

Kant, Hegel, and Foucault on Moral Identity: 'Subject of' or 'Subject to'?

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In philosophy we can recognise the *modernus*, the transition from the old to the new, if we relate the consciousness of one epoch to another.¹ A distinction is made, for example, between *modernité's* human consciousness of time and space in which the subject's words order things and mediaeval Christianity's ontology of things grounded in the word of God?² Shorn of metaphysical determination in all but ultimate referent, Descartes' I as a "unique but universal and unhistorical subject who is everyone, anywhere, at any moment" inaugurates our *modernus* and defines *modernité's* consciousness of things.³ As Heidegger portrays it, the "subject of" knowledge conquers the world as a picture (*Bild*) via re-presentation (*vorstellen*). She sets out before and in relation to herself a thing as an object or structured image (*Gebild*).⁴ God and His will are bought out by the subject, *homo*, whose truth is the will to will *qua* the subjectivity of *humanitas* — (s)he replaces Him as the "lord of being."⁵

¹J. Habermas, "Modernity Versus Postmodernity," *New German Critique*, 22 (Winter), 1981, pp. 3-14.

²M. Featherstone, "In Pursuit of the Post-Modern," *Theory, Culture and Society*, 5 (2-3), 1988, pp. 195-215.

³M. Foucault, "The Subject and Power," H. L. Dreyfus and P. Rabinow, *Michel Foucault: Beyond Structuralism and Hermeneutics, With an Afterword by Michel Foucault*, (London: Harvester Wheatsheaf, 1982), pp. 208-226, esp. p. 216.

⁴M. Heidegger, "The Age of the World Picture," *The Question Concerning Technology and Other Essays*, trans. and introd. By W. Lovitt (London: Harper and Row, 1977), pp. 115-154, esp. pp. 132-135.

⁵M. Heidegger, "Letter on 'Humanism,'" *Pathmarks*, trans. by W. McNeill (ed.) and F. A. Capuzzi, (Cambridge: Cambridge University Press, 1998), pp. 239-276, esp. pp. 243-251.

At around the same time, Machiavelli intuits the political consciousness of *modernité* from the “subject of” knowledge.⁶ We can read *The Prince* as a basic manual about a secular sovereign power that champions juridical order as an end and employs a rational instrumental politics as the means,⁷ whilst Machiavelli’s historico-empirical method introduces the question of the people — and the part of this whole, the subject⁸ — as central to the legitimacy and authority of (city-)state power.⁹ In short, Machiavelli relates the survival of the prince to the people rather than the starry heavens above.

It is only later, “in the seventeenth century which suffers man as a sum of contradictions and seeks to discover, order and excavate him,”¹⁰ that *modernité*’s subject of politics is given a moral eminence with regard to the state. The English excel in this respect. Hobbes’ subject’s material ontology, which generates perpetual movement between the basic emotions of appetite and aversion,¹¹ realizes a state that both legally orders inter-subjective relation between mechanical subjects and guarantees the political right of instrumental liberty to the subject in her insatiable will to happiness.¹² Locke then formalizes the moral status of the subject and the political domain.¹³ On the one

⁶R. N. Berki, *The History of Political Thought* (London: J. M. Dent and Sons, 1977), pp. 116-119; Q. Skinner, *The Foundations of Modern Political Thought. Volume One: The Renaissance* (Cambridge: Cambridge University Press, 1978), pp. 110-112.

⁷J. Plamenatz, *Man and Society: A Critical Examination of Some Important Social and Political Theories from Machiavelli to Marx, Volume One*, (London: Longmans, Green and Company, 1963), pp. 1-9.

⁸G. H. Sabine, *A History of Political Theory* (New York: Henry Holt and Company, 1937), p. 342.

⁹L. Strauss, “Machiavelli,” in L. Strauss and J. Cropsey (eds.), *History of Political Philosophy* (Chicago: Rand McNally and Company, 1972), pp. 271-292.

¹⁰F. W. Nietzsche, *The Will to Power*, ed. and trans. by W. Kaufman and R.J. Hollingdale (New York: Vintage Books, 1968), § 97, p. 61.

¹¹T. Hobbes, *Leviathan*, ed. by C. B. Macpherson (Harmondsworth: Penguin Books, 1985), chaps. I-V.

¹²*Leviathan*, chapt. XV and chapt. XXI.

¹³The importance of Locke to European philosophy cannot be underestimated. He introduces the concepts of the self (which becomes *das Selbst* and *le soi* [in place of *le moi*]), consciousness (thus, *das Bewußtsein* instead of *das Gewissen*, conscience), self-consciousness (*das Selbst-Bewußtsein* and *le conscience de soi*) and personal identity. E. Balibar, “What is ‘Man’ in Seventeenth-Century Philosophy? Subject, Individual, Citizen,” *The Individual in Political Theory and Practice*, J. Coleman (ed.), (Oxford: Clarendon Press, 1996), pp. 215-241, esp. pp. 233-234.

hand, the subject is a self who is “sensible and conscious of pleasure and pain and capable of happiness and misery.” The self’s unique experiences are recorded by and re-presented from memory and they distinguish her personal identity.¹⁴ On the other hand, and in imitation of Hobbes’ mechanical subject who *vis-à-vis* Leviathan is a “Naturall Person whose words and actions are self-authored,”¹⁵ Locke conceives of a “person *qua* self in terms of a forensic term that belongs to intelligent agents capable of law.”¹⁶ Locke’s person authorizes the “right and justice of reward and punishment” of the state which in turn is legitimate to selves who, insofar as “happiness and misery is that for which every one is concerned for himself,” are obliged to tolerate the product of this concern, or each other’s personally produced identity.¹⁷

After the prince’s imposition of juridical order Hobbes and Locke obliges us to think of *modernité* as a democratic *Weltanschauung*. Their modernization of the relationship between the king’s head and his body anchors the law in a sovereign state in order to authorize the repressive effects of the power that it monopolizes against those who would hinder the subject’s legitimate pursuit of happiness and a personal identity.¹⁸ That is, a politics centered on the power of the state is born. It is derived from the conception of the subject who wills and her concomitant ability to autonomously determine her identity. Implicit in this relation of the subject to politics is a conception of her

¹⁴J. Locke, *An Essay concerning Human Understanding*, abr. and ed. by R. Wilburn (London: J. M. Dent and Sons, 1947), Book II, chapt. XXVII, p. 165-169.

¹⁵*Leviathan*, chapt. XVI, pp. 217-218.

¹⁶*An Essay concerning Human Understanding*, Book II, chapt. XXVII, p. 174.

¹⁷*Ibid.*, Book II, chapt. XXVII, p. 170. Taylor also finds in Locke the personification of “man as morally self-sufficient.” See C. Taylor, “The Nature and Scope of Distributive Justice,” *Philosophy and the Human Sciences: Philosophical Papers 2*, (Cambridge: Cambridge University Press, 1995), pp. 287-317, esp. pp. 291-294.

¹⁸The “state” is a contested, multi-criteria concept but it is often defined as “a set of complex institutions which govern over a spatial territory inhabited by a population organized as a qualitatively distinct society.” It is in this sense that we talk about the state and the people’s relation to it, or the king’s head and body, respectively. See P. Dunleavy, “The State,” in R. E. Goodin and P. Pettit (eds.), *A Companion to Contemporary Political Philosophy*, (Oxford: Basil Blackwell, 1993), pp. 611-621; N. P. Barry, *An Introduction to Modern Political Theory* (Basingstoke: Macmillan Press, 1995), pp. 61 ff.

identity as a “core aspect of individual or collective selfhood *qua* fundamental condition of social being which invokes something deep, basic, abiding or foundational that is to be valued, cultivated, supported, recognised and preserved.”¹⁹ And, because of the equation of identity with selfhood, namely, identity as an original sense of self(-determination), of who I am *qua* the “subject of” my identity, there is the belief that identity is and ought not to be subject to politics. It is for this reason that we talk of the moral — authentic because ethical, ethical *qua* apolitical because private²⁰ —identity of the subject.

