been written recently on tragedy in Hegel. The literature on this topic overwhelmingly interprets the concept of tragedy in Hegel's works as a concept of reconciliation only, seeming at times to proceed as if Hegel's

another, the tragic "Charakter" is itself fragmented and thereby returned to the purity of its guilt in and as "Gesinnung." In the existence of another, hostile consciousness, ethical consciousness perceives the "Verschiedenheit" of its own "Tat," thereby assuming responsibility for the hostile power that confronts it and, in so doing, bringing about its own demise as the simple self-certainty of ethical consciousness. The tragic death of ethical consciousness is thus self-authored, even when it appears to be brought about by another. "Indem jeder selbst diesen Gegensatz hervorruft und durch die Tat auch das Nichtwissen sein Werk ist," Hegel writes, "setzt er sich in die Schuld, die ihn verzehrt" (III 349). Tragic *hamartia* is thus not, for Hegel, the result of a hero's extremity alone, but rather of the untenable coupling of the simplicity of ethical consciousness and the complexity of its self-constituting act. It is thus in the experience of the diversity of action as *Ur-teilen*, or as an event through which ethical consciousness emerges as a simple unity only through an immemorial sacrifice to which it remains unwittingly indebted, that

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account of *Antigone* were a mere prelude to absolute knowing, or as if we find Antigone, at its end, assimilated to a role as a private populator of Kreon's state, rather than as the auto-annihilation of ethical consciousness that installs a perpetual irony at the core of publicity. See for example Lydia Moland's interesting analysis of Hegel's exclusion of Schiller's *Wallenstein* from the category of the tragic; Russel Ford, "Tragedy, Comedy, Parody: From Hegel To Klossowski"; and Miguel de Beislegui "Hegel on the Tragedy of Thinking." In his well known seminars on tragedy, Lacan does much to promote this understanding of Hegel's reading of Sophocles when, in defending himself against an accusation of Hegelianism, he declares that Hegel nowhere appears weaker than in the sphere of poetics, in particular when it comes to *Antigone*, and cites as an example Hegel's suggestion that the tragedy represents a "conflict of discourses" that "move toward some sort of reconciliation." Lacan, one could say, appears nowhere weaker than in his differentiation of himself from Hegel in his reading of *Antigone*, for the basic claim of this reading—namely that Antigone is defined by her "beauty," which derives from the nature of a "split desire" of a "self-willed victim" that places her as "the intermediary between two fields that are symbolically differentiated," could not be closer to Hegel. Lacan, "The Essence of Tragedy" (243-259). Cf. Derrida, *Glas* (165-166). An alternative tradition far more sensitive to position of Hegel's reading of tragedy within his larger system, and in particular to its relationship to Attic comedy, is represented by George Battaille, "Hegel, la mort et le sacrifice"; Werner Hamacher, "(Das Ende der Kunst mit der Maske)"; and more recently Rodolphe Gasché "Self-dissolving Seriousness: on the Comic in the Hegelian concept of Tragedy." Cf. also the role of Polyneices corpse as a figure of the intransigent disjointure of time in Comay's *Mourning Sickness* and Gellrich, "Hegel: Conflict and Order," in *Tragedy and Theory: The Problem of Conflict Since Aristotle*, 23-93. For an attempt to bring Hegel's theories of action and tragedy together, See Speight "Arendt and Hegel on Action's Tragic Nature." As is characteristic of the Anglo-American approach to Hegel's theory of action, Spieght appreciates that the tragic structure of action in Hegel involves actions essential plurality, but reduces this plurality to retrospective criticizability in ways that foreclose an understanding of the relationship between action, Schicksal and the possibility of forgiveness.

the "absolute Recht" of "Schicksal" becomes manifest as the "negative Macht, welche beide Seiten verschlingt" (III 349).

Acts of Conscience: the Beautiful Autonomy of *Pflichtmäßigkeit ohne Pflicht* (and its Fate)

Action will not regain the simplicity that it hereby loses until the penultimate stage of the *Phänomenologie*, in which Hegel addresses the Kantian philosophy of "Gewissen."[118] Gewissen, according to Hegel, reconciles the split between "Zweck" and "Wirklichkeit" that Gesinning introduces. It does so, however, not by restoring the unity of sensation and ethical substance characteristic of "Sittlichkeit" but rather through the introduction of a new criterion for what counts as "wirklich." Gewissen's "Gewissheit"—its restoration of a self-certainty not seen since the bifurcation of ethical consciousness—derives not from the immediate apprehension of ethical substance in the world considered as a sensible "Werk" but is rather the "unmittelbare konkrete Gewißheit seiner selbst" (III 468). Hegel writes,

> Das Gewissen hat für sich selbst seine Wahrheit an der unmittelbaren Gewißheit seiner selbst. Diese unmittelbare konkrete Gewißheit seiner selbst ist das Wesen.

When conscience relates to itself in this way, furthermore, it is conscious of itself not as the author of an extrinsic, spatio-temporally determinate product but rather of the "moralische(s) Tun( )" of "Wissen" and "Überzeugung." The substance in which Gewissen relates to itself and in the context of which it attains self-certainty is accordingly not a world comprised of empirical objects but rather "die gemeinschaftliche(n) Element des Selbstbewußtseins… die Substanz, worin die Tat Bestehen und Wirklichkeit hat" (III 470). This element represents, according to Hegel, "das Moment des Annerkanntwerdens von den anderen," and is accordingly the social medium in which conscience's moral act is registered and reflected back to it. Within this context, the accomplishment of an act is not primarily an empirical event, and the success or

[118] Here I am in agreement with Comay, who sees in Hegel's reading of the Kantian philosophy of "Gewissen" "the final avatar of the beautiful freedom of a greece that never was" (104).

failure of action is not judged according to an act's consequences in the world. Rather, conscience's moral act is accomplished, it becomes "Seiende(s)," as soon as it becomes "Anerkannte(s)" as "Pflichtmässige(s)" (III 470).

"Pflichtmässigkeit" is recognizable not as the fulfillment of this or that particular "Pflicht," but rather in the "Überzeugung" through which conscience expresses its certainty of self. Indeed, for Hegel this reduction of "Pflicht" to "Überzeugung" is implicit in the concept of "Pflicht" as Kant influentially defines it. Hegel writes,

> Der seiner selbst gewisse Geist ruht als Gewissen in sich, und seine reale Allgemeinheit oder seiner Pflicht liegt in seiner reinen Überzeugung von der Pflicht. Diese reine Überzeugung ist als solche so leer als die reine Pflicht, rein in dem Sinne, daß nichts in ihr, kein bestimmter Inhalt Pflicht ist. (III 472)

Since the Kantian criterion for conscience's recognition of dutiful action is that an act be done not in external conformity with duty but for the sake of duty itself, or rather for the sake of the non-contradictory universalizability of maxims that the categorical imperative demands, duty itself, or what Hegel here calls "reine Pflicht," has no "bestimmte(n) Inhalt," and indeed can have no such "Inhalt" if its to remain consistent with itself. Determining that one acts out of duty alone always demands abstraction from the spatio-temporal particularities of individual acts and from the statutory positivity of laws that apply to such contingencies, which could never themselves be universalized as a rule for all action. Such particularities are, to be sure, always involved in the a posteriori motivation and accomplishment of acts, since without them action would have no sensible dimension and determinant acts would accordingly never take place. But such particular, sensible ends, which Hegel refers to here as action's "Inhalt," cannot themselves be duties, and acting toward them is not acting for the sake of duty alone. Since, furthermore, all motivation, and all cognitive reflection thereupon, involves such sensible prompts as the

determinants of "Neigung" or of objectivity, respectively, one can, strictly speaking, never know with certainty whether one acts, or has acted, for the sake of duty alone.

The difficulty here is similar to the one Kant addresses in the *Kritik der Urteilskraft* as the impossibility of the determinant judgment of rational (i.e. free) purposes. Here, as there, a middle term is needed to bridge the gap between the sensible and the intelligible, the phenomenal and the pre-phenomenal, as between "nature" and its "freedom." Hegel expresses this problem as the need for a bridge between conscience's spontaneity as the "absolute Negativität alles Bestimmten" that " aus sich selbst (bestimmt)" and the "Sinnlichkeit" of its defining activity as it takes place within the "Kreis des Selbst… worein die Bestimmtheit als solche fällt" (III 473)[119] What is required here, as in the case of the judgment of purpose, is a sensible presentation of the determinability of one thing by another, prior to or taken apart from any positive determination of that thing as an object of cognition. And just as, in the aesthetic evaluation of natural phenomena, this bridge is provided by the concept of a "Zweckmässigkeit ohne Zweck," so too in the case of conscience's moral evaluation of actions, Hegel's analysis suggests, the bridge must take the form of a "Pflichtmäßigkeit" that is, strictly speaking, without "Pflicht." Hegel writes,

> …das Gewissen [ist] von jedem Inhalt überhaupt frei; es absolviert sich von jeder bestimmten Pflicht, die als Gesetz gelten soll; in der Kraft der Gewißheit seiner selbst hat es die Majestät der absoluten Autarkie, zu binden und zu lösen. – Diese Selbstbestimmung ist darum unmittelbar das schlechthin Pflichtmäßige. (III 476)

Just as aesthetic judgment apprehends reason's spontaneity in the natural world not in manifest purposes but rather in a purposiveness without purpose, so too conscience recognizes the "Majestät der absoluten Autarkie" of its spontaneous "Selbstbestimmung" as a free moral

[119] Hegel writes, "Das Gewissen erkennt keinen Inhalt für es als absolut, den es ist absolute Negativität alles Bestimmten. Es bestimmt aus sich selbst; der Kreis des Selbst aber, worein die Bestimmtheit als solche fällt, ist die sogennante Sinnlichkeit" (III 473).

being not in the accomplishment of duties but rather in a dutifulness without duty. And just as, furthermore, the aesthetic judgment of purposiveness without purpose is not the determinant judgment of an object but rather the reflective judgment of the subjective harmonization of universal and particular prerequisite for the former, so too dutifulness is not the attribute of an empirically determinant act but rather the effect of a subjective state of "Überzeugung" that expresses the harmonization of the particular content and universal form of action. Hegel writes,

> Die seiende Wirklichkeit des Gewissens aber ist eine solche, welche Selbst ist, d. h. das seiner bewußte Dasein, das geistige Element des Anerkanntwerdens. Das Tun ist daher nur das Übersetzen seines einzelnen Inhalts in das gegenständliche Element, worin er allgemein und anerkannt ist und eben dies, daß er annerkannt ist, macht die Handlung zur Wirklichkeit. Annerkannt und dadurch wirklich ist die Handlung weil die daseiende Wirklichkeit unmittelbar mit der Überzeugung oder dem Wissen verknüpft oder das Wissen von seinem Zwecke unmittelbar das Element des Daseins, das allgemeine Anerkennen ist. Denn das Wesen der Handlung, die Pflicht besteht in der Überzeugung des Gewissens von ihr; diese Überzeugung ist eben das Ansich selbst; es ist das sich allgemeine Selbstbewußtseins oder das Anerkanntsein und hiermit die Wirklichkeit. (III 470)

Speaking One's Mind: Auto-Affective Echoes in "Das Geistige Element des Annerkanntwerdens"

Though dutifulness is not the attribute of an empirical act, the harmonization of particularity and universality it brings about is nevertheless to be understood, according to Hegel, as a kind of pre-empirical action. Hegel refers to it as "das Tun" that translates "seine(n) einzelnen Inhalt( ) in das gegenständliche Element, worin (es) allgemein und anerkannt ist." This act is accordingly not a particular empirical event to which a law may be applied, and which may through such application be deemed dutiful or not. Rather, since action only exists insofar as it is recognized as such, it involves "Annerkanntsein" and thus universality, ideality, and substitutability, from the start. Such an act is accordingly not in the first instance a particular physical occurrence. Rather, an act's appearance as such presupposes the "Überzeugung" of an agent, which, by determining the action's "Zwecke" within the "Element" of its potential universal "Dasein," establishes in advance the translatability of the act's "einzelnen Inhalt" into "das geistige Element des Annerkanntwerdens."

This "geistige Element" in which action's recognizability is, according to Hegel, not necessarily that of the external world of determinant objects. The "gegenständliche Element" in which conscience's act appears is comprised neither of determinant objects nor of infinite ideas; it is neither empirical nor spiritual, neither real nor ideal, and neither outer nor inner, but rather all of these at once. This "geistige Element" is, according to Hegel, "die Sprache" (III 478). Hegel writes,

> Wir sehen hiermit wieder die Sprache als das Dasein des Geistes. Sie ist das für andere seiende Selbstbewußtsein, welches unmittelbar als solches vorhanden und als dieses allgemein ist. Sie ist das sich von sich selbst abtrennende Selbst, das als reines Ich=Ich sich gegenständlich wird, in dieser Gegenständlichkeit sich ebenso als dieses Selbst erhält, wie es unmittelbar mit den anderen zusammenfließt und ihr Selbstbewußtsein ist; es vernimmt ebenso sich, als es von den anderen vernommen wird, und das Vernehmen ist eben das zum Selbst gewordene Dasein. (III 479)

Conscience's self-certainty is universal not as the empiricity of a belief shared by all—its universality is not psychological—but rather because the self-certain subject's relationship to itself as an object, which Hegel here expresses with the Fichtean formula I=I, takes place in the shared medium of language understood as the "Element des Daseins" that "allgemeine Anerkennen ist." Like ethical consciousness, which first places itself in relationship to others simply by virtue of the consciousness of the exclusiveness of its "Selbst," conscience's being for others is at this stage, for it, still merely implicit; it derives not from the empirical collusion of individual self-certainties with one another but rather from the form of conscience's relationship to itself as the self-certainty of I=I.

Since the self-relation of the "I", as "Wissen oder Überzeugung," is linguistically mediated, it is, even in the form of self-relation or reflection, implicitly universal or tacitly shared from the start. Language remains this element of the untroubled equality of all only so long as the universality it represents remains *implicit* as "das reine Allgemeine" and "Selbstheit Aller"—so long, that is, as it remains the medium of an autonomous dutifulness that is not yet or

is no longer the accomplishment of any determinant duty. Language, however, as the "zum Selbst gewordene Dasein" of conscience, is not only the pure universality of this dutifulness without duty; it is not only the pre-objective harmonization of action's particular content and universal form, nor the subjective state of "Überzeugung" in which this harmonization is expressed, but is also the external fulfillment of a particular duty through the completion of a determinant act within the world. Hegel writes,

> Darin aber, daß dies Rechte, was das Gewissen tut, zugleich Sein für Anderes ist, scheint eine Ungleichheit an es zu kommen. Die Pflicht, die es vollbringt, ist ein bestimmter Inhalt; er ist zwar das Selbst des Bewußtseins und darin sein Wissen von sich, seine Gleichheit mit sich selbst. Aber vollbracht, in das allgemeine Medium des Seins gestellt, ist diese Gleichheit nicht mehr Wissen, nicht mehr dieses Unterscheiden, welches seine Unterschiede ebenso unmittelbar aufhebt, sondern im Sein ist der Unterschied bestehend gesetzt, und die Handlung eine bestimmte, ungleich mit dem Elemente des Selbstbewußtseins Aller, also nicht notwendig anerkannt. (III 477)

Language, as the medium in which conscience's definitive self-certainty "vernimmt ebenso sich, als es von anderen vernommen wird," and in which conscience's being-for-itself accordingly converges with its being-for-others such that this diffuse "Vernehmen" itself appears as conscience's "zum Selbst gewordene(s) Dasein," simultaneously unifies conscientious individuals and splits their "Dasein" between two different capabilities. It (language as the existence of conscience) appears within Hegel's analysis as the common element of two different types of action. It is, furthermore, with the analysis of this split between two different capabilities and of the acts that manifest them that Hegel's historicization of the Kantian and post-Kantian philosophy of conscience draws closest to his early writing on the fate of Christianity. In the *Phänomenologie*, this split takes place between "(d)as Tun" of conscience, understood as "nur das Übersetzen seines einzelnen Inhalts in das gegenständliche Element, worin er allgemein und anerkannt ist" (III 470) and "dies Rechte, was das Gewissen tut" as "eine bestimmte… Handlung" that is "bestehend gesetzt" and accordingly "ungleich mit dem Element des

Selbstbewußtseins Aller" and "nicht notwendig anerkannt" (III 477). This split is articulated in virtually identical terms to those that, in the "Geist des Christentums und sein Schicksal," separate the beautiful "Laut" of communal prayer, understood as the manifestation of Christian love's unification of the universal and the particular in "eine( ) Harmonie, in welcher nicht nur ihr vielseitiges Bewußtsein in einen Geist, die vielen Lebensgestalten in ein Leben einklingen, sondern durch welche auch die Scheidewände gegen andere gottähnliche Wesen aufgehoben werden, und derselbe lebendige Geist die verschiedenen Wesen beseelt" (GC 486, 492) and the "gemeinsame( ) Tätigkeit und Handlung" that "sich an tausend Gegenstände gemeinschaftlichen Besitzes und Genusses und gleicher Bildung anschließen" and that, in this way, "ein ungeheures Feld von Objektivität, die ein Schicksal von dem vielseitigsten Umfange und gewaltiger Macht aufstellt, und an mannigfaltige Tätigkeit anspricht" (GC 495).

Conscience's existence as a unification of "sich vernehmen" and "von den anderen vernommen werden" thus echoes the unification "des Anschauenden und des Angeschauten" (GC 485) that Hegel sees in the Christian community's angelic intuition of its own essence.[120] At the same time, the description of the "vollbrachte Pflicht" whose determinant objectivity conscience's "Vernehmen" characteristically elides as "dies Rechte" echoes the earlier characterization of the positivity of politics as the blind spot of Christian ethics. In "Der Geist des Christentums und sein Schicksal," Christian love allows "de(m) Mensch(en) sich selbst in einem andern wieder(zu)finden" only insofar as the members of the "Gemeine… sich beim Gefühl einer Individualität zurück(ziehen)," thus giving rise to a "Königreich Gottes" that remains constitutively blind to "die Verbindung vieler" that "auf gleicher Not (beruht)" and that "sich an Gegenständen darstellt, die gemeinschaftlich sein können" (GC 478, 495). Christianity thus appears as a theologico-ethical association that "die Gemeine jede Vereinigung, die nicht

[120] For a brilliant analysis of this historical association, see Comay (110-114).

innigste, jeden Geist, der nicht der höchste wäre, (verschmäht)," thus denying its divine "Macht" worldly "Gewalt." It appears, in other words, as a power that "die Welt nicht in der Wirklichkeit" but rather in "der Vorstellung" alone "behandelt [und] bekämpft," such that "die Bürger des Reiches Gottes" are destined to appear "einem feindseligen Staate entgegengesetzte, von ihm sich ausschließende Privatpersonen" and the "Reich Gottes" itself can retain its integrity only in conceding that it is "nicht von dieser Welt" (GC 498-99).

Conscience Without Object: The Return of the Beautiful Soul

The language of conscience, like Christian love, appears as the element in which an individual conscience "unmittelbar mit den anderen zusammenfließt und ihr Selbstbewußtsein ist" only so long as it refrains from determining the general "Pflichtmäßigkeit" of "Überzeugung" through the lasting objectification of a "bestimmten Pflicht" in the form of a "bestimmten Handlung" that is "bestehend gesetzt." It appears as this element, in other words, only insofar as it, like the beauty of soul, remains the autonomous force that "keinen Inhalt für es als absolute (erkennt), denn es ist absolute Negativität alles Bestimmten" (III 473). It should thus come as no surprise when Hegel, in the *Phänomenologie,* depicts conscience's withdrawal from the domain of determinate objectivity in terms nearly identical to those he uses, in "Der Geist des Christentums und sein Schicksal," to describe Christ's "Flucht von [der Welt] in den Himmel" and "Wiederherstellung des leerausgehenden Lebens in der Idealität" (GC 498-499), as well as the "Flucht vor allen Formen" (GC 495) this "Trennung von der Welt" inspires in the "Gemeinde" that survives in the wake of Christ's ascension, crystallizing conscience's flight from the world in the image of "eine unglückliche sogenannte schöne Seele" that "als ein Gestaltloser Dunst (schwindet), der sich in Luft auflöst" (III 484). Nor is it mere coincidence that Hegel, likely extrapolating upon the not-so-hidden echo of Luther's "An den christlichen Adel

deutscher Nation" in Fichte's then recently delivered "Reden an die deutsche Nation," describes conscience's withdrawal from the positivity of law, and thereby from the institutionality of politics, as a kind of secular religion of the self, or as a "Gemeinde" devoted to the cultivation and preservation of conscience's pure spontaneity.[121] Hegel writes,

> Das Gewissen also in der Majestät seiner Erhabenheit über das bestimmte Gesetz und jeden Inhalt der Pflicht legt den beliebigen Inhalt in sein Wissen und Wollen; es ist die moralische Genialität, welche die innere Stimme ihres unmittelbaren Wissens als göttliche Stimme weiß, und indem sie an diesem Wissen ebenso unmittelbar das Dasein weiß, ist sie die göttliche Schöpferkraft, die in ihrem Begriffe die Lebendigkeit hat. Sie ist ebenso der Gottesdienst in sich selbst; denn ihr Handeln ist das Anschauen dieser ihrer eigenen Göttlichkeit.
>
> Dieser einsame Gottesdienst ist zugleich wesentlich der Gottesdienst einer Gemeinde, und das reine innere sich selbst Wissen und Vernehmen geht zum Momente des Bewußtseins fort. (III 481)

The religion of the self to which conscience gives rise, though predicated on a flight from "das bestimmte Gesetz und jeden Inhalt der Pflicht," is, to be sure, not without all actuality. Its actuality is rather that of the "Aussprechen seines Wissens und Wollens als eines Allgemeinen," which is reflected back to conscience's consciousness in the form of the "gegenseitige Versicherung" of the "Gewissenhaftigkeit" of the members of the "Gemeinde." This linguistic actuality is, however, restricted in a way analogous to the limited nature of angelic intuition in "Der Geist des Christentums und sein Schicksal." For conscience's experience of the world is a reflection upon the self in which there is no room for the apprehension of any resolutely external objectivity standing over and against the self, which accordingly does not offer consciousness any stable, autonomous objectivity or "Ansich" to which it may relate, but experiences actuality as the unreal, ghostly echo of "es selbst" in the fading, hollow repetition of its own "Rede,"

> …diese erschaffene Welt ist seine Rede, die es ebenso unmittelbar vernommen und deren Echo nur zu im zurückkommt. Diese Rückkehr hat daher nicht die Bedeutung, daß es an und für sich darin ist, denn das Wesen ist ihm kein Ansich, sondern es selbst; ebensowenig hat es Dasein,

[121] In his famous "Reden and die deutsche Nation," the author of the *Wissenschaftslehre* argues, approximately one year prior to Hegel's publication the *Phänomenologie*, and in the immediate aftermath of Prussia's momentous defeat at Jena and Auerstedt, for the pacific retention of German spiritual autonomy under French imperial rule through the continued investment of institutions of *Bildung*.

