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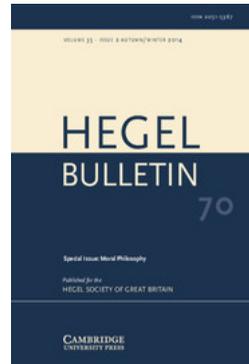
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Pecca Fortiter for the Sake of Morality? *Making Sense of Wrong in Hegel's System of Right**

Alexander T. Englert

Abstract

The goal of this paper is to clarify the role ‘wrong’ plays in Hegel’s system of right, as both a form of freedom and the transition to morality. Two approaches will be examined to explore wrong in practical philosophical terms: First, one could take the transition to be *descriptive* in nature. The transition describes wrong as a realized fact of the human condition that one inherits from the outset. Second, one could see it as *prescriptive*. Actual wrongdoing would be essential for the subject’s progression to *becoming moral*. Though both are most likely the case, emphasis is given to the latter since it represents the actualization of potential. Furthermore, it will be suggested that wrong plays a similar role as that which alienation does in the *Phenomenology of Spirit*; both bridge the will as abstract personality with the moral point of view.

I. Introduction

Supposing that we take Hegel by his word in *Elements of the Philosophy of Right* (1991: hereafter *PR*), doing wrong and subsequent punishment represent together the transition by which right arrives at morality. Taking Hegel *strictly* by his word would lead to understanding wrong as not simply a negative moment in right’s progression but rather also one that ‘gives determinate shape and existence [*Dasein*] to *freedom*’ as one of the ‘forms’ it takes in its immanent, logical

* I would like to express my gratitude, first, to Dean Moyar who commented on earlier drafts and challenged me to make my ideas clearer. Second, I wish to thank Eckart Förster whose guidance led me to passages that proved of great use in refining my ideas. Finally, I am thankful for the comments of an anonymous reviewer who spurred me to reflect more deeply on my position and who inspired significant improvements in the final draft.

progression. This claim, however, is puzzling: No morality without wrong? And wrong as a form of freedom? Moreover, beyond the initial and (perhaps) superficial puzzlement that besets one when contemplating wrong as a precondition for morality, or a form of the free will, one cannot help but notice that of the three main parts of the book, no other topic that is so nefarious receives its own section or as much ink. Wrong shares rank, albeit purely structurally, in the same league as ‘contract’, ‘intention and welfare’, ‘the good and the conscience’ and ‘civil society’, to name a few. Familiar with Hegel’s logic, one may accept this as one of multitudinous moments in which negation propels the immanent development of the various facets of the Idea. However, this moment roots in the practical sphere; it is connected with the visceral inclinations of the individual’s will injuring the general, universal will. Thus, the very nature of *wrongdoing* calls out for an understanding of its prominence in Hegel’s philosophy of right. One wants clarification not only as to *how* the development occurs according to logical structures but also as to *how* it plays out in quotidian, everyday existence. Does one need to commit wrong to *become* moral?

In what follows, I explore this puzzling transition via a method that takes Hegel’s logic in the practical sphere to be essentially enmeshed with human experience. However, the degree of importance laid on the logic in his practical thought remains a contentious topic in contemporary Hegel scholarship. Georg Mohr at the end ‘Unrecht und Strafe’ (1997) asserts that many philosophers turn to Hegel for good arguments, but *only* ‘if they are not then duty-bound to devote themselves to the extensive prerequisites of Hegel’s speculative logic that are, moreover, quite difficult to grasp’ (122).¹ Mohr continues that any theory built on such a contentious edifice, when taken normatively, begs the question ‘to what extent the arguments and results ... can be freed from the conceptual system of the speculative logic’ (1997: 123). Mohr leaves the question open. Five years later, though, and in response specifically to Mohr’s question, Klaus Vieweg answers in *Das Denken der Freiheit* (2012) that the ‘intellectual strength and fascination [of Hegel’s practical thought] is derived precisely *from the logical foundation; this is the essential grounding for its current relevance*’ (146).² Of course, others consider the logic to obfuscate arguments that need not be so difficult to grasp. Take, for example, Allen Wood who states in *Hegel’s Ethical Thought* (1990) that, ‘speculative logic is dead; but Hegel’s thought is not’ (4). Contrary to Vieweg, Wood takes the opposite extreme and sees the relevance of Hegel’s thought as not lying ‘in his system of speculative logic, but *in a quite different realm*, namely, in his reflections on the social and spiritual predicament of modern Western European culture’ (1990: 5, my emph.).

My own method, I believe, falls somewhere in the middle between these two extremes. On the one hand, I find any reading problematic that takes wrong as the only rational next step due solely to the demands of speculative logic, e.g., due to the Idea’s demand that negation occur, which requires another negation for the progression to continue with a new immediate, positive element. First, if

not amended by content from experience (e.g., notions like property and contract), the logic remains alien to the world it should be undergirding. Second, a purely logical reading opens the possibility that the negation of the universal will by the particular will goes through the transition of ‘wrong’ (i.e., *Unrecht*) for no better reason than semantic necessity: The universal will is *das Recht* and the particular will’s negation of it is simply *Un-*(German for ‘not’)-*recht*: *Not-Right!* In the practical sphere, the logic should consist, I maintain, in more than a necessity that could be boiled down to semantic manoeuvres. On the other hand, however, I take Hegel as a man of his word and find, as a result, any reading that ignores the speculative logical grounding as diluting the potency of Hegel’s thought and also ignoring his explicit claims that the theoretical and practical are but two sides of the same coin (see *PR*: §5, 37).

Therefore, I understand the logic to be *experiential* – but it is ‘experiential’ because we, as rational agents, bring our *logic* into experience. The entire development of the *PR* is one that begins with the will as its starting point, which in its very first move reaches, *grasping*, out into the world for property. Without setting itself in the world, the will would remain an empty concept. This move, though, requires more than logical space; it requires, indeed, the concept of real space. Therefore, it seems essential to read the logical development of the will as only comprehensible insofar as it is anchored in actual, agential experience. But experience also depends on conceptual, logical structure. When reaching into the world one discovers that one’s existence in the quotidian everyday is not haphazard or chaotic, but instead takes on structure that is mirrored in the thinking and acting of others. Thus, at its core I take Hegel’s discussion of wrong and morality as the logical development of the will but as it is *for* everyday agents.

Following this method, the question of wrong’s role in Hegel’s philosophy of right intensifies. If wrongdoing is a ‘determinate shape and *Dasein* of freedom’ in a system where the logic must be *lived* to be fully understood, how are we to apprehend wrong qua transition to morality? For the sake of brevity, I will explore only two approaches to answering the question. One approach sees the transition as ‘descriptive’ in that it sets the transition as experienced but merely as a conceptual fact of the human condition inherited from the outset. With this approach, one seems stuck with a weaker thesis, practically speaking. ‘Weaker’, because wrong, as only in need of description, turns into a dead conceptual fossil that represents simply how it happens to play out. That is, we inherit morality but do not fully appreciate the phenomenological effort that goes into its actualization in the nitty-gritty everyday. Alternatively, one could approach the transition from a ‘prescriptive’ angle that sees the transition as embedded and necessary for the *actual*, experiential process of individual agents reaching their fullest expression as free wills. Albeit not altering the immanent progression between wrong and morality, the consequences for our understanding could change substantially. From this angle, morality would not necessarily be a fact *for*

oneself until the logical transition between wrong and morality has *actually* been trodden, which makes for a stronger thesis. From the stronger thesis it follows that one's wrongdoing need not cause separation from the social sphere, but rather is an impetus for coming to know one's rootedness therein. Any moral theorizing that treats wrong as the alien other presents an incomplete, less-than-human picture of our condition. Thus, the prescriptive approach sees the transition as stating imperatively, *sin boldly* (for you will) and return from this wrong to yourself as a moral agent even more boldly.³ The lead question becomes: Is Hegel's point (a) *descriptive*, (b) *prescriptive* or (c) some relation of both? Is Hegel simply describing a conceptual category of freedom that represents its own negation and that just so happens to mirror the everyday? Or, is wrong (followed by punishment) the necessary condition for one's own 'moral point of view' (*PR*: §104, 132)?