As a consequence, *modernité's* political philosophy is characterized by its reflection on the dichotomous relationship between the subject and power,²¹ specifically the limitation of the intrusions of the state on the subject's liberty (to self-determine her moral identity).²² Indeed, whether there should be a state at all is the condition of *modernité's* political philosophy.²³ Its central aim is to evaluate the competing theories of justice that saturate the state²⁴; in fact, Rawls

¹⁹In their timely meditation on the contemporary ab/uses of the concept of identity, Brubaker and Cooper describe four additional ways in which identity finds analytical employment: as a ground for social and political action, identity is opposed to interest; as a collective phenomenon adopted by social movements, identity denotes a fundamental and consequentialist sameness among members of a group or category; as a product of social and political action, identity refers to the processual, interactive development of collective but contingent self-understanding, solidarity or group-ness; and as an evanescent effect of multiple and competing discourse, identity captures the unstable, multiple, fluctuating and fragmented nature of the subject. R. Brubaker and F. Cooper, “Beyond ‘Identity,’” *Theory and Society*, 29 (2000), pp. 1-47, esp. pp. 6-8.

²⁰In the “massive subjectivist turn of modern culture” in the eighteenth century, the moral accent that had previously emphasized the subject's intuitive moral sense of right and wrong is eroded by an “ethic of authenticity.” It is, Taylor argues, an ethic first elaborated by Rousseau and it describes an autonomous subject who chooses a moral sense of her own. See C. Taylor, *The Malaise of Modernity*, (Concord, Ontario: House of Anansi Publishing, 1991), pp. 25-29.

²¹T. B. Strong, “Introduction: The Self and the Political Order,” T. B. Strong (ed.), *The Self and the Political Order* (Oxford: Basil Blackwell, 1992), pp. 1-21, esp. p. 3.

²²Kymlicka, for example, writes that political philosophy is “primarily concerned with the relationship between the individual and the state, and with limiting the state's intrusions on the liberties of citizens.” See W. Kymlicka, *Liberalism, Community, and Culture*, (Oxford: Clarendon Press, 1989), p. 1.

²³R. Nozick, *Anarchy, State, and Utopia*, (Oxford: Basil Blackwell, 1990), p. 4.

²⁴W. Kymlicka, *Contemporary Political Philosophy: An Introduction* (Oxford: Clarendon Press, 1990), pp. 7-8.

claims there is an equivalence in *modernité* of political philosophy and a theory of justice.²⁵ In parallel, the philosophers who exemplify the dichotomous relation between the subject and politics defer in their political *philosophy* to the moral department of the love of wisdom,²⁶ as it gives them an account of inter-subjective relations that acts as a background for prescriptions in politics.²⁷ In this sense, “selfhood and morality are inextricably intertwined themes”²⁸ and the “idea of the self that is articulated in moral philosophy is used to organize a vast economy of concepts.”²⁹ Hence, political questions about the role of the state or what justice is are given a rational foundation,³⁰ most commonly in an ontology of the subject that is conceived in terms of her dignity that is ascribed as moral identity,³¹ and it is this ontological rather than the political aspect of *modernité’s* political philosophy that we examine here.

Our goal is to investigate whether moral identity can stand over against power through a politics focused on the state as the agency of power. In other words, can the moral identity of the subject be thought of in isolation from power or is power inherent to the moral identity of the subject? Is the subject the “subject of” or “subject to” moral identity? Our discussion thus inevitably oscillates between moral and political philosophy, even though it is the latter’s account of the ontology of the subject which is elaborated by moral philosophy that preoccupies us below. In any case, we commence with an examination of the classic statements on the dichotomous but constitutive relation

²⁵J. Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), pp. xxi-xxv.

²⁶Plant suggests that “political philosophy is a branch of moral philosophy... concerned with the questions of justifying the right way or ways and identifying the wrong ways in which political power is to be exercised and the nature of the claims which citizens can make on the state and on each other.” See R. Plant, *Modern Political Thought* (Oxford: Basil Blackwell, 1991), p. 2.

²⁷*Anarchy, State, and Utopia*, p. 6.

²⁸C. Taylor, *Sources of the Self: The Making of the Modern Identity* (Cambridge, Mass.: Harvard University Press, 1989), p. 3.

²⁹S. Corngold, *The Fate of the Self: German Writers and French Theory* (New York: Columbia University Press, 1986), p. 2.

³⁰J. Raz, *The Morality of Freedom* (Oxford: Oxford University Press, 1986), pp. 1-4.

³¹“The Nature and Scope of Distributive Justice,” pp. 290-291.

between the subject's moral identity and politics that we find in Kant and Hegel. Thereafter, and in critical comparison, we focus on Foucault and how the synonymous relation between the subject and power implies that moral identity is shot through with politics such that we are "subject to" it. In conclusion, we examine the type of thought required to think against moral identity.

Rousseau: the Politics of Moral Identity

If Machiavelli, Hobbes and Locke invite us to celebrate *political* philosophy in their attempts to create an "enlightened and self-ruling humanity *apropos* of alienation by God and Nature," eighteenth century political *philosophy* is a response to "alienation by Nature and Reason that commences with Rousseau and Kant and culminates in the historicist philosophies of Hegel, Marx and Dilthey and their ideals of freedom, history and culture."³² It is then to Rousseau that we turn first, not least because we find in his writings intimations of the two moments of *modernité's* moral identity. With regard to politics, these are the *a priori* concept of the subject's capacity of autonomy and the *a posteriori* notion of the process of recognition. Further, although Rousseau is "proud in regard to what he is, in spite of his origins, and beside himself when one reminds him of it,"³³ he is also the obvious contrast to Hobbes and Locke. Rousseau pleads that whilst they might claim to be the diagnosticians *par excellence* of the true nature of the subject they do no more than confound her with the person they see daily before their eyes.³⁴ Hobbes and Locke further confuse the issue by their advocacy of a politics of instrumental liberty and toleration which is based on the subject's mechanical nature and her sovereign memory that coordinates the subject's experiences into a moral identity. For Rousseau, this leaves the question of the

³²R. L. Velkley, "The Crisis of the End of Reason in Kant's Philosophy and the Remarks of 1764-1765," *Kant and Political Philosophy*, R. Beiner and W.J. Booth (eds.), (New Haven and London: Yale University Press, 1993), pp. 76-94, esp. pp. 78-79.

³³*The Will to Power*, § 100, p. 63.

³⁴J.-J. Rousseau, "Discourse on the Origin of Inequality," in *The Social Contract and Discourses*, G.D.H. Cole (trans.), (London: J.M. Dent and Sons, 1988), pp. 31-126, esp. pp. 50-59.

subject's virtue and its place in politics unanswered.³⁵ Instead, in Rousseau's world the moral identity of autonomy brought to our attention by Hobbes and Locke must be politically processed such that recognition effects virtue and we become the "subject of" moral identity.