> denn das Gegenständliche kommt nicht dazu, ein Negatives des wirklichen Selbst zu sein, so wie dieses nicht zur Wirklichkeit [kommt]. (PG 483)[122]

The emptiness of this resonant world that conscience inhabits—a world that is nothing other than the perception of it, and is thus nothing in itself, nothing but the trace of the perceptual activity through which it is apprehended—is the emptiness of reflective judgment in general and of aesthetic judgment in particular. It is thus no mistake that Hegel sees in it the return of the "schöne Seele" (III 484) he analyzes in "Der Geist des Christentums und sein Schicksal." Of this returned soul, he now writes,

> Es fehlt ihm die Kraft der Entäußerung, die Kraft, sich zum Dinge zu machen und das Sein zu ertragen. Es lebt in der Angst, die Herrlichkeit seines Innern durch Handlung und Dasein zu beflecken; und um die Reinheit seines Herzens zu bewahren, flieht es die Berührung der Wirklichkeit und beharrt in der eigensinnigen Kraftlosigkeit, seinem zur letzten Abstraktion zugespitzten Selbst zu entsagen und sich Substantialität zu geben oder sein Denken in Sein zu verwandeln und sich dem absoluten Unterschiede anzuvertrauen. Der hohle Gegenstand, den es sich erzeugt, erfüllt es daher nun mit dem Bewußtsein der Leerheit; sein Tun ist das Sehnen, das in dem Werden seiner selbst zum wesenlosen Gegenstande sich nur verliert und, über diesen Verlust hinaus und zurück zu sich fallend, sich nur als verlorenes findet; - in dieser durchsichtigen Reinheit seiner Momente eine unglückliche sogenannte schöne Seele, verglimmt sie in sich, und schwindet als gestaltloser Dunst, der sich in Luft auflöst. (III 484)

In Hegel's account, the crisis of conscience is merely the phenomenological explication of Christianity's fate. The "Mitglieder des Reiches Gottes," dwelling in the reflective judgment of love's divine, harmonizing beauty, which appears to them as at once the highest freedom and actuality, sever "ein wichtiges Band" that connects them with the objective world and, by leaving the management of this world to "einem feindseligen Staate," lose "ein(en) Teil der Freiheit, des negativen Charakters eines Bundes der Schönheit" (GC 499). Similarly, conscience's immersion within its own perceptual activity, which it experiences as the essence of actuality, undermines the very universality it thereby claims through its suspension of the determinant judgment of

[122] A reference to Fichte's famous *Reden an die Deutsche Nation*, in which he evidently mobilizes his earlier theory, derived from a reading of the transcendental unity of apperception in Kant's first *Kritik*, of the autonomous self-affection of subjectivity in service of an argument for the possibility of a culturally autonomous Germany nation under French political rule, seems almost certain here.

objectivity and consequent abandonment of institutional positivity. Conscience's apprehension of "Wirklichkeit" thus appears as a flight therefrom; its world-formative activity as an inability to act; and the power of its judgment as an "eigensinnige Kraftlosigkeit." Conscience's "Tat," thrown back upon itself as the source of an empty objectivity, thus no longer appears to it as the essence of actuality but rather as a "Sehnen" thereafter, and a beauty that was present in the world gives way to the ghostly beauty of the soul's disappearance, the self-cancelling or "(g)estaltlose( )" beauty of an eclipse of consciousness in the immediacy of a self-consciousness whose moments have become "durchsichtig," and thus collapse immediately into one another in what Hegel refers to as "Dies stille Zusammenfließen der marklosen Wesenheiten des verflüchtigen Lebens" (III 484). At this moment, the crisis of conscience corresponds with the historically definitive fate of Christianity as described in Hegel's writings on this topic.

Conscience's Reconcilability

The *Phänomenologie*, however, pushes conscience's crisis beyond this final fate and the antithesis to which it gives rise, moving it toward a final reconciliation that will potentiate the notorious arrival at "absolutes Wissen." Unlike Christianity, conscience does not acquiesce to its final deportation to another, higher, supersensible world, for it is not a historical form of religious belief but rather a modification of judgment. As such, it must be considered in the form in which it remains and acts within the finite, sensible world. It does so, according to Hegel, by first exiting the crisis in and through which it suffers an absolute loss of consciousness through the institution of a split or antithesis between two different forms of consciousness: that of judging on the one hand and of acting on the other.

These two forms of consciousness represent Hegel's most direct attempt to appropriate and overcome the opposition between reflective and determinant judgment in Kant. For

conscience's "Tat" does not cease to exist as such merely because it is exposed as the production of an irreality. It rather ceases to count *as* action when it becomes aware of its act as a negation of the objectivity of determinant judgment and thus becomes disabused of its claim to be the positive essence of actuality as such. Conscience thereby loses consciousness of its act as universal actuality. In this way, conscience's dutifulness becomes opposed to the element of universality of which it believed itself to be an immediate expression, and hereby loses its identity as dutifulness. As the negation of each and every particular duty, dutifulness appears as a capricious particularity that refuses to recognize what is universal, and thereby as evil. Hegel thus writes of conscience that,

> Es gesteht sich in der Tat als Böses durch die Behauptung ein, daß es, dem anerkannten Allgemeinen entgegengesetzt, nach seinem inneren Gesetze und Gewissen handle. Denn wäre dies Gesetz und Gewissen nicht das Gesetz seiner Einzelheit und Willkür, so wäre es nicht etwas Inneres, Eigenes, sondern das allgemein Anerkannte. Wer darum sagt, daß er nach seinem Gesetze und Gewissen gegen die anderen handle, sagt in der Tat, daß er sie mißhandle. Aber das wirkliche Gewissen ist nicht dieses Beharren auf dem Wissen und Willen, der dem Allgemeinen sich entgegensetzt, sonder das Allgemeine ist das Element seines Daseins, und seine Sprache sagt sein Tun als die anerkennte Pflicht aus. (III 486)

Conscience thus becomes conscious of a contradiction between what it is ("dieses Beharren auf dem Wissen und Willen, der dem Allgemeinen sich entgegengesetzt") and what it declares itself to be (the universality of "Pflichtmäßigkeit"). But it can recover from this loss, and thus become "die Einleitung zur Auflösung des vorhandenen Gegensatzes," according to Hegel, through the reconceptualization of its act as the act of judgment, the consciousness of which it sets over and against the consciousness of action understood as a determinant intervention in the domain of finite, particular objectivity. The reconciliation of spirit thus becomes potential as the opposition of the consciousness of judging and the consciousness of acting, or as that between reflective and determinant judgment. Hegel writes,

> Dies Urteil aber hat zugleich eine andere Seite, von welcher es die Einleitung zur Auflösung des vorhandenen Gegensatzes wird. – *das Bewußtsein des Allgemeinen verhält sich nicht als*

> *Wirkliches und Handelndes gegen das erste – denn dieses ist vielmehr das Wirkliche –, sondern ihm entgegengesetzt als dasjenige, das nicht in dem Gegensatze der Einzelheit und Allgemeinheit befangen ist, welcher in dem Handeln eintritt*. Es bleibt in der Allgemeinheit des Gedankens, verhält sich als auffassendes, und *seine erste Handlung ist nur das Urteil*. (III 487 [my emphasis])

Conscience rescues itself from the crisis into which it has entered by relinquishing its claim to actuality. It thereby transforms itself from the immediate consciousness of the universal *as such* to the consciousness of the universal as the pre-active and thus pre-actual harmonization of particularity and universality. Hegel understands this universality as that of thought. It is as such not utterly without activity, but rather acts prior to "dem Gegensatze der Einzelheit und Allgemeinheit… welcher in dem Handeln eintritt." This action-without-act, which is for Hegel the "erste Handlung" of the "Allgemeinheit des Denkens," is "nur das Urteil." The opposition that conscience would hereby draw between judgment and action is, however, constitutively unstable for two reasons: The first is that conscience, which remains conscious of itself as "de(s) absoluten Willen(s) der Pflicht" and thus as "de(s) schlechthin aus sich selbst Bestimmenden," retains this pure universality by refraining from action, but hereby contradicts the concept of duty whose purity it seeks to defend, for "diese hat ohne Tat gar keine Bedeutung" (488). The second is that judgment, as conscience's action without act, abrogates its claim to universality through the act of opposing itself to the concrete, particular acts whose maxims it judges, which particularizes judgment itself and thereby contradicts self-understanding (III 488). Hegel writes,

> Dies beurteilende Bewußtsein ist hermit… Heuchelei, weil es solches Beurteilen nicht für ein andere Manier, böse zu sein, sondern für das rechte Bewußtsein der Handlung ausgibt, in dieser seiner Unwirklichkeit und Eitelkeit des Gut- und Besserwissens sich selbst über die heruntergemachten Taten hinaufsetzt und sein tatloses Reden für eine vortreffliche Wirklichkeit genommen wissen will. (III 489)

Since the consciousness of judgment refuses to recognize the partiality of its domain and thereby elides the particularity of its deed, insisting that the "Unwirklichkeit" of its "tatloses Reden" constitutes an autonomous, "vortreffliche Wirklichkeit" in its own right, its implicitly

self-contradictory existence becomes explicit in the form of "Heuchelei." The consciousness of judgment thus reveals itself as no different from the act that it judges, since it, no less than this concrete act, does something other than it claims to do, and thus makes evident a difference between the content of its speech and the actuality of its deed. The acting consciousness, which "sein bestimmtes Tun als Pflicht aus[spricht]," is nevertheless judged, on the basis of the particular determinations that its deed qua this sensibly determined action inevitably displays, as having acted not for the sake of duty alone, but rather in the interest of some "eigenützigen Zweck" (III 488). Similarly, judging consciousness, which "das Urteilen für wirkliche Tat genommen wissen will und, statt durch Handlung, durch das Aussprechen vortrefflicher Gesinnungen die Rechtschaffenheit beweist," nevertheless evidently contradicts this aim through the "Fehlen des Handelns überhaupt, dessen Notwendigkeit in dem Sprechen von der Pflicht liegt" (III 488). By judging the consciousness of action, in other words, the consciousness of judgment makes itself appear no different from that which it criticizes, for it, too, presents as universal what is in fact particular, and as absolute what is in fact positioned, and thus presents itself as internally riven by highlighting a discrepancy between what it does and what it means to do. The consciousness of action, furthermore, does not fail to recognize this similarity, and is accordingly inspired to confess its wickedness to the one who judges it, thinking that the judging consciousness will respond in kind.

This confession on the part of the consciousness of action is the moment of reconcilability proper to spirit's final reconciliation and the entry into what Hegel calls "absolute(s) Wissen," though this recognition is as yet still only one sided. It is the recognition of shared wickedness and shared hypocrisy and thus of the universality of insuperable particularity. The mutual recognition of such hypocrisy is, according to Hegel, the way to bring hypocrisy as

such to an end. Only the unmasking of hypocrisy as hypocrisy can reconcile the subject with itself by revealing to it the necessity of evil. As Hegel writes, "es muß zum Vorschein kommen, daß es böse ist und so sein Dasein seinem Wesen gleich [ist], die Heuchelei must entlarvt werden" (III 401). The verb "entlarven" aptly combines the denotation "to unmask or expose" with the etymological trace of a metamorphosis (ent-Larve), for it is spirit's final transformation that is at stake in this exposure. Were the judging consciousness to act as the acting consciousness expects, Hegel's text suggests, this reconciling reciprocal recognition would transpire forthwith. But the judging consciousness does no such thing, and Hegel's description of the process that follows from this interruption contains much that is of utmost importance for understanding the constitution of the "Absolutes" that will emerge out of spirit's reconciliation with itself.

The Silence of the Day

Rather than respond in kind to acting consciousness's confession, judging consciousness, according to Hegel, "stößt diese Gemeinschaft von sich," doing so, crucially, for the reason that the evil to which the acting consciousness confesses is, in Hegel's words, not what the judging consciousness *meant*. Hegel writes,

> Allein auf das Eingenständnis des Bösen: Ich bin's, erfolgt nicht diese Erwiderung des Gleichen Geständnisses. So war es mit jenem Urteilen nicht gemeint; im Gegenteil! (III 209)

Hegel's remark seems strange when one considers that he has already revealed the existence of the "beurteilendes Beuwußtsein" to be utterly devoid of any positive meaning. Simply by remaining a form of "Urteil," Hegel however suggests, the beurteilendes Bewußtsein still reveals one last intention—the pure intention of remaining "im Gegenteil." This pure opposition is the meaning of its meaningless act. According to Hegel, judging consciousness' rejection of the acting consciousness' confession is implicit in the structure of its judgment,

which characteristically separates the act's potentiality from its actuality, its inner *Überzeugung* from the outward articulation of a particular duty. Just as judging consciousness can thereby attribute pathological motives to even the most formally dutiful of acting consciousness's outward deeds, as when "die Handlung in das Innere hinein(spielt) und sie aus ihrer von ihr selbst verschiedenen Absicht und eigennützigen Triebfeder (erklärt)" (III 488), it can conversely rescue the purity of its own intentionality from the determinant positionality of its act. Indeed, the consciousness of judgment *is,* as the reflective judgment "ich=ich," the infinite deferral of the consciousness of action's confession "Ich bin's"; it is the interminable withdrawal of the "ich" from its positive determination as an "es." It is as such the negative power or "höchste Freiheit" of the subject's pure capacity for indeterminacy, which separates it from each and every predicate with which it may be coupled, and through the attribution of which it might become known. The consciousness of judgment does not recognize the equation implicit in the consciousness of action's confession, in other words, because it experiences its own essence as unrecognizability—as the pure "Pflichtmäßigkeit" of "die Pflicht selbst," which is a "jeden Inhalts fähige, inhaltslose Form" (III 488). Since it accordingly experiences this negativity as the potentiality of the positive, it remains unaware that its withdrawal from objectivity is an exclusion and accordingly involves it in a hypocrisy similar to that of which the consciousness of action becomes aware.

The consciousness of judgment's unrecognizability, however, also contains the seed of its eventual reconciliation with the consciousness of action. Hegel writes,

> Insofern nun der seiner selbst gewisse Geist als schöne Seele nicht die Kraft der Entäußerung des an sich haltenden Wissens ihrer selbst besitzt, kann sie nicht zur Gleichheit mit dem zurückgestossenen Bewußtsein und also nicht zur angeschauten Einheit ihrer selbst im Anderen, nicht zum Dasein gelangen; die Gleichheit kommt daher nur negativ, als ein geistloses Sein, zustande. Die wirklichkeitslose schöne Seele, in dem Widerspruche ihres reinen Selbst und der Notwendigkeit desselben, sich zum Sein zu entäußern und in Wirklichkeit umzuschlagen, in der Unmittelbarkeit dieses festgehaltenen Gegensatzes – einer Unmittelbarkeit, die allein die Mitte

> und Versöhnung des auf seine reine Abstraktion gesteigerten Gegensatzes und die reines Sein oder das leere Nichts ist –, ist also, als Bewußtsein dieses Widerspruchs in seiner unversöhnten Unmittelbarkeit, zur Verrücktheit zerüttet und zerfließt in sehnsüchtiger Schwindsucht. Es gibt damit in der Tat das harte Festhalten seines Fürsichseins auf, bringt aber nur die geistlose Einheit des Seins hervor. (III 491)

What prevents the consciousness of judgment from recognizing its similarity to the consciousness of action also prevents it from recognizing itself as existent in the world. What makes it oblivious to the consciousness of action, and what thus gives it the power to rebuff this other consciousness's expectation of reciprocity, robs it, in turn, of the "Kraft des Entäußerung des an sich haltenden Wissens ihrer selbst." This "Kraft," however, as the ability to achieve an "angeschaute( ) Einheit ihrer Selbst im anderen," is the essence of beauty itself, of which the "schöne Seele" thus evacuates itself. The beautiful soul's hard-hearted rejection of the consciousness of action's confession is, accordingly, just as much its negation of the beautiful world that it inhabits and the cancellation of its ability to recognize itself in and as the essential harmony of that world's constituent elements. Thus placing itself in the uninhabitable non-position of the "Widerspruche ihres reinen Selbsts und der Notwendigkeit desselben, sich zum Sein zu entäußern," the consciousness of judgment collapses inwardly upon itself. In order to preserve itself from the recognition that threatens its character, it drives itself into the abstract purity of an immediately disappearing irreality, the "leere Nichts" which is for Hegel the unreal, impossible object of a mad longing for nothing. But since, in this madness, the "ich=ich" collapses into a purely abstract immediacy and conscience thereby loses all consciousness of itself, the beautiful soul's descent into "sehnsüchtige( ) Schwindsucht" entails its tacit relinquishment of the "Fürsichsein" that subtends its obliviousness to the consciousness of action's confession. For Hegel, this relinquishment completes the reconcilability toward which the consciousness of action's confession moves.

In one of the most peculiar and controversial passages of the *Phänomenologie*, which follows immediately upon the paragraph cited above, Hegel accordingly writes,

> Die wahre, nämlich die selbstbewußte und daseiende Ausgleichung ist nach ihrer Notwendigkeit schon in dem Vorhergehenden enthalten. Das Brechen des harten Herzens und seine Erhebung zur Allgemeinheit ist dieselbe Bewegung, welche an dem Bewußtsein ausgedrückt war, das sich selbst bekannte. Die Wunden des Geistes heilen, ohne daß Narben bleiben; die Tat ist nicht das Unvergängliche, sondern wird von dem Geiste in sich zurückgenommen, und die Seite der Einzelheit, die an ihr, es sei als Absicht oder als daseiende Negativität und Schranke derselben vorhanden ist, ist das unmittelbar Verschwindende. (III 492)

The argument that follows upon Hegel's account of the consciousness of judgment's self-incurred descent into madness is among the strangest in the *Phänomenologie* for the reason that it interrupts the continuous explication of "Empfindung als Geist" that characterizes the remainder of his text at what is arguably its most important moment. For here one is told that spirit's final reconciliation with itself, of which no account has yet been given, was in fact already contained in the foregoing development. The consciousness of judgment's descent into madness, once properly understood, registers the movement by which "die Wunden des Geistes heilen, ohne dass Narben bleiben." By declaring that this reconciliation has taken place without providing an account of it, Hegel introduces a gap into his phenomenology of spirit, the palpability of which clashes with the image of a closed wound. In the passages that follow Hegel will construct a bridge that spans the canyon he has preferred preliminarily to leap over, but the question of this leap, as of its phenomenological necessity, will remain.

According to Hegel, the consciousness of judgment's descent into madness is "dieselbe Bewegung, welche an dem Bewußtsein ausgedrückt war, das sich selbst bekannte" (III 492). The consciousness of judgment's descent into madness, in other words, is tantamount to the consciousness of action's confession, which the consciousness of action is inspired to offer at the moment that it recognizes a hypocrisy analogous to its own in the consciousness of judgment. But how can this be? In the following paragraphs, Hegel gives a further clue as to the nature of

the union he proposes between these two terms. The consciousness of judgment's descent into madness is the same as the consciousness of action's confession because, as it turns out, the former has in fact recognized the other in its own madness. Hegel writes,

> [Die beurteilende] Bewußtsein entsagt aber dem teilenden Gedanken und der Härte des an ihm festhaltenden Fürsichseins darum, weil es in der Tat sich selbst im ersten anschaut. Dies, das seine Wirklichkeit wegwirft und sich zum aufgehobenen Diesen macht, stellt sich dadurch in der Tat als Allgemeines dar; es kehrt aus seiner äußeren Wirklichkeit in sich als Wesen zurück; das allgemeine Bewußtsein erkennt also darin sich selbst. – Die Verzeihung, die es dem ersten widerfahren läßt, ist die Verzichtleistung auf sich, auf sein unwirkliches Wesen, dem es jenes Andere, das wirkliches Handeln war, gleichsetzt und es, das von der Bestimmung, die das Handeln im Gedanken erhielt, Böses gennant wurde, als gut annerkennt *oder vielmehr diesen Unterschied des bestimmten Gedankens und sein fürsichseiendes bestimmendes Urteil fahren läßt*, wie das Andere das fürsichseiende Bestimmen der Handlung. (III 492 [my emphasis])

The consciousness of judgment's descent into madness is "dieselbe Bewegung" as the consciousness of action's confession, Hegel here suggests, because the consciousness of action, through its recognition of its own hypocrisy in the other and the confession thereof, relinquishes its self-certainty. In so doing the consciousness of action presents itself as a superseded immediacy, as a disappearance, or as what Hegel refers to as an "aufgehobene(s) Diese(s)," and thus as, in this regard, no different from the self-annihilation to which the consciousness of judgment has been reduced. The consciousness of judgment's reciprocation is accordingly implicit in its own loss of consciousness; its forgiveness of the other, Hegel writes, "ist die Verzichtleistung auf sich," is simply its doing-without-its-self, and accordingly its doing without the consciousness that defines it as the consciousness of judgment. Through this apprehension of its own unreality, the consciousness of judgment places its "Selbst" on the same level as the sublated actual deed that comes to define the consciousness of action. In doing so, it ceases to judge the thisness of this deed, its determinate particularity, as evil, or rather, Hegel crucially qualifies, it *ceases to perceive any difference between determinate thoughts and the determinant*

being-for-self of its own judgment ("vielmehr diesen Unterschied des bestimmten Gedankens und sein fürsichseiendes bestimmendes Urteil fahren läßt").

The consciousness of judgment's forgiveness, in other words, is nothing more than its recognition that its relationship to itself is not absolute, but rather determinant, exclusive, and positional, and that it is similar, in this regard, to the consciousness of action. The consciousness of judgment's forgiveness of the consciousness of action is the reconciliation of determinant and reflective judgment as Hegel has understood them. It is the movement in which action appears no longer as the interaction of essentially heterogeneous quantities, no longer as the action of a subject upon an object, nor the irreversible reification of the universality of the will through the accomplishment of a spatio-temporally determinate deed, but rather as the fluid and multidirectional modification of the single, homogenous element Hegel calls "Geist," whose capabilities subjectivity and objectivity are, and by which the latter may accordingly be "zurückgenommen" (III 492). It is this re-absorbability of the determinate particularity of acts within the movement of spirit that forgiveness demonstrates when it shows that "die Tat ist nicht das Unvergängliche… und die Seite der Einzelheit, die an ihr… vorhanden ist, ist das unmittlebar Verschwindende" (III 492). It is furthermore in this immediate disappearance of the determinate particularity of the act, which represents the reconcilability of the consciousness of judgment and that of action, that Hegel sees the "gegenseitige( ) Anerkennen, welches der absolute Geist ist" (III 493). But in what sense can this experience of immediate self-annihilation, the experience of an absolutely anterior negation or loss, be understood as an "Anerkennung?" How does consciousness become conscious of the loss of consciousness that is, Hegel suggests, its immanent condition of possibility? How can consciousness register its own

disappearance or end—and what is the nature of the "absolute Wissen" that can derive from consciousness's consciousness of the negation of consciousness?

This question is not foreign to Hegel's phenomenology of spirit's final reconcilability. To the contrary, it is evident in the silence with which the consciousness of judgment confronts the consciousness of action at the moment that it makes its confession, and by the asymmetry this silence introduces into the reconciliation it negatively potentiates.[123]

The "gegenseitige Annerkennung" that "absolute(r) Geist ist" represents the coincidence of two different developments that Hegel assimilates as aspects of "(der)selbe(n) Bewegung." These two developments are first, the consciousness of action's recognition of the *indeterminacy* of its deed, which derives from its originary involvement in the universality of judgment through the inward determination of ends or the extrinsic discernment of *Überzeugung*, and second, the consciousness of judgment's recognition of the determinant positionality of the judgment it took to be absolute, which derives from its suspension of the determinate objectivity of its judgment. But while the former recognition takes the form of the perception of a shared hypocrisy, the latter takes the form of an eclipse of consciousness, and while the former is expressed in the confession of the wickedness that it perceives in itself and the other alike, the latter takes the form of madness, understood as a withdrawal into the abstract purity of longing for nothing.