In what follows, I first examine the transition itself to try and see what exactly is being said.⁴ Then, I explore the two approaches for understanding the transition through the lens that takes a logical approach set in everyday experience. In the end, I argue for wrong and punishment as both being *described* and *prescribed*, with the prescriptive connotation as the primary meaning from which the descriptive follows.⁵ I connect this interpretation with the idea of potentiality and actuality, as well as with the notion of the will progressing to its complete and fullest expression. In conclusion I also suggest that one may understand wrong as serving a similar function as 'alienation' in the *Phenomenology of Spirit* (2010: hereafter *PhS*) in that it alienates the individual internally from her own nature as simultaneously particular and universal. In this internally alienating fashion the individual, as self-consciousness, attains the height of reflection necessary for the moral point of view to exist.

II. Wrong as a Form of Right

Confusion sets in when reading Hegel because of the way one feels both inside and outside the immanent progression of his logic. From the outset, the reader is told of what it means to be a speculative scientist, i.e., one 'must observe the proper immanent development of the thing [*Sache*] itself' (*PR*: §2, 26). The *Sache* is the manifestation of the Idea and the Idea consists of many facets. In the *PR*, the Idea is that of right, which takes the will as its starting point and then allows it to go through its various forms each of which 'gives determinate shape and existence to *freedom*' (*PR*: §30, 59). Thus, the *Sache* as observed should also be expressed in concrete existence, i.e., as *Dasein*. Consequently, we expect unfolding of the *Sache* to not only herald the flight of Minerva's owl *theoretically*, but also to detail its *existent* and *actual* transit accurately in the everyday world *in so far that the everyday is rationally structured*. Yet Hegel also emphasizes that there is a difference

between the development of the philosophy of right and the concrete history of right. How to understand the relation between the structure of philosophical ‘wrong’ and actual ‘wrong’ then becomes quite unclear.

Openness for interpretation of wrong’s relation to its concrete manifestations in the nitty-gritty world is the initial source of puzzlement. Confusion, however, increases as one begins to unpack the logical development itself. ‘Wrong’, we are to posit, follows logically from the set-up of two particular wills with particular interests that are bound in a contract that rests on ‘identifying my will with that of another’ as the necessary limitation by which alone I can be called an ‘owner of property’ (PR: §72, 104). In other words, intersubjectivity and property ownership remain interwoven. My taking of property implies immanently the wills of others against whom my claim may find definition and determination. A planet carrying solely a *petit prince* has little use for the notion of property since everything belongs to one and the same person. Clearly owning everything has little point in any world lacking points of logical resistance; one might as well own nothing seeing that one need never *define* one’s *own* in contrast to that of *another’s*. For us social creatures our logic exists in an interpersonal context from the outset. We conclude, as a result, that Hegel’s philosophy is set in this interpersonal context.⁶ For this reason, it is all the more surprising to find that right’s development out of two wills’ contractual relation is a left turn into the very negation of that relation. And more surprising is that this very negation, through its own negation, leads one to a moral point of view for the first time – leaving one wondering as to whether the persons spoken of before were totally bereft of its presence. Going by Hegel’s word, one seems to be left with the logical necessity of morality being *found* through doing the opposite of right!

Let us go through the logical development now in detail⁷: To begin, we could say that freedom’s immanent development began with a person, as a simple and abstract presence, ascribable to every one with basic presence of mind and a body. In Hegelian terms, one must begin with what is ‘immediate’. The abstract realization of freedom as the right to property exists because of the nature of particular wills as ‘*immediate* persons’ (PR: §81, 113). Freedom, then, in the context of persons may only take shape when a person realizes her freedom in some particular, immediate manner – i.e., by relating herself, her will, to some outside thing: ‘The will is Idea or actually free only in so far as it has existence [*Dasein*], and the existence in which it has embodied itself is the being of freedom’ (PR: §93, 120). To draw a comparison with the thinking of P. F. Strawson in *Individuals* (1959), one might say that Hegel is sensitive to the demands of our criteria of identification within a spatiotemporal conceptual system that requires some grounding in that which is localizable and determinate. Strawson calls such localizable and determinate anchors for identification, ‘basic particulars’, which first and foremost *must* find expression via location in one’s *immediate* spatiotemporal

framework: ‘Bodies’ lend themselves as the most basic constituents for our conceptual system (1959: 38f.). Conceptual identification finds anchoring in concrete objects. Now turning back to Hegel, one could say that freedom, as a concept, would remain unidentifiable if left completely untethered from the immediate world of things. The free will, as we think of it, finds anchor in how we as willing agents come to identify ourselves with certain particular objects, including our own bodies. This relational identity of ‘x is mine’ remains the basic universal articulation of the free will in its very first form of expression.

‘X is mine’, therefore, holds for *all* material to which one is capable of ascribing ‘mine’, again, including one’s own body. All that is infused with my will can, in turn, suffer injury. This introduces the definition of wrong into the development. Now that our will is externalized, our will qua something expressed immediately may also be injured physically. Or as Hegel puts it in his *Vorlesungen über die Philosophie des Rechts: 1819-20* (2000: hereafter *VPR*)⁸: ‘I can therefore be injured due to owning property because my will is external [in it]: i.e., has *Dasein* [through it]’ (*VPR*: 41). The rational structure of the will, one might say, is born in external expression; owning property is the birth canal of freedom – its source of origination. This origination is also persisting. ‘X is mine’ holds after its positing. Consequently, when one will applies coercive force to the property of another, the injuring will ‘destroys itself in its concept, since it is the expression of a will which cancels [*aufhebt*] the expression or existence of a will’ (*PR*: §93, 120). Here the thought is that in the inevitable conflict of wills, the very force that is applied to the externalization of another person’s will represents an affront to the very rational structure of wills taken generally. Any injury of the ‘X is mine’-relation attacks the universal form of willing, since the will wills first and foremost its immediacy through the setting of itself in physically given objects. When this relation is disturbed, every will – by sharing this basic relational identification – faces an instantiation in which its basic concept is contradicted: The ‘infinite element in the predicate “mine” – i.e., my *capacity for rights*’ is injured (*PR*: §95, 122). This infinite element becomes betrayed and contradicted in our actions. Human nature, taken in terms of its immediacy, then, is characterized by contingency: ‘[T]he particular will *for itself* is *different* from the universal, its attitude and volition are characterized by arbitrariness and contingency, and it enters into opposition to that which is right *in itself*; this is *wrong*’ (*PR*: §81, 113).⁹ Without absolute direction by universal norms, the logical alternative to deviate from that which is right (i.e., that which is universal) arises. Natural inclinations, desires and drives characterize our nature as immediate persons and a ‘state of nature is a state of wrong’ (*VPR*: 40).