According to Rousseau, the arts and sciences that characterize modern society and in respect of which the subject mediates her recognition are the products of vice. They effect only indolence and luxury and lead to the dissolution of a society that encapsulates virtue.³⁶ As a consequence, a "civilized" society of inequality arises in which, Rousseau argues, the "savage" subject is divorced from her "natural liberty." By this Rousseau means that the subject's natural capacities of self-preservation and compassion which effect her *amour de soi* do not require the recognition of others.³⁷ The virtue in self-love is to love oneself without the mediation of others, hence natural liberty, which is why the subject of *l'amour de soi* remains this side of the border of solipsism *à la* the subject (*ipse*) alone (*sólus*). Nevertheless, the alternative is no better and the subject whose recognition is mediated in respect of the arts and sciences and inequality is alienated from herself in virtue of a society that honours *l'amour propre* and valorises egoism.³⁸ The very society of production that throws us into intersubjective relations and raises the question of moral identity *qua* the desire to be recognised also foists upon the subject the alienation which enjoins the compromise of blind obedience to appearance. As a result of pride, to seem to be what one is not reigns over to be who one is.³⁹

How, then, is the alienated subject who is "subject to" appearance because of the mutual exchange of vanity and egoism which produces recognition as pride to be reconciled with herself? Firstly, Rousseau is clear that we are no longer concerned with the reconciliation of the savage subject to her natural liberty.⁴⁰ Despite its vices, modern society is indicative of the collective "maturity of a people" who are ready

³⁵J.-J. Rousseau, "Discourse on the Arts and Sciences," in *The Social Contract and Discourses*, pp. 1-29, esp. pp. 25-29.

³⁶*Ibid.*, pp. 15-21.

³⁷*Ibid.*, pp. 71-74.

³⁸*Ibid.*, pp. 84 ff.

³⁹*Ibid.*, pp. 95.

⁴⁰*Ibid.*, pp. 125-126.

to shape their own laws rather than defer to tradition.⁴¹ The problem of moral identity is thus asked in respect of the “civilized” subject as she is so that she may reconstitute politics accordingly. For Rousseau, the answer is that whilst the savage subject is endowed with the capacities of self-preservation and compassion it is only through the capacity of reason that is particular to the civilized subject that she can be moral.⁴² It is thanks to this universal capacity to reason that Rousseau argues we are born free, yet under the conditions of vice and inequality that he thinks are inherent to modern society the rousseauian subject’s capacity to reason is stifled. As she does not live by the laws she makes herself *qua* realisation of her moral identity of autonomy but pride as an appearance that is recognised by others, the subject’s freedom is in chains.⁴³

The solution, Rousseau suggests, is for all to jointly constitute a power that protects everyone’s liberty and goods yet simultaneously allows each subject to be the author of her laws.⁴⁴ Rousseau’s central claim for our purposes is that the subject is at home in a society in and through which “civil liberty” is fostered with others. Reason enables the subject to partake in the virtuous and communal activity of politics *qua* the legislation of the *volonté générale*, a process of reciprocal dialogue in which subjects recognize themselves in others and acknowledge the universality of their interests. At the same time, the subject realizes through obedience to the laws she makes herself her civil liberty. She throws off her obedience to appearance and as the master of herself she is autonomous in her action.⁴⁵ The subject is no longer bifurcated from who she is by the pride mediated from the recognition of others. Who she re-presents herself and thus appears to others to be is who she really is *qua* author of herself. The savage subject’s capacities that enable unmediated self-love but for whom liberty is the mere impulse to appetite — slavery, as Rousseau calls it — is transcended. And, as the civilised subject, she is reconciled with others to the extent that civil liberty or autonomy as the effective truth of

⁴¹J-J. Rousseau, “The Social Contract or Principles of Political Right,” in Rousseau, *The Social Contract and Discourses*, pp. 179-330, esp. chs. 9-10.

⁴²“Discourse on the Origin of Inequality,” pp. 46-47.

⁴³“The Social Contract or Principles of Political Right,” chaps. 1-4.

⁴⁴*Ibid.*, chaps. 6-7.

⁴⁵*Ibid.*, chapt. 8.

the capacity of mason's will to will is only possible through the mediated process of recognition that occurs in the formation of the *volonté générale*. The rousseauian subject moves beyond pride and into generally willed mutual recognition that nonetheless allows particularity in the shape of self-mastered autonomy. She is the "subject of" her moral identity. For Rousseau, the *a priori* moral identity of autonomy is the condition of possibility for social recognition which, as a process mediated by politics, effects an *a posteriori* moral identity.

Kant: The A Priori Moral Identity of Autonomy

The worry with Rousseau's admirable "dream of a transparent society, visible in each of its parts, that penetrates the zones of darkness established by the privileges of royal power or corporate prerogatives," is that the civil liberty of the subject produced by recognition which underpins the dream tempts the subject into the role of "overseer and comrade."⁴⁶ She arbitrates the process of recognition of all other subjects and if necessary exerts force to hurry along a fellow comrade's freedom. There is always the potential in Rousseau's dream for a political nightmare in which terror reigns,⁴⁷ and Kant's critical philosophy can in part be seen as an attempt to finesse Rousseau's account of the autonomous subject's civil liberty into a politics that is morally tenable.

In effect, the eighteenth century's "domination by *coeur* over *la tête*"⁴⁸ is brought to an end by Kant whose Prussian approach to the dream/nightmare scenario of the *Éclaircissement* is to systematize philosophy via four basic questions: what can I know?; what ought I to do?; what may I hope for?; and what is man?⁴⁹ With regard to the

⁴⁶M. Foucault, "The Eye of Power," *Power/Knowledge: Selected Interviews and Other Writings 1972-1977*, C. Gordon (ed.), C. Gordon, L. Marshall, J. Mepham and K. Soper (trans.), (London: Harvester Wheatsheaf, 1980), pp. 146-165, esp. p. 152.

⁴⁷In February, 1794, Robespierre famously proclaims that "the sword that flashes in the hand of the hero of liberty is like that with which the satellites of tyranny are armed ... The government of the Revolution is the despotism of liberty against tyranny." Quoted in L. I. Bredvold and R. G. Ross, "Introduction," in E. Burke, *The Philosophy of Edmund Burke*, L. I. Bredvold and R.G. Ross (eds. and introd.), (Ann Arbor, Michigan: the University of Michigan Press, 1960), pp. 1-11, esp. p. 4.

⁴⁸*The Will to Power*, § 95, p. 59.

⁴⁹L.W. Beck, *Early German Philosophy: Kant and His Predecessors*, (Cambridge, Mass.: The Belknap Press of Harvard University Press, 1969), p. 426.

first and fundamental question for *modernité*, ever since “the all-enlightening *Sun* that followed the blush of dawn at the termination of the mediaeval period.”⁵⁰ Descartes and other modern philosophers had tried to resolve the paradox between the objective and subjective conditions for scientific knowledge. With Kant, the articulation of the conditions that separate the subject’s knowledge of humanity and the world from the subject as the origin and agent of such a knowledge requires “the systematic critique of the capacity for reason itself and all that can be established only by means of it.”⁵¹ “What can I know?” is answered through a metaphysics of human experience that limits our knowledge to how things appear to us.⁵² In addition, the evolution of Kant’s metaphysics *vis-à-vis* the *Pantheismußstreit* and his critique of the cultural conservatism of the *Sturm und Drang* undoubtedly raises his awareness of the problematic involvement of politics in recognition, too.⁵³ Perhaps this is why Kantian *Aufklärung* sets store by the subject’s *a priori* moral identity that is sacrosanct from politics, which Kant develops in terms of the concept of autonomy that he picks up from Rousseau. In addition, Kant’s morality is spurred on by what we might term his pietist disposition, for he says that to employ the empirical subject as the ground for morality is a “gross and pernicious error.”⁵⁴ What Kant aims to do is to substitute

⁵⁰G. W. F. Hegel, *Philosophy of History*, J. Sibree (trans.), (New York: Dover Publications, 1956), p. 412.