The consciousness of judgment's hard heartedness is thus manifest not in any voiced rebuke or otherwise expressed rebuttal, nor even in any inwardly articulated antipathy, but rather in mere obliviousness, muteness, and non-response. It is manifest, according to Hegel, in and as "Stummheit." The consciousness of action sees itself rebuffed by this non-response, but Hegel nowhere suggests that the consciousness of judgment is conscious of its obliviousness as rebuff.

[123] Cf. Bernasconi, "Hegel and Levinas: The Possibility of Forgiveness and Reconciliation"; Bernstein, "Confession and Forgiveness: Hegel's Poetics of Action".

The consciousness of judgment appears as "das harte Herz, das für sich ist und die Kontinuität mit dem anderen verwirft" not because it criticizes the consciousness of action but, to the contrary, because it refrains from acting as the latter does and thus "das Heraustreten seines Innern in das Dasein der Rede verweigert" and "dem Bekenntnisse… den steifen Nacken des sich gleichbleibenden Charakters und die Stummheit… entgegensetzt" (III 217). The consciousness of judgment's obliviousness to the consciousness of action's confession is the effect of its characteristic relation to itself, of its clinging to purity through the *Verweigerung* of speech and existence. But its act is strictly self-related. Its *Verweigerung* is intransitive.[124] It does not rebuff the other's speech, but simply refrains from externalizing its inwardness by speaking. Nowhere does it enter into a positive relationship with the other, not even at the moment of its crisis. The contradiction into which it enters is not made evident to it by another, but is rather implicit in its form as a self-certainty that is, as such, originarily in tension with the tendential sociality of its existence as self-knowledge.

Because the consciousness of judgment takes the form of "dieses einfache(n) Wissen(s) des Selbst," its self-certainty is destined to enter into crisis, since its relationship with itself, as self-knowledge, takes place in the shared medium of language. The consciousness of judgment thus implicitly abrogates its autonomy from the start, prior to any positive, empirical relationship with another. Judgment's clinging to the moment of its pre-objective, merely implicit sociality, which expresses itself in this consciousness' polyvalent "Stummheit"— its simultaneous obliviousness to the consciousness of action's confession of hypocrisy and related resistance to the discursive objectification of its self-knowledge as "Rede"—represents, for Hegel, the greatest revolt of the spirit of self-certainty. Hegel writes,

[124] Cf. Hyppolite's influential argument, in *Genesis and Structure of Hegel's Phenomenology of Spirit*, for the intransitivity of the reconciliation of *Gewissen*, which however elides the asymmetry of this event (596); and Comay's apt depiction of conscience's demise as an "implosion" (105).

> Es ist hier die höchste Empörung des seiner selbst gewissen Geistes gesetzt; denn er schaut sich als diese einfache Wissen des Selbst im Anderen an, und zwar so, daß auch die äußere Gestalt dieses Andern nicht wie im Reichtume das Wesenlose, nicht ein Ding ist, sondern es ist der Gedanke, das Wissen selbst, was ihm entgegengehalten [wird], es ist diese absolut flüssige Kontinuität des reinen Wissens, die sich verweigert, ihre Mitteilung mit ihm [d.i. mit dem handelnden Bewußtsein] zu setzen (III 490).

The consciousness of judgment's "Empörung" is thus, as Hegel describes it, a revolt without object. It is, as such, not a revolt *against* objectivity or objectification, since these too would be objects that would stand over and against it as something irreducibly foreign, something that could not be immediately assimilated as a modification of the self, but is rather the pure negativity of rebellion without a cause. Its revolt is not a rebellion against something, but merely its immersion within "diese absolute flüssige Kontinuität des reinen Wissens," which, in order to maintain itself as such, must remain oblivious to the reification that thought's distribution within the shared medium of language introduces into thinking prior to its externalization in the form of speech or of writing. It is conscience's unconditional cleavage to the untrammeled fluidity of thought's pre-objectivity that is, for Hegel, constitutive of its "Härte." This is what makes it deaf to the consciousness of action's confession. Hegel writes,

> Es ist es also selbst, das die Rückkehr des Andern aus der Tat in das geistige Dasein der Rede und in die Gleichheit des Geistes hemmt und durch diese Härte die Ungleichheit hervorbringt, welche noch vorhanden ist. (III 491)

The consciousness of judgment's revolt is manifest not in the form of open conflict but rather in the form of a delay or "[H]emm[ung]" that gives rise to an "Ungleichheit."[125] The "Ungleichhiet" of the consciousness of judgment and the consciousness of action expresses the act's delayed return from its determinate, particular objectivity to the indeterminant power from which it emerges, the hindered reabsorption of a determinant judgment into the pre-objective

[125] For a pertinent analysis of Hegel's use of the term "Hemmung" in Hegel's differentiation of the relationship to exteriority characteristic of animals and that characteristic of human beings, see Derrida, *Glas*, 26-7. For a sustained analysis of the function of delay in Hegel's thought more broadly, which brings this dimension of historical experience in Hegel together with a psychonalytically derived notion of traumatic experience, Comay throughout.

fluidity of thought that potentiates it. To the extent that this pre-objective fluidity is the act's potentiality, action's particularity does not preexist this hindrance. Rather, the consciousness of action qua consciousness of determinant objectivity results from the hindrance of the particular act's reabsorption within the fluidity of thought. The consciousness of judgment, as hardness of heart, is nothing other than this hindrance, but it does not recognize the object that is produced thereby as a product of its hindering activity, for this object does not reflect back to this consciousness the beautiful pre-objective harmonization of universality and particularity in which it sees its essence, but appears, rather, as a mere frozen thing, "im Reichtume," the petrified fossil of a forgotten event of harmonization, the palpability of which is eclipsed in proportion to the fixity of its objecthood. In such an object, the consciousness of judgment can perceive no trace of itself. It is for this reason that it "nicht die Kraft der Entäußerung des an sich haltendem Wissens ihrer selbst besitzt," and accordingly cannot "zur Gleichheit mit dem zurückgestoßenem Bewußtsein… gelangen." Since this consciousness can be the "einfache Wissen des selbst im Andere(s)" only where this "Anderen" takes the form of the "äußere Gestalt" of thought as the "absolut flüssige Kontinuität des reinen Wissens," it cannot find its essence, and can perceive no beauty, in the recalcitrantly extrinsic, fixed forms of empirical objectivity or in the determinant judgment thereof, and is accordingly powerless to reanimate these ossified sediments of harmonization's past. And yet this element of extrinsic objectivity is retained as the disavowed dimension of the very medium in which the consciousness of judgment reflects upon, and thereby accedes to knowledge of, itself—it is the unreflected form within which this self-certainty exists "in der Rede seines Urteils" (III 491).

Conclusion: Leaping Over the Present, or the Tragic Absolute

The *Versöhnbarkeit* proper to the *Phänomenologie*'s final *Versöhnung* thus does not take the form of an opposition between the empirical and the spiritual, the real and the ideal, or concrete action and reflection thereupon. Since the extrinsic objectivity in which the consciousness of judgment fails to perceive its own essence is, according to Hegel, just the effect of this failure itself (which, by hindering the return of determinant activity into its potentiality in the fluidity of thought, gives rise to that which stands as a foreign thing over and against it), the consciousness of judgment's reconciliation with the consciousness of action takes place not as the perceived unity of the empirical and the ideal or as a spiritualization of the real but rather as a reconciliation of cognition and silence, of objectivity and a lapse of consciousness that gives rise to objectivity. This identity is that of the "geistlose Einheit des Seins" that the consciousness of judgment discovers at and as the core of its madness and the "Wahre, nämlich selbstbewußte und daseiende Ausgleichung" (III 492) that Hegel assures us has transpired therein, while simultaneously omitting the phenomenology thereof. The placement of this lacuna is no mistake. Hegel has not become lazy at the moment of his thought's highest synthesis, as he criticizes Kant for doing. Rather, the gap he introduces into his account of spirit's reconciliation with itself illustrates the moment at which the *Phänomenologie des Geistes* catches up to itself, the moment at which what consciousness is "für es" and what it is "für



Woodcut, German 16th Century (Minerva with an Owl).

uns" coincide. At this moment, Hegel's text must accordingly perform what it would otherwise describe; it must enact the identity of cognition and silence, of consciousness and the loss or suspension of consciousness, at which its analysis has arrived. It must immerse itself, in other words, in the *Versöhnbarkeit* of its own historical consciousness, must undergo the tragic dissolution of its own contemporaneity, must be, in Hegel's well known words "ihre Zeit in Gedanke erfaßt" (II 26). Hegel's assertion that "Die Wahre, nämlich selbstbewußte und daseiende Ausgleichung […] nach ihrer Notwendigkeit schon in dem Vorhergehenden enthalten (ist)" is thus no short cut or sleight of hand, but rather the formalization of the delay that structures spirit's relationship to itself, the *Hemmung* that first gives rise to its distribution into the consciousness of action and that of judgment. The *Hemmung* that Hegel's text thus performs is that in which both reflective and determinant judgment find their common resource, and in which silence and cognition originarily interpenetrate. Thus if the well known "Eule der Minerva" (VII 28), as Hegel will write in the 1820 introduction to the *Philosophie des Rechtes*, "erst mit der einbrechenden Dämmerung ihren Flug (beginnt)," this is not because philosophy's "Grau in Grau" relates to history like an abstract universal extracted from something particular—like the method underlying the madness of apparently irreducible contingency—nor because action and judgment differ ontologically as the real differs from the ideal, but rather because judgment, as action, differs from itself.

Chapter Three

The Politics of Aimlessness in the Tragedy of Heinrich von Kleist

ODYSSEUS.

Sie muß, beim Hades! Diese Jungfrau, doch,
Die wie vom Himmel plötzlich kampfgerüstet
In unsern Streit fällt, sich darin zu mischen,
Sie muß zu einer der Partein sich schlagen;
Und uns die Freundin müssen wir sie glauben,
Da sie sich Teukrischen die Feindin zeigt…
Wir finden sie, die Heldin Skythiens,
Achill und ich – in kriegerischer Feier
An ihrer Jungfraun Spitze aufgepflanzt…
Ich jetzt: wie wir Argiver hoch erfreut,
Auf eine Feindin des Dardanervolks zu stoßen;
Was für ein Haß den Priamiden längst
Entbrannt sei in der Griechen Brust, wie nützlich,
So ihr wie uns ein Bündnis würde sein…
Doch mit Erstaunen, in dem Fluß der Rede,
Bemerk ich, daß sie mich nicht hört…
Bis jen' ihr schüchtern naht, und sie errinert,
Daß sie mir noch die Antwort schuldig sei.
Drauf mit der Wangen rot, wars Wut, wars Scham,
Die Rüstung wieder bis zum Gurt sich färbend,
Verwirrt und stolz und wild zugleich: sie sei
Penthesilea, kehrt sie sich zu mir,
Der Amazonen Königin, und werde
Aus Köchern mir die Antwort übersenden!

—Heinrich von Kleist, *Penthesilea*

Est-ce un hasard si, chaque fois qu'un "penseur" lance ainsi une flèche, il y a un homme d'Etat, une ombre ou une image d'homme d'Etat qui lui donne conseil et admonestation, et veut fixer un "but"?

—Gilles Deleuze and Félix Guattari, *Mille Plateaux*

Beim Tore hielt er mich auf und fragte: "Wohin reitet der Herr?" "Ich weiß es nicht," sagte ich, "nur weg von hier, nur weg von hier. Immerfort weg von hier, nur so kann ich mein Ziel erreichen." "Du kennst also dein Ziel," fragte er. "Ja," antwortete ich, "ich sagte es doch: 'Weg-von-hier' – das ist mein Ziel."

—Franz Kafka, "Der Aufbruch"

Prelude: The "unsichtbares Theater"

When the titular hero of Kleist *Penthesilea, ein Trauerspiel* returns to the camp of the Amazons after having vanquished Achilles upon the battlefield, the words with which her captains greet her emphasize not only the enormity but also the political illegibility of her deed. Rather than glory in the sublime accomplishment of their leader, the Amazons question Penthesilea's status as their sovereign representative; "Sie, die fortan keine Name nennt," as one

Amazon refers to Penthesilea, appears to the Amazons no longer as their queen, but rather as a vengeful ghost that has usurped the queen's role and rightful place—a "Hades-Bürgerin" who betrays her royal lineage,[126] and whose deeds disfigure the Amazons' intentions to the point of unrecognizability. "Was soll mir das?" the high-priestess asks, as Penthesilea lays Achilles' mangled corpse at her feet, and continues,

> Was soll die Leiche hier vor mir? Laß sie
> Gebirge decken, unzugängliche,
> Und den Gedanken deiner Tat dazu!
> War ichs, du – Mensch nicht mehr, wie nenn ich dich?
> Die diesen Mord dir schrecklich abgefordert? –
> Wenn ein Verweis, sanft aus der Liebe Mund,
> Zu solchen Greuelnissen treibt, so sollen
> Die Furien kommen und uns Sanftmut lehren! (SW 356)

The reception of Penthesilea's deed within the Amazon ranks uncannily foreshadows that of Kleist's own text within the literary context in which Kleist published it. What most alarms Penthesilea's underlings and Kleist's readers alike is not the simple fact of Penthesilea's triumph over Achilles, nor the feminine facility in war that it demonstrates, nor still the intervention in the epic corpus Kleist's inversion of the traditional outcome of the Amazon queen's mythic encounter with the Argives' unassailable hero represents, but rather the difficulty of identifying what motive underlies Kleist's hero's behavior.

Indeed, *Penthesilea*'s first readers find this aspect of Kleist's tragedy so disarming that the play's initial publication nearly ruins Kleist's reputation among the literary elite in Germany, who had both publicly and privately entertained hopes that Kleist might be Germany's next great playwright.[127] According to Goethe, who unsuccessfully stages a drastically altered version of Kleist's *Der zerbrochene Krug* in 1808, *Penthesilea* distills the most worrying tendency of Kleist's otherwise laudable talent. In letters to friends and to Kleist himself, Goethe laments that

[126] The high priestess declares: "Oh die gebar Otrere nicht! Die Gorgo/ Hat im Palast der Hauptstadt sie [Penthesilea] gezeugt!" (SW 354)
[127] For expression of this hope, see LS (82, 89, 91, 149).

Kleist's drama lacks a "dramatisches Motiv," which he defines as the clearly presented conflict that motivates the dialectical unfolding of plot. Goethe notes that, rather than present one with an act that establishes such motive and the dialectical "Entfalten" of "Handlung" that follows therefrom, Kleist's drama presents one with "eine Handlung" only as "eine vergangene," thus dramatizing not the interplay of determinant actions but rather the judgment of past actions that, in their absence, remain indeterminant. By substituting the judgment of action for the acts themselves, Goethe suggests, Kleist arrests the plot-flow proper to drama within a categorically un-dramatic "stationären Prozeßform." Thus, though Kleist's drama appears to Goethe as an "außerordentlicher Verdienst" permeated by a "gewaltsamer Gegenwart," it nevertheless seems to him almost unstageable, belonging not to the world of palpable plays but rather to "dem unsichtbaren Theater (LS 162)."

The "invisibility" to which Goethe refers is, of course, not literal; it refers neither to an absolute absence of action nor to narrative discontinuity, as Johannes Falk's reiteration of Goethe's critique suggests,[128] but rather to the absence of a dialectically structured "dramatische Aufgabe" that provides a framework for synthesizing disparate events as "Handlung." Goethe thus refers to an absence of action in a very specific sense. For Goethe, the mere presentation of events does not constitute action in the dramatic sense. Rather, to be dramatic, action must manifest structurally determinant motives—it is this that distinguishes acts from mere occurrences, as the purposiveness of fate is distinguished from the contingency of what merely

[128] Falk, who wrote a book about his own relationship with Goethe in which the discussion of Kleist's works figures prominently, nearly cites Goethe's critique when he writes of Kleist's *Zerbrochene Krug*, "Es fehlt eine von Augenblick zu Augenblick fortschreitende Handlung, die Seele des Dramas…," and continues "So wie demnach der Erdball rollt, und keinen Augenblick still steht, so soll auch die Handlung in einem echten Drama unablässig fortrollen, und keinen Augenblick still stehen" (LS 229). This trivialization of Goethe's complaint registers the importance of the arrestation of action to Goethe's reading but misses the target of Goethe's critique, which pertains not to the relative briskness of plot but rather to the motivation of action.

happens.[129] Thus *Penthesilea*—perhaps Kleist's most action-packed play, with its frenzied scenes of love and war—does not ameliorate but rather aggravates Goethe's misgivings. For although Penthesilea's deeds are witnessed and recounted in great detail by both Greeks, Amazon's, and indeed by Penthesilea herself, throughout Kleist's play, their presentation does not elucidate what motivates her, but rather elaborates the effects of the impossibility of determining any such motivation. For Goethe, this foregrounding of suspended judgment not only makes Kleist's tragedy "unsichtbar" in the sense he describes, but furthermore likens it to a religious posture that is inherently antithetical to drama—namely messianic waiting. In a letter to Kleist on February 1, 1808, Goethe writes,

> Mit der Penthesilea kann ich mich noch nicht befreunden. Sie ist aus einem so wunderbaren Geschlecht und bewegt sich in einer so fremden Region daß ich mir Zeit nehmen muß, mich in beide zu finden. Auch erlauben Sie es mir zu sagen (denn wenn man nicht aufrichtig sein sollte, so wäre es besser man schweige gar) daß es mich immer betrübt und bekümmert, wenn ich junge Männer von Geist und Talent sehe, die auf ein Theater warten, welches da kommen soll. Ein Jude der auf den Messias, ein Christ der aufs neue Jerusalem, und ein Portugiese der auf den Don Sebastian wartet, machen mir kein größeres Mißbehagen. (LS 200)

Goethe's response to Kleist's text is illuminating not only because it assimilates the deemphasis of action and foregrounding of the judgment thereof to a messianic tradition, but also because it vividly evokes the effect this theatrical messianism has upon the experience of the present. Like Odysseus in the opening passages of Kleist's play, Goethe experiences the indecipherability of Penthesilea's motives as an interruption of the possibility of determining a relationship either of friendship or of enmity with her. Penthesilea is, for Goethe, an object toward which he feels neither antipathy nor sympathy, but rather an inability to decide between

[129] Goethe elaborates upon the difference between actions [Thaten] and occurrence [Begebenheiten] in *Wilhelm Meister's Apprenticeship,* when, in the voice of Wilhelm, he writes, "Im Roman sollen vorzüglich Gesinnungen und Begebenheiten vorgestellt werden; im Drama Charaktere und Thaten," and furthermore links this difference to that between contingency and necessity: "So vereinigte man sich auch darüber, dass man dem Zufall im Roman gar wohl sein Spiel erlauben könne; dass er aber immer durch die Gesinnungen der Personen gelenkt und geleitet werden müsse; dass hingegen das Schicksal, das die Menschen, ohne ihr Zutun, durch unzusammenhängende äußere Umstände zu einer unvorgesehenen Katastrophe hindrängt, nur im Drama statthabe" (*Werke* 182).

the two ("Mit der Penthesilea kann ich mich *noch nicht befreunden*"). By deferring definitive judgment on Penthesilea, Goethe mimes the futurity he attributes to Kleist's messianism, but he also does more. In lines that follow upon those cited above, Goethe clearly expresses a desire that Kleist's theater of deferral resolve itself in and reconcile itself to the possibilities of the present, tempting Kleist's ambition with the words "Vor jeder Brettergerüste möchte ich dem wahrhaft theatralischen Genie sagen: *hic Rhodus, hic salta*!" Nevertheless, Goethe's account of the impact Kleist's as yet unreformed writing has upon him vividly evokes the nature of the present Kleist's theater constructs. Goethe confesses that the illegibility of Penthesilea's "wunderbarem Geschlecht" and the "fremde Region" in which she moves conspire to drive him to the point of hermeneutic disorientation—"ich [muß] mir Zeit nehmen," he writes, "mich in beide zu finden" (LS 200). Indeed, this experience impacts Goethe so strongly that he refuses to read Kleist's next dramatic work until the text's motivating premises have been explained to him in advance, making explicit reference to his rereading of *Penthesilea* as the reason for his reluctance.[130] That Goethe would return to Kleist's drama despite the displeasure it gives him is perhaps unsurprising, since there is evidence that he understands the disjunction of action and dramatic motivation he finds in Kleist's work as representative of a danger characteristic of new romantic literature's failing attempt to synthesize the naïve plasticity of antique artworks with the inwardness of modern lyric (LS 160-161). It is less likely, however, that Goethe suspects that the experience of disorientation that *Penthesilea* evokes in him is perhaps Kleist's deepest preoccupation.

[130] Johannes Falk reports: "das *Käthchen von Heilbronn*," fuhr [Goethe] fort, indem er sich zu mir wandte, "da ich Ihre gute Gesinnung für Kleist kenne, sollen Sie lesen und mir die Hauptmotive davon wiedererzählen. Nach diesem erst will ich einmal mit mir zurate gehen, ob ich es auch lesen kann. Beim Lesen seiner *Penthesilea* bin ich neulich gar zu übel weggekommen" (LS 343). Though Goethe's "Hauptmotive" could be translated with "motifs" rather than "motives," when one considers Goethe's definition of dramatic "Motiv," the reference to motivation holds irrespective of which translation one prefers.

Introduction: The Experience of Aimlessness

> "…mein einziges, mein höchstes Ziel ist gesunken, und ich habe keins mehr—" (B 205).

