

Remark 1. Hegel references are to paragraph numbers. Also, each paragraph in our edition consists of the main text (at the beginning), the remark (indented text), and sometimes the ‘addition’ (set in a smaller typeface). These will be marked accordingly as, e.g., ‘5R’ and ‘5A’. The ‘additions’, however, are not by Hegel himself, but have been drawn from his notes by one of his students.

NEGATIVE FREEDOM. The text before us is very abstract. We will try to make sense of it in plain terms, though some violence to Hegel’s intentions is unavoidable. Negative freedom is explicated as negation of all determination. This is a rejection of any kind of desire, need, incentive, anything at all that can limit and restrict. However, it is not that this indeterminacy is imposed on the will. The will itself, and therefore, thinking too, contain this indeterminacy. When it dominates the will, then we have negative freedom. It can translate into actual behaviour. That is where we have fanaticism of destruction: since any institution, any tradition, social role, are regarded as ‘determining’, negative freedom aims at abolishing them. Examples are found in Hindu religion and in the French revolution.

THE SUBJECT AND FREEDOM. The rational subject, the Fichtean *Ich*, posits itself as an active, willing self (in an act of ‘self-positing’). In that it posits a ‘determinate’ existence. Hence it also negates negative freedom. Further, only in a particular act of willing, in the willing of *something*, the will properly becomes a finite will.

Furthermore, when *Ich* determines itself, it determines its own *individuality* (or: determines its will *as* individuality). Under these conditions the freedom of the will is achieved. This sounds like a rephrasing of the Kantian FA, but a novel detail is given later when Hegel says that this freedom is also achieved in love and friendship. The subject ‘gladly’ restricts, that is, willingly. Through that the subject becomes itself and gains understanding (‘feeling’) of oneself as a self. So: we understand our selfhood through the willing contact with another.

FREEDOM, ARBITRARINESS, AUTHENTICITY. Hegel sketches a critique of the Kantian will (KW). He understands KW as ‘arbitrariness’ defined by two features: rational reflection, which ignores incentives, and purposes. (Why it is contingency I will not try to explain.) He then complains that real freedom is often understood, and wrongly so, in the Kantian way—and he puts it in a middle point between causal determination and freedom for itself (let us call it ‘absolute freedom’). On the face it, this clashes with Kant’s own view we saw at the beginning of *Groundwork* III: freedom is not lawlessness and not ‘doing what we please’. Hegel seems to argue that KW accepts purposes that are not its own. It does not act on the purposes that are generated in congruence with its own nature. This is in contrast to absolute freedom when the will is endowed with its own purposes derived from ‘ethical life’.

With some hints from 15A let us explain this as follows. According to FUL (or FLN), in every situation there is a test to run on my maxim. In performing the test I have to ignore each and every purpose and commitment I may have had until now and only look at the question whether my maxim can be coherently generalised. What my will is, what *I* am, is thus very thin: only a rational calculator. In this sense the will is arbitrary: whatever I have been doing so far should be ignored, and for my action to be free I it must be independent of my past history, my commitments, my character. In this sense my freedom is also external to me. Well, certainly so, there is nothing much in me, in my ethical ego, to begin with.

Example 2 (Gauguin). A painter Gauguin is married with four children. His art can only be perfected if he moves to Tahiti. So he does, abandoning his wife and children, all for the sake of realizing his artistic calling. Arguably an FLN calculation, as well an FH calculation, should yield that Gauguin acted unethically. Hegel (I think) sees it differently: Gauguin has after all, acted in congruence with his own individuality, hence freely. Acting against your deepest commitments, as prescribed by the categorical imperative, would be *forced*.

Remark 3. The Gauguin example comes Bernard Williams. It can equally be adapted as an argument against utilitarianism.

Remark 4. Hegel's position, as we have interpreted it in Example 2, should be compared to Schiller's in his case of five men.

Example 5 (Michael Kohlhaas). As we know, Kohlhaas was driven by the 'sense of justice'. He did what was right, whatever the consequences. Suppose that his action and his maxim were right. But now, if there was nothing in his past history, in his character, to suggest a concern for justice, then the action is again forced on him. It is arbitrary, in the sense that looking at his life up till then it is impossible to predict what course it is going to take when the moral question is asked.

Question 6. Apply Hegel's reasoning to the Kantian example of suicide.

It would be premature to conclude from the examples just given that Hegel defends the self's commitments whatever they are. For them to be valuable, these commitments must come from 'ethical life'. This is illustrated further by his own examples from art.

15A

THE GOOD. The good is defined as the purpose of the world. Once achieved—and this achievement includes actualisation of right, welfare, knowledge, and necessities of life—freedom is actualised. This means that all actions, hence all free acts, have the good as its purpose.

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The good so understood is intrinsically connected to welfare. The good will is defined as the will that accords with the good, hence with welfare. Therefore, there can be principle on which what is right stands in contradiction to that which is good, no principle of '*fiat iustitia, pereat mundus*', on which Kohlhaas apparently acted.

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THE GOOD WILL. Hegel further claims that the will has value and dignity only so far as it accords with the good, understood here as objective good. Some commentators argue that, for Hegel, a moral action must not be determined by a moral maxim. It is enough for the agent to have a moral motive among other motives. This is unlike Kant, for whom the moral maxim must determine the action. On the other hand, Hegel makes morality more difficult by insisting that the agent must acquire objectively correct beliefs. This is, again, unlike Kant, and especially unlike Fichte, who insist only the subjective conviction of the agent.