⁵¹I. Kant, “Preface to The Metaphysics of Morals,” in *The Metaphysics of Morals*, M. Gregor (introd., trans. and notes), (Cambridge: Cambridge University Press, 1991), pp. 35-38, esp. p. 36.

⁵²In a similar vein, the question that lingers from christian metaphysics, “what may I hope for?” is sidelined from a critical philosophy which is solely concerned with experience that can be grasped by human reason.

⁵³On Kant’s engagement with the pietists and the *Sturmer und Dränger*, see H. Brunschwig, *Enlightenment and Romanticism in Eighteenth-Century Prussia*, F. Jellinek (trans.), (Chicago and London: University of Chicago Press, 1974), pp. 88-96; H. M. Wolff, *Die Weltanschauung der deutschen Aufklärung in geschichtlicher Entwicklung*, (Bern, Switzerland: A. Francke AG Verlag, 1949), *passim*; J. H. Zammito, *The Genesis of Kant’s Critique of Judgement*, (Chicago and London: The University of Chicago Press, 1992), pp. 11-22.

⁵⁴I. Kant, “Preface to the Fundamental Principles of the Metaphysics of Morals,” in I. Kant, *Kant’s Critique of Practical Reason and Other Works on The Theory of Ethics*, T. K. Abbott (trans., memoir and portrait), (London: Longmans, Green, and Co. of Paternoster-Row, 1889), pp. 1-8, esp. p. 2. A morality grounded in the empirical

the moral anthropology of Hobbes, Locke and Rousseau and their concern with “what is man?” with a metaphysics of morals that advocates “what ought I to do?”⁵⁵

In its bare essentials Kant’s rousseauian revolution in political philosophy, his moral philosophy evident in the *Groundwork of the Metaphysics of Morals* (1785), the *Critique of Practical Reason* (1788) and the *Metaphysics of Morals* (1797), is based on the subject’s capacity of autonomy.⁵⁶ The subject gives the law to herself, as liberty is obedience to a law we prescribe to ourselves in order to transcend both the slavery that is our impulse to appetite and the pride induced by modern society.⁵⁷ To this end, Kant suggests reason is bestowed on the subject as a practical faculty of action that aims to produce the absolutely and altogether good will, or *Wille*.⁵⁸ When the subject’s

subject reflects no more than the capacity of desire. This is a gross error insofar as the modes of desire of practical pleasure, concupiscence and taste are external, irrational causes of the subject’s actions — Rousseau’s impulses of the appetites — as well as located in the intuitions of things-for-themselves. These actions are a pernicious error because they are the product of an *arbitrium brutum*, or animal choice — Rousseau’s slavery — which is subjective and leads to heteronomy. See “Introduction to The Metaphysics of Morals,” pp. 40-54, esp. pp. 40-41.

⁵⁵ “[M]oral anthropology ... would deal only with the subjective conditions in human nature that hinder men or help them in fulfilling the laws of a metaphysics of morals.” See “Introduction to The Metaphysics of Morals.” pp. 44-45.

⁵⁶ In our consideration of Kant’s morality we focus on the *Groundwork of the Metaphysics of Morals* and the *Critique of Practical Reason*. The former classifies and the latter justifies the supreme principle of morality, autonomy, whereas the *Metaphysics of Morals* applies it. To note, although Gregor argues that it is unfortunate that the *Groundwork of the Metaphysics of Morals* and not the *Metaphysics of Morals* is taken as Kant’s definitive position on morality, we instead follow Beck, one of the most eminent commentators on Kant, who claims to the contrary that the *Metaphysics of Morals* is the least significant of Kant’s works on morals. See M. Gregor, “Translator’s Introduction,” in Kant, *The Metaphysics of Morals*, pp. 1-28, esp. pp. 1-6; L. W. Beck, “Introduction,” in I Kant, *Critique of Practical Reason And Other Writings in Moral Philosophy*, L.W. Beck (ed., trans. and introd.), (Chicago: The University of Chicago Press, 1949), pp. 1-49, esp. pp. 16-17.

⁵⁷ For example, Beck argues Kant uses autonomy to continue Rousseau’s critique of the subject’s natural liberty, which depends on the inclinations and is synonymous with slavery, whereas Velkley claims Kant uses autonomy to counteract the subject’s experience of alienation in modern society. See *Early German Philosophy: Kant and His Predecessors*, pp. 489-491; “The Crisis of the End of Reason,” p. 78.

⁵⁸ I. Kant, “Groundwork of the Metaphysics of Ethics,” in I. Kant, *The Metaphysics of Ethics*, H. Calderwood (ed. and introd.) and J. W. Semple (trans.), (Edinburgh: T and T Clark, 38 George Street, 1871), pp. 3-78, esp. pp. 4-12.

volition or will to act is motivated by the maxims of the *Wille*, the formal principle *a priori*, duty as necessity is performed and ideal legality or *Moralität* is realised.⁵⁹ Under the ‘Law of volition’ the subject acts with herself and others in mind as an end and never as a mere means.⁶⁰ The subject is an end in herself in virtue of what she has in common with other subjects, namely, *Wille*, the capacity of *autos nomos* or the self-legislation of laws:

AUTONOMY OF WILL IS THAT QUALITY OF WILL BY WHICH
A WILL (independently of any object willed) IS A LAW TO ITSELF.⁶¹

One difficulty for Kant is to demonstrate how the subject’s self-legislation constitutes *Moralität* — in Rousseau’s language, how autonomy effects the *volonté générale* — and this requires that Kant articulate the non-experiential aspect of ideal legality via the concept of freedom.⁶² Kant claims the *Wille* is a kind of causality that can be attributed to the subject and he asks us to consider freedom as the property of this causality. Freedom enables the *Wille* to originate events independently of the empirical world.⁶³ Thus, if the “Law of volition” depends on the transcendental subject’s relation of her *Wille* to *Moralität*, the ability of the empirical subject to act autonomously as the practical realization of the capacity of autonomy requires the prioritization of the transcendental over the empirical subject.⁶⁴ Kant eventually calls the former ability the subject’s *Willkür*,⁶⁵ the capacity for choice or the executive will.⁶⁶ Through the mediations of her *Willkür*

⁵⁹“Groundwork of the Metaphysic of Ethics,” pp. 27-33.

⁶⁰*Ibid.*, p. 42.

⁶¹*Ibid.*, p. 55.

⁶²J. B. Schneewind, “Autonomy, obligation and virtue: An overview of Kant’s moral philosophy.” in P. Guyer (ed.), *The Cambridge Companion to Kant* (Cambridge: Cambridge University Press, 1992), pp. 309-341, esp. pp. 314-317.

⁶³“Groundwork of the Metaphysic of Ethics,” pp. 57-60.

⁶⁴*Ibid.*, pp. 46-48.

⁶⁵The Latin origins of *Wille* (*Voluntas*) and *Willkür* (*Arbitrium*) draw out their difference well. G. W. F. Hegel, *Elements of the Philosophy of Right*, A. W. Wood (ed.) and H. B. Nisbet (trans.), (Cambridge: Cambridge University Press, 1991), p. 399, f. 2.