On March 22, 1801, Heinrich von Kleist writes these well known words in a letter to his fiancée, Wilhelmine von Zenge, just months before breaking off their engagement. The crisis they mark is, according to scholars' fair assessment of the letter in which they are contained, fomented by the thought either of Kant or of Kantians, untold portions of which Kleist read or was otherwise exposed to during this period and refers to as a source of his intellectual ennui. Since Kleist nowhere states which part of "Kant" or of "die Kantische Philosophie" (B 67, 124, 127, 205, 207) effects him so strongly, scholars have focused on his description of the effect itself in attempts to understand Kant's influence on Kleist, sometimes even trying to determine which texts of Kant's Kleist read on the basis of the latter's various avowed and unavowed reactions to Kantianism. Though a conclusive answer to the latter question remains outstanding, there is a relative consensus regarding the nature of Kant's impact on Kleist. This impact takes the form of an epistemological crisis—one that pertains to the "Wissen" of "Wahrheit" to be attained through "Wissenschaft." The attainment of such knowledge, famously impeded by the "grüne Gläser" with which Kleist, in a letter to Wilhelmine, compares cognition's subject-dependence in Kant's thought, is the "Ziel" that Kant's thought unsettles for Kleist (B 205).[131]

[131] See for example Ernst Cassirer, "Heinrich von Kleist und die Kantische Philosophie" (*Idee und Gestalt* 164-165); Ludwig Muth, *Kleist und Kant* (18-20); Erwin Lath, Introduction to Heinrich von Kleist, *Sämtliche Werke,* (München: Droemersche Verlag, 1963) p. 13; Ulrich Gall (86-135); and more recently James Phillips, *The Equivocation of Reason: Kleist Reading Kant* (pp xi-2). Though each of these authors arrive at different conclusions regarding the ultimate impact of Kant's thought on Kleist and disagree as to which texts by Kant (or by other Kantians) Kleist likely responded to, they nevertheless share the common thesis, which is nearly ubiquitous in Kleist scholarship, that the latter's avowed crisis upon reading Kant was an expression of epistemological despair about the limits of cognition in Kantian philosophy as Kleist understood it. I take exception to this common thesis in this chapter by suggesting that what Kleist dramatizes in letters to family and friends as a lost faith in the possibility of knowledge that explains his abandonment of "*wissenschaftliche*" pursuits betrays a deeper interest Kant's critical concept of "purposiveness [*Zweckmäßigkeit*]" that Kleist will continue to explore well beyond the period of his so-called Kant crisis. Since the importance of this concept is not limited to any one branch of Kant's thought, and furthermore plays a crucial role in determining the relationship between Kant's theoretical, practical, and aesthetic philosophy, this interpretation takes no side in the debate regarding which part of Kant's system influences Kleist,

Kleist, however, says no such thing, and decisively retracts the characterization of Kantian epistemology that provides the strongest basis for this interpretation only six days after he pens it (B 210). What Kleist *does* explicitly claim as his former "Ziel" in the letter to Wilhelmine is neither "Wissen" nor "Wahrheit," but rather "Bildung," which he places in relationship to "Wahrheit" but does not identify with it: "Bildung schien mir das einzige Ziel, das des Bestrebens, Wahrheit der einzige Reichtum, der des Besitzes würdig ist," he writes, just moments before declaring the loss of the goal he describes (B 204). Insisting on the distinction Kleist draws between "Bildung" (as a goal to be striven towards) and "Wahrheit" (as an object to be possessed) may at first appear trivial. Taken in context, however, this distinction has important implications for understanding the nature of the loss Kleist announces in his letter to Wilhelmine. For by the time Kleist writes his letter, German thought, with Mendelssohn, Wilhelm von Humboldt, and Goethe at the helm, has long since liberated "Bildung" from its pietistic content, replacing the divine image [Bild], in view of which pious individuals strove to remake their souls, with the spontaneity through which rational individuals could set themselves goals other than those given them from without. In this way, the concept of Bildung that emerges from the German enlightenment seeks to break with both metaphysical dogmatism and the empirically determined horizon of the natural sciences in order to give the historical development of culture new ground—that of freedom itself. In so doing, German thought takes the *Bild*, as it were, out of *Bildung,* tending to evacuate culture's progress of any necessary

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but only contests the claim that Kleist is most interested in the epistomological implications of Kantian philosophy, which does not account for the broad range of Kantian concepts found in Kleist's writings. For an important exception to the consensus regarding epistemological despair, see Werner Hamacher, "Das Beben der Darstellung". Setting aside the traditional parameters of the question of Kleist's so-called Kant crisis, Hamacher suggests that Kleist's text transforms the very notion of crisis as the experience through which, from Descartes to Kant, modern subjectivity would touch upon its own shaky ground. My approach to Kleist is indebted to Hamacher's analysis Kleist's transformative iteration of the intersection of judgment and politics in Kant's *Kritik der Urteilskraft*. Cf. David Deißener. *Moral und Motivation im Werk Heinrich von Kleists.*.

content.[132] What remains of *Bildung* in its generality is thus nothing more nor less than the pure form of purposiveness as such. Kleist's designation of *Bildung* as the goal whose loss he experiences would thus involve a pleonasm, since Kleist would hereby declare that he has lost the goal of goal-orientedness itself. This difficulty, furthermore, may explain why scholars habitually bypass Kleist's clear identification of the word "Ziel" with the word "Bildung" and insinuate "Wissen" and "Wahrheit" as the objects whose loss the writer laments. Kleist's redundancy need not, however, move one to acts of readerly infidelity. To the contrary, as I will attempt to show, Kleist's text's persistent recursion to the enigmatic terms of its central lament—"mein einziges, mein höchstes Ziel ist gesunken, und ich habe keins mehr"—marks the rise of an interest in the experience of aimlessness that will preoccupy him for the next decade of his life. The collection of statements that, taken together, constitute scholarly evidence of what has come to be known as Kleist's "Kant crisis" mark, not the loss of epistemological access to things in themselves, but rather an interruption of the teleological postulation that underwrites cognition. For Kleist, as for Kant, the experience of purposelessness that attends this interruption is not opposed to purposiveness but rather marks the interruption of mechanical causation that is the paradoxical condition of possibility for purposiveness's freedom.

Kleist's interest in aimlessness pervades his writings over the next decade on multiple levels, subtending his reflections on travel and on the prospect of study abroad; his turn to writing literature; his development of a theory of tragedy; his description of the nature of artistic

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[132] See for example Moses Mendelssohn, "Über die Frage, was heißt 'Aufklären'?"; Wilhelm von Humbolt, *Über die Verschiedenheit des menschlichen Sprachbaues und ihren Einfluss auf die geistige Entwickelung des Menschengeschlechts*; Johann Wolfgang von Goethe, *Die Metamorphose der Pflanzen*. For a brilliant analysis of the double negation that constitutes *Bildung*'s proleptic autonomy, see Peng Cheah's chapter "Freedom, Culture, and Organism".

creativity; and finally, in his *Penthesilea, ein Trauerspiel*, his exploration of the relationship between politics and judgment as they converge around the question of *motivation*. This chapter will move quickly through the first four of these moments before dwelling on the last in order to show how Kleist's dramatic poetry radicalizes the role of purposelessness in Kant's theory of reflective judgment. By interrupting the identification of the power of judgment and the force of moral law potentiated by the postulation of reason's transcendental purposiveness, Kleist's text interrupts an apologism provided for by Kantian reflective judgment and operative in his writings on history and *Rechtslehre* as well, presenting one with a world that is not only contingent, but thoroughly unjustified. It is through the experience of this unjustified world—the world that Penthesilea's arrival brings about—that the political dimensions of aimlessness come to light. By persistently interrupting the postulation of purposiveness that authorizes cognition, Kleist's dramatic poetry presents us with a world of objects that devolve from the image of what they are to the processes through which they come to be—a world in which both people and things devolve upon the judgments that constitute them, such that they do not so much appear changeable, but rather as that which cannot not change.[133]

[133] In part because of the prevalence of political themes within it, *Pentheslea* has not lacked a readership interested in the political dimension of Kleist's work. See for example Wolf Kittler's classic *Die Gebürt des Partisanen aus dem Giest der Poesie: Heinrich von Kleist und die Strategie der Befreiungskrieg*; Matthieu Carrière: *für eine literatur des Krieges*, Kleist; Carol Jacobs, "The Rhetorics of Feminism"; Hélène Cixous, *La Jeune Née*; Gérard Raulet, "Der opake Punkt des Politischen"; Zachary Sng, "'Innacurate, as lady linguists often are': Herodot und Kleist über die Sprache der Amazonen": and Rüdiger Campe, "Zweierlei Gesetz in Kleists Penthesilea: Naturrecht und Biopolitik." See also Bohndan Bochan, *The Phenomenologie of Freedom in Kleist's* Die Familie Schroffenstein *and* Penthesilea; Eva Irlbeck, *Tragodien der Freiheit: das Problem der Freiheit im dramatischen Werk Heinrich von Kleists.* None of these authors identifies the problem of purposelessness as the crux of the political dimension of Kleist's drama. Indeed Campe's interesting article tends to elide the problem by giving giving Penthesilea's acts a biopolitical motive. As he notes, however, the only information we have regarding the law of the Amazon state is proferred to Achilles at a moment when Penthesilea falsely believes that he is her prisoner and would like him to stay in her camp unguarded. For her to suggest that her goals with him are reproductive in this context is hardly decisive, and one must measure her words against Achilles' own when, bathed in blood and on the point of death at Penthesilea's hands, he asks "Penthesilea! Meine Braut! Was tust du?/ Ist dies das Rosenfest, das du versprachst?" The only author that, to my knowledge, touches on the political dimension of aimlessness in Kleist's work, and does so only in passing, is Gilles Deleuze. See the references to Kleist scattered throughout *Mille Plateaux*. Carl Schmitt arguably gestures in the opposite direction when he lauds Kleist's *Die Hermannschlacht* as "die größte Partisanendichtung aller Zeit" (*Partisanen* 15).

I. Kleist with Kant: Purpose Lost, Purposiveness Regained

In the following three three sub-sections, I shall reconstruct the concept of purposiveness as it is developed in Kant's tripartite critical philosophy, as prerequisite to understanding Kleist's transformative departure from this concept, to which I shall turn in the final two sections of this part.

Kant's first *Critique*: from "Kausalität" to "Zweckmäßigkeit"

Kant's concept of *Zweckmäßigkeit* develops out of his critique of cosmological *Kausalität* in the *Kritik der Reinen Vernunft*. According to Kant, the cosmological investigation of first causes abrogates the validity of its discoveries from the start because the premise of such investigation—that every natural phenomenon must have an efficient, sensible cause—is self-contradictory. If no cause is uncaused, Kant reasons, none could be regarded as a first cause or absolute origin. Kant writes,

> [N]ehmt ihr an: in allem, was in der Welt geschieht, sei nichts, als Erfolg nach Gesetzen der Natur, so ist die Kausalität der Ursache immer wiederum etwas, das geschieht, und euren Regressus zu noch höherer Ursache, mithin die Verlängerung der Reihe von Bedingungen a parte priori ohne Aufhören notwendig macht. Die bloße wirkende Natur ist also für allen euren Begriff, in der Synthesis der Weltbegebenheiten, zu groß. (B 516/A488)

Nature's causation eludes the grasp of cosmological investigation because the latter, as an empirical science, remains bound to "Sinnlichkeit," for which all objects exist "im Raum und der Zeit", such that "jede Bedingung, zu der wir in der Exposition gegebener Erscheinungen gelangen können, wiederum bedingt [ist]" (B537/509) and no first, unconditioned cause may be conceived. The cause of natural objects cannot, therefore, itself be imagined as a natural object, since it is by definition something absolutely spontaneous or "schlechthinunbedingt." Cosmology's quest for first causes thus leads it to a thought of "Erzeugung aus Freiheit," whether that of a divine agent or some other intentional power, but carries itself herewith beyond the competence of cosmological empiricism. Kant writes,

> Wählt ihr, hin und wieder, von selbst gewirkte Begebenheiten, mithin Erzeugung aus Freiheit: so verfolgt euch das 'Warum' nach einem unvermeidlichen Naturgesetze, und nötigt euch, über diesen Punkt nach dem Kausalgesetze der Erfahrung hinaus zu gehen, und ihr findet, daß dergleichen Totalität der Verknüpfung für euren notwendigen empirischen Begriff zu klein ist. (B516-17/A488-9)

Since the concept of efficient causation that cosmology draws from empirical observation is incompatible with the notion of something absolutely original, such science can no more understand the generation of its object through freedom than it can identify the first among a series of natural causes. When it attempts to grasp the origin of the objects it investigates, its concept of nature always appears either too large or too small, depending on whether it chases after its retreating first cause *ad infinitum* or recognizes spontaneous causality as the unknowable beyond of empirical investigation. This difficulty does not mean that the rules empirical science establishes through the observation of natural objects are invalid, but rather that they do not explain the generation of objects, but only the rules that govern their existence once they have been given. For Kant, the validity and progress of empirical science and, indeed, of cognition in general, is thus secure only when it abstains from asking itself questions about the absolute origins of its objects. Such questions it can and ought leave to transcendental philosophy, whose business it is to pose them.

From the perspective of transcendental philosophy, the cosmological question as to the origins of objects is unanswerable because it is improperly posed. Causality does not inhere in objects as things in themselves. It is rather given to objects, understood as subjective "Vorstellungen," by the forms of space and time that govern "Anschauung." The objects of empirical investigation, writes Kant,

> …[sind] keine Gegenstände an sich selbst…, an denen allenfalls das Schlechthinunbedingte stattfinden könnte, sondern bloß empirische Vorstellungen, die jederzeit in der Anschauung ihre Bedungung finden müssen, welche sie dem Raume oder der Zeit nach bestimmt. (B537/A509)

The rules that empirical science discovers through the observation of its objects do not derive from these objects themselves but rather from the subject's intuition of them. The interrogable origin of empirical objects is thus not a physical or natural cause but rather a subjective capacity. The experience of this capacity as it is represented in the empirical objects is an experience, furthermore, *not* of the sensible *cause* of particular objects but rather of the *purposiveness* of objectivity in general. This experience of purposiveness refers the subject to its object's supersensible determination a priori, but thereby to something of which it can think only the idea, and never attain knowledge or understanding, since understanding requires the union of a concept and an intuition, and the subject lacks the ability to intuit an event of supersensible determination without placing it in space and time and thereby destroying the idea it seeks to represent.

The differentiation of *purposiveness* from causation in the first *Critique* is thus critical rather than positive. By establishing the incoherence of the cosmological attempt to discern first causes as empirically determinant things in themselves, the concept of purposiveness refers us to something that remains, and must remain, "unbestimmt (B722-6/A694-8)." The understanding thus makes no more progress in determining the cause of the purposiveness it experiences in objects on account of their apparent rule-boundness than it did in its attempt to determine the first, unconditioned cause of all further conditions, and for the same reason. Since the first *Critique* aims to establish the boundaries of the legitimate use of the understanding and to thereby defend the possibility of knowledge of the phenomenal world from empirical skepticism by critically delimiting the domain of cognition, the transition to purposiveness does all it sets out to do when it places cosmological first causation beyond the legitimate domain of the understanding. But, though it lacks any new positive content for the understanding, this critical

gesture marks a major stride for Kant's larger philosophical system, even if the results of this stride appear, in the context of the *Kritik der reinen Vernunft*, exceedingly modest. For by reorienting the search for the unconditioned source of the phenomenal world from the cosmos (understood as the totality of things in themselves) to the power of *Vorstellung* through which the subject first comes into a relationship with a world of objects, Kant believes he has shown "daß Natur der Kausalität aus Freiheit wenigstens nicht widerstreite" (B587/A559).

The Second *Critique*: Feeling Free

The concept of freedom is, of course, the main topic of Kant's moral philosophy as represented by the second of his three major *Kritiken* (the *Kritik der praktischen Vernunft*) and the *Grundlegung der Metaphysik der Sitten.* These texts are concerned primarily with establishing the rational integrity of human action based upon the moral law, whose bindingness is predicated on the subject's ability to break with natural inclination and act dutifully for the sake of duty alone. They therefore largely avoid the problem of reconciling freedom and nature and suspend the question of purposiveness first announced in the *Kritik der Reinen Vernunft* until their very last sentences, at which point Kant's language, in each case, shifts toward a set of concepts that mark the transition to the third and last of his *Kritiken*—the *Kritik der Urteilskraft*. At stake in this transition as it is articulated in the *Kritik der praktischen Vernunft* is the possibility of moving from an analysis of the regulation of moral action by laws that bind moral agents a priori to that of an experience of objects within the world as created through free action. In the latter, Kant suggests, lies the possibility of developing a taste for what is moral and thus of bridging the gap betweeen duty and inclination. Kant writes,

> Zuerst ist es nur darum zu tun, die Beurteilung nach moralischen Gesetzen zu einer natürlichen [zu machen]… und sie zu schärfen, indem man vorerst frägt, ob die Handlung objektiv dem moralischen Gesetze… gemäß sei… Der andere Punkt, worauf die Aufmerksamkeit gerichtet werden muß, ist die Frage: ob die Handlung auch (subjektiv) um des moralischen Gesetzes willen geschehen, und also sie nicht allein sittlichen Richtigkeit, als Tat, sondern auch sittlichen Wert,

> als Gesinnung, ihrer Maxime nach habe. Nun ist kein Zweifel, daß diese Übung, und das Bewußtsein einer daraus entspringenden Kultur unserer bloß über das Praktische urteilenden Vernunft, ein gewisses Interrese, selbst am Gesetze dersemben, mithin an sittlichen guten Handlungen nach und nach hervorbringen müsse. Denn wir gewinnen endlich das lieb, dessen Betrachtung uns den erweiterten Gebrauch unserer Erkenntniskräfte empfinden läßt, welchen vornehmlich dasjenige befördert, worin wir moralische Richtigkeit antreffen; weil sich die Vernunft in einer solchen Ordnung der Dinge mit ihrem Vermögen, a priori nach Prinzipien zu bestimmen was geschehen soll, allein gut finden kann. Gewinnt doch ein Naturbeobachter Gegenstände, die seinen Sinnen anfangs anstößig sind, endlich lieb, wenn er die große Zweckmäßigkeit ihrer Organisation daran entdeckt, und so seine Vernunft an ihrer Betrachtung weidet, und Leibniz brachte ein Insekt, welches er durchs Mikroskop sorgfältig betrachtet hatte, schonend wiederum auf sein Blatt zurück, weil er sich durch seinen Anblick belehrt gefunden, und von ihm gleichsam einen Wohltat genossen hatte. (5: 159-60)

In this passage, Kant specifies how experiencing the world of rule-bound natural phenomena as purposive or designed, and therefore as the result of some free act, is not only cognitively but also morally edifying. To experience objects as existing "nach Prinzipien" is to experience them as subject to some purpose that regulates their appearances a priori, even if one can't positively determine what that purpose is. Such an experience presents moral agents with a world in which freedom can be actualized. This arrangement supports the inclination toward moral action, though it does not cause such action. The experience of purposiveness is thus, for Kant, an experience through which one feels that the world of natural objects is determined through freedom while at the same time leaving the idea of freedom itself entirely indeterminate. Still, since no intuition is possible without determination in space and time, it remains unclear what form a *feeling of indeterminacy* can take. It is this that Kant will attempt to clarify in the *Kritik der Urteilskraft*, but not without some first indications of the direction he will take, which serve to illustrate the centrality of the problem of experiencing freedom for the third and last of his *Kritiken*.

The link between the second and third *Kritiken* is evident from Kant's description of the experience of purposiveness in the *Kritik der praktischen Vernunft*, which clearly anticipates elements of his analysis of aesthetic judgment in the *Kritik der Urteilskraft*. His reference to the

pleasure that accompanies apprehending something "dessen Betrachtung uns den erweiterten Gebrauch unserer Erkenntniskräfte empfinden läßt, welchen vornehmlich dasjenige befördert, worin wir moralische Richtigkeit antreffen," and to the negative pleasure of having one's senses "angestossen" in the apprehension of the "große Zweckmäßigkeit" of nature's organization anticipates his analysis of the interaction between reason and understanding in the dynamic sublime. Shortly hereafter, in further preparation for the third *Kritik*, Kant explicitly identifies the experience of nature's purposiveness with that of beauty:

> …diese Beschäftigung der Urteilskraft, welche uns unsere eigene Erkenntniskräfte fühlen läßt… macht bloß, daß man sich gerne mit einer solchen Beurteilung unterhält, und gibt der Tugend, oder der Denkungsart nach moralischen Gesetzen, eine Form der Schönheit.

The infamously difficult third section of the *Grundlegung* contains an even clearer anticipation of Kant's theory of aesthetic reflective judgment—this time of his analytic of the sublime. Here Kant attempts to derive the existence of freedom from the impact of reason's spontaneity upon the understanding. In the subsection "Von dem Interesse, welches den Ideen der Sittlichkeit anhängt," Kant first argues, "Nun kann man sich unmöglich eine Vernunft denken, die mit ihrem eignen Bewußtsein in Ansehung ihrer Urteile anderwärts her eine Lenkung empfinge, denn alsdenn würde das Subject nicht seiner Vernunft, sondern einem Antriebe, die Bestimmung der Urteilskraft zuschreiben." He then concludes, "[Die Vernunft] muß sich selbst als Urheberin ihrer Prinzipien ansehen, unabhängig von fremden Einflüssen… [muß also sich] selbst als frei ansehen" (4: 449). Kant then continues to suggest that "Vernunft, als reine Selbsttätigkeit, ist sogar darin noch über der Verstand erhoben," and "[zeigt] unter dem Namen der Ideen eine so reine Spontaneität…, daß dadurch weit über alles, was ihm Sinnlichkeit nur liefern kann, hinausgeht, und ihr vornehmstes Geschäfte darin beweiset, Sinnenwelt und Verstandeswelt von einander zu unterscheiden, dadurch aber dem Verstande selbst seine Schranken vorzuzeichnen" (4: 451-2). The distance between Kant's description of the

relationship between reason and the understanding here and in the analytic of the sublime is reduced to the difference between the "o" of "erhoben" and the "a" of "erhaben." The excess of reason over the understanding that he describes is precisely the source of the feeling of sublimity he will analyze in the *Kritik der Urteilskraft*. Yet what remains unclear, here as in the *Kritik der reinen Vernunft*, is how the experience of purposiveness can draw a bridge between freedom and nature without abrogating either the pure spontaneity of the former or the positivity of the latter. How, in other words, can the *experience* of purposiveness, which as sensible experience must be determined in space and time, refer one to a supersensible substratum in such a way that this substratum remains free of all spatial and temporal determinacy?

Kant formulates precisely this problem in the rather astonishing concluding sentence of the *Grundlegung*. Since freedom by definition breaks with the determinateness of sense experience, Kant suggests, when we grasp its concept, "so begreifen wir nicht die praktische unbedingte Notwendigkeit des moralischen Imperativs, wir begreifen aber doch seine Unbegreiflichkeit" (4: 463). However surprising this concluding statement may seem, Kant only formulates the paradox that the problem of sensing something indeterminate represents for the understanding, whose concepts, without intuitions, remain (famously) empty. Yet, confronted with the paradoxical notion of a grasping of ungraspability, Kant still does not abandon further investigation of the possible "interest" that can attach to "the ideas of morality." The further development of this idea does not, however, belong to the purview of the *Metaphysik der Sitten*, and certainly not to its *Grundlegung*. For a clarification of the paradox Kant introduces here, one must wait for the analysis of aesthetic judgment in the *Kritik der Urteilskraft*.