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Remark 7. In some ways Hegel's conception of morality echoes a traditional Greek conception, such as Aristotle's.

The demand to have objectively correct beliefs is elaborated further in the contrast between the right of subjectivity and right of objectivity. I paraphrase as follows. *Ich* claims that what is right is what can be seen clearly (about what *Ich* has an insight—there is no English verb for the German '*einsehen*', 'seeing into'). This is its highest epistemic warrant. But this warrant cannot exist on its own. It is based on reason, and reason is not the sovereign domain of any particular *Ich*. Therefore, it must be supplemented (at least) by objective reason. If it is not, it is more likely to fall into error, than to reach the truth (as Aristotle said, 'a man can only be good in one way, but bad in many'). Moreover, since any conviction ('*Überzeugung*') based on an ethical insight ('*Einsicht*') aims at producing an effect in the objective world, it must for this very reason conform to the laws of that world (to the 'right of objectivity'). Hence legal responsibility is ascribed to the person, provided that he had a reasonable opportunity to learn and follow the laws and customs. This is normally ensured by the publicity of laws and universality of customs. There should, on the other hand, be no demand that the person (say, a criminal) has a clear idea, an insight, that his action is good or bad.

132R

CRITIQUE OF KANT. Hegel defines duty as 'doing what is right and promoting welfare, my own and others'. He follows up with a critique of Kant where the main complaint is the alleged emptiness of Kant's categorical imperative. Of course particular maxims 'must be brought from the outside', but if the end result of Kant's moral theory is duty for duty's sake, then no particular duties can be derived from it. Presumably Hegel here has in mind the initial treatment of duty in the *Groundwork* I. He then concedes that FUL makes the moral duty more concrete, but still insists that it is insufficiently so.

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On the face of it, Hegel's complaints are unreasonable. If the formulae of the categorical imperative are understood as *rules* of behaviour directing you in this or another way, then indeed, they are empty. They cannot, on their own, direct you anywhere. But if they are understood, as they should be, as *tests* of individual maxims, then the objection fails. Maxims direct you here or there, but only some of them are acceptable as passing the test of morality.

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The tests themselves are not supposed to direct you anywhere. On this reading of Hegel, he simply misunderstood Kant. This is a popular reading of Hegel among Kant's commentators.

And yet, there may be something else in Hegel's critique. He says, or is reported to have said, that there are no 'determinate principles of conduct', that is, no maxims on which to run the test of the categorical imperative. Only ethical life can supply them. First of all, this shows Hegel's awareness that the imperative is a test to apply to maxims. But then, on the face of it, this claim still makes no sense. Don't we actually have maxims? My interpretation is: Hegel means that, unless ethical life is already at the background, we do not know *where* to begin. Which maxims are we supposed to test? Any possible maxims? I may have a maxim 'Feeding dogs every morning.' Very well: let us test it with FUL. But why should I test this very maxim? How about a maxim 'Assault cats with a stick every night'? Or 'Sing arias at six in the morning'? Clearly there can be any number of maxims and any kinds of behaviours. I need guidance in choosing the relevant maxims. Ethical life is exactly the source of such maxims.

Remark 8. Another way to put Hegel's objection: Suppose I run the test on all of my maxims, and each one of them fails. What then? How can I discover a moral maxim? How can I even know where to look for it?

CRITIQUE OF CONSCIENCE. This discussion has been anticipated in the earlier remarks on insight in §132R. Conscience is defined (roughly) as the inward feeling of certainty. Hegel further says that conscience is a 'descent', 'withdrawal' into oneself, where everything external is ignored. As such, it is a modern phenomenon.

This modernity of conscience is no compliment on Hegel's behalf. Conscience is further explicated as will for good in and for itself. Once again, it is criticised as an empty principle (or feeling). The duties must be supplied by ethical life. Furthermore, it does not possess a criterion of truth. In the search for certainty it can only appeal to itself. But this contradicts its own ideal, being an objective, universal criterion of conduct. Conscience remains just an opinion. And like no mere opinion can be taken as a criterion of truth in science, so no mere opinion can be such a criterion in matters of ethics and politics.

Why does the appeal to conscience arise in the first place? It occurs under certain historical conditions—namely, those when ethical life is no longer seen as the source of morality, when existing customs no longer satisfy the 'better will'. Socrates could no longer be content with the surrounding customs of the late Athenian democracy, and the (late) Stoics were presumably not content with the prevailing customs of the Roman empire.

Having no standard but its own, Hegel insists further, conscience is 'potentially evil'. I do not pretend to understand, on Hegelian terms, the origin of evil described in §139R. Yet another remark there is pretty clear. Conscience has only self-certainty going for it, but not any knowledge. Indeed, at the moment when conscience is invoked, the sphere of knowledge (according to the subject who appeals to conscience) shrinks to just the thought currently entertained which is accompanied with the feeling of certainty. But this feeling of certainty itself is simply not sufficient to warrant a correct maxim and a correct conduct. It may just as well warrant an evil one, or a mad one. (See also the claims about 'insight' in §132R.)

Remark 9. Though Hegel may actually be targeting other thinkers, his remarks on conscience must be read in tandem with Fichte's theory of conviction.