⁶⁶“Introduction to The Metaphysics of Morals,” p. 41. In *The Metaphysics of Morals* Kant introduces the *Wille* to qualify (pure) practical reason and the *Willkür* to qualify how the subject is confronted by the *Wille*’s practical laws through imperatives. H. E. Allison, *Kant’s theory of freedom*, (Cambridge: Cambridge University Press, 1990), pp. 129-131.

in the realm of human choice, the subject realizes spontaneous subjectivity, which is an *arbitrium liberum* or the comparative (versus pure) freedom “of a simple desire subjected to some degree of rational control.”⁶⁷ Yet, for Kant, the condition that ultimately governs the *Willkür qua* freedom as a positive concept that is practiced — liberty — is the *Wille* of pure reason or the capacity of autonomy, which is also known as the negative concept of (pure) freedom. Together, the negative and positive concepts of freedom, the capacity of autonomy ([transcendental] moral agency) and the capacity of choice ([empirical] rational agency),⁶⁸ constitute *Moralität*.⁶⁹

A final problem for Kant relates to the conceptual labyrinth that any systematic philosophy encounters, namely, that it is neither able to prove the objective necessity nor the real effectiveness of *Moralität* as the fundamental motivation for the empirical subject’s autonomous actions. The solution, Kant suggests, “is to inquire if we do not occupy an entirely different station, when we regard ourselves, as by means of freedom, spontaneous *a priori* causes, from that station which we hold when we represent to ourselves our actions as events in the system we see presented to our senses.”⁷⁰

Kant elaborates these two stations in the *Critique of Practical Reason*, where he now talks of the idea of freedom as the keystone of the whole architecture of the system of pure reason. In contrast to the metaphysics of experience outlined in the *Critique of Pure Reason* in which the Kantian subject of knowledge settles for phenomenal knowledge of things-for-themselves, he argues that in moral philosophy practical reason gives the subject access to the noumenon of a thing which he designates as the idea of freedom.⁷¹ Freedom is the *ratio essendi* of *Moralität* and *Moralität* the *ratio cognoscendi* of freedom.⁷² The essential point is that the phenomenal station of the empirical subject

⁶⁷L. W. Beck, “Kant’s Two Conceptions of the Will in Their Political Context”, in R. Beiner and W. J. Booth (eds.), *Kant and Political Philosophy*, (New Haven and London: Yale University Press, 1993), pp. 38-49, esp. pp. 41-42.

⁶⁸H. E. Allison, *Idealism and freedom: Essays on Kant’s theoretical and practical philosophy*, (Cambridge: Cambridge University Press, 1996), p. 129.

⁶⁹“Groundwork of the Metaphysics of Ethics,” pp. 49-50.

⁷⁰*Ibid.*, p. 62.

⁷¹“Critique of Practical Reason,” pp. 118-260, esp. pp. 124-144.

⁷²*Ibid.*, pp. 118-120.

does not establish any universal obligations. Indeed *homo phaenomenon* is exposed to laws taken from pathological phenomena which results in heteronomy, a false principle for those concerned with a universal morality. Only the noumenal station occupied by the autonomy of *Wille* satisfies the key Kantian issues of obligation, duty and ideal legality.⁷³ Here, the transcendental subject knows herself as a thing-in-herself, *homo noumenon*, whose self-mediated capacity of autonomy—“laws given it by its own reason”—connects her to freedom-in-itself. In this moment *homo noumenon* is the “subject of” her moral identity of autonomy, or she stands over against herself as *homo phaenomenon* located in the world and subject to the slavish “necessities of nature.”⁷⁴

THAT NECESSITY OF NATURE WHICH MAY NOT CONSORT WITH THE FREEDOM OF THE SUBJECT, ATTACHES SINGLY TO THE MODIFICATIONS OF A THING STANDING UNDER CONDITIONS OF TIME, i.e., TO THE MODIFICATIONS OF THE ACTING SUBJECT AS PHENOMENON;, yet, *e contra*, THE SELF-SAME SUBJECT, being self-conscious of itself as a thing in itself, CONSIDERS ITS EXISTENCE AS SOMEWHAT, DETACHED FROM CONDITIONS OF TIME, AND ITSELF, SO FAR FORTH, AS ONLY DETERMINABLE BY LAWS GIVEN IT BY ITS OWN REASON;... as NOUMENON.⁷⁵

iv. Hegel: the a posteriori moral identity of recognition

In his response to the basic question of modern epistemology, “what can I know?”, Hegel acclaims Kant’s distinction of *Verstand* from *Vernunft*. Yet, although Kant might take us beyond the traditional love of knowledge, he errs in his prioritisation of understanding and his design of a metaphysical straightjacket that constrains the remit

⁷³I. Kant, “Inquiry into the À Priori Operations of the Will (Extracted from the ‘Critik of Practical Reason’)” in Kant, *The Metaphysics of Ethics*, pp. 81-149, esp. pp. 99-100.

⁷⁴Insofar as they contain mutually incompatible concepts that would contradict each other were there not the *homo noumenon-homo phaenomenon* distinction, Kant acknowledges that his (so-called) copernican and rousseauian revolutions stand or fall on the subject who is bifurcated between the transcendental and the empirical. See “Critique of Practical Reason,” pp. 195-201.

⁷⁵“Groundwork of the Metaphysic of Ethics,” pp. 138-139.

of reason to the appearance of things only. Kant effectively denies reason its right to actual knowledge.⁷⁶ In opposition, Hegel exchanges the Kantian *a priori* and the analytic-synthetic propositions of reason for his notion of the “absolute”, a pantheistic God *qua Geist*,⁷⁷ and dialectical reason.⁷⁸ Hegel’s central claim is that reason is productive of truth rather than merely regulative of the transcendental conditions which make truth in appearance possible.⁷⁹ For Hegel, this is especially relevant if we want to transform the post-reformation epoch into *Geist’s* world in which the capacity of autonomy is real and thought governs reality.⁸⁰ In terms of the hegelian subject who is to produce truth and transform morality, therefore, Hegel “asserts that consciousness is communal, public and socially interactive instead of private, inner, or a spectator of itself and the world.”⁸¹ Like Rousseau, Hegel builds on *modernité’s a priori* moral identity of the subject’s autonomy in order to reconcile her spiritually with socio-economic modernisation through the process of recognition that effects an *a posteriori* moral identity in respect of *Sittlichkeit*.

So Kant’s vision of *Moralität* is positive in Hegel’s eyes because it establishes the principle that self-consciousness *qua* the self-mediated

⁷⁶G. W. F. Hegel, *Phenomenology of Spirit*, A.V. Miller (trans.) and J. N. Findlay (analysis of text), (Oxford: Oxford University Press, 1977), p. 3.

⁷⁷L. Nelson, *Progress and Regress in Philosophy: From Hume and Kant to Hegel and Fries, Volume II*, J. Kraft (ed.) and H. Palmer (trans.), (Oxford: Basil Blackwell, 1971), p. 76.

⁷⁸R. P. Pippin, *Hegel’s Idealism: The Satisfactions of Self-Consciousness*, (Cambridge: Cambridge University Press, 1989), pp. 249-251. With his metaphysics of absolute idealism Hegel deems to have overcome the four core problems of Kant’s transcendental idealism: it is endlich (finite), or limited to *Verstand*; it is subjektiv (subjective), which implies empirical things are dependent on the subject’s (*Verstand*); it is abstrakt (abstract), or, insofar as things are conceived atomistically and not relationally, undialectical; and it is persönlich (personal), for reality is constructed psychologically, not socially. See S. Priest, “Introduction”, in S. Priest (ed.), *Hegel’s Critique of Kant* (Oxford: Clarendon Press, 1987), pp. 1-48, esp. pp. 21-28.

⁷⁹*Ibid.*, pp. 4-12.

⁸⁰R. Stern, Hegel, *Kant and the Structure of the Object*, (London and New York: Routledge, 1990), pp. 35-41; J. Ritter, “Hegel and the Reformation,” in J. Ritter, *Hegel and the French Revolution: Essays on the Philosophy of Right*, R. D. Winfield (trans. and introd.), (Cambridge, Mass. and London: The MIT Press), pp. 183-191, esp. pp. 183-188.