The Third *Critique*: "Zweckmäßigkeit ohne Zweck" and the "Zweckwidrige"

In the third and last of his *Critiques*, Kant undertakes to answer the question of freedom's possible reconciliation with nature, which he introduces in the first *Critique* and largely suspends in the second *Critique* and *Grundlegung*, through an analysis of the "Kraft" of "Urteil" that further develops the concept of purposiveness. In the introduction to the *Kritik der Urteilskraft*, Kant writes,

> Der Freiheitsbegriff bestimmt nichts in Ansehung der theoretischen Erkenntnis der Natur; der Naturbegriff eben sowohl nichts in Ansehung der praktischen Gesetze der Freiheit: und es ist insofern nicht möglich, eine Brücke von einem Gebiete zu dem andern überzuschlagen. – Allein, wenn die Bestimmungsgründe der Kausalität nach dem Freiheitsbegriffe (und der praktischen Regel die er enthält) gleich nicht in der Natur belegen sind, und das Sinnliche das Übersinnliche im Subjekte nicht bestimmen kann: so ist dieses doch umgekehrt (zwar nicht im Ansehung des Erkenntnisses der Natur, aber doch der Folgen aus dem ersteren auf die letztere) möglich… dem Begriffe einer Zweckmäßigkeit der Natur and die Hand.
>
> Der Verstand gibt, durch die Möglichkeit seiner Gesetze a priori für die Natur, einen Beweis davon, daß diese von uns nur als Erscheinung erkannt werde, mithin zugleich Anzeige auf ein übersinnliches Substrat derselben; aber läßt dieses gänzlich unbestimmt. (5: 196)

Here, Kant formalizes the problem posed by the concept of purposiveness in his writings thus far as that of an experience of indeterminacy. Unlike his earlier writings, however, the *Kritik der Urteilskraft* undertakes to specify the form in which such an experience is thinkable. It thus moves beyond the merely critical or regulative use of the concept of purposiveness (which allowed it to supplant causality while remaining entirely indeterminate, thus supporting the possibility of the cognitive investigation of the rules governing empirical objects within a limited domain), to its constitutive use. Doing so is the primary task of Kant's concept of aesthetic judgment. Kant writes,

> Der Begriff der Urteilskraft von einer Zweckmäßigkeit der Natur ist noch zu den Naturbegriffen gehörig, aber nur als regulatives Prinzip des Erkenntnisvermögens; obzwar das ästhetische Urteil über gewisse Gegenstände (der Natur oder der Kunst), welches ihn veranlasset, in Ansehung des Gefühls der Lust oder Unlust ein konstitutives Prinzip ist. Die Spontaneität im Spiel der Erkenntnisvermögen, deren Zusammenstimmung den Grund dieser Lust enthält, macht den gedachten Begriff zur Vermittelung der Verknüpfung der Gebiet des Naturbegriffs mit dem Freiheitsbegriffe in ihren Folgen tauglich, indem diese zuglich die Empfänglichkeit des Gemüts für das moralische Gefühl befördert. (5: 196-7)

Understanding the significance of this turn to aesthetic judgment demands a brief reconstruction of the role of purposiveness in Kant's analysis of cognition in his first two *Critiques*. It can be summarized as follows: although the spontaneous, supersensible, or *a priori* determination of the world of sensible objects may be postulated, what is thus *thought* as an idea can never be known as a determinant object, since such knowledge, dependent as all knowledge is upon intuition and thus upon determination within space and time, would contradict the unconditional nature of that which it seeks to grasp. The experience of purposiveness can therefore never be an experience of a determinate purpose or cause, but must rather be an experience that remains "gänzlich unbestimmt." Experience without determination in space and time seems impossible, however, *unless* one conceives of experience *not* as that of any positive object but rather as that of an interruption or withdrawal of objectivity itself. Such is the aesthetic judgment of the pre-cognitive "Spontaneität im Spiel der Erkenntnisvermögen" prior to the determination of any object, the harmony or disharmony of which are the respective sources of the feelings of pleasure or pain.[134] The experience of the spontaneous play of the faculties of understanding, reason, and imagination in relation to one another prior to the determination of any object is precisely the experience of indeterminacy in which Kant sees the possibility of a bridge between the "natural" word of rule-bound objects and the supersensible idea of nature's substrative freedom. If the concept of purposiveness is to be "zur Vermittelung der Verknüpfung der Gebiet des Naturbegriffs mit dem Freiheitsbegriffe in ihren Folgen tauglich," however, the

[134] Though Kant sometimes uses the word "object" in relation to aesthetic experience, he is in the main consistent with the systematic function of this form of judgment as pre-cognitive and objectless. He writes "Wenn mit der bloßen Auffassung (apprehensio) der Form eines Gegenstandes der Anschauung, ohne Beziehung derselben auf einen Begriff zu einem bestimmten Erkenntnis, Lust verbunden ist: so wird die Vorstellung dadurch nicht auf das Objekt, sondern lediglich auf das Subjekt bezogen; und die Lust kann nichts anders als die Angemessenheit desselben zu den Erkenntnisvermögen, die in der reflektierenden Urteilskraft im Spiel sind," and continues even more emphatically that, "die ästhetische Urteilskraft zum Erkenntnis ihrer Gegenstände nichts beiträgt" (5: 189-90, 194).

aesthetic experience thereof must be clearly extricated from cognition's claim to positivity—it must resist the temptation to transform the experience of a "Spontaneität im Spiel der Erkenntnisvermögen" into that of a determinant object. The transition from cognitive to aesthetic judgment thus demands the further specification of forms of purposiveness that respect the indeterminacy of the freedom they communicate: Kant calls these forms of purposiveness "Zweckmäßigkeit ohne Zweck" and the "Zweckwidrige" (5: 220, 245).

Purposiveness without purpose and the counter-purposive are the forms of experience proper to Kant's analytic of the beautiful and of the dynamic sublime, respectively. For the purposes of this chapter, the differences between the beautiful and the sublime, which I address in my chapter on Kant, are less important than the similarity of the forms of purposiveness they contain. Kant thinks both purposiveness without purpose and counter-purposiveness as bridges between humanity's sensible existence and the moral law. But the transformation of the concept of purposiveness requisite for the reconciliation of freedom and nature, in the case of both the beautiful (purposiveness without purpose) and the sublime (counter-purposive), demands the incorporation of freedom's negativity with regard to sensation within the form of experience itself. What this means is that aesthetic judgment, through which a subject comes to experience the power of its own presentational capability, is not *experience* in the sense of the apprehension of a determinate object, but is rather the complex apprehension of the limit of experience in the latter sense. What takes place at this limit is what Kant calls "*Urteil.*" It is the indistinguishability, at this limit, of the end and the beginning of cognitive determination that is expressed in the "ohne" and the "widrig" of Kant's concepts of purposiveness; and it is this paradoxical unity of purposiveness and purposelessness, I will suggest, that Kleist's meditations on the experience of aimlessness explicate.

"*Lass mich reisen*": Kleist's Peripatetic Purposiveness Without Purpose

In the letter, addressed to Wilhelmine on March 23, 1801, in which Kleist announces the loss of his "highest" and "only goal," the experience of aimlessness upon which he meditates is suddenly interrupted by the thought of another purpose. According to Kleist's narrative, this thought "fiel [ihm]… ein" in the midst of the emptiness to which the experience of loss leads. It is the thought of travel motivated by the purpose of recovering a sense of purpose. Kleist writes,

> … eine unaussprechliche Leere erfüllte mein Inneres… Ach, es ist der schmerzlichste Zustand, *ganz ohne ein Ziel zu sein*, nach dem unser Inneres, froh-beschäfftigt, fortschreitet – und das war ich jetzt –
>
> In dieser Angst fiel mir ein Gedanke ein.
>
> Liebe Wilhelmine, laß mich reisen. Arbeiten kann ich nicht, das ist nicht möglich, *ich weiß nicht zu welchem Zwecke*. Ich müßte, wenn ich zu Hause bliebe, die Hände in den Schoß legen, und denken. Die Bewegung auf der Reise wird mir zuträglicher sein, als dieses Brüten auf einem Flecke. Ist es eine Verirrung, so läßt sie sich vergüten, u schützt mich vor einer andern, die vielleicht unwiderruflich wäre. Sobald ich einen Gedanken ersonnen habe, der mich tröstet, *sobald ich einen Zweck gefaßt habe nach dem ich wieder streben kann,* so kehre ich um, ich schwöre es Dir… *ich kehre um, sobald ich weiß was ich thun soll*. (B 207-208 [my emphasis])

Just as the progression from causality to purposiveness and finally to purposiveness without purpose and counter-purposiveness in Kant's three *Critiques* involves, first, the cancellation of purpose's cosmological positivity; second, the withdrawal of purposiveness back into the subject; and thirdly reflective judgment's liquidation of purposiveness' positivity in "Zweckmäßigkeit ohne Zweck" and the "Zweckwidrige," so too Kleist's loss of purpose progresses from an interruption of scientific cognition marked by a catastrophic contraction of space and time into the "Fleck" in which Kleist now feels himself imprisoned; a resulting withdrawal into the inwardness of "Denken" and "Brüten," in which Kleist hopes to find "einen Gedanken… einen Zweck… der mich tröstet"; and the discovery, in place of the hoped-for "Zweck," of "eine unausprechliche Leere" that "erfüllt [sein] Inneres." Kleist, furthermore, presents the contemplation of this inner emptiness as a threat to his continued existence. To

remain in the grips of the paralysis such contemplation induces threatens "eine Verirrung… die vielleicht unwiderruflich wäre." Confronted with this danger, survival means discovering a way out of inexpressible emptiness. Though purposeless work seems impossible, a survivable option avails itself, though it is importantly different in nature from the purpose Kleist claims he has lost. Kleist feels compelled to travel not because he has anywhere he wants to go—his proposed departure is bereft of any stated destination—but rather because the idea of spatial displacement carries with it the promise of temporal extension. To travel is simply to move, and to move is to endure. The only justification Kleist provides Wilhelmine for his decision to depart is this: "Die Bewegung auf der Reise wird mir zuträglicher sein, als dieses Brüten auf einem Fleck." This "Bewegung" is, as yet, without aim. Kleist's Kleist thus depicts his motive for travel, his desire to discover a new purpose in life, as a purposiveness that is quite explicitly without purpose.

In the weeks following the letter cited above, Kleist makes little progress in further specifying the purpose of the travels he plans. On August 9, 1801, he again writes Wilhelmine,

> Du kennst die erste Veranlassung zu meiner bevorstehende Reise. Es war im Grunde nichts, als ein innerlicher Eckel vor aller wissenschaftlichen Arbeit. Ich wollte nur nicht müßig die Hände in den Schoß legen u brüten, sondern mir lieber unter der Bewegung einer Fußreise *ein neues Ziel suchen, da ich das alte verloren hatte*, u zurückkehren, sobald ich es gefunden hätte. Die ganze Idee der Reise war also eingentlich nichts, als ein großer Spaziergang… Doch höre wie das blinde Verhängnis mit mir spielte… Sie sagten mir… [ich] müßte… durchaus einen Pass haben… Pässe waren aber nicht anders zu bekommen… also wenn man ein hinreichenden Zweck zur Reise angeben kann. Welchen Zweck sollte ich aber angeben? Den *wahren*? konnte ich das? Einen *falschen*? durfte ich das?... welchen Zweck sollte ich angeben? ...wenn ich reisete, u also Pässe haben mußte, mußte ich dann nicht etwas Unwahres zum Zweck angeben? – Ich gab also denjenigen Zweck an, der wenigstens nicht ganz unwahr ist, nämlich *auf der Reise zu lernen* (welches eigentlich in *meinem* Sinne ganz wahr ist) oder wie ich mich ausdrückte: *in Paris zu studieren*, u zwar Mathematik u Naturwissenschaft - - Ach, Wilhelmine, *ich* studieren? In *dieser* Stimmung? - - Doch es mußte so sein… in meiner Seele ziehen die Gedanken durcheinander, wie Wolken im Ungewitter. Ich weiß nicht, was ich thun u lassen soll – Alles, was die Menschen vor meinem Verstande erwarten, ich kann es nicht leisten. Die Mathematiker glauben, ich werde dort Mathematik studieren, die Chemiker ich werde von Paris große chemische Kenntnisse zurückbringen – u doch wollte *ich* eigentlich nichts, als allem Wissen entfliehen [emphases partially mine] (B 213-215).

The necessity of declaring the purpose of his proposed travels allows Kleist to further articulate the difference between the purpose he has lost and the purposiveness he retains. He presents this difference as analogous to that between "lernen" and "studieren." Kleist's purpose in travel, he decides, is to learn—a purpose which, he says "in *meinem* Sinne ganz wahr ist." But this is importantly *not* the purpose he gives to the authorities. Rather, at the moment when Kleist publicly articulates his goal, he exchanges the world "studieren" for the word "lernen," thus introducing a split between what he claims to mean and, indeed, says he declares, and how he actually expresses himself. Kleist tells Wilhelmine that the goal he gives is "auf der Reise zu lernen," but says at the same time that he expresses this goal with the words "in Paris zu studieren, und zwar Mathematik und Naturwissenschaft," thus highlighting the practical inoperability of his as yet indeterminant motivation by rendering it determinant at the moment of its public articulation.

A Flight Before All Knowing

But why this substitution? The key would seem to lie in the difference between the German words "lernen" and "studieren," the first of which connotes the acquisition of general, technical, or formal capabilities like reading, writing, or computational skills, as often occurs early in life, while the latter indicates advanced study in a particular field of knowledge. *Lernen*, in other words, furnishes the formal conditions of possibility for *Studieren*, and includes in its purview those areas of technical know-how that ought to become unconscious at higher levels of study. Studieren is thus the verb appropriate to Kleist's age and level of study, which is why he would use this verb to publicly express his aims. His retention of the verb *lernen* suggests, however, that he associates his intended activity with a return to an earlier stage of intellectual development—one that, like the stroll to which he compares it, represents the mere condition of

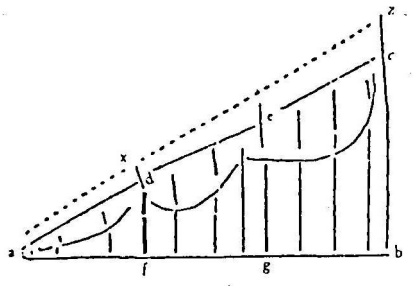
possibility, rather than the positive possession, of knowledge. Just as Kleist's purposiveness is predicated upon the absence of any definite purpose, so too the learning he proposes involves a suspension of the positivity of study as knowledge acquisition. Learning, in this instance, would not involve the acquisition of things learned; indeed, it appears synonymous with the interruption of "wissenschaftliche Arbeit" and flight from "allem Wissen."[135] But although Kleist initially describes this flight in negative terms, the elevation of "lernen" over "studieren" marks not only his abandonment of "wissenschaftliche Arbeit" but also his turn to creative writing, through which he entertains hopes of finding a way out of the purposelessness in which he remains suspended.

The Tragedy of Creation: Kleist's Aimless Heroism

According to all available evidence, Kleist's pretext for travel does in fact determine his initial destination, at least empirically. In June, 1801, he leaves Berlin for Paris, accompanied by his sister Ulrike, and the two arrive at their destination together in mid-July. Sometime between the end of September and mid-November, however, Kleist parts ways with Ulrike and heads for Switzerland (B 283), where he rents a house on a small island at the mouth of the Aare river, living there alone through the following spring (B 306, 309). According to Kleist's own account of this period, his island solitude is punctuated only by the company of two men, Christian Gottlieb Hölder and Paul Hoffmann (LS 67), to whom Kleist refers in a letter dated February 1, 1802 (B 298). It is to these two men that, in an event independently corroborated by both, Kleist delivers an impromptu lecture regarding a diagram he had developed. This diagram, according to

[135] That Kleist's "lernen" was a placeholder for a purposiveness that remained quite literally without purpose is supported by his sister Ulrike's recollection of Kleist's preparation for travel some three decades after the two had corresponded regarding the possibility that Ulrike might accompany Kleist on his trip. Ulrike's account confirms Kleist's aimlessness, and depicts "studieren" as pure pretext: "er wolle eine Reise machen... Wohin – das wußte er selbst nicht, und schrieb mir: ich möchte nach Berlin kommen, Geld mitbringen, und dann wollten wir beraten, wohin es gehen sollte. Derweilen meldet er sich um einen Paß, man frägt ihn wohin? – und er antwortet, nach Paris. Was wollen Sie da? – studieren antwortet er, um etwas zu sagen. Man sprach nun viel darüber, un machte sich große Erwartungen von ihm und seinen Studien in Paris" (LS 49).

both Hölder and Hoffmann, claims to represent the laws of tragedy in a simple geometrical form, which Kleist carves into the table with a knife (LS 67-68). Hölder's detailed account of the specifics of Kleist's presentation, which includes a reproduction of the diagram he draws, can unfortunately not be independently corroborated, such that the nuance and detail of his account of Kleist's presentation are of limited use. Noteworthy however remains the fact that Kleist structures his diagrammatical theory of tragedy at its most basic level—with regard to which it is improbable that Hölder would have erred, given the detail of his larger account—with exactly the same terms he had used a year earlier to narrate his the so-called "Kant crisis" and motivate his flight from scientific pursuits. In his memoir, "Meine Reise über den Gotthard im Sommer 1801," Hölder reproduces Kleist's diagram along with his lecture, which he narrates in the form of direct discourse:



> Die Linie a b ist die extensive Größe der Begebenheiten; sie liegt in der Fläche des menschlichen Lebens; auf ihr die Zwekke [sic] des Helden…
>
> Die Linie b c ist die intensive Größe der Begebenheiten, der Charakter des Helden…
>
> Die Linie c b, welche den Charakter des Helden andeutet, is grav (gravidiert gegen a b), das Schicksal, welches den Helden verfolgt, ist antigrav (erhebt den Helden über die Linie a b)…
>
> Der Gang des Helden muß also in parabolischen Linie fortlaufen… Das Schicksal muß den Helden erheben, ihn von seinen Zwecken entfernen; er selbst nähert sich wieder denselben durch eine eigene Kraft, bis er endlich in dem Punkte c von dem Schicksal zermalmt wird. (LS 68-69)

Kleist's diagram suggests that tragedy takes place in the space that separates the normal, or non-heroic unfolding of human life ("die Fläche des menschlichen Lebens," or line a b of the

diagram), and "Schicksal," which interrupts that unfolding. Normal or non-heroic life, furthermore, is characterized by a single trait—namely *the uninterrupted pursuit of purposes*. Such life becomes heroic, in the tragic sense of the word, when this natural purposiveness is interrupted. Heroic character is thus created through its departure from "line a b," which represents the uninterrupted purposiveness of normal life. Through this departure, the hero comes into possession of a new purpose, which is different in kind from that characteristic of normal human life, since it is predicated on the interruption of such life's purposiveness. The hero's purpose is *to restore the purpose he has lost*. Tragedy unfolds as a series of such attempts at restoration, which are represented by a series of parabolic curves in the space separating life and destiny. Since the hero first comes to exist through destiny's interruption of life's purposiveness, this "Wellenlinie" never intersects the plane of life (LS 69). Such life is, for heroes, what is always already lost; it is what has immemorially given way to another purposiveness whose birth coincides with, and exists as a response to, the loss of a purpose the hero has never, strictly speaking, possessed. Heroic purposiveness thus aims to return the hero to a condition he or she has never known. It is, in other words, a purposiveness without purpose, and only when one has understood it thus can one comprehend why Kleist, according to Hölder, would refer to the series of parabolic waves that represent the movement of heroic purposiveness as the "Schönheitslinie" (LS 69).

Throwing Life Away

Around the time Kleist presents his theory of tragedy, he cancels plans for further travel with Ulrike and breaks off his engagement to Wilhelmine, saying that he now doubts he will ever return to his old life in Germany (B 299, 308). In letters, meditations on the end of life flow seamlessly into invocations of the imperative nature of writing; the declarations that "ich mich

nun, mit Lust oder Unlust, an die Schriftstellerei machen muß…" and "Ich habe keinen andern Wunsch as bald zu sterben" follow hard upon one another. His letters nearly stop at this point, and the few that remain pertain increasingly to art. A writing practice bound to the living of life thus gives way to one predicated upon life's sacrifice. Kleist's own behavior mimics the theory of tragedy he develops. Though Kleist's fixation upon suicide is well documented, and will later of course lead to the act itself, during this period he associates a willingness to die with the promise of artistic production. Personal death and artistic life are joined by the topos of the *throw*, whose importance for Kleist is already evident in a letter he writes to Wilhelmine while still in Paris,

> Ach, es ist nichts ekelhafter, als diese Furcht vor dem Tode. Das Leben ist das einzige Eigenthum, das nur dann etwas wert ist, wenn wir es nicht achten. Verächtlich ist es, wenn wir es nicht leicht fallen lassen können, und *nur der kann es zu großen Zwecken nutzen, der es leicht u freudig wegwerfen könnte*. Wer es mit Sorgfalt liebt, moralisch todt ist er schon, denn seine höchste Lebenskraft, nämlich es opfern zu können, modert, indessen er es pflegt. (B 247 [my emphasis])

The traces of the theory of "Zweckmäßigkeit" in Kant's moral philosophy and theory of judgment are unmistakable here. Kleist's denigration of "Furcht vor den Tod" and of those who "das Leben… mit Sorgfalt liebt" nearly cites Kant's derision of "die oft ängstliche Sorgfalt, die der größte Teil der Menschen [für das Leben] trägt." According to Kant, this anxiousness has "keinen inneren Wert" or "moralischen Gehalt" (4: 397). "Achtung" is due not to life itself but to the moral law that dwells within humanity, whose "Macht," Kant writes in the *Kritik der Urteilskraft*, "sich eigentlich nur durch Aufopferung ästhetisch kenntlich macht" (5: 271). To be incapable "[das Leben] opfern zu können" is thus, Kleist rehearses, to be "moralisch todt." Human life is "etwas wert" only insofar as it can subordinate its own interests in the pursuit of a "großen Zweck." Kleist's "großen Zweck" clearly echoes the "höhere Zweckmäßigkeit" that

Kant makes the duty of humanity as nature's absolute end.[136] For both Kant and Kleist, a great purpose's hold upon an individual is only negatively felt through his or her sacrifice. For Kleist, human life's value is thus only evident in the sacrificial capability of someone "der es… *wegwerfen könnte*."

Kleist's reflections on the moral value evident in life's sacrifice are particularly close to Kant's well known writing on the sublimity of military service in the *Kritik der Urteilskraft* (5: 262), but his use of the verb "werfen" to describe the willingness to sacrifice life ["das Leben… wegwerfen können"] departs significantly from Kant, who uses the verb "aufopfern" in such contexts. For Kant, the aesthetic judgment of the military officer's readiness for death inscribes the soldier's fearlessness within a sacrificial economy—the soldier is willing to die in the name of a cause that is "higher" than his individual biological well-being—such that his heroic acts ought never appear as a simple throwing away of life. Kant indeed only uses the image of throwing oneself toward death ("sich in den gewissen Tod zu stürzen") and of self-disposal ("sich… disponieren") in his writings on suicide. He furthermore deems suicide morally impermissible because it does not sacrifice life in the interest of any higher purpose but rather to alleviate the living individual's personal discomforts, and thus in the name of an "ihm beliebigen Zweck" (6: 422). For Kant, throwing life away ought never be confused with self-sacrifice. It is

[136] Elsewhere, Kleist repeatedly refers to the "der trocknen Pflicht" that "(wie Kant versichert) der letzte Zweck des Menschen sei" (B 124, 127) and rehearses Kant's attempt to provide a rational account of religious commitment to this end when he states that, "…alle diese religiösen Gebräuche nichts sind, als *menschliche* Vorschriften, die zu allen Zeiten verschieden waren u noch in diesem Augenblicke an allen Orten der Erde verschieden sind. *Darin* also kann das Wesen der Religion nicht liegen, weil es ja sonst höchst schwankend u ungewiß wäre. Wer steht uns dafür, daß nicht in Kurzem ein zweiter *Luther* unter uns aufsteht, und umwirft, was jener baute. Aber in uns flammt eine Vorschrift – und die muß göttlich sein, weil sie ewig und allgemein ist; sie heißt: *erfülle deine Pflicht*; und dieser Satz enthält die Lehren aller Religionen" (B 128). Read in relation to Goethe's critique of *Penthesilea* as a messianic drama, Kleist's reference to the coming of a "zweiter *Luther*" is exceedingly provocative, all the more so since Penthesilea's final scene, to which I will turn in this chapter's final section, may be read as precicely such an "Umwerfung" of conscience's freedom and purity. Crucial for my argument here, however, is evidence of Kleist's interest in Kant's doctrine of ends as a measure of the value of human action.

nevertheless precisely this gesture that Kleist interpellates into his rehearsal of the aesthetics of sacrifice in Kant, and later links to the *throw* of artistic productivity.

In a letter to Otto August Rühle von Lilienstern that contains Kleist's first mention of *Penthesilea*, Kleist writes,

> O Rühle… laß uns etwas Gutes Thun, und dabei sterben!... Jetzt habe ich ein Trauerspiel [*Penthesilea*] unter der Feder. –Ich höre, du, mein lieber Junge, beschäfftigst dich auch mit der Kunst? Es giebt nichts Göttlicheres, als sie! Und nichts Leichteres zugleich; und doch, warum ist es so schwer? Jede erste Bewegung, alles Unwillkührliche, ist schön; und schief und verschroben Alles, so bald es sich selbst begreift. O der Verstand! Der unglückseelige Verstand! Studiere nicht zu viel, mein lieber Junge. Deine Übersetzung des Racine hatte treffliche Stellen. Folge deinem Gefühl. Was dir schön dünkt, das gieb uns, auf gut Glück. *Es ist ein Wurf, wie mit dem Würfel; aber es giebt nichts Anderes*. – (B 361-362 [my emphasis])

Kleist's letter to von Lilienstern once again associates accomplishment with the risk of death ("lass uns etwas Gutes Thun, und dabei sterben!"), but now links this risk to the contingencies involved in artistic production, which he refers to as "ein Wurf, wie mit einem Würfel." Kleist conceptualizes the throw of artistic production as the gesture through which an artist gives himself over to his audience, in the form of his or her work, "auf gut Glück." The gift of one's work to one's audience or readership, Kleist thus suggests, entails an irreducible exposure to chance and the willing sacrifice of authorial purposes. Kleist thus associates artistic beauty with an "erste Bewegung" that, like the "Bewegung auf der Reise" to which he refers in his letter to Wilhelmine, is originarily without clear purpose, and both precedes and exceeds "Verstand" for this reason.