The immanent logic of a contradiction, or ‘negation’, of the will’s own conceptual form calls out for a necessary ‘*second* coercion which cancels an initial coercion’ (*PR*: §93, 120). The criminal will, as rational, *knows* that its rationality extends beyond itself and should, thus, uphold this extended rationality for its

own sake; as a result, it arrives within itself at a point of internal contradiction. Another way of putting this inherent contradiction going on within the legal person comes from Michael Quante's *Hegel's Concept of Action* (2004).¹⁰ The criminal in the act of wrong, in Quante's language, is acting in part 'irrationally' since her act 'violates the condition of non-contradiction in the sense that the coexistence of free persons becomes impossible' (2004: 18). Simultaneously, however, the act is the deed or action of a rational person and thus (at least) 'formally rational' (ibid.). Put in slightly stronger language, Mohr refers to this contradiction as a moment in which the particular will 'destroys itself according to its own concept' (1997: 105). The very rational act that injures the basic 'x is mine'-relation, in which the injured party is involved, injures, 'destroys' the same, formal rationale of ownership and immediacy undergirding its own presence as anchored in its body and the world of things.

Wrong contradicts the right of some particular will's possession of something, which in turn injures the universal concept of the will in general. The universal concept, however, appears now from a different vantage point. Whereas at first, in abstract right, the will was only a participant in a two-position relation, *now* the will is reflecting on the relation from a third position within itself. And from the third position, logically speaking, one recognizes in the relation that it injures the same logical two-position structure that is essential to one's own realization as free will. The fundamental capacity for right – grounded in external expression of one's freedom – comes to be reasserted through the recognition of one's own universal character after the very act of injuring it. Thus, the punishment of the criminal, or the making right of the wrong committed against the universal structure of the will, is 'also *right for the criminal himself*, that is, a right *posited* in his *existent* will, in his action' (PR: §100, 126). The particular will's third position within itself *is* nothing if not cemented through the concrete act of punishment. The particular will comes to see the contingency of its action, or lack of Substance,¹¹ when set against the *necessity* of the universal will, i.e., against its being found in the very fabric of shared rationality in general. Yet, this contingency or lack of substance remains abstract at this level. It too requires external expression, anchoring in objective reality, to give the emptiness of its contingent act external expression. I take Mohr's account as key to understanding this point. In explaining the manifestation of punishment as right for the wrongdoer's will, Mohr asserts that it is concrete expression of the particular will's empty contingency. In the same way wrongdoing 'always "exists" as a concrete occurrence of unjust injury, the emptiness [*Nichtigkeit*] of wrongdoing [*Rechtsverletzung*] "exists" as [the initial injury's] negation [in punishment]' (1997: 105). The emptiness of the injury or lack of Substance (due to its being completely contingent) also needs 'manifestation' or expression, which occurs in the concrete act of punishment. In doing so, the realized indemnification of a concrete wrongdoing is that which *manifests* universal right in reality.

Before universal right was only abstract and formal; after punishment it gains objective reality. Hegel writes in *VPR*: ‘The redemption of the crime is one with the reason of the crime’ (46). Just so, the rationality of the criminal is the same rationality that sees fit that her admitted separation from the universal will be set concretely as a sign of her recognition of the universality will’s priority.¹²

The reason that the criminal implicitly wills her own punishment, then, arises from the fact that her very act of placing, or ‘setting’, her will in objects holds in a world rationally constructed on such relations – and by acting contrariwise she disrupts a world with which she has also established an identity. As Quante puts it, ‘the will finds itself in a self-contradiction, one that is sublated through punishment’ (2004: 18). According to Quante, the ‘self-relationship’ that arises out of the logical progression from crime to punishment is the origin of morality. He puts it quite to the point as such: ‘[Instead] of relating oneself freely to objects (which thereby become property), in the moral subject the will relates itself freely to itself’ (2004: 22). The particular will comes into ‘agreement’ (*ibid.*) regarding the form of punishment via which the universal will and particular wills are intermediated. This self-contradiction is not a contingent fact about the criminal and her action, according to Hegel, rather it is immanent in the very nature of all agents being rational: ‘For it is implicit in [the criminal’s] action, as that of a *rational* being, that it is universal in character’ (*PR*: §100, 126). Thus, when the criminal acts in taking property or relating herself to basic particulars (including her own body), she recognizes the need to protect the sphere of immediate right. This recognition is simultaneously connected with recognition of others. Hegel goes as far to say that, ‘Existence [*das Dasein*], as determinate being, is essentially being for another’ (*PR*: §71, 102). Recognition then occurs mediately via the immediate sphere in which we place our presences as wills. We recognize each other through the *way we are* our bodies.

By recognizing this one must, in turn, recognize the rights of others who claim the same sort of universal relation because one, as a *rational* agent, acts *rationally*. One need not imagine immediacy *per se*, rather simply the basic, formal structure of action, which as *rational* indeed presupposes the structure of the will which it is injuring: Wrong brings the will into a contradictory relationship with itself that it seeks to overcome by setting the universal will as its standard. The transition’s key rests in the fact that these two vantage points of freedom’s realization both occur within the same rational framework. The abstract personality expressed by the basic relation between a will and a thing is differentiated by the individual’s capability of disrupting this universal relation. Thus, reason takes the basic ‘personality’ inherent in the relation of ownership as reason’s ‘object’ (*PR*: §104, 131). By setting the universal as that which it *should* want, the will then comes to not only be an intersection of two valences of will, but also one that sees both in a sort of double vision that represents the ‘moral point of view’ (*PR*: §104, 132). One is no longer faced simply by right *in-itself*

nor by what one simply wants *as oneself*, but rather one sees oneself as both an individual who *should* do one thing, though still *can* do another.¹³

Understanding the inner workings of the dialectic progression up until this point still leaves open whether wrong qua transition is descriptive or prescriptive. If working off of Quante's position, the descriptive approach may seem like the most likely way to understand the transition to morality through wrong. Quante asserts that Hegel's 'supposition that Right must become Idea' imposes a requirement to 'produce a negation of the negation' (2004: 20). Thus, wrong's justification is one that is demanded by speculative logic because some sort of negation of a negation must be present for the sake of the Idea. Or in Quante's language: 'Hegel's argument, then, clearly presupposes his speculative logic, as well as the substantive premises of the will *qua* concept and of the right as Idea' (ibid.). These 'tools', Quante states, allow him to not only stick to his methodology but also to offer 'an analysis of punishment that bears out our everyday understanding' (2004: 21). Quante's detailing of the transition is very lucid. Yet it is precisely the foreign feel of Hegel's speculative logic that fails in making apparent its exact role in the phenomenal here and now; even if left descriptive, the pure logic would leave its relation to the everyday in a precarious position. 'Bears out our understanding' seems on the face of it to allow that the everyday *need not* comply with the pure logic for it to maintain its truth. Perhaps, then, another understanding of Hegel's logic would be better suited to our task. For example, J.M. Bernstein in 'Conscience and Transgression: The Exemplarity of Tragic Action' (1997), albeit dealing with the case of Antigone in the PhD, sees the immanent logic as more aspectual of actual existence: 'Individuality and universality, separateness and connectedness, are not complementary forms, but what Hegel would term "logical" aspects of self and action that reciprocally condition one another' (91). The logic, on this account, plays out *within* the 'self and action' as conditioning moments – i.e., moments that are *formative*, rather than coincidentally in alignment.¹⁴ But this approach seems to depend on a *prima facie* assertion that the logic is of such an aspectual vintage. If this approach proves true, then it must also be argued for specifically in the case of the *PR*. With the basic structure of wrong in place, let us turn to explore the two alternative approaches detailed above.