⁸¹*Hegel’s Idealism: The Satisfactions of Self-Consciousness*, pp. 35-36.

subject of freedom is the hinge on which modern philosophy turns.⁸² But Hegel also claims that with Kant we reach “the summit and the limit of the concept of the autonomous, self-conscious will.”⁸³ Of Hegel’s four main criticisms of kantian *Moralität*, it is his “classical” objection to Kant’s abstract universalism and moral formalism that we take heed of.⁸⁴ Firstly, Hegel says that the transcendental subject, who has the lord of duty in herself, legislates herself into rather than out of slavery. The difference between the soul of mediaeval christianity and Kant’s transcendental subject whose moral identity of autonomy links her to the abstract idea of freedom contained in the universalism of *Moralität*, Hegel writes,

is not that the former make themselves slaves, while the latter is free, but that the former have their lord outside themselves, while the latter carries his lord in himself, yet at the same time is his own slave. For the particular—impulses, inclinations, pathological love, sensuous experience, or whatever else it is called—the universal is necessarily and always something alien and objective.⁸⁵

Secondly, the empirical subject is separated from the “particular,” or what Hegel’s student, Feuerbach, coins the subject’s *Gattungswesen*, her empirical species-being.⁸⁶ Insofar as she performs pure duty *vis-à-*

⁸²G. W. F. Hegel, *Philosophy of Subjective Spirit, Volumes I-III*, M.J. Petry (ed. and trans.), (Dordrecht, Holland: D. Reidel Publishing Company, 1978), pp. 382-425.

⁸³T. O’Hagan, “On Hegel’s Critique of Kant’s Moral and Political Philosophy”, in Priest (ed.) *Hegel’s Critique of Kant*, pp. 135-159, esp. pp. 135-136.

⁸⁴Kant’s theory of freedom, pp. 180-191. Hegel contests Kant’s metaphysics of morals in respect of: its formalism, because the transcendental subject is divorced from her concrete duties and maxims; its abstract universalism, as the transcendental subject’s judgements are external to the realm of their application; the impotence of its ought, such that moral insight into the empirical subject’s practice — the subject’s is — remains unrealized; and the latent terrorism of its pure conviction, which sanctions the ought of the *Gesinnungsterror* of Jacobin moral zeal that Hegel witnesses the dusk of J. Habermas, “Morality and Ethical Life: Does Hegel’s Critique of Kant Apply to Discourse Ethics?”, in *Kant and Political Philosophy*, pp. 320-336, esp. pp. 327-331 and p. 333, f. 5.

⁸⁵Hegel, *The Spirit of Christianity and Its Fate*, quoted in Allison, *Kant’s theory of freedom*, p. 185.

⁸⁶J. Toews, “Transformations of Hegelianism: 1805-1846”, in F.C. Beiser (ed.), *The Cambridge Companion to Hegel* (Cambridge: Cambridge University Press, 1993), pp. 378-413, esp. p. 396.

vis a “dishonestly displaced beyond, a *Jenseits*, that is at a foggy distance from the self,” the formality of Kantian *Moralität* merely exacerbates homo noumenon’s tyranny over homo phaenomenon.⁸⁷ Each time the empirical subject is tempted by the particular her transcendental relation to freedom carries her back to the human purgatory, *Moralität*. While Kant’s concept of civil liberty that is based on the capacity of autonomy might originate from Rousseau, his *Moralität* not only fails to reconcile the subject to herself but in fact perpetuates her experience of diremption. The *Entzweiung* that Hegel believes Plato first grapples with persists,⁸⁸ and Rousseau’s analysis of “social man, who lives constantly outside himself and through opinion, so that he seems to receive the consciousness of his own existence merely from the judgement of others,”⁸⁹ is exacerbated by Kant’s transcendental subject’s autonomy. Rousseau’s insightful analysis and Kant’s unsuccessful elaboration of the problem arguably informs the project of Hegel, and it is through phenomenology and the concept of “*homo dialecticus*”⁹⁰ qua “finite being in a transitory but concrete world of *Diesselts*” that Hegel aims to redeem *homo noumenon* to *homo phaenomenon*.⁹¹

Although it is not a dialectical method,⁹² phenomenology describes the historical forms or modes of consciousness and the dialectical experience which turns the subject qua consciousness into a self-consciousness whose experience of the limit of each mode “raises her up”

⁸⁷I. Soll, *An Introduction to Hegel’s Metaphysics*, (Chicago and London: The University of Chicago Press, 1969), pp. 142-145.

⁸⁸S. B. Smith, *Hegel’s Critique of Liberalism: Rights in Context*, (Chicago and London: The University of Chicago Press, 1989), pp. 17-18; F. R. Dallmayr, *G.W.F. Hegel: Modernity and Politics*, (London: Sage Publications, 1993), pp. 94-95.

⁸⁹“Discourse on the Origin of Inequality,” p. 116.

⁹⁰M. Foucault, “La folie, l’absence d’oeuvre,” in M. Foucault, *Dits et Ecrits 1954-1988*, Tome I: 1954-1969, D. Defert and F. Ewald (direction) and J. Lagrange (collaboration), (Paris: Éditions Gallimard, 1994), pp. 412-420, esp. p. 414.

⁹¹A. W. Wood, *Hegel’s Ethical Thought*, (Cambridge: Cambridge University Press, 1990), p. 153.

⁹²K. R. Dove, “Hegel’s Phenomenological Method,” in J. Stewart (ed.), *The Phenomenology of Spirit Reader: Critical and Interpretive Essays*, (Albany, N.Y.: State University of New York Press, 1998), pp. 52-75, esp. pp. 52-57.

(*aufheben*)⁹³ to the next.⁹⁴ Initially, Hegel's *Phenomenology of Spirit*⁹⁵ describes the dialectic of knowing where consciousness cognises herself through her recognition of her otherness from things in terms of sense-certainty, perception and kantian *Verstand*.⁹⁶ But because Kant's "motionless tautology of I am I" has unmediated being-for-herself only, Hegel proposes to show us "what this consciousness knows in knowing herself."⁹⁷ Hegel's goal is to demonstrate that self-consciousness' journey to transcendental subjectivity is the result of the dialectic of the embodied subject's animal desire for self-preservation.⁹⁸ She is located in the world and the subject's animal desire moves her to satisfy her material needs by reproduction, which entails an expression of individuality that places the subject at the centre of the world but dirempts her from the universality it manifests. Importantly, individuality is the pre-condition for the subject's human desire for *Selbstgewißheit*.⁹⁹ This is the truth of self-certainty that designates our "notion of ourselves and the aims we strive for," which can only be

⁹³For a discussion of *Aufhebung* in its verbal form, *aufheben*, see J. Sallis, "Hegel's Concept of Presentation: Its Determination in the Preface to the *Phenomenology of Spirit*," pp. 25-51, esp. p. 49, f.7, and P. Jagentowicz Mills, "Hegel's Antigone," pp. 243-271, esp. p. 243, in *The Phenomenology of Spirit Reader: Critical and Interpretive Essays*.

⁹⁴K.R. Westphal, "Hegel's Solution to the Dilemma of the Criterion", in *The Phenomenology of Spirit Reader: Critical and Interpretive Essays*, pp. 76-101, esp. pp. 84-85. In spite of Westphal, we read "mode" rather than "form" as per Lukács, who refers to Hegel's "theory of modality." See G. Lukács, *Hegel's False and His Genuine Ontology*, D. Fernbach (trans.), London: Merlin Press, 1978), pp. 95-97.