The "erste Bewegung": Art as Dice Thrown

To make art is to give oneself to one's audience without understanding what it is that one gives. Like traveling, this giving entails sacrificing the positive rewards of study (Kleist recommends that von Lilienstern "studiere nicht zu viel") and suspending distinct, positive purposes or aims. But, as with Kleist's hopes for travel and analysis of tragic action, this

interruption or sacrifice of purposes promises a valuable return—namely the appearance of something "Unwillkührliches" and "Schönes." This association of beauty with the interruption of purpose is already present in Kleist's theory of tragedy, to be sure. His further association of beauty with the "Unwillkührliche" here, however, interpellates the distinction between "freie Wille" and mere "Willkühr" central to Kant's moral philosophy and, by opposing beauty's purposiveness-without-purpose to the latter, implicitly associates it with the former.[137] Beauty, Kleist's text thus suggests, is the effect produced by the apprehension of the will as it is reflected in the purposelessness of its products.

The implicit association of artistic productivity and the revelation of freedom contained in the previous passage becomes explicit in a later letter Kleist addresses to Friedrich de la Motte Fouqué. Kleist writes,

> …die Erscheinung, die am meisten, bei der Betrachtung eines Kunstwerks, rührt, ist, dünkt mich, nicht das Werk selbst, sondern die Eigenthümlichkeit des Geistes, der es hervorbrachte, und *der sich, in unbewußter Freiheit und Lieblichkeit, darin entfaltet*" (B 483 [my emphasis]).

An artwork "rührt," according to Kleist, not due to its positive characteristics, but rather as an "Erscheinung" of the "unbewußter Freiheit" of the "Geist" that brings it forth, which "entfaltet" therein. Having enclosed one of his own works with the letter from which this citation is drawn, Kleist suggests that it, too, may be read "in diesem Sinne," and that it may thus be apprehended as the "Tinte meines Wesens" (B 483). With this final statement Kleist's transition from a purpose lost to a purposiveness regained is fully accomplished. The loss of purpose Kleist experienced during the period of the so-called Kant crisis gives way to an experience of purposiveness without purpose in which he, like Kant, discerns the traces of his own authorial spontaneity.

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[137] For analyses of the role of the distinction between "Wille" and "Willkür" in Kant's moral philosophy, see Gordon Michaelson, *Fallen Freedom: Kant on Radical Evil and Moral Regeneration* (35-37), and Peter Fenves (*Late Kant* 76-).

Taken together, Kleist's theory of tragedy and reflections on artistic production allow him to experience the very aimlessness that, just a few years earlier, marked an insuperable crisis in his scientific pursuits, as the appearance of his very "Wesen" as a producer of art. That Kleist associates this being with the ink in which he writes is far from insignificant. For, like the dark lines upon the pages he encloses in his letter to la Motte Fouqué, the purposiveness that preoccupies him is bereft of any single goal, purpose, or destiny. It is not a thing in itself, nor a substance, nor an identity, nor even a power. It is nothing other than the material trace of a "throw," about which Kleist says in his letter to von Lilienstern, that "es gibt nichts Anderes." It is in this throw that Kleist believes he can discover the resource of his creative productivity, and in the first literary text he writes after leaving his island retreat, it is upon this peculiar thrown agency that he meditates, turning for the first time to an exploration of the political implications of his discovery.

II. The Politics of Aimlessness: Kleist's *Penthesilea, ein Trauerspiel.*

Thrown Agency

The verb "werfen" that Kleist uses to describe the act of making art in his 1806 letter to von Lilienstern, which also contains his first reference to *Penthesilea, ein Trauerspiel,* also plays an important role in this tragedy, appearing at several crucial junctures at the beginning, middle, and end of Kleist's text and giving shape, in each instance, to his hero's agency. Determining the nature of Penthesilea's agency is of central importance to Kleist's play, in which the purposiveness without purpose that preoccupies Kleist is translated into the heroine's own apparent aimlessness, and the question of discerning a higher purposiveness in the negation of particular purposes is translated into that of determining what larger goal motivates Penthesilea's particular actions.

The first, second, and fourth instances of the verb "werfen" in Kleist's play describe actions through which Penthesilea either evades or triumphs over Achilles, and thus mark Kleist's transformative intervention in the epic corpus his text reiterates (SW 285, 289, 363). In scenes one and two, the verb describes Penthesilea's equestrian style during periods when, in the intensity of battle, she seems almost to merge with the motion of the horse upon which she rides. Indeed, the throws contained in these two opening scenes are evenly distributed between Penthesilea and her palfrey at the grammatical level, such that it is unclear who is throwing and who is being thrown. In scene twenty-four, the verb "werfen" gives shape to Penthesilea's final, fatal attack on Achilles, and involves, once again, a loss of clear distinctions separating Penthesilea from her instruments of war—this time the dogs and elephants that participate in the horrific dismemberment of Achilles' corpse. In all three instances, the verb describes an action that appears to take place in the absence of understanding, echoing Kleist's description of the

writerly "throw" in this regard, In the first instance, the act is not directly attributed to Penthesilea but rather to her palfrey, leaving the question of its intentional status, and thus its link to the understanding, entirely suspended:

> DIOMEDES. …doch sie [Penthesilea], bis auf den Hals
> Gebückt, den mähnumflossenen, des Schecken,
> Der, in den Goldzaum beißend, sich herumwirft,
> Weicht seinem [Achilles'] Mordhieb aus, und schießt die Zügel,
> Und sieht sich um, und lächelt, und ist fort. (SW 285)

Here, Penthesilea narrowly avoids death because of her palfrey's throw. The steed that transports her to the fields outside Troy now brings about her escape from the fate tradition assigns her there. Penthesilea's palfrey does not merely throw her clear of Achilles' "Mordhieb," but rescues her as it "sich herumwirft." The throwing Kleist depicts is thus also a turning, as if Penthesilea's movement traces the etymological relays of *werfen*'s base verb, which shares the Indo-Germanic root "wer" with both "drehen" (to turn) and "werden" (to become) (Kluge 984), thus mirroring Kleist's own means of transport (the poetic trope) and strengthening the allegorical commerce between heroism and authorship that is present throught Kleist's text.

With this in mind, it is important to note that Penthesilea is not the primary agent of the motion by which she is presented in this scene, showing her smiling face to both Achilles' and Kleist's reader for the first time in the text that bears her name. The movement through which Penthesilea's figure takes shape is, rather, composite, consisting of two throws or two turns, first her palfrey's and then her own. Penthesilea is not the first to act. Her throw rather affirms her palfrey's through repetition. The palfrey having thrown itself round, Penthesilea throws the reigns and turns round once again (sie… schießt die Zügel,/ Und sieht sich um…). That Penthesilea's steed has acted without her direction may be inferred from the fact that she must throw the reigns after her horse's throw in order to attain the control requisite to turn round once again. Penthesilea thus does not, strictly speaking, save herself in this momentous scene. Her

mastery of her steed's movement—represented by the throwing of the reigns—emerges only after she has avoided Achilles's fatal blow by grace of her Palfrey's restless movement, and furthermore takes the form of a mere affirmative repetition of her palfrey's gesture—the revolution by which she *was thrown* and now *throws herself* round, turning in place, miming her war-horse rather than riding it, and signing the performance with a smile.

Penthesilea's second "throw" is even more emphatically bound to the suspension of understanding than the first. In scene two, Penthesilea attempts to scale an incline too steep to climb, at the top of which Achilles lies immobilized, his thighs tangled in the traces of his own chariot, which has capsized in an attempt to avoid toppling into the "Abgrund" in which Penthesilea now maneuvers. Penthesilea's behavior, as described by an Amazon captain, involves an evident split between action and understanding. "Der Absturz ist, sieht sie es, unersteiglich;" the Captain reports,

> Doch, wie beraubt des Urteils, kehrt sie um
> Und fängt, als wärs von vorn, zu klettern an. (SW 288)

The presentation of a lapse of understanding is here, as before, depicted through an image of repetitious turning, and is furthermore characterized by a splitting of inside and outside, as of desire and the medium of desire's actualization: Penthesilea's attempts betray "ein(en) Wunsch, der keinen Flügel hat," such that she appears "unsinniger Hoffnung voll… gleich einer Rasenden" (SW 288). When, proceeding in this way, Penthesilea achieves a seemingly unattainable perch midway up the precipice—one that, we are told, "des Wanderers Fußtritt scheut…," which is "von nicht mehr Flächenraum,/ Als eine Gemse sich zu halten braucht" (SW 288)—only to fall from this spot "urplötzlich… Als ob sie in den Orkus führe," her sudden, near-death experience is marked not by the "Angst" it inspires in her compatriots but rather by an absence of judgment (Kleist's word is "Urteil") and thus of understanding, depicted this time as

an absence of learning: She "bricht den Hals nicht und lernt auch nichts:/ Sie rafft sich bloß zu neuem Klimmen auf" (SW 289). Kleist's image echoes Dante's well known depiction of his pilgrim's transit from the third to the fourth bank of the *Inferno*'s Eighth Circle astride Virgil's shade, who gathers the pilgrim in his arms and carries him the steep way out of the intervening ditch to set him down gently "on the rough, steep ridge/ which even for she-goats would be a difficult crossing [per lo scoglio sconcio ed erto/ che sarrebe a le capre duro varco]."[138] Just as Dante's image thematizes his dependence upon Virgil's corpus through depictions of the Dante pilgrim's reliance upon the ancient master's physically superior form—a reliance that is repeatedly associated with the Dante Pilgrim's periodic incapacitation and unconsciousness—so too Penthesilea's carriage up the steep path separating her from Achilles is doubly marked by unconsciousness and dependency. When Penthesilea finally bridges the gulf that separates her from Achilles, she does so not do so by learning the way, but rather by throwing herself 'round once again, "das Roß zurückwerfend," this time in the direction of a path discovered for her by the dismayed Amazons, to whose "Wort" she responds without pause for reflection, glancing in the direction of the path from which her companion's cries emanate and following her own gaze like an animal captivated by its prey: "dem gestrechten Parder gleich, folgt sie dem Blick auch auf dem Fuß" (SW 289).

The fourth instance of the verb occurs in the tragedy's final scene, in which the Amazon's high priestess describes Penthesilea's dismemberment of Achilles' corpse:

> DIE OBERPRIESTERIN. Diana ruf ich an!
> Laß es die ganze Schar, die dich umsteht,
> Bekräftigen! Dein Pfeil wars, der in traf,
> Und, Himmel! Wär es nur dein Pfeil gewesen!
> Doch als er niedersank, warfst du dich noch,
> In der Verwirrung deiner wilden Sinne,
> Mit allen Hunden über ihn und schlugst—

[138] Dante, *The Divine Comedy of Dante Alighieri: Inferno*, 294 (Canto 19, l. 131-2).

O, meine Lippe zittert auzusprechen,
Was du getan. Frag nicht! Komm, laß uns gehen. (SW 363)

That the "throw" the high priestess describes has taken place, once again, in the absence of understanding, is clear not only from the "Verwirrung [ihrer] wilden Sinne" but also from the fact that Penthesilea must now be informed after the fact of the action the verb describes. The throw furthermore involves, once again, Penthesilea's merger with the living instruments of war—here the dogs that participate in the dismemberment of Achilles. But this fourth throw adds something to the first and second. Unlike them, it marks an accomplishment that is of undeniably central importance to Penthesilea and to the tragedy that bears her name—one that represents Kleist's decisive break with all mythological accounts of Penthesilea's conflict with Achilles. The Amazons who witness Penthesilea's murder and dismemberment of Achilles refer to this act, furthermore, as the "Wort des greuel Rätsels" that will grant access to the hitherto indecipherable motivation of Penthesilea's actions (SW 352). To interpret this throw would thus be to answer the question of Penthesilea's purposiveness, and thereby to fill in the lacunae Penthesilea opened when, prior to her first combat with Achilles and in the presence of the army of Amazons, she expressed the wish that "ich, was so herrlich mir begonnen,/ so groß… endige" (SW 299). Penthesilea has now, these same Amazons' words suggests, attained the goal that she then so enigmatically announced. And yet, in attaining her goal, she dissolves or destroys it as well. For her deed, though unquestionably "groß," is the opposite of "herrlich." The greatness of Penthesilea's greatest deed, that of her most momentous "throw," is emphatically not a masterful greatness or a greatness marked by mastery. The greatness of this throw corresponds, to the contrary, with a relinquishment of mastery's defining attributes—those of consciousness, knowledge, understanding—and of the integrity that derives from these. Here, furthermore, is where Kleist's bid for writerly greatness—his desire to "do a great deed" by writing—and the

greatness of Penthesilea's deed converge. The lesson Kleist's text unfolds for both is this: that the greatness of those called masters is not itself a greatness of mastery, and is accordingly not one that belongs to them. It is rather the greatness of a throw, understood as a suspension or relinquishment of the attributes of mastery. It is accordingly a greatness of relinquishment, which involves giving up that which would allow one to judge the "great" as the expression, result, or end of a master's capability or strength-in-action, and thus to perceive, as Penthesilea's words would have us do, within the "greatness" of an end, a "mastery" at the beginning. Any such retroactive determination of mastery as the source of greatness appears, here, as an unfounded teleological judgment—the postulation of a cause where none can be discerned. In Kleist's text, greatness is not an attribute of mastery but rather an event of weakness.

Weak Heroism

Nowhere is Penthesilea's weak greatness more closely associated with the capacity for artistic production than in *Penthesilea*'s third "throw," in which the throw's Janus faced admixture of greatness and weakness is comprehended, as in the letter to von Lilienstern, within the topos of the throw as "throw of the dice." In scene nine of *Penthesilea*, immediately prior to the swoon that will place Penthesilea, without her knowledge, in the hands of Achilles and the Greeks—who subsequently, upon her awakening, masquerade as prisoners of war so that Achilles may learn the secrets of Amazon statehood—Penthesilea exclaims:

> PENTHESILEA. Ach, mein Seel ist matt bis in den Tod!...
> Wenn es mir möglich wär —! Wenn ichs vermöchte —!
> Das Äusserste, das Menschenkräfte leisten,
> Hab ich getan — Unmögliches versucht —
> Mein Alles habe ich an den Wurf gesetzt;
> Der Würfel, der entscheidet, liegt, er liegt:
> Begreifen muss ichs — und daß ich verlor. (SW 313-315)

The similarities between Kleist's evocation of the nature of artistic production and Penthesilea's description of her own tragically heroic action are here abundantly clear. From the

first throw to the second, a sublimely split writerly self who sacrifices understanding in the name of the purity of an "erste Bewegung" gives way to Penthesilea's self-sacrificial enactment of a deed that she characterizes as being both representative of the highest or most extreme potential of "human power" ("das Äusserste, das Menschenkräfte leisten") *and* something she herself has found it impossible to accomplish ("— Unmögliches versucht —"), a duality she experiences by way of a paradigmatically Kantian "Gefühl einer augenblicklichen Hemmung der Lebenskräfte" (X 165), or as a proximity to death within life ("mein Seel ist matt bis in den Tod!").

The differences between the stories these two passages tell, however, further complicates the theory of artistic productivity and tragic-heroic action they jointly articulate. For if one attempts, through writing in the absence of understanding, to capture the traces of one's a priori determination—the shape of an "erste Bewegung" whose occurrence, like the turning of Penthesilea's steed, first potentiates its conscious, intended, or authorial reiteration—and if the promise of such a practice informs Kleist's advice to von Lilienstern, then Penthesilea's lament, which takes place *after* her accomplishment of an act that is strictly analogous to that which Kleist recommends to von Lilienstern, throws the fundamental premises of this praxis into question. For at this moment in Kleist's narrative, the die has already been cast (Der Würfel, der entscheidet, liegt, er liegt").

The apparent contradiction posed by these two passages' divergent imperatives—"Begreifen muss ichs" and "Studiere nicht zu viel"—is thus no contradiction at all. It represents, rather, the "practical" and "theoretical" moments of a dynamic praxis or hermeneutic circle in which the writing of a text is to the understanding of what was written as the throwing of a die is to the tally of its lie. For Penthesilea, the time has come for the understanding to return and reap whatever benefits it may have secured through its willing self-sacrifice ("Begreifen muss

ichs…"), and yet what presents itself to be grasped on the other side of this anterior throw, what the understanding deciphers in the decisive event's remains, does not fulfill its expectations. For the experience of the event's remainder does not differ from the experience of sacrifice entailed in its production. The object has indeed arrived, and awaits interpretation ("Begreifen muss ich(e)s —"). But what this object gives to be understood is no different from the recognition that leads to objectivity's suspension or dissolution, namely the understanding "daß ich verlor." In contrast to the Kantian account of the sublimity of freedom's temporalizing "act," to the parameters of which Kleist's allegory of writerly heroism so closely conforms, no higher purposiveness or "übersinnliche Bestimmung" emerges on the other side of Penthesilea's tragic disorientation; no inner dignity transcends the bare facticity of her self-sacrificial throw. The negative capability that her sovereign activity might display turns out to be no capability at all, but rather the event of a weakness, of an infinitely needy oblivion, whose negativity remains thus far unredeemed.

A Common Enemy

Because of the enigmatic nature of her thrown agency, Penthesilea's appearance within the militarized international space outside of Troy forces a repositioning of the combattants whose conflict unfolds within that space, who must determine her role within this conflict. Penthesilea's aimlessness foments a crisis of motivation, of the ability to discern the inner determination of outward actions. Her appearance in turn transforms the conflict that structures the political scene in which she intervenes from a conflict between interested parties to a fight for the political intelligibility of action as such. The play is itself drawn forth by the same imperative that motivates this fight; It is structured by a series of narrative perspectives—shifting from indirect speech to first hand narrative, and from the outside the Amazon army to its inside—

which draws ever closer to Penthesilea herself, and thus to an explanation of what motivates her actions. But what this gradual approach illuminates is not Penthesilea's motives, but rather structure of motivation itself and the effects of its interruption.

The difficulty of motivating Penthesilea's arrival is evident in the first new Odysseus hears of her. Kleist writes,

> ODYSSEUS. Penthesilea, hieß es,
> Sei in den skythschen Wäldern aufgestanden,
> Und führt ein Heer, bedeckt mit Schlangenhäuten,
> Von Amazonen, heißer Kampflust voll,
> Den Priamus in Troja zu entsetzen (SW 281)

Not only does the first mention of Penthesilea in the tragedy that bears her name take place in a sentence with no subject, such that her appearance within the play remains itself unmotivated, the motivation that this unmotivated voice, according to which Penthesilea and her army have arisen in the Scythian forest "(d)en Priamus in Troja zu entsetzen," is itself fundamentally ambigious." As is indicated in my translation, the clause's verb may be interpreted in two opposed ways, meaning either "to terrify" or to "relieve" in the military sense of "support by giving replacement to." Further hearsay reported by Odysseus supports the latter interpretation. The Greeks have heard that Diephobus, a Trojan, has departed from Troy with military accompaniment, in order to greet the queen, who approaches him with help, "nach Freundesart." This news causes the Greeks to set out in a hurry by night, in the hopes of preempting this alliance of enemies, their nocturnal journey ending at dawn. The rising of the sun accompanies a shift from the subjunctive to the indicative mood, which brings with it a shift from hearing to seeing via a change of narrative perspective. Hitherto Odysseus has merely reported what "is said" or "we hear" of Penthesilea and described actions taken on the basis of such hearsay. With the morning light comes a new perspective—that of Odysseus's first hand account. This shift from authorless speech to a first person account and from the aural to the

visual, which is accentuated by the rising of the sun, suggests that this new perspective will diffuse the interpretive uncertainty of the preceding night, replacing the indistinct murmur of rumor and speculation with the clear outlines of Penthesilea's objective form and thereby resolving questions pertaining to the meaning of her arrival. No sooner has the sun arisen, however, than its clarifying light is polluted with obfuscating clouds:

> ODYSSEUS. Welch ein Erstaunen faßt uns, Antiloch,
> Da wir, in einem weiten Tal vor uns,
> Mit des Deiphobus Iliern im Kampf
> Die Amazonen sehn! Penthesilea,
> Wie Sturmwind ein zerrissenes Gewölk,
> Weht der Trojaner Reihen vor sich her,
> Als gält es, übern Hellespont hinaus,
> Hinweg von der Erde sie zu blasen. (SW 281)

The image of nature turned violently against itself, through which Odysseus describes the shocking site of the Amazon's attacking the Trojan army he feared they would join, is nearly a citation of Kant's description of counter-purposive imagery in his writings on the dynamic sublime. Just as the counter-purposive object humiliates the understanding by interrupting the postulation of purposiveness upon which cognition relies, so too Penthesilea's furious onslaught shocks Odysseus not because of what it suggests at the level of narrative (he should after all be pleased to find her combatting the Trojans) but rather because it throws the categories through which he would make sense of the scene that unfolds before him into question. Recalling his astonishment, Odysseus retrospectively rehearses these categories, through use of which he ought, he insists, to have be able to make sense of the scene he witnessed. Having narrated his decision, upon seeing Penthesilea unexpectedly locked in battle with the Trojan army, to attempt to greet her as a friend, Odysseus exclaims:

> ODYSSEUS. War je ein Rat einfältiger und besser?
> Hätt Athene, wenn ich sie befragt,
> Ins Ohr verständiger mir flüstern können?
> Sie muß, beim Hades! diese Jungfrau, doch,
> Die wie vom Himmel plötzlich kampfgerüstet

In unsern Streit fällt, sich darin zu mischen,
Sie muß *zu* einer der Partein sich schlagen;
Und uns die Freundin müssen wir sie glauben,
Da sie sich Teukrischen die Feindin zeigt… (SW 282)

Odysseus's disquisition unambiguously suggests that judgments made within the theater of war are governed by a single opposition: that between friend and enemy. It is this opposition that Penthesilea interrupts when she appears, as if from out of nowhere, "in unserem Streit… zu mischen." In the passages that follow, the impossibility of motivating Penthesilea's appearance transforms not only the shape of war but also the politics that underwrite it. The status of the Trojan War as a founding myth of Attic culture, and by extension Western civilization, furthermore allows Kleist to elevate political form to the universality of nature itself, such that a crisis in political organization of that world is registered as a disordering of nature itself, which is evident in Odysseus' description of the conflict that Penthesilea's onslaught foments:

ODYSSEUS. Jetzt hebt
Ein Kampf an, wie er, seit die Furien walten,
Noch nicht gekämpft ward auf der Erde Rücken.
Soviel ich weiß, gibt es in der Natur
Kraft bloß und ihren Widerstand, nichts Drittes.
Was Glut des Feuers löscht, löst Wasser siedend
Zu Dampf nicht auf, und umgekehrt. Doch hier
Zeigt ein ergrimmter Feind von beiden sich,
Bei dessen Eintritt nicht das Feuer weiß,
Ob's mit dem Wasser rieseln soll, das Wasser,
Ob's mit dem Feuer himmelan soll lecken.
Der Trojer wirft, gedränkt von Amazonen,
Sich hinter eines Griechen Schild, der Grieche
Befreit ihn von der Jungfrau, die ihn drängte,
Und Griech und Trojer müssen jetzt sich fast,
Dem Raub der Helena zum Trotz, vereinen,
Um dem gemeinen Feinde zu begegnen. (SW 283-284)

Penthesilea's attack thus foments a titular and yet, as it were, de facto unification of Greek and Trojan at the level of a sign momentarily evacuated of semantic depth:—the shield behind which both alike weather the storm of Penthesilea's fury. The hermeneutic crisis that this malfuntioning sign announces suspends Greek/Trojan enmity by interrupting the form of

judgment upon which it is based. It hereby instigates an attempt to recuperate the political intelligibility of the scene through the formation of another relation of enmity. The interruption of the natural dynamics of cause and effect, force and resistance, affinity and antipathy, that Odysseus evokes would thus become the negative object of a new form of politics—one that pits Greek and Trojan together against a "gemeinen Feind": Penthesilea herself.