III. Pecca Fortiter – Wrong as Descriptive?

The question as to whether wrong need take place in order to become a moral person seems to first require an understanding of the relation of the *PR* (perhaps even Hegel's entire corpus) to everyday, real existence. After all, Hegel writes explicitly in the introduction that the philosophy of right is quite different than the

history of right (see *PR*: §3, 29). The philosophy of right is the rational development of right itself, whereas the history of right details the various attempts at rendering its concept into objective reality. The question remains open then as to where and when the content excavated by the speculative scientist's labours intersects with the actual everyday and when it should be interpreted as more ideal than real. Hegel, though, intends his philosophy of right to not simply be a foreign rendition of hypothetical rights. Instead, he believes himself to be uncovering the true logical structure of right, the rational blueprint so-to-speak that underlies right as it truly is. So is wrong before right simply a descriptive point in how it is experienced?

The descriptive approach could begin by emphasizing that wrong (as transition) is simply what just happens to be the case. We are preconditioned to be moral and wrong is immanently connected conceptually to morality as that which logically describes our reflection as rational agents. The portal to morality, then, is something atemporal that reaches figuratively back to Eve. Hegel makes explicit reference to the story of the fall in §18: '[T]hus *man* is said to be *by nature good*' (*PR*: §18, 51). God created men and women to be good by nature. Simultaneously, when we follow our nature as it is 'opposed to freedom' (*ibid.*) we come to see the concomitant tendencies as evil. Thus, we too can be said to be '*by nature evil*' (*ibid.*). Which one of these positions is maintained Hegel chalks up to 'subjective arbitrariness' (*ibid.*). In the '*Addition*' to §18, there is a brief discussion of Christianity as being the 'religion of freedom' due to the 'doctrine of original sin' (*ibid.*). Original sin, therefore, represents humanity's predicament. On the one hand, it demonstrates the 'natural drives' to which the flesh is heir, while on the other hand it shows our capability to choose amongst various means and ends for determining action. Adam and Eve, one might say, represent the tipping point in which humanity discovered its immanent capability for freedom. Before taking the fruit from Satan, Adam and Eve were but abstract persons. Afterwards they lost paradise but won a special kind of knowledge that had been reserved for God, namely reflective knowledge of oneself qua person, a knowledge then sealed by the punishment of being kicked out of Eden. Adam and Eve, then, were born without morality yet they ushered it into the world by committing wrong. Thus, the first wrong gave birth to a higher form of right, namely morality. This historical reflection of Christianity as the religion of freedom and the double vision discussed in the previous section, I think, does establish wrong in a partly *descriptive* light. Morality grows out of our rationally reflecting on our mistakes. This basic rational ability to reflect can be taken *descriptively* as our natural potential from the outset. Of course, *to what extent* one's moral point of view is developed in actuality remains contingent on one's upbringing and education – the potential, however, remains inextricably in place in one's nature as both naturally and rationally willed.

In his 1827 *Lectures on the Philosophy of Religion* (2006: hereafter *LPR*), Hegel emphasizes the role of wrong as essential to the realization of humanity's moral potential as Spirit in a way that could be taken along such a descriptive line. The case of Adam and Eve is a sensible illustration, or as he refers to it, a 'representation' (*LPR*: 215), of the human condition as such. Indeed, this representation 'is not just a contingent history but the eternal and necessary history of humanity' (ibid.). Thus, the story of the fall describes for us the transition to morality through wrong as a transition that is passed on and inherited in a great chain of genetic sublation. One could say that the fall is a parable for humanity's experience of itself in general. We are born with an articulable rational structure that we garb in the guise of allegories and myths. Of course, the story of the fall appears an admonishing lesson. We suffer because Adam and Eve betrayed God. Hegel repeats this general reading 'that [coming to the knowledge of evil] should not have happened' (*LPR*: 216). He, however, corrects it against the backdrop of our nature as Spirit: 'But ... it is involved in the concept of spirit that human beings must come to the knowledge of good and evil' (ibid.).¹⁵ Contrary to convention, Hegel sees the fall as describing a necessary step for us as Spirit, for our privileged position arises because of a 'cleavage that is freedom' (ibid.), and our unity made possible because '[s]piritual oneness comes forth out of severed being' (*LPR*: 214). The initial severing is the opening of space for reflection. This space for reflection, though, comes with a cost for it opens only in 'setting oneself over against the natural...severing oneself from nature and only reconciling oneself with nature *for the first time through this severance and on the basis of it*' (*LPR*: 213-4; my emphasis). In a way, one could say that the very concept of humanity starts with this necessary separation that occurs in each person's consciousness. Simply in knowing the world, we as Spirit tread a negative path that is both the seed of our eventual wrongdoing (by allowing for subsequent separation) and the seed of our full expression as free agents.

Wrongdoing, as a subsequent severing, can first take shape in the wake of the initial separation of self-consciousness from the world. This secondary separation, in turn, ushers in the concepts of responsibility and freedom, for the 'ethical state of humanity begins only with a state of accountability or of a capacity for guilt' (*LPR*: 214). This capacity for guilt is essential to the ethical state and is only possible when planted in the soil of Spirit. For any other soil in which consciousness were truly one with its natural or divine concept would represent no free will at all – no will that could choose to position itself according to its own maxims, desires and inclinations. It would either be angelic, acting out automatically some moral law, or caught up in its natural state in which no guilt could be ascribed since no conscious separation would exist as a space for premeditation and intention. Thus, according to our concept, we are '*implicitly good*' (*LPR*: 438). Yet, this implicit goodness, originating in the context of religion, remains deficient due to 'one-sidedness' (*LPR*: 439). As Spirit, humanity

is not something pure or abstract. Humanity is necessarily bound up with natural being, and thus that which ‘steps forth out of natural life and passes over into a separation between its concept and its immediate existence’ (ibid.). Humanity builds its ethical systems due to this implicit potential but its realization requires ‘responsibility’ and responsibility ‘means ... the possibility of imputation’ (LPR: 440). If Adam and Eve had been less than Spirit, i.e., brutes eating up anything within reach, the story for humanity would have been different. But the human story is necessarily one of self-differentiation from the immediate, whether natural, divine or both, for without this differentiation, action of a reflective and free sort would be impossible. For this reason we, as the progeny of Adam and Eve, should desire our come-uppance, for ‘[i]nnocence [*Unschuld*] means to be without a will – without indeed being evil, but also at the same time without being good’ (LPR: 440).¹⁶

This variation of descriptive approach sees our moral potential as embedded in our nature as Spirit, existing in the form of a story that we relate to our experience of the here and now. This story’s message points to a necessary, moral potential that remains intransigent through time. However, one could subscribe to a different variation of descriptive approach if all one wants to say is that wrong as a transition is descriptive in so far that our concepts have been historically conditioned. Such an approach would benefit those who wish to remain sceptical regarding the necessity or contingency of ‘moral potential’ and ‘freedom’. Something of this sort seems at work in what Robert Brandom attempts to achieve in his pragmatic portrayal of Hegel’s thought in *Tales of the Mighty Dead* (2002). Rather than describing what is a potential of the human condition, Hegel, on Brandom’s reading, is describing what is necessary for a concept’s genesis through historical development. The means by which our concepts, such as ‘contract’, ‘wrong’, and ‘morality’, acquire their specific content cannot be understood in isolation from the ‘actual *use* of the language’ (2002: 215). Concepts, according to Brandom’s account, cannot be made intelligible as ‘fixed or static items’, rather their ‘content is altered by every particular case in which they are applied or not applied in experience’ (ibid.). In the case of morality, its concept would require precisely what is established via wrong, viz., an experience of the disjunctive nature of one’s own will as capable of being construed as *either* independent (my will as self-making) *or* dependent (my will as self-making in a social context) depending on how one chooses to act.¹⁷ ‘Wrong’ is, thus, used to mark this collision of the particular and the universal within one and the same will. The aftermath is a realization of one’s freedom as twofold and in need of constant re-evaluation in experience. This experiential dimension is, further, played out within a certain ‘historical dimension’ that comes into deciding concepts’ meanings (see Brandom 2002: 229f.). The manner in which a concept’s meaning becomes established is through what Brandom calls ‘negotiating’ by

which various ‘conceptual norms *develop*’ in the ‘process of experience’ (ibid.). The negotiating aspect comes into play as founded in the mutual recognition between agents.