⁹⁵*The Phenomenology of Spirit* has two parts, each with three sections: "'Consciousness,' 'Self-consciousness,' and 'Reason,' are the basic divisions of individual experience, and 'Spirit,' 'Religion,' and 'Absolute Knowledge' are the basic divisions of social experience ... The relation between the 'individual' and 'social' sections reflects the fact that, for Hegel, the individual is an abstraction from society. The individual cannot exist in isolation." See R. Norman, *Hegel's Phenomenology: A Philosophical Introduction*, (London: Sussex University Press, 1976), pp. 24-25.

⁹⁶*Phenomenology of Spirit*, pp. 58-102.

⁹⁷*Ibid.*, p. 103.

⁹⁸M. Westphal, *History and Truth in Hegel's Phenomenology* (New Jersey and London: Humanities Press International, 1990), pp. 122-126.

⁹⁹*Phenomenology of Spirit*, pp. 108-109. We should not confuse individuality with identity qua the outcome of the intersubjective relation of recognition and its fulfillment in *Sittlichkeit*. Individuality is subjective and gives the subject self-feeling only. Her being-for-herself is temporary and dependent on the world.

fulfilled by the recognition of another self-consciousness.¹⁰⁰ Human desire thus requires that the subject “leave behind the colourful show of the sensuous here-and-now and the nightlife void of the supersensible beyond and step out into the spiritual daylight of the present.”¹⁰¹

The process of affirmation of human desire through recognition commences after the subject acknowledges both the existence of another in their individuality and the universal endeavour of all subjects towards *Geist*. To show the other that she is independent of the world necessitates that the subject ‘abolish’ the things upon which her animal desire depends.¹⁰² Yet neither self-consciousness can labour on things while the other watches, for it demands that they risk their life to impress the other and implies not only that the other already possesses pure self-consciousness but that the other is the sole arbiter of the subject’s independence. As a result, they engage in a life-and-death struggle in a bid to demonstrate independence from their animal desire and to receive the recognition that their being-for-itself is their essence.¹⁰³ Although the death of either subject would obviously be self-defeating, Hegel suggests that through this experience ‘self-consciousness learns that life is as essential to it as pure self-consciousness.’¹⁰⁴ The human desire for permanent *Selbstgewißheit* that risks death awakens self-consciousness to the fact of her dependence on the world for her material needs. At the same time, she becomes aware that human desire is a spiritual need for the freedom which recognition affords. Such is humanity’s desire for freedom that it risks death to procure it, as to follow the impulse of our appetites is inhuman whilst the unloved *qua* unrecognized life is not worth living.¹⁰⁵

¹⁰⁰C. Taylor, *Hegel* (Cambridge: Cambridge University Press, 1975), pp. 137-138.

¹⁰¹*Phenomenology of Spirit*, pp. 110-111.

¹⁰²Taylor discusses the dialectical idea of “abolition” in terms of Hegel’s concepts of *Aufhebung* (“to preserve at the same time as to annul”) and *Versöhnung* (“to reconcile”). See Hegel, p. 118.

¹⁰³*Phenomenology of Spirit*, pp. 112-114.

¹⁰⁴*Ibid.*, p. 115.

¹⁰⁵Hegel uses the conceptual metaphor of love to aid our comprehension of recognition as representative of *Geist*; that is, only in love are we one with the object, neither dominating nor dominated, a reciprocal giving and taking, a Juliet: “the more I give to thee, the more I have.” We see “only ourselves in the beloved, and in turn, we see the beloved as not ourselves.” See *History and Truth*, pp. 131-135.

Ultimately, though, the life-and-death struggle ends in a truce where one subject is independent and a being-for-herself whilst her opponent remains embroiled in the world as a being-for-another. Their mutual fear of death enforces the first social relation of inequality in the shape of the dependence between the lord and bondsman instead of the mutual reciprocity *qua* sociality that is desired.

Hegel is quick to dispel the intuition that the lord prospers from social inequality. His *Selbstgewißheit* is dependent on the recognition of the servile unessential consciousness of the bondsman, whilst in his relation to the world that is also mediated by the bondsman the lord's truth of self-certainty is fleeting and without permanence. He is alienated from his species-being or animal desire to the extent that he does not labor. What is absent is the absolute certainty of the truth of himself which another autonomous self-consciousness would provide.¹⁰⁶ Like a jilted lover, the lord is left to equivocate whether his being-for-itself fashioned in the world before his acquaintance with the bondsman is indeed who he essentially is. Even an asymmetrical social relation in which the lord has the upper hand fails to procure, never mind enables at least mis-recognition. In contrast, the work of the bondsman is 'desire held in check, fleetingness staved off; in other words, work forms and shapes things.'¹⁰⁷ It is through the bondsman's formative activity, when labor *qua* reproduction of needs becomes work *qua* production of socio-cultural goods, that he gives an element of permanence to the world and through individuality establishes his independence from it.¹⁰⁸ Work socializes the subject's animal desire into reflexive, human desire that gives the bondsman a "mind of his own, a self-will within the permanent order of things". Through his capacity to be autonomous the bondsman posits himself as a being-for-himself whose human desire for *Selbstgewißheit* is derived from the things he produces. In opposition to Kant's identity of identity

¹⁰⁶*Phenomenology of Spirit*, pp. 116-117.

¹⁰⁷*Ibid.*, p. 118.

¹⁰⁸Arendt's reading of Hegel distinguishes "labour as the cyclical perpetuation of the means of biological existence from work as the creative transformation of nature into durable artefacts." See Hannah Arendt, *The Human Condition*, cited in J.M. Bernstein, "From self-consciousness to community: act and recognition in the master-slave relationship," in Z.A. Pelczynski (ed.), *The State and Civil Society: Studies in Hegel's Political Philosophy*, (Cambridge: Cambridge University Press, 1984), pp. 14-39, esp. pp. 34-35.

without difference, the unmediated I am I who intuits things in “picture-thoughts” *qua* thought without reflection, we have Hegel’s bondsman’s identity of identity and difference, actual rather than virtual self-consciousness who knows the world because he transforms the things which constitute it.¹⁰⁹ As Hegel hails,

[W]e are in the presence of self-consciousness in a new shape, ... which *thinks* or is a free self-consciousness. For *to think* does not mean to be an *abstract* “I”, but an “I” which (relates) ... itself to objective being in such a way that its significance is the *being-for-self* of the consciousness for which it is [an object]. For in *thinking*, the object does not present itself in picture-thoughts but in *Notions*, i.e. in a distinct *being-in-itself*.¹¹⁰

It is through the bondsman’s absolute mediation of the world by thought (“Notions”), Hegel argues, that he realizes scientific knowledge of things-in-themselves at the same time as he “raises himself up” from the world to be a transcendental subject.¹¹¹ Essentially, Hegel shows through the bondsman’s experience how self-consciousness *qua* self-understanding and society — an unequal one, at that — are born together. The lord-bondsman relation is the superstructure of the human desire for recognition which, albeit subsequent to the satisfaction of animal desire by material needs, is only fulfilled where there is social equality.¹¹² Further, where Kant posits the transcendental subject *a priori* as his condition of possibility for knowledge, Hegel examines the conditions of possibility for the transcendental subject (from embodied consciousness to a consciousness of the universal desire for recognition).¹¹³ Transcendental philosophy’s constructive metaphysics is incomplete without a philosophy of *Geist* which charts the conditions necessary for transcendental subjectivity and a descriptive metaphysics that departs with consciousness as one phenomenon in the world of phenomena.¹¹⁴ Hence, if phenomenology is a dialogue

¹⁰⁹*History and Truth*, pp. 122-126.

¹¹⁰*Phenomenology of Spirit*, pp. 119-120.