A political conflict between Greeks and Trojans is thus transformed into a fight for the political intelligibility of action as such—a struggle over clearly defined empirical goals give way to a fight to restore the hermeneutic parameters of a world in which human action may be understood through the application of rules that govern natural causation. But this transition involves a paradox. For determining Penthesilea as the enemy requires the judgment of motives that her appearance interrupts. Her frustrating impenetrability marks a generalized evacuation of hermeneutic depth that is reflected in the impossibility of motivating her appearance as such. What unsettles the Greek and Trojan warriors to the point of distraction, causing them to abandon the conflict in which they are involved in order to defend themselves against something that threatens that conflict's intelligibility, is neither the Amazons' military strength nor the knowledge of any malicious intentions that strength might serve, but rather, the simple appearance of an act that betrays no discernible goal; it is an appearance of irreducible aimlessness.

The Interruption of Enmity

In the aftermath of battle, and while Greeks lament the inadequacy of eyes and arms to either measure or rescue the number taken prisoner by Penthesilea's Amazons, Antilochus asks once again for the purpose of Penthesilea's attack.

ANTILOCHUS. Und niemand kann, was sie uns will, ergründen?

To this, Diomedes replies,

> DIOMEDES. Kein Mensch, das eben ists: Wohin wir spähend
> Auch des Gedankens Senkblei fallen lassen.
> — (SW 284)

Such is Penthesilea's peculiar impact upon the theater of war in which she appears. But in refusing all motivation, Penthesilea gives these would-be friends an enemy only in the form of their own perceptual limitations, leaving them to trace the mute contours of a thought that failed to reach its goal, or to peer into the mirror at eyes that failed to see what they have lost, that missed without missing, such that the humiliation understanding registers appears irreparable: The Greeks have always lost, in Diomedes words, "mehr, als sie uns Augen, sie zu missen… übrig ließ." The antipathy provoked by such resistance is exceedingly mobile, since it responds not to an object but rather to an arresting of the formal parameters of the form of political objectivity to which Kleist's Greeks subscribe, while leaving this interruption's source undetermined, and thus open to all.

By inserting a diacritical dash, or "Gedankenstrich" immediately after Antilochus's invocation of "Gedankens" incapacitated "Senkblei," Kleist emphasizes the immanent nature of this blindness the Greek describes—it's embededness in the medium of artistic production no less than of political judgment. Penthesilea turns out to be something other than the "common enemy" Odysseus would make of her, since she pursues Achilles, according to Diomedes account, with merely apparent murderous intent, giving his life back to him in the end at the very moment she could take it. It is finally Achilles himself—who, after being spared, pursues Penthesilea in battle with renewed passion—on whom the Greeks turn.

The Internal Enemy

The enemy thus migrates from the outside to inside the Greek encampment. That the Greeks turn on Achilles for pursuing Penthesilea is the most evident proof that Odysseus'

declaration of common enmity against Penthesilea has failed to take hold. But why? Why would the Amazons, who kill and capture Greeks and Trojans alike, fail to constitute an enemy of both, such that fighting Penthesilea would itself be deemed an inimical act?

The transfer of enmity from Penthesilea to Achilles reveals that what is at stake in the political scene Penthesilea's arrival creates is not her particularity as a combattant, but the challenge she poses to political judgment. At stake, once again, is an interruption of purposiveness. Since no one, in Antilochus' words, can tell "wozu sich diese rätselhafte Sphinx im Angesicht von Troja wird entscheiden," Penthesilea's "Ziel" appears "uns gleichgültigem," and fighting her a "sinnentblößten Kampf," irrespective of how much physical damage her armny has done or will do (SW 285). By continuing to pursue Penthesilea in battle, Achilles aggravates the threat she represents, rather than challenging it. For to counter Penthesilea is to accept the terms of engagement under which she fights; it is to *act without knowing*, and thus to become *passive* in the act. Linking this passivity to femininity, the image Odysseus uses to turn the Greeks on Achilles thus turns his prospective triumph into a proleptic defeat by mobilizing an erotic metaphor that reverses Achilles' and Penthesilea's respective genders:

> ODYSSEUS. Mein ihr, daß der Laertide [Achilles] sich
> In diesem sinnentblößten Kampf gefällt?
> Schafft den Peliden weg von diesem Platz:
> Den die Dogg, entkoppelt, mit Geheul
> In das Geweih des Hirsches fällt: Der Jäger
> Erfüllt von Sorge, lockt und ruft sie ab;
> Jedoch verbissen in den Prachttiers Nacken,
> Tanzt sie durch Berge neben ihm und Ströme
> Fern in des Waldes Nacht hinein: so er,
> Der Rasende, seit in der Forst des Krieges
> Dies wild sich, von so seltner Art, ihm zeigte.
> Durchbort mit einem Pfeilschuß, ihn zu fesseln,
> Die Schenkel ihm… (SW 286)

In response to Odysseus' words, Diomedes calls for the unity of the Kings, not against Penthesilea, this time, but against Achilles' unreason, which poses a similar threat:

DIOMEDES. Laßt uns vereint, ihr Könige, noch einmal
Vernunft keilförmig, mit Gelassenheit,
Auf seine rasende Entschließung setzen…
Und einem Klotz gleich, weil der Sinn ihm fehlt,
In dem Argiverlager niederwerfen. (SW 286)

In calling upon all Kings to join together against the threat Achilles poses, Diomedes rhetorically upstages Odysseus' comparison of "Laertes' son" to a maenadically dancing bitch—the wild hunting dog who abandons its task to the disorienting beauty of bacchic ecstacy. In his account, Achilles is bereft of all sense; he is not even an animal but rather like "ein( ) Klotz." Such is the greatness of the weakest of Iliadic heroes, whose acts routinely break with reason's measure. In the face of this, reason would consolidate itself in the form of a wedge with which to split Achilles from his mad resolve, and thus return this split hero (Odysseus refers to him as "entkoppelt," meaning "unleashed" but in this context also "split off from" himself) to his "Sinn." But when they reduce "Vernunft" to "Verstand" in this way, the Greek armies find that they cannot avoid turning inward upon themselves, discovering the threat posed by their most recalcitrantly foreign enemy reflected in the desire of their most familiar friend.

Another Like the Others

In scene five, Kleist's narrative shifts from the perspective of the Greek army to that of the Amazon ranks, continuing the logic of the progressive approach to Penthesilea established in scenes one through four. It is in this scene that Penthesilea herself first speaks in her own voice, promising, once again, to clarify her still outstanding motives. The controversy that opens the scene further heightens the anticipation of this revelation by staging a dispute regarding the proper interpretation of Penthesilea's actions. Penthesilea has just returned from the battle field, having driven Achilles over the horizon in flight. Upon her arrival, the Amazons declare the scene that has just unfolded before them a "Triumph!," interpreting Achilles' flight from

Penthesilea as a sign of her conquest of him and dubbing her "Siegerin! Überwinderin!" (SW 297). But Penthesilea rebuffs the Amazon's declaration of "Triumph," saying:

> PENTHESILEA. Nichts vom Triumph mir! Nichts vom Rosenfeste!
> Es ruft die Schlacht noch einmal mich ins Feld.
> Den jungen trotzgen Kriegsgott bändg' ich mir.
> Gefährtinnen, zehntausend Sonnen dünken,
> Zu einem Glutball eingeschmelzt, so glanzvoll
> Nicht als ein Sieg, ein Sieg mir über ihn.

The grammatical structure of Penthesilea's first lines is worth attending to in some detail, as is its contextualized effect. Penthesilea's long-delayed entrance promises clarification of the central question of Kleist's tragedy—the question of its hero's motivation. Both Odysseus's retrospective narrative and the Myrmidonier's present tense account have proven incapable of solving the riddle of Penthesilea's appearance at Troy. The shift from third-person narratives to direct discourse promises to overcome this narratological paralysis. It is therefore of utmost importance that Penthesilea's first lines not only circumvent the use of the first person pronoun, but dispense with the grammatical subject altogether, echoing in this regard the disembodied, agentless voice through which her presence is first announced in the play. Penthesilea's "Es ruft die Schlacht noch einmal mich ins Feld," like Odysseus' "Penthesilea, hieß es, sei in den skythschen Wäldern aufgestanden," describes an action with no distinct narrative subject, and no grammatical subject at all. Penthesilea's words thus echo those with which Odysseus first poses Kleist's tragedy's central problem, rather than beginning to resolve it. In so doing, they interrupt and call into question the privileging of the first-person perspective that the anticipatory structure of Kleist's narrative promotes.

By avoiding the first person pronoun and referring to herself only in the dative and accusative cases, Penthesilea's opening lines place her in a position no different from that of the Greeks she encounters. Penthesilea describes herself just as they do: as if from afar, as if she is to

herself merely something to which or through which things seem to occur, rather than the intentional author or sovereign cause of what she outwardly does.

In act five, we discover that Penthesilea's motives are opaque not only to the Greeks but also to herself and to those closest to her. As much as the confounded Greeks, Penthesilea and her compatriots appear ignorant of the purpose of her actions. When Prothoe, Penthesilea's right-hand-woman, tries to quiet Penthesilea after her passionate entrance, Penthesilea appears disoriented and forgetful. She seems not to recall or to understand even her most recent actions.

> PROTHOE.
> …Komm, ruhe dich bei mir ein wenig aus.
>
> PENTHESILEA. Warum? Weshalb? Was ist geschehn? Was sagt ich?
> Hab ich? — Was hab ich denn —? (SW 298)

Penthesilea looks to Prothoe for an interpretation of her own actions, asks her, in effect, to clarify her motives for her, to bridge the gap between action and understanding that her appearance has thus far aggravated. Prothoe responds to her request, but not by answering her question. The help she gives is practical rather than theoretical. It suspends knowledge in the interest of further action, and thus manages to extend, too, the question Penthesilea has asked. Prothoe does indeed seem to understand more and better than Penthesilea, and can for this reason offer her aid, but what she understands is limited to prudential considerations bearing on the outward form of Penthesilea's actions and is emphatically devoid of any interpretation or evaluation of those actions' motives. In response to Penthesilea's bewildered and incoherent query regarding what she has just said or done, Prothoe interjects,

> PROTHOE. Um eines Sieges,
> Der deine junge Seele flüchtig reizt,
> Willst du das Spiel der Schlachten neu beginnen?
> Weil unerfüllt ein Wunsch, ich weiß nicht welcher,
> Dir im geheimen Herz blieb, den Segen,
> Gleich einem übellaun'gen Kind, hinweg,
> Der deines Volks Gebete krönte, werfen? (SW 298)

Prothoe's non-sequeter simultaneously questions, with audacious irreverence, the practical implications of her Queen's dissatisfaction with the outcome of recent combat and scrupulously refrains from any claim to understand the "Wunsch" that motivates the behavior she criticizes, suspending the question of the inner determination of Penthesilea's subjectivity with reference to the sanctity of her sovereign's "(g)eheime(s) Herz." This gesture is characteristic of Prothoe's behavior throughout Kleist's text, in which she functions as an advocate of impenetrable interiority, repeatedly promoting a hermeneutics of humility that insists upon a strict separation of the external form and internal motivation of action. "Dein Aug erglüht ganz fremd, ganz unbegreiflich," Prothoe intimates just lines after the exchange cited above. By transforming Penthesilea's eyes from Constantinian conduits to the soul to foreign things that glow incomprehensibly, Prothoe removes Penthesilea's interiority from view. In response to Achilles' request for a clarification of Penthesilea's feelings toward him later in the tragedy, Prothoe demurs "Wie manches regt sich in der Brust der Frauen/ Das für das Licht des Tages nicht gemacht" (SW 322); and when the Amazon's high priestess charges Penthesilea of having endangered their troops out of mere caprice, on the grounds that "nichts von außen sie, kein Schicksal, hält, nichts als ihr töricht Herz" (SW 314), Prothoe simultaneously defends her sovereign and concedes to the high priestess's charge by elevating Penthesilea's inscrutable "Herz" to the level of "Schicksal," countering,

> PROTHOE. Das ist ihr Schicksal!
> Dir scheinen Eisenbanden unzerreißbar,
> Nicht wahr? Nun sieh: sie bräche sie vielleicht,
> Und das Gefühl doch nicht, das du verspottest.
> Was in ihr walten mag, das weiß nur sie,
> Und jeder Busen ist, der fühlt, ein Rätsel. (SW 314)

Prothoe's defense of Penthesilea's sovereign interiority carves out the place of subjectivity's inner determination only to declare this place off-limits, thus leaving its contents

uninterrogated. In the interest of removing Penthesilea's motives from view, however, she provides a schema for answering the central question of Kleist's tragedy. Though she leaves this question unanswered, she does so in a way that sanctions the hermeneutics of penetration that she herself forgoes.

The Sovereign Heart of Flattery

Penthesilea's own actions, however, here and throughout the tragedy, resist and unsettle the explanatory force of the depth-psychology Prothoe promotes. Her confusion regarding the meaning of her own actions frequently appears to result not from feelings that lie too deep for words—from the unfathomable depths of her "geheime(s) Herz"—but rather from extrinsic influences incommensurable with the inner motivation Prothoe's words presuppose. In the passage from which I have cited above, Penthesilea does indeed rhetorically elevate her inner resolve to sublime stature, commanding the Amazons that attend her,

> PENTHESILEA. Laß mich!
> Du hörst, was ich beschloss, eh würdest du
> Den Strom, wenn er herab von Bergen schießt,
> Als meiner Seele Donnersturz regieren. (SW 297)

The ungovernable sublimity of Penthesilea's resolve, thus expressed, might buttress Prothoe's approach to its interpretation, except that, in the passages that follow, it emphatically fails to demonstrate the transcendent, autonomous will that it claims, falling prey, instead, to the aleatory force of the rhetorical power this claim mobilizes. Penthesilea will indeed battle Achilles once again, but she will not undertake this task strictly of her own accord. She will not do so, that is to say, as an integral, autonomous, or self-determined subject—one whose resolve is so radically detached or independent from extrinsic determination that it tends to withdraw from view altogether, producing the sacrosanct space of interiority. Rather, her resolve having been shaken by forgetfulness and disorientation, Penthesilea appears momentarily swayed by

Prothoe's countervailing counsel, and is returned to her original course only by the flattering words of another advisor. From Penthesilea's perspective, it thus matters little whether these two counselors flatter or not. In either case, the influence they have from a supplementary position "zur Seite" or "alongside" their sovereign abrogates the autonomous integrity of the will Penthesilea seems to claim. This presents is the following paradox: that which demonstrates Penthesilea's sublime detachment from and autonomy within the world that surrounds her, namely her characteristic obliviousness to the people and things with which she comes into contact, and her consequent susceptibility to disorientation, is what simultaneously makes her reliant on the counsel of others, thus abrogating what it would demonstrate. What this paradox suggests is that the impenetrability of Penthesilea's interiority is not opposed to, but rather an effect of, her absolute consignment to extrinsic influences. The sacrosanct place of her innermost motivation exists in Kleist's text as nothing more nor less than the disappearing origin of an originary event of exposure. Prothoe thus says more than she knows when she refers to Penthesilea's imprudence as that of a throw (Willst du… den Segen… hinweg… werfen?).

Kleist's use of sublime imagery to describe the nature of Penthesilea's resolve—the description of her will to battle Achilles as her "Seele Donnersturz" and the comparison of this clap of thunder to "den Strom, wenn er herab von Bergen schießt," maps with nearly citational precision onto Kant's description of the dynamic sublimity of nature imagery in the *Kritik der Urteilskraft*. The passage's emphasis on Penthesilea's sovereign imperviousness to risk and unconditional abhorrence of cowardice, furthermore, echoes Kant's description of the sublimity of military leadership. In the well known sub-section of this analytic, entitled "Von der Nature als einer Macht," Kant describes the way in which the experience of "Donnerwolken, mit Blitzen

und Krachen einherziehend" or "ein hoher Wasserfall eines mächtigen Flusses" can lead one to a feeling of sublimity,

> …weil sie die Seelenstärke über ihr gewöhnliches Mittelmaß erhöhen, und ein Vermögen zu widerstehen von ganz anderer Art in uns entdecken lassen, welches uns Mut macht, uns mit der scheinbaren Allgewalt der Natur messen zu können. (5: 261)

The "Vermögen zu widerstehen" to that one experiences in such circumstances is not physical; it is not a capacity to resist nature on its own terms, or to materially conquer its overweening strength. It is rather a capacity "von ganz anderer Art" that has no external actuality, no positivity at all, residing instead only "in uns." Kant continues,

> …so gibt auch die Unwiderstehlichkeit [der] Macht [der Natur] uns, als Naturwesen betrachtet, zwar unsere *physische* Ohnmacht zu erkennen, aber entdeckt zugleich ein Vermögen, uns als von ihr unabhängig zu beurteilen, und eine Überlegenheit über die Natur, worauf sich eine Selbsterhaltung von ganz anderer Art gründet, als diejenige ist, die von der Natur außer uns angefochten und in Gefahr gebracht werden kann, *wobei* die Menschheit in unserer Person unerniedrigt bleibt, obgleich der Mensch jener Gewalt unterliegen müßte. (5: 262)

The warrior impresses not because of his own strength, but because of the capacity "uns als unabhängig zu urteilen" from extrinsic, natural influences that he or she sublimely demonstrates. The "Hochachtung für den Krieger" relates to the warrior's fearlessness only insofar as the latter demonstrates this inner capacity. We experience "ein(en) Mensch(en), der nicht erschrickt, der sich nicht fürchtet, also der Gefahr nicht weicht" as sublime "weil daran die Unbezwinglichkeit seines Gemüts durch Gefahr erkannt wird." Kant famously continues,

> Daher mag man noch so viel in der Vergleichung des Staatsmanns mit dem Feldherrn über die Vorzüglichkeit der Achtung, die einer vor dem andern verdient, streiten: das ästhetische Urteil entscheidet für den letztern. Selbst der Kriege… hat etwas Erhabenes an sich, und macht zugleich die Denkungsart des Volks… nur um desto erhabener, je mehreren Gefahren er ausgesetzt war, und sich mutig darunter hat behaupten können: da hingegen ein langer Frieden den bloßen *Handelsgeist*, mit ihm aber den niedrigen Eigennutz, Feigheit und Weichlichkeit herschend zu machen, und die Denkungsart des Volks zu erniedrigen pflegt.

In Kleist's text, Penthesilea's preference of Asteria's flattery over Prothoe's prudent council represents precicely this preference of what is unconditionally "mutig" over "Feigheit," as of the absolute value of sovereignty over the relative values of economy. "Was macht dich

plötzlich denn so feig?" Pethesilea asks Prothoe in response to her argument against further attacks, deriding her prudence as the expression of an "unkriegerische Jungfrau" (SW 302). She continues,

> PENTHESILEA. Wen überwandst du, Sag mir an?...
> Nun denn—er soll nicht entrissen werden!
> Führt aus der Schar ihn der Gefangenen,
> Lykaon, den Arkadier, herbei!
> —Nimm, du unkriegerische Jungfrau, ihn,
> Entfleuch, daß er dir nicht verloren gehe,
> Aus dem Geraüsch der Schlacht mit ihm, berg euch
> In Hecken von süß duftendem Holunder,
> In der Gebirge fernsten Kluft, wo ihr
> Wollüstig Lied die Nachtigall dir flötet,
> Und feir' es gleich, du Lüsterne, das Fest,
> Das deine Seele nicht erwarten kann.
> Doch aus dem Angesicht sei ewig mir,
> Sei aus der Hauptstadt mir verbannt, laß den
> Geliebten dich, und seine Küsse, trösten,
> Wenn alles, Ruhm dir, Vaterland und Liebe,
> Die Königin, die Freundin untergeht.
> Geh und befreie — geh, ich will nichts wissen! —
> Von deinem hassenswürdigen Anblick mich! (SW 300)

From Penthesilea's perspective, Prothoe's caution against endangering the profits won by the Amazons thus far in war through war's unnecessary continuation is tantamount to treachery, not because it does not argue in the interests of the Amazons, but rather because it understands those interests in relative, economic terms, weighing potential costs and benefits. No matter how justified or technically accurate Prothoe's advice may be, her prudence, like Kant's "Handelsgeist," represents to Penthesilea the indignity not only of "Feigheit" but also of "Eigennutz" and "Lüstern(heit)." Though Prothoe speaks in the name of state interest, Penthesilea rhetorically surmises that she secretly acts to protect her own private enjoyment of the human spoils of war. The charge, though seemingly unjust, is logical: to the extent that Prothoe's interests are economical, relative, and conditional, they are also partial and thus, in the strict sense, private. In the name of the relative value of profit, they neglect the absolute value of

sovereignty without which no profit could be safely enjoyed. This is what Penthesilea's rhetorical description of Prothoe's potential exile with Lycaon suggests.

Prothoe's unwillingness to sacrifice all in the interest of sovereignty's absolute ends appears as a lascivious commitment to private pleasure that lacks the unconditionality of sovereign power—the indifference to risk or danger through which such power demonstrates its capacity "uns als von der Natur unabhängig zu beurteilen." For Penthesilea, the value of this capacity for indifference, as of the absolute break with extrinsic, natural determination that such indifference demonstrates—corresponding here with precision to the sign of subjectivity's freedom in Kant—appears as an end in itself, as unconditional or absolute worth. The true end of sovereign power, and thus a sovereign's only purpose in life, thus appears here for the first time: it is none other than sovereignty itself, understood as the unconditionality of the will—its capacity to judge itself, and thus to act, in absolute freedom from and obliviousness to all extrinsic determinations.

Yet Penthesilea's relationship to counsel not only gives the lie to her unconditioned, sovereign will, but furthermore displays her authority's deposition as originary and thus consitutive of her subjectivity. The sublimity of her will gestures not toward the "übersinnliche Bestimmung" of a moral law, as in Kant, but to the negative core of her thrown relationality. The effects of this constitution may be seen in Asteria's displacement of Prothoe. Prothoe's unflattering but prudent counsel sways Penthesilea only at the cost of her love, making of her an honest but "(V)erhasste," and thus an impotent subject. Asteria's flattering but imprudent counsel, by contrast, influences Penthesilea while ingratiating her to her sovereign, making of her a dishonest but beloved subject. Prothoe formalizes this contrast when she declares that she would rather risk inspiring Penthesilea's hatred than flatterer her with bad council, saying:

> PROTHOE. So wag ich meiner Kön'gen Zorn!