The concept of wrong then, on this reading, is in some ways preconditioned by the world into which we are entering. We are active custodians of norms and values that drag behind historical debris like the tail of a comet. Whether or not certain alterations made by the current generation are left intact in the concept depends on posterity. Mutual recognition seems to condition the course that concepts take through their development in humanity’s employ. However the puzzle of wrong as a right and how it is to be considered seems to buck this interpretation a bit. After all, is not wrong precisely the *breakdown* of mutual recognition due to one agent’s willed abrogation of what was considered a universally binding right for particular wills? Wrong is the sort of thing that receives *definition* or *determinate form* precisely due to its nature as an injury to mutual recognition. The fact that wrong is simply a negation of whatever develops in the historical negotiation of the concepts of right, i.e., those norms that contribute to some sort of social harmony, would allow that the structure of wrong, i.e., as negating transition, itself need never change since *its* very concept is the action that negates whatever is established by the universal dictates of rationality. Its result is inevitably a vantage point from which one’s own shared condition with other individuals comes into focus. Wrong, it seems to follow, remains an anomaly in the form of right, since its foundation is laid precisely on the negation of established rights, i.e., the negation of universally set principles. If, though, this negation of norms requires *no* specific content, *qua negative moment*, and is simultaneously a requirement for coming to a moral point of view, the historical dimension seems to say little about the actual human condition as a moral negotiation between wrong and right. It would seem that the descriptive model based on conceptual negotiation is insufficient, since the concept of wrong lacks any content that can be negotiated. Instead, it remains something purely formal – that which disturbs, breaks down or injures the basic element established in the negotiating of right and its content.

Though concepts do possess historical dimensions, wrong seems special due to its status as any act that separates or cuts the particular will away from that which is universally recognized by others and within herself. Of course, the various individual instantiations may change in detail historically but the basic structure and essence, as a conceptual keystone between personhood and morality, appears to remain constant, i.e., as the negation of the universal by the particular will. Wrong acts as a formal catalyst for the will’s reflection into itself. Wrong provides the requisite propulsion for Spirit to ‘free itself in the present and thus find itself therein’ (PR: *Preface*, 22). This ‘more mature stage’ of Spirit’s development Hegel calls the ‘same thing’ as that which ‘Luther inaugurated as

faith of feeling' (ibid.). And even if Brandom is correct, it would seem that wrong need not change in the historical dimension of its development – since all it finds expression in the negation of some established right. Thus, wrong – if taken descriptively – need not be any different now than it was in the Garden of Eden. It and morality remain formally locked up in our natural potential, which may be described but whose actuality demands action.

IV. Pecca Fortiter – Wrong as Prescriptive?

The descriptive approach must *in part* be what Hegel intends with wrong as a transition to morality. Our *potential* for morality seems linked with our nature as Spirit. However, it seems an insufficient account when considering the whole story. Indeed, I think the transition of wrong to morality must be connected with everyday life of actual agents, for it composes the transitional joint in the book that brings the agent to know her complete and actual nature for the first time as a moral being: i.e., it is the stage that first introduces *subjectivity* into the practical sphere. And subjectivity, just like property, I maintain is logical but only insofar as it is essentially connected with knowledge of how it is, as it were, *for oneself* in the here and now. An added benefit comes in that this approach avoids the superficial trap of making 'wrong' out to be some sort of congenital Cain's mark that, though descriptively broad, is argumentatively shallow. That is, the fact that we *are* inherently, *potentially*, this way seems – even while adducing the claim of our nature as Spirit to the argument – nothing but a *petitio principii*.

A particular will comes to commit wrongs because it is a particular will.

This argument is unsatisfying; it seems also to express a simple contingency rather than a logical necessity:

Because we just so happen to be particular in nature, wrong is a natural outgrowth of our nature.

A prescriptive approach offers a way of supplanting these unsatisfying arguments. It takes Hegel's point to consist in an imperative for actively maintaining a special knowledge that comes via the reflection that is spurred by wrongdoing. It is imperative, because (as I will argue below) the higher logical necessity that drives us, as wills, to our fullest expression requires more than passive observation. It is important to emphasize that such an approach need not argue for an interpretation that sets Hegel's logic in the context of developmental psychology. Instead, the prescriptive claim needs only to postulate the will's expression as connected with a logic in which one participates through the everyday experience of *being* free and *knowing* oneself as such – no matter how old or wizened one is. Or in Hegelian

terms: It needs only a logic in which one participates as a will that *actually* (not just *potentially*) is *in-* and *for-itself*.¹⁸ Wrong, by such an approach, is the transition that brings about the reflection that each particular will needs to attain if it is to be subjectively free, for *being* subjectively free requires the special kind of knowledge that one is only capable of grasping if one *truly* knows oneself as both naturally and rationally willed, particular and universal – a *knowing*, which, to be complete, should not just be something extraneous to experience but known and maintained through experience, one might say, from the inside and out. Wrong by such a reading would not be a contingent but rather a necessary outgrowth based on the innate nature of ourselves as actively seeking full expression of our wills with all that comes with it (e.g., knowledge of the Good, happiness, the family, civil society, etc.). I will now try to elucidate ways this prescriptive approach can set the transition of wrong to morality not only as paralleling experience but active within it.

Let us begin by looking at how this logical progression connects with the beginning of part two, ‘Morality’, which Hegel describes as the ‘second sphere’ of the will’s determination, i.e., as its ‘higher *ground*’ (PR: §106, 135). It is the state that is reached only after the will ‘is posited for itself as *identical* with the will which has being in itself [i.e., the universal will]’ (ibid.).¹⁹ The universal will and the particular will conflate with each other, become identical. In this process, Hegel asserts, the will is for the first time ‘truly concrete’ because it is the first moment that the ‘subjective will determines itself as correspondingly objective’ (ibid.). This identification is the next step in the process that began with the relation of ‘x is mine’ being injured and reasserted via punishment. We take this step after committing some wrong due to the need to free the will of its contingency. In Hegelian terms, ‘in wrong, the will of the sphere of right in its abstract being-in-itself or immediacy is posited as *contingency* by the individual will’ (PR: §104, 132). When I steal your favourite pen, I am effectively calling your claim to owning *this* property contingent and not necessary. The same basic principle would hold if I punched you in the nose for an illegitimate reason; the right prohibiting me from injuring your body is contingent and not necessary because of my capriciousness. I, as individual will, am myself ‘*contingent*’ (ibid.). My own claim of ownership via the committed crime reveals, if I reflect, a contradiction of the very relational predication that I should want to be universally protected, e.g., between myself and everything that I can call ‘mine’. Consequently, in arriving at the moral point of view this contingent, individual will is ‘reflected *into itself* and *identical with itself*’ (ibid.). As a result, we come out of doing wrong into morality by no longer viewing ourselves as simply property owners, but as rational agents who must take responsibility for the assertions of their will in a space filled with other rational agents. We come through the differentiation within our own consciousness to a position in which we appreciate the weight that we can throw around with our will. In this appreciation, we come

to feel responsible for not just what we do, but also what we *intend*. In reflecting, we care now not just about reaching into the world of things, but we think about the *why's*, *how's* and *what's* that go into determining our realization of freedom, but internally and prior to its initial externalization. But let us now focus in on wrong (as the form of right that led us to morality) and try to understand how it sets the stage for the developments seen in part two at the personal level.