¹¹¹*Ibid.*, p. 21.

¹¹²*History and Truth*, pp. 136-138.

¹¹³*Hegel’s Ethical Thought*, p. 91.

¹¹⁴D. Lamb, *Hegel: From Foundation to System*, (The Hague and London: Martinus Nijhoff Publishers, 1980), pp. 3-13.

between self-consciousness and *Geist*, between the historicity of man's modes of experience that culminate in the human desire for recognition and the history of man's practico-social conditions which make this experience possible,¹¹⁵ then it is in post-kantian *Aufklärung* alias hegelian *modernité* that the journey of the transcendental subject collides with the progress of the historical career of *Geist* and its socio-cultural manifestation as *Sittlichkeit*.¹¹⁶

In addition to the phenomenology of subjective spirit, therefore, Hegel's philosophy of politics — in the early nineteenth century, jurisprudence¹¹⁷ — explores the rational and apprehends in thought the present *qua* actual (German) ethical life or objective spirit.¹¹⁸ As for Rousseau, Hegel conceives of civil liberty as an intersubjective question insofar as the subject is born socially and her moral identity is *a posteriori* to the recognition mediated by others. The transcendental subject's human desire is tantamount to a will or 'mode of thought that translates itself into existence due to its need to know itself as united in its innermost being *qua* comprehended by others within the truth (of community)."¹¹⁹ Where Rousseau implies autonomy and recognition, Kant perfects the former whilst Hegel concretises autonomy via recognition: the "right of individuals to their subjective determination of freedom is only possible insofar as they belong to an ethical actuality where the certainty of freedom (*Selbstgewißheit*) has its truth."¹²⁰

As Taylor suggests, Hegel's philosophy of politics is an attempt at the "great re-unification" of the radical freedom of the capacity of autonomy with the subject's expressivist desire for recognition that is realised in intersubjective identities.¹²¹ Hence, objective spirit *qua* the

¹¹⁵*Phenomenology of Spirit*, pp. 55-56.

¹¹⁶On Hegel's differentiation of Kant's account of enlightenment into modernity, or the dialectic of enlightenment, see J. Habermas, *The Philosophical Discourse of Modernity: Twelve Lectures*, F. Lawrence (trans.), (Cambridge: Polity Press, 1994), Lectures I and II.

¹¹⁷Philosophisches Rechtslehre (jurisprudence) is concerned with the idea of law or right, where the idea is the confluence of the essence of free will and the existence of community. See G.W.F. Hegel: *Modernity and Politics*, pp. 102-104.

¹¹⁸*Elements of the Philosophy of Right*, Preface, pp. 21-23.

¹¹⁹*Ibid.*, p. 11.

¹²⁰*Elements of the Philosophy of Right*, §§ 153-155, pp. 196-197.

¹²¹Hegel, pp. 23-49.

set of social institutions and practices is an ethical actuality in respect of which the subject *qua* subjective spirit identifies. In effect, Kant's *Moralität* attains completion in Hegelian *Sittlichkeit*,¹²² for we are compelled by already existant customs, *sitten*, which are the content of our moral actions, and by the expression of freedom that obliges us to tally our actions with the demands of reason such that *Geist* is realised in *Sittlichkeit*.¹²³ The subject willingly fulfils — indeed, finds her liberation in — her duties to ethical life which, as it determines the character of the subject, makes duty synonymous with virtue. And, if a virtue that is essential to the subject's character can be called a custom, then duty appears as habit to the subject.¹²⁴ The diremption of *Sollen* from *Sein* that is expressed by Kant through *homo noumenon* and *homo phaenomenon* is reconciled in *homo dialectus*, who is recognised in and dependent for her moral identity on *Sittlichkeit*. *Homo dialecticus* proceeds from being-in-herself (“will in its concept”) that is safeguarded by abstract right *qua* freedom as property, to being-for-herself (“will of the individual”) in the realm of morality *qua* subjective freedom and, finally, to being-for-herself for and with another (self-sufficient individuality with universal substantiality), or *Selbstgewißheit* in *Sittlichkeit qua* family, civil society and, in its highest actuality, the rational state:

Thus, ethical life is the unity of the will in its concept and the will of the individual ... Its initial existence [*Dasein*] is again something natural, in the form of love and feeling [*Empfindung*] — the family; here, the individual [*das Individuum*] has overcome [*aufgehoben*] his personal aloofness and finds himself and his consciousness within a whole. But at the next stage (of *civil society*), we witness the disappearance of ethical life ... the family becomes fragmented and its members behave towards each other as self-sufficient individuals, for they are held together only by the bond of mutual need ... (The)

¹²²To be accurate, Hegel “desynonymises” Kant's ellision of *Sittlichkeit* and *Moralität* to claim that *Moralität* is the province of an individual morality of conscience whilst *Sittlichkeit* is the sphere of a social morality in which the abstract good or the idea of freedom is concretised by the autonomous subject. M. Inwood, “Hegel and His Language,” in M. Inwood, *A Hegel Dictionary*, (Oxford: Blackwell Publishers, 1992), pp. 5-18, esp. pp. 12-13.

¹²³Hegel, pp. 380-386.

¹²⁴*Elements of the Philosophy of Right*, §§ 144-152, pp. 189-196.

state emerges only at the third stage, that of ethical life and spirit, at which the momentous unification of self-sufficient individuality with universal substantiality takes place... (I)t is freedom in its most concrete shape, which is subordinate only to the supreme absolute truth of the world spirit.¹²⁵

Foucault: normal autonomy and disciplined recognition

In their answers to the question, “what can I know?,” Kant and Hegel both give center stage to what Heidegger terms the “metaphysics of subjectivity”: with Kant, the transcendental subject “conditions all objectivity” and, in the case of Hegel, she “gathers all objects to herself in the process of the production of herself as the absolute subject.”¹²⁶ The consequence, Nietzsche writes, is that “an epistemology that sets boundaries permits one to posit as one sees fit a beyond of reason whereas a will to defy the universe and life in order to find repose in contemplation and the bottom of things demands that we everywhere seek, and submit and acquiesce to, reason.”¹²⁷ As two of Foucault’s main influences, Heidegger and Nietzsche intimate the style of critique that can be forged against kantian and hegelian subjectivity, original and derivative.¹²⁸ Firstly, in its *a priori* moment the subject’s will to will underwrites the “subject of” autonomy, which today aids Rawls to conceive of justice because it allows the “notion of the free person” — “a normative, moral conception of the person who is the basic unit of thought”¹²⁹ — to decide, be solely responsible for and at liberty to revise her “fundamental interests and ends” (read moral identity).¹³⁰ Because the rawlsian subject “desires to be normal and

¹²⁵*Ibid.*, pp. 63-64.

¹²⁶Heidegger, “Hegel and the Greeks,” *Pathmarks*, pp. 323-336, esp. p. 325.

¹²⁷*The Will to Power*, § 95, p. 60.

¹²⁸M. Foucault, “The Return of Morality”, in M. Foucault, *Politics, Philosophy, Culture: Interviews and Other Writings 1977-1984*, L.D. Kritzman (ed. and introd.), A. Sheridan and Others (trans.), (New York and London: Routledge, 1988), pp. 242-254, esp. pp. 249-250.

¹²⁹J. Rawls, “Justice as Fairness: Political not Metaphysical”, in J. Rawls, *Collected Papers*, S. Freeman (ed.), (Cambridge, Mass. and London: Harvard University Press, 1999), pp. 388-414, esp. pp. 397-398.

¹³⁰J. Rawls, “A Kantian Conception of Equality,” in *Collected Papers*, pp. 254-266, esp. pp. 259-260.