> Eh will ich nie dein Antliz wiedersehen,
> Also feig, in diesem Augenblick, dir eine
> Verräterin schmeichlerisch zur Seite stehen. (SW 301)

The distinction Prothoe draws is clear: she would rather sacrifice her relationship with the sovereign she counsels, would rather never see Penthesilea's face again ("nie dein Antliz wiedersehen"), than denigrate their relationship through flattery. But by opposing herself as a faithful counselor against a flattering one, Prothoe makes a claim that she is in no position to support. For to know herself to have Penthesilea's true interests in mind presupposes knowledge of Penthesilea's inner motivation, the secret ends toward which she works—a knowledge that Prothoe has emphatically denied herself. Her claim is thus essentially no less unfounded or speculative, no less rhetorical, no less persuasive, than Asteria's. Prothoe's abhorrence of flattery is incoherent: it remains attached to the very interiority whose interrogation it abandons, which she now interprets without interpreting, annihilating and retaining it at one and the same time, speaking on its behalf while denying the right to do so. She thus keeps as the focal point of fidelity that to which she can relate only proleptically. Her words do not flatter, but since her counsel can claim no certain knowledge of Penthesilea's ends, they may also never be certain that that they serve better than the flattery they oppose.

Penthesilea undermines the value of Prothoe's honesty by disabling the hermeneutic model to which it is wed. The virtuousness of Prothoe's council, her honesty and abhorrence of flattering words, yoked as it is to an understanding of language as representational and thus either adequately or inadequately, faithfully or unfaithfully, related to that of which it speaks, is impertinent to her role as Penthesilea's counselor. Here and throughout Kleist's text, Penthesilea's actions evince a relationship to language, thematized here through her relationship to counsel, that is productive, rather than reflective, of the interiority that it seems to express. Asteria wins out over Prothoe in scene five because her counsel, willfully oblivious of any

motive that might underlie Penthesilea's mad desire to fight Achilles, does not, as Prothoe's does, seek to reconcile Penthesilea's action as means to a preexisting end (for example the end of retaining the profits won through a thus-far successful military venture, in the name of which Prothoe speaks), but rather takes action as an end in itself, one that is creative rather than descriptive, and therefore to be evaluated according to criterion immanent to itself, and not as a means to something else.

Asteria's words are successful, in other words, not despite their imprudence but rather because of it. Their lack of concern for practicability is their greatness, and the meaning of Penthesilea's declaration "Asteria fühlt, wie ich" (SW 301). What unifies sovereignty and flattery at this moment is that, rather than seeking to faithfully conform to a world, they seek together to sovereignly create one. Like the closed circuit of "Gewissen" in Hegel's *Phänomenologie*, they join together in the fundamental paradox of an inclusive exclusivity, a sharing of an absolute unwillingness to share. Prothoe's council does not differ from Asteria's because the former is faithful while the latter is faithless, but rather because the former *represents* and thus remains wedded to an understanding of truth as adequation, while the latter first *posits* that which it subsequently deems true.

"Ein vernichtendes Gefühl"

The final passages of Kleist's tragedy shift from the narrative perspective of the Amazon army to that of Penthesilea herself. One finds Kleist's heroine utterly alone. Having conquered Achilles and found her fury still unsatisfied, Penthesilea's destructive impulse turns upon her own kind. She subsequently commands the destruction of the Amazon state's monument and the surreptitious scattering of Queen Tanais' ashes to the wind. In these two acts, she symbolically consigns the state to oblivion. Penthesilea then liquidates her own role as sovereign, publicly

renouncing Amazon law and, having dropped to the ground the bow that represents Skythian sovereignty, relinquishes her remaining accoutrement, handing her dagger to Prothoe and overturning her quiver, whose contents scatter upon the ground.

Penthesilea thus progressively relinquishes a series of objects that, taken together, emblematize the exterior influences to which she has just moments before consigned her motivation. In this way, Kleist's text moves, once again, toward a revelation of its hero's innermost purpose, now purified of its participation in the positivity of extrinsic political form. Kleist's text thus leads its reader, once again, toward a revelation of its hero's interiority, and in so doing, holds out the promise of a further elucidation of the nature of her sovereign positing power. Here, Kleist moves toward accomplishing what Kant would not; by reducing narrative to the form of immediate self-relation, he would make freedom's purity papable, granting Penthesilea access to the pure spontaneity of her inner motivation. In the final scene of Kleist's text, Penthesilea's inward turn is, indeed, presented as a *purification*—in which the smelting of steel from iron ore figures the honing of a fatal feeling. Penthesilea narrates,

> PENTHESILEA. Denn jetzt steig ich in meinem Busen nieder,
> Gleich einem Schacht, und grabe, kalt wie Erz,
> Mir ein vernichtendes Gefühl hervor.
> Dies Erz, dies läutr' ich in der Glut des Jammers
> Hart mir zu Stahl; tränk es mit Gift sodann,
> Heißatmendem, der Reue, durch und durch;
> Trag es der Hoffnung ewgem Amboß zu
> Und schärf und spitz es mir zu einem Dolch;
> Und diesem Dolch jetzt reich ich meine Brust:
> So! So! So! So! Und wieder! — nun ists gut.
> Sie fällt und stirbt. (SW 365)

The dagger with which Penthesilea ends her life is fashioned from a feeling—a feeling not of anything in particular but rather that of feeling's purification from anything felt; a feeling, therefore, of a loss of feeling, or, as Penthesilea says, "ein vernichtendes Gefühl." The various feelings that arise and fall away during this affective smelting process— "Reue," "Jammer," and

"Hoffnung"—articulate a time-line that stretches across the past, present, and future toward which these affects gesture. This residual spatialization of time as chronology must, like the iron's impurities, also fall away if the feeling Penthesilea finds is to be pure. Feeling, if it is to be truly annihilating and therefore absolutely originary, must not occur within time but rather as the temporalization of time, as that which throws each moment outside of itself and toward another. Such time must involve no positive duration or spatialization. It must take no time at all, appearing only at and as the durationless instant of the disappearance of that which it casts outside of and away from itself or puts into play.

And yet, in Kleist's text, the suicidal blow of this annihilating feeling, the act of auto-annihilation or of "throwing life away (das Leben wegzuwerfen)" about which Kleist will say that "es gibt nichts Erhabeneres," takes place only through an emphatic extension and spatialization of time, not, to be sure, in the form of a line, but rather through that of linguistic repetition. The "jetzt" of "und diesem Dolch jetzt reich ich meine Brust…" is no sooner mentioned than it is dispersed into a multiplicity of "nows" ("…: So! So! So! So! Und wieder!"). These "So"s, each of which, accompanied only by an exclamation mark and isolated from any additional syntactical elements that could determine its semantic content or contextual significance, hover between syntactical functions (they are adverbs, interjections, and intensifying particles at once, and thus none of these). In so doing, they suspend not only their referential function but also the synthetic progression of the sentence in which they might appear. With them, judgment itself, whose form is expressed by the sentence's synthetic progressive articulation of subject, verb, and object, appears in interrupted or suspended form.

Conclusion: A Crown of Leaves

Penthesilea's suicide thus engages the poetic imagination in the absence of any resolved or resolvable image, throwing it back upon its own resources—mere words upon a page. These appear, as if for the first time, in the default of an image to the formation of which they might contribute. This reluctance to contribute or cooperate, to pay tribute or incorporate, marks the political kernel of Kleist's tragedy—the most basic resource of the possibility for both literary and historical change that its poetics of interruption represents. Like the throwing 'round of Penthesilea's palfrey, it is an event or a chance that, more explicitly in Kleist than in Kant, cannot be counted among the capabilities of a unified autonomous subject, but marks rather the paradoxical strength that accrues to subjectivity's originary weakness, disintegration, and exposure. The forms that govern this exposure and modify this weakness simultaneously precede the subject's existence and exceed its aims. The subject, accordingly, can never claim this exposure and weakness as its own. It is thus no mistake that *Penthesilea, ein Trauerspiel*'s final, arboreal image, conveyed by Prothoe immediately after Penthesilea's death, is one neither of an erect, living tree, nor of a dead or fallen tree, but rather of a healthy tree that is depicted as both standing and falling at once, since, on account of the leaves it puts forth as a source of nourishment and sign of life, its existence involves exposure to the dismembering force of the storm ("weil er [der Sturm] in ihre Krone greifen kann" (SW 366)).

The double bind that structures *Penthesilea's* suicide, and is crystallized in this image of the tree that both stands and falls at once, may be read as an allegory of the text's composition. If the attempt to penetrate to the core of Penthesilea's motivation mirrors Kleist's attempt to percieve the traces of his own "unconscious freedom" in his writings, understood as the residue or trace of his subjectivity's spontaneous self-determination, he, like Penthesilea, must be able to

discern the capacity for an absolute break with extrinsic determination as the fundamental resource of his own productivity. Only by way of this break can this productivity be deemed properly his; only thus may it be attributed to him as the product of his autonomous spontaneity.

In the depiction of Penthesilea's defeat of Achilles and the passages that follow, Kleist's text registers his own authorial freedom with regard to the tradition he inherits by inverting the mythological outcome of the conflict he iterates, making the very ground of Greek mythology, like the ground outside of Troy, quake with the force of Achilles' fall. Kleist thus situates his literary experimentation within a philosophical tradition that, from Descartes to Hegel, discovers the power of subjectivity not in any of its positive instantiations but rather in the negative capability that first makes possible the formation of a world in thought—a tradition that finds the absolute ground of subjective power, in other words, in its capacity to shake, break up, and thus break with the positivity of any given ground.[139]

And yet in these very same passages both Kleist's tragedy and Penthesilea herself, who is the internal representative of Kleist's text's inventive power, display a citational density unparalleled in any other portion of the text. In the space of the play's final two scenes, Penthesilea ventriloquizes five major figures from antique tragedy and epic, articulating an intertextual nexus that would require volumes to begin to unfold. Penthesilea is by turns Actaeon, Dionysus, Agaue, Antigone, and Opis.[140] In the context of Kleist's text, these figures confront Kantian autonomy with a coincidence of agency and ecstasy, a reversibility of activity and passivity, masculinity and femininity, strength and weakness, of the helpful and the harmful, the sweet and the terrible. Like the leaves of Prothoe's tree, this intertextual nexus emphasizes

[139] For an extended analysis of the significance of earthquakes in Kleist, see Hamacher "Das Beben der Darstellung: Kleists 'Erdbeben in Chile'."
[140] For a useful consideration of the relationship between Kleist's *Penthesilea* and Euripides' *Bacchae*, see Bernhard Böschenstein, "Die *Bakchen* des Euripides in der Umgestaltung Hölderlins und Kleists."

the excess of Kleist's text with regard to the theoretical impulse that first motivates his turn to literature. For, like Penthesilea, Kleist's quest to recover a purpose that underlies his creative powers opens instead onto an originary play of difference whose products, like the lie of the die, are no less decisive for being purely contingent, but are—and herein lies the political force of this seemingly deflationary experience—less justified.

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Appendix:

Die kantische Philosophie hat es bedurft, daß ihr Geist vom Buchstaben geschieden und das rein spekulative Prinzip aus dem Übrigen herausgehoben wurde, was der räsonierenden Reflexion angehörte oder für sie benutzt werden konnte... In dem Prinzip der Deduktion der Kategorien ist diese Philosophie echter Idealismus, und dies Prinzip ist es was Fichte in reiner und strenger Form herausgehoben und den Geist der kantischen Philosophie genannt hat. Daß die Dinge an sich (wodurch nichts als die leere Form der Entgegensetzung objektiv ausgedrückt ist) wieder hypostatiert und als absolute Objektivität, wie die Dinge des Dogmatikers, gesetzt… diese Umstände liegen höchstens in der Form der kantischen Deduktion der Kategorien, nicht in ihrem Prinzip oder Geist; und wenn wir von Kant sonst kein Stück seiner Philosophie hätten als dieses, würde jene Verwandlung fast unbegreiflich sein. (II 9-10)

…so konnte die Untersuchung über die kantische Philosophie dadurch vorzüglich interessant werden, daß diese Verstandesphilosophie über ihr eigenes Prinzip, das sie in der Reflexion hat, emporgehoben und die große Idee der Vernunft und eines Systems der Philosophie, die ihr allenthalben wie eine ehrwürdige Ruine, in der Verstand angesiedelt hat, zugrunde liegt, hervorgezogen und dargestellt worden wäre. Die Wirksamkeit dieser Idee wird schon an dem äußeren Gerüst ihrer Teile sichtbar; aber sie tritt auch an den Kulminationspunkte ihrer Synthesen, besonders in der Kritik der Urteilskraft ausgesprochen hervor. Es ist der Geist der kantischen Philosophie, ein Bewußtsein über diese höchste Idee zu haben, aber sie ausdrücklich wieder auszurotten. Wir unterscheiden also zweierlei Geist, der in der kantischen Philosophie sichtbar wird: einen der Philosophie, den das System immer ruiniert, und einen des Systems, der auf das Töten der Vernunftidee geht. (II 268-9)

Es ist [die] schlechthin einzig ausgesprochene Tendenz [dieser Philosophie], und von ihren angegebenes Prinzip, sich über das Subjektive und Empirische zu erheben und der Vernunft ihr Absolutsein und ihre Unabhängigkeit von der gemeinen Wirklichkeit zu vindizieren. Aber weil diese Vernunft schlechthin nur diese Richtung gegen das Empirische hat, das Unendliche an sich nur in Beziehung auf das Empirische ist, so sind diese Philosophen, indem sie das Empirische bekämpfen, unmittelbar in seiner Sphäre geblieben; die Kantische und Fichtesche haben sich wohl zum Begriff, aber nicht zur Idee erhoben, und der reine Begriff ist absolute Idealität und Leerheit, der seinen Inhalt und seine Dimensionen schlechthin nur in Beziehung auf das Empirische und damit durch dasselbe hat und eben den absoluten sittlichen und wissenschaftlichen Empirismus zum Vorwurf machen. (II 296-7)

Wir müssen also das Verdienst Kants nicht darein setzen, daß er die Formen, die in den Kategorien ausgedrückt sind, in das menschliche Erkenntnisvermögen als den Pfahl einer abosluten Endlichkeit gesetzt, sondern daß er mehr in der Form tranzendentaler Einbildungskraft die Idee wahrhafter Apriorität, aber auch selbst in dem Verstande dadurch den Anfang der Idee der Vernunft gelegt hat, daß er das Denken oder die Form nicht subjektiv, sondern an sich genommen, nicht als etwas Formloses, die leere Apperzeption, sondern daß er das Denken als Verstand, als wahrhafte Form, nämlich als Triplizität begriffen hat. In diese Triplizität ist allein der Keim des Spekulativen gelegt, weil in ihr zuglich ursprüngliches Urteil oder Dualität, also die Möglichkeit der Aposteriorität selbst liegt und die Aposteriorität auf diese Weise aufhört, dem Apriori absolut entgegengesetzt, und eben dadurch das Apriori auch, formale Identität zu sein. Die reinere Idee aber eines Verstandes, der zugleich aposteriorisch ist, die Idee der absoluten Mitte eines anschauenden Verstandes werden wir nacher berühren.

Ehe wir zeigen, wie diese Idee eines zugleich aposteriorischen oder anschauenden Verstandes Kant sehr gut vorschwebt… aber er mit Bewußtsein sie wider vernichtete, mussen wir betrachten, was die Vernunft, die in diese Idee überzugehen sich weigert, sein kann. (II 316)

So wie die wahrhaft spekulative Seite der Philosophie Kants allein darin bestehen kann, daß die Idee so bestimmt gedacht und ausgesprochen worden ist, und wie es allein interessant ist, dieser Seite seiner Philosophie nachzugehen, so viel härter ist es, das Vernünftige nicht etwa nur wieder verwirrt, sondern mit

vollem Bewußtsein die höchste Idee verderbt und die Reflexion und endliches Erkennen über sie erhoben werden zu sehen. (II 328)

Jene erste Seite, nach welcher das Wesen des Rechts und der Pflicht und das Wesen des denkenden und wollenden Subjekts eins sind, ist… die große Seite der Kantischen und Fichteschen Philosophie; aber sie ist diesem Einssein nicht getreu geblieben, sondern indem sie zwar dasselbe als das Wesen und als das Absolute anerkennt, setzt sie die Trennung in Eines und Vieles ebenso absolut und eins mit gleicher Würde neben das andere. (II 470)

Ebensowenig ist – nachdem die Kantische, erst durch den Instinkt wiedergefundene, noch tote, noch unbegriffene Triplizität zu ihrer absoluten Bedeutung erhoben, damit die wahrhafte Form in ihrem wahrhaften Inhalte zugleich aufgestellt und der Begriff der Wissenschaft hervorgegangen ist – derjenige Gebrauch dieser Form für etwas Wissenschaftliches zu halten, durch den wir sie zum leblosen Schema, zu einem eigentlichen Schemen, und die wissenschafliche Organisation zur Tabelle herabgebracht sehen. (III 48)

Die kritische Philosophie machte zwar bereits die Metaphysik zur Logik, aber sie wie der spätere Idealismus gab, wie vorhin erinnert worden, zugleich aus Angst vor dem Objekt den logischen Bestimmungen eine wesentlich subjektive Bedeutung; dadurch blieben sie zugleich mit dem Objekte, das sie flohen, behaftet, und ein Ding-an-sich, ein unendlicher Anstoß blieb als ein Jenseits an ihnen übrig. Aber die Befreiung von dem Gegensatze des Bewußtseins, welche die Wissenschaft muß voraussetzen können, erhebt die Denkbestimmungen über diesen ängstlichen, unvollendeten Standpunkt und fordert die Betrachtung derselben, wie sie an und für sich, ohne eine solche Beschränkung und Rücksicht, das Logische, das Rein-Vernünftige sind. (V 45)

Kant hat die Dialektik höher gestellt – und diese Seite gehört unter die größten seiner Verdienste –, indem er ihr den Schein von Willkür nahm, den sie nach der gewöhnlichen Vorstellung hat, und sie als ein notwendiges Tun der Vernunft darstellte. Indem sie nur für die Kunst, Blendwerke vorzumachen und Illusionen hervorzubringen, galt, wurde schlechthin voraugesetzt, daß sie ein falches Spiel spiele und ihre ganze Kraft allein darauf beruhe, daß sie den Betrug verstecke; daß ihre Resultate nur erschlichen und ein subjektiver Schein seien. Kants dialektische Darstellungen in den Antinomien der renen Vernuft verdienen zwar, wenn sie näher betrachtet werden, wie dies im Verfolge dieses Werkes weitläufiger geschehen wird, freilich kein großes Lob; aber die allgemeine Idee, die er zugrunde gelegt und geltend gemacht hat, ist die Objektivität des Scheins und Notwendigkeit des Widerspruchs, der zur Natur der Denkbestimmungen gehört… Es ist dies Resultat, in seiner positiven Seite aufgefaßt, nichts anderes als die innere Negativität derselben, als ihre sich selbst bewegende Seele, das Prinzip aller natürlichen und geistigen Lebendigkeit überhaupt. Aber sowie nur bei der abstrakt-negativen Seite des Dialektischen stehengeblieben wird, so ist das Resultat nur das Bekannte, daß die Vernunft unfähig sie, das Unendliche zu erkennen; – ein sonderbares Resultat, indem das Unendliche das Vernünftige ist, zu sagen, die Vernunft sei nicht fähig, das Vernünftige zu erkennen. (V 52)

Es wird immer als etwas Verwunderungswürdiges ausgezeichnet werden, wie die Kantische Philosophie [zwar] dasjenige Verhältnis des Denkens zum sinnlichen Dasein, bei dem sie stehenblieb, für ein nur relatives Verhältnis der bloßen Erscheinung erkannte und eine höhere Einheit beider in der Idee überhaupt und z. B. in der Idee eines anschauenden Verstandes sehr wohl erkannte und aussprach, doch bei jenem relativen Verhältnisse und bei der Behauptung stehengeblieben ist, daß der Begriff schlechthin von der Realität getrennt sei und bleibe, – somit als die Wahrheit dasjenige behauptete, was sie als endliche Erkenntnis aussprach, und das für überschwanglich, unerlaubt und für Gedankendinge erklärt, was sie als Wahrheit erkannte und wovon sie den bestimmten Begriff aufstellte. (VI 264)

So wesentlich es ist, die reine unbedingte Selbstbestimmung des Willens als die Wurzel der Pflicht herauszuheben, wie denn die Erkenntnis des Willens erst durch die Kantische Philosophie ihren festen Grund und Ausgangspunkt durch den Gedanken seiner unendlichen Autonomie gewonnen hat, so sehr setzt die Festhaltung des bloß moralischen Standpunkts, der nicht in den Begriff der Sittlichkeit übergeht, diesen

Gewinn zu einem leeren Formalismus und die moralische Wissenschaft zu einer Rednerei von der Pflicht um der Pflicht Willen herunter….

Zusatz: Wenn wir auch oben den Standpunkt der Kantischen Philosophie hervorhoben, der, insofern er das Gemäßsein der Pflicht mit der Vernunft aufstellt, ein erhabener ist, so muß doch hier der Mangel aufgedeckt werden, daß diesem Standpunkte alle Gliederung fehlt… (VII 252-3)

Die Kritik der Urteilskraft hat das Ausgezeichnete, daß Kant in ihr die Vorstellung, ja den Gedanken der Idee ausgesprochen hat. Die Vorstellung eines intuitiven Verstandes, innerer Zweckmässigkeit usf. ist das Allgemeine zugleich als an ihm selbst konkret gedacht. In diesen Vorstellungen allein zeigt daher die Kantische Philosophie sich spekulativ. […] die… Idee stellt Kant in der postulierten Harmonie der Natur oder Notwendigkeit mit dem Zwecke der Freiheit, in dem als realisiert gedachten Endzwecke der Welt auf. Aber die Faulheit des Gedankens wie es genannt werden kann, hat bei dieser höchsten Idee an dem Sollen einen zu leichten Ausweg, gegen die wirkliche Realisierung des Endzwecks an dem Geschiedensein des Begriffs und der Realität festzuhalten. (VIII 140)

Die gründliche Bestimmung, welche Aristoteles vom Lebendigen gefaßt hat, daß es als nach dem Zwecke wirkend zu betrachten sei, ist in neueren Zeiten beinahe verloren gewesen, bis Kant in der inneren Zweckmässigkeit, daß das Lebendige als Selbstzweck zu betrachten sei, auf seine Weise diesen Begriff wider erweckte. Was vornehmlich die Schwierigkeit hierüber macht, ist, daß die Zweckbeziehung gewöhnlich als äusere vorgestellt wird und die Meinung obwaltet, als ob der Zweck nur auf bewußte Weise existiere. Der Instinkt ist die auf bewußtlose Weise wirkende Zwecktätigkeit. (IX 473)

Von dem Formellen der Erhebung des Geistes zu Gott ist in der Einleitung zur Logik gesprochen worden. – In Ansehung der Ausgangspunkte dieser Erhebung hat Kant insofern im allgemeinen den richtigsten ergriffen, als er den Glauben an Gott aus der praktischen Vernunft hervorgehend betrachtet. Denn der Ausgangspunkt enthält implizit den Inhalt oder Stoff, welcher den Inhalt des Begriffs von Gott ausmacht… Daß die in dieser Bestimmung geschehende Erhebung des subjektiven Geistes zu Gott in der Kantischen Darstellung wieder zu einem Postulate, einem bloßen Sollen herabgesetzt wird, ist die früher erörterte Schiefheit, den Gegensatz der Endlichkeit, dessen Aufheben zur Wahrheit jene Erhebung selbst ist, unmittelbar als wahr und gültig wiederherzustellen. (X 354)