The progression of Hegel's logic seems at times to be disembodied. Regardless, we know from personal, embodied experience what it means to do unintentional wrong, to deceive and to commit wilful crimes by force. Are such direct experiences formative for us as moral agents? They certainly are in a very real phenomenological light. Such moments of wrong bring us into relation with ourselves as members of a social group and our existence within it. Still, the prescription to wrong and to receive punishment for the sake of morality seems perhaps silly. Cannot one find a moral point of view without punishment? Or: Can one inherently *lack* a moral point of view despite having done wrong and having received punishment? Indeed, the very social nature of humanity (detailed in the previous section) seems to inhibit any scenario in which the idea of wrong functions as a prescription for one's moral outlook:

Either an ethical existence [*Dasein*] has already been posited in the family or state, in which case the natural condition [i.e., the natural force of an individual's will against society] is an act of violence against it, or there is nothing other than a state of nature, a state governed entirely by force, in which case the Idea sets up a *right of heroes* against it. (PR: §93, 120)

A right of heroes would represent a state lacking all morality, because there would be no universally *established* manifestation of Spirit, i.e., in the form of some societal institutions like family or state, from which the individual will could draw comparison. Zeus' slaying of his own father, Kronos, is beyond good and evil, beyond all morality, because it exists prior to an established social order. Therefore, it is not a stretch to assert that the very societal context from which one never escapes entails necessarily a moral point of view (as described in the previous section). However, wrong as a transition to morality is special in that it is characterised above all by its moment of inner reflection; it is this birth of the *subjective* moment in right that is characteristic of the moral will, i.e., the moment in which the will 'goes within itself' (VPR: 50). Precisely this special kind of reflection, however, requires the inclusion of the individual as an active member in the realization of the logic. It seems that 'morality' if insistently approached as simply descriptive overextends the boundaries of subjectivity and becomes instead what one means when describing concrete 'ethical life'. In other words, a societal framework into which we are born is insufficient for capturing the kind

of active knowing that exists when *and only when* an individual actually ‘goes within’ herself. With morality, one is focused on the individual will as actor and the requisite knowing of herself as such, i.e., the active knowing that constitutes morality’s existence or *Dasein*.

Granting that morality seems essentially wrapped up with considerations of the rational form of each individual in experience, does this simultaneously call out for *prescription* of active wrongdoing and its punishment? After all, Hegel thinks that we commit wrong quite naturally on our own because of our nature as endowed with two forms of will. A natural inclination, however, will not necessarily result in the attainment of the kind of logical completion that is indicative of the will’s fullest expression. At the transition from contract to wrong, Hegel states in §81: ‘[The] transition to wrong is made by the logical higher necessity that the moments of the concept – here, that of right *in itself* or the will as *universal*, and that of right in its *existence*, which is simply the *particularity* of will – should be posited as *different for themselves*’ (PR: §81, 113). Much seems to hinge on how the ‘higher logical necessity’ plays out in the development of the will, which depends, in turn, on different moments of the concept being ‘posited as *different for themselves*’. One need only recall that two different positions are also posited as different for themselves in the transition of wrong to morality, but which then prove identical. Consequently, one might say that the transition of wrong to morality is prescriptive since it entails the *active* maintaining of two positions within oneself – an activity necessitated by the moral point of view (i.e., necessary for the realization that the two are in fact identical). Thus, far from this necessity being in some way pretermitted from the practical sphere, Hegel wants to point out that higher logical necessity is inseparable from an activity that belongs to every individual in every concrete case that she encounters. That is to say, the higher logical necessity of morality is inseparable from a reflection that gains objective existence only in so far as it is repeatedly and actively posited in thought.

Moreover, this harmonizes with Hegel’s claim that the Kantian division between the theoretical and the practical into distinct ‘faculties’ is a diremption that is in need of overcoming:

Those who regard thinking as a particular and distinct *faculty*, divorced from the will as an equally distinct *faculty*, and who in addition even consider that thinking is prejudicial to the will – especially the good will – show from the very outset that they are totally ignorant of the nature of the will. (PR: §5, 37-38)

The will in its immanent logical development is a movement of thought as action and action as thought. For Hegel, then, the higher logical necessity, it would follow, is one that plays out both in the way that we think and the way that we act. For the actual subject’s taking possession of her own will requires awareness of

the separation going on through her action. Thus, Hegel's thesis as applicable to us, i.e., beings who are constantly in the process of realizing not only our freedom but also our rationality as free agents in an interpersonal context, seems, though historically descriptive, to involve a stronger claim. One hears support for this sentiment voiced pithily and explicitly by Hegel in his lectures given a year before the publication of the *PR*: 'The will is not immediately the moral will' (*VPR*: 50). Also, one finds textual support in the *PR* where Hegel asserts that complete responsibility requires not only that 'the *universal* quality of the action' exist '*in itself*' but also that it 'be *known* by the agent and thus have been present all along in his subjective will' (*PR*: §120, 148). This implies that effort or activity goes into maintaining the actuality of the moral vantage point. Rather than a ready-at-hand given for every agent upon entering the world, it must be actively possessed and preserved through the very same rational activity of the agent that spurred its initial realization in the world of things. In and only in this process can it fully see and grasp itself as *identical* with the universal will. From this, it is then possible not only to *express* one's freedom in the world of things (i.e., in owning property) but also to take responsibility for what one *intends* in said expression.²⁰

Finally, if this is what Hegel wishes to show, one may rightly ask why Hegel would make the first form of wrong one which one commits *unintentionally*. If it were a prescriptive transition, then one would expect the wrong to need also to be intended. If one looks, though, at the first subsection, 'unintentional wrong' (*PR*: §84, 117f.), one may posit tautologically that wrong is wrong and remains in each shape right's negation whether intentional or unintentional. But might one say that wrong is wrong because we not only grow up in a social sphere that already has a system of rights, but also because this system of rights is continually nurtured and carried along with us, indicating a certain predisposition that one could attribute to an ingrained predilection of rationality towards mutual recognition.

Against this point, however, the counter point may be made that differentiates (a) simply existing in this social sphere and doing wrong unintentionally from (b) existing and *taking possession of one's will* in the social sphere through one's conscious friction with its norms and values. Wrong, it would follow, has a higher logical necessity than the nascent, inchoate stage of abstract right precisely because it makes possible possession of oneself as occupying a moral point of view, i.e., as socially rooted by setting oneself briefly outside of oneself. In this way, one becomes in a manner an *object* for oneself which an abstract personality would be incapable of becoming. Therefore, the task of wrong could be less a task of committing it than a task of learning from what wrong brings into stark relief – namely our moral agency and our connectedness. Hegel might then be saying, *pecca fortiter*, but remember that it is not an end unto itself, since it is always mediated by some contingent end. We are human beings and human beings learn about an essential part of their nature the hard way, i.e., by doing wrong unto others and carving out a space in reflection that

becomes the moral point of view. Though historically inherited, it remains real only insofar that we take possession of it.²¹ And if this is prescriptive for us – pointing us towards an awake appreciation of the activity involved in fully-expressing our wills – then one can also say that it will necessarily be descriptive of how we have progressed historically. The descriptive model follows even if the prescriptive model is primary.

V. Conclusion and Afterthought – Wrong as the Alienation of the Philosophy of Right?

Wrong, one could say in summary, is an essential mechanism for actualizing and maintaining our moral potential. Wrong qua negation is unique in the system of right and is the transition that first brings the immanent logic from abstract right to the moral point of view. The lead question that guided the above exploration postulated two possible (but not exclusive) ways of understanding how wrong is a form of right. First, one could assume that Hegel was making a descriptive point. The descriptive approach could be taken to illustrate a rational (or, conceptual) fact of the matter that is conceptually connected with morality but which does not require active realization since, on such an account, morality too would perennially exist. Alternatively, it could be understood as a genetic negotiation through history that is inherited but active in how one employs it in the present. The former leaves wrong and morality simply as static facts of the matter – alien to what seems most necessary for their fulfilment, i.e., their relation to concrete realization in the world of dirt, gold and banks. The latter, though incorporating activity in everyday experience, seems to run into a problem with wrong qua transition since it in general has no content to develop – its essence is negation followed by its own negation, and it is activated simply when any abstract form of right is injured. Thus, it seems that wrong exists only in the process of its actualization while remaining something formal in the sense that its development arises from contingency.

The morality that develops concretely from it, however, is actual only when anchored in subjectivity. This subjectivity must not only be active to realize one's full potential as a free will but the logic at work in this development as such also depends for its existence on an active element, an element that is possible only through a maintaining of the different moments *experienced* in committing a wrong. One comes, then, full circle. The logic began from a necessity to tether the concept of freedom in the world of things for the sake of reality. So too, the logic of subjectivity remains empty if not actively maintained in an *existent* thinking person – and this existent thought arises through an internalized tension discovered via wrongdoing. As a result, actively maintaining this reflection can be called a prescription for one's unintended and intended wrongs. It seems that,

though descriptive of our potential, wrong's transition as the portal to morality intones an imperative insofar as we seek to realize and perpetuate our full potential as wills. Thus, we can say that wrongdoing is necessary, in a sense, for the articulation of our morality as rational creatures – sin boldly, and return from the negative state via a counterbalancing act of retribution to a higher and fuller state of knowing.²² In the end, I think Hegel would endorse both approaches, though with an emphasis on the prescriptive one that sets his theory in everyday experience and from which the descriptive automatically follows.

As food for further thought, I would like to point out that after the detailed examination of what constitutes the moral point of view we may have found a possible way of accounting for a lacuna in the *PR* if one seeks to connect it with the *PbS*. Purely examining the architectonic and language of the *PbS*, one is struck by the fact that 'self-alienating Spirit' represents that transition leading to 'moral consciousness' after the achievement of 'absolute freedom' as the 'counterbalanced opposition which the will had between itself as the universal will and as the individual will' (*PbS*: §595, 531). This line seems to echo precisely where one ends up after committing a wrong has led one to retribution. One recognizes in oneself the differentiation between two wills that command often with contradictory edicts, e.g., *my* will as an individual says that I should hurt the person who hurts me, but my will as conditioned by universal rationality dictates that 'two wrongs do not make a right'. And yet, the stages of development that the 'self-alienating Spirit' goes through outstrip the paucity of material in the section on wrong. In the *PbS*, it begins with the individual's will opposed to the 'state-power' and moves through a detailed analysis of the Enlightenment before regenerating as moral consciousness. Still it is difficult to *not* see, despite the panoply of content covered in the *PbS*, the same basic structure at work in the *PR*.

According to Terry Pinkard in *Hegel's Naturalism* (2012), alienation arises when one is 'not being at one with oneself' (147). Left in this very open definition, wrong may be seen to play a similar role that the disjunction does between the individual and the state-powers. It places the individual at odds not with the universal set in the objective sphere, but rather at odds with the universal as it takes form in one's own subjective sphere (a sphere, which it itself enables).²³ When Hegel writes, '[B]eing-for-itself is to a greater degree the loss of its own self, and its alienation from itself is to a greater degree its self-preservation' (*PbS*: §520, 461) one cannot help but see the same relation applying to the wrongdoer. The wrongdoer comes to see (through injuring others) herself as connected to universal norms; she thereby comes to reflect and be *for* herself *not* the self that enacted the wrong initially. She becomes more than just that individual self that was guided before by self-interests. At the same time, the wrong brings her into a new self-relation *for* herself – a relation in which, by being alienated through the wrong done to the universal structure of the will, she has preserved and *reinforced*

her will as it is according to its universality. In the process, she ‘preserves’ a part of herself by understanding it as an intractable substrate of her own personality. This back-and-forth inversion brings every wrongdoer to a new vantage point, a moral one, which exists in the present and is refreshed in the genetic process that makes up everyday existence. Doing wrong, if this position is correct, is necessary for the sake of morality and a constant catalyst for the task of reawakening moral reflection, whether one wants to see it as the alienation of Hegel’s philosophy of right or not.

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Notes

¹ All translations of Mohr (1997) and Vieweg (2012) are my own.

² Vieweg defends the foundational role of Hegel’s speculative logic throughout his work. For a thorough setting-up of his position and defence, see Chapter 2, 35-96.

³ I understand that both ‘descriptive’ and ‘prescriptive’ remain loaded terms that can be understood differently depending on one’s background. For the present context, however, it is my hope that they are somewhat clear.

⁴ Often in what follows, I will be dealing with themes related to action. I want to make clear from the outset, however, that my focus is on wrong as a transition to morality. Hegel’s notion of agency is an interesting topic that extends beyond the scope of this paper.

⁵ In this paper, I emphasize wrong as an active process. In other words, I always take the transition from the eyes of the wrongdoer. Could, however, the experience of *being wronged* fulfil the same function? This certainly would open up an alternative that would not resonate with the command, *pecca fortiter*. Though I think that this alternative reading could be put forward, I have the intuition that *being wronged* is an insufficient ersatz. As a first attempt, which obviously needs further elaboration and argumentation, I would say: Being wronged would give one only a one-sided understanding of the negative weight of wrongdoing. To truly grasp one’s own moral agency, one must also know intimately one’s own particular will as that which stands negatively related to the universal will – the victim’s will is not essentially set *over and against* the universal will, but rather remains still in line with it. This inchoate attempt will have to suffice for now, though I think the question is deserving of further discussion.

⁶ See Vieweg who details the interpersonal bedrock communicated by the first commandment of abstract right, namely, ‘*be a person and respect others as persons*’ (PR: §36, 69). Vieweg unpacks the notion of recognition as formative of all that follows and implicit in one’s own self-ascription of personhood. The foundation of ‘*interpersonality*’ takes shape ‘*as the first stage of intersubjectivity*’ (2012: 103).

⁷ Due to considerations of space, I cannot detail each step of Hegel's section on wrong (i.e., the progression through its three specific forms) or explore the fascinating topics that come to be discussed as a result of the logical development (e.g., topics like Hegel's dismissal of preventative punishment, his unique usage of 'value' to critique *lex talionis* or his discussion of the death penalty). Instead, I remain focused on the overall structure of wrong as the transition to morality. For more detailed accounts that go through the entire progression, see Mohr (1997) and Vieweg (2012).

⁸ All translations from the *VPR* are my own.

⁹ The translation by Nisbit begins this sentence with an 'If' thereby making it into a conditional. This, however, is not supported by the original German in which '*Als*' begins the sentence. The meaning changes drastically as a result. It is not a question of 'if' the will acts in a certain way. Instead, the will *as* a certain way *leads* to wrong.

¹⁰ In an above footnote, I stated that intentional agency in general was beyond the scope of this paper. Although Quante's work is primarily concerned with this topic, the sections of it with which I am concerned are the preliminary sections that deal with abstract right, the person and subjectivity.

¹¹ 'Substance' is a term that Hegel defines in the *PhS*: 'It is the spiritual substance whose actuality lies in those who live as individuals and who are conscious of their own selves' (*PhS*: §378, 330). It is *within* this spiritual Substance that one comes to realize one's interdependence on others and the importance of maintaining a common order.

¹² In *Hegel and the Philosophy of Right* (2002), Dudley Knowles suggests another possible way of interpreting why punishment is a '*right for the criminal himself*' by taking the claim to be implicative of a contractarian approach: 'Thus all citizens accept the validity of the goal of the restoration of rights, not because this is a valuable social function of punishment, but because it is necessary for the protection of the rights which they themselves claim' (2002: 156). The existence of rights depends on people accepting punishment as a manner of 'restoration' of rights in a socially agreed upon way. Knowles acknowledges Hegel's own claims that the 'state is by no means a contract' (*PR*: §100, 126; cf. also §75), but insists that 'Hegel could perfectly well have developed a contract argument for punishment while denying that contract arguments have any part to play either in explaining the origins of states or in vindicating our obligation to obey the law of the state' (2002: 153). I prefer, however, to take Hegel by his word and search for reasons that punishment is good for the criminal in the very logical and experiential development of her free will.

¹³ Another way of putting this point is that one becomes one's own advocate in a way that bears out universally by externalizing one's own position. At one point, Hegel refers to this aspect of morality's essence in a way strikingly similar to the golden rule: 'The moral way of expressing this is: Treat others the way that you think they should treat you' (*VPR*: 47).

¹⁴ This point of the logic being something less than pure in the case of practical thought is communicated in Frederick Neuhouser's interesting use of 'quasi-logical', in *Foundations of Hegel's Social Theory* (2000), to describe the 'deduction' in Hegel's project, since 'it involves more than conceptual analysis', which is to say, understanding certain immanent steps of the logical

development requires ‘considering conditions under which it would be realized in the world we inhabit’ (291, n. 29; also 31).

¹⁵ In their translation, Brown, Hodgson and Stewart write ‘spirit’ without capitalisation. I, however, prefer ‘Spirit’, since the capital ‘S’, in my mind, alerts the reader to its special status in Hegel’s philosophy.

¹⁶ Cf. Bernstein, who sees a similar necessity for wrongdoing but in the formation of individuality expressed in the case of Antigone in the *PhS* (§470ff): ‘Transgressive action is the route to individuation for Hegel while non-action, that is action in which there is no entanglement and difficulty at the categorical level, hence action which is merely that which accords with a given role or position, means nothing’ (1997, 91).

¹⁷ Another way of putting the point is that wrong is an inversion of autonomy: One endorses (particularly) a certain action according to a maxim that one cannot simultaneously endorse *universally*, for its universal endorsement contradicts the universal structure generally.

¹⁸ The will in its entirety is ‘the unity of both these moments – *particularity* reflected *into itself*’, i.e., the *for-itself* moment, which occurs post wrongdoing and that is (via punishment) ‘restored to *universality*’, i.e., again reunited with the *in-itself* (PR: §7, 41).

¹⁹ Cf. ‘The moral point of view entails simply this, that the particular will is simultaneously universal’ (VPR: 50).

²⁰ Neuhouser, I believe, hits the nail on the head by stating that the point ‘implicit in the assertion that the freedom of moral subjectivity is higher than that of personhood is that the latter requires the former in order to be actualized in a manner consistent with the essential character of a self-determined will’ (2000: 28). Hegel’s ‘general intent’ is clear: ‘It is to show that, on its own, the form of the self-determining will associated with personhood falls short of the ideal of complete self-determination in some way and therefore must be supplemented by another, more complex configuration of freedom’ (ibid.). I think this gets at what Hegel means by ‘higher logical necessity’. The will has a certain full degree of expression, which the abstract personality fails (due to its form) to achieve. It is too one-sided, too tied up in its pursuit of its natural inclinations. In doing wrong, it then *learns* its true nature as both person and subjectivity, as an individual who is also individually universal.

²¹ Eckart Förster, in *The Twenty-Five Years of Philosophy* (2012), emphasizes the importance of this metaphor of property and taking ownership in the genesis of the *PhS* and follows it back to Goethe with whom Hegel was in close contact. In the case of the *PhS*, it is knowledge (or ‘intellectual property’) which we inherit and must then come to possess through the labours of scientific philosophizing: ‘An *inheritance* is something that already exists, something that has been completed and left behind by others; a *possession*, by contrast, is something one has worked for and earned for oneself’ (2012: 359). When working through Hegel’s practical philosophy, I see a similar mechanism at work – the conceptual structure of wrongdoing and morality remain inherited – *original sin* – yet they represent moments that must be taken ownership of in actuality for the sake of the will’s full expression of its freedom.

²² It is not my hope to endorse wrongdoing and delinquency generally – I think we come to it quite naturally on our own. Instead, I think that Hegel here would say in a similar spirit to

Luther: *Wrong boldly, because you will, but in your wrongdoing, come to know yourself as a moral agent with certain duties even more boldly.*

²³ This alienation also occurs in the Reason chapter, where the ‘Law of the Heart’ stands opposed to the ‘Way of the World’, leaving the individual feeling alienated in this tension caused by what she feels to be right but which others experience as oppressive and violent. The language is also strikingly akin to the section on wrong. For example, in actualizing the law of the heart, the individual ‘is in itself contradictory’ (*PbS*: §375, 327). Yet, alienation remains the distinguishing mark of this section: [self-conscious individuality] therefore attains within this being the alienation of itself from itself’ (*PbS*: §374, 326). This moment and its detailed explication later in the *PbS* fall in line with the conceptual movement occurring in wrong of the *PR*.

Bibliography

Bernstein, J. M. (1997), ‘Conscience and Transgression: The Exemplarity of Tragic Action’ in G. K. Browning (ed.), *Hegel’s Phenomenology of Spirit: A Reappraisal*. London: Kluwer Academic Publishers, 79-97.

Brandom, R. (2002), *Tales of the Mighty Dead*. Cambridge, MA: Harvard University Press.

Förster, E. (2012), *The Twenty-Five Years of Philosophy: A Systematic Reconstruction*, trans. Brady Bowman. Cambridge, MA: Harvard University Press.

Hegel, G. W. F. (1991), *Elements of the Philosophy of Right, 1819-1820*, ed. A. Wood, trans. H. B. Nisbet. Cambridge: Cambridge University Press.

Hegel, G. W. F. (2006), *Lectures on the Philosophy of Religion, One Volume Edition: The Lectures of 1827*, ed. P. C. Hodgson, trans. R. F. Brown, P. C. Hodgson and J. M. Stewart. Oxford: Clarendon Press.

Hegel, G. W. F. (2010), *Phenomenology of Spirit*, trans. T. Pinkard. Available online at: <http://terrypinkard.weebly.com/phenomenology-of-spirit-page.html>

Hegel, G. W. F. (2000), *Vorlesungen über die Philosophie des Rechts: 1819-20*, eds. E. Angehrn, M. Bondeli and H. N. Seelman. Hamburg: Felix Meiner.

Knowles, D. (2002), *Hegel and the ‘Philosophy of Right’*. London & New York: Routledge.

Mohr, G. (1997), ‘Unrecht und Strafe’ in L. Siep (ed.), *Klassiker Auslegen: Grundlinien der Philosophie des Rechts*. Berlin: Akademie Verlag, 95-124.

Neuhouser, F. (2000), *Foundations of Hegel’s Social Theory: Actualizing Freedom*. Cambridge, MA: Harvard University Press.

Pinkard, T. (2012), *Hegel’s Naturalism*. Oxford: Oxford University Press.

Quante, M. (2004), *Hegel’s Concept of Action*, trans. D. Moyer. Cambridge: Cambridge University Press.

Strawson, P. (1959), *Individuals*. New York: Routledge.

Vieweg, K. (2012), *Das Denken der Freiheit*. München: Wilhelm Fink Verlag